

# DRC: STILL NO PEACE FOR CHILDREN

BRIEFING PAPER JUNE 2013



**WAR**  
child

## NORTH KIVU

Since the publication of War Child's report<sup>1</sup>, 'Lost childhoods: the continuing conflict in the Kivu provinces' in November 2012 the situation facing children in the eastern Democratic Republic of the Congo (DRC) has failed to improve. Violence and unrest continue in both North and South Kivu.

## NORTH KIVU

Despite falling back after its offensive in Goma in late 2012, the rebel group March 23 (M23) continues to cause unrest in the area, having abandoned peace negotiations with the DRC government. The group has now split into two warring factions and civilians have been caught in the crossfire, particularly in Rutshuru and south of Goma.<sup>2</sup> There are also numerous reports of violent clashes between M23 and the Congolese army, Forces armées de la République démocratique du Congo (FARDC), in Kibati, Munigi, Mutaho and Rusayo.<sup>3</sup> Civilian deaths and injuries have also been reported, and thousands of people have fled the violence. The International Committee of the Red Cross also reports heavy fighting in Kitchanga, Masisi territory,<sup>4</sup> where the situation facing the civilian population is critical.

## Yvette &amp; Victor

Victor was born on Saturday, January 5, somewhere in the bushes on the hills around Chulwe as his mother Yvette fled her burning village. "Soldiers walked down the hill and took everything and everyone was under fire," she says. "Everywhere was panic, people running into each other. Nobody knew where to hide. A grenade fell between my feet and luckily did not explode. I took my children and ran into the woods." While the bullets flew overhead, she heard screams. Houses were burned. "All this time I kept quiet, together with my children. I had nothing with me. We hid in the bushes for weeks. We got diarrhoea and malaria. Our feet were swollen from the cold and thorns. I kept my son warm in one of my two scarves." After about a month, Yvette and the others went back to the village, and found devastation: "Houses were burned, animals were stolen. There was little left of it." Yvette is back to work as a volunteer in a War Child Holland project, but is still afraid. The memories are fresh, and the atmosphere in the region remains extremely tense. Although Victor is doing well, he has already experienced his first flight from violence, and history suggests that it will most likely not be his last.



## **SOUTH KIVU**

The situation is even more worrying in South Kivu, with widespread reports of attacks on villages, looting, killings and pandemic sexual violence. During the November 2012 upsurge in violence in and around Goma, FARDC soldiers stationed in South Kivu were sent to North Kivu, creating a power vacuum that other armed groups quickly jumped to fill. In addition, a large group of internally displaced persons (IDPs) moved into South Kivu; the number of IDPs now stands at an estimated 700,000.<sup>5</sup>

The situation on the ground for civilians in these troubled areas is far from improving. The local population lives with the uncertainty of not knowing when they will next be forced to flee. As their homes are repeatedly pillaged and destroyed by armed groups, they struggle to maintain their livelihoods, let alone participate in development activities. Children make up 50 percent of the population. They have been, and remain, the central victims of the continued instability.

### **Juliette**

Sixteen-year-old Juliette is still not feeling well. The malaria she contracted while hiding in the bushes around her village still lingers. It's been three weeks since she returned to her home in eastern DRC. Or what little of it remained. "It was early January, at night" she told us. "We heard gunfire and explosions in the soldiers' camp at the top of the hill. In the village there was panic. Together with my parents, my brothers and my sisters, we packed our stuff and we fled into the woods." That night, Juliette did not yet know that their stay in the woods would last for several weeks, in the cold without shelter or clean clothes. The danger of being shot was ever-present, and the entire family suffered from malaria and diarrhoea. After four weeks they returned to their village, but many people were missing. "I have two good friends. They also fled. I do not know where they are, I have not seen them since that night." Juliette constantly fears having to flee again. "This is the fourth time I've fled. I'm scared, and I have many nightmares. I just want this war to stop. I want to study."



**MAIN PROTECTION ISSUES FACING CHILDREN**

1. Widespread grave child rights violations, including but not limited to the recruitment of minors by armed forces and groups and sexual violence against children, are a direct consequence of the conflict.
2. Massive population displacement, increasing risks for children, including but not limited to their separation from parents/families, economic and sexual exploitation, and sexual violence.
3. Lack of community child protection systems that can prevent and respond to child protection incidents.
4. Lack of reintegration support for children separated from their families and released from armed forces and groups.

**NEW DEVELOPMENTS**

Despite these troubling reports, there is some cause for optimism. A peace accord was signed in Addis Ababa on February 24 by representatives of the DRC, Rwanda, Uganda, Burundi, Angola, and Republic of the Congo, South Africa and Tanzania. The 'Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Great Lakes Region' has revived the hope that leaders in the region will work together to combat the root causes of the conflict and bring lasting peace to the area. Mary Robinson of Ireland, former UN High Commissioner for Human Rights, was appointed Special Envoy for the Great Lakes Region to support and monitor the implementation of the accord.

The accord represents a commitment by President Joseph Kabila to reform governmental institutions and the security sector and foster economic development through infrastructure expansion in the DRC. It also contains a commitment by the neighbouring countries to refrain from interfering in the DRC's internal affairs, a commitment which has been roundly welcomed. Prior to the accord, the UN repeatedly voiced its concerns that M23 had received substantial "outside support", particularly from Rwanda. The accord also calls for the creation of a Special Intervention Brigade, whose mandate will be to "neutralise and disarm armed groups" in the region by implementing targeted operations against specific command and control structures.

The brigade of 3,069 soldiers from Tanzania, South Africa and Malawi is intended to be in place by mid-July. The Brigade will operate under the most aggressive mandate ever bestowed upon a UN peacekeeping mission, prompting concern from local and international NGOs.<sup>6</sup> Nineteen NGOs operating in the DRC, including War Child, issued a letter calling on UN Secretary General Ban Ki-moon to ensure that the Brigade "prioritises mitigation of harm to civilians" and urged the Security Council to "to seriously consider suspension of the Brigade if it does not perform well".

In addition, former M23 leader Bosco Ntaganda turned himself over to the International Criminal Court (ICC) on March 18. The court had sought his arrest for more than seven years on charges relating to child soldier recruitment, murder, rape and pillage. The charges against him will be assessed on February 10, 2014. Survivors of his crimes in the DRC have expressed relief at Ntaganda's transfer to The Hague, and support a trial that would see justice for the atrocities they experienced.

**HUMAN RIGHTS WATCH SPOKE TO A 16-YEAR-OLD BOY WHO WAS KIDNAPPED ON HIS WAY TO SCHOOL BY REBEL TROOPS LOYAL TO NTAGANDA EARLIER THIS MONTH. HE EXPRESSED RELIEF ABOUT NTAGANDA'S ARREST, SAYING, "NOW HE CAN NO LONGER COME BACK TO WHERE I LIVE AND TAKE ME FROM SCHOOL AND TAKE ME TO WAR."<sup>7</sup>**

## **RECOMMENDATIONS**

Following our 2012 report and additional consultations with MONUSCO, we make the following recommendations to improve the situation for children in the DRC:

### **MONUSCO:**

Soldiers serving under the Special Intervention Brigade must receive a **high level of children protection** training prior to deployment. As this is the first such brigade in a UN peacekeeping mission, there is no precedent, which is a cause for concern. The Special Intervention Brigade will encounter cases of rape, recruitment and neglect and must be able to handle these situations appropriately.

The gap in MONUSCO's Child Protection mandate to negotiate with armed groups to prevent them from recruiting children, or assist armed groups with demobilising children in their ranks, is notable. However, the new Action Plan to prevent the recruitment of children by FARDC will give MONUSCO the possibility to negotiate with armed groups: **this opportunity to assist the demobilisation of children must be seized.**

**Despite a budget in excess of \$1.5 billion, MONUSCO devotes insufficient resources to its Child Protection Section, thereby limiting its ability to respond to violations against children. MONUSCO must revise its budget to provide adequate funding to its Child Protection Section.**

### **International Criminal Court:**

**Bosco Ntaganda's transfer to the ICC may lead to a full trial if the charges against him are confirmed at his February hearing. Should this happen, numerous young witnesses will be called before the court to tell their stories of recruitment and other atrocities. While this represents an opportunity for children and young people to be heard and to receive justice, the ICC must make every effort to ensure that testifying does not result in painful and emotionally traumatic experiences for these vulnerable young people.**

**The identities of these young witnesses must be protected, and the manner in which they testify must give effect to the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.<sup>8</sup>**

**Universal Periodic Review:**

The Universal Periodic Review (UPR) is the process through which the Human Rights Council reviews the human rights records of UN Member States. The process provides States with the opportunity to declare the actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. The DRC will be the subject of this review in April 2014, and the preparations are already in motion.

The review requires the government of the DRC to prepare a report on how it is meeting its human rights obligations. In addition, various local and international NGOs will work together to write a shadow report highlighting specific areas of concern to the Human Rights Council. These will include the gaps in child protection, reintegration and education, and the various rights violations that occur during emergencies.

We call upon Congolese civil society and government to **actively involve children** in all stages of in this important process, leading up to the review in April 2014. It is critical that children and young people are given the opportunity to speak out on the changes necessary to put an end to violations of their rights. The input of children and young people must guide the drafting of these reports so they are fully represented during this important process.

**Laurent**

Thirteen year old Laurent has already fled his home twice. He struggles with the uncertainty and instability he faces: "It makes me sad. I think it's not fair. It seems like it only happens here."



**FOOTNOTES**

- 1 'Lost childhoods: the continuing conflict in the Kivu provinces.' War Child Holland (November 2012). [http://www.warchildholland.org/sites/default/files/bijlagen/node\\_492/6-2013/war\\_child\\_report\\_lost\\_childhoods\\_the\\_continuing\\_conflict\\_in\\_the\\_kivu\\_provinces\\_21\\_november\\_2012.pdf](http://www.warchildholland.org/sites/default/files/bijlagen/node_492/6-2013/war_child_report_lost_childhoods_the_continuing_conflict_in_the_kivu_provinces_21_november_2012.pdf)
- 2 'Nord-Kivu : la Monusco se dit préoccupée par la reprise des violences à Rutshuru et Masisi', Radio Okapi (March 2013) <http://radiookapi.net/actualite/2013/03/03/nord-kivu-la-monusco-se-dit-preoccupee-par-la-reprise-des-violences-rutshuru-masisi>
- 3 'DR Congo: UN voices concern as fighting resumes between Government and M23 forces' UN News Centre (May 2013) <http://www.un.org/apps/news/story.asp?NewsID=44951&Cr=democratic&Cr1=congo#.UZtOUqL7CJ>
- 4 'DR Congo: Violence against civilians in Masisi must stop' International Committee of the Red Cross, News Release 13/38 (7 March 2013) <http://www.icrc.org/eng/resources/documents/news-release/2013/03-07-dr-congo-masisi-violence-civilians.htm>
- 5 'The Brutal Violence in Eastern D.R. Congo has gone on for Too Long' – Assistant Secretary-General Kang, African Press Organization (31 May 2013) <http://reliefweb.int/report/democratic-republic-congo/brutal-violence-eastern-dr-congo-has-gone-too-long-assistant>
- 6 'NGOs concerned about new DRC Intervention Brigade' IRIN (31 May 2013) <http://www.irinnews.org/report/98140/ngos-concerned-about-new-drc-intervention-brigade>
- 7 'DR Congo: Victims, Activists Respond to Warlord's Surrender Human Rights Watch' (26th March 2013) <http://www.hrw.org/news/2013/03/26/dr-congo-victims-activists-respond-warlord-s-surrender>
- 8 United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime [http://www.un.org/en/pseataforce/docs/guidelines\\_on\\_justice\\_in\\_matters\\_involving\\_child\\_victims\\_and.pdf](http://www.un.org/en/pseataforce/docs/guidelines_on_justice_in_matters_involving_child_victims_and.pdf)

For more information: [info@warchild.nl](mailto:info@warchild.nl) or call +3120 - 422 7777

[WWW.WARCHILDHOLLAND.ORG](http://WWW.WARCHILDHOLLAND.ORG)

