
CONGO, Republic of

Republic of the Congo

Population: 3.6 million (1.9 million under 18)
Government armed forces: 10,000 (estimate)
Compulsory recruitment age: no conscription
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

Child soldiers were incorporated into the wider disarmament and reintegration process for combatants who fought in the conflict of 1998-9 and subsequent outbreaks of violence. They included children in the Ninja militia, which signed a final ceasefire agreement in March 2003. However, the process had apparently not begun by March 2004 because of continuing tensions between the Ninjas and government. There were no reports of new recruitment of child soldiers by government forces.

Context

The main opposition candidates were excluded from presidential elections in March 2002 won by incumbent President Denis Sassou Nguesso. The fairness of these and parliamentary elections in May 2002 was questioned.

Following the elections, the armed forces stepped up military operations against the Ninjas, a militia led by Pastor Ntoumi that had continued hostilities.¹ Tens of thousands of people were displaced by the fighting. Angolan troops supporting President Nguesso pulled out in December 2003, ending a five-year presence in the country.² After a peace agreement between the government and the Ninjas in March 2003, 2,300 militia fighters voluntarily disarmed. Sporadic violence continued, however, and in March 2004 the situation appeared volatile. The government rejected Pastor Ntoumi's demands for militia members to be brought into government, and several thousand armed fighters remained in the Pool region.³

In August 2003 the National Assembly approved a law granting amnesty to members of the Ninja militia, as well as to government forces, allied militias and mercenaries, under which human rights abuses committed during armed conflict since 2000 would not be investigated. The government also tried to prevent investigations by French courts into the "disappearance" of over 350 returning refugees in May 1999.⁴

Government

National recruitment legislation

There has been no conscription since 1969. Enlistment into the armed forces is voluntary with a minimum recruitment age of 18. A bill to ratify the Rome Statute of the International Criminal Court was passed by the National Assembly in November 2003 but had not been approved by the Senate by March 2004.

Child soldier use

As fighting flared again in 2002 there were reports, denied by government authorities, that street children had been recruited for military service in the Pool region. Unofficial sources reported that children were enticed to join with promises of money and clothes. Following the March 2003 peace agreement there were no new reports of child soldiers.⁵

Armed political groups

The Ninjas, led by Pastor Ntoumi, who broke away from the Ninja militia that signed a peace agreement with the government in 1999, were based in the Pool region. They were known to have child soldiers in their ranks, as well as young adults who had been recruited as children.⁶

Disarmament, demobilization and reintegration (DDR)

Child soldiers who had served in President Nguesso's private militia during the 1998-9 conflict, alongside government forces, were reported to have been disarmed, demobilized and reintegrated. However, the exact measures undertaken in this process, and the numbers of child soldiers involved, remained unclear. Many militia members simply returned home, with their weapons.⁷

In January 2004, 1,875 child soldiers from the Ninjas, including 375 girls, were reported to have registered for demobilization. According to officials, an estimated 37,000 militia members, some living as refugees in neighbouring Democratic Republic of the Congo or Gabon, needed to be demobilized.⁸ In March 2004, demobilization of Ninjas had not started, apparently because of conditions imposed by Pastor Ntoumi.⁹

Between 1999 and 2003 there were three independent overlapping processes of disarmament and, in some cases, reintegration. However, their success was threatened by the lack of a national strategy for DDR, the failure to collect tens of thousands of small arms and light weapons, and delays in reintegration projects. In June 2002 around 16,000 Ninja fighters, who

were still waiting for reintegration programs, were reportedly re-recruited as fighting broke out.¹⁰

Although most opposition militias ceased fighting and were disbanded under a 1999 peace agreement, many fighters, including child soldiers, retained weapons and remained marginalized and a potential threat to security. The number of child soldiers demobilized and reintegrated through the programs was not reported and it was not clear whether their special needs had been addressed. According to one survey, some 15 per cent of ex-combatants were aged 18 or younger during the 1998-9 conflict.¹¹

A study by the International Labour Organization (ILO) found that child soldiers appeared to have been used in a variety of roles. They fought on the front line, laid landmines, served as scouts and spies, and acted as bodyguards to commanders. They were used to guard prisoners, help the wounded and carry out domestic tasks. Many child soldiers drank alcohol, smoked and took drugs. After they left armed groups, only half of them returned to their homes and few of these to their parents' homes.¹²

Other developments

In September 2001 the UN Secretary-General's report on children and armed conflict expressed concern that a 1999 amnesty that precluded any prosecutions for war crimes, including those against women and children, had led to a heightened sense of trauma and helplessness. The report warned that the failure to provide a place for victims to give voice to the injustices they had suffered would have long-term and harmful consequences.¹³

In 2004 the ILO expressed concern that Congolese law allowed forced labour that was not of a purely military nature to be carried out under military service and that, although the government had stated that the measure was not enforced, the law had not been amended. It also expressed concern at child trafficking.¹⁴

* see glossary for information about internet sources

- 1 *Africa Confidential*, Congo-Brazzaville, <http://www.africa-confidential.com>.
- 2 IRIN, "Congo: Angolan troops begin pull-out", 17 December 2003, <http://www.irinnews.org>.
- 3 IRIN, "Brazzaville rejects rebel leader's demands", 9 March 2004; AFP, "Congo's Pool region between war and peace, one year after accord", 17 March 2004.
- 4 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 5 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 6 IRIN, "Congo Republic to demobilise 800 'Ninja' rebels", 14 January 2004.

- 7 R. Muggah, P. Maughan and C. Bugnion, *The Long Shadow of War: Prospects for Disarmament, Demobilisation and Reintegration in the Republic of Congo*, a Joint Independent Evaluation for the European Commission, UNDP and MDRP Secretariat, 13 February - 6 March 2003, http://www.undp.org/bcpr/smallarms/docs/DDR_evalcongo_e.pdf.
- 8 IRIN, "Congo Republic to send 'Ninja' children to school", 19 November 2003.
- 9 PANA, "Govt, rebels wrangle over demobilisation in Congo", 8 May 2004.
- 10 R. Muggah, P. Maughan and C. Bugnion, op. cit.
- 11 S. Demetriou, R. Muggah and I. Biddle, *Small Arms Availability and Trade in the Republic of Congo*, a Study Prepared by the Small Arms Survey for the International Organisation for Migration and UNDP, September 2001, <http://www.reliefweb.int>.
- 12 International Labour Organization (ILO), *Wounded childhood: The use of children in armed conflict in Central Africa*, April 2003, <http://www.ilo.org/public/english/standards/ipec/publ/childsoldiers/woundedchild.htm>.
- 13 Report of the UN Secretary-General on children and armed conflict, UN Doc. A/56/342-S/2001/852, 7 September 2001, <http://www.un.org/documents>.
- 14 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Convention No. 29, Forced Labour, 1930 - Congo, <http://www.ilo.org/ilolex/database>.