
CONGO, Democratic Republic of the

Democratic Republic of the Congo

Population: 51.2 million (27.5 million under 18)

Government armed forces: 97,800 (estimate)

Compulsory recruitment age: no conscription in law

Voluntary recruitment age: 18

Voting age: unknown

Optional Protocol: ratified 11 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

All parties to the conflict in the Democratic Republic of the Congo (DRC) recruited, abducted and used child soldiers, often on the front line. As many as 30,000 child soldiers were estimated by international and government agencies to need demobilizing in 2003.¹ In eastern DRC in 2003, armed political groups continued to recruit child soldiers, who constituted more than 40 per cent of their forces in some instances. Women and girls were raped or subjected to other forms of sexual violence and abducted into sexual servitude. Although demobilization of child soldiers officially began in 2000, none of the forces involved were genuinely committed to the process and only a small proportion of child soldiers were demobilized. Thousands of foreign combatants, including an unknown number of child soldiers, left the DRC under a regional demobilization program and as peace processes in the region evolved.

Context

More than three million people were estimated to have died as a result of armed conflict in the DRC since 1998. Exploitation of natural and economic resources fuelled the conflict and systematic human rights abuses, particularly in the east and northeast. In December 2003 around 3.4 million people were still unable to return to their homes.²

Following an agreement in December 2002 between the main parties to the conflict, a government of national unity took office in July 2003, comprising representatives of the former government, major armed political groups and civil society. A joint military command was established. However, the country remained

fragmented under the control of different armed forces, and conflict continued in several areas, particularly in Ituri district in the northeast.

In June 2003 the UN Security Council authorized deployment of a European Union (EU) Interim Emergency Multinational Force (IEMF) in Ituri. The force replaced Ugandan troops that had been in occupation since 1998.³ Child soldiers with the Ugandan armed forces fought in the DRC, and the Ugandan authorities and armed forces were closely involved with a number of Congolese armed opposition groups and militia.⁴ In September 2003 the UN Mission in the DRC (MONUC) assumed responsibility from the IEMF. Although the force was able to establish some security in Bunia town, areas outside remained under the control of various armed groups in the area, and prey to violence.⁵

International pressure forced Rwanda also to begin withdrawing its troops in late 2002. However, despite denials by the Rwandese government, as of March 2004 its army continued to be militarily active in the DRC, supporting and providing arms to armed groups that made extensive use of child soldiers: the *Rassemblement congolais pour la démocratie-Goma* (RCD-Goma), Congolese Rally for Democracy-Goma; and the *Union des Patriotes Congolais* (UPC), Union of Congolese Patriots.⁶

In March 2004 fighting and attacks on the civilian population were reported in several regions, and dissident soldiers attacked the capital, Kinshasa, in an alleged coup attempt.

Government

National recruitment legislation

The transitional constitution of April 2003 bans the recruitment into the armed forces of anyone under the age of 18, or their use in hostilities (Article 184). It also prohibits the formation and deployment of militias (Article 182). Legislation adopted after public consultations in October 2002 criminalized the recruitment of child soldiers, but appeared not to have come into force by March 2004.⁷

The labour code prohibits the recruitment of minors, defining the use of child soldiers as one of the worst forms of child labour.

Child recruitment and deployment

Early in 2003 the Congolese authorities indicated that about 30,000 child soldiers were awaiting demobilization.⁸ Observers, including UN agencies, estimated in 2003 that children made up some ten per cent of the armed forces. Recruitment of child soldiers seemed to have ceased by 2003 and their numbers in the ranks diminished as they reached the age of 18, escaped or were demobilized.

However, the government continued to support armed groups – including the *Mai-Mai*,

loosely allied indigenous militia groups, and the *Rassemblement congolais pour la démocratie-Mouvement de libération* (RCD-ML), RCD-Liberation Movement – that were reportedly still recruiting or abducting children in August 2003.⁹

Armed political groups

All the Congolese armed political groups in the DRC continued to use child soldiers, many of them under the age of 15. Numerous children were abducted or coerced into joining, but others volunteered, particularly in Ituri district. Almost all girls and some boys were reported to have been raped or sexually exploited by their commanders or other soldiers. Children in all the armed groups witnessed and often participated in serious human rights abuses against civilians, as well as undertaking frontline duties.¹⁰ Accurate information was not always available because of the isolated locations of some groups.

RCD-Goma

In February 2003 the then RCD-Goma leader, Adolphe Onusumba, claimed that child soldiers joined RCD-Goma voluntarily and benefited from education and care in the force. His personal guard included a 13-year-old boy. Yet RCD-Goma's child soldiers were made 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.¹¹ Girls were raped, subjected to other forms of sexual abuse and forced to become commanders' "wives".¹²

When Rwanda began to withdraw its troops in late 2002, RCD-Goma launched intensive recruitment drives in which children as young as eight were recruited, often forcibly, usually in rural areas and sometimes from schools. In April 2003 MONUC estimated that 20 per cent of RCD-Goma frontline combatants were under the age of 18.¹³ In June 2003 children including former child soldiers, many of them under 15, were forcibly recruited from the streets and markets on Idjwi island, Lake Kivu. Child soldiers were sent to villages to persuade other children to join. Recruits were trained at military bases and beaten severely if they failed at exercises. In July 2003 a 15-year-old boy soldier was reportedly beaten to death for trying to escape.¹⁴

Continuous recruitment by RCD-Goma as well as some other armed groups was reported in South Kivu province between May and August 2003. Children from Idjwi island, Kabare, Walungo, Uvira and Bukavu were taken to training camps in Nyamunyunye, Mwenga, Shabunda, Fizi and Kihumba.¹⁵

In addition to its main armed forces, RCD-Goma claimed to have 10,000 members in its paramilitary Local Defence Forces (LDF). Hundreds of children in the LDF, some as young

as 12 and with barely any training, were sent into combat. Unpaid LDF members frequently robbed local people. Many were subsequently integrated into RCD-Goma.¹⁶

RCD-ML

The armed wing of RCD-ML was active in North Kivu and southern Ituri. A splinter group, it received direct military support from the DRC government and remained a rival of the Rwandese-backed RCD-Goma, although both were in the government of national unity.

In July 2003 RCD-ML told Amnesty International that its child soldiers had been demobilized, although at the time children as young as 12 were still serving as frontline troops and a 13 year old was a guard to one of its leaders. Member organizations of the Child Soldiers Coalition in the east estimated the number of RCD-ML child soldiers at one thousand. In July 2003 the armed wing of RCD-ML re-recruited dozens of children who had been demobilized by the *Mai-Mai* between May and August 2003 in South Kivu. They were taken to military training camps in Eringeti, Watalinga and other locations near the Ugandan border. Abductions by the RCD-ML were reported in Beni, North Kivu, in August 2003.¹⁷

Mai-Mai

Up to 50 per cent of *Mai-Mai* combatants were estimated to be under the age of 18, and many of these under 15.¹⁸ Mainly active in the eastern provinces of Maniema, Katanga and Kivu, the *Mai-Mai* received direct military support from the DRC government and entered opportunistic alliances with former enemies. Coalition members in DRC detected heavy *Mai-Mai* recruitment of children between March and August 2003 in Walungo, Mwenga, Shabunda, Fizi and Buyankiri, in South-Kivu.¹⁹ Young girls were abducted, raped and forced into sexual servitude with commanders as their "wives".²⁰

One *Mai-Mai* group, the Mudundu 40, for several months fought alongside RCD-Goma forces and forcibly recruited child soldiers, some as young as seven, for them. Nearly half of the group's own child soldiers were estimated in 2003 to be aged 15 or younger.²¹

One boy, who was like many other children in the ranks of the *Mai-Mai*, stated that he was abducted by the *Mai-Mai* when he was 14 in Kindu (Kampere). At the front line his commander would put some substance in his water and tell him it had a mystic power that would protect him. He said the *Mai-Mai* told him he could not be released because he lived with their enemies, the Rwandese Tutsis, who might extract important information from him.²²

Other armed groups

One armed group, led by Patrick Masunzu and dominated by South Kivu Tutsi (*Banyamulenge*), used child soldiers in its operations against Rwandese forces occupying South Kivu and their ally, RCD-Goma, in 2002. In January 2003 two child soldiers from the group were demobilized and transferred to a transit centre run by a Coalition member organization in Bukavu.²³

The *Mouvement pour la libération du Congo* (MLC), Movement for the Liberation of Congo, supported by the Ugandan army, acknowledged that it had 1,800 child soldiers in its ranks. MLC troops were responsible for human rights abuses including killings, widespread rape and other forms of sexual violence in both the DRC and neighbouring Central African Republic, where the MLC intervened from 2002 to 2003 in support of the then government. In September 2002 the MLC detained a journalist from Radio Okapi for eight days for reporting on the conditions of child soldiers in its forces.²⁴ Two members of a local non-governmental organization (NGO) were also detained.²⁵

One 12-year-old child soldier with the UPC in 2003 told Amnesty International that most soldiers in his unit were aged between 10 and 12.²⁶ Boys and girls as young as seven were recruited by the UPC. In February 2003 newly recruited children, still in their school uniforms, were seen on the streets in Bunia. Child soldiers took part in widespread and repeated random killings, rape, looting and arson in the district.²⁷ UPC ranks were reported at that time to include 6,000 children aged between eight and 17.²⁸

Rwandese, Ugandan and Burundian armed political groups maintained bases in the DRC, and the Rwandese and Burundian groups took an active part in the DRC conflict. Burundian groups, including the *Conseil national pour la défense de la démocratie—Forces pour la défense de la démocratie* (CNDD-FDD (Nkurunziza)), National Council for the Defence of Democracy—Forces for the Defence of Democracy, had numerous child soldiers in their ranks. Their fighters reportedly raped women and girls, and abducted some into sexual servitude.²⁹

Ituri

A plethora of armed groups and militias, often formed on ethnic lines, operated in Ituri, an area of considerable natural wealth. Among them were the MLC, RCD-ML and UPC, as well as RCD-National and the *Parti pour l'unité et la sauvegarde de l'intégrité du Congo* (PUSIC), Party for the Unity and Safeguarding of the Integrity of the Congo. Much of the conflict stemmed from the desire to control the region's economic resources. The Ugandan, Rwandese and DRC governments all reportedly gave arms and training to armed groups and their child soldiers in the area, as well as deploying their own troops. In 2003 all

the major armed groups were backed for a time by Uganda, whose shifting support exacerbated insecurity. Changing alliances between armed groups also led to violence, further recruitment of child soldiers and other human rights abuses.³⁰

The use of child soldiers was at its highest in Ituri, with all armed groups having large and increasing numbers of child soldiers as the war escalated. At the start of the conflict, families of the Hema ethnic group reportedly had to give up one child to Hema militias or pay an exemption fee. If they refused, the children were taken by force. However, many children volunteered to join up after seeing relatives killed. Lendu and Ngiti militias also used children, sometimes as fighters but also as human shields or to carry out looting. Children as young as 12, armed with firearms and knives, were reported to have taken part in attacks on civilians.³¹ In February 2003 Ngiti leaders claimed to have some 5,000 child soldiers.³² Their use continued into 2004.

Detention and execution

A small number of child soldiers were arrested, some for military offences such as desertion and failure to obey orders, others on suspicion of committing crimes including murder and rape. Of 44 child soldiers detained in Bukavu in 2003, 33 were released, ten redeployed to the front, and one 17 year old accused of rape was still in detention in early 2004.³³

Although military jurisdictions were not competent to try people under the age of 18, the law was not rigorously applied. Some child soldiers were tried by the *Cour d'ordre militaire*, Military Order Court, before it was abolished in April 2003. Their trials were grossly unfair, and they had no right of appeal. One 15-year-old child soldier, sentenced to death by the court in 1999, had his sentence reduced to five years' imprisonment in August 2002. Other child soldiers were summarily executed without trial. Bahati, an RCD-Goma soldier aged 17, was arrested by RCD-Goma in Uvira in May 2003 after allegedly killing a soldier the previous night during an attempted theft. He was not tried but was executed in public the same day.³⁴

Disarmament, demobilization and reintegration (DDR)

From 2001, the DRC government and most of the DRC's armed political groups were formally committed to demobilizing child soldiers. Success was limited however, particularly in the east, in part because of continuing conflict. By February 2004 an estimated 900 child soldiers had been demobilized by the government, and 1,000 by the armed groups with the help of NGOs.³⁵ According to the DRC Child Soldiers Coalition, 4,522 children (including 121 girls) had been demobilized from

the *Forces armées congolaises* (FAC), Congolese armed forces, and armed groups in Bukavu, Goma, Kindu, Bunia, Kalemie, Kassai and Kinshasa as of March 2004.³⁶

Re-recruitment was high. Many demobilization initiatives were mere public relations exercises, undermined by lack of commitment to the process, inaccurate information, poor preparation and coordination, and lack of resources.³⁷ A national DDR framework was finally adopted in February 2004.³⁸

Groups such as RCD-Goma, RCD-ML and the MLC at times threatened those working on demobilization and reintegration, and re-recruited child soldiers, including from demobilization centres run by Coalition members. In March 2003, a Coalition member reported the re-recruitment of 19 children by an RDC-ML commander from one of its transit centres.

In Ituri, armed political groups and militias made no serious efforts to demobilize child soldiers. However, after the IEMF was deployed, and under international scrutiny, the UPC decreed in June 2003 that all its child soldiers be demobilized. Around 40 were demobilized the same month.³⁹

Fundamental weaknesses in the program continued after the inauguration of the government of national unity. In some cases, fighters who had grouped ready for demobilization, including one thousand *Mai-Mai* in January 2004, returned to the forest when it became apparent that nothing was in place to assist them. In December 2003 the government, with the help of UNICEF, introduced official “leaving” (*attestation de sortie*) certificates for child soldiers. However, by March 2004 the government had not passed on appropriate orders to regional officials and no certificates had been issued, with the result that children felt too vulnerable to leave transit centres.⁴⁰

As part of a regional DDR program, MONUC assisted in the repatriation of foreign combatants to Burundi, Rwanda and Uganda. Repatriation to Uganda and Rwanda began in December 2003.⁴¹ By March 2004 it had assisted in the repatriation of nearly 10,000 combatants, including an unknown number of child soldiers, and their dependants.⁴²

Other developments

In June 2003 the Prosecutor of the International Criminal Court announced that the human rights abuses in the DRC, including those by Ugandan supported groups in Ituri, would be the subject of a preliminary examination to decide whether to seek authorization for a criminal investigation. However, when in January 2004 the Prosecutor announced an investigation into war crimes in Uganda, it appeared that it would focus only on one Ugandan opposition group, the Lord’s Resistance Army.⁴³

In October 2003 the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in DRC submitted its final report to the UN Security Council. Previous reports had named a number of international companies that had exploited resources in the DRC in a way that effectively funded the conflict. The final report referred 40 of these companies for further investigations by their own governments. Part of the report was not made public and allegedly accused Rwanda and Uganda of continued engagement in such exploitation in DRC and of breaking the arms embargo. The Panel was disbanded at the end of October 2003. The majority of its recommendations remained unimplemented.⁴⁴

* see glossary for information about internet sources

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- 2 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 3 Human Rights Watch (HRW), *Ituri: “Covered in blood” – Ethnically targeted violence in northeastern DR Congo*, July 2003, <http://www.hrw.org>.
- 4 US Department of State, *Country Reports on Human Rights Practices 2003*, Uganda, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 5 Forum on Early Warning and Early Response (FEWER), “DRC: Ituri update Jan 15-31 2004”, 29 February 2004, <http://www.reliefweb.int>.
- 6 Amnesty International (AI), *DRC: Children at war*, September 2003.
- 7 Confidential source, March 2004.
- 8 AI, *DRC: Children at war*, op. cit.
- 9 Information from members of Child Soldiers Coalition, DRC, August 2003.
- 10 AI, *DRC: Children at war*, op. cit.
- 11 AI, *DRC: Children at war*, op. cit.
- 12 Confidential source, March 2004.
- 13 Confidential source, January 2003.
- 14 AI, *DRC: Children at war*, op. cit.
- 15 Information from Coalition members, DRC, September 2003.
- 16 AI, *DRC: Children at war*, op. cit.
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- 18 AI, *DRC: Children at war*, op. cit.
- 19 Information from Coalition members, DRC, September 2003.
- 20 Confidential source, March 2004.
- 21 AI, *DRC: Children at war*, op. cit.
- 22 Testimony given to Coalition members in Goma, September 2003.
- 23 Information from Coalition member, DRC, January 2003.

- 24 Report of the UN Secretary-General on MONUC, UN Doc. S/2002/1180, 18 October 2002, <http://www.monuc.org>.
- 25 AI, *DRC: Children at war*, op. cit.
- 26 AI, *DRC: Children at war*, op. cit.
- 27 HRW, *Ituri: "Covered in blood"*, op. cit.
- 28 IRIN, "DRC-Uganda: Ituri braces for Ugandan pullout", 17 April 2003.
- 29 AI, *Burundi: Child soldiers – the challenge of demobilization*, March 2004.
- 30 AI, *DRC: On the precipice – the deepening human rights and humanitarian crisis in Ituri*, March 2003.
- 31 HRW, *Ituri: "Covered in blood"*, op. cit.
- 32 IRIN, "DRC-Uganda: Ituri braces for Ugandan pullout", op. cit.
- 33 Report of Coalition National Coordinator, DRC, October 2003.
- 34 Information from Arche d'Alliance, Coalition member, DRC, September 2003.
- 35 Rachele Magloire, "Les Mai Mai et ex-combattants dans l'attente d'être demobilisé", MONUC, 6 January 2004, <http://www.monuc.org>.
- 36 Information received from the DRC Coalition to Stop the Use of Child Soldiers, March 2004.
- 37 AI, *DRC: Children at war*, op. cit.
- 38 Confidential source, March 2004.
- 39 AI, *DRC: Children at war*, op. cit.
- 40 Confidential source, March 2004.
- 41 Desire Baere, "MONUC repatriates ex-combatants from Kitona base", Radio Okapi, 10 January 2004, <http://www.monuc.org>.
- 42 Fabrice Badibanga, "Retrospective du 21 au 27 mars 2004", MONUC, <http://www.monuc.org>.
- 43 Information from Coalition member, DRC, March 2004.
- 44 AI, *DRC: Children at war*, op. cit.