



# WATCH LIST ON CHILDREN AND ARMED CONFLICT

## **STRUGGLING TO SURVIVE:** Children in Armed Conflict in the Democratic Republic of the Congo



April 2006

**Watchlist Mission Statement:**

The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international non-governmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children.

**Important Notes:**

The names of the victims of egregious violations documented in this report have been changed to protect the security of the victims and their families.

Information contained in this report is current through January 31, 2006.

Watchlist's June 2003 report on the Democratic Republic of the Congo, *The Impact of Armed Conflict on Children in the Democratic Republic of the Congo*, is available at [www.watchlist.org](http://www.watchlist.org).

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# List of Acronyms

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<b>ADF</b>	Allied Democratic Forces
<b>AFDL</b>	Alliance of Democratic Forces for the Liberation of Congo–Zaire
<b>AI</b>	Amnesty International
<b>APC</b>	Congolese People’s Army
<b>BUNADER</b>	<i>Bureau National de Démobilisation et Réintégration</i>
<b>BVES</b>	<i>Bureau pour le Volontariat au Service de l’Enfance et de la Santé</i> –Bureau for Volunteering at the Service of Education and Health
<b>CAC</b>	Children and Armed Conflict
<b>CNDD-FDD</b>	Council for the Defense of Democracy–Forces for the Defense of Democracy
<b>CODHO/Nord-Kivu</b>	<i>Comité des Observateurs des Droits de l’Homme</i> –Committee for Observation of Human Rights
<b>CONADER</b>	<i>Commission Nationale de Démobilisation et de Réinsertion</i> –National Commission for Demobilization and Reintegration
<b>CPA</b>	Child Protection Adviser
<b>CPN</b>	Child Protection Network
<b>CPS</b>	Child Protection Section–MONUC
<b>CRC</b>	Convention on the Rights of the Child
<b>DOCS</b>	Doctors on Call for Service
<b>DDR</b>	Disarmament, Demobilization and Reintegration
<b>DRC</b>	Democratic Republic of the Congo
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>FAC/FARC</b>	<i>Forces Armées Congolaises</i> –Congolese Armed Forces
<b>FAPC</b>	People’s Armed Forces of Congo
<b>FAR</b>	Armed Forces of Rwanda
<b>FARDC</b>	<i>Forces Armées de la République Démocratique du Congo</i> –Armed Forces of the Democratic Republic of the Congo
<b>FDD</b>	Forces for the Defense of Democracy

<b>FDLR</b>	<i>Forces Démocratiques de Libération du Rwanda</i> – Democratic Forces for Liberation of Rwanda	<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>FNI</b>	<i>Front des Nationalistes Intégrationnistes</i> – Integrationist Nationalists’ Front	<b>OIOS</b>	UN Office of International Oversight Services
<b>FNL</b>	<i>National Forces of Liberation</i>	<b>Palipehutu-FNL</b>	Party for Liberation of the Hutu People- National Forces of Liberation
<b>FPRI</b>	<i>Forces Patriotiques de Résistance en Ituri</i> – Patriot Resistance Front in Ituri	<b>PUSIC</b>	Party for the Unity and Safeguarding of the Integrity of Congo
<b>GBV</b>	Gender-Based Violence	<b>RCD</b>	Congolese Rally for Democracy
<b>GNI</b>	Gross National Income	<b>RCD-G</b>	Congolese Rally for Democracy-Goma
<b>GRAM</b>	Project GRAM-Kivu (Group of Research and Actions against the Marginalization of Kivus)	<b>RCD-K</b>	Congolese Rally for Democracy-Kisangani
<b>HRW</b>	Human Rights Watch	<b>RCD-K/ML</b>	Congolese Rally for Democracy- Kisangani/Liberation Movement
<b>ICC</b>	International Criminal Court	<b>RCD-ML</b>	Congolese Rally for Democracy- Liberation Movement
<b>ICD</b>	Inter-Congolese Dialogue	<b>RCD-N</b>	Congolese Rally for Democracy-National
<b>ICG</b>	International Crisis Group	<b>RI</b>	Refugees International
<b>ICJP</b>	Congolese Initiative for Justice and Peace	<b>RPA</b>	Rwandese Patriotic Army
<b>ICRC</b>	International Committee of the Red Cross	<b>SEA</b>	Sexual Exploitation and Abuse
<b>IDMC</b>	Internal Displacement Monitoring Centre	<b>STI</b>	Sexually Transmitted Infection
<b>IDP</b>	Internally Displaced Person	<b>UN</b>	United Nations
<b>IEC</b>	Independent Electoral Commission	<b>UNAIDS</b>	United Nations Program on AIDS
<b>IFESH</b>	International Foundation for Education and Self-Help	<b>UNHCHR</b>	United Nations High Commission of Human Rights
<b>INGO</b>	International Nongovernmental Organization	<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>IRC</b>	International Rescue Committee	<b>UNICEF</b>	United Nations Children’s Fund
<b>LDF</b>	Local Defense Forces	<b>UNSC</b>	United Nations Security Council
<b>MACC</b>	Mine Action Coordination Center	<b>UPC</b>	<i>Union des Patriotes Congolais</i> –Union of Congolese Patriots
<b>MDRP</b>	Multi-Country Demobilization and Reintegration Program	<b>UPDF</b>	Uganda People’s Defense Forces
<b>MLC</b>	Movement for the Liberation of the Congo	<b>USAID</b>	United States Agency for International Development
<b>MONUC</b>	United Nations Organization Mission in the Democratic Republic of the Congo	<b>UXO</b>	Unexploded Ordnance
<b>MRC</b>	<i>Mouvement Révolutionnaire Congolais</i> – Congolese Revolutionary Movement	<b>WHO</b>	World Health Organization
<b>MRE</b>	Mine Risk Education		
<b>MSF</b>	<i>Médecins Sans Frontières</i> –Doctors Without Borders		
<b>NGO</b>	Nongovernmental Organization		
<b>NRC</b>	Norwegian Refugee Council		
<b>OASEA</b>	Office for Addressing Sexual Exploitation and Abuse		
<b>OAU</b>	Organization of African Unity		
<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs		

# Indicators

INDICATORS IN DRC	STATUS REPORTED BY WATCHLIST IN MID-2003	2006 STATUS
<b>Population</b>	50,948,000 total population; 28,223,000 total under age 18 (55%) (UNICEF, 2003)	54,400,000 total population (CIDA, 2005)
<b>Voting Age</b>	18	Same
<b>Gross National Income (GNI) per Capita</b>	<p>US\$110 (Red Cross of the DRC, 1998)</p> <p>In some parts of eastern DRC, people live on less than US\$0.18 per day. (No End in Sight,<sup>1</sup> 2001)</p> <p>2.5 of 7 million people in Kinshasa live on less than US\$1 per day. (No End in Sight, 2001)</p>	<p>US\$100 (UNICEF, 2003)</p> <p>In some areas, it is estimated that up to 80% of the population lives on less than US\$0.20 per day. (World Bank, 2005)</p>
<b>Refugees and Internally Displaced Persons (IDPs)<sup>2</sup></b>	<p>Estimated 2.7 million IDPs (OCHA, 2003)</p> <p>Estimated 378,000 Congolese refugees (OCHA, 2003)</p> <p>DRC hosts estimated 330,000 refugees (OCHA, 2003)</p>	<p>Estimated 1.6 million IDPs (OCHA, October 2005)</p> <p>Estimated 319,600 Congolese refugees (UNHCR, March 2005)</p> <p>DRC hosts estimated 177,558 refugees (UNHCR, 2005)</p>
<b>Infant Mortality</b>	128/1,000 (UNICEF, 2001)	129/1,000 (UNICEF, 2003)
<b>HIV/AIDS</b>	<p>Estimates end of 2001:</p> <ul style="list-style-type: none"> <li>-4.9% adult prevalence rate</li> <li>-1,300,000 people with HIV/AIDS</li> <li>-200,000 children (under age 15) with HIV/AIDS</li> <li>-930,000 AIDS orphans (UNAIDS/WHO, 2002)</li> <li>-Up to 20% of the population may be infected. (UNICEF, 2002)</li> </ul>	<p>Official estimates are likely low due to lack of testing. Estimates at end of 2003:</p> <ul style="list-style-type: none"> <li>-4.2% adult prevalence rate</li> <li>-2,600,000 people with HIV/AIDS (high estimate)</li> <li>-280,000 children (under age 15) with HIV/AIDS (high estimate)</li> <li>-1,100,000 AIDS orphans (UNICEF/UNAIDS/WHO, 2003)</li> </ul>
<b>Education</b>	Primary school enrollment (gross): <sup>3</sup> 66% male and 51% female	Primary school enrollment (gross): 52% male and 47% female (UNICEF, 1998–2002) 63.5% general literacy rate (UNESCO, 2004)
<b>Gender-Based Violence (GBV)</b>	Gender-based violence, especially rape, committed against women and girls is widespread. (HRW, 2002)	Rape and other extremely cruel forms of sexual violence continue to be rampant and used as a weapon of war perpetrated against women and girls, including

INDICATORS IN DRC	STATUS REPORTED BY WATCHLIST IN MID-2003	2006 STATUS
<b>Gender-Based Violence (GBV) cont'd</b>	<p>In conflict zones, especially in eastern DRC, sexual violence against women and girls is rampant and used as a weapon of war by most forces involved in the conflict. Rape and other forms of sexual brutality are integral to the war and often carried out with impunity. (HRW, 2002)</p>	<p>young girls, in an atmosphere of impunity. The victims of rape or other forms of sexual violence in DRC are believed to number in the hundreds of thousands.</p> <p>Men and boys are also victims of rape and sexual violence by armed groups.</p> <p>UN personnel have been involved in sexual exploitation and abuse of young girls.</p>
<b>Landmines and Unexploded Ordnance (UXO)</b>	<p>Information about scale of landmine and UXO contamination and numbers of victims is limited and difficult to obtain.</p> <p>Areas of Equateur, Orientale, Eastern Kasai, Western Kasai, Katanga, South Kivu, Bandundu and other provinces are likely mined, including civilian areas near hospitals, homes and markets. (Landmine Monitor 2002)</p>	<p>Information continues to be difficult to obtain.</p> <p>The MACC database documents 1,770 mine/UXO casualties between 1964 and the end of 2005. At least 207 of these were children under age 15. (MACC, 2006)</p> <p>1,170 zones of mines and UXO have been identified. Katanga Province, especially Tanganyika District, is the most heavily affected. (OCHA, 2004)</p>
<b>Small Arms</b>	<p>The war is primarily fought with small arms. Millions are in circulation.</p>	<p>Widespread availability of arms through DRC spawns insecurity, violence and widespread human rights violations.</p> <p>Children and other civilians have been armed by local authorities. (HRW, 2005)</p> <p>Roaming bands of gunmen, former rebels and militia, including children, using small arms to rape and pillage, continue to be common in eastern DRC. (AI, 2005)</p> <p>The UN Security Council imposed an arms embargo on parts of DRC in 2003. Two reports by the UN Group of Experts to the Council have depicted egregious and ongoing violations of the embargo. In 2004, the Security Council extended the embargo to include all recipients within DRC territory, with certain exceptions.</p>
<b>Children Associated with Armed Forces and Groups<sup>4</sup></b>	<p>Tens of thousands of children associated with armed forces and groups are recruited and used by all parties to conflict. Both boys and girls are recruited and used.</p> <p>10 parties to conflict were named by UN Secretary-General as recruiters and users of children in 2002. (S/2002/1146)</p>	<p>All parties to conflict recruit and use children. Estimates indicate 30,000 children are associated with armed forces and groups in DRC. Children may comprise up to 40% of some non-state armed groups. (Coalition to Stop the Use of Child Soldiers, 2004)</p> <p>Nine parties to conflict were named by UN Secretary-General as recruiters and users of children in 2005. (S/2005/72)</p>

# International Standards

INTERNATIONAL STANDARDS	2003 STATUS	2006 STATUS
<p><b>Convention on the Rights of the Child</b></p> <p>Optional Protocol on the Involvement of Children in Armed Conflict</p> <p>Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography</p>	<p>Ratified, September 28, 1990</p> <p>Ratified, November 11, 2001</p> <p>Announced, June 2001, but has not completed ratification</p>	<p>No change in status</p>
<b>Other Treaties Ratified</b>	<p>Geneva Conventions; International Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; African Charter on Human and Peoples' Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; Refugee Convention and 1967 Protocol, Mine Ban Treaty; Rome Statute of the International Criminal Court (signed)<sup>5</sup></p>	<p>No change in status</p>
<b>United Nations Security Council Resolutions on DRC</b>	<p>1484 (May 2003); 1468 (March 2003); 1457 (January 2003); 1445 (December 2002); 1417 (June 2002); 1399 (March 2002); 1376 (November 2001); 1355 (June 2001); 1341 (February 2001); 1332 (December 2000); 1323 (October 2000); 1316 (August 2000); 1304 (June 2000); 1291 (February 2000); 1279 (November 1999); 1273 (November 1999); 1258 (August 1999); 1234 (April 1999)</p>	<p>1653 (January 2006); 1621 (September 2005); 1616 (July 2005); 1596 (May 2005); 1592 (March 2005); 1565 (October 2004); 1555 (July 2004); 1552 (July 2004); 1533 (March 2004); 1522 (January 2004); 1499 (August 2003); 1501 (August 2003); 1493 (July 2003); 1489 (June 2003); 1484 (May 2003); 1468 (March 2003); 1457 (January 2003)</p>
<b>United Nations Security Council Resolutions on Children and Armed Conflict</b>	<p>1460 (January 2003); 1379 (November 2001); 1314 (August 2000); 1261 (August 1999)</p>	<p>1612 (July 2005); 1539 (April 2004)</p>



# Summary

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Children in the Democratic Republic of the Congo (DRC) endure some of the most miserable treatment found anywhere in the world, despite outward signs of progress in DRC, such as the creation of a power-sharing transitional government, the presence of the United Nations' largest peacekeeping operation and billions of dollars granted by donors for post-conflict reconstruction.

In 2006, DRC continues to endure the world's deadliest humanitarian crisis, with more than 38,000 people dying every month as direct and indirect consequences of the armed conflict, according to the International Rescue Committee (IRC). Approximately 45 percent of these deaths occur among children under age 18. In addition, children are targets of human rights violations committed by armed forces and groups on a daily basis. The overwhelming majority of these crimes are committed in an environment of utter impunity.

Yet, since the Watchlist on Children and Armed Conflict published its first report on DRC in 2003, *The Impact of Armed Conflict on Children in the Democratic Republic of the Congo*, some progress has been achieved. Thousands of children have been demobilized from armed forces and groups. In some areas, the number of displaced people has dropped significantly. There has been an increase in serious efforts to confront sexual violence and exploitation. Combatants from armed groups have begun to integrate into the unified national army. Also, a new constitution was affirmed during a nationwide referendum in December 2005.

Despite these advances, Watchlist has documented continued, pervasive and egregious violations against children in DRC in each of the major categories identified by the United Nations Security Council Resolution 1612 (2005) on children and armed conflict. These violations include killing and maiming, rape and other forms of sexual violence, abduction, denial of humanitarian assistance, attacks on schools and recruitment and use of children. In addition, various other violations, such as forced displacement and torture, also continue to be committed against children and their families. The following are highlights of Watchlist's findings between 2003 and end of January 2006:

## **Killing and Maiming**

Extreme violence and fighting have continued throughout DRC. Children are not spared, as all armed forces and groups in DRC continue to kill and maim children. Documented cases

recount gross atrocities such as armed combatants shooting, mutilating, stabbing and burning children alive.

## Rape and Other Forms of Sexual Violence against Girls

All armed forces and groups continue to perpetrate rape and sexual violence against girls and women. The victims of rape or other forms of sexual violence in DRC are believed to number in the hundreds of thousands. In many cases, the rapes are characterized by severe cruelty, including against young girls and sometimes boys, such as gang rapes, mutilation of genitalia, rape involving the insertion of objects into the victim's genitals, forced rape by one victim upon another and rape-shooting. Some girls are held in captivity as sexual slaves for extensive periods of time.

The majority of girls who are victims of rape suffer severe injuries that require surgery and can lead to venereal diseases, HIV infection, sterility and other serious health problems. The majority of these survivors of gender-based violence do not receive medical treatment after their assault. Following rape, many girls are abandoned by their families and communities and condemned to lives of poverty.

## Denial of Access to Humanitarian Aid

Humanitarian agencies continue to face attacks and other obstacles by armed forces and groups, such as looting, destruction of humanitarian resources, contingency stocks and field bases, confiscation of vehicles, harassment of expatriates and national staff, levying of illegal taxes and complication of administrative procedures. Furthermore, in some instances humanitarians have been forced to delay or suspend aid deliveries, deeming that local recipients are likely to be targets of military or political harassment following the delivery of aid.

## Attacks on Schools and Hospitals

Armed forces and groups have seriously damaged, pillaged, burned and destroyed schools in eastern DRC. Combatants have also pillaged and destroyed school supplies. During attacks on schools, armed combatants have forcibly recruited boys at gunpoint, especially in the most conflict-affected areas of eastern DRC. The attacks on schools and other problems with the educational system have deprived an estimated 4.6 million children are deprived of their right to education, including 2.5 million girls.

Armed forces and groups also pillage and loot hospitals and other medical facilities. As a result of these attacks and the general devastation of the nation's healthcare system, children are dying each year from preventable causes, such as malnutrition, malaria, diarrheal diseases, acute respiratory infections, measles, tuberculosis and others. The war has left the nation largely with

out drugs, medical equipment and skilled medical personnel, and with the national health infrastructure in a state of collapse.

## Abductions

Various armed groups primarily in eastern DRC continue to abduct children. These groups include the Mai Mai, the Congolese Rally for Democracy-Liberation Movement (RCD-ML), the Democratic Forces for Liberation of Rwanda (FDLR) and its new splinter group, known as the "Rastas," as well as the forces of General Laurent Nkunda and several others. Young girls have been abducted and held for ransom in order to be sold in exchange for cows or gold and for other purposes, according to local sources.

## Children Associated with Armed Forces and Groups

At least 30,000 boys and girls are estimated to be taking an active part in combat or to be attached to armed forces and groups and used for sexual or other services. Almost all girls and some boys are sexually abused by their commanders or other soldiers. Children often fight on the frontlines and witness or are forced to participate in serious human rights abuses against civilians.

The overall Disarmament, Demobilization and Reintegration (DDR) process for children has been extremely protracted. The national governmental body charged with overall management of the DDR process, the National Commission for Demobilization and Reintegration (CONADER), does not have the capacity, technical experience and leadership to successfully oversee this process.

## Other Violations

In addition to the six egregious violations identified by the United Nations Security Council, children in DRC continue to face a spectrum of other horrific abuses and crimes. These include: forced displacement, forced labor, forced involvement in the illicit exploitation of natural resources and others. Approximately 150 cases of sexual exploitation and abuse (SEA) by United Nations (UN) personnel have been uncovered and investigated. In addition, children, especially girls, are accused of witchcraft or sorcery, forcing them onto the streets or into other dangerous situations, in some cases leading to their murder by family or community members. Children and adolescents are further threatened by the HIV/AIDS epidemic, and by violence and insecurity due to the widespread availability and use of small arms and light weapons throughout DRC.

## Recommendations

In response to these findings, the Watchlist on Children and Armed Conflict makes urgent recommendations to the

governing authorities of DRC, all armed groups operating in DRC, the UN Security Council, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the humanitarian community in DRC, donors and the International Criminal Court. These recommendations urge all parties to take immediate and sustained steps to protect Congolese children and adolescents from further violations and to find remedies for those who have already endured imponderable suffering. First and foremost, Watchlist calls on all armed forces and groups in DRC to immediately halt crimes against children.

# Context

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Approximately 3.9 million people, over 45 percent of whom are children, have died as a result of the armed conflict in DRC, which has been named by the International Rescue Committee and others as the deadliest war in the world since World War II and the deadliest in Africa ever recorded. In February 2005, UNICEF reported that the crisis in DRC has bred a generation of children who are sadly versed in violence and disruption.

## POLITICAL BACKGROUND

Throughout the 1990s, the regime of Mobutu Sese Seko was plagued by political, economic and social unrest and widespread corruption, causing long-term poverty and infrastructure collapse. The current crisis dates to 1996, when Laurent Kabila and his Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) overthrew the regime of Mobutu Sese Seko, primarily with the help of Rwandan and Ugandan military forces. On May 17, 1997, Kabila appointed himself as president. The war broke out fully in August 1998, when Kabila attempted to expel Rwandan and Ugandan military forces that had helped him to power. After Laurent Kabila's assassination in January 2001,<sup>6</sup> his son, Joseph Kabila, succeeded him to power, vowing to renew peace negotiations and uphold civil and political rights for Congolese civilians.

It is widely acknowledged that DRC possesses Africa's richest mineral deposits of copper and cobalt, as well as abundant reserves of gold, diamonds, coltan, timber, oil-gas and other minor resources such as bauxite, cadmium, cassiterite, coal, lead, iron ore, manganese, silver, zinc and uranium. The ongoing plunder of these natural resources is directly connected to the onset and perpetuation of armed conflict, including Kabila's overthrow of Mobutu Sese Seko in the 1990s. Corruption related to the exploitation and illegal trade of natural resources results in the deaths of millions of Congolese people, as parties to conflict maintain their war economies through these illegal activities, according to Global Witness's *Same Old Story: A Background Study on Natural Resources in the Democratic Republic of Congo*, 2004.

In July 1999, under the auspices of the Organization of African Unity (OAU), the Congolese government, Congolese armed opposition groups and foreign states signed the Lusaka Cease-fire Agreement.<sup>7</sup> Upon request, the UN deployed a peacekeeping

operation to monitor this agreement, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). A secondary process, the Inter-Congolese Dialogue (ICD), first convened in 2001, was an effort to address the internal aspects of the DRC conflict. In December 2002, the parties to the ICD signed the Global and Inclusive Accord for the Transition in DRC, paving the way for the establishment of a transitional Congolese government, which was installed in June 2003.

As part of the Lusaka agreement, several foreign countries involved in the conflict began to disengage. Many foreign troops, including those of Angola, Namibia, Rwanda, Uganda and Zimbabwe, withdrew during 2002. The Rwandan and Ugandan withdrawals were arranged through two separate bilateral peace agreements with the Congolese government. Most signatories have violated their agreements.

Tragically, the withdrawal of most foreign troops from positions in DRC has not brought an end to violence, economic exploitation or human rights abuses. Ongoing fighting, particularly in Ituri District, North and South Kivu and northern Katanga, continues to cast a dark shadow on the overall progress of the Lusaka agreement, the transitional government and the potential success of the elections.

## TRANSITIONAL GOVERNMENT

The transitional government, sworn in during June to September 2003, consists of Joseph Kabila's government officials, political opposition leaders, civil society officials and representatives of the Congolese Rally for Democracy-Goma (RCD-Goma or RCD-G), the Movement for the Liberation of the Congo (MLC) and the government-backed Mai Mai. Kabila became the head of state of the transitional government, joined by four vice presidents representing the former national government, MLC, political opposition/civil society and RCD-Goma. In addition, at the time of writing this report the transitional government included 36 cabinet ministries, a 500-member National Assembly and a 120-member Senate.

According to the transitional constitution, the armed groups comprising the transitional government were meant to form a Congolese unified national army, Armed Forces of the Democratic Republic of the Congo (FARDC), under the control of the president, as commander in chief. The heads of this newly unified national army, including representatives of the RCD-Goma, MLC, the Congolese Rally for Democracy-Kisangani/Liberation Movement (RCD-K/ML) and Mai Mai, were sworn in on September 5, 2003. In their new roles, they vowed to refrain from any unsanctioned military or political activities. However, all of these groups have failed to refrain

from unsanctioned military activity, committing gross atrocities against children and other civilians.

Unification of the national army has been extremely slow, parallel chains of command persist and former belligerents continue to vie for resources and power, according to International Crisis Group (ICG), *The Congo's Transition Is Failing: Crisis in the Kivus*, 2005. Fear of losing power has prompted many of the power-sharing officials to disrupt preparation for the elections and prolong the transition to peace. Another significant factor that has hampered progress is the widespread corruption at every level of social and political life in DRC.

## ELECTIONS

Amidst widespread insecurity and extreme deprivation, DRC was set to have its first democratic elections in June 2005. However, the Independent Electoral Commission (IEC) rescheduled the polls due to delays in drafting the new constitution and because of technical difficulties with the voter registration process. Under the new schedule, registered Congolese voters cast their first ballots for a constitutional referendum on December 18, 2005. This is to be followed by legislative and provincial polls, and finally presidential elections, which are to be completed in two rounds in 2006.

Of the potential 25 to 30 million voters in all of DRC, an estimated 15 million cast their initial votes for the constitutional referendum in December 2005. In January 2006, the IEC announced that an overwhelming amount of voters, 84.31 percent, voted in favor of the new constitution.

The voter registration process in the capital ended on July 31, 2005, with 2.9 million registered voters in Kinshasa. At the end of the registration period, the IEC revoked the voting rights of over 150,000 people, reporting that they had registered to vote twice.

Registration has been challenging, especially in the rural areas of the troubled eastern provinces, where insecurity threatens to jeopardize the elections process, and in areas where refugee returns continue. For example, in Ituri District, Orientale Province, due to insecurity, only 129 out of 514 voter registration centers were operational. In another example, on September 18, 2005, a dispute broke out near Kalonge, South Kivu, over the eligibility of a police officer to register to vote. A child associated with a local armed group attempted to take away the police officer's weapons, which led to a struggle and random shooting, killing an 18-year-old student named Assani and a 60-year-old woman named Sophie, according to Project GRAM-Kivu, a local nongovernmental organization (NGO).

The United Nations High Commissioner for Refugees (UNHCR) also reported that Congolese refugees residing in neighboring countries have prematurely begun to repatriate,

despite high insecurity. Apparently, they are responding to false rumors that they may lose their Congolese citizenship if they do not register to vote, because the voter registration card is intended to replace older national identity cards.

The provincial and presidential elections could become a logistical nightmare due to the size of DRC, the lack of infrastructure and the refusal of the numerous rebel groups to disarm, as well as other delays and challenges with the disarmament process. ICG explains that the continued fighting in the East is closely linked to the political haggling that continues in Kinshasa. In Katanga Province specifically, ICG warns of the possibility of intensifying violence erupting in relation to the elections, as different groups within the province vie for representation in both Lubumbashi and Kinshasa, *Katanga: The Congo's Forgotten Crisis*, January 9, 2006.

As of July 31, 2005, the total cost of the elections, said to be the largest elections operation ever run by the UN, was estimated to be US\$422 million. Despite pledges for contributions from donor governments, a significant financial gap still remains.

## PARTIES TO CONFLICT— REGIONAL INVOLVEMENT

Many of the armed forces operating in DRC have splintered into various movements and shifted alliances over the years. Rights abuses committed against children by combatants associated with all armed groups are egregious and well documented. Moreover, the occupation of large portions of DRC by the armies of neighboring states caused considerable suffering among children and other vulnerable groups, before most foreign armed forces withdrew from positions in DRC in 2002.

When conflict broke out in 1998, the governments of Angola, Namibia and Zimbabwe supported the Congolese government by deploying elements of their national armed forces to positions in DRC. At the same time, Rwandan and Ugandan armed forces fought alongside the Congolese opposition groups, many of which they helped to create, including the Congolese Rally for Democracy-Goma (RCD-G), the Movement for the Liberation of Congo (MLC) and the Congolese Rally for Democracy-Kisangani (RCD-K), now known as the Congolese Rally for Democracy-Kisangani/Liberation Movement (RCD-K/ML).<sup>8</sup>

National armed forces of neighboring countries have also used DRC territory to fight against armed opposition groups from their own countries. Many of these have used DRC as a base and have been widely believed to receive support from the Congolese government. For example, Burundi deployed forces in the southern part of South Kivu Province, where they conducted military operations against Burundian armed opposition groups operating from that territory for many years. Since the

non-state armed group Council for the Defense of Democracy—Forces for the Defense of Democracy (CNDD-FDD, commonly referred to as FDD) joined the Burundian government in November 2003, the Palipehutu-FNL faction led by Agathon Rwaswa has been the primary Burundian armed opposition group operating out of DRC.

In the 1990s, members of the pre-1994 Rwandan national army, Armed Forces of Rwanda (FAR), and the exiled Rwandan *Interahamwe*, some of whom were responsible for acts of genocide in Rwanda in 1994, received sanctuary in DRC. Since 2000, Rwandan rebels in DRC have been grouped together in a politico-military alliance called Forces *Démocratiques de Libération du Rwanda* (FDLR), according to International Alert. The FDLR includes three main groups: the ex-FAR and *Interahamwe* who took part in the genocide in Rwanda in 1994; the ex-FAR who did not take part in the genocide; and new, post-genocide recruits, who constitute the majority of the troops.

In March 2005, the FDLR announced that it would renounce the use of force, disarm and return peacefully from DRC to Rwanda. However, in August 2005, the transitional government announced that the Rwandan militias had failed to disarm and return home as agreed. As a result, the transitional government announced that it would forcibly begin to disarm the Rwandan rebel militias that remained on DRC territory.

Allied Democratic Forces (ADF), a Ugandan armed opposition group, has also participated in violence in the northeastern area of DRC. More recently, the northern Ugandan rebel group, the Lord's Resistance Army (LRA),<sup>9</sup> renowned for committing countless atrocities against civilians in northern Uganda and southern Sudan, arrived in DRC. In September 2005, the LRA Deputy Commander Vincent Otti and approximately 400 other LRA fighters entered DRC's Garamba National Park in Orientale's Haut Uélé District. A report from a child protection worker in eastern DRC indicates that the LRA brutalized Congolese civilians in their path, including children, during their excursion into Congolese territory.

After the Congolese national army, with support from MONUC, dispatched 3,000 soldiers to the area, intending to disarm the LRA rebels in early October 2005, the fighters reportedly fled back to Sudan. The situation has remained fluid, however, as a result of the porous and uncontrolled borders in the region. In late October 2005, the Ugandan government sought approval from DRC to redeploy troops in eastern DRC to hunt down members of the LRA who remained in DRC territory.

The presence of the LRA in DRC became global news when eight Guatemalan peacekeepers were killed on the morning of January 23, 2006. They were ambushed by an armed group in Garamba National Park. The attackers are thought to be members of the LRA.

Mai Mai is an umbrella term for a loose association of Congolese local defense forces and militias. Many of the present Mai Mai groups first came together in the 1960s and gathered strength again in the 1990s, through Laurent Kabila's efforts to mobilize and use them in his drive to oust Mobutu and later to drive back Rwandan forces in the East. Today, the Mai Mai are often aligned with Congolese national armed forces, but are well-known for their varied agendas and shifting political alliances, which experts view as a tactic to consolidate power and avoid scrutiny. Mai Mai fighters often believe in supernatural forces that make them invincible to their enemies. The Mai Mai are responsible for grave human rights violations against Congolese civilians and are threatening to further destabilize parts of eastern DRC.

ICG has called the Mai Mai the greatest security threat to the eastern province of Katanga. In Katanga alone, more than 19 warlords command an estimated 5,000 to 8,000 Mai Mai combatants. Since 2002, various Mai Mai groups have fought each other and the Congolese national army, attempting to gain control of Upenba National Park and mining sites in Katanga and committing grave atrocities against civilians.

Along with the Mai Mai, many other irregular armed groups, such as the *Union des Patriotes Congolais* (UPC), also known as one of the ethnic Hema militia groups, Commander Masunzu's forces<sup>10</sup> and the ethnic Lendu militias, have engaged in fighting in areas of eastern DRC.

## NEW ARMED GROUPS

### Rastas

The Rwandan FDLR and its new splinter group, known as the "Rastas," have been responsible for hundreds of killings, rapes and abductions for ransom in South Kivu since mid-2004. For example, Amnesty International (AI) reported the case of a farmer from Kalongo village, Antoine Zahindu, who was abducted with six other civilians, including his two children, age eight and 12. They were taken into a forest where they were beaten with wooden batons. Antoine Zahindu was then released and told to find US\$300, a very large sum in rural DRC, at least triple the average gross annual income, to obtain the release of his family. After several days, he was able to borrow the sum and secure their release.

On May 18, 2005, MONUC's Human Rights Section reported that it had documented 1,724 cases of summary execution, beating, rape and hostage-taking by Rastas and FDLR troops in Nindja village of Walungu Territory in South Kivu. According to MONUC, the Rastas came out of the forest, attacking anyone in sight with clubs, pickaxes and machetes, and taking hostages.

On July 9, 2005, a group of 30 Rastas attacked Kabingu village near Kahuzi-Biega National Park, in South Kivu, killing 50 people. The attack was said to be a reprisal for an offensive by the Congolese national army, as well as an attempt to discourage the local population from cooperating with MONUC and the FARDC. MONUC reported that during the attack, 40 people, mostly women and children, were locked in their homes and burned alive or killed while attempting to escape. MONUC confirmed that 17 of those victims were children between the ages of four and 16 years. During the same attack, 11 women were raped and at least three young girls were abducted and later found killed; a fourth was able to escape her abductors.

On October 10, 2005, a group of Rastas wielding machetes massacred 24 people, including six children, and injured many more, in the villages of Tchindudi, Mugombe, Kanyola and Rundidi in South Kivu. According to an official from the UN Office for the Coordination of Humanitarian Affairs (OCHA), thousands of civilians fleeing from the attack had sought refuge in the town of Walungu, also in South Kivu.

### Congolese Revolutionary Movement (MRC)

In mid-2005, international media reports began to reveal the existence of a new Congolese armed group based in Kampala, Uganda, *Mouvement Révolutionnaire Congolais*—Congolese Revolutionary Movement (MRC). According to a press summary on the MONUC website, the "document on the creation of the political and military movement MRC was signed by 15 members...all of whom are wanted by the Attorney chief in the town of Ituri/Bunia." It also explained that the MRC was formed to "defend the rights of the Congolese population in Ituri and North Kivu."

### General Laurent Nkunda's Forces

General Laurent Nkunda leads a group of dissident forces that broke off from the RCD-Goma and are alleged to receive support from the Rwandan national army. His forces are generally estimated at 15,000 soldiers, including many children, and have operated in eastern DRC, primarily in North and South Kivu, since June 2004. They are responsible for egregious human rights and child rights violations, including murder, rape, abduction and other grave abuses. Forces led by Colonel Jules Mutebutsi, who also broke off from the RCD-Goma, have joined with Nkunda's forces during certain attacks, such as the 2004 takeover of Bukavu, South Kivu. In October 2005, the Congolese national authorities issued international arrest warrants for Laurent Nkunda and Jules Mutebutsi (S/2005/832).

### Raia Mutomboki

In 2005, an armed group consisting of local people, including former Mai Mai fighters, youth and children, appeared in

Shabunda Territory, South Kivu. The group, *Raia Mutomboki* or *Raia Butomboki*, was self-proclaimed as a self-defense force intended to protect the local population from insecurity caused by the Rwandan FDLR. Late in 2005, the group began fighting with the FARDC, citing the unified national army's failure to protect the Shabunda population from the FDLR. Subsequently, the group has been expanding its area of control towards Mwenga and Kitutu, according to various reports.

### Armed Group 106 of Colonel Mabolongo (Alias 106)

This group, led by Colonel Mabolongo, a dissident of the FARDC's 106th Brigade, has attacked local populations, kidnapped young girls and pillaged vehicles on the route between Bukavu and Bunyakiri, according to local sources. This group consists primarily of former Mai Mai combatants, including children. Colonel Chibalonza, a dissident of the FARDC's 104th Brigade, is also associated with Alias 106. The FARDC's attempts to capture the dissident colonels have also led to several small battles that have killed both combatants and civilians.

## ONGOING VIOLENCE: KILLING, MAIMING, RAPE AND PILLAGE

Given the foregoing array of armed groups operating with impunity in DRC, extreme violence and fighting have continued throughout DRC despite the peace accord. The following are several recent examples of killing and maiming of children:

- Armed men in army fatigues attacked a group of 14 women and children who were hiding in the jungle of Muvuta Bangi after hearing gunshots while en route from Kisangani to Bunia, in June 2003. After massacring all except for Z.A. and her children, the attackers brutally mutilated and raped her. In a "ritual," they cut off pieces of her genitals and ate them in front of her, drank her blood, submerged her two 8- and 10-year-old children in large vats of boiling oil and water, skewered pieces of their bodies over an open flame and ate them in front of her. After two years of recovery in a hospital in Bujumbura, Burundi, Z.A. recounted these horrors to MONUC's Human Rights Section, before she died, presumably of AIDS ([www.monuc.org](http://www.monuc.org)).
- The Mai Mai reportedly attacked a Hutu village during a wedding celebration, throwing a hand grenade into the house where the bride and other girls were preparing. According to one of the injured girls, her 3-year-old cousin, whom she was carrying on her back, was killed in the explosion (HRW: *Civilians Attacked in North Kivu*, 2005).
- Troops from a military camp at Nyamilima shot into a crowd of civilians during the December 2004 fighting

between two opposing factions of the Congolese national army in North Kivu, killing many people, including two sisters, Zawadi, 14 years old, and Aline, 11 years old, according to an account told by the girls' mother to Human Rights Watch (*Civilians Attacked in North Kivu*, 2005).

- In mid-June 2005, two soldiers of the FARDC's 117th Brigade shot a 17-year-old girl named Safi five times in the leg, in a village in Fizi Territory. The soldiers shot at Safi after she refused to become a "wife" of one of the soldiers. According to a local NGO familiar with the case, one of the two alleged perpetrators still holds his position in the unit (reported to Watchlist by a local NGO in Uvira Territory, July 2005).

The following are widely documented examples of particularly brutal battles in eastern DRC since 2003, during which armed groups killed, raped and committed other grave violations against children and their communities.

### Bunyakiri Territory, South Kivu, June 2003

Several communities in the Bunyakiri Territory of South Kivu were subject to massive human rights violations in May and June 2003, when the RCD began to regain control of the area, which had been controlled by the Mai Mai, under the leadership of General Padiri, since 2002. During the RCD's takeover of the Kalonge collective in the Bunyakiri Territory, fighters systematically pillaged homes, stealing household items and cattle. Schools and NGO offices were looted and destroyed, according to a report by Project GRAM-Kivu, *Report on Human Rights Violations in the South Kivu Province in the East of DRC*, June 2003. Project GRAM-Kivu also reported that attacks left more than 2,500 children without clothing and families without homes, bedding, furniture or hoes or other farming tools.

During this incident, Project GRAM-Kivu documented the rape of many girls, including the following cases:

- two girls, ages 16, and 17, from Kakonzi, Rambo locality (May 2, 2003);
- a girl, age 16, from Mushema, Rambo locality (May 4, 2003);
- two girls, age 15, from Mushema, Rambo locality (May 4, 2003);
- a girl, age 12, from Misinga, Rambo locality (May 7, 2003);
- a girl, age 11, from Chinaliraga, Rambo locality (May 7, 2003).

Similarly, the Congolese Initiative for Justice and Peace (ICJP) reported looting, rapes of girls, burning of homes and other attacks, from May 15 to 17, 2003, in the areas of Bitale and Mubuku in the Buloho collective, including the villages of

Fumya, Luchwa and Bulambika in Bunyakiri Territory, ICJP, *A New Ordeal for the Population of Bunyakiri*, June 2003.

### **Bukavu, South Kivu, May–June 2004**

On May 26, 2004, dissident elements of RCD-Goma led by Colonel Jules Mutebutsi and General Laurent Nkunda, both opposed to the transitional government in Kinshasa, took control over the city of Bukavu, South Kivu Province, with apparent support from the Rwandan national army. During subsequent days, the dissidents committed systematic human rights violations against civilians, according to AI, *Democratic Republic of Congo: Arming the East*, 2005. They killed more than 60 people and raped more than 100 women and girls, including 17 girls aged 13 or younger. Some girls were raped while their parents watched helplessly. One of the victims was only three years old, according to AI. This incident has become known as “*Opération TDF*” or “Operation [mobile] telephones, dollars, girls.”

During this siege, soldiers reportedly leveled their weapons at children’s heads to extort money from households and demanded dollars for the life of each child, according to *Arming the East*. AI has recorded the murder of several parents in front of their children, as well as the case of 13-year-old Marie, who was shot dead on June 4 on the balcony of her home, because one of the dissidents did not like the way she looked at him while he was looting the street below.

## **HUMANITARIAN CRISIS**

The humanitarian crisis in DRC remains the world’s deadliest, with more than 38,000 people dying every month as a direct and indirect result of the conflict, according to IRC’s study, *Mortality in the DRC: A Nationwide Survey*, January 2006. Over 70 percent of the population suffers severe food insecurity, and high malnutrition rates affect the northern and eastern parts of the country (see below: Health: Malnutrition). Children and other vulnerable people, such as the elderly and infirm, are most at risk under these conditions. Yet, resources available to address the enormous humanitarian needs are overwhelmingly inadequate.

Humanitarian access remains a problem for most parts of eastern DRC, according to OCHA, *Affected Populations in the Great Lakes Region*, June 2005. In western DRC, the situation is generally more stable, but the population remains extremely vulnerable due to isolation, lack of infrastructure and years of neglect. Humanitarian needs in the West remain dramatic in all sectors. The humanitarian presence is extremely limited, however, as donors’ primary focus is the conflict-affected eastern part of the country.

Humanitarian workers, especially in the East, are operating in extremely difficult environments, where they must quickly

adapt to rapidly changing circumstances. Preparations must take into account looting and destruction of humanitarian resources, contingency stocks and field bases, and the potential for evacuation of humanitarians from strategic hot spots across the East. Humanitarians have reported confiscation of vehicles, harassment of expatriates and national staff, levying of illegal taxes and complication of administrative procedures. In addition, increasingly NGOs are reporting early resignation of expatriate staff from humanitarian posts due to repeated harassment, according to OCHA. Furthermore, in some instances humanitarians have been forced to delay or suspend aid deliveries, deeming that local recipients are likely to be targets of military or political harassment following the delivery of aid.

In one case, during fighting in North Kivu in December 2004, soldiers of the Congolese national army threatened humanitarian workers at gunpoint in order to force them to provide transport to soldiers, according to HRW, *Democratic Republic of Congo: Civilians Attacked in North Kivu*, 2005.

In a more recent example, in January 2006, after three drivers of the Norwegian Refugee Council (NRC) were taken hostage by the Congolese national armed forces, NRC warned that the situation for humanitarian workers seemed to be worsening in parts of eastern DRC.

In another example, RCD-Goma troops looted equipment and goods worth US\$300,000 from the offices of the German NGO *Agro Action Allemande*, which eventually led the European Union (EU) to suspend all aid to North Kivu as a protest to the attack.

## **HUMAN RIGHTS DEFENDERS**

Throughout eastern DRC, human rights advocates and their families have increasingly been subjected to repression, including harassment, intimidation, arbitrary arrest and detention, threatening both their physical survival and their human rights work.

Throughout 2004, local government authorities repeatedly targeted human rights defenders on the basis of their human rights advocacy, particularly following denunciations of the Congolese government’s involvement in human rights abuses in eastern DRC. In the period between December 2004 and January 2005, a number of human rights defenders in Goma, North-Kivu were subject to a spate of death threats after they publicly revealed information on arms distributions to local militia, according to AI. Several NGO leaders fled Goma after spending several days in hiding. In addition, some pro-government NGOs have orchestrated campaigns aiming to discredit the work of legitimate human rights organizations because their work exposes abuses committed by Congolese national armed forces.

In a particularly notorious assault on July 31, 2005, Pascal Kabungulu Kibembi, a prominent human right activist and Secretary-General of the Bukavu-based human rights group Heirs of Justice, was reportedly dragged out of his house and shot in front of his family who, prior to the assassination, heard the attackers say, “We are looking for you and today is the day of your death.” The local population, MONUC and other international representatives condemned the assassination and urged the transitional government to investigate and prosecute those responsible. As a result of this pressure, a provincial commission was established. In November 2005, a military tribunal stationed in Bukavu began public proceedings against more than five accused officers and soldiers from the FARDC. According to local sources, however, the trial concluded abruptly without achieving justice for the assassination.

## IMPUNITY

The overwhelming majority of crimes committed in DRC are perpetrated in an environment of complete impunity. Years of war, political disorganization and the destruction of national infrastructure have led to an extremely weak judicial system throughout DRC, HRW explains in *Seeking Justice: The Prosecution of Sexual Violence in the Congo War*, 2005. In addition, poverty and insecurity faced by members of the judicial system further hampers their ability to seek justice. For example, in the case of the tens of thousands of victims of sexual violence, perpetrators have only been convicted and punished in a handful of cases, according to *Seeking Justice*. The authorities react to crimes committed against children with the same level of inaction.

Even in some cases where action has been taken, impunity continues to prevail. For example, in April 2005, the case of a 13-year-old girl who was raped by her teacher in Kalemie, Katanga Province, was handled by local courts under the presence of the Minister of Women’s Affairs, who was on an official visit to the area to participate in activities related to “Women’s Month.” The rapist received a 15-year jail sentence for his crime; six months later, however, he escaped from prison. Although eight guards and watchmen were sentenced to six months each in jail for having failed to prevent the escape, the convicted rapist reportedly walked freely on the streets of Kalemie, threatened both the girl and her family and eventually fled the area, according to a report received by Watchlist from a UN source.

One positive development has been the restoration of the court in Bunia, Ituri District, Orientale Province, with support from the European Commission (EC), in order to address the massive crimes committed against civilians, including children. As of March 2005, prosecutions from the court had resulted in 10 convictions on rape charges, with a further nine pending,

according to HRW’s *Seeking Justice*. The sentences on the rape charges ranged from three to 10 years imprisonment. This court has produced more convictions relating to sexual violence than any other in DRC, according to HRW.

In addition, DRC has referred crimes to the International Criminal Court (ICC) and the prosecutor has begun investigations. This constitutes a real hope for justice for the Congolese people. However, the ICC will only investigate a small number of top-level individuals charged with the most egregious crimes.

## MONUC

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is the UN’s peacekeeping operation in DRC, established in 1999. MONUC includes military personnel, military observers and specialists in human rights, humanitarian affairs, public information, political affairs, child protection and medical and administrative support. In its early phases, MONUC suffered from severely low personnel levels.

In January 2004, with UN Security Council Resolution 1565, the Security Council agreed to increase MONUC’s troop strength and reinforce its mandate under Chapter VII of the UN Charter. This reinforcement was intended to support the DRC peace process; to deter, by the use of force if necessary, any attempt to threaten the political process; and to protect civilians under imminent threat of physical violence. MONUC is also authorized to facilitate humanitarian assistance and human rights monitoring, with attention to vulnerable groups such as women and children. This includes special attention to children who have been released or have exited from armed forces and groups. Previously, MONUC’s mandate under the less robust Chapter VI only authorized it to take actions in the course of fulfilling its duties, which excluded the use of force to protect civilians.<sup>11</sup>

As of September 2005, the UN reported staffing levels of 15,417 troops; 544 military observers; 368 civilian police officers; 747 international civilian staff; 1,209 local civilian staff; and 436 UN volunteers. MONUC offices are located in Kinshasa, Kindu, Kalemie, Lubumbashi, Kananga, Mbandaka, Kisangani, Bukavu, Goma, Bunia, Matadi, Mbuji Mayi and Beni. MONUC’s budget is voted on annually by the UN Security Council and is funded by individual member states. MONUC is the largest UN peacekeeping operation in the world, with the largest operation budget, totaling US\$957.8 million for 2005–2006.

In 2004 and 2005, MONUC military and civilian personnel were confirmed to have perpetrated severe and ongoing sexual abuse and exploitation among girls in Bunia, Ituri District, of eastern DRC. Subsequently, MONUC officials have taken serious steps to address these problems, such as adopting an

official code of conduct prohibiting sexual abuse and exploitation, investigating reports and referring troops found to be involved in sexual exploitation and abuse for appropriate disciplinary action (see below: Gender-Based Violence).

### **Child Protection Section**

MONUC's Child Protection Section (CPS) is the largest of any UN peacekeeping operation and is the first to include Child Protection Advisers (CPAs), deployed in the field since 2000.<sup>12</sup> This unit has contributed to reporting on violations against children in the context of armed conflict in the Secretary-General's periodic reports on DRC to the UN Security Council, as required by the UN Security Council's resolutions relating to children and armed conflict. The unit has also worked closely on the development of the national operational framework for the demobilization of children (see below: Children Associated with Armed Forces and Groups: DDR).

MONUC CPS, UNICEF and others have begun to take first steps towards the implementation of the monitoring and reporting mechanism requested by the UN Security Council Resolution 1612 on children and armed conflict (see below: UN Security Council Actions).

# Refugees and IDPs

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## ■ Refugees/IDPs Overview, 2003:

In 2003, approximately 2.7 million Congolese were internally displaced. While eastern DRC hosted nearly 90 percent of the IDPs, large numbers of people were also displaced in the West and the North. The high mortality rate among the IDPs resulted from food insecurity, malnutrition, disease, unsanitary living conditions and other problems. Similar to other refugee and IDP situations, nearly 80 percent of the displaced were women and children. Lacking access to education, IDP children were extremely vulnerable to recruitment into armed groups. As fighting continued throughout DRC, massive displacement was still ongoing in 2003.

As of 2003, neighboring countries including Burundi, the Republic of Congo, Rwanda, Tanzania, Uganda and Zambia hosted approximately 378,000 Congolese refugees accommodated in refugee camps with varying conditions and services. DRC itself was home to 330,000 refugees from Angola, Burundi, the Central African Republic, Rwanda, Sudan and Uganda scattered throughout the country.

## ■ Update:

As of October 2005, OCHA reported that at least 1.6 million Congolese people remained internally displaced. Despite the decrease in IDP numbers due to IDP returns (see below: IDP Returns), waves of forced displacement are continuing, particularly in the East. At the end of 2005, OCHA reported that an estimated 40,000 people flee their homes in Ituri, North and South Kivu and Katanga every month, due to attacks by armed groups such as militias in Ituri, the FDLR and Mai Mai factions, as well as operations by the Congolese national army against such groups.

According to UNHCR, 319,600 Congolese refugees remained in exile in neighboring countries, as of March 2005. Overall, this marks a significant decrease from the 2003 peak of approximately 3.4 million people displaced.

DRC itself was home to 177,558 refugees from Angola, Burundi, Central African Republic, Rwanda, Sudan and Uganda scattered throughout the country at the end of the first quarter of 2005, according to UNHCR.

## IDPS—ONGOING DISPLACEMENT

In October 2005, OCHA reported a decrease in IDP numbers compared to the previous year, with approximately 1.6 million IDPs. About 95 percent of the IDPs live in six provinces: Orientale, North Kivu, South Kivu, Maniema, Equateur and Katanga. The three provinces with the highest numbers of internally displaced people are North Kivu (502,500), South Kivu (351,500) and Katanga (263,900). Waves of massive displacement are ongoing.

IDPs often struggle to survive in the bush or in other extremely harsh situations with little or no assistance. When possible, UN agencies, national and international NGOs and the International Committee of the Red Cross (ICRC) provide IDPs with food and non-food items, seeds, tools, health care and emergency education, according to the Norwegian Refugee Council's Internal Displacement Monitoring Centre (IDMC). Due to the constant waves of displacement, humanitarians often must scramble to keep up with the needs in all sectors where they are able to reach the vulnerable populations, according to OCHA's June 2005 assessment.

Attacks leading to displacement regularly involve rape, looting and other forms of violence against the civilian population, including children. The following are examples from various areas of eastern DRC.

### North Kivu

In September 2004, renewed fighting in North Kivu forced approximately 20,000 people to flee their villages, seeking safety at a makeshift camp in Ngungu, North Kivu, near Goma.

In December 2004, at least 200,000 local residents fled fighting in North Kivu, many seeking refuge in forests where they had no access to food, clean water or medical help, according to HRW.

In October 2005, at least 10,000 civilians in the area of Kasuo in North Kivu fled their homes due to a firefight between the Congolese national army and Hutu Rwandan militias, according to MONUC.

In January 2006, at least 38,000 civilians, mostly women and children, fled their homes in North Kivu due to intense fighting between the Congolese national armed forces and the militia combatants led by General Laurent Nkunda, near the towns of Bukavu and Rutshuru. The vast majority of these civilians were displaced within North Kivu. According to UNHCR staff on the ground, there were only about 2,000 people remaining in the Kiberezi area out of a population normally approximating 40,000. Some of these people were hiding in surrounding hills and forests, surviving with no shelter, water or food and no possibility of receiving assistance. Approximately 20,000 people

fled into western Uganda, most of who returned to DRC after a few days, according to UNHCR.

### Katanga

In March 2005, nine women were killed and 5,300 civilians displaced from the village of Konga near Mitwaba in Katanga Province, following fighting between Congolese government troops and Mai Mai militias. In addition, several displaced people were mutilated by the Mai Mai militias and 15 homes were burned down.

In May 2005, at least 1,700 people fled attacks by Mai Mai in the villages of Manono, Mpiana, Kayongu and Nkumbu in Kalemie Territory, Katanga Province, according to IDMC. During the attack, the Mai Mai raped eight girls under age 18, raped seven women and burned 11 houses, an OCHA spokesperson stated.

In June 2005, in the fishing village of Sonsa, Mai Mai militias burned houses, looted crops and raped women and girls, causing over 100 residents to flee their village. According to an OCHA spokeswoman, militia raped at least eight girls under 15 years old.

During November and December 2005, approximately 47,000 people were forced to flee their homes and live in deplorable conditions in northern Katanga Province due to a campaign by the FARDC military against local Mai Mai and their leader Gédéon, according to OCHA. In addition to these 47,000 newly displaced people, approximately 75,000 people were displaced between March and September 2005, due to Mai Mai attacks on their villages in Pweto, Mitwaba, Bukama, Malemba Nkulu and Manono, totaling approximately 122,000 IDPs in northern Katanga, according to OCHA.

### Orientale (Ituri District)

IDMC reports that in the first half of 2005, more than 200,000 persons were displaced from Ituri District alone (some temporarily). For example, from the end of December 2004 to March 2005, some 100,000 ethnic Hema Congolese fled the attacks of the ethnic Lendu militias in Djugu, an area north of Ituri's main town, Bunia.

On November 12, 2005, 300 Congolese civilians fled to Uganda's Bundibugyo District after intense fighting erupted between the Congolese Revolutionary Movement and the FARDC in the Ituri region (see below: Ituri District: Focus on Displacement and Violence).

### South Kivu

In December 2003 and January 2004, approximately 20,000 people were forcibly displaced by a wave of attacks near the towns of Bunyakiri and Hombo in South Kivu. The FDLR and

thousands of Rwandan *Interahamwe* gunmen were implicated in the fighting that erupted with the Mai Mai militia.

In June and July 2004, thousands of civilians fled their homes in Uvira Territory in fear of an anticipated attack led by Jules Mutebutsi, then in Bukavu. Approximately 11,000 civilians, including children, fled over the Burundian border into Cibitoke, Rugombo and Bujumbura, according to the Jesuit Refugee Service.

In July 2005, approximately 32,000 civilians were displaced from their homes in Kalonge, South Kivu, following a violent attack by Rwandan militias.

In December 2005, Congolese national army troops regained control of some localities formerly controlled by Hutu militias in South Kivu. The troops went on to systematically loot houses and fields, however, causing extensive displacement among civilians, according to OCHA.

## IDP RETURNS

As of October 2005, more than 1.68 million IDPs returned to their places of origin during the prior 12-month period, according to OCHA. The majority of these IDPs have returned to South Kivu, Katanga (Tanganyika District) and North Kivu.

A significant deficiency in the protection of IDPs is that no overall strategic framework for their return and reintegration has been developed by the national authorities or humanitarian agencies operating in DRC. Most IDPs have returned with little or no assistance. The limited assistance that has been provided has often focused primarily on transport and the distribution of return packages, mainly because of insufficient funding for other projects, such as the rebuilding of infrastructure and basic services in return areas. Insecurity, as well as the size of the country and the broken-down infrastructure, has hampered humanitarian relief for IDPs.

Despite ongoing violence and human rights abuses committed by all parties to conflict in eastern DRC, the option of returning to insecure towns and villages of origin is often more attractive than remaining displaced, either in camps or with a host family, according to IDMC. OCHA has reported that there are pockets of stability where some small-scale recovery projects have begun, and a Watchlist mission to Maniema Province in January 2006 noted similar eagerness for “reconstruction” assistance in some areas.

## REFUGEE RETURNS

According to UNHCR, as of March 2005 there were 319,603 Congolese refugees living outside of DRC.

During the first part of 2005, DRC, with support from UNHCR, worked with both the Central African Republic and the Republic of Congo on respective agreements on the return of Congolese refugees. An agreement with Tanzania was also signed in January 2005 covering the repatriation of 150,000 Congolese refugees from Tanzania.

As of June 2005, OCHA reported the following refugee returns:

- 1,941 from the Central African Republic (UNHCR-assisted);
- 2,460 from the Republic of Congo (UNHCR-assisted and spontaneous);
- 6,366 from Tanzania (spontaneous only).

As of October 2005, the UN reported that it planned to repatriate 1,000 Congolese refugees from Tanzania each week through the end of 2006.

In addition, approximately 100 refugees have spontaneously returned from Angola and 400 from Rwanda.

## MASSACRE AT GATUMBA TRANSIT CENTER

On the night of August 13, 2004, over 152 Congolese refugees, primarily of Banyamulenge origin, were killed by Burundian Hutu rebels of the National Forces of Liberation (FNL) at a refugee camp, the Gatumba Transit Center, located on the border with DRC. UNHCR, which managed Gatumba at the time of the attack, had made several attempts to move the estimated 820 refugees to a safer location deeper inside Burundi, according to HRW's report on the massacre, *Burundi: The Gatumba Massacre: War Crimes and Political Agendas*, 2004. Although UNHCR had contracted 10 policemen from Burundi to provide security in the camp, only six were present on the night of the attack, and they had no means of communication. Following the incident accusations surfaced that the FDLR, Congolese authorities and Mai Mai were partially responsible for the massacre. However, researchers from HRW have been unable to confirm involvement by any of these groups.

According to HRW, the majority of the assailants wore uniforms and carried firearms, with children and women among them. According to a survivor of the massacre interviewed by HRW, some attackers were so small that the butts of the weapons they were carrying dragged on the ground. The majority of the 152 victims were killed by bullets or burned to death. HRW recorded corpses of 15 children who had been burned. An additional 106 people were injured. Most victims were refugee women and children.

## ITURI DISTRICT: FOCUS ON DISPLACEMENT AND VIOLENCE

### ■ Ituri Violence Overview, 2003:

In 2003, the Ituri District of Orientale Province in northeast DRC suffered one of the world's gravest humanitarian and human rights crises as the governments of DRC, Rwanda and Uganda, as well as armed opposition groups and militias, unleashed shocking human rights abuses against civilians, humanitarian workers and each other.<sup>13</sup> Between June 1999 and June 2003, more than 60,000 people were killed and others maimed or severely mutilated. In the same time period, more than 500,000 people were displaced.

Most deaths in Ituri were civilians from the ethnic Lendu community. The UN also confirmed that members of the Hema community had been massacred. In January 2003, MONUC's Special Investigation Team to the Beni/Mambasa area also confirmed systematic human rights violations, including acts of cannibalism and forced cannibalism preceded by mutilation by armed groups in the area. With a rapidly deteriorating situation in the East, the UN Security Council, through Resolution 1484, authorized the deployment of an Interim Emergency Multinational Force, under Chapter VII of the UN Charter, to help stabilize the situation in Bunia.

The litany of violations against children's security and rights in Ituri, usually committed with impunity, included mass killings, systematic rape, abduction, sexual torture, illegal arrest and detentions, forced displacement and other extreme forms of torture and cruelty. According to various reports, children were both perpetrators and victims of the attacks. In February 2003, a local source reported to a Refugees International (RI) interviewer during a visit to Ituri that 75 percent of the UPC's 15,000 soldiers were children under age 16.

### ■ Update:

MONUC reported that at least 8,000 civilians, including children, had been deliberately killed or victims of indiscriminate use of force between January 2002 and December 2003 in Ituri. Countless women and girls were abducted, raped and subjected to sexual slavery during that time. More than 600,000 civilians had been forced to flee their homes, while thousands of children, aged seven to 17, were forcibly recruited into armed groups.

On June 6, 2003, under French command, the European Union deployed an Interim Emergency Multinational Force, codenamed Artemis, to stabilize Bunia city, Bunia airport and two spontaneous IDP camps near the airport. Intended to reinforce MONUC, Artemis was composed of 1,850 troops from nine countries, with France providing the largest contingent. Artemis remained in Ituri until September 1, 2003, when

command was transferred to MONUC, whose mandate extended beyond the city limits.

Following the forceful deployment of Artemis, UPC officials complied with the UN's demands to withdraw from Bunia city. As a result of the relative stabilization that followed, some IDPs began to return home to Ituri district. Between June 2003 and August 2004, OCHA reported that 33 percent or 83,000 of the IDPs from Ituri district had returned home, including over half of the 100,000 IDPs from Ituri who had fled to North Kivu. As a result of these returns, one of the two spontaneous IDP camps closed down in September 2004.

At the same time, many IDPs still refused to return home, citing fear of insecurity, destroyed homes, fear of homes being occupied by armed groups, lack of economic opportunities and general instability, according to OCHA. Violence continued to be widespread and systematic, and carried out in an atmosphere of impunity.

In December 2004, the tempo of violence again picked up as Lendu fighters, allied with the Integrationist Nationalists' Front (FNI), raided Hema villages. They drove an estimated 200,000 children and their families from their homes, according to OCHA, *DRC: Insecurity Creates Food Shortages in Ituri*, April 4, 2005. During the attacks, the Lendu militia burned homes, looted food and animals and destroyed crops, with the objective of changing the ethnic composition of Djugu, according to UN observers and NGOs. OCHA described that approximately 20,000 farming families from Djugu, north of Bunia, were cramped in five IDP camps, completely cut off from any humanitarian assistance.

With the farming families detached from their land, agricultural production plummeted, creating serious deficits for the long-term food security of hundreds of thousands of people, according to OCHA. Meanwhile, 10,000 people, including many children, continued to flood the remaining makeshift IDP camp near the Bunia airport.<sup>14</sup>

The rampages continued into 2005. In February 2005, FNI gunmen attacked a MONUC convoy near Bunia, killing nine Bangladeshi peacekeepers. On July 22, 2005, *Médecins Sans Frontières* (MSF) ceased all medical and humanitarian assistance in the periphery of Bunia district, following the abduction of two MSF staff members, who were released after 10 days of torture and inhumane treatment. In August 2005, MSF released its report *Nothing New in Ituri: The Violence Continues*, explaining that fighters on all sides continued to loot, murder, massacre, kidnap, rape, torture and humiliate civilians.

Based on information collected in a survey of nearly 800 families between March and April 2005, MSF reported that more than one-third of the families interviewed had been victims of at least one violent attack between December 18, 2004, and

March 27, 2005. Children under the age of five were the subjects of at least 10 percent of the reported violent incidents, including murder, torture, rape, kidnapping and humiliation.

MSF also reported that their facilities in Ituri treated more than 3,500 victims of sexual violence between the ages of eight months and 80 years, from June 2003 to June 2005. These attacks included rape with the use of weapons and rape committed by multiple assailants. Armed fighters perpetrated 78 percent of the attacks.

Describing the living conditions for IDPs, MSF reported that because safe areas were so limited, many people had spontaneously gathered in unsuitable camps with dangerously high population density, which increased the risk of epidemics and threatened lives, especially of children under age five. Inside the camps, MSF reported limited access to water and few latrines, conditions that may facilitate the spread of measles and other diseases. As a direct result, MSF treated 1,633 cholera patients during seven weeks in March and April 2005.

MSF reported that a retrospective mortality survey conducted on the outskirts of Bunia in April 2005 revealed mortality rates three times higher for children under age five than the commonly accepted emergency threshold: 4.2-6.5 deaths per 10,000 children per day, compared to two deaths per 10,000 children per day.

Following their withdrawal from activities outside of Bunia, MSF reported that 100,000 people were living in camps outside the town with little or no assistance, stating, "We have returned to the situation as it was in June 2003."

Despite some progress achieved by Artemis and international efforts to bring about stability and provide humanitarian relief, violence and insecurity continued to prevail in Ituri district. According to a report by MSF, *Nothing New In Ituri: The Violence Continues*, 2005, Artemis and subsequent expansion of the MONUC mandate under UN Charter Chapter VII did not change the status quo in the district. While the capital, Bunia, was secured, the periphery and a large part of the region remain subject to the control and assaults of armed groups. Furthermore, the gradual expansion of MONUC and FARDC troops outside of Bunia has had little impact.

# Health

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## ■ Health Overview, 2003:

As of 2003, many health facilities in DRC were not functioning because personnel had fled, supplies were unavailable or buildings had been damaged or deliberately destroyed to intimidate civilians. UNICEF had reported that over 70 percent of the Congolese did not have access to formal health care because they were either too poor to afford it or unable to gain access to the facilities. Health conditions and access to healthcare in the East were reportedly far worse than those in the West.

In 2003, the majority of deaths among children under age five were ascribed to preventable causes: febrile illnesses, diarrhea, neonatal mortality, acute respiratory infections, measles and malnutrition, according to the IRC. Low immunization levels were widespread. IDMC reported 41–42 percent global malnutrition rates among children under the age of five in areas controlled by opposition armed forces and by the Congolese government. IRC noted that conditions had also driven the maternal mortality to the abnormally high rate of 2,000 deaths per every 100,000 births in urban areas. Alarming, 20 percent of adolescent girls, aged 15 to 19, had at least one child, according to UNICEF.

## ■ Update:

Little new information about children and other civilians' access to healthcare in DRC is available since 2003. The war and accompanying breakdown of infrastructure have left the nation largely without drugs, medical equipment and skilled medical personnel and with the national health infrastructure in a state of collapse. The World Bank reported that in 2003 there was only one physician for every 100,000 Congolese. The nationwide life expectancy at birth is just 41.8 years; childhood mortality is at least double the normal rate; and maternal mortality rates are above 1,800 per 100,000 live births.

Heavy fighting in certain areas continues to impede access to health care. For example, in November 2003, the UN Emergency Relief Coordinator and five UN agencies conducted a mission in Walikale Territory, near the border with Rwanda, after heavy fighting by the RCD-G ended a six-month occupation by local Mai Mai. The mission found that only one of the area's 24 health centers was fully accessible. They also reported serious problems in obtaining medical supplies given the area's

poor roads and insecurity. Additionally, they found a very low level of vaccination coverage, less than 21 percent.

In January 2006, heavy fighting between soldiers of the Congolese national army and dissident armed groups in the Rutshuru area of North Kivu led to the evacuation of MSF staff, leaving thousands of civilians trapped in the area with no access to medical care.

Although vaccination campaigns have been carried out since 2003 by UN agencies and partner organizations in some of the areas less affected by conflict, large parts of eastern DRC remain inaccessible and have not benefited from these programs, according to local sources. In September 2005, UNICEF and partner organizations initiated a polio vaccine in eight provinces bordering Angola and the Central African Republic after wild polio virus was detected in Angola in 2005.

Local sources have reported to Watchlist that some women and children are “detained” in medical facilities following treatment if they are unable to pay their medical fees, leading to incidents of patients and corpses being held inside medical facilities until their families are able to settle their debts.

On the positive side, observers have also noted improvements in some areas where international aid agencies are operating. For example, in Fizi, South Kivu, there had been a complete lack of access to health care for a number of years with the collapse of the health system and widespread looting of medicine. In mid-2003, several NGOs began working in the area. MSF reported in 2004 that 26 of the 33 health centers in Fizi were operating, although with great difficulties including an absence of basic medical equipment and supplies. A survey in South Kivu in 2005 indicated that there were signs of a decrease in the prevalence of malnutrition among children, according to the UN System Standing Committee on Nutrition: *Nutrition Information in Crisis Situations: Report Number VII*, August 2005.

## DISEASE

UNICEF reported in February 2005 that DRC has one of the highest under-five mortality rates in the world, with more than 200 out of every 1,000 children dying each year from preventable causes, such as malaria, diarrheal diseases, acute respiratory infections, measles, tuberculosis and others. Children under age five are among the most vulnerable to outbreaks of such preventable diseases.

Outbreaks of disease often emerge because of the unhygienic conditions that displaced people experience in the bush when hiding from the militias and in cramped urban areas where they seek security. For example, in April 2005, the UN reported a cholera outbreak in Kafe IDP camp on the shores of Lake

Albert, east of Bunia, Ituri District. The camp, which hosts approximately 25,000 local residents, had seen an influx of displaced people fleeing the recent rise in militia attacks against civilians. OCHA officials reported that the outbreak quickly spread to two neighboring camps hosting nearly 100,000 people, including many women and children.

In addition to more common diseases like cholera and measles, rarer diseases such as the Marburg and Ebola viruses and bubonic plague continue to threaten children’s lives. In March 2005, a World Health Organization (WHO) team reported a total of 230 suspected cases of bubonic plague, including 57 deaths, in Zobia, Bas-Uélé District, Orientale Province. In 2004, Damien Foundation, an NGO operating in eastern and western DRC, reported 9,798 new cases of leprosy.

## MALNUTRITION

Malnutrition continues to be a leading cause of death among children under five years old in both eastern and western DRC, according to the IRC. The displacement of farmers, the burning of fields and food stocks, tax impositions by armed forces and groups, the destruction of infrastructure and protracted isolation due to insecurity contribute to the widespread malnutrition.

In March 2004, the MONUC Humanitarian Affairs Section found that 44.9 percent of families ate only one meal per day in Gemena, Equateur Province, in northwestern DRC. Among children less than five years old, approximately one-third were found to be experiencing stunted growth; nearly one child in every eight suffered from acute malnutrition and 3 percent from severe malnutrition. In the Rutshuru Territory, North Kivu, World Food Programme supplies of maize-meal reached critically low levels and rations were cut for about 3,180 IDPs as well as for 21,875 persons targeted with safety-net food packages.

In Kalemie, Katanga Province, 10 percent of children aged six months to five years suffered from acute malnutrition and 49.4 percent of children in the same age range suffered from chronic malnutrition, according to a survey conducted by the NGO *Solidarités* in January 2005, *Survey on Nutrition and Retrospective Mortality, Health Zones of Kalemie and Nyemba*. One child out of every five was reported to be in an irreversible state of malnutrition, which would most probably lead to death, according to the survey.

In January 2006, MSF reported that the price of the staple food *manioc* had doubled, while other food items like potatoes and onions could no longer be found in the markets in Dubie and Nyonga, Katanga Province, *Running for Their Lives: Reported Civilian Displacement in Central Katanga, DRC*. As a result of this food insecurity, malnutrition levels were rising, according to MSF. In Mukubu, Katanga Province, MSF reported admitting

20 severely malnourished children each week at its therapeutic feeding center. Furthermore, an MSF nutritional assessment revealed that 33 percent of the 3,500 screened children were either moderately malnourished or at risk.

## DEATH RATES

The crude national mortality rate for both eastern and western DRC is 2.1 deaths per every 1,000 people per month, according to the IRC's 2006 Mortality in the DRC: A Nationwide Survey, Conducted April to June 2004. The mortality rate is 40 percent higher than the reported baseline for the sub-Saharan Africa region. This makes DRC the world's deadliest humanitarian crisis.

Worse still, the crude mortality rates for eastern DRC were significantly higher than those for western DRC, showing the effects of insecurity and violence. In the five most insecure eastern provinces, Orientale, North Kivu, South Kivu, Maniema and Katanga, the crude mortality rate was 93 percent higher than the regional sub-Saharan norm and the under-five mortality rate was 97 percent higher. The four eastern zones, Shabunda Centre, Kalemie, Kalima and Moba, experienced death rates that at a minimum were more than double DRC's pre-war rate of 1.2 deaths per every 1,000 people per month, according to IRC's survey.

The majority of deaths for both eastern and western DRC were caused by easily preventable and treatable illnesses, such

as fever, malaria, diarrhea, respiratory infections and malnutrition. Such diseases counted for more than 50 percent of the nationwide deaths, IRC reported.

Deaths due to violent injury were concentrated in the East, where nine of 15 health zones reported at least one war-related violent death. In addition, 57 percent of the total reported deaths occurred in the 15 health zones that had also reported violent deaths. This suggests that up to 30 percent of deaths could be attributed to violence. By contrast, only one violent death was reported in the West for 2003–2004, in Kalonda East, which borders former rebel-held territory.

In the zones that reported violent deaths, males aged 15 years and older were at greatest risk of being killed and constituted 71 percent of all violent deaths. However, women (18 percent) and girls and boys under 15 years (10 percent) were not exempt from violent deaths. Violent deaths were reportedly caused by shootings, beatings, throat-cuttings and other forms of torture by military forces.

# HIV/AIDS

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## ■ HIV/AIDS Overview, 2003:

According to the United Nations Program on AIDS (UNAIDS) and WHO, some 1,300,000 people in DRC were living with HIV/AIDS in 2002, with a 4.9 percent prevalence rate among adults. Surveys among blood donors in eastern DRC show HIV/AIDS prevalence rates around 20 percent, according to UNICEF's *A Humanitarian Appeal for Children and Women*, 2002.

By the end of 2002, an estimated 930,000 children under 15 years old had lost either their mother or both parents due to AIDS. The HIV/AIDS epidemic affected both urban and rural populations, particularly residents of Kinshasa, Orientale Province, North Kivu Province, South Kivu Province, Maniema Province and the urban centers of Lubumbashi, Likasi and Kolwezi in Katanga Province. The prevalence rate in the eastern part of the country may be higher than in the western areas due to the systematic use of sexual violence during the armed conflict.

The primary causes for the spread of HIV/AIDS were varied. Many causes were connected to the armed conflict such as high presence of soldiers, systematic use of sexual violence and large movements of population. Other causes included lack of access to education and information about how the virus is transmitted.

## ■ Update:

Statistics on HIV/AIDS prevalence reported at the end of 2003 indicate that little new information about the HIV/AIDS situation in DRC is available. According to UNAIDS, WHO and UNICEF, between 450,000 and 2,600,000 adults and children in DRC were living with HIV/AIDS at the end of 2003. This included between 42,000 and 280,000 children under the age of 15. Although these figures could indicate a significant increase since 2002, the large size of the ranges makes it difficult to draw such conclusions. In addition, up to 1,100,000 living children under the age of 17 had lost their mother, father or both parents to AIDS at the end of 2003.

The prevalence rate in eastern DRC may be much higher than in the western part of the country based on data observed during isolated surveillance activities in both areas, according to UNAIDS' country situation analysis conducted at the end of 2003. Systematic use of sexual violence during the war may have played a major role in spreading the epidemic from the military

to the population in the East and vice versa. The medical NGO operating in the East, Doctors on Call for Service (DOCS), reported to have found a 12 percent prevalence rate among women survivors of rape in March 2004. Prevalence among young people in western Congo, however, points to a growing epidemic there as well.

Common estimates state that 60 percent of the combatants involved in the war in DRC are HIV-positive. In addition, the risk for HIV/AIDS transmission during forced or violent sexual intercourse is high because of the likelihood of genital injuries, including tears and scratches. Girls who have not yet reached puberty run an even higher risk of contracting HIV infection as they are more liable than older girls or women to suffer vaginal injuries during rape, according to International Alert (see below: Gender-Based Violence).

A representative from the United Nations High Commission of Human Rights (UNHCHR) also explained that lack of information about HIV/AIDS might cause further spread the infection. For example, some men mistakenly believe that if an HIV-infected adult has sex with a child, he will be cured.

In 2005, the World Bank, through its Multi-Country HIV/AIDS Program for Africa and Global Funds to Fight AIDS, Tuberculosis and Malaria, began supporting a large-scale initiative to provide anti-retroviral treatment to 25,000 people living with HIV/AIDS by 2009. However, weak infrastructure and health systems, poor coordination, insecurity, inaccessibility and poverty due to the armed conflict have hampered this effort. As of March 2005, the program had only managed to reach 4,000 individuals.

# Education

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## ■ Education Overview, 2003:

According to the World Bank, DRC was one of the top five countries in the world with the largest number of children out of school as of 2003. At that time, UNICEF estimated that approximately 50 percent of children of primary school age were completely outside the educational system. Churches and church networks all over DRC had established and run schools, but still, estimates of children who did not have access to education were as high as 70 percent in the East, according to the International Federation of the Red Cross.

According to UNICEF, less than 1 percent of the national budget was allocated to education. Teachers were severely underpaid, and in North Kivu the last time teachers received their state salary of US\$5.82 per month was in 1995. The 15 percent gender gap in school enrollment was explained as a result of several barriers for girls to educational opportunities. For example, the opportunity cost of girls' education was extremely high, considering the prohibitively high fees for schooling and supplies, and girls' regular participation in household and farming duties.

## ■ Update:

Little new information about the status of the educational system in DRC is available. According to UNICEF, in 2005 the outlook on education remained bleak, with 4.6 million children out of school, including 2.5 million girls out of a total estimated 14.3 million girls nationwide.

In Walikale Territory, an interagency UN assessment mission in November 2003 found the territory's education system completely devastated. The team reported that all schools had been seriously damaged, while many had been completely pillaged and destroyed. They found that an estimated 40 percent of school-age children did not attend school at all, with girls constituting a majority of absentees. The team's report also noted that of the eight schools visited, none had a nearby source of running water and only two were equipped with latrines.

The forced recruitment of boys at gunpoint, especially in the most conflict-affected eastern areas of DRC, reduced the number of children in school, according to the *Small Arms Survey 2004*. In addition, the *Small Arms Survey 2004* recorded a survey conducted in Djugu suggesting that armed confrontations have resulted in the destruction of 211 out of a total of 228 schools

since 1999, and that over 60 percent of students (39,600 down to 10,620) and teachers (1,771 down to 701) have left schools.

In mid-2003, the RCD and the Mai Mai in Kalonge, South Kivu, destroyed schools and pillaged school supplies. According to Project GRAM-Kivu, fighters burned the schoolbooks and other school supplies of the local children who were in the midst of preparing for the state exams at the close of the school year.

Attacks on schools and hospitals continued into 2005. AI reported that RCD-Goma troops systematically pillaged and looted schools, hospitals and other buildings in Nyabiondo area in January 2005, AI: *DRC North-Kivu: Civilians Pay the Price for Political and Military Rivalry*, September 28, 2005.

In July 2005, a child in eastern DRC reported to staff of World Vision that each Friday, rather than attending classes, he and his classmates were obliged to work in their teacher's fields.

small subsidies to the nation's teachers and instead called for decent and fair salaries. As a result, the teachers went on strike and schools were unable to open in September as scheduled and a WFP school feeding program, which provided food to over 119,000 students throughout DRC, was also unable to resume. On October 17, 2005, nearly 230,000 teachers resumed work following budgetary negotiations between the union and parliament, facilitated by President Kabila.

Teachers have been extremely underpaid, receiving approximately US\$20 per month, plus an extra US\$10 in transport allowance. In September 2005, the teachers' union demanded salaries in the range of US\$50 to US\$100 per month, although the minimum national salary should be US\$208 per month. The October agreement allowed for an increase in salaries by US\$45 per month for teachers in Kinshasa, US\$21 in Lubumbashi and US\$14 for teachers in other provinces.

## EDUCATIONAL COSTS

Several other factors account for low enrollment rates, high drop out rates and irregular attendance. For example, the high cost of primary education prevents many families from enrolling their children in school. According to the World Bank, the total annual cost for education for one child in DRC is approximately US\$63. Local sources explain that this includes approximately US\$24 for school fees, US\$15 for school materials, US\$10 for school uniforms and US\$15 for shoes. The resulting perception among many children and their families is that schooling is not as profitable as working on the family's land. This is particularly true for parents who are themselves illiterate and do not see the reasons for their children to attend school.

In some cases, parents choose to send their sons, rather than daughters, to school due to their inability to afford schooling for all siblings, causing frustration among girls. Due to insecurity and various violent incidents on the roads to school, many parents keep their children at home rather than sending them to school.

In 2005, UNICEF began an initiative to provide 2.5 million children, of whom at least 50 percent are girls, and 55,000 teachers with educational supplies. Preparing for the new academic year, in August 2005, UNICEF and partners initiated school repairs worth US\$3.3 million and planned to supply 3.25 million children with notebooks, pens and other educational materials.

### Teachers' Salaries

Primary and secondary schools were set to open on September 5, 2005, for the new school year. However, the teachers' union rejected a proposal by the Congolese government to provide

# Gender-Based Violence

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## ■ Gender-Based Violence (GBV) Overview, 2003:

All parties to the conflict in DRC frequently and sometimes systematically used sexual violence and rape as weapons of war, according to Human Rights Watch. Combatants raped women and young girls during military operations and used them as sexual slaves and domestic servants, sometimes for periods of more than a year. Human Rights Watch and others documented extreme brutality against victims of sexual violence. In some cases, women and girls were so badly injured that they required reconstructive surgery. In addition, they were frequently traumatized and stigmatized by the population. Many victims also contracted sexually transmitted infections (STIs), including HIV. The lack of medical services throughout DRC left most victims with little hope for treatment.

## ■ Update:

The victims of rape or other forms of sexual violence in DRC are believed to number in the hundreds of thousands. Precise numbers of rape cases will never be known as many victims do not come forward due to potential repercussions. Determining precise numbers is also complicated by the reality that some girls and women have been raped more than once, at different times and by different forces.

The Joint Initiative on the Fight against Sexual Violence towards Women and Children, which includes the Congolese government, NGOs and the UN, has assembled some statistics, however these statistics do not specify the age of the victims. A representative of the Joint Initiative reported that from the outset of the war in 1998 to 2004, more than 40,000 cases of sexual violence have been recorded. These are as follows:

- 25,000 cases in South Kivu;
- 11,350 cases in Maniema;
- 3,250 cases in Kalemie;
- 1,652 cases in Goma;
- 1,162 cases in Kinshasa.

(Note: these figures are not exhaustive, as the study did not cover vast areas of the country.)

All armed groups continue to perpetrate rape and sexual violence against girls and women. Human rights defenders have documented rape cases of girls and women by RCD-G,

Mai Mai, Burundian FDD/FNL, Rwandan FDLR, RCD-ML, MLC, UPC, FNI, FAPC (People's Armed Forces of Congo), FAC/FARC, Lendu armed groups and others. Identification of perpetrators is often difficult, however, and must generally be treated with extreme caution due to fear of reprisals.

Congolese government security personnel are also implicated in the rape of women and girls. In a case in February 2005, Colonel Bonane, commander of the FARDC's 11th Brigade, admitted in an interview with AI that his troops raped women and girls, especially during an attack on Nyabiondo in North Kivu. He claimed that the violations were committed by undisciplined personnel. In another case, on October 11, 2005, three police officers raped a 14-year-old girl after having detained her on theft charges. According to UN officials, the police officers were later arrested. However, in most instances no action is taken against the perpetrators of rape.

Between February 2004 and June 2005, the local NGO *Bureau pour le Volontariat au Service de l'Enfance et de la Santé* (BVES) documented the rapes of 24 girls, mostly between ages 12 and 18, by the *Interahamwe* and FARDC in South Kivu. In one case, a baby girl aged 14 months was raped by FARDC combatants in September 2004; following the rape, she died of her injuries. The men also raped the baby's mother during the attack.

In December 2005, OCHA logged at least 174 cases of sexual violence perpetrated in Ituri by members of the Congolese national army and armed groups, in addition to at least 40 cases in North Kivu, especially in the Beni area, and 22 cases in Orientale Province, OCHA *Humanitarian Update*, December 2005.

In the past years, there has been an increase in efforts to confront sexual violence in eastern DRC. These have included both programs to assist victims and in-depth research studies on the extent, nature and consequences of the sexual violence in DRC. However, much more needs to be done to provide timely and appropriate medical and psychological treatment for the victims and to end impunity for these crimes.

## SEXUAL VIOLENCE AND SEVERE CRUELTY

In many cases, the rapes documented in DRC are characterized by extreme cruelty, including against young girls and sometimes boys. Attacks comprise individual rapes, sexual abuse, gang rapes, mutilation of genitalia, rape involving the insertion of objects into the victim's genitals, forced rape between victims and rape-shooting or rape-stabbing combinations, at times undertaken after family members have been forced to watch, according to USAID's assessment, *Sexual Terrorism: Rape as a Weapon of War in Eastern DRC*, 2004, and other sources.

Some girls are held in captivity as sexual slaves for extensive periods of time. AI documented the case of Caroline, age 15, from Kindu, Maniema Province. In July 2003, Mai Mai fighters captured, raped and tortured her during the course of two months. She explained that they would tie her and other girls up, whip them and then drop them from trees into the river. She said every morning, noon and evening, they would put all the girls in the same house, force them on the ground and rape them all in the same room at the same time. During the rapes, the fighters would hit and kick the girls in the face, stomach and back. In addition, girls were starved by their Mai Mai captors and only survived by drinking the water they could find on the ground.

In late June 2005, a soldier of the ex-FAR/*Interahamwe* entered a village in the Uvira Territory of South Kivu Province and raped two sisters, Bahati, age 10, and Feza, age nine. The soldier raped the girls as they were returning to a field to help their mother transport cassava. A local NGO following this case reported to Watchlist that both girls suffered serious injuries but were unable to reach the nearest hospital in Lamera for appropriate care because of their family's lack of resources. With assistance from the local organization, the alleged perpetrator was identified and located and the case has been reported to local authorities. However, at the time of writing, the authorities had not taken any action to apprehend the perpetrator or seek justice for the rapes.

According to an assessment conducted by USAID, one doctor in Panzi Hospital, Bukavu, explained that attackers encircle villages and rape the women publicly and collectively, including children and the elderly. The assessment found that victims of sexual violence range in age from as young as four months to 84 years. Most rapes and sexual violence seem to be planned in advance, according to *Women's Bodies as a Battleground: Sexual Violence against Women and Girls during the War in the Democratic Republic of Congo, South Kivu* (1996–2003), a comprehensive study covering the period from 1996 to 2003, released in 2005 by International Alert, together with two local NGOs working to support victims of sexual violence in eastern DRC, *Réseau des Femmes pour un Développement Associatif* and *Réseau des Femmes pour la Défense des Droits et la Paix*.

The following are several documented examples typical of rape and sexual violence against girls:

- In December 2004, a 10-year-old girl, Josephine, was raped by two RCD-Goma soldiers when they discovered her hiding in the forest near Nyabiondo. During the same attack, 10 RCD-Goma soldiers raped a mother and her 12-year-old daughter, Colette, in front of their entire village near Nyabiondo. After the rapes, the soldiers abducted Colette, claiming that she was their possession (AI: *North Kivu: Civilians Pay the Price for Political and Military Rivalry*, September 28, 2005).

- During fighting in North Kivu in 2004 and early 2005, soldiers shot and raped the mother and father of a 10-year-old girl, Aurelie, in front of her and then gang-raped her. In a personal account to AI, the girl could not determine the number of soldiers involved in the rape (AI: *Arming the East*, 2005).
- In Masisi town in early 2005, HRW researchers encountered a 12-year-old girl whose feet were badly swollen from weeks of walking through the forest with her sister. She recounted that when the Congolese soldiers arrived in her village in North Kivu, she ran away after four women and her young cousin were raped in front of her (HRW: *Civilians Attacked in North Kivu*, 2005).
- In early July 2005, an officer of the Mai Mai's 17th Brigade raped a 13-year-old girl named Apendeki in a village in Fizi Territory. The girl was treated for her injuries at the Swima health center. A local child protection network has brought the case to the attention of local authorities; however, no action has been taken to investigate the alleged perpetrator (reported to Watchlist by a local NGO in Uvira Territory, July 2005).
- An 8-year-old girl was raped by uniformed soldiers near Goma while she was picking cabbage in her family's field. Following the rape, she was brought to a private hospital in Goma, run by DOCS, where she received physical and psychological care (Refugees International, DRC: *Local NGO Works to Heal Victims of Gender-Based Violence*, November 16, 2005).
- During the night of November 25, 2005, three FARDC soldiers in a military camp in Kisangani, Orientale Province, gang-raped an 11-year-old girl. According to MONUC's Human Rights Section, the girl was tied with an electric cable and repeatedly raped by the three soldiers (MONUC Human Rights Division, January 23, 2006).

During the fighting in Bukavu in May and June 2004, hundreds of girls and women were raped by the renegade RCD-G fighters led by General Nkunda and Colonel Mutebutsi, with alleged support from the Rwandan national army. HRW documented numerous cases in *Seeking Justice*. The following are a few examples:

- On June 3, dissident fighters entered a home where four teenaged girls were hiding. They found the girls, demanded money and then raped them each multiple times.
- On June 3, six fighters gang-raped a woman in front of her husband and children, while another soldier raped her 3-year-old daughter.
- On June 4, six fighters raped two 3-year-old girls who were hiding with other women and girls.
- Fighters under Nkunda's command committed rape in villages outside of Bukavu, such as the rape of three sisters,

aged 13, 14 and 18, in their family's field. The 13-year-old died of wounds suffered while four men raped her, spreading her arms and legs and holding her down.

## FATE OF SURVIVORS OF GBV

According to International Alert's *Women's Bodies as a Battleground*, 2005, the majority of women and girl victims of rape suffer vesico-vaginal or recto-vaginal fistulas or a prolapsed uterus, which require surgery; venereal diseases, which can lead to sterility if left untreated; and HIV infection (see above: HIV/AIDS). However, 70 percent of the victims interviewed in the study had not received medical treatment after being raped. Some had decided not to go to health centers so as not to reveal what had happened; others were not able to reach functioning health centers due to the nation's broken-down health system. As a result, many young and older survivors of sexual violence rely on traditional medicines or medicinal plants. This study was based on extensive data obtained from detailed interviews with 492 women and girl survivors of rape and from the examination of files relating to 3,000 victims of rape and sexual violence kept by local organizations.

Following rape, many girls and women are abandoned by their husbands and ostracized by their families and communities, condemning them and their children to lives of poverty, according to AI's *Mass Rape: Time for Remedies*, 2004. Unmarried girls who are raped have little prospect of getting married, as entire families are deeply shamed by association. Parents will not receive a dowry for daughters who have been raped. Rape of young girls is essentially a "social murder," according to the USAID assessment *Sexual Terrorism: Rape as a Weapon of War in Eastern DRC*. Girls with HIV or suspected of being HIV positive have extremely low chances of getting married, which casts a grim shadow on their futures given the social context.

Girls and women who become pregnant as a result of rape are often also subject to extreme social pressure. The children of these rapes are commonly referred to as *mutoto wa haramu*, which generally means delinquent or without good manners, in reference to the man or men who perpetrated the rapes. Some girls and women who were already pregnant when they were raped have suffered immediate or delayed miscarriage, neonatal death or an infant with congenital abnormalities, according to MSF, *"I Have No Joy, No Peace of Mind": Medical, Psychological, and Socio-Economic Consequences of Sexual Violence in Eastern DRC*, April 2004. One rape survivor in Fizi Territory told MSF that she was eight months pregnant when she was violently gang-raped, and although the baby survived, he is constantly sick.

AI's *Mass Rape* indicates that in some areas of eastern DRC, the climate of stigmatization and exclusion is slowly improving. Because rapes have been so extensive in some areas, including

male rapes, virtually no family has been left untouched. This has helped to alleviate some of the traditionally harsh attitudes towards rape survivors.

## PSYCHOSOCIAL CONSEQUENCES OF SEXUAL VIOLENCE

Survivors of rape also suffer psychosocial consequences. Of the 492 interviewees in International Alert's study among women and girl survivors of rape in South Kivu, 91 percent claimed that they were suffering from latent fear, shame, self-loathing, excessive sweating, insomnia, nightmares, memory loss, aggression, anxiety, sense of dread and withdrawal into themselves. Interviewees also reported fear of having contracted HIV/AIDS or other sexually transmitted infections (STIs) and found it extremely difficult to return to their regular sexual relations.

According to the USAID assessment *Sexual Terrorism*, fear of sexual violence is at least partially responsible for malnutrition in some areas of DRC, because women are afraid to work in their fields. Fear of sexual violence also interrupts children's education when parents keep their children at home to avoid attacks.

## BOYS AND MEN

Boys and men in increasing numbers are also reporting having been sexual assaulted by combatants, according to HRW, AI and others. AI reports in *Arming the East* the rape of boys, accompanied by other acts of extreme violence, including bayonet or gunshot wounds to the genitals of the victims. According to HRW, few male victims have given detailed statements about attacks they have suffered. However, several male victims have sought treatment at centers assisting victims of sexual violence. MSF reports that at its clinic for survivors of sexual violence in Baraka, Fizi, South Kivu, the youngest patient has been a 10-year-old boy who was raped by an armed man, while his mother was raped by two others, *"I Have No Joy, No Peace of Mind": Medical, Psychological, and Socio-Economic Consequences of Sexual Violence in Eastern DRC*, 2004.

## SEXUAL EXPLOITATION AND ABUSE (SEA) OF GIRLS BY MONUC PERSONNEL

### ■ Sexual Exploitation and Abuse by MONUC Overview, 2003:

MONUC strictly prohibits any act of sexual abuse and/or exploitation by members of its military and civilian components. In December 2002, the UN Special Representative of the Secretary-General circulated a memorandum clarifying

MONUC's policy on prohibition of sexual abuse and/or exploitation. Among the prohibited activities are any exchange of money, goods or services for sex, and sexual activity with persons under age 18.<sup>15</sup> In 2003, Watchlist reported that UN sources had stated that rumors of abuse and sexual exploitation of women and girls by MONUC personnel circulated regularly. However, confirmed information was limited and few formal complaints had been lodged with MONUC.

### ■ Update:

In mid-2004, international news reports began to surface regarding allegations of sexual misconduct by MONUC military and civilian personnel with young girls and women in Bunia, Ituri District. On December 17, 2004, in "Congo Peacekeeper Sex Scandal: Investigators Said to Be Threatened," the *New York Times* exposed a confidential 34-page UN investigation detailing dozens of allegations of sexual misconduct by peacekeepers from Morocco, Nepal, Pakistan, South Africa, Tunisia and Uruguay.

The following day, the *New York Times* ran a second piece explaining that allegations leveled against the UN included sex with underage girls, sex with prostitutes and rape, "In Congo War, Even Peacekeepers Add to Horror," December 18, 2004. In addition, the *New York Times* reported that the confidential UN investigation found that MONUC personnel paid US\$1 to US\$3 for sex or bartered sexual relations for food or promises of employment. Approximately 150 allegations had been uncovered.

Subsequently, the UN Office of Internal Oversight Services (OIOS) began an investigation into the allegations. On January 5, 2005, the OIOS released its report on the investigation of May 2004 into allegations of sexual exploitation and abuse by MONUC (A/59/661). According to the OIOS report, the problem of sexual exploitation and abuse of Congolese girls and women by MONUC personnel was serious and ongoing. It explained that through interviews with Congolese women and girls, OIOS confirmed that sexual relations with peacekeepers occurred with regularity, usually in exchange for food as meager as two eggs or a packet of milk, or small sums of money.

The OIOS investigated a total of 72 allegations; however, many lacked names and specific details, leading to quick dismissal of several cases. Of the 72 allegations, 68 involved military personnel and four involved civilian personnel. In addition, the investigation was hampered by lack of cooperation by some military contingents and difficulty obtaining access to some survivors and witnesses. In total, OIOS developed 19 cases against military personnel and one case against an international civilian post. Most of the cases confirmed by the OIOS team involved girls under the age of 18, including five girls between the ages of 11 and 14.

The report explains that for most of the younger girls, having sex with peacekeepers was a means of getting food and sometimes small sums of money. In addition, Congolese boys and young men often facilitated sexual encounters between girls and peacekeepers in return for food or small sums of money for their services.

OIOS identified the following factors as contributing to MONUC personnel's sexual exploitation of the local community:

- poverty affecting the general population, especially the IDPs at the camp;
- food insecurity of the general population;
- idleness among children not attending school;
- erosion of family and community structures;
- discrimination against women and girls;
- insecurity of the perimeter fencing, encouraging interaction between the military and the general population;
- inadequate patrols by military police and insufficient enforcement of military discipline;
- absence of any programs for off-duty peacekeepers;
- lack of a prevention program in MONUC against sexual harassment and abuse;
- lack of facilities and programs aimed at protection of vulnerable populations.

In addition, OIOS reported that few military or civilian staff seemed aware of the directives, policies, rules and regulations governing sexual conduct that they were obligated to follow. OIOS reported that the investigators found “freshly used condoms” littering guard posts and command centers in Bunia during their investigation.

The OIOS report does not specify the nationality of the peacekeepers accused or found guilty of sexual abuse and exploitation of girls and women. Rather, it states that the UN Department of Peacekeeping Operations has provided the report to relevant troop-contributing countries under whose jurisdiction legal action must be taken. It also explains that due to troop rotation, many of the peacekeepers implicated in these activities have not been held accountable for their actions.

In February 2005, six Moroccan peacekeepers were arrested for alleged sexual abuse. In July 2005, six Nepali soldiers who had served in Bunia were sentenced to three months in prison for sexual abuse. This is the first publicly known case in which soldiers who have returned home have been prosecuted and sentenced for crimes committed while on duty as UN peacekeepers, BBC, “Nepal Troops Jailed for Sex Abuse,” July 22, 2005.

In September 2005, the government of Nigeria removed from DRC an entire Nigerian police contingent of 120 officers and

barred them from participating in any future peacekeeping operations after 10 policemen and a senior officer were accused of sexual abuse while serving in DRC. As of September 2005, the contingent is facing 19 cases of sexual abuse, and immediate investigations have so far corroborated 11 of those cases, including one case against the commander himself.

## New Regulations against SEA

In February 2005, MONUC issued its landmark Code of Conduct on Sexual Exploitation and Sexual Abuse, which strictly prohibits all MONUC personnel from engaging in the following acts:

- any act of sexual abuse and sexual exploitation, or other form of sexually humiliating, degrading or exploitative behavior;
- any type of sexual activities with children (persons under the age of 18 years)—mistaken belief in the age of a person is not a defense;
- use of children or adults to procure sexual services for others;
- exchange of money, employment, goods or services for sex with prostitutes or others;
- any sexual favor in exchange of assistance provided to the beneficiaries of such assistance, such as food or other items provided to refugees;
- visits to brothels or places that are declared off-limits.

According to the Code of Conduct: “Any violation of the Code will be considered as serious misconduct. SEA activities will be investigated and may lead to drastic disciplinary measures, including suspension, immediate repatriation or summary dismissal. Immunity, when it exists, will be waived by the Secretary-General should this immunity impede the course of justice.”

In March 2005, MONUC established the Office for Addressing Sexual Exploitation and Abuse (OASEA), mandated to address all questions of sexual exploitation and abuse by MONUC personnel. According to sources inside MONUC, from December 31, 2004, to October 31, 2005, the OASEA concluded a total of 111 investigations on allegations of sexual exploitation and abuse against 155 members of MONUC and confirmed allegations against 68 individuals. The investigations have involved a wide range of offenses, such as prostitution, sexual abuse or exploitation, trading sex for a promised job offer and rape. These allegations concerned 60 victims, among which 15 were under 18 years old. Following the OASEA investigations, the MONUC staff have been dismissed, reprimanded, charged, suspended, and repatriated for disciplinary reasons. OASEA closed in November 2005, when investigations were taken over by the UN's Office of Internal Oversight Services in New York.

# Trafficking and Exploitation

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## ■ Trafficking and Exploitation Overview, 2003:

In 2003, Watchlist reported that DRC was a significant country of origin for trafficking in persons. Congolese women, presumably including adolescent girls, were trafficked to Europe, mainly France and Belgium, for sexual exploitation. Boys were known to be trafficked by Ugandan troops and rebel groups for military service. Prostitution involving women and girls was widespread in DRC and in some camps for Congolese refugees in neighboring countries. Within DRC, many children worked for their families and various reports stated that some were traveling more than 10 kilometers on foot to look for and transport food and other provisions.

Local civilians, including children, had been conscripted by military forces in different regions as forced laborers for the extraction of natural resources. In addition, girls and boys all over DRC had been accused of witchcraft or sorcery. When this was reported in 2003, the phenomenon was relatively new and described as the likely result of the breakdown of family and community structures due to war and poverty.

## ■ Update:

Watchlist has continued to receive reports about ongoing exploitation of children, such as forced labor, forced involvement in the exploitation of natural resources, trafficking for sexual purposes, prostitution, accusations of sorcery and others. In addition, children continued to be abducted by armed groups and forces for various purposes.

Project GRAM-Kivu reported in its publication *Tujuwe Zaidi*, No. 014, May 2005, that the Mai Mai's 1,012th battalion based in Cifunzi had abducted several children and was making their release conditional on payment of money by their parents. Project GRAM-Kivu reported the names of four children, ages 12, 14 and 16 and including one girl, who were being held under these conditions.

One local source reported to Watchlist that since 2004, the FDLR/*Interahamwe* and Rastas have kidnapped several dozen young and adolescent girls in Walungu, Kabare and Bunyakiri, in order to sell them to other combatants in exchange for cows or gold in public markets, such as the market in Nindja village, South Kivu.

After the takeover of Mbuti and Walikale by the FARDC in December 2004, *Comité des Observateurs des Droits de l'Homme* (CODHO/Nord-Kivu) reported that many women and young girls had been victims of exploitation when the FARDC soldiers passed through the area en route to their posts in Mushaki. The following are two additional examples of exploitation and abuse of children by Congolese government forces documented by CODHO/Nord-Kivu:

- In the village of Kibua, three girls were taken hostage to transport pillaged objects from different villages for soldiers from the 91st Brigade of the national army. A resident of Misau heard the cries of these young girls, who had been raped several times.
- A 16-year-old boy named Bonane was forcefully abducted and made to transport pillaged objects to Chabunda.

## CHILDREN ACCUSED OF SORCERY

Reports of children, especially girls, being accused of witchcraft and sorcery have continued. Child protection workers in DRC report that this phenomenon is exacerbated by the breakdown of traditional family structures and communities due to the protracted armed conflict. Parents and relatives often blame family crises on atypical personal characteristics of their children, such as strange physical appearance or behavioral manners attributed to normal phases of child development. This is explained in a 2005 comprehensive report on the phenomenon of children accused of sorcery in DRC by Save the Children-UK, *L'Invention de l'Enfant Sorcier en République Démocratique du Congo*.

Accusations of sorcery are connected to the strong belief in the existence of a “second, invisible world” in many Congolese communities. Regardless of the level of education, Congolese people often believe in the ability of child-witches to travel to an invisible world at night and cause trouble, explains Save the Children.

The rapid development of revivalist churches in DRC is also intimately linked to sorcery accusations against children, according to Save the Children, as the churches encourage belief in invisible negative forces as causes of evil and poverty. Churches are then presented to communities as protection tools against these forces. Families are encouraged to look for signs of sorcery in their women and children and then to engage in exorcism rituals. All of the revivalist churches visited by researchers from Save the Children provided “exorcism” services or “deliverance” services for a fee, the report states.

Furthermore, various investigations have revealed that revivalist churches regularly retain children as hostages when their families do not pay “deliverance” fees. In some instances, children are

detained in extremely harsh conditions, such as deprivation of drinking water and beds, and in poor hygienic conditions. Some researchers have witnessed children in chains, according to Save the Children.

A *New York Times* report on children accused of sorcery in DRC recounted the case of a young girl aged seven whose father, accusing her of witchcraft, tossed her into the river to drown her before she was rescued by a gang of street children who brought her to an orphanage in Kinshasa, “Hopes and Tears of Congo Flow in Its Mythic River,” April 2004. Children accused of sorcery may be beaten, forced to swallow herbs, drink gasoline or undergo “exorcism” through revival churches, according to the report. Many of these children end up living on the streets, in gangs or in orphanages.

In one case documented by Save the Children, a 15-year-old girl and her friends were accused of sorcery by a male peer, after refusing his sexual advances. Following the accusations, the girls fled their village to join the RCD-G with the objective of seeking revenge.

In late June 2005, in Fizi Territory in South Kivu Province, a mother attempting to use sorcery to overcome an argument with her husband threw her 6-month-old baby boy, Wilondja, into a latrine, according to a report submitted to Watchlist from Ajedi-Ka, a local NGO operating in the area. A medical assistant of the local battalion rescued the child. The mother and father of the child were subsequently arrested.

According to a 2005 study *Urban Security in Kinshasa: A Socio-demographic Profile of Children in Distress*, almost half of the children living in shelters in Kinshasa reported having left their homes after being accused of sorcery. As a 13-year-old girl described to the investigator: “My father did not want to see me at home. He chased me to go and get rid of sorcery. I was beaten up and tortured. The situation became such that I ran away to protect myself.”

## FORCED LABOR

The first news report of forced agricultural labor surfaced in August 2003. Over 100 civilians of the Hema tribe, including women and children, were reportedly deported to “labor camps” organized by the Lendu militias near Fataki, 80 kilometers north of Bunia in Ituri District, and forced at gunpoint to carry out agricultural labor, according to IRIN, *DRC Fataki Civilians Being Held in Labor Camps*, August 27, 2003. The militias reportedly abducted the prisoners during fighting that occurred in the area in July and August 2003.

In early June 2005, a soldier of the local Mai Mai battalion in a village of Uvira Territory allegedly tried to force a 10-year-old boy,

Masumbuko, to transport cassava to the military camp, according to a local NGO operating in the area. However, the boy was busy with another task at the time, refused to follow the orders and was subsequently arrested by the armed combatant. After an intervention by local leaders, the boy was released. However, he was slapped and severely intimidated by the armed combatants while in custody and suffered emotional strain after his release.

A Mai Mai officer arrested a 17-year-old boy named Kitumaini in a village in Uvira Territory, in early June 2005, after the boy refused to draw water for the military stationed there, a local NGO operating in the area reported to Watchlist. The Mai Mai fighters in the camp severely tortured the boy while holding him in detention and released him only after a large fine was paid for his release.

## EXPLOITATION OF NATURAL RESOURCES AND VIOLATIONS AGAINST CHILDREN

### ■ Exploitation of Natural Resources and Violations against Children Overview, 2003:

Since July 2001, the UN Security Council had been receiving extensively documented reports from a panel of independent experts on the illegal exploitation of natural resources in DRC. The panel of independent experts and others have explained that armed combatants were driven by a desire to control

resources and finance their operations by riches gained from the exploitation of key mineral resources: cobalt, coltan, copper, diamonds and gold. Local and foreign actors have also been implicated in the exploitation of natural resources in DRC. In 2003, the panel of independent experts named 85 international business enterprises based in Africa, Asia, the Caribbean, Europe, the Middle East and North America that violated the guidelines for multinational enterprises of the Organisation for Economic Co-operation and Development (OECD).<sup>16</sup> The Congolese government officially launched its national diamond certification program on January 7, 2003, as part of its participation in the Kimberly Process Certification Scheme, which intended to limit the illicit exploitation of diamonds.<sup>17</sup>

In 2003, Watchlist reported that forced displacement, killings, sexual assaults and abuse of power for economic gain were directly linked to armed groups' control of resource extraction sites or their presence in the vicinity. The use of children as forced laborers was also named as a key component in the illicit exploitation of natural resources. Watchlist reported on the use of children as stone-crushers, commonly called *Twangeuses*, to make gravel in quarries. When crushed, coltan, which is used in electronic devices, may pose a health risk due to increased exposure to radioactivity. Sexual exploitation of women and children was also occurring in and near coltan mines.

### ■ Update:

Despite the weak response from the UN Security Council to the panel reports, it remains undeniable that the economic interest

## STREET CHILDREN

Street children are common in Kinshasa and other urban centers due to the breakdown of familial and communal structures resulting from decades of violent conflict in DRC, according to the 2005 study, *Urban Security in Kinshasa: A Socio-demographic Profile of Children in Distress*. According to the study, it is impossible to determine the precise number of street children in DRC.

The study reports that 33.3 percent of street children who participated in the study left their parental homes in search of freedom and autonomy. Nineteen percent said they left due to accusations of witchcraft and resulting ill treatment. Others left due to peer pressure, fear of parental correction and family antagonism. Ninety-three street children participated in this study, together with seven adults who work in shelter or detention homes. The study was conducted in Gombe, Kalamu, Kasa-Vubu and Masina.

The study also found that 52.3 percent of the street children were brutally treated by other street children when they first

ended up on the streets. The majority of street children in the survey expressed willingness to commit acts of violence. One child stated, "I would accept being enrolled in an armed movement because I can't see anything of interest in what I am doing now."

Before and during voting on the constitutional referendum in 2005, some police brutalized street children during their efforts to control protests and disruptions related to the elections. In one example, in Tshikapa, in Kasai Orientale Province, police made massive arrests on street children, in June 2005, resulting in loss of life, allegations of torture and arbitrary arrest, according to MONUC, *Children and Elections*, 2005.

Military authorities, judiciaries, police and NGOs confirm that the arrests were part of preventive measures ordered by the mayor to "clean the streets" because of fears that street children could be manipulated into supporting or participating in the protests and disruptions surrounding the elections.

in maintaining military control over eastern DRC's rich natural resources is fueling ongoing violence and human rights abuses in eastern DRC, according to Global Witness.

For example, the illegal mining and trade of cobalt in southern Katanga Province is directly responsible for exploitation of young people. Some 60,000 young men and boys work in appalling and dangerous conditions as miners in southern Katanga, seeing no benefit from the high cobalt prices driven by increased international demand for the metal used in batteries of small mobile phones and video games, according to Global Witness, *Rush and Ruin: The Devastating Mineral Trade in Southern Katanga, DRC*, 2004. The miners gather mineral soil by hand without any safety equipment for as little as US\$1 per day. This is in stark contrast to the huge profits made by the companies exporting the raw minerals to China and elsewhere, according to Global Witness. Boys as young as seven are working as miners in Katanga, and many of the young men and boys have left school, dropped out of university or abandoned agriculture to join the "cobalt rush," *Rush and Ruin*, 2004.

Since early 2004, a new, massive increase in the international demand for cassiterite, or tin ore, has led to increased exploitation, smuggling and human rights violations connected to the exploitation of this mineral, particularly in the Walikale area of North Kivu, according to Global Witness, *Under-Mining Peace: Tin: The Explosive Trade in Cassiterite in Eastern DRC*, 2005.

AI has also reported that killings, torture, use of forced labor, including child workers, and displacement of populations have taken place in context of exploitation of natural resources. In one example, AI described that commanders of armed groups may order troops to shoot, kill and provoke mass displacement in order to facilitate access to extraction of natural resources. AI has also reported that armed bandits force children and other civilians to mine gold, diamonds or other minerals at gunpoint or extort money from communities working in and around mines.

In June 2005, HRW published *The Curse of Gold*, documenting how local armed groups fighting for control of gold mines and trade routes have committed war crimes and crimes against humanity, using profits from gold to fund their activities and purchase weapons. The following are two examples of such crimes against children documented by HRW:

- A young gold-trader tortured for failure to pay taxes to the FNI armed group: "There I spent two days in a hole in the ground covered by sticks. They took me out of the hole to beat me. They tied me over a log and then they took turns hitting me with sticks—on my head, my back, my legs. They said they were going to kill me."
- A witness to forced labor: "The FNI combatants come every morning door-to-door. They split up to find young

people and they take about 60 of them to the river to find gold... They are forced to work. If the authorities try to intervene they are beaten. They even force younger children to leave school to carry sand or transport goods."

# Landmines and UXO

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## ■ Landmines and Unexploded Ordnance (UXO) Overview, 2003:

DRC acceded to the Mine Ban Treaty on May 2, 2002. However, as of 2003 landmines were still in use by various parties to the armed conflict. In addition to Congolese government forces and opposition forces, troops from Burundi, Rwanda, Uganda and Zimbabwe had long been alleged to use mines in DRC, according to the International Campaign to Ban Landmines's *Landmine Monitor 2003*.

Mines had been planted in or around markets, airports, agricultural zones, hospitals, pathways, roads and houses, limiting access to civilian areas and ultimately inhibiting distribution of humanitarian assistance. Children were particularly threatened by these circumstances. As of 2003, insecurity and limited infrastructure had made comprehensive data collection on landmine injuries and deaths impossible and no national landmine impact survey had been conducted.

## ■ Update:

### CONGOLESE GOVERNMENT

The *Landmine Monitor* has not reported new use of mines by the Congolese government since 2002. In 2003, the Council of Ministers approved the draft implementation law for the Mine Ban Treaty, but Parliament has not yet adopted the law. Plans announced by the Congolese government to conduct an inventory of mine stockpiles have not been carried out. Under the Mine Ban Treaty, DRC is required to destroy stockpiles as soon as possible, but no later than November 1, 2006. In addition to lacking a stockpile destruction plan, as of mid-2004 the Congolese government did not have a national mine action plan or a mine risk education plan, according to the *Landmine Monitor 2004*. The government does not have a national budget for mine action.

### NON-STATE ARMED GROUPS

The *Landmine Monitor 2004* reported ongoing small-scale use of mines by non-state armed groups in 2003 and 2004. For example, in 2004, the national army accused insurgent troops of Colonel Jules Mutebutsi and General Laurent Nkunda of new

mine use when their forces overtook Bukavu, South Kivu in June 2004. Additionally, when the forces were expelled by the national army, they fled to Kamanyola, 40 kilometers south of Bukavu, and reportedly mined the connecting road. In another example, a MONUC team was shot at during a mine presence verification mission in Kamanyola on June 20, 2004, according to the *Landmine Monitor 2004*.

Mines were also discovered in North Kivu, near the Rwandan border, during clashes in April 2004 between the Congolese national army and the exiled Rwandan Hutus, according to the *Landmine Monitor 2004*. The Congolese government has accused the Rwandans of planting the mines. In January 2004, a high-level UPC official told the Landmine Monitor that his movement had received important military support from Rwanda, including antipersonnel mines, as recently as August 2003.

According to the *Landmine Monitor 2004*, 27 villages in Ituri contain mined or suspected areas. However, this has not been verified by technical surveys.

## ASSESSMENT AND CASUALTIES

No nationwide survey or assessment of the landmine problem has been conducted in DRC. The size of the country, broken-down infrastructure, inaccessibility of certain areas and insecurity continue to pose major obstacles to properly conducting such a survey, according to the *Landmine Monitor 2004*.

In 2002, UN Mine Action Service established in Kinshasa the Mine Action Coordination Center (MACC), which began collecting data on mine/UXO casualties in DRC. In 2003, the MACC recorded 246 landmine casualties, followed by 52 casualties in 2004 and 26 casualties in 2005. The MACC database contains 1,770 mine/UXO victims from 1964 to 2005. At least 207 of these were children under age 15, including 143 boys and 64 girls.

The MACC database includes casualties reported in all 11 provinces, with most recorded in six provinces, including South Kivu, Equateur, Katanga, Maniema, North Kivu and Orientale. Information is collected from 24 organizations, including MONUC, hospitals, NGOs and ICRC. Although significantly more mine/UXO cases are being reported, these figures are still believed to be extremely understated.

A socioeconomic impact survey conducted between April 2004 and March 2005 by DanChurchAid and its local partner, *Église du Christ au Congo*, in the Tanganyika District in northern Katanga, recorded 136 areas containing UXO and 83 containing mines, *Humanitarian Mine Action and HIV/AIDS Program in DR Congo*, March 2005. The survey found that people living in areas with mines/UXO have hampered access to wood collection,

livestock farming and cultivation activities. In addition, hunting, fishing, farming, transportation and other activities were hampered due to mining of roads and paths. The DanChurchAid survey also recorded 139 mine/UXOs casualties and 42 percent of these were children under the age of 18.

The *Landmine Monitor 2004* reported that, due to the deteriorated healthcare infrastructure in DRC (see above: Health), two out of three casualties reportedly die because of lack of appropriate assistance. The existing referral hospitals are often far from mine-affected areas.

## MINE ACTION

Since the end of 2002, over 1,300,000 square meters of land have been cleared by a private South African firm on behalf of MONUC, including airstrips in Bunia, Kananga, Kindu, Kisangani and Manono, as well as a road between Bunia and Beni. In addition, mine clearance training is being conducted.

While no nationwide mine risk education (MRE) program exists for children or other civilians, several international organizations are providing MRE programs. In total, the *Landmine Monitor* identified approximately US\$3.79 million being used for mine action in DRC in 2003. In addition, the European Commission provided approximately US\$1.12 million for mine clearance in 2004.

# Small Arms

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## ■ Small Arms Overview, 2003:

The war has primarily been fought with small arms. Millions of small arms were in circulation as of 2003, particularly in eastern DRC. An estimated one in every eight households in eastern DRC had experienced a violent death since the start of the war, according to IRC's 2001 survey. Approximately 80 percent of these deaths were women and children. According to reports from Pax Christi International, a complex network of channels through neighboring countries fueled the heavy presence of small arms in DRC. In 2001, the UN Group of Experts reported that armed groups, motivated by the desire to control and profit from natural resources, financed their armies with the illicit exploitation of these resources. Businessmen or soldiers may have also brought in new supplies from foreign armies.

## ■ Update:

Recent information indicates that widespread availability of arms throughout DRC continues to spawn insecurity and violence and to threaten the nation's fragile peace process. AI has expressed special concern about large-scale arms deliveries to the region and into DRC, specifically originating from Albania and Bosnia among other places, AI, *Democratic Republic of Congo: Arming the East*, 2005.

Lack of state control in the East of the country, including extremely limited border, airspace and administrative controls, allows ongoing use of air, water and land routes for extensive smuggling of arms and ammunition, according to the All Party Parliamentary Group on the Great Lakes Region, *Arms Flows in Eastern DR Congo*, December 2004. Weapons are brought into DRC clandestinely at night, on foot or by bicycle or vehicle. Some are even stripped down and transported in coffee bags, according to an interview with researchers who conducted a survey for Pax Christi International on small arms in Aru, Isiro, Bunia and Mahagi in 2003. In addition, traders and dealers from DRC also cross the Congo River and buy weapons in the western neighboring Republic of Congo. According to the *Small Arms Survey 2003*, the street price of a weapon in Kinshasa (2001) was US\$200.

## HUMAN RIGHTS VIOLATIONS AND SMALL ARMS

War crimes, crimes against humanity and other human rights violations, including violations against children, are sustained in the eastern DRC by the easy availability of small arms, according to AI, *Democratic Republic of Congo: Arming the East*, 2005.

Misuse of arms is not restricted to the East. AI explained in *Arming the East* that dozens of unauthorized civilian miners were being shot dead every year, mostly by security guards employed by the mining companies or by Congolese government security forces, in the diamond fields of Mbuji-Mai in Kasai Orientale, central DRC. AI confirmed that these killings were continuing as of July 2005.

## ARMING CHILDREN AND OTHER CIVILIANS

The practice of arming civilians has led directly to extreme violence against children and other civilians. In December 2004, soldiers of the FARDC clashed with troops loyal to the RCD-Goma in North Kivu. During the fighting, the armed forces and groups killed at least 100 civilians and committed other atrocities categorized as war crimes by HRW. MONUC human rights investigators documented 136 cases of rape of girls and women during the fighting. HRW documented that in some cases Hutu civilians, armed by local authorities, joined the soldiers in committing these crimes, *Democratic Republic of Congo: Civilians Attacked in North Kivu*, 2005.

In 2004 and early 2005, officials subordinate to Governor Serufuli of North Kivu were alleged to have helped to distribute arms to thousands of Hutu civilians in Masisi and probably also in Rutshuru, according to HRW. This initiative was intended to create a reserve of armed civilians available to implement the governor's orders, and to help retain control of North Kivu in the face of possible advances by the transitional government and its troops. However, the weapons were allegedly used to commit crimes, and later to loot, pillage, rape and kill during the fighting in December 2004, as described by HRW.

Local sources reported to HRW that young people in Masisi were requisitioned to pick up arms at Kibabi. They came back with the guns, and the chief and other officials distributed them to boys as young as 10 years old. Those who received the arms were not well trained or integrated into a command structure and were later reported to use them recklessly. Governor Serufuli created an armed militia through a "highly organized and systematic" arms distribution, according to the UN Group of Experts in the arms embargo report of January 2005 (S/2005/30).

## BANDITRY AND SMALL ARMS

Roaming bands of gunmen, former rebels and militia fighters who loot villages, exploit mineral deposits, impose taxes and kidnap civilians to earn cash are becoming increasingly common in eastern DRC, according to AI's *Arming the East*. According to information provided to Watchlist by local sources in Maniema Province, some of the irregular self-defense groups are recruiting children who were formerly associated with armed forces and groups, often because they have the best military training in the area. Such recruitment is not reported to be happening on a massive scale. Facilitated by the easy availability of small arms, bandits are known to kill, rape, torture and maim civilians, including children.

The Congolese Initiative for Justice and Peace (ICJP) documented one such incident by a group of armed men speaking Kinyarwanda who attacked the areas of Irhambi-Katana in Kabare Territory in South Kivu Province, on the evening of June 5, 2003. According to ICJP, the men pillaged the locality, forcing the population to flee into the bush, where children and other vulnerable people were exposed to hazardous conditions.

AI also reports that groups of fighters regularly use arms to chase civilians from agricultural land and steal their crops or livestock and to prevent access to humanitarian assistance.

## VIOLATIONS OF THE UN ARMS EMBARGO

In July 2003, the UN imposed an arms embargo related to DRC for one year. Under the embargo, all states were required to prevent the direct or indirect supply, sale or transfer of arms and any related material and the provision of any assistance, advice or training related to military activities to all foreign and Congolese armed groups and militias operating in North and South Kivu and Ituri and to those groups that were not party to the Global and All-Inclusive Agreement on the Transition in the DRC.

In March 2004, the Security Council requested the Secretary-General to establish a Group of Experts to monitor and expose violators of the arms embargo (UN Security Council Resolution 1533). The Group of Experts was mandated to examine and analyze information gathered by MONUC's frontline monitoring activities, to carry out field investigations and to liaise with various actors to gather all relevant information on arms flows.

On July 15, 2004, the Group of Experts presented a report to the Security Council (S/2004/551) documenting specific violations of the arms embargo, outlining the challenges of monitoring and upholding the embargo and making several recommendations for improving the embargo's effectiveness. During their time in the field, the Group of Experts identified

a number of channels through which direct and indirect assistance was being provided to armed groups operating in Ituri, the Kivus and other parts of DRC, by both neighboring countries and from within DRC.

The report also stated that the porosity, permeability and permissibility of the country's borders to the East constitute the most critical factor undermining the ability to monitor the flow of weapons and other illicit commodities, whether by commercial arms merchants or foreign government suppliers. For example, the Group of Experts received and analyzed numerous reports of trucks allegedly ferrying weapons and logistical material to DRC through the Ugandan and Rwandan borders. In another example, in March and April 2004, MONUC personnel discovered arms and ammunition caches hidden in the waters of Lake Kivu, on the DRC side, near areas in Bukavu, which had recently been controlled by the forces of Mutebutsi, who had broken off from the RCD-Goma. According to local reports, the weapons and ammunition had been brought over from Rwanda by pirogue at night and dropped in the water, with a bamboo stick marking the hiding place.

Between August 2003 and April 2004, MONUC recovered 20,418 ammunition rounds for small arms, 645 AK-47 rifles, 138 grenades and other weapons, according to the All Party Parliamentary Group on the Great Lakes Region, *Arms Flows in Eastern DR Congo*, 2004. After the publication of the Group of Experts' July 2004 report, MONUC shifted from using a special cell to carry out interception and monitoring to tasking all MONUC military officers with following up on possible embargo violations. However, even after this shift, MONUC has been unable to enforce authority and control the illicit trade of arms, according to ICG, *A Congo Action Plan*, October 19, 2005.

In July 2004, the UN Security Council renewed the arms embargo on DRC (UN Security Council Resolution 1552). In its second report (S/2005/30) submitted to the Security Council on January 15, 2005, the Group of Experts again documented violations of the arms embargo, stating that it was again able to accumulate information and documentation pertaining to the means and methods utilized by leaders of armed groups, foreign armed groups and networks operating outside of the transitional government and integrated military structures to sustain their military operations. The Group of Experts named three primary sectors connected to weapons supplies and logistical support in violation of the embargo: civil aviation, customs and immigration and border commerce. As with the previous report, this report provided a number of case studies depicting violations of the embargo.

On April 18, 2005, the Security Council extended the arms embargo to apply to any recipient within the DRC territory, with certain exceptions, such as MONUC or units of the

integrated Congolese national army. On July 29, 2005, the Security Council renewed the term of the arms embargo and requested a third report from the Group of Experts by January 31, 2006.

AI has explained that the current design of the UN embargo and the resources available to the UN Group of Experts to expose violations are insufficient to deal with the scale of the problem. AI noted that the capacity of MONUC to track and investigate is also lacking.

## EUROPEAN UNION ARMS EMBARGO

The European Union (EU) has also had an arms embargo on DRC since 1993, which binds all member states of the EU and prohibits all arms transfers in the entire territory of DRC, with the exception of transfers to the integrated Congolese national army, police and MONUC. None of the EU's arms embargoes, including that on DRC, include monitoring or verification provisions.

# Children Associated with Armed Forces and Groups

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## ■ Children Associated with Armed Forces and Groups Overview, 2003:

Watchlist reported in 2003 that children associated with armed forces and groups in DRC numbered in the tens of thousands. In some cases, children represented up to 35 percent of the troops and were being sent to the front lines. Children were forcibly conscripted, and many were known to voluntarily join the military or militia forces in the context of generalized poverty, and breakdown of basic social services and lack of other options.

On November 26, 2002, the UN Secretary-General listed 10 of the parties to conflict in DRC as parties to conflict that recruit or use children in violation of relevant international obligations, in situations of which the Council is seized. The 10 groups include the Congolese government, MLC, RCD-G, RCD-N, RCD-K/ML, UPC, Masunzu's forces, Lendu militias, ex-FAR/*Interahamwe* and Mai Mai. Several of the parties known to use and recruit children made commitments to the UN Special Representative to the Secretary-General for Children and Armed Conflict to refrain from these practices, which were also prohibited under the Congolese Transitional Constitution adopted in 2003.

## ■ Update:

In mid-2003, children were reported to make up approximately 40 percent of the members of some armed groups in eastern DRC. At least 30,000 boys and girls are estimated to be taking an active part in combat or to be attached to armed groups and used for sexual or other services. According to the *Global Report 2004* by the Coalition to Stop the Use of Child Soldiers (the Coalition), almost all girls and some boys are sexually abused by their commanders or other soldiers. Children often witness or are forced to participate in serious human rights abuses against civilians and fight on the frontlines.

On November 10, 2003, the UN Secretary-General listed 12 of the parties to conflict in DRC as groups that recruit or use children in violation of relevant international obligations, in situations of which the Council is seized. This was an increase from the 10 groups named the previous year. The parties named in the 2003 Secretary-General's report on Children and Armed Conflict to the Security Council (S/2003/1053) include FAC, RCD-G and local defense forces associated with RCD-G, MLC, RCD-K/ML, RCD-N, Hema militias (UPC and PUSIC),

Lendu/Ngiti militias (FNI and FPRI), FAPC, Mai Mai, Mudundu-40, Masunzu's forces and ex-FAR/*Interahamwe*.

On February 9, 2005, the UN Secretary-General again listed parties to conflict in DRC among groups that recruit or use children in violation of relevant international obligations, in situations of which the Council is seized. In this report (S/2005/72), the Secretary-General named nine groups in DRC: FARDC, Laurent Nkunda and Jules Mutebutsi (dissident elements of FARDC), FDLR, FAPC, FNI, Mai Mai (in the Kivus, Maniema and Katanga), Mudundu-40, PUSIC and UPC.

AI has explained that military commanders seek out children because they are plentiful, vulnerable, easily manipulated and often unaware of the dangers they face. While many children are coerced into joining, others join "voluntarily," as they lack other options to survive or obtain an education, and may be seeking revenge, food or a weapon. Some children may be seeking to escape from domestic violence or other dangerous circumstances.

NGOs working to demobilize children from the RCD-ML and RCD, Mai Mai, *Interahamwe* and from other groups, explained to Watchlist the following causes for voluntary child enlistment and forced recruitment:

- idleness and lack of occupation;
- prestige;
- longing for participation in the cause of expelling foreign troops;
- escape from family-based child abuse or punishment;
- influence of friends;
- adolescent identity crises;
- revenge for violence committed against family or friends during the war;
- pressure by parents unable to care for their children;
- identification with the politics of particular armed groups;
- desire for security/survival;
- need to provide for their families;
- desire to secure land for families;
- perceived financial profitability.

## GIRLS ASSOCIATED WITH ARMED FORCES AND GROUPS

### ■ Girls Associated with Armed Forces and Groups Overview, 2003:

In 2003, rates of recruitment and use of girls by armed forces and groups were difficult to assess, but likely to have been lower than those of boys. Girls were notably present in RCD-G,

Congolese Armed Forces (FAC) forces, RCD-K/ML and Mai Mai. Girls were typically used for domestic work and sexual services. Many girls remained "wives" of commanders and many had even returned with them to their country of origin. Some were serving on the front lines. Others had resorted to prostitution to support themselves and their children after being abandoned or "widowed."

### ■ Update:

It is estimated that up to 30 to 40 percent of all children associated with armed forces and groups in DRC are girls, according to Save the Children-UK's *Reaching the Girls: Study on Girls Associated with Armed Forces and Groups in the Democratic Republic of Congo*, 2004. In early 2005, Save the Children-UK reported in *Forgotten Casualties of War* that up to 12,500 girls were estimated to be associated with armed forces and groups.

Following an intervention by local and international NGOs that led to the release of 36 girls in 2004, one Congolese activist reported to AI that 17 of the girls were found to be HIV positive, two were pregnant, and eight had miscarried in the bush. One of the girls described her case as follows: At age 12, she and her mother were raped by FDLR combatants. At age 13, she was persuaded that in order to avenge her mother, she should enlist in the RCD-Goma's local defense forces (LDF). In the LDF, she was raped regularly by three to five soldiers and became pregnant. She wanted to have an abortion, but since it is illegal in DRC, and she feared imprisonment, she tried to commit suicide (see below: Disarmament, Demobilization and Reintegration: Girls and DDR).

## CONGOLESE GOVERNMENT FORCES

### ■ Congolese Government Forces Overview, 2003:

An estimated 10,000 children fought with the AFDL, while under the leadership of Laurent Kabila during the war against former President Mobutu in 1996–1997. Some children recruited into the AFDL continued to serve in the FAC, as of 2003. On June 9, 2000, then-President Laurent Kabila issued a decree to eliminate the Congolese government's use of children in its armed forces and to halt forcible conscription of children by the FAC or any other public or private armed group. However, this decree was not fully implemented at the time.

In December 2001, between 200 and 300 children were formally demobilized from the armed forces. It was later revealed that between 45 and 90 of the youth demobilized were over age 18, while many younger children remained in the armed forces. Other irregularities in this process were reported to Watchlist by reliable sources.

In 2001, and again in 2003, reports indicated that children as young as 10 years old were allowed to voluntarily enlist. An eyewitness account from Refugees International confirmed continued FAC child recruitment in February 2003. At that time, UNICEF and other agencies, with support from the World Bank and the International Labor Organization, had been engaged in special reintegration initiatives, including professional training for 120 children formerly associated with the FAC who were demobilized in the 2001 ceremony. Some children formerly associated with the FAC had faced detention, unfair trial and harsh punishment at the hands of Congolese government officials, although the children were illegally recruited to begin with.

### ■ Update:

In January 2004, the Coalition reported that the FAC had only released 280 children since August 2003, out of 1,500 children who had been scheduled for demobilization since 2001.

The Coalition reported in Child Soldiers Global Report 2004 that recruitment seemed to have ceased by 2003, and the number of children in the ranks of the Congolese national army is diminishing as the children turn 18, demobilize or escape. Still, the Congolese government has continued to support non-state armed groups, such as the Mai Mai and RCD-ML, that continue to recruit and abduct children, according to the Coalition.

## MAI MAI

### ■ Mai Mai Overview, 2003:

In 2003, 50 percent of the Mai Mai forces were estimated to be children, including children as young as eight years old.

### ■ Update:

The Mai Mai are mainly active in the eastern provinces of Maniema, Katanga and the Kivus. Local sources reported to the Coalition heavy recruitment of children by the Mai Mai, between March and August 2003, in Walungu, Mwenga, Shabunda, Fizi and Bunyakiri in South Kivu. This included the abduction, rape and forced sexual servitude of young girls.

One Mai Mai group, Mudundu-40, forcibly recruited children for several months in 2004, including some as young as seven years old, as they fought alongside the RCD-G.

In June 2005, Mai Mai combatants arbitrarily arrested a 15-year-old named Masemo who had already been released or exited from the Mai Mai, in a village in Uvira Territory, a local NGO reported to Watchlist. Following his demobilization, the boy had already been trained as a woodworker a year earlier.

According to sources in the community, the soldiers transported Masemo to Kiliba and forced to him to restart military activities.

Children in the Mai Mai are often forced to participate in rituals, such as drinking special potions to promote “mystic powers” before fighting on the frontlines, the use of drugs and other abuses. AI reported the case of a girl who was recruited by the Mai Mai in South Kivu when she was 11 years old. The girl survived many battles in which her peers were killed. She explained that she was raped by the commander because he believed that having sex with her would provide protection for him on the battlefield.

In mid-January 2006, the Mai Mai’s 106th and 107th Brigades, led by Commanders Nyakiliba and Alunda, arrived in Bukavu in order to be reintegrated into the Congolese national army. A local NGO reported to Watchlist that the organization had demobilized 24 children associated with the two units.

## MLC, RCD-K/ML AND UGANDAN FORCES

### ■ MLC, RCD-K/ML and Ugandan Forces Overview, 2003:

In 2003, the Ugandan armed forces assisted MLC and RCD-K/ML<sup>18</sup> groups with their efforts to conscript Congolese children. HRW and others reported that the MLC and RCD-K/ML recruited large numbers of children, including forced recruitment and abductions of children. During 2000, recruiters for the RCD-ML routinely toured villages in recruitment missions. In particular, the Uganda People’s Defense Forces (UPDF) trained hundreds of RCD-K/ML recruits in camps in Beni and Bunia. Young women and girls were also abducted during the raids. In mid-February 2001, the Ugandan government granted UNICEF full access to the training camps and agreed to release children under the age of 18, who numbered 165 boys and girls. However, the Coalition reported an abysmal record of re-recruitment, detention and death for many of these released children.

### ■ Update:

RCD-ML has remained active in North Kivu and southern Ituri, and members of the Coalition in eastern DRC estimated that the RCD-ML may have had 1,000 children associated with their group in 2003. In addition, members of the Coalition in eastern DRC reported that the armed wing of RCD-ML re-recruited children who had already been released or exited from the Mai Mai between May and August 2003. In August 2003, the Coalition specifically received reports about abductions of children in Beni, North Kivu, by the RCD-ML. Despite this, in

July 2003, RCD-ML representatives told AI that all children associated with their group had been demobilized.

The Coalition reported in 2004 that the MLC had acknowledged that it had 1,800 children among its forces.

## RCD-GOMA (AND RWANDAN DEFENCE FORCE, FORMERLY RPA)

### ■ RCD-Goma (RCD-G), RPA Overview, 2003:

In March 1999, the then-RCD-ML leader declared that recruitment would not include those under age 18. He promised to speak with opposition military commanders to ensure that no children under age 18 were recruited or deployed and that young recruits would be “eased out” of the military.

In 2001, HRW and RI confirmed continued and systematic abduction of children and youth, both boys and girls, from roadsides, markets and their homes in eastern DRC by RPA and RCD-G. Children accused of desertion from the RCD-G were known to face severe penalties if caught.

In September 2001, UNICEF and RCD-G officials discussed joint measures for DDR for children. Subsequently, the RCD-G officially committed to ending the recruitment and use of children under age 18 and adopted a plan of action under which UNICEF and partner organizations would demobilize 2,600 children. In April 2002, the RCD-G released 104 children into UNICEF custody. However, as of 2003, the RCD-G and the Rwandan Defence Force (formerly RPA) were still known to press-gang and kidnap children for conscription, including some as young as nine years old.

### ■ Update:

The armed wing of the RCD-G confirmed to a UN representative that it had continued to recruit children into its ranks, according to a report received by the Coalition in mid-2003. In addition, the Coalition reported that RCD-G initiated recruitment campaigns specifically intended to enlist young people. The Coalition documented at least one school being used as a recruitment site. The Coalition also reported in 2004 that RCD-G forces re-recruited children who had already been released or exited from the Mai Mai.

In the *Child Soldiers Global Report 2004*, the Coalition wrote that children associated with RCD-G were forced to kill and rape as a way of brutalizing them. They had to kill their own relatives or were forced to commit cannibalistic or sexual acts on the corpses of enemies killed in battle. Girls were raped and subject to other forms of sexual abuse. The Coalition also reported that children from Idjwi Island, Kabare, Walungu,

Uvira and Bukavu were taken to training camps in Nyamunyunye, Mwenga, Shabunda, Fizi and Kihumba.

In 2004, the Coalition also reported that the RCD-G had claimed that its related paramilitary units, Local Defense Forces (LDF), had up to 10,000 members, including hundreds of children. Some of these children had undergone training in Mukati camp before being integrated into the RCD-G. However, most have been sent into combat with little or no training.

## EX-FAR AND INTERAHAMWE

### ■ Ex-FAR and Interahamwe Overview, 2003:

The former Rwandan national army, FAR, and exiled Rwandan *Interahamwe* were thought to be associated with armed groups in DRC and to recruit and use children. Up to 20 percent of ex-FAR/*Interahamwe* forces were suspected of being children at that time. Children were generally used as porters and for pillaging.

### ■ Update:

Many children associated with armed groups in DRC have been affiliated with the *Interahamwe*, according to Save the Children's report, *Reaching the Girls*, 2004. Many of the young people who grew up with the *Interahamwe* forces have now been integrated into the FDRC, although exact figures are difficult to obtain.

## ETHNIC MILITIAS

Ethnic militias in Ituri may have the highest percentage of children associated with their groups than any other armed groups in DRC, according to the Coalition. These include UPC, MLC, Party for the Unity and Safeguarding of the Integrity of Congo (PUSIC), Ngiti, Lendu and Hema militias and others.

## DETENTION OF CHILDREN ASSOCIATED WITH ARMED FORCES AND GROUPS

Children associated with armed forces and groups are regularly detained by local authorities in DRC. The majority of these children are held in detention on accusations of desertion from armed forces and groups. They are also held on charges such as rape, extortion, murder and armed robbery theft, according to AI.

These children may be held in detention, often in extremely harsh conditions, for months or years and frequently face unfair trials before military courts without legal representation. Some children have been sentenced to death, according to AI. In an appeal for urgent action on May 13, 2004, AI called for the release of 20 children associated with armed forces and groups

who were illegally detained at Munzenze Central Prison and two additional detention centers in Goma, North-Kivu. The detained children had served with RCD-Goma and were accused of military offenses such as desertion and abandoning of military post.

Watchlist has also confirmed information about children associated with armed groups who have been illegally detained at the Saio military camp in Bukavu. As of August 2004, at least eight children between the ages of 15 and 17 were illegally detained at Saio. According to local sources, they were held under the accusation of association with the forces of General Laurent Nkunda.

## DISARMAMENT, DEMOBILIZATION AND REINTEGRATION (DDR)

The overall DDR process for children has been extremely protracted, despite the 1999 peace agreement with its commitments by parties to armed conflict to demobilize children, and despite approximately US\$200 million pledged by donors through the World Bank for DDR of adults and children.

By February 2006, a total of 17,457 children in DRC had been released from armed forces and groups, and entrusted with child protection agencies, according to the National Commission for Demobilization and Reintegration (CONADER). Of these children, 2,761 were girls and 14,696 were boys. By the end of September 2005, 7,794 children had been reunified with their families, according to the Multi-Country Demobilization and Reintegration Program (MDRP), funded by the World Bank and others to support DDR activities in the Great Lakes region of Africa, including CONADER's operations in DRC. Of those 7,794 children, 5,895 had been reintegrated into the educational system and 4,001 were receiving vocational training, the MDRP reported. In Ituri specifically, UNICEF reported to Watchlist that a total of 6,282 children had been demobilized between June 2003 and January 2006.

However, cases of re-recruitment of children who have formally demobilized from armed forces and groups are frequent. Local organizations have reported to Watchlist numerous cases of children reenrolled by armed groups in North Kivu, South Kivu and Ituri in 2003, 2004 and 2005, following their official demobilization. According to the UN Secretary-General's 19th Report on MONUC (S/2005/603), development of programs for children released from armed groups remains a challenge, resulting in rising evidence of harassment and re-recruitment of these children (see below: Challenges for CONADER).

### Background on the DDR Structure

Until the unification of eastern and western DRC in July 2003, there was no governmental agency in charge of DDR for the

whole of DRC. Two temporary government bodies presided over this phase: *Bureau National de Démobilisation et Réintégration* (BUNADER) for the West and the Inter-ministerial Commission on DDR for the East. By early 2004, a nationwide successor agency was formed, called the *Commission Nationale de Démobilisation et de Réinsertion*, CONADER, with overall responsibility for the DDR process for adults and children.

In the absence of a single national agency with skilled and experienced staff to respond to children who began leaving the ranks of armed groups in 2003, the World Bank created a series of "special projects" for DDR. Through this mechanism, the World Bank contracted with international NGOs (INGOs) with technical expertise, local staff and local partners to demobilize the children and carry out the complex community-based work of reintegrating them back into their families and surroundings. The World Bank signed two memoranda of understanding (MOUs) with a group of INGOs, including CARE International, International Foundation for Education and Self-Help (IFESH), IRC and Save the Children. The World Bank also signed agreements with UNICEF and the Belgian Red Cross.

Through these programs, hundreds of children were successfully demobilized throughout DRC, through an approach of working through community-based groups to trace children's families and prepare them for the return of their children. They also fostered the development of volunteer child protection committees that would follow children through their reentry and provide training, education and general social protection to prevent children's re-recruitment or other setbacks.

In 2003 and 2004, an interagency group coordinated by UNICEF, and including representatives from MONUC, ministries of the nascent transitional government and INGO experts, began working on national DDR standards for children. In May, 2004, the Operational Framework for the DDR of Children, *Cadre Opérationnel pour les Enfants Associés aux Forces et Groupes Armés* was finalized. Based on Congolese national legislation and international legal instruments, the Operational Framework established guidelines, norms and procedures for the government's CONADER to oversee the DDR process for adults and children nationwide.

According to the Operational Framework, CONADER is the body with overall responsibility for the demobilization and reintegration of children associated with armed forces and groups, including girls who have been recruited for sexual purposes or forced marriage. CONADER's objectives, as stated in the Operational Framework, are to remove all children from armed forces and groups, facilitate children's return to civilian life through reinsertion programs, reinforce sustainable conditions for the protection of children through community ownership of protection mechanisms, develop specific strategies

to reintegrate girls associated with armed forces and groups and prevent violations of children's rights. The Operational Framework also underscores the prevention of child recruitment by armed forces and groups.

To meet its objectives, CONADER must carry out the following technical tasks as specified in the Operational Framework: identification of children to be demobilized; verification of their histories; documentation (in a national database) and research of, and reunion with, the family; reinsertion into family and community; and follow-up monitoring of the children's situation.

Despite the sound rationale for establishing and supporting a government body to take charge of such an essential process in the peace effort, the challenges facing CONADER since assuming national responsibility for DDR in May 2004 have been enormous. The shift to national coordination by CONADER raises a number of concerns among child protection experts and donors alike for the long-term success of DDR for children in DRC.

## Challenges for CONADER

During meetings with UN officials, NGO representatives, CONADER employees and donors during a field visit to DRC in January 2006, Watchlist received extensive reports of fragmented coordination, flawed reintegration initiatives and re-recruitment since CONADER took control of national DDR. During these interviews, Watchlist encountered pervasive pessimism among the child protection community about CONADER's limited capacity to effectively coordinate a comprehensive DDR process, given its weak institutional foundations, shortage of technical experience, lack of decentralization and widespread reports of corruption inside CONADER.

According to a summary report by the MDRP on its national program in DRC, CONADER has been plagued by "inadequate financial control and coordination, unsatisfactory accounting practices and delays in submission of requests for replenishment."

Although some efforts have been made to address the challenges facing CONADER, significant improvements in coordination and implementation of the DDR initiatives would require internal restructuring in CONADER. In the meantime, many of the effective community-based "special projects" implemented by the INGOs during the last two and one-half years now face the risk of collapse, as their original grants from the World Bank expire in June 2006. All future funds will be disbursed to implementing agencies via CONADER.

The following are several examples of reported shortcomings in the DDR process during 2005 that were cause for concern among child protection experts, UN officials and donor governments based in DRC.

AI reported that NGOs working on DDR programs are hindered by systematic attacks by armed militia groups. In January 2005, for example, in Nyabiondo area RCD-Goma troops attacked and looted the *Centre de Transit et d'Orientation*, a rehabilitation center for children who had been released or escaped from armed forces and groups run by the NGO Caritas, forcing the children to flee into the forest, AI: DRC *North-Kivu: Civilians Pay the Price for Political and Military Rivalry*, September 28, 2005.

AI has also described fundamental problems that persist in the context of reintegration, such as the lack of basic hygiene systems, adequate shelter, medical or water supplies at transit centers and specific programs for women and girls. The Bukavu-based NGO, BVES, reported that children who had been used in Kitona and demobilized at Moanda/Bas-Congo returned to South Kivu in March 2005, protesting that they had been given false promises of reintegration by CONADER.

In another misstep, BVES reported that in May 2005, CONADER referred 97 ex-combatants, six accompanying spouses and four children to the BVES transit center for children. However, BVES was unaware that the ex-combatants were adults aged 20 to 25 until after they arrived. The ex-combatants refused to leave the center unless they could obtain promises from CONADER for socioeconomic support. They explained that after first being demobilized in December 2004, they had spent five months at the Moanda center and were then instructed by CONADER to return home without further assistance. According to BVES, from May 24 to June 9, 2005, the ex-combatants remained in the transit center, refusing to follow the orders of the staff. This situation was only resolved after the governor of South Kivu intervened by bringing in the CONADER national director from Kinshasa, who certified that the ex-combatants were adults. He guaranteed them US\$110 for transport and US\$25 per month for 12 months, until CONADER could begin their social reintegration.

In October 2005, MONUC and others reported that more than 500 local Mai Mai militias took hostage 43 Congolese disarmament officers in Luvungi disarmament camp near Bukavu and threatened to burn the officers alive unless they were paid cash for handing in their weapons. The action was taken as an apparent protest for not having received the initial US\$110 payment they expected from CONADER. Although former combatants under age 18 were not presumably involved in this incident, it demonstrates the mismanagement, miscommunication and logistics and insecurity problems that have plagued the DDR process. The hostages were released on October 19, 2005.

## Girls and DDR

Between December 2003 and September 2004, 1,718 boys and 135 girls were demobilized by the INGO group working on

DDR, according to *Reaching the Girls: Study on Girls Associated with Armed Forces and Groups in the Democratic Republic of Congo*, Save the Children-UK, 2004. This study concluded that more creative efforts to reach girls through community involvement are necessary for successful demobilization of girls.

*Reaching the Girls* cited the following obstacles to the demobilization and reintegration of girls, as described by community members:

- perceived “lack of value” by community members of girls who have had sexual relations with combatants;
- fear that demobilized girls will be a source of HIV or sexually transmitted infections for communities;
- fear that military husbands seeking revenge will commit violence against the community;
- fear that girls have assumed a “military mentality” and may be brutal, aggressive and impolite or may have a tendency to become criminals;
- fear that girls will recruit other girls in the community to join the armed groups or will incite promiscuous behavior among other girls in the community.

latrines, shelter or medical services at DDR sites. In addition, the dependents tend to follow the movement of the adult ex-combatants to various sites during the DDR process. However, their transportation is not formally organized, so they often travel on foot and amidst severe insecurity and become separated, causing further vulnerabilities. Also, the constant movement does not allow for opportunities to engage in agriculture or employment.

## DDR Documents

Following their demobilization, boys receive demobilization documents, *attestations de sortie or ordres de démobilisation*, intended to prove that they have been demobilized and to prevent re-recruitment and other problems. Boys’ ability to show a document signed by a military authority attesting to their age and demobilization status has proven to be an effective protection tool, according to Save the Children-UK’s report *Reaching the Girls: Study on Girls Associated with Armed Force and Armed Groups in the Democratic Republic of Congo*, 2004.

However, DDR documents have not been as successful for girls. Some girls do not want the documents, because they fear that formal proof of their association with armed forces and groups connotes possible sexual abuse by combatants, leaving them with a harmful stigma. Girls have also raised concerns that the documentation would not provide protection against commanders seeking to reenlist them as “wives,” rather than “soldiers,” according to Save the Children-UK.

## Dependents of Adult Ex-Combatants

Dependents of adult ex-combatants are not included in the DDR process in DRC. As a result, these dependents, primarily children and their mothers, have been severely neglected and most are living in situations of abject poverty and insecurity, according to reports shared with Watchlist during a visit to DRC in January 2006. With few exceptions, the wives and children of adult ex-combatants have no access to food, water,

# UN Security Council Actions

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While the UN Security Council (UNSC) has given priority attention to DRC, tangible results in ending violence in the East are minimal. MONUC's limited force size hinders its ability to restore and maintain security in DRC, jeopardizing humanitarian access to vulnerable communities and threatening to further destabilize the entire Great Lakes region.

## UNSC RESOLUTIONS ON DRC

Since 2003, the UNSC has passed 20 resolutions on DRC. Many of the resolutions relate to extending and expanding MONUC's mandate and the arms embargo imposed on DRC. Others condemn the brutality and violence employed by the various parties to conflict and address human rights and humanitarian issues. The following are selected highlights.

**Resolution 1484 (2003)** authorizes the deployment of an Interim Emergency Multinational Force in Bunia until September 1, 2003, which, in tandem with MONUC, will work to stabilize the region. The Council strongly condemns the killings of unarmed MONUC and humanitarian personnel and demands member states to end all support to armed groups and militia, including the supply of weapons.

**Resolution 1493 (2003)** strongly condemns the violence perpetrated against civilians, and especially the continued use and recruitment of children in eastern DRC, and the illegal exploitation of natural resources in DRC.

**Resolution 1533 (2004)** condemns the illegal exploitation of DRC's natural resources, which fuels the perpetuation of the conflict, and demands that all states take the necessary measures to prevent the supply of arms and related materials to armed groups in North and South Kivu and Ituri. The resolution authorizes MONUC to seize and collect arms and materials violating the arms embargo. It also establishes a Committee of the Security Council that will seek information on the implementation of the arms embargo and take appropriate action on information on the arms embargo violations.

**Resolution 1565 (2004)** authorizes MONUC to monitor the arms embargo and the cross-border movement of combatants, to seize all materials in violation of the arms embargo, and to support the transitional government, including facilitation of the demobilization of combatants.

**Resolution 1592 (2005)** expresses the grave concern of the Council regarding acts of sexual exploitation by UN personnel and requests the Secretary-General to ensure compliance with the zero tolerance policy on sexual exploitation.

**Resolution 1596 (2005)** expands the arms embargo on DRC to July 31, 2005, and requests MONUC to continue monitoring the Kivus and Ituri District. The resolution also decides that all states shall freeze the financial assets and other funds of persons violating the arms embargo.

**Resolution 1635 (2005)** requests that the Secretary-General take all necessary measures to ensure that the UN's zero tolerance policy on sexual exploitation is observed.

**Resolution 1649 (2005)** extends the arms embargo to political and military leaders of foreign armed groups operating in DRC who impede the disarmament and voluntary repatriation of combatants from those groups. It further requests the Secretary-General to submit a comprehensive strategy for the disarmament, repatriation and resettlement of foreign combatants.

## UNSC RESOLUTIONS ON CHILDREN AND ARMED CONFLICT

Since 2003, the UNSC has adopted two resolutions on children and armed conflict, adding to the Security Council's four previous Children and Armed Conflict (CAC) resolutions. These set out important and practical steps to be taken by various member of the UN system, donors, NGOs and others to expand child protection in conflict-affected areas. However, all actors have failed to fulfill their obligations to fully implement the child protection measures requested by the UNSC in DRC and other war-torn areas. The following are highlights of the two CAC resolutions.

### **Resolution 1539 (2004)**

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Requests the Secretary-General to ensure that compliance by parties to conflict for halting the recruitment and use of child soldiers is reviewed regularly
- Calls upon parties to conflict to prepare action plans for halting the recruitment and use of child soldiers, which will be coordinated by focal points identified by the Secretary-General
- Expresses its intention to consider imposing targeted and graduated measures such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance

- Reiterates its request to all concerned to include children in all DDR programs and to monitor demobilized children in order to prevent re-recruitment
- Requests UN bodies to implement HIV/AIDS education and optional testing and counseling for all UN peacekeepers, police and humanitarian staff
- Expresses intention to take appropriate measures to curb linkages between illicit trade of natural resources, illicit trafficking of small arms, cross-border recruitment and armed conflict
- Requests the Secretary-General to propose effective measures to control the illicit trade and trafficking of small arms
- Requests countries contributing to peacekeeping missions to incorporate codes of conduct for peacekeeping personnel and to develop disciplinary and accountability mechanisms for peacekeeping personnel
- Decides to include child protection provisions in the mandates of UN peacekeeping missions and to deploy CPAs
- Reiterates the request to the Secretary-General to include child protection information in country-specific reports

### **Resolution 1612 (2005)**

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Expresses serious concern regarding the lack of progress in developing and implementing the action plans to halt the recruitment and use of child soldiers
- Reiterates its intention to consider imposing targeted and graduated measures such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance
- Requests the Secretary-General to implement a monitoring and reporting mechanism on violations against children in five armed conflict situations, including DRC
- Decides to establish a working group of the Security Council on children and armed conflict consisting of SC member states
- Urges member states to take appropriate measures to control the illicit small arms trade to parties to armed conflict
- Requests the Secretary-General to continue to take all necessary actions in relation to the zero tolerance policy on sexual exploitation by peacekeepers
- Urges troop-contributing states to take appropriate preventive and disciplinary action to ensure full accountability
- Decides to continue deploying CPAs to UN peacekeeping missions
- Reiterates its request to the Secretary-General to include child protection information in country-specific reports

## IMPLEMENTATION OF RESOLUTION 1612: THE MONITORING AND REPORTING MECHANISM

As of the end of January 2006, MONUC's Child Protection Section (CPS) and UNICEF reported to Watchlist that they have met jointly several times to discuss sharing responsibility for developing a comprehensive monitoring and reporting mechanism on violations against children in armed conflict in DRC, in accordance with UNSC Resolution 1612.

MONUC CPS has reported to Watchlist that it will proceed with its regular monitoring and reporting on violations against children, which is already its primary responsibility. Additionally, MONUC CPS will work to refine its monitoring and reporting tools, to streamline information and to provide required details on each of the six violations identified by UNSC Resolution 1612. However, due to limited resources, it is unlikely that the CPS will conduct additional monitoring activities for categories that do not already fall under its current processes.

UNICEF reports that it will complement the CPS monitoring and reporting activities with information relating to sexual violence against girls, denial of access to humanitarian assistance and attacks on schools and hospitals. UNICEF and its implementing partners will also lead activities related to response and assistance to survivors of reported violations.

As of January 2006, MONUC CPS and UNICEF are working on formally establishing the Kinshasa-based Task

Force on monitoring and reporting, which is intended to expand the ongoing daily work conducted by MONUC CPS, in coordination with UNICEF, NGOs and others to document egregious violations against children and to strategically use this information to reduce abuses against them.

According to the outline for developing the monitoring and reporting mechanism put forward by the UN Secretary-General in his 2005 report to the UN Security Council (S/2005/72, February 9, 2005), the mechanism should include the active participation of local NGOs and civil society organizations. Watchlist has strongly reiterated that the active and sustained involvement of local child protection organizations in the monitoring and reporting mechanism is critical to its long-term success.

According to the 15th report to the Security Council, dated March 25, 2004, MONUC and other partners are setting up child protection networks throughout DRC. In addition, MONUC CPS and UNICEF have reported to Watchlist that they have worked regularly for many years with local civil society representatives on monitoring and reporting activities throughout DRC. While this includes active daily involvement with local child protection organizations and networks, local sources in some parts of DRC have reported to Watchlist that the child protection networks (CPNs) anticipated as a result of Resolution 1612 have not yet been formalized.

## UN SECRETARY-GENERAL'S REPORTS TO THE SECURITY COUNCIL

The Secretary-General has included information on child protection issues in his seven reports to the UNSC on DRC since 2003, as requested in several UNSC Resolutions. These reports address child protection activities at the national, regional and local levels in DRC, including DDR of children associated with armed forces and groups. However, the high rate of continued violations of children's rights and security is not fully reflected in these reports. The following are excerpts from recent reports:

**14th Report of the Secretary-General on MONUC (S/2003/1098)** states that child protection is a priority for MONUC, and this is achieved through sensitization, capacity-building and strengthening of the accountability for violence against children. The report also states that the transitional government has not addressed the challenge of child protection.

**15th Report of the Secretary-General on MONUC (S/2004/251)** reports on MONUC's continued mainstreaming

of child protection as well as documenting of serious abuses against children. MONUC has provided training to police and prison officers in Bunia and has worked to build the capacity of local child protection NGOs. The Secretary-General further reports that in areas with large internally displaced populations, MONUC is attempting to raise awareness on child protection issues. In cooperation with partners, MONUC is setting up child protection networks.

**16th Report of the Secretary-General on MONUC (S/2004/1034)** reports on the continued sensitization of Congolese government officials at the national and provincial level on child protection issues. MONUC is also working with the Parliament and relevant ministries of the transitional government to create a legal framework on child protection including constitutional and legislative provisions on child rights. The Secretary-General also reports that some military commanders resist the release of child soldiers from their armed groups, and re-recruitment of child soldiers continues to be problematic.

**17th Report of the Secretary-General on MONUC**

(S/2005/167) recognizes that the continued violence in Ituri and the Kivus has had a devastating impact on children in those regions, killing some 50 children. The report also lists other violations against children: rape, pillaging and burning of schools, abduction of children, recruitment and use of child soldiers and illegal detention of children. The Secretary-General also identifies the following armed groups that commit grave violations, mostly with impunity, against children: FNI, FAPC, UPC/L, ex-Mai-Mai, FDLR and ex-ANC. Furthermore, the Secretary-General also reports that more than 2,000 children, including 400 girls, have been released by armed groups since the start of the DDR process.

**18th Report of the Secretary-General on MONUC**

(S/2005/506) reports on activities to sensitize provincial officials on child protection issues. In addition, the draft constitution has been expanded to include child protection provisions such as defining the age of maturity as 18 and DRC's obligation to protect children from violence, abandonment and from accusations of witchcraft. The report also states that MONUC has intervened in several cases where children have been indicted with a death sentence.

**19th Report of the Secretary-General on MONUC**

(S/2005/603) reports on MONUC's continued effort to work with national authorities and child protection partners to establish a police unit addressing child protection issues and alternatives to imprisonment for juvenile suspects. The report includes observations of an increased number of demobilized children, with more than 2,800 children passing through transit centers in North and South Kivu. However, development of programs for children released from armed groups remains a challenge, especially with the rising evidence of harassment and re-recruitment of these children. The Secretary-General also informs that alleged rapes of minors continue to be an alarming problem.

**20th Report of the Secretary-General on MONUC**

(S/2005/832) states that at least 677 children were separated from FARDC and other armed groups in eastern DRC. The report further states that some 40 children were included in the FARDC, highlighting the urgent need for sustained monitoring of the integration process of the Congolese national army. The report also notes the continued indiscriminate arrests of street children in Kinshasa, Goma, Mbuji-Mayi, Kananga and Kisangani. In some cases, arrested children sustained severe injuries.

The stated goals for the DRC visit were to stress the importance of achieving sustainable peace, security and stability in DRC, as well as to reiterate support for free and fair elections. During the visit, the UNSC also took steps to examine the implementation of Resolution 1612 on children and armed conflict in the context of DRC.

**UN Security Council Visit to DRC**

In November 2005, members of the UN Security Council, led by the Permanent Mission of France to the United Nations, visited DRC, along with several other countries in the region.

# Urgent Recommendations

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## TO THE GOVERNING AUTHORITIES OF DRC

- Immediately halt all violations perpetrated by government armed forces, police or other officials against the security and rights of Congolese children and adolescents.
- Strictly comply with all signed agreements and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child (CRC). This includes submitting the government report on the CRC to the Child Rights Committee in Geneva. This should involve a collaborative process through which NGOs are encouraged to submit alternative reports.
- Guarantee safe, unimpeded and sustained access to humanitarian assistance for all civilians, and allow free and safe nationwide movement of humanitarian personnel and emergency relief supplies. Special attention should be given to children and other particularly vulnerable civilians in need.
- Make food security a national priority, as well as increasing access to essential health services for children, such as immunizations and clean water.
- Ensure that policies to protect the security and rights of Congolese children are included in all institutions and policies of the Congolese governing authorities, and increase socially oriented spending in the national budget, with a focus on social programs that target young people.
- Provide the fullest support possible to ensure that smooth, transparent and fair elections are conducted according to the 2006 deadline.
- Ensure that all children have free and safe access to quality primary and secondary education, with special attention to the security of female students and teachers and other vulnerable groups. To this end, ensure that all teachers are regularly paid fair salaries and are afforded opportunities to enhance their professional skills.
- Ensure that military personnel who are integrated into the FARDC do not hold a record of human rights and/or child rights violations.
- Issue the clearest possible instructions on a strict code of conduct restricting all government armed forces from all forms of sexual violence. Immediately begin development and implementation of clear accountability and disciplinary measures. Also, ensure that all forces integrated into the

FARDC receive training on child rights, human rights and the prohibition of sexual violence.

- Prepare and strengthen domestic legislation and capacity to promote a functioning judicial system. Legislation must provide for the investigation, prosecution and trial of those responsible for crimes committed against children, including sexual violence. Make as priorities the public denunciation of all forms of sexual violence, the public trial and prosecution and sentencing of commanders responsible for the most egregious and well-documented large-scale rape of girls and women in the eastern provinces. This should be done while maintaining the confidentiality and security of the victims.
- Prioritize the development of a nationally coordinated response to sexual violence with the fullest possible support, care and treatment for all survivors, as well as testing, care and treatment for HIV/AIDS. This should include increased HIV/AIDS education for women and girls in areas with high levels of armed personnel.
- Ensure that CONADER urgently improves coordination for child-focused DDR initiatives. To achieve long-term success, the CONADER structure should be adjusted to create formal procedures for providing regular financial support to implementing partners, at the provincial and local levels, that have strong community-based networks. The CONADER structure should also be amended to include international experts on DDR at senior levels of authority.
- Immediately adjust CONADER's DDR guidelines to ensure that dependents of adult ex-combatants receive appropriate assistance and support.
- Ensure that repatriated Congolese refugees and returning IDPs are welcomed and reintegrated into the appropriate community structures, accompanied by appropriate social and economic support, with special attention to the needs and rights of displaced children and adolescents upon their return.
- Call on UNHCR and neighboring host countries to enhance protection for Congolese refugee children as a measure for avoiding forced recruitment and to ensure that these young refugees have access to basic services such as health care and education.
- Fully support and facilitate MONUC and UNICEF's development of a monitoring and reporting mechanism on violations against children, including killing and maiming, rape and other forms of sexual violence, recruitment and use of children, abduction, denial of access to humanitarian assistance and attacks on schools and hospitals.
- Ensure that human rights defenders are protected by a nationwide climate of support for their efforts to bring to public attention information about violations of human rights and child rights and to support programs and policies that would halt such crimes.

- Immediately stop the manufacture, transfer, stockpile and use of landmines by the integrated Congolese national army and ensure the proper destruction of all stockpiled landmines and UXOs. Adopt national legislation reiterating obligations agreed upon under the Mine Ban Treaty and protecting the rights of mine blast survivors, including legal and medical assistance.
- Support an increase in mine risk educational programs, with a focus on displaced children and other high-risk groups.
- Include weapons collection and destruction programs, with special emphasis on weapons in the hands of young people, as a government priority, and develop nationwide norms for possession of small arms and light weapons.

## TO ALL ARMED GROUPS OPERATING IN DRC

- Immediately halt all violations perpetrated against the security and rights of Congolese children and adolescents, including forced recruitment of children into armed groups.
- Comply strictly with all international commitments and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child.
- Guarantee safe, unimpeded and sustained access to humanitarian assistance for all civilians, especially children and other particularly vulnerable civilians in need. Allow free and safe nationwide movement of humanitarian personnel and emergency relief supplies.
- Stop the manufacture, transfer and use of landmines, and guarantee the safe and unimpeded access of de-mining teams to all mined areas.
- Cooperate with MONUC and UNICEF in their development of a monitoring and reporting mechanism on violations against children, which includes data collection, reporting and response on the following six egregious violations: killing and maiming, rape and other forms of sexual violence, recruitment and use of children, abduction, denial of access to humanitarian assistance and attacks on schools and hospitals.
- Engage in dialogue with a UN focal point to devise time-bound action plans for halting the recruitment and use of children. This should include immediate issuance of formal demobilization orders for all children currently associated with armed groups and unrestricted access for humanitarian personnel to military installations to identify and support the demobilization of children.
- Immediately stop the exploitation of children, including forced labor and forced involvement in mining, and end

torture-killing and other violations taking place in the context of illegal exploitation of natural resources.

## TO THE UN SECURITY COUNCIL

- Call on all parties to conflict to immediately halt the recruitment and use of all children associated with regular and irregular armed forces and groups. To this end, call on the Congolese government to immediately implement commitments to halt the recruitment and/or use of children, as required by ratification of the Optional Protocol to the Convention on the Rights of the Child and Congolese national law. Call on all non-state armed groups to officially endorse the standards set by the Protocol and take immediate measures to uphold this standard.
- Continue giving priority attention to the situation in DRC and to effective implementation of UNSC Resolutions on DRC and on children and armed conflict, especially Resolutions 1539 and 1612.
- Demand that the Special Representative of the Secretary-General (SRSG) in DRC immediately appoint a focal point to engage in dialogue with all parties in DRC that recruit or use children, as listed by the Secretary-General in his 2005 report on children and armed conflict (S/2005/72), “in order to develop a clear time bound action plan to end these practices,” as set out in UNSC Resolutions 1460 (para. 4) and 1539 (para. 5b).
- Call on the nine parties to conflict in DRC identified in the Annex to the Secretary-General’s report (S/2005/72) “to provide information on steps they have taken to halt their recruitment or use of children in armed conflict in violation of the international obligations applicable to them,” in accordance with UNSC Resolution 1460 (para. 5), 1539 (para. 5b).
- Support and encourage all efforts to seek accountability for crimes against children in DRC, including recruitment and use of children. This includes:
  - 1) calling on the Congolese government to implement sections of the Pretoria agreement calling for a National Observatory on Human Rights and a Truth and Reconciliation Commission;
  - 2) calling on the Congolese government to maintain full cooperation with the International Criminal Court in seeking prosecution of war crimes or crimes against humanity, including crimes against children;
  - 3) calling on the Congolese government to pass national implementation legislation to facilitate prosecution of war crimes or crimes against humanity, including crimes against children, by the International Criminal Court;

- 4) supporting efforts to establish an effective international criminal tribunal for DRC as necessary;
- 5) ensuring that any amnesty or traditional reconciliation mechanism appropriately addresses crimes committed against children;
- 6) encouraging development of rule of law in DRC, with the goal of ending the culture of impunity.

- Insist that all troop-contributing countries properly investigate and apply appropriate disciplinary measures for all peacekeeping personnel accused of sexual exploitation or abuse of girls and women or other civilians. Commitment to follow through on these actions should be a prerequisite for accepting troop contributions.
- Call on all parties using children in the illegal exploitation of natural resources to immediately halt this practice, with particular attention to the impact of this exploitation on children involved in the plunder of natural resources. This should include a provision ensuring that revenues from commercial sale/use of natural resources should contribute to programs that protect children’s security and rights.
- Call on all armed forces and groups operating in DRC, as well as neighboring and other countries providing arms in DRC, to end the illicit trade and stockpiling of small arms and light weapons. Maintain the arms embargo on DRC and support MONUC’s increased mandate to monitor compliance with the embargo, with specific emphasis on the most porous border areas.
- Strengthen MONUC’s capacity to protect children, including protection of girls from rape and other forms of gender-based violence.
- Maintain MONUC’s Child Protection Section and encourage donors to provide sufficient resources to address child protection concerns in DRC, in accordance with MONUC’s mandate.
- Continue to support additional troop strength and funding for MONUC to increase deployment in the East with well-trained and well-equipped troops and hold MONUC personnel and troop-contributing countries to the highest standards of human rights and accountability.
- Support the electoral process by providing the necessary political support and incentive to the governing authorities to conduct the transparent, free and fair elections within the 2006 time frame.

## TO MONUC

- Insist that all troop-contributing countries provide MONUC civilian and military personnel with extensive training in child protection issues (UNSC 1379, para. 10b).

- Insist that troop-contributing countries provide HIV/AIDS education and HIV testing and counseling services for all MONUC personnel (UNSC 1460, para. 11, UNSC 1539, para. 11).
- Work closely with UNICEF, INGOs in DRC and local child protection organizations to develop an effective and sustainable monitoring and reporting mechanism on violations against children, including killing and maiming, rape and other forms of sexual violence, recruitment and use of children, abduction, denial of access to humanitarian assistance and attacks on schools and hospitals. Efforts to monitor the abuse of children in the context of forced displacement, the illegal exploitation of natural resources and other relevant situations in DRC should also be considered.
- Cooperate closely with the OIOS mechanism to investigate reports of sexual abuse or exploitation of girls and women by MONUC personnel. Cooperate fully to ensure that timely and effective investigations are conducted and appropriate disciplinary measures are applied. Ensure that the outcome of the investigations into sexual exploitation and abuse are made public and provide appropriate reparations for victims.
- As a matter of high urgency, implement child rights and abuse prevention training for all military and civilian personnel associated with MONUC and ensure that all such training is periodically reviewed during deployment.
- Monitor, investigate and publish public reports on the incidence of rape and action taken to prevent and end impunity for sexual violence. This must include an assessment of the scope of sexual violence committed against men and boys and appropriate programs that provide medical and psychosocial support for survivors.
- Improve training for MONUC personnel on investigating trafficking of small arms, light weapons and landmines, with a focus on cross-border transfer of weapons, and ensure that MONUC monitors the illegal flow of small arms and light weapons as thoroughly as possible, as mandated by the Security Council.
- Appoint a focal point within MONUC who can confidentially receive information from non-UN sources on breaches of the arms embargo.
- Work in close collaboration with CONADER and NGO partners to ensure that child DDR programs reflect the input and cooperation of local communities. This must be done to ensure that the entire DDR process, especially the reintegration phase, is as effective and sustainable as possible. Also, ensure that all children, both boys and girls, are equally included in DDR initiatives, without regard for association to any particular armed group. Ensure that DDR programs emphasize community rehabilitation and psychosocial support and education.

- Work with UN and NGO partners to monitor the re-recruitment of children by armed forces and groups.

## TO THE HUMANITARIAN COMMUNITY IN DRC

- Develop, together with relevant UN and NGO partners, a strategic framework for IDP return and reintegration, with particular emphasis to IDP children and adolescents.
- Immediately implement greater protections for all IDPs in DRC, with a focus on preventing rape and other forms of sexual violence.
- Improve food security and increased access to essential health services for children, such as immunizations, clean water, insecticide-treated bed nets and case management of common diseases.
- Coordinate emergency medical programs in the East, with a focus on facilitating access to medical care and rehabilitation support for survivors of sexual violence.
- Work closely with MONUC, UNICEF and local child protection organizations to develop an effective and sustainable monitoring and reporting mechanism on violations against children, including killing and maiming, rape and other forms of sexual violence, recruitment and use of children, abduction, denial of access to humanitarian assistance and attacks on schools and hospitals. Efforts to monitor the abuse of children in the context of forced displacement, the illegal exploitation of natural resources and other relevant situations in DRC should also be considered.
- Monitor, investigate and publish public reports on the incidence of rape and action taken to prevent and end impunity for sexual violence. This must include an assessment of the scope of sexual violence committed against men and boys and appropriate programs that provide medical and psychosocial support for survivors.
- Continue to work in close collaboration with CONADER and UN partners to ensure that child DDR programs reflect the input and cooperation of local communities. This must be done to ensure that the entire DDR process, especially the reintegration phase, is as effective and sustainable as possible.
- Ensure that all children, both boys and girls, are equally included in DDR initiatives, without regard for association to any particular armed group.
- Include monitoring of the re-recruitment of children by armed groups in DDR plans and continue to emphasize community rehabilitation and psychosocial support and education.

## TO DONORS

- All donor governments and agencies should provide MONUC, UNICEF and implementing partners with sufficient human and financial resources to adequately protect children in DRC. This should include major contributions towards the UN Consolidated Appeals Process for 2006. Funding areas should include, but are not to be limited to:
  - ◆ basic medical care and immunizations for Congolese children;
  - ◆ emergency care to improve the health of mothers and infants;
  - ◆ emergency care and longer-term treatment for survivors of sexual violence, including psychosocial support, rehabilitation and reintegration into their communities;
  - ◆ educational opportunities, with special attention to youth who have missed opportunities to go to school during the war;
  - ◆ HIV/AIDS education, prevention and treatment, with attention to vulnerabilities of girls and adolescents;
  - ◆ family reunification programs to protect separated and orphaned children, street children, children associated with armed forces and groups and other unaccompanied minors;
  - ◆ basic social services.
- Support mine action programs, such as mine awareness education, landmine and UXO removal, mine impact assessment and recovery programs for individuals injured by landmines, with special attention to the threat and impact of landmines on children.
- Prioritize rebuilding and reforming the justice system to build a fully functioning system throughout DRC. This should begin with support for legal authorities to document cases of sexual violence, recruitment and use of children and other crimes and to initiate legal actions to bring perpetrators of these crimes to justice.
- Support local organizations working to defend human rights, protect child rights and provide programmatic support for survivors of sexual violence, children formerly associated with armed forces and groups, internally displaced people and other vulnerable groups.
- Support restructuring of CONADER to ensure that funds for DDR quickly reach community-based networks, and ensure full funding for the reintegration component of DDR for children over the long term, focusing on community-led programs and education.
- Within the DDR funding pool, create a general pool of funding to support DDR programs that address the special

needs of girls, including girl mothers and their children. A special pool should also be created to support dependents of adult ex-combatants.

- Support development of a functioning public administration system that would develop government and NGO mechanisms to protect children, especially girls, who are accused of sorcery and/or witchcraft. In the interim, support child protection workers in responding to the immediate problem of children accused of sorcery.

## TO THE INTERNATIONAL CRIMINAL COURT

- Ensure that the crimes of child conscription and sexual violence committed against girls and women in eastern DRC constitute war crimes and are the top priority crimes for the Court's first investigations and prosecutions.

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- Watchlist works within the framework of the provisions adopted in Security Council Resolutions 1261, 1314, 1379, 1460, 1539 and 1612, the principles of the Convention on the Rights of the Child and its protocols and other internationally adopted human rights and humanitarian standards.
- Information is collected through an extensive network of organizations that work with children around the world. Analysis is provided by a multidisciplinary team of people with expertise and/or experience in the particular context. Information in the public domain may be directly cited in the report. All sources are listed in alphabetical order at the end of this report to protect the security of sources.
- General supervision of Watchlist is provided by a Steering Committee of international nongovernmental organizations known for their work with children and human rights. The views presented in this report do not represent the views of any one organization in the network or the Steering Committee. For further information about Watchlist or specific reports, or to share information about children in a particular conflict situation, please contact [watchlist@womenscommission.org](mailto:watchlist@womenscommission.org) or visit [www.watchlist.org](http://www.watchlist.org).

# Endnotes

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1. See Christian Aid, Oxfam-GB, Save the Children, No End in Sight: The Human Tragedy of the Conflict in the Democratic Republic of Congo, August 2001.
2. IDP numbers are estimates. It is very difficult to obtain precise numbers due to the country's vast size, inadequate infrastructure and lack of access to various conflict areas.
3. Gross Primary Enrollment Ratio refers to the number of children enrolled, regardless of age, divided by the population of the age group that officially corresponds to the same level.
4. The phrase "children associated with armed forces and groups" is used in this report in reference to the more commonly used term "child soldiers," which Watchlist has used in other contexts. In DRC, the term "children associated with armed forces and groups" refers to the widely recognized definition of "child soldiers" established in 1997 in the Cape Town Principles and Best Practices. "[A child soldier is] any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms."
5. The DRC governing authorities cooperate with the investigations of the International Criminal Court (ICC) to prosecute crimes under the jurisdiction of the ICC in DRC. The transitional government signed a special agreement allowing the ICC to pursue activities in DRC until the enactment of the full implementation legislation. The new constitution does not refer to the ICC, however it provides immunities and privileges to some leaders who might be subject to prosecution by the ICC.
6. According to some analysts, Laurent Kabila's four years in power did more harm to the Congolese economy than Mobutu's entire tenure.
7. Angola, Namibia, Rwanda, Uganda, Zimbabwe and the MLC signed the cease-fire agreement. The RCD and Burundian, Rwandan and Ugandan opposition armed groups that operated in DRC were not signatories to the Lusaka agreement.
8. The Movement for the Liberation of the Congo (MLC) and the Congolese Rally for Democracy (RCD) split into two factions in 1999: the RCD-Goma (RCD-G); and the RCD-Kisangani (RCD-K), which later became RCD-K/ML. The armed forces of Uganda have traditionally supported the RCD-K/ML and the MLC, while the armed forces of Rwanda have traditionally supported RCD-Goma.
9. The LRA is estimated to have abducted 16,000 Commander Masunzu is the leader of a Banyamulenge-based uprising among RCD troops. Ugandan and Sudanese refugee children. Both adult and children abductees are taken as war booty and forced to commit horrific acts of brutality against other children and adults. At least 85 percent of the LRA's forces are thought to be abducted men, women and children (Watchlist Sudan Report, March 2003).
10. Commander Masunzu is the leader of a Banyamulenge-based uprising among RCD troops.

11. Critics of MONUC argued that the force was weak and unable to improve the human rights situation for three primary reasons: 1) the small size of the force operating in a vast area; 2) the limited civilian protection mandate; and 3) the general atmosphere of insecurity.

12. Primary tasks and priorities of the Child Protection Section include: ensuring a child-conscious approach within MONUC in all its activities; monitoring, reporting and advocacy related to minors on violations of international human rights and humanitarian law; focusing on the need to end impunity; facilitating and supporting, together with UNICEF and other partners, the disarmament, demobilization and reintegration of Congolese child soldiers; facilitating and supporting disarmament, demobilization and repatriation of foreign child soldiers; training and other capacity-building activities; ensuring that the Department of Peacekeeping Operations, the UN Special Representative of the Secretary-General for Children and Armed Conflict and other MONUC sections are adequately informed about issues related to CAC; providing advice on strategies and advocacy for child protection; conducting sensitization activities to raise awareness of the rights of the child, especially related to CAC; providing funding for certain CAC projects (through Norwegian Trust Fund); promoting inclusion of child protection issues in the peace process and transitional period.

13. Uganda assumed military control of Ituri in 1998, however Uganda never assumed direct administrative or political control for the district. Rather, it acted as “kingmaker” to various armed groups vying for control of the area. The principal armed political groups that have operated in the district are the RCD-K/ML, MLC, RCD-N and UPC. Many other armed groups, including the Mai Mai and Interahamwe, have operated in Ituri. According to AI, all of the armed political groups fighting in Ituri are in some respect protégés of the Ugandan government.

14. This camp subsequently closed in August 2005.

15. This provision does not apply to national staff of MONUC involved in a bona fide relationship according to Congolese national law or customs.

16. For a complete list of businesses, see Final Report of the Group of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC (S/2002/1146), Annex III. For more information on the OECD guidelines, see [www.oecd.org](http://www.oecd.org).

17. The Kimberly Process is a negotiating procedure to establish minimum, acceptable international standards for national certification schemes of import and export of rough diamonds, in an effort to stem the flow of rough diamonds from conflict areas, thereby contributing to the sustainability of peace and protecting the legitimate diamond industry. For more information on the Kimberly Process, see [www.kimberlyprocess.com](http://www.kimberlyprocess.com).

18. The armed wing of the RCD-K/ML is the Congolese People's Army (APC).



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The Watchlist on Children and Armed Conflict is a network of non-governmental organizations working to monitor and report on violations against children in situations of armed conflict.

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