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DRC: Children at war, creating hope for the future

METHODOLOGY AND ACKNOWLEDGEMENT

This report is the outcome of research conducted by Amnesty International during 2005 and 2006, including through visits to regions of eastern DRC and the capital, Kinshasa. In the course of research, Amnesty International delegates met with scores of children released from the armed forces and groups, their families, Congolese teachers, representatives of Congolese and international NGOs working on child protection, representatives of UN agencies including UNICEF and MONUC, the World Bank and the DRC government. The delegation visited numerous locations including military camps, demobilization centres and transit centres for children released from the armed forces and groups, and a number of communities where children had been reunified with their families. The identities of all children whose testimony is included here have been changed for their protection.

Amnesty International thanks the individuals and organizations who assisted in its research. Particular gratitude is owed to the Congolese human rights' and child rights' activists who greatly assisted the organization in its work but whose names, again for security reasons, must be omitted from this report. These human rights defenders, with limited resources and often under situations of physical threat, work on behalf of children and other victims of human rights abuse in the DRC with exceptional courage. Amnesty International calls on the DRC government and international community to recognize and support the work of these defenders, and to provide them with greater protection.

Cover photograph: Demobilized children burn their military uniforms. Bukavu. March 2006. © AI

INTRODUCTION AND SUMMARY

One of the most disturbing features of the conflict in the Democratic Republic of Congo (DRC) has been the widespread and systematic use of children aged under 18 as fighters, porters, domestic servants or sexual possessions by government forces and armed groups. It is estimated that at least 30,000(1) children were attached to the armed forces and armed groups in the conflict zones of eastern DRC, constituting up to 40 per cent of some forces. Girls were estimated to represent up to 40 per cent of these children(2) and in early 2005 it was believed that around 12,500 girls were associated with the armed forces and groups.(3) Some children interviewed by Amnesty International were aged as young as six when they were recruited. Under international law, the recruitment and use of children under 15 is considered a war crime, and the recruitment and use of children under 18 is prohibited.

As part of a national peace process and a political transition that began in June 2003, the DRC government, backed by \$US 200 million of international finance, launched a country-wide programme for the disarmament, demobilization and reintegration (DDR) into civilian life of an estimated 150,000 government troops and armed group fighters, including an estimated 30,000 children. At the same time, in a parallel programme, an estimated further 150,000 adult government soldiers and armed group fighters were to be integrated into a new, unified national army.(4) The implementation of both programmes was badly delayed by a lack of political and military will to engage in the process, as well as serious management and technical problems. Both programmes have continued to suffer from severe challenges. Ongoing insecurity in eastern DRC has also disrupted and at times threatened to undermine the programmes.

By the end of June 2006, the government commission coordinating the DDR programme, the *Commission nationale de désarmement, démobilisation et réinsertion* (CONADER), reported that it had demobilised 19,054 children from the armed forces and groups(5). At around the same time, CONADER announced that budget constraints were forcing it to suspend most of its demobilization activities in order to concentrate the remaining funds (\$US 50 million) on reintegration. However, there a number of serious difficulties facing the child DDR programme. More than two years after the official launch of the national DDR plan in July 2004, perhaps at least 11,000(6) children are still with the armed forces or groups, or are otherwise unaccounted for in the DDR programme. In particular, large numbers of girls are missing: in some areas, less than two per cent of the children passing through the DDR programme have been girls.(7) Amnesty International believes on the basis of its research that the majority of girls have been abandoned or misidentified as "dependants" of adult fighters. No efforts have been made by the DRC government to trace, recover and assist these lost children.

In areas of eastern DRC where insecurity persists, other children continue to be recruited, including some who had only recently been demobilised and who are especially vulnerable to re-recruitment. Some are re-recruited by force; others are effectively pushed back into the armed groups because the DRC government has not provided them with meaningful support once returned to their communities. The government's unwillingness to tackle impunity for war crimes and other crimes under international law has also effectively encouraged the persistence of the recruitment and use of children. Nor has the DRC government taken adequate measures to protect the civilian population, including children, in eastern DRC from human rights abuse.

To date, little government effort and resources have been put into the reintegration of released children. Amnesty International believes that the majority of children released and reunited with their communities are so far unsupported or poorly supported in their return to civilian life and are not being provided with adequate educational or vocational opportunities. By the end of June 2006, CONADER had not implemented a single community-based economic reintegration project for children.(8) Child educational and vocational reintegration activities that are underway in the communities are being provided wholly by international and national child protection NGOs, but these NGOs do not have the capacity or resources to make up for the wider obligations and responsibilities of the DRC state. In the course of its research, Amnesty International met with many released children who were not benefiting from any form of support, including some who were living on the street. Many

reported that they had been harassed by government agents or armed group members after returning to their communities.

The resources of NGOs are effectively being used to compensate for government shortcomings both in regard to a child DDR programme that is significantly incomplete, particularly in relation to reintegration, and in regard to a state education system which is severely degraded, partly as a result of years of conflict but also through years of government under-investment and neglect. Under the national constitution and through ratification of international instruments on economic, social and cultural rights, the DRC has committed to providing free, compulsory education to all children up to the age of 14, but so far it has done little to fulfil this promise. Congolese parents currently contribute between 80 and 90 per cent of the money spent on schools through a system of direct fee-payments which most Congolese cannot afford.(9) As a result the majority of Congolese children of school-age do not receive elementary education.

This report highlights Amnesty International's fear that as long as their needs are not addressed by the DRC government and the international community, released children are at risk of being quickly redrawn into the armed forces or armed groups or of being abandoned to an impoverished and forlorn existence. Children in the DRC remain a reservoir of potential strength for these forces which, despite the peace process, remain primed for a return to conflict. Many children interviewed by Amnesty International dejectedly admitted that despite the horrors they endured during their military life, they feared that they would be forced to rejoin the armed groups simply to survive.

The first democratically-elected government since the 1960s is about to take office in the DRC. This political landmark offers hope that the country will at last be able to move forward to embrace fundamental human rights and social reforms. As one of its first steps, Amnesty International is urging the new government to ensure that all children associated with the armed forces and groups are released, protected, and provided with meaningful educational and vocational opportunities to enable their durable reintegration in the community. This is critical to preventing the re-recruitment and further abandonment of these children. At the same time, Amnesty International calls on the new government to promptly begin implementation of the right to free and compulsory elementary education for all children. International donors should recognize the urgency of this need and provide appropriate assistance.

I. BACKGROUND: RECENT POLITICAL AND MILITARY DEVELOPMENTS

The DRC conflict which began in 1996 has seen DRC government forces and numerous armed groups fighting for political, military and economic supremacy in eastern DRC.(10) Much of the fighting has been for control of mineral and other economic resources. Children were routinely recruited and used by all Congolese belligerent forces until 2003, when the former government army, the *Forces Armées Congolaises* (FAC), Congolese Armed Forces, effectively ended the recruitment and use of those under 18. The armed groups and militia, however, continued to rely on children as a large part of their military strength.

The signing of a Global and All-Inclusive Peace Agreement in December 2002 led to a significant reduction of the fighting, but not its total end. A transitional government, in which power was shared by the belligerents, took office in June 2003, but was hampered by its complex power-sharing structures and a lack of cooperation among its constituent parties. The transitional government's primary tasks under the terms of the peace agreement were to cement the peace process, extend state authority to all areas of the country, reform the army and other security services, and organize national presidential and legislative elections. However, the fractious government was slow to enact essential reforms and failed to address the urgent humanitarian needs of the civilian population in the east. The transitional government was assisted by substantial international support, particularly for the holding of elections, and a 17,000-strong United Nations (UN) mission, the *Mission de l'Organisation des Nations Unies en République Démocratique du Congo* (MONUC), UN Mission in the Democratic Republic of Congo, which besides its main peace-keeping role has also been active in peace- and institution-building in the country.

The conflict has left communities across the east in ruins and their civilian populations killed or displaced. By 2006 an estimated 3.9 million Congolese had died as a result of the conflict, with around 1,200 people continuing to die every day from violence or, in most cases, from preventable disease and starvation brought about by insecurity, displacement and lack of access to humanitarian and medical care. (11) There are currently an estimated 1.66 million internally displaced persons (IDPs) in the DRC, most of them women and children. (12)

Decades of neglect, poor governance and mismanagement of resources, compounded in the east by the widespread destruction of war, have left essential services and infrastructure, including the justice, health and educational sectors, in a state of near-collapse. According to UN agencies, 80 per cent of the DRC's population live below the absolute poverty line of less than \$1 a day, 54 per cent have no access to even basic health services, 71 per cent suffer food insecurity and 57 per cent have no access to safe water.(13) In 2005, the average life expectancy for Congolese men and women was only 43 years(14), while mortality rates amongst children mean that one in five do not live to see their fifth birthday(15). This devastated socio-economic and humanitarian environment provides a huge challenge for the successful reintegration into civilian life of children released from the armed forces and groups. Most communities to which released children are returning have suffered years of war and extreme poverty.

The elections held at the end of July 2006 offer some hope that the fragile peace may be strengthened in the coming months, but the country remains deeply unstable and several armed factions remain suspicious of or openly hostile to the peace process, apparently ready to resume fighting if they believe their interests are not secured by the post-election environment. The DRC remains prey to widespread insecurity and ethnic tensions. Grave human rights abuses are committed on a daily basis. The volatile security situation also continues to limit humanitarian access to many areas of eastern DRC.

Among the armed groups hostile to the peace process are the forces of Laurent Nkunda, which launch sporadic attacks against government forces and civilian centres in North-Kivu province, ostensibly in defence of the region's Hutu and Tutsi ethnic communities.(16) His forces, whose numbers are fluid but probably amount to several hundreds of fighters, are mainly drawn from these communities and include some units that are officially part of the government army, the *Forces Armées de la République Démocratique du Congo* (FARDC). Nkunda's forces have been responsible for numerous human rights abuses, some of which amount to war crimes, including rapes, unlawful killings and torture. Some of these abuses appear to have

been ethnically-motivated. An international arrest warrant for Laurent Nkunda was issued in September 2005 by the DRC government on charges of war crimes and crimes against humanity.

In the north-eastern district of Ituri, conflict has inflamed divisions between the Hema, Lendu and other ethnic groups and led to the creation of a number of ethnically-based armed groups. Most of these groups eventually accepted the peace process by signing, in May 2004, an Act of Engagement with the transitional government. Elements of several Ituri armed groups, however, formed the *Mouvement révolutionnaire congolais* (MRC), Congolese Revolutionary Movement, a coalition reportedly based on mutual economic interests. The MRC resisted disarmament, committed serious human rights abuses(17), and attacked the FARDC as well as MONUC peacekeeping forces. In late July 2006, the MRC agreed with the transitional government to demobilise in return for a "general amnesty" for its fighters and reportedly a senior command position in the FARDC for MRC commander, Mathieu Ngojolo. On 17 July another Ituri armed group implicated in serious human rights abuses, led by Peter Karim, accepted disarmament on similar terms to the MRC, including a post of colonel in the FARDC for Peter Karim. Despite these agreements, in late August 2006 MONUC reported that Ituri armed group leaders were again recruiting new fighters, including by force.(18)

In northern Katanga province, an insurgency against the transitional government by *mayi-mayi* militia that began in 2003 continues to destabilize the area. In the course of that insurrection, both *mayi-mayi* and opposing FARDC forces committed war crimes and other crimes under international law, including mass unlawful killings, "disappearances", rape and torture(19). In May 2006, *mayi-mayi* leader Kyungu Mutanga, known as Gédéon, surrendered himself to MONUC with 150 of his fighters, half of whom were children. Now in the custody of the Congolese military justice authorities, he has yet to be tried, and a local human rights group has voiced concern that the authorities may not bring him to justice, citing a reported public statement by a military judicial official that "*We shall treat Gédéon as a brother*".(20) The bulk of *mayi-mayi* fighters, of whom a large proportion are believed to be children, remain active in the area.

The FARDC government army, whether in integrated units that have already completed the army reform process (described below) or in non-integrated units that have to still to pass through that process, has been responsible for numerous violations of human rights and international humanitarian law, including unlawful killings, rapes, acts of torture, enforced disappearances, illegal detention and looting. FARDC units have also failed to protect civilians from attack by armed groups.(21)

As the above examples show, in return for accepting state authority the transitional government has rewarded armed group leaders with positions in the FARDC, despite well-founded allegations against them of serious human rights abuses. The authorities have also granted these armed groups amnesties whose scope is unclear and which may seek to grant them impunity from prosecution before Congolese courts for crimes under international law. FARDC personnel allegedly responsible for serious human rights violations also routinely go unpunished. While some of these measures are based on the need to remove the threat posed by armed groups, Amnesty International is concerned that such amnesties may effectively encourage further human rights abuses and undermine efforts to professionalize the FARDC. Amnesty International urges the new government to exclude from the FARDC all individuals against whom there are credible allegations of serious human rights abuses, to investigate these allegations and, if there is sufficient admissible evidence, to try the suspected perpetrators, and to rescind and refuse to issue any amnesty for crimes under international law.

Other foreign armed groups remain active on Congolese soil. The major insurgent groups are the mainly Rwandan Hutu *Forces Démocratiques de Libération du Rwanda* (FDLR), Rwandan Democratic Liberation Forces, based mainly in the two Kivu provinces, the much less sizeable mainly Ugandan Allied Democratic Forces (ADF) and National Army for the Liberation of Uganda (NALU), and the Burundian *Forces nationales de libération* (FNL), National Liberation Forces. These armed groups are a source of regional tension, with Rwanda and Uganda on occasion intervening in the DRC to meet the supposed threat represented by these groups. All these groups have committed numerous serious human rights abuses in the DRC, and all include children in their ranks.

The post-election period is a cause for considerable uncertainty among the major parties constituting the transitional government. These parties include former armed groups who were parties to the 2002 peace agreement, including the *Rassemblement Congolais pour la Démocratie – Goma* (RCD-Goma), Congolese Rally for Democracy – Goma, based in North-Kivu and historically backed by Rwanda, the *Mouvement pour la libération du Congo* (MLC) based in Equateur province, the *RCD-Mouvement de libération* (RCD-ML) based in northern North-Kivu, and *mayi-mayi*(22) groups in eastern DRC, as well as forces loyal to the former government, led by the incumbent president Joseph Kabila, who is predicted to be elected as president of the new government. Some of these parties may lose a major share of power as a result of elections and yet all retain a significant military capacity. The announcement of the outcome of the first round of presidential elections, in which Joseph Kabila received 44 per cent of the vote and MLC leader Jean-Pierre Bemba 20 per cent, triggered fighting between their forces in the capital, Kinshasa, in August 2006 in which at least 23 people were killed.(23)

Security in eastern DRC is still dependent mainly on the UN peacekeeping force, MONUC. Although FARDC government forces have assumed responsibility for security in certain areas, their military capacity is weak. Amnesty International is concerned that there may be international pressure for MONUC to be reduced in size or its mandate to be limited post-elections. The organization believes that any reduction in the size of MONUC, or any limitation to its relatively broad and robust mandate could have serious repercussions for political stability and security in the DRC. Crucially, MONUC's mandate allows its peace-keepers to ensure the protection of civilians and enables MONUC to undertake human rights monitoring, civil institution-building, enforcement of the arms embargo and other vital tasks. Humanitarian operations in the east rely heavily on MONUC for security. Although one of the UN's largest current peacekeeping operations, MONUC's strength is Amnesty International's view inadequate in relation to the size of the country and the complexity of the political and military situation there.

II. ARMY INTEGRATION AND ADULT DDR(24)

One of the transitional government's major priorities has been the dismantling of the myriad armed forces in the country. This process involves disarming all fighters and offering them demobilization or enrolment into the unified national army, the FARDC. As part of this process, children aged under 18 are supposed to be released from the fighting forces, reunited with

their families and reintegrated into their home communities.

The unification of the army, known as the *brassage*(25), involves combining former government soldiers and armed groups fighters in integrated, or mixed, army brigades. The aim of the *brassage* is to create a non-partisan and professional government army. Army unification is managed by the military while the disarmament, demobilization and reintegration (DDR) programme is managed by the civilian governmental agency, CONADER. Both are supposed to collaborate and coordinate closely. The DDR programme is funded by \$US 200 million of World Bank finance, \$100 million of which is an emergency Multi-Country Demobilisation and Reintegration Program (MDRP) (26) trust fund, and \$100 million a grant to the DRC government which aims to tie reduction in government spending on defence to increased spending on the DRC's social sector.(27) International financial or technical support to the army unification programme, by contrast, is extremely limited, with only Belgium, Angola and South Africa providing bilateral assistance.

The *brassage* and the national DDR programmes were supposed to have been achieved before the staging of national elections. However, the implementation of both was severely delayed. Demobilisation of combatants or their integration into the FARDC began in earnest only in early 2005, and serious problems continued thereafter. In September 2005, the MDRP reported "the slow implementation and low level quality of services being delivered within the [DDR] program" and "[m]ajor concerns about the lack of troop movements to the regroupment centres, raising questions about the political will of the government to engage in the army reform-DDR process".(28)

These problems meant that both programmes were only partly complete by mid-2006. By July, 12 unified FARDC brigades (totalling 35,160 soldiers) out of an initial target of 18 had been created, while by the end of June CONADER claimed that 72,737 adult fighters and 19,054 children (together totalling 91,791) had been demobilised out a total estimated 150,000 fighters in need of DDR(29). However, it is difficult to assess real government progress, firstly because the number of fighters who served with all the DRC's fighting forces is not known, and secondly because there are some doubts about the accuracy of CONADER's figures.(30) The original number of fighters put forward by the former government and former armed groups who were signatories to the December 2002 peace agreement amounted to between 300,000 and 330,000.(31) However, different, partial censuses of the armed forces subsequently estimated that between 30% and 55% of the original fighting forces were "fictitious" or "phantom".(32)

Since the two programmes of *brassage* and DDR overlap, the process to be followed for either integration into the FARDC or demobilization is identical, involving a shared path known as the "*tronc commun*". Units of the various armed forces and armed groups are assembled at regroupment centres (*centres de regroupement*), operated by the military, where they are disarmed. Units may spend several weeks at these centres awaiting entry to the next stage of the process, the orientation centres (*centres d'orientation*, also known as COs) operated by CONADER. On entry to the orientation centre, adults are asked to choose between entry into the FARDC or demobilisation. For adults, the choice is a voluntary and personal one, except for persons judged physically incapable of serving in the army, who are directed into the DDR stream.

After the orientation centre, adults choosing enrolment in the FARDC are moved to *brassage* centres(33) operated by the military for basic training and integration into a newly-formed FARDC brigade. Those opting for demobilization receive guidance on their return to civilian life, a demobilization kit consisting of living essentials and a monetary sum, called a *filet de sécurité* (security net), of \$110 to cover transport to, and initial living expenses in the home community. There is a promise of a further \$25 monthly allowance for one year and vocational training or other support to assist the demobilized adult to make a livelihood as a civilian.

Reports suggest that the process is widely abused. For example, Amnesty International was told on several occasions by well-placed sources that fighters were volunteering for demobilization, receiving the *filet de sécurité*, and then simply joining other armed groups that are either resisting the *brassage* process or have yet to pass through it. In the absence of systematic follow-up by CONADER of demobilized persons once they have left the orientation centres, it is not possible to verify these reports.

Other problems concern poor coordination between the FARDC and CONADER, compounded by a lack of vehicles for transport of units, which has meant frequent and often lengthy delays in moving people between the regroupment, orientation and *brassage* centres. Disarmed fighters have routinely been stuck for weeks awaiting entry to already full centres, while other centres have been empty for long stretches of time. Miserable living conditions, including overcrowding and poor sanitation, food and water supplies in the regroupment centres and some *brassage* centres have led to malnourishment and outbreaks of disease. Many families or dependants of ex-fighters(34), who are not supported by the *brassage* / DDR process, are squatting outside the regroupment, orientation and *brassage* centres in squalid living conditions. The poor conditions in and outside the centres have contributed to insecurity in the surrounding areas, with fighters or their dependants forced to crime in order to feed themselves.

The *brassage* in eastern DRC is taking place in a context of ongoing insecurity and a number of armed groups continue to resist the army reform/DDR process. The *brassage* has also suffered from poor management and lack of materiel (including food, transportation, equipment and communications) for integrated FARDC units, and serious delays in salary payments to the soldiers. This context has had a destabilizing effect on both the *brassage* and DDR programmes. One of the most serious shortcomings of the *brassage* has been the lack of independent verification of disarmament: large quantities of arms are believed to have been left behind in rural areas by military units moving to the *brassage* centres, stockpiled for possible future use.(35)

CONADER has also had serious difficulties in managing the DDR process successfully. In part this is due to the complexity of the programme, which has involved collaboration with the FARDC, UN agencies and the World Bank, and numerous national and international NGO partners, and the logistical difficulties in organizing the demobilization and reintegration of tens of thousands of people in a country the size of Western Europe without an adequate road network or other essential infrastructure. But CONADER has also suffered from an absence of managerial and technical expertise. There have been serious problems with basic accounting procedures and instances of alleged corruption.(36) CONADER provincial offices have not been adequately resourced or equipped by the centre.

Demobilization programmes only began in earnest with the start of the *brassage* and has suffered similar delays and challenges. Eighteen orientation centres were eventually established to receive disarmed fighters and orient them either towards integration into the FARDC or into the DDR programme, but the first of these opened only in March 2005 and the last in the first quarter of 2006.(37)

The prospective financial benefits of the DDR programme prompted the majority of former fighters to choose demobilisation over integration into the FARDC.(38) However, many of the promises made to the demobilised remain undelivered. Many adult ex-fighters were stranded for long periods in the orientation centres(39), awaiting delayed payment of the initial \$110 and once in their communities it appears that few demobilised have received the \$25 monthly payments.(40) Community-based reintegration projects are being established by CONADER with local NGOs to enable the former fighters to participate in professional training activities, although to date progress on implementation of these projects has been slow. The non-payment of their monthly allowance and absence of reintegration activities has led to widespread disenchantment among former fighters, who have held protests, sometimes violent, in several towns and cities(41).

A premature end to demobilization?

On 7 July 2006 CONADER, citing a lack of funds, announced that it was suspending the disarmament and demobilization phases of the DDR programme in order to concentrate its remaining World Bank funds on reintegration activities. According to the national coordinator of CONADER, \$150 million of the World Bank funds had already been spent on the demobilisation phase, and only \$50 million was left for reintegration projects. The remaining funds were to be allocated to 42 reintegration projects in favour of 67,000 demobilised fighters. According to CONADER, however, the money left will not be sufficient to finance all the planned projects(42). CONADER stated that "65 per cent of the army's troops, or at least 60,000 soldiers, had passed through the [orientation] centres" and announced its intention to close all 18 orientation centres across the country from 31 July, leaving CONADER mobile teams to deal with remaining demobilisation caseload.(43)

Amnesty International is concerned that this decision may leave thousands of children as well as adults outside the DDR programme and unable to access support for reintegration into their home communities. Thousands of children have yet to pass through the DDR programme. The organization urges the DRC government and CONADER to recognize these children's immediate and pressing need for protection and to articulate what measures and structures will be put in place to ensure that children can continue to benefit from the DDR programme.

III. CHILDREN ASSOCIATED WITH THE ARMED FORCES AND GROUPS

In September 2003 an Amnesty International report, *DRC: Children at war* (AI Index: AFR 62/034/2003), expressed concern at the plight of the tens of thousands of children associated with the armed forces and groups.(44) The report drew attention to the scale of the recruitment and use of children, and to the systematic abuse of these children through torture, sexual violence and ill-treatment. The report urged the DRC government and international community to take concrete and urgent steps to protect children from recruitment, to ensure the release of the children from the armed forces or groups, and to promote their durable reintegration into civilian life.

The DRC government estimates that at least 30,000 children(45) are associated with armed forces or groups, while the World Bank in 2004 estimated that "child soldiers represented at least 20 per cent of the fighting forces in the DRC"(46). Children are associated with armed groups and armed forces sometimes from the age of six years' old and can have spent up to 10 years in these forces. Because of the large proportion of children serving with the armed groups, many older children quickly rise through the ranks to become non-commissioned or even junior officers. They usually suffer violent treatment during their training and are often sent into combat. They are also used to carry the supplies, water, food and ammunition or to serve as cooks or domestic servants. Girls and some boys are used as sex slaves by the commanders or adult fighters. Some children have been instructed to kill their own families, and children are often given drugs and alcohol.

Jacques, 15 years old, was recruited into a *mayi-mayi* group near his home in Uvira, South-Kivu province, when he was 10 years old.

"I remember the day I decided to join the *mayi-mayi*. It was after an attack on my village. My parents, and also my grand-father were killed and I was running. I was so scared. I lost everyone; I had nowhere to go and no food to eat. In the *mayi-mayi* I thought I would be protected, but it was hard. I would see others die in front of me. I was hungry very often, and I was scared. Sometimes they would whip me, sometimes very hard. They used to say that it would make me a better fighter. One day, they whipped my [11-year-old] friend to death because he had not killed the enemy. Also, what I did not like is to hear the girls, our friends, crying because the soldiers would rape them. "

Children are singled out for recruitment by armed forces and group commanders because they are easily manipulated and often unaware of the dangers they face. Some children are forcibly recruited, while others enrol themselves, primarily in a search for food, protection, clothes and money and a desire to escape extreme poverty. Other reasons for enrolment typically include peer or parental pressure, a wish to serve their community or ethnic group, or to avenge abuses committed against their families or community.

1. International law and standards on children associated with armed forces and groups

The UN Convention on the Rights of the Child (CRC), Article 38(3), prohibits recruitment of children under the age of 15. (47) This was supplemented by the Optional Protocol to the CRC on the involvement of Children in Armed Conflict, which entered into force on 12 February 2002 and which raised the minimum age for participation of children in hostilities for both government forces and armed political groups from 15 to 18. The DRC has ratified the Optional Protocol and deposited a binding declaration setting the minimum age for voluntary recruitment at 18. Article 2 of the Optional Protocol prohibits absolutely any forced recruitment of children under 18 into the armed forces. Article 4 provides that '*armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the*

age of 18 years.'

The DRC is also party to the International Labour Organisation's (ILO) Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. This Convention includes the prohibition of forced or compulsory recruitment of children under 18 for use in armed conflict. It forbids forced recruitment of children for use in armed conflict, for sex work, and for any work which '*by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children*' (Article 3 (d)). It obliges each state party to '*take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.*' According to Article 2 of the Convention, the definition of a child is given as all persons under the age of 18. Article 3 states that the worst forms of child labour include '*forced or compulsory recruitment of children for use in armed conflict*'. The ILO Convention 182 entered into force on 19 November 2000 and is the first specific legal recognition of child soldiering as a form of child labour.

The African Charter on the Rights and Welfare of the Child, which entered into force on 29 November 1999, specifically prohibits the recruitment and use of children under 18 in both international and internal armed conflicts. Its Article 22 (2) requires state parties to '*take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child.*' The DRC has not ratified this Charter and Amnesty International urges it do so promptly.

In addition to the prohibition of the recruitment and use of children under the age of 18 in the treaties discussed above, the recruitment and the use of child soldiers in armed conflict under the age of 15 have been recognized as war crimes under international humanitarian law since 1977. Additional Protocols I, Article 8, and Additional Protocol II, Article 9, to the Geneva Conventions of 1949 both forbid the recruitment and use of children under 15. Both protocols emphasise children's special right to care, respect and protection.⁽⁴⁸⁾ Most recently, the war crimes of recruiting and using child soldiers under the age of 15 in international and non-international armed conflict are included in the Rome Statute of the International Criminal Court.⁽⁴⁹⁾

2. National and international legal steps to counter the recruitment and use of children in the DRC

Since 12 November 2004, Article 7 of Congolese military law expressly prohibits the recruitment of anyone below 18 into the armed forces⁽⁵⁰⁾. Article 184 of the Transitional Constitution adopted on 1 April 2003 banned the recruitment of persons under 18 years or their use in hostilities. However, the new Constitution, promulgated in February 2006, did not specify any minimum age for recruitment into the armed forces.

With some exceptions, new recruitments of children by FARDC units have declined significantly since the beginning of the *brassage* and particularly since May 2005 when the Chief of Staff of the FARDC, issued clear written orders to all FARDC units prohibiting the recruitment or use of children under 18 and declared that severe penalties would be imposed on those who disobeyed. This was followed by instructions from the Prosecutor-General of the FARDC to all military justice officials to prosecute FARDC commanders who recruit children or use them in military operations. However, NGO activists in different regions told Amnesty International that this order, although it was explicitly directed to all FARDC units, was not circulated uniformly across the FARDC.

While new recruitments have lessened, large numbers of previously recruited children remained with non-integrated FARDC units pending the movement of these units to the orientation centres. In addition, senior transitional government members have reportedly continued to condone the recruitment and use of children. For example, Amnesty International has received unconfirmed allegations that children are still serving in the ranks of the *Mouvement pour la Libération du Congo* (MLC), the former armed group of Jean-Pierre Bemba, including in his own personal guard, the *Division de Protection Présidentielle* (DPP), Presidential Protection Division. Jean-Pierre Bemba is a Vice-President under the DRC transitional government and candidate for President in the recent elections.

Despite national military law and the orders issued by the FARDC high command, only small measures have been taken to arrest recruiters of children among FARDC forces. In the one notable case so far, FARDC Major Jean-Pierre Biyoyo, a former commander of the Mudundu-40 armed group, was sentenced to death on 17 March 2006 by a Bukavu military tribunal for the illegal arrest and detention of children who had already left the armed forces and were re-recruited by the defendant in April 2004. His sentence was later reduced to five years'. The prosecution was based on Article 67 of the Congolese Penal Code which makes it an offence to abduct, arbitrarily arrest and illegally detain individuals. This charge was used because, although recruitment of under-18s is illegal in the DRC, it is not a specific criminal offence in the existing penal codes, meaning that prosecutors need to use other charges such as abduction, in the case of forced recruitment, or disobeying orders if they wish to pursue prosecutions for child recruitment.

While the Biyoyo case may establish an important precedent, it is so far the only domestic prosecution for recruitment of children, despite serious allegations against numerous other commanders from all the DRC's armed forces and groups. Amnesty International urges the DRC government to ensure that allegations of recruitment and use of children are investigated impartially and that, where sufficient admissible evidence exists, all suspected perpetrators – regardless of political, ethnic or other affiliations -- are brought to justice before a civilian court of law which observes international fair trial standards and excludes the possibility of the death sentence.

In another major international legal development, on 17 March 2006, Thomas Lubanga Dyilo, leader of an Ituri armed group, the *Union des Patriotes Congolais* (UPC), Union of Congolese Patriots, was arrested and transferred to the International Criminal Court (ICC) in The Hague⁽⁵¹⁾. Thomas Lubanga was formally charged on 28 August with committing war crimes under Article 8 of the Rome Statute, including, "enlisting, conscripting and using children under 15 years of age to participate actively in hostilities in the Democratic Republic of the Congo". According to a briefing given by the ICC deputy prosecutor, "Lubanga ... controlled and executed a deliberate plan to enlist and conscript children systematically and in large numbers, including children under the age of 15, even as young as 10".⁽⁵²⁾ His hearing is scheduled to take place on 28 September 2006. Thomas Lubanga is the first person to be arrested and transferred to the ICC.

These developments, although significant, remain exceptional. There is a climate of almost absolute impunity in the DRC for

war crimes and other crimes under international law. Although some attempts to reform the justice system have been undertaken, victims and their families continue effectively to be denied effective judicial remedies because few people have the confidence in the judicial system to lodge a legal complaint and all have to pay for the costs of summons and court proceedings. They may even be asked to pay for some of the costs of the investigation. The authorities continue to fail to protect victims and witnesses from intimidation or reprisals. Justice officials operate with limited resources, without office equipment or even basic legal texts. Political interference and pressure, sometimes accompanied by threats or dismissal, are exerted on judges, prosecutors and police officers.

Amnesty International believes that much more needs to be done both by the DRC government and the international community to address impunity in the country. The organization has called on the ICC to broaden its investigations and prosecutions, arguing that the arrest and transfer of Thomas Lubanga Dyilo will "lose its significance if more warrants of arrest are not promptly issued against other alleged perpetrators of human rights violations, including those on the side of the government and those in armed opposition groups".(53) Amnesty International has also repeatedly called on the DRC government and international community to prioritize the rehabilitation and reform of the DRC's judicial system, to enable it to investigate past and present human rights abuses in a competent, independent and impartial manner and to provide redress to the victims and their families.

IV. CHILDREN'S DDR: A FALTERING PROCESS

1. A multi-agency approach

Before the national DDR programme was launched officially in July 2004, efforts to release children from the armed groups were led by international and national NGOs, supported by UN organizations such as UNICEF and the MONUC Child Protection division. These NGOs and agencies negotiated directly with armed groups for the release of children and conducted awareness-raising with military groups and civilian populations to deter further recruitments of children. Once released from the armed groups, children would be collected by the NGOs or UN and sheltered in a *centre de transit et orientation* (CTO), transit and orientation centre, run by a Congolese NGO usually with financial support from international NGOs or UNICEF. After a stay at the CTO, the NGOs would attempt to reunite the child with his or her family and, if resources existed, to assist the child in a return to school or in an income-generating activity.

With the beginning of the *brassage* and DDR programme, the release of children from the armed groups finally began to be pursued as a matter of government policy. However, some child protection NGO representatives have expressed a view that the adult-focus of the national DDR programme overlooked the longer-term needs of children associated with the armed forces and groups. Said one, "The National DDR Plan was essentially for adults – to get them home, give them a package. But reintegration of children is a long-term process which needs to be sustainable, involving the development of a child protection capacity at community level and protection for other vulnerable children also."(54)

In December 2003, the civilian governmental agency *Commission nationale de désarmement, démobilisation et réinsertion* (CONADER), National Commission for Disarmament, Demobilisation and Reinsertion, was established to manage the DDR programme for both adult fighters and children. Two other governmental institutions were also tasked with implementing the DDR programme: the *Comité Interministériel chargé de la conception et de l'orientation en matière de désarmement, démobilisation et réinsertion*, Inter-Ministerial Steering Committee on DDR, responsible for coordination and management at ministerial level, and the *Comité de Gestion des Fonds de Désarmement, Démobilisation et Réinsertion* (CGFDR), DDR Financial Management Committee, responsible for financial management and procurement. A *Cadre Opérationnel pour les enfants associés aux forces et groupes armés*, Operational Framework for Children Associated with the Armed Forces and Groups (the "Operational Framework"), was established in May 2004. This set out the procedures for the release of children from the armed forces and groups, their provision with a short-term package of assistance, their reunification with their families, and their provision with education or vocational opportunities to enable them to reintegrate successfully in the community.

The DDR programme (adults and children combined) is supported with \$US 200 million of international funding, \$100 million of which is provided directly by the World Bank, and \$100 million through the Multi-Country Demobilization and Reintegration Program (MDRP) multi-donor trust fund. The MDRP trust fund, which covers seven countries, is due to expire at the end of 2007, although negotiations are reportedly underway for a two-year extension(55). The current end-date for World Bank funding is December 2008, although this can also be extended if necessary(56).

The funding package was developed in late 2002 when no national DDR programme yet existed. In the absence at that time of a national coordinating agency, the MDRP funded a number of Special Projects with five international NGOs and UNICEF for the DDR of children in some of the zones worst-affected by conflict(57), on the understanding that when the national DDR programme began, the NGOs would become part of the national DDR plan under CONADER's coordination. A number of Congolese NGOs work with the international NGOs in implementing the Special Projects. There are also a number of international and national NGOs working on child DDR outside the Special Projects who are nevertheless bound through agreements with the DRC government to operate under the terms of the Operational Framework.

The child DDR programme now, therefore, involves a complex set of operational and financial relations between the Inter-Ministerial Committee and CONADER(58) with overall responsibility for the implementation and coordination of the national DDR plan, the World Bank/MDRP, the international NGOs running the Special Projects, UNICEF and local Congolese NGOs who do much of the field work associated with the programme.

2. Child DDR: the process under the Operational Framework

Under the national DDR plan, armed groups and armed forces joining the *brassage*/DDR are instructed to bring their members, including children, first to the military regroupment centres and then, after being disarmed, to the CONADER orientation centres. Children do not have a choice of entry into the FARDC and must be released. Upon entry to the orientation centre, those aged under 18 are identified and registered as children. The children are then housed in a separate compound of

the centre for (in theory, but not always in practice) no more than 48 hours before being collected by an accredited NGO charged with their welfare. Unlike adults, at no stage of the DDR process are children offered direct financial payments.

The children are then taken to a *structure d'encadrement transitoire* (SET), transitional care structure, administered by local or international NGOs, which can be a *Centre de Transit et Orientation*, (CTO), Transit and Orientation Centre, of which there are around 45, mainly located in the east, or a *famille d'accueil*, host family, which some NGOs consider offer a more appropriate preparation for a return to community and family life. *Familles d'accueil* are also used as an alternative to CTOs in areas where transit care centres do not exist. Children are typically sheltered for up to three months in the SET before, where possible, being reunited with their families. The length of the child's stay in the SET depends greatly on the ease of the family tracing process, but most NGOs avoid an early return of the child to their home community, recognizing the importance of a transitional phase in which to "demilitarize" the child and prepare them for a return to civilian life.

While in the SET, the NGOs arrange educational classes for children aged 15 or younger and vocational training for older children. The vocational training, which can range from carpentry or mechanics to fishing, hair-dressing, baking or tailoring, is as far as possible in accordance with the preferences of the child. As most released children have very low education levels, basic literacy and numeracy classes, as well as other "life skills" courses are usually provided. Recreational activities are also organized, and some NGOs also ensure that released children receive psycho-social support while in the SET. However, there is little longer-term psycho-social care being provided to children once returned to their communities.

The NGOs organize the tracing of the child's parents or other close relatives and the reunification of the child with his or her family. This is generally preceded by a period of sensitization for both the child and his family, in which NGO staff act as intermediaries to try and resolve any problems or concerns. When necessary, for example when reunification requires communication with a distant part of the country, this will be done in collaboration with specialist tracing organizations such as the International Committee of the Red Cross (ICRC). Where reunification involves travel over a substantial distance, ICRC or UN flights will be enlisted for the transport of the child home. The cost of the flight, which can be substantial, is met by the Special Project international NGO.

Some basic vocational training programmes start at the SET stage, where children are encouraged to choose a trade, for example, agriculture, carpentry, mechanics, fishing, hair-dressing or bread-making. Training in the SETs is meant to be supplemented and strengthened by other programmes once the children are returned to their communities. There are disagreements among the various child protection actors regarding the usefulness of vocational training in the SETs. Some believe that such vocational training can only meaningfully take place in the community as part of reintegration and tailored to community needs and resources. According to the Operational Framework, on leaving the CTO, or shortly after reunification with their families, children are supposed to receive a "reinsertion kit" which consists of essential tools or equipment to enable them to pursue their chosen trade. However, distribution and transport of these kits has proved difficult and many NGOs have discontinued the practice.

Before leaving the SET, children should receive an army release certificate ("*attestation de sortie*") signed by a senior regional FARDC commander. However, there have been numerous delays in providing these certificates because of inefficiencies within the FARDC and possibly in some cases a wilful lack of cooperation by military officials. The certificates are important to the welfare of the child in the community, attesting that they should receive care and protection and not be subject to re-recruitment, although the certificates are often disregarded or destroyed by armed groups. On some occasions, children will be returned to their families without the certificate, but it can also happen that children, who place considerable reliance on this document, refuse to leave the SET until they have received it.

Once in their home communities, children aged under 15 should be enabled to continue their education while older children should receive vocational training or other income-generating support. However, such support is limited by the terms of the Operational Framework, and by virtue of financial constraints, to one year for schooling or between three and nine months for vocational training. These time limits mean that many released children will be unable to complete their education or develop sufficient expertise in a trade. The Operational Framework requires that NGO reintegration programmes should adopt a community-based approach that will benefit both the released child and his or her community. CONADER is supposed to finance and implement community-based reintegration projects for all children, but has so far not done so. For the time being, such reintegration activities as exist are being organized, funded and led by the international NGOs under the Special Projects, or by local NGOs with no or minimal support.

The local NGOs collaborating with the international NGOs are essential to the success of the DDR programme. They are often responsible for the reunification of the child with their family, for mediating between the community, family and child, and for negotiating the placement of children in local schools or as apprentices in local businesses. Many also directly organize their own training or income-generating programmes for released children. They also undertake awareness campaigns to publicise the illegality of recruiting children among communities and the armed groups, and to foster community solidarity with returning children. The local partners are essential, as they know the environment and the community, are acquainted with the local political and military authorities, and are in the best position to follow the children on a long-term basis. However, local NGOs are often severely under-resourced and over-stretched.

3. CONADER: organizational concerns

CONADER has so far struggled to manage the DDR process effectively to the extent that, unless urgently addressed, continuing organizational difficulties could jeopardize the child DDR process and, in particular, the successful reintegration of children. More than two years after the establishment of CONADER, one World Bank official noted that "90 per cent of the work" was still being carried out by the international NGOs and that CONADER was "doing very little".⁽⁵⁹⁾ This is a matter for serious concern, since by the end of 2006 at the latest, the international NGO Special Project contracts with the MDRP/World Bank are due to expire and all future funding of these projects will be allocated through CONADER, with whom the NGOs will need to negotiate separate contracts. Although training and other forms of technical assistance are provided to CONADER by the World Bank, Amnesty International believes that more intensive efforts are needed to ensure that CONADER will have the capacity to fulfil this expanded role. ⁽⁶⁰⁾

At the levels of government and CONADER Kinshasa headquarters, there have been serious problems with coordination. From an early stage, there was a lack of clarity between the three governmental institutions leading DDR, the Inter-Ministerial Committee, the CGFDR and CONADER, which "led to competition and conflict, particularly between CONADER and CGFDR, and has led to delays specifically in the procurement process and consequently in the implementation schedule of the program"(61). Problems persisted, even after the CGFDR was shut down in May 2005 in an attempt to remedy the situation. The rate of approval by CONADER of child reintegration projects put forward by local NGOs for government funding has been desperately slow. This has had a negative impact on the reintegration phase of the programme, contributing to low levels of reintegration activities available to children once returned to their communities. By March 2006, when Amnesty International met with CONADER officials in Kinshasa, no such projects for children had received final approval,(62) although 14 were said to be under consideration.

CONADER appears to have little expertise in reintegration matters, and child protection NGOs reported to Amnesty International that CONADER's approach to reintegration does not seek to complement or build upon the work of the NGOs or UN child protection agencies.(63) In one instance, a CONADER-supervised reintegration project for adults in North-Kivu failed to exclude children, who each received five goats and a bicycle. The same children were part of an international NGO education reintegration programme and their schooling was disrupted as a result.(64) NGOs have expressed fears that because CONADER is so late in establishing child reintegration programmes, it will fail to monitor the quality of the reintegration activities or the ages of participants.

Implementation of the national DDR programme has been blocked by delays and poor or at times non-existent coordination between the FARDC and CONADER, particularly regarding troop movements to the orientation centres. This has meant, for example, that international NGOs have frequently been left struggling to deal with sudden influxes of large numbers of released children in need of shelter and family reunification, about whom they had received no forewarning. CONADER has also failed to take a proper coordination lead of the child DDR process. As discussed further below, it has not developed policies or initiatives to trace and recover those children who remain outside the process or to address the obvious gender imbalance in the process.

Allegations of corruption in CONADER have also been made. The UN Secretary-General's Twenty-first (June 2006) report on MONUC noted that "[s]erious shortcomings in the management of CONADER, including the alleged misappropriation of funds, continue to hamper the effective implementation of the disarmament, demobilization and reintegration programme".(65) Such was World Bank concern at financial and other institutional problems, that in August 2005 the international accounting firm KPMG was appointed to take over key financial management tasks, some of CONADER's budget was decentralized to its provincial offices and the World Bank began directly overseeing the work of some CONADER technical staff. The removal of at least one senior CONADER official was requested, according to confidential sources.

The question of a national database, run by CONADER, which would contain personal details of all the released children, is another area of concern, particularly for international NGOs. By March 2006, CONADER had registered about 4,200 children in this database, but one senior CONADER official complained to Amnesty International that the international NGOs were not cooperating fully in information-sharing. International NGO representatives acknowledged this, stating that they had little faith in CONADER's ability to preserve the confidentiality of children's records. They argued that some information, such as the armed group to which individual children belonged or their ethnicity, could pose a danger to children if it fell into the wrong hands. This lack of confidence in CONADER has had impacted on the sharing and streamlining of information between the agencies, which could hamper effective tracing and follow-up of individual children, render central records and statistics unreliable, and hamper efforts to direct financial resources where they are most needed.

The problems extend also to provincial CONADER offices, which often lack technical expertise and resources, and are inadequately supported by CONADER headquarters. Provincial offices, for example, rarely have sufficient transport, meaning that CONADER staff often have to beg rides to the orientation centres and are unable to undertake essential follow-up work. Information technology and staff numbers in the provincial offices were, until relatively recently, inadequate. (66)

Problems have also arisen because local CONADER officials have failed to maintain the principle of separation of adults and children in the orientation centres, allowing children to mix with adults, according to NGO sources. In some cases the identification of children has taken place in the absence of representatives of the child protection agencies, contrary to the procedure established by the Operational Framework. This has caused tension in the orientation centres between the children, who are anxious to access the adult programme and receive monetary payment, CONADER staff and NGO representatives. The standard of the "children's space" or compound within each orientation centre also varies widely, with some centres offering little in the way of adequate accommodation or care. Although children are expected to stay for a maximum of 48 hours in the orientation centre before being taken into the care of child protection NGOs, they sometimes remain for longer periods because of coordination problems.(67)

4. Uncertainties within the Operational Framework

Another set of problems lies with the Operational Framework, which defines the field practice for the actors implementing the DDR process. The Framework is silent on some issues and unclear on others, leading to a variety of interpretations of best practice and an absence of a standardized approach.

The Operational Framework is unclear on medical screening of children when they enter the NGO transit and orientation centres (CTOs) and any follow-up medical care, leading to inconsistencies in the approach taken by different NGOs, some of whom provide this, some not. The content of the demobilisation kits is not clearly defined by the Operational Framework, and leaves some NGOs in confusion as to what basic materials should be included. The kits are not gender sensitive and hygiene material (including for menstrual hygiene) is not provided for girls. Children regularly complain about the lack of standardization among the kits provided by the agencies. Such differences in approaches and standards between the various CTOs can provoke problems when children feel they are not receiving the same opportunities or benefits as children in other centres. Such lack of clarity has led some children to play one NGO against another or to abandon a CTO believing they will receive a

better package elsewhere.

The Operational Framework, through CONADER's more detailed Operational Manual(68) establishes a minimum of 12 months' financial support for a released child's schooling and a minimum of six to nine months' financial support for vocational training for children over the school leaving age of 15, and a minimum three months' support for a professional internship or apprenticeship.(69) This, however, leaves younger children who require more than 12 months of schooling in a difficult position, since primary education is not free in the DRC and parents or guardians are required to pay an extensive range of charges in order to ensure the child's access to school. International NGOs involved in the Special Projects told Amnesty International that they would seek to maintain children in school beyond the minimum guaranteed 12 months, but said that the funding arrangements for this were "nebulous"(70). The time limits laid down for vocational training also mean that children may not have acquired sufficient skills by the time their training ends to compete effectively for work. The time limits also affect children who, for reasons such as illness or other emergency, are forced to drop out of their schooling, training or apprenticeship and who, because the financial support is no longer available, are unable to resume their training at a later date.

The lack of specificity in the Operational Framework and Manual regarding the forms of support that NGOs should offer to children has also created uncertainty. It is, for example, unclear whether support to children's education should include costs such as uniforms, travel costs and school materials, which otherwise the child's family would be expected to meet. There is a similar lack of clarity about whether support should be provided for the children's food and accommodation during vocational training and apprenticeships. In some cases, children have been forced to abandon school and training programmes because of the insufficiency or discontinuance of NGO support. It has also led to delays in the start up of NGO reintegration projects as NGOs attempt to negotiate terms and conditions with employers and trainers in the absence of clear guidelines.

Floribert is 17 from Uvira, and spent three years with the RCD-Goma until, "fed up", he fled that armed group in late 2004. Now he lives with an uncle and "does practically nothing", in his own words, making an irregular living from small jobs in the streets around his home.

When I left the army my father kicked me out, saying I was a bandit. He was frightened the *mayi-mayi* would be after him because I had joined the RCD, and he had had some threats. Later he fled to Tanzania. Everything is calmer now, but my uncle can't afford to keep me and he isn't pleased with the situation. Some days I don't eat. Around a year ago, [an international NGO] got me a place on training course for mechanics. It was supposed to last six months' but one day when I went to the garage I found the doors had been closed against me. There were 12 of us in the same situation. The owner told us it was finished, that he hadn't had enough money for us... Sometimes I see my [army] comrades in the street. They ask me why I don't go back, and it's true, I don't feel free. One day I might have to go back, but I'd like to finish my training, and then try and set up my own business."

The Operational Framework is currently being revised by a commission in Kinshasa in an attempt to resolve and add clarity to the DDR procedures. However, in Amnesty International's view, neither NGOs nor households should be placed in a position of having to support children's enrolment and attendance in education which should be, but is not, free. The DRC is party to numerous international treaties recognising the right to free and compulsory primary education, and progressively available and accessible secondary, fundamental, technical and vocational education. The DRC government should take concrete and targeted steps, supported by international assistance and cooperation, to realise these rights within a reasonable period.

V. FAILURE TO PROTECT: CHILDREN OUTSIDE THE DDR PROCESS

According to CONADER, 19,054 children had been released from the armed forces or groups through the DDR programme by the end of June 2006. The majority of these released children (12,471) had been reunited with their families.(71) Yet, while thousands of children have been released through the national DDR programme, possibly 11,000 or more remain unaccounted for. Many are believed still to be with armed groups that have yet to join or are resisting the *brassage*. A number of these groups, moreover, continue to recruit children. Other children have been left behind by their military units as these came in to join the *brassage*. Some children have escaped and made their own way home. Amnesty International is particularly concerned by the alarmingly low number of girls who have gone through the DDR programme.

To date, no assessment has been undertaken to determine the number of children who have been excluded from the DDR programme and there is no systematic programme to identify and provide assistance for these children. Amnesty International fears that it might soon be too late to help these children who, effectively abandoned and victims of a flawed DDR process, may pass into adulthood without ever having been given the opportunity to benefit from structured programmes of assistance.

1. Continuing recruitment and use of children

The delays in establishing reintegration activities in the community and other organizational problems in the DDR programme are leaving released children with little meaningful protection or support on their return home, and vulnerable to being drawn back into the armed forces and groups. Many released children have either been forcibly re-recruited or, for want of meaningful educational or economic opportunities, have returned voluntarily to the armed groups. In the DRC's politically unstable context, the dangers of a failure to provide durable protection and reintegration of children associated with the armed forces and groups are clear.. Children in the DRC remain a reservoir of potential strength for armed forces which, despite the peace process, remain primed for a return to conflict. In September 2005, in his report on MONUC, the UN Secretary-General highlighted that the "development of sustainable reintegration programmes including education, skills training and community-based projects for children released from armed groups remains a major challenge, particularly given the limited capacity to meet outstanding needs. In some areas, there is credible evidence of harassment and threats of re-recruitment of children released from armed groups, and lack of security continues to hamper reintegration." (72)

Although there has been a marked reduction in the recruitment and use of children since the beginning of the peace process, some forces continue to use and in some cases also to recruit children. Before the *brassage*, armed groups were the main recruiters and users of children. The former government army, the *Forces Armées Congolaises* (FAC) had officially stopped

using children in 2003, although it is believed that numbers of children remained attached to individual units in some areas. With the advent of the *brassage*, however, the picture has become more complicated and there are now four categories of armed forces and groups where children may be found. These are: (a) Congolese armed groups that continue to resist government authority and refuse to join the reform of the army process; (b) non-integrated FARDC (former armed group) units awaiting to enter the *brassage*/DDR programmes; (c) integrated FARDC brigades (i.e. units that have passed through the *brassage* centres), with whom a small number of children have been found; and (d) foreign armed groups

(a) Armed groups that resist the reform of the army process

One of the major challenges to the successful release of children is the continuing insecurity across large areas of eastern DRC, particularly the two Kivu provinces, the Ituri district, and northern parts of Katanga province. In these areas, a number of armed groups continue forcibly to resist the DRC peace process and refuse to allow their troops to enter the *brassage*. Many commanders continue to keep or recruit children in order to strengthen their forces. Children still reportedly constitute a very high proportion of these armed groups, according to child protection workers.

In North-Kivu, anti-government forces loyal to dissident commander Laurent Nkunda have been recruiting children, often by force, in the Masisi and Rutshuru territories of North-Kivu since at least late 2005. Nkunda's forces have been responsible for a string of human rights abuses, some amounting to war crimes, including during his last major offensive against government forces in North-Kivu in January 2006, when his forces attacked FARDC positions in Rutshuru territory and subsequently committed scores of apparently ethnically-motivated rapes of women and girls(73). Many of the allegations of recruitment and use of children concern the 81st and 83rd FARDC brigades, formerly part of the RCD-Goma armed group and composed mainly of Kinyarwanda (Rwandan)-speaking soldiers. Although officially part of the FARDC and supposedly under the army chain of command, these brigades have steadfastly refused to join the *brassage* and continue to ally themselves with Laurent Nkunda.

Charles, aged 15, was first recruited by the RCD-Goma armed group when he was 13, as he walked to market. Released from the RCD-Goma and returned to his family, he was later re-recruited by Laurent Nkunda's forces. He told Amnesty International:

"In March 2005, I was demobilised at the Mushaki army camp [near Goma in North-Kivu province]. At first I didn't want to be demobilised because the adult soldiers told me that children were just given a piece of paper and no money. I wanted to take some money home, so I tried to hide. But in the end I had to join the process. I was sent to a CTO and then I was reunited with my family. I was given a provisional demobilisation document, but after a few weeks my father convinced me to go back to Goma to get an official demobilisation certificate signed by "Tango Fort"(74) because we thought this would give me more protection. When I got home, my father told me that soldiers had come looking for me, but as I now had all the right papers I thought I was safe. But a few days' later soldiers of Laurent Nkunda came in the morning. They said my papers didn't mean anything to them. They threatened to kill my family and took me away. I was with Nkunda's forces until February 2006. I was forced to fight against the FARDC in Kibirizi and Kitchanga and against MONUC in Kiwanja. In January 2006, when we were fighting against MONUC, MONUC used some heavy weapons. My commander was frightened by this and we had had many casualties, so he took us back to Mushaki. After three weeks, I was back again in the CTO."

When interviewed, Charles was still deeply nervous about returning home, "I am sure they will come and will pick me up again."

Many children, fearing abduction by Nkunda's armed group, have been forced to flee their homes and families to seek protection in major towns and cities. Many of the children were former child soldiers who had already passed through the DDR programme and had only recently been reunified with their families. The re-recruitments appeared to reach a peak in early 2006. In one week in March, for example, one CTO recorded that 14 of the former child soldiers they had recently reunified with their families in these territories had been re-recruited, representing, in one week alone, around two per cent of the children the CTO had successfully reunited with their families in the entire preceding 12 months(75). Twelve of these fourteen children had been re-recruited by Laurent Nkunda's forces; the remaining two had been re-recruited by *mayi-mayi* groups opposed to Nkunda. Other centres reported similar figures to Amnesty International. In mid-February 2006, 28 boys were released from the 83rd FARDC brigade by the MONUC Child Protection Section.(76)

Zachariah, now 15, was aged 12 when soldiers of an armed group surrounded his school in rural North-Kivu and took him and several other children off into the forest. There followed three years' of misery and danger from combat, beatings, malnutrition and bouts of illness before Zachariah was released. Of his school comrades, "most are gone, dead", he says. In November 2005, after demobilization, he returned to his home village and his parents and sisters whom he had not seen for three years. Six weeks later, fighters loyal to Laurent Nkunda came looking for him.

They demanded to see my army release papers and then tore them up and punched me. They accused my father of sheltering a deserter and beat him to the floor. Then they ransacked the house, tied me up and led me off. When we got to their camp I was so frightened of more beatings that I agreed to stay with them.

For three weeks Zachariah was made to serve in the guard of an officer loyal to Nkunda until, one night, he was able to make his escape. When Amnesty International met him, he was being sheltered in a CTO in the city of Goma.

The re-recruitments have continued. On 22 June 2006, 12 children who were being reunified with their families by Save the Children (UK) were stopped in Kabalekasha in North-Kivu, by heavily armed fighters who Amnesty International believes were part of Laurent Nkunda's forces. Six of the children, a pregnant woman and the driver accompanying them were abducted by the fighters and taken to a military camp where they were held in a pit in the ground. The six other children and other adults managed to escape. The driver was released the same night and the pregnant woman, who had been badly beaten, was released the next morning and taken to hospital. Negotiations with the abductors resulted in the release of the children soon afterwards. (77) Four days later, the commander of the 8th (North-Kivu) Military Region, General Gabriel Amisi, publicly denounced the recent recruitment of 20 children in the Masisi territory of North-Kivu by the 83rd FARDC brigade. Although

many children in North-Kivu have passed through the DDR programme, there is no mechanism to ensure their protection. Three of the children abducted at Kabalekasha were subsequently again targeted by fighters and badly beaten. They are now in care in Goma.

The recruitments and continuing insecurity in North-Kivu have also had a ruinous effect on NGO programmes to reunify children with their families and to develop projects to support them in their return to civilian life. A number of projects were suspended as a result of the re-recruitments. NGO field workers have also been threatened by members of the 81st and 83rd brigades and other irregular forces led by Laurent Nkunda while attempting to conduct awareness-raising on child DDR among these forces.(78)

A number of *mayi-mayi* groups in North-Kivu have also recruited children or refused to release children from their forces, in apparent response to Nkunda's recruitment drives, according to local human rights activists interviewed by Amnesty International. Although these forces are also officially part of the FARDC, some have yet to pass through the *brassage* process and their commanders continue to defy FARDC orders prohibiting the recruitment and use of children. On one occasion, when UNICEF and an NGO went to negotiate in March 2006 with an FARDC (*mayi-mayi*) commander in Lubero territory, North-Kivu, the commander acknowledged that some recently released children were back in his group, but argued that these children had begged to rejoin, complaining that they had received no support once they were home in their communities.

Dieudonné, is a 17-year-old boy from Vurondo, Beni territory in North-Kivu:

I joined the *maquis* [*mayi-mayi*] in 1998, when I was 10, because I wanted to serve my country. I was always with the *mayi-mayi* from Vurondo. The group split when [one of the commanders] decided to take some fighters into cantonment. I stayed with [the other commander] who opposes the *brassage*. Life was tough. I was made to smoke drugs, to eat heavily spiced food. I was beaten regularly. There were many children. Many of my friends, like [names a 15-year-old boy], are still with them. I was part of the commander's body guard and we went through a lot of fighting, the last against the FARDC. Some of us were vulnerable,(79) but I was never wounded. But in the last fighting, we realised death was coming, because we were fighting against other ex-*mayi-mayi* who had the same charms as us.

One day we were marching towards Butembo to attack the FARDC and I recognized the road home. So I took off. No-one noticed. This was in January [2006]. Many children were fleeing the group, they no longer had confidence. It was my first time home since 1998, but after only a few days I was caught by some soldiers who imprisoned me for two weeks. My father paid them some money and they let me go, but my father was worried that I would attract more soldiers who would steal our goats, so I was sent to [another village] where it wasn't known that I was *mayi-mayi*. Then I learned that there were agents around who were re-recruiting, so I came in to the CTO to get a document attesting that I was demobilized. That was on 5 March. I prefer life here. Life with the *mayi-mayi* was too difficult, but I'm afraid of being re-recruited: [names his former commander] is recruiting still.

Mayi-mayi groups are often located in very remote and inaccessible areas, where they are not always reached by the DDR programme. In northern Katanga, after months of fighting with government forces, *mayi-mayi* leader Kyungu Mutanga (alias Gédéon) and 150 fighters, including 76 children, surrendered in May 2006. However, between 2,000 and 4,000 other *mayi-mayi* fighters, including many children, remain in the bush.(80)

In Ituri, armed groups which until recently opposed governmental authority have also continued to recruit children. Around 4,700 children, many of them aged between 10 and 12 years old, were released from the armed groups as part of the Ituri Demobilisation and Community Reintegration (DCR) programme, a fore-runner of the national DDR programme(81). These children represented around one third of the total armed group forces, estimated at around 15,000, in Ituri. Armed groups such as the MCR and Peter Karim group that continued to fight against government forces also reportedly still contain many children, and there are indications that the DCR programme did not reach all children. NGO workers reported to Amnesty International in March 2006 that they were still finding many children who had been hidden during the programme.

To date, the full scale of the continuing recruitments and re-recruitments of children is not known. However, CONADER as overall coordinator of the national DDR programme, has not attempted to document such cases systematically or to provide unified reporting on the prevalence of re-recruitment in the eastern provinces, although some international NGOs are documenting cases of re-recruitment and harassment in collaboration with MONUC.

Amnesty International believes that there should be no return of released children to areas where they are at risk of re-recruitment until the situation is such, or there are specific protection measures in place, that there is no longer such a threat. Principle 28 of the UN Guiding Principles on Internal Displacement states that "The competent authorities have the primary duty and responsibility to establish conditions as well as provide the means, which allow IDPs to return voluntarily, in safety and dignity, to their homes or places of habitual residence." A child who returns to an area where he is at risk of being (re-)recruited is not returning in safety. Adequate governmental and international financial provision needs to be made for children who, as a result, need to remain in transitional care because of insecurity.

(b) FARDC (former armed group) units waiting to enter the *brassage*/DDR process

Perhaps thousands of children are still with non-integrated FARDC units who accept the *brassage* but, because of its slow progress, have yet to enter the army integration/DDR programmes. Some of these units also continue recruit children, despite the May 2005 order given by the FARDC Chief of Staff prohibiting the recruitment of under-18s. Many of the commanders of these non-integrated FARDC units are sceptical about the peace process, and reluctant to see their forces disbanded.

The disorganization of both the DDR and army integration programmes bear much of the responsibility for this situation, since long delays in implementing the programmes have meant that children are effectively blocked from release from the armed forces. The recent CONADER announcement that it intends to suspend further demobilization and to close the orientation centres places these thousands of children at further risk and may put them beyond organized protection. With the closure of the orientation centres, it is unclear what systematic governmental efforts there will be to trace, identify and release these

children.

(c) Children in the integrated FARDC brigades

Reports persist that children are still being used by the integrated FARDC brigades who have passed through the *brassage*. In March 2006, a MONUC child protection adviser told Amnesty International delegates that they are aware of numbers of children in these brigades(82). The UN Secretary-General's report on children and armed conflict in the DRC also reported that integrated FARDC battalions on the move in Ituri forced children to carry military goods in 2006. In March 2006, 22 children were identified with the 5th FARDC brigade in Kananga, Kasai Occidental province, and two girls were identified in the 3rd FARDC brigade in Kamina, Katanga province(83).

(d) Foreign armed groups

In addition to Congolese armed groups who remain outside the peace process, foreign armed groups on Congolese soil continue to use children in their forces. A Disarmament, Demobilisation, Repatriation, Reinstallation and Reinsertion (DDRRR) programme, implemented by MONUC, exists for the release of foreign national adults and children from these groups. The programme is voluntary, and involves MONUC in collaboration with NGOs and UNICEF negotiating with the armed groups, and identifying and repatriating those children who present themselves for return to their home country. MONUC also liaises with organizations in the home countries who take charge of the children once across the border. However, no mechanism yet exists to support the release, care and reintegration into their communities of probably large numbers of Congolese children associated with these groups, including especially Congolese girls abducted for sexual reasons.(84)

2. The self-demobilized and children "lost on the way"

Throughout the conflict numbers of children escaped from the armed groups, at great personal risk since many who were recaptured were tortured or killed, and escape often entailed crossing front lines or territory held by an opposing armed group. Known as the self-demobilised (*auto-démobilisés*), many were prompted to escape after hearing about NGO programmes for children associated with the fighting forces, either through the radio, through other children, or through approaches by MONUC or NGOs to the armed group holding them. Some of these children made their way to CTOs run by NGOs and benefited from the NGO programmes to reunify and reintegrate them in their home communities. Others made their own way home or sought shelter elsewhere.

Many children have also been left behind when military units came in to join the *brassage*, or were abandoned en route. According to MONUC, whereas in early and mid-2005 non-integrated FARDC military units were bringing children with them to the regroupment and orientation centres, since late 2005 they have not. One MONUC child protection adviser told Amnesty International, "We thought we'd see more children than this. Even units where we had information that there were many kids, the numbers coming in were very small." The same official reported that one FARDC commander had confirmed that children who were part of his FARDC non-integrated brigade in the Mwenga and Kamituga area of South-Kivu had been left behind on the road or in villages as the brigade made its way to the *brassage* in early 2006. Of the children coming in to join the process, according to various sources, most were aged 15 to 16 and may have come in with the intention of passing themselves off as adults. Many younger children, however, of whom there were many with the armed groups, appear simply to have been abandoned.

The number of these abandoned children is unknown, but they are likely to be a sizeable proportion of the thousands of children who have yet to pass through the DDR process. Some children may have made their own way home; others may still be together in villages in the remote hills or forests, left there either as a reserve armed force by their commanders in case the peace process fails, or simply left to their own devices and with nowhere else to go. Some of them remain far from their families because of mass displacement during the conflict or because, in some cases, the children had travelled large distances with the armed groups.(85) But no-one knows for sure, and CONADER appears to be making no coordinated effort to trace these missing children to offer them protection or assistance.

There are a number of reasons why so many children have not been brought to the regroupment and orientation centres. At an early stage of the DDR programme, a directive was issued to all armed forces and groups to leave the children behind when moving to the orientation centres, reportedly to avoid unnecessary displacement of children and in the expectation that NGOs would have the capacity to deal with the children *in situ* in military camps, which they did not.(86)

However, low numbers of children continued to arrive at the orientation centres even after this directive was rescinded. Another factor is that, as the DDR process has unfolded the realization has spread that children will not receive direct financial support, commanders have little incentive to bring the children with them. There may also be a positive disincentive, since many children when they reach the regroupment camps expect to be paid or receive other material benefit from their commanders for their years of service.

In other cases, commanders seem not to consider the children, particularly younger children and girls, to be part of their group's fighting strength, especially if the children filled domestic or sexual roles, and have therefore left them behind. In many areas, the armed groups have a membership drawn from local ethnic communities, where the distinction between the civilian population and armed group is fluid: children may have served with the armed group on an occasional basis, but were never considered a fixed member of that group. There may also be a rising fear among commanders that they will face arrest for their use of children, in light of the high-profile ICC arrest and prosecution of Thomas Lubanga.

Another barrier is the environment of scepticism and mistrust that has led many commanders to fear that the *brassage* is a strategy to weaken their forces, or that the peace process will ultimately fail. In this context, some observers interviewed by Amnesty International believe that the armed groups are leaving behind a proportion of their forces, as well as stocks of arms and ammunition, as a reserve in case of a return to conflict. To this end, according to reports, some armed group commanders tell children that the DDR is a fraud organized by the government and that they will be arrested or mistreated by government soldiers if they present themselves for demobilization. According to an adult fighter interviewed by Amnesty International in

Luvungi orientation centre, South-Kivu province, in March 2006, his armed group commander had spread a rumour that children were being poisoned in the regroupment and orientation centres.

Neither the military nor CONADER has taken sufficient steps to counter such misinformation, to make armed groups and children aware of the support to which children are entitled, and to ensure that all children accompany the armed group to the *brassage*/DDR. Before the national DDR plan, NGOs and MONUC child protection advisers had some access to the fighting forces and were in most cases able to negotiate directly with commanders for the release of children, and in some cases physically to assess the number of children with the armed group, although many commanders took steps to hide children when MONUC officers approached them. However, since responsibility for coordination with the military now lies directly with CONADER officials, and since that coordination has often been poor, NGOs and MONUC child protection staff now struggle to have reliable information about the location and movements of children associated with the armed forces and groups. In some cases, they only become aware of children's participation in the DDR programme once the military units have arrived at the orientation centre. This information gap enables commanders to abandon children on the way.

3. Abandoned girls

Girls almost certainly represent a large proportion of the thousands of children who have been left behind by forces going to the *brassage* and DDR, according to all sources interviewed by Amnesty International.⁽⁸⁷⁾ Large numbers of girls also probably remain with the armed forces and armed groups still awaiting entry to the *brassage*. Many of these girls were abducted by the armed forces and groups while in the fields, on the roads or when their village was attacked. They have sometimes taken part in fighting, but also used as cooks and domestic servants. Most are used as sex slaves, with some being raped repeatedly by fighters.⁽⁸⁸⁾ There is no systematic government effort specifically tailored to identify these girls, to reach them or inform them about programmes to reunite and reintegrate released children in the community.

There is no complete figure for the number of girls who have been left aside in this way during the DDR process, but it is certainly very low. Official CONADER figures report that of 18,524 children released by the end of May 2006, 2,880 or 15.5 per cent were girls.⁽⁸⁹⁾ However, these figures may be inaccurate and are certainly seriously distorted by the Ituri DCR programme, which achieved a much higher ratio of girls to boys (around 20 per cent).⁽⁹⁰⁾ In other regions, the ratio is dramatically smaller. According to CONADER provincial staff in North-Kivu, of 2,568 children reunified with their families in that province between January and December 2005, only 46 (or 1.8 per cent) were girls.⁽⁹¹⁾ Some CONADER orientation centres had registered no girls at all by December 2005.⁽⁹²⁾ This figure needs to be set against the total estimated number of girls associated with the armed forces or groups of 12,500, or around 40% of all children.

The presence of large numbers of girls in the armed forces and groups has largely been overlooked by the government and international community in the planning of the release and reintegration programmes for children. One World Bank representative noted that, even though CONADER had staff specifically employed on gender affairs, "very little is being done on girl and women issues", and that "we have no good profile of who these girls are".⁽⁹³⁾ Often traumatised by years of abuse, in poor health and sometimes with children of their own born during their time with the armed forces, these girls have special needs. However, little effort has been made to ensure that they receive the necessary support and assistance to which they are entitled. This situation is compounded by the low status of girls, and of women in general, in the DRC, tens of thousands of whom were raped by fighters in the course of the DRC conflict and very few of whom have since had access to health care.⁽⁹⁴⁾

According to a number of NGO sources, commanders and fighters often do not feel obliged to release the girls, as they assume "ownership" of them, claiming them as their "wives" or concubines. Some girls may also consider themselves as "wives" of commanders or adult fighters. This discriminatory attitude is perpetuated by some CONADER officials and even by some in the NGO community, who uncritically accept such girls as "dependants" of adult fighters, and not as girls associated with an armed force or group who are entitled to entry into the child DDR programme. Amnesty International believes that large numbers of these girls are encamped in squalid conditions outside the regroupment and *brassage* centres and other military, with the family members and camp followers of adult fighters. As no programme has been established to support the dependants of ex-fighters or FARDC soldiers, these girls lead a precarious, hand-to-mouth existence. No measures have been established by CONADER to identify them among these "dependants". Some of these girls may be unaware that programmes of assistance and support exist, since there is no government programme to sensitize and inform girls associated with armed forces and groups about the DDR programme. Whether or not these girls have established relationships with the commanders and fighters, they should clearly benefit from the child DDR programme.

In some cases, the armed groups take steps to hide the girls. According to an activist for a children's NGO in Goma, in late January 2006 a group of fighters detached itself from Laurent Nkunda and was quartered at Mushaki military camp. CONADER officials went to the camp to conduct a preliminary verification and identification of the fighters. "On first contact for verification there were seven girls. But when they went back to do the documentation a few days later, the girls had gone."⁽⁹⁵⁾

Other girls have returned to an uncertain future in their home communities. Local NGO activists in Uvira, South-Kivu, for example, reported to Amnesty International in March 2006 that, suspicious of the low number of girls passing through the orientation centre in Luvungi, they had organized a search in Uvira and its surrounds for girls who had been with the fighting forces. They registered 78 such girls, some with children of their own, living without support in their communities. They managed to place 14 of the girls on a micro-credit reintegration programme, but had not been able to find the means to support the others.

Some girls have little faith in the DDR process because it does not recognize their needs. They are reluctant to enter the military or CONADER centres because these centres offer no special provision or separate space based on gender. In the regroupment centres they would be mixed with adult males, greatly increasing their vulnerability to sexual or other forms of violence; in orientation centres girls are mixed with boys in the "children's space" ("*espace enfants*"). Girls fear a continuation of sexual violence and stigmatization in such circumstances. Some expressed fear of entering military regroupment or orientation centres, believing that if they went they could also be grouped with former fighters and identified by them. Many girls are, moreover, reluctant to admit their association with armed groups, since the social stigma attached to girls associated

with armed forces and groups is particularly strong because of the routine rapes inflicted on them.⁽⁹⁶⁾ This is often compounded by the girl's own feelings of shame. Although some temporary psychosocial support may be offered in the CTOs, there is little prospect of girls finding such support once in the community.

Many girls feel they have no option than to stay with the armed group, fearing they will be severely tortured or killed if they try to escape. Because many girls have also given birth to children during their time with the armed groups, they fear the uncertainty of finding shelter and food for their child.

Jasmine is 16 years old. She had been recruited in June 2002 by a *mayi-mayi* group in South-Kivu, when she was 12. She has a four-month-old baby.

"When the *mayi-mayi* attacked my village, we all ran away. In our flight, the soldiers captured all the girls, even the very young. Once with the soldiers, you were forced to "marry" one of the soldiers. Whether he was as old as your father or young, bad or nice, you had to accept. If you refused, they would kill you. This happened to one of my friends. They would slaughter people like chickens.. They would not even bury the bodies they slaughtered - they would even feed on their flesh. I even saw a girl who refused to be "married" being tortured. When a girl tried to escape: they first would cut out the girls' breasts and eat her private parts. Everyone could see when they were doing this. Wherever we were fighting, along the way, they would take the women and girls working in the fields. There were a lot of women and girls with us. I think it is because they took drugs, they were like crazy. They would take young girls, remove their clothes, and then would rape them. Sometimes, we all had to undress, even the old women. If you refused they would kill you.

My "husband" did not beat me too often. He would sometimes take other girls home, but at least he would not allow other soldiers to have sex with me. But one day, he was killed in an attack. I felt I was in danger and I should leave. On the way, as I was pregnant, I had my baby. I was alone in the bush, without medication. I still have pain from this. Then I went to the village of my "husband", but his parents rejected me and my child, after taking all my belongings. They blamed me for his death. I wanted to go to my home, but it is so far away, I was afraid the *mayi-mayi* would find me and capture me again. So, when I heard of the NGO, I came here. Now, I just would like a piece of cloth, so I could carry my baby, like other women do."

If released, many girls fear rejection and ostracism by their families and communities. The rapes they have suffered, usually by many armed group members, not only cause severe physical and psychological harm, but expose these girls to discrimination when they return to their communities. Girls who have had a child by an "enemy" or unknown father are frequently rejected by their family and excluded from communal life. Without support, these girls are often unable to earn a livelihood and are sometimes reduced to begging or prostitution to make a living.⁽⁹⁷⁾ While returning released boys may be considered as a potential income generating member of the family, the girls are often perceived as having less value to the family, particularly since they are considered to have lost their "virtue" by being the "wife" of a fighter. Girls interviewed by Amnesty International delegates feared that they would be unable to find a husband due to the stigma attached to having been raped.

Marie is 17-years-old, from North-Kivu.

"When I was 12 years, I left because I had lost my parents, and with my relatives I was always alone because they did not have the money for me to go to school. I thought that with the *mayi-mayi* I would be looked after. But no, a man chose me as my "husband", he forced me to carry heavy things, to steal goats, and even to fight with a gun. One day, I managed to escape and came home, but the *mayi-mayi* came to harass my relatives and I had to return. There were a lot of girls like me who wanted to go home. Now that I am at the CTO, I am scared that the *mayi-mayi* might come and look for me, like they do usually. I hope that someone can protect me..."

Some NGOs are trying to reach these girls through, for example, awareness campaigns to encourage the girls to join the release and reintegration programmes. In some areas NGOs are trying to sensitize communities and counter discrimination, but such initiatives are limited to the NGOs' slender human and financial resources. Other NGOs have organized "girls clubs", essentially support and advice centres, open to all vulnerable girls in the community. The clubs are also used discretely as a base to spread the message and to reach girls and inform them about the demobilisation process. This has had some important successes:

Anne-Lise, is 16 and has a year-old baby daughter.

"When I was 14, the *mayi-mayi* from Mangurijipa came and took me by force while I was at home. They threatened my mother, and took me with 20 other girls from my village. With the *mayi-mayi* I was cleaning, but also fighting on the front-line with a machete. I had a "husband" who beat me all the time. One day, I heard from girls that if there are children with the *mayi-mayi*, they would receive some help. These girls had been with the *mayi-mayi* before, and now they said they were being helped by an NGO. I took my baby and my courage and I ran away to the NGO the girls had told me about. Now, I am at the CTO and I would like to learn how to read and write so I can work and support my baby."

Such initiatives, while successful, are still comparatively rare and insufficient to address the needs of all girls who were associated with armed forces and groups. Amnesty International urges CONADER in partnership with UNICEF and NGOs to establish organized, proactive and targeted initiatives to identify girls who are eligible for the DDR programme. This should include undertaking systematic checks and awareness campaigns among the dependants attached to military camps, and moving CONADER staff and NGO workers to areas where the armed groups were based or through which they travelled to identify girls, as was done successfully in Ituri. CONADER should also strengthen awareness of this issue amongst its own staff through gender-sensitive training, and reinforce its identification procedures to ensure that no more girls slip through the net. Greater efforts need to be made to reach these girls through publicity and sensitization campaigns, in coordination with churches and civil society. Girls should be encouraged to join the DDR programme by ensuring that the programme offers protection from adult and boy fighters at all stages, provides appropriate gender-sensitive health and psychosocial care, and addresses the specific needs of young mothers and rape victims.

VI. REUNIFICATION: A NERVOUS HOMECOMING

1. Reunification and the need to strengthen war-affected communities

Once tracing is complete, children are usually reunited with their families. However, because of the size of the country and its poor communication infrastructure, in many cases the reunification of the child and provision of follow-up support can be extremely difficult. In dealing with the numerous difficulties associated with reunification of released children, it has also become evident, according to NGO representatives and UNICEF officials, that the DDR process needs to be firmly anchored in a community-based approach.

Children who are released in one area but who need to be reunited with their families in another are particularly vulnerable to being lost in the system, sometimes spending months in transit and with no support once back in their home community. Children reunited with families outside the areas covered by the Special Projects (Kinshasa, the Kivus, Maniema, Ituri and parts of Equateur and Katanga) or in remote areas are unlikely to be assisted further after their reunification, and their fate is largely unknown.

Many released children have no home to return to because of the death or displacement of their parents, or inability to trace the family for other reasons. In these situations, alternative care is arranged by the NGOs by finding the child a home with other relatives or foster families who accept the children in return for food or other material support. The same applies for children who had left their families because of a difficult home situation, for children whose health is so bad that their family cannot provide adequate care or live too far from medical centres, or for children whose families are located in highly insecure regions where access by NGOs is not possible.

Reunification can also sometimes pose a challenge when children refuse to be reunited with their family as they fear rejection or punishment by their communities for crimes they have allegedly committed, or because they would be stigmatised for having been with the armed forces or groups. Children interviewed by Amnesty International often expressed their fear that once they return home, their parents will not be able to provide them with food or education, and that their return would represent a burden on an already impoverished family. In some cases, the children have also been responsible for helping their family economically while with the armed forces or groups, by sending money or food. In such situations, the children know that if not reintegrated in an economic activity rapidly, their release from the armed forces will put them and their families in a more precarious economic situation.

Amnesty International met **Jean-Paul**, aged 16, the day before he was due to leave the CTO in Bukavu for his home. He last saw his family in 2003.

"I am the eldest. My father is dead and so I am head of the family, but I couldn't manage to look after my two younger brothers and sister. That's why I enrolled [in the RCD-Goma]. But there was much too suffering there. After one attack, me and one other boy were the only survivors... I'd like a grant so that I can study, but everyone will expect me to take responsibility again. This worries me. I'm frightened I might be re-recruited."

The return of a released child can also create uncertainty and difficulty for the parents, some of whom have had little or no contact with the child for months or years. During that time, the child has grown up and the parents are not fully aware of what their child has endured. The children sometimes refuse to return to the traditional role of a child, and parents face the challenge of finding the additional income to feed and support the child. On occasion, the parents refuse reunification, perhaps because they disapproved of the child having become fighter or because they fear recriminations by the community or armed groups. Moreover, parents are also often misinformed and are disappointed when the released child doesn't return with money, as the adult demobilised do.

The community, too, may sometimes oppose the return of the children, fearing that the children may behave violently, that they may fail to conform to social expectations about sexuality, that they may infect their sexual partner(s) in the community with HIV/AIDS, and that their presence may make the community a target for armed groups seeking to re-recruit the children. In such situations, local NGOs are often involved in mediation activities, to attempt to reconcile children with their families and their communities and to defuse fear, mistrust, and misperception. Such activities are very time-consuming and require a follow-up that is often difficult to provide when transport and communication resources are scarce.

While conflict often affects all members of a community, who may have suffered killings, rape, torture, forced displacement and looting by armed groups, communities are only rarely supported or invested in during the DDR process. According to child protection specialists, families and communities provide the best protection for children during armed conflict and in the post-conflict period. The community, if supportive of returning children, can act as a highly effective barrier to commanders targeting children for re-recruitment or harassment. The reintegration of released children requires therefore simultaneous initiatives at family and community level. *"If communities were assisted more in the transitional stages of post-conflict reconstruction, there would be a significant reduction in the likelihood of the country slipping back into conflict...It is clear that relations and work with the community need to be strengthened, even before children are recruited and certainly before they begin to demobilise, if children are to be better protected from the effects of conflict."* (98)

Some international NGOs have established Community Protection Networks (CPNs) as a model for providing protection and care within the community. The CPNs, which may include parents, churches, NGOs, and in the best networks, the released children themselves, aim to protect children from re-recruitment, to provide them with pastoral care and to monitor and facilitate their reintegration. The CPNs are also a source of support and advice for the children, and can act as intermediaries between the local authorities and the children. The CPNs are still at an early stage and have not yet been adopted as a common approach by all the international NGOs. According to international NGO representatives, although promising as a vehicle for supporting successful return and durable reintegration of children, the CPNs will need to be given adequate medium to long-term support if they are to fulfil their promise.

2. Harassment of released children in their communities

Many released children find themselves the target of harassment and intimidation by the authorities, FARDC soldiers or armed

group fighters after returning to their communities. The effect on the child and family can be deeply upsetting. Sometimes these attacks have their basis in widespread discrimination against children who have been with the fighting forces. **Alex** is 17 years old. Harassment by the police and his impoverished economic situation forced him back to the armed group.

"I spent a few years fighting with the *mayi-mayi*. I was punished often and one day I was shot in the arm. I ran away, back home. But once in my community, the police kept insulting me in the street and threatening to beat me. I had no money, my parents didn't have any money and I was constantly being singled out by these policemen, so I decided to go back to the *mayi-mayi*. But once I arrived there, they punished me so badly, that I ran away again. Now I am back home, but that is not enough. I would like to stay here, but my family need some support as well, so me and my brothers and sisters would feel we have some future, that we can go to school and have enough food, but sometimes I think the policemen are right: We are nothing..."

Other attacks appear aimed to frighten children back into the armed group, to extort money or goods from the child or his/her family, or are apparently motivated by the perception that the child is a deserter.

One form of intimidation that is frequently reported is the destruction of the child's release paper (*attestation de sortie*), a simple piece of A4 paper signed by a senior regional FARDC officer, which is easily torn or made illegible.⁽⁹⁹⁾ This certificate, given to the child when they leave the armed forces, is supposed to provide a measure of protection to children from re-recruitment or other abuse. However, in some cases, the certificates serve to enrage rather than appease some armed group members, since they are signed by the representatives of government military authority that the armed groups reject. Or, in another typical scenario, FARDC soldiers in one region reject as invalid a certificate signed by FARDC officers from another region, demanding that the certificate be signed again by a local military official. This stems from the failure of the army integration process to eradicate parallel and unofficial chains of command, often based on ethnic or former armed group loyalties. These are often more potent than official FARDC command structure, which is still widely disrespected by many FARDC personnel. Demobilisation documents signed before the national DDR programme began are also not widely recognised. In all these cases, the consequences for the child are serious, since replacing the certificate is not always easy.

Marcel is 17 and lives in rural North-Kivu. He entered the *mayi-mayi* when he was 12 years' old after his family had been killed. "I had no food and nowhere else to go." In September 2005 he was demobilized and, after three months at a CTO, returned home.

"I was happy because life in the army was horrible. I had no problems returning to my village. My uncle and aunt welcomed me and looked after me. Although I would love to go to school, the nearest one is too far away, and the region too insecure. After about a month at home, some fighters from a *mayi-mayi* group that I know, who are against the *brassage*, saw me as I was working in the field. They started to insult me and push me around, saying that I was a deserter, a traitor. I showed them my *attestation [de sortie]* but they said that this piece of paper meant nothing to them. They took it from me and tore it apart. They forced me to go with them."

Marcel was later demobilized again and returned to the CTO.

VII. DIFFICULT REINTEGRATION AND FOLLOW UP

The reintegration of tens of thousands of released children and demobilised adult fighters is one of the most challenging tasks faced by the new DRC government, international donors and NGOs. Failure to reintegrate these individuals successfully and durably could have a profound impact on the DRC's stability, since those who are not adequately supported in civilian life may be drawn again into the armed groups. Despite the evident dangers, however, Amnesty International believes on the basis of its research that the majority of released children who have been reunited with their families are not being supported in community-based reintegration activities.

It is very difficult to estimate the number of children reinserted into educational and vocational programmes. CONADER reported that by the end of June 2006, 19,054 children had been demobilised from the armed forces, and claimed that of these 12,471 had been reunited with their families and 16,029 placed in educational or vocational training programmes⁽¹⁰⁰⁾. These figures, however, include transitional educational or vocational support provided while the children are in the CTOs or *familles d'accueil*.

CONADER, as noted, has been slow to provide financial approval to NGO reintegration projects and, in the meantime, reintegration activities in the community rely wholly on international and local NGO initiatives which are often poorly resourced and are not installed in all areas. Direct evidence from these NGOs on the state of reintegration is rather more telling. In northern North-Kivu, for example, one local NGO activist estimated in March 2006 that of around 4,000 demobilised children, less than 200 had benefited from reintegration with support in the community. Another NGO active in Masisi, North-Kivu, told Amnesty International, "Durable reinsertion hasn't started yet. There are a number of small projects just beginning and at an experimental phase". In Uvira, South-Kivu, a CTO director noted that of 76 children the NGO had reunited with their families since the beginning of 2006, 24 had returned to the CTO mainly for economic reasons. "Even the commanders come to me asking why the children want to re-enlist". The same director stated that reintegration projects were planned but had not started, and that school reinsertion had only just begun in the area. "We've set up projects here and there, but they are not properly supported", he said. Another NGO worker in Bukavu, South-Kivu, confirmed that his NGO was able to provide follow-up for children for three months once returned to their communities, but there were no resources for further accompaniment beyond that period. A UNICEF official in Goma told Amnesty International that only between 10 and 15 per cent of released children were registered in school or in vocational programmes. Another UNICEF official in Bukavu told the organization, "The majority of children are not reintegrated, properly speaking. Some may have had training, but training is only a predisposition to reintegration."⁽¹⁰¹⁾

John is 15 years' old. He was demobilised in May 2006 after spending five years with the *mayi-mayi*.

"One day when I was 10 years old, fighters came to our school, stole everything inside and ordered us to go with them, saying

that there would be no more learning for us. Now, I have been demobilised and I am with my family. It is good to be home, but I have nothing to do. I would like to study or work, but I have no money, there is no training and there is no work. I feel sad, because I feel unhelpful to my family. I am at home but I am worthless. During the day, I try not to think of my life as a fighter, because it makes me cry, but sometimes I think maybe I should go back to the armed groups..."

In a number of cases children, particularly those who are without parental or family support, have been reduced to living on the street. **Fabrice** is 17 and an orphan, living a hand-to-mouth existence in Uvira, South-Kivu, after returning from three years with the *mayi-mayi*.

"My mother and father died while I was with the *mayi-mayi*. When I came back, everything was gone. I had some help from an NGO centre here, but nothing that lasted. Now I have nothing to do. I transport baggage at the market to get something to eat, earning between 50 and 100 francs [around \$US 0.10 to \$0.25 cents] per trip. I've been sleeping on my friend's floor for the last two years, but I'm only allowed to show up there in the evening, after mealtime, and I could be chased away at any time. The day I pass anywhere and everywhere, looking for work..."

The reintegration of released children has been the least well planned and prepared phase of the child DDR programme. One of the reasons for this was the immense demand placed on CONADER and its NGO partners to deliver the demobilisation phase of the programme within a relatively short space of time. As a result of delays in starting the DDR programme, and poor coordination and timetabling once the programme began, NGO and CONADER staff reported that they were forced to respond at times on an emergency basis to the need to identify, demobilise, transport, shelter and feed thousands of children, and to reunify them wherever possible with their families. Meeting these immediate demands meant that not enough resources were available to prepare properly for the reintegration phase, and most NGO reintegration projects for children once returned to their communities appear to have started only in early 2006. Other major impediments to the delivery of reintegration activities are the poor infrastructure of the country and ongoing insecurity in many parts of east. Donors are often reluctant to finance projects in these areas where their efforts, and the children themselves, may be put at risk by further conflict or banditry. Most of the reintegration projects currently underway are located in urban areas. Coverage of rural areas is much less.

The focus on the emergency aspect of DDR, including the urgency of releasing the children from the armed forces and groups, was understandable. However, just as crucial was the planning and preparation for the longer term reinsertion of these children. The evidence suggests that very little was planned and organised by the DRC government and international donor organizations to address the medium to long-term issues of supporting the children once they had been returned to impoverished and war-affected communities where there are few economic opportunities. One and half years after the first large-scale releases of children under the DDR programme around April 2005, the right to educational of most school-age children is still violated, while employment opportunities and socio-economic reintegration packages have not been identified or financed. For those few reintegration projects which have been established, the projects were identified only months after the child was reunified with the family, according to several NGO representatives.

Isaac is 17, from rural South-Kivu. After three years with the *mayi-mayi* he is attempting to rebuild his life by returning to technical college, although he is beyond school age. A local NGO has recently begun assisting him in this. He lives with his mother and three younger sisters.

"I go to college in the morning; in the afternoon I do nothing. My mother has no work either and some days we don't eat. After leaving the CTO, I had some support – the field worker (*animatrice*) came twice, and I got a small suitcase with clothes: a pair of pants and a shirt. On every 25th of the month the school chases away the children who haven't paid their fees. I was kicked out of school three times before I was accepted into the [local NGO] programme. I'd like to build up a fund for a small business, so that I can help my mother, so that the family can live."

Reintegration is an essential part of helping children to recover their self-esteem, to contribute to the economic well-being of their family, and to recover a sense of purpose and worth in the community. Reintegration involves ensuring access to education for school-age children or, for older children, vocational training and income-generating opportunities. Fundamental education (basic literacy, numeracy and essential life-skills) for children who have missed periods of formal education is also required. However, the DRC currently devotes only very low levels of public expenditure to education, including technical and vocational training.⁽¹⁰²⁾ This factor, together with the absence of proper strategic planning and poor implementation of the DDR plan has meant that, to date, most children released from the armed forces or groups are not being provided with the means to meet their needs in civilian life.

An activist of one local NGO which had recently started training in carpentry for released children in the Bukavu area told Amnesty International, "The little we give isn't enough. After the course we provide a kit which consists of a saw, a hammer, a plane, some varnish and a bag of nails. With that comes a plank of wood, enough to make two chairs which can be sold for \$5. But without programmes of development and support in the community, the kits will be quickly consumed or sold on." Of eight children who had gone through the NGO's first carpentry course, only two were employed in carpentry; the rest were still unemployed.

In the vocational programmes that have been started for children returned to their communities, there is a lack of systematization or consistency of approach. Very few training programmes combine vocational training with education in literacy, numeracy or other essential life skills. In addition, there appears to be a mismatch between the vocational training offered to children and the demand for skills in their community, since often vocational training appears not be based on a reliable analysis of local market conditions or consultation with local trades people, but often mainly on the stated preferences of the child. Although most NGOs are sensitive to this and try to ensure that children are presented with at realistic options for training, in some extreme cases brought to Amnesty International's attention, some released children trained in mechanics were returning to rural communities where there were few vehicles, or several children from the same small community were pursuing training in the same trade.

In an attempt to address some of these issues, international NGOs working with and through their local Congolese NGO partners have started to implement community-based programmes with local employers, thus linking practical on-the-job

training in industries or trades where there is an established local demand. Typically, such projects involve negotiating with local employers in the community to accept released children as apprentices in exchange for either financial or material support for the child's training or upkeep. As with reinsertion into schools, many agencies and NGOs try to associate other vulnerable children of the community with such programmes. While such projects appear to offer much greater prospects for success, to date too few have been established, and they have benefited only a proportionally very small number of released children. They are also very labour-intensive for the NGOs to supervise and monitor, since repeated visits are necessary to ensure that children are not exploited by their employer. They therefore require significant NGO resources that may not be available should the number of such projects be extended.

The short six to nine months' period of training, or three months for apprenticeships provided for under the Operational Framework is often not responsive to local economic realities. This, combined with a lack of material or tools for released children to carry out their chosen trade, means that children who have been trained still frequently cannot compete in the local job market.

Many released children told Amnesty International delegates that direct monetary payments would help them start an income generating activity. However, this question is complex, since, "in the context of widespread poverty and vulnerability, such payments risk favouring child soldiers at the expense of other conflict-affected children and risk expanding recruitment or re-recruitment". (103) Nevertheless, discouraged by the poverty of their family and community, and lacking any independent means of survival in a context where reinsertion projects are not being delivered, children may be at increased risk of re-recruitment into armed groups. The children's discouragement is greatly amplified by the money payments being made to adult demobilised fighters, widely perceived as an injustice by released children interviewed by Amnesty International. There were complaints that CONADER often did not ensure that children are informed from the beginning of the process that they will not receive any financial package. In the absence of meaningful education or vocational programmes, the children's discontent is intensified.

The social and economic reintegration of girls has also been given insufficient attention. The special needs for protection and assistance for girls, including for girls who have children of their own, girl victims of rape or girls rejected by their communities have remained unaddressed. Girls constitute the majority of absentees in school, as parents are unable to afford school fees for all children and often choose to send only their sons, while the girls are expected to stay at home and assist with domestic tasks. Most vocational training programmes also neglect girls' special needs through the absence, for example, of childcare arrangements or flexibility in their duration that would allow young mothers to take time away to look after a sick child, or to seek medical care for illness arising from rape. The provision of truly gender-sensitive reintegration programmes activities would help combat the widespread discrimination encountered by girls in society, and help girls to realise their full potential.

CONADER and the various NGOs do not have the capacity or resources to monitor the reintegration of all children, and children returning to isolated rural communities are less likely to benefit from reinsertion and follow-up support than their counterparts in urban areas. Left with no means of making a living, unemployed and without protection that only full reintegration into the community can provide, these children can easily be manipulated into rejoining the armed forces or are more vulnerable to forced re-recruitment.

A mother of a released 14-year-old child recruited by the *mayi-mayi* armed group, from South-Kivu told Amnesty International.

"When the NGO contacted me to say they had found him and he would come home, I was so happy. I couldn't wait to see him. I was a little frightened that he might have become a bad boy, but he is still the same, he respects his parents, he is not a thief, and he wants to help. But I have five young children, and it is already hard to feed them all. At 14, he should be in school, but school is so expensive here... but I will do all I can to send him to school even if that means going without food because without school he will become a soldier again. The commanders know how to make the children believe that if they join them, they will get money... We need the government to help us pay the teachers, so that our children won't follow commanders who lie to them. "

Some international NGO representatives involved in the Special Projects question whether the MDRP emergency focus is adequate to the task of sustainable socio-economic reintegration, which they see as a longer-term developmental process. In their view, addressing the socio-economic needs and encouraging the economic potential of one particularly vulnerable group (the released children) cannot be satisfactorily separated from addressing the needs of communities mired in entrenched poverty and the effects of years of conflict. Helping one section of the community with "quick impact" approaches while the rest of that community remains without assistance will only lead to tension and resentment against released children.

VIII. TOWARDS A DURABLE REINTEGRATION

"Reinsertion is a process, not a moment." -- UNICEF official, North-Kivu, March 2006.

1. Back to school? The incapacity of the public education system threatens successful reintegration

Most released children interviewed by Amnesty International expressed a heartfelt desire to return to school and complete their education. In some cases, children went to extraordinary lengths to achieve this ambition even while serving with the armed groups.

Jérôme is 15. He and a group of friends had arrived at a CTO in Uvira five days before Amnesty International's visit. He had been recruited into a *mayi-mayi* group operating near his home in the Ruzizi plain of South-Kivu when he was just 11 years' old. But he still insisted on attending school, as long as the commander allowed this. *"I went to school almost every day, returning to the military camp every afternoon. I paid the school fees myself or if I couldn't pay cash I would give something in exchange, like a chicken. Sometimes my father helped me too. I was the only one who did this."* One day in March 2005 some NGO workers came to his camp to negotiate with the commander for the release of the children. *"That was when I first learned that children should not be with the armed groups."*

In May 2005, after a week of heavy fighting with Rwandan insurgents, hungry, dirty and covered in lice, Fiston was sick of the suffering. He fled to his home, where he continued his education, money permitting. *"Last year I was told I couldn't do the exams, because I couldn't pay. They agreed I could do them this year. Then we heard that demobilized adults were being paid, so we came straight to the CTO. All of us thought the same thing: that we would get money. I have to go back tomorrow. Tomorrow, exams begin for the second term and I want to be there."* When Amnesty International asked him why he had gone to such lengths to continue his education, Fiston replied that study represents *"la vie de quelqu'un"* ("the life of someone").

For released children education represents the only effective way out of the entrenched poverty that was one of the main factors that made them so vulnerable to recruitment by the armed forces and groups in the first place. School can also be an important shared social experience that enables released children to find their place and identity again within their communities and which represents a powerful link to their former life, before recruitment. However, the government has devoted only very limited public resources to public education and the costs of maintaining a child in school fall directly on parents or guardians. Many families cannot afford education for their children.

Primary education in the DRC is officially free of charge according to the DRC's Constitution(104), but the lack of state funding to pay teachers or to furnish schools means that this state commitment is not being honoured. Teachers receive no or only irregular salaries from the state(105), and are often forced to engage in other forms of employment to survive. To make good this gap, primary and secondary schools levy a charge on parents, payable monthly, which covers teachers' salaries, examination fees, administrative and other costs. These household payments amount to an average \$9 in the eastern provinces and \$14 in the western provinces per child per year for primary education, and to \$14 and \$42 respectively for secondary education. Between 9 and 14 per cent of per capita income is spent by parents on each child at primary level. (106) For many parents, the decision whether to keep their children in school or to ensure the family's immediate economic survival represents an unacceptable and often impossible choice in a country where most people live in extreme poverty on less than \$1 per day(107).

As a result, large numbers of children are excluded every month from schools because of non-payment of school fees and extreme poverty puts school beyond the reach of most children. Less than half of Congolese children go to school. National primary school enrolment rates amount to 55 per cent for boys and 49 per cent for girls(108), and of those children who do attend primary school, only 29 per cent complete this level of education(109). An estimated 4.7 million primary-aged children, including 2.5 million girls(110), are out of school and there are at least 6 million adolescents who have received no formal education whatsoever(111).

The collapse of the state education system, partly as a result of conflict but also because of longstanding government under-funding, means that schools are lacking the most basic facilities, teachers are underpaid and abandoning education. Around 50 per cent of the DRC population is under 15 years of age, and approximately 19 per cent is under five years of age,(112) yet according to World Bank statistics, in 2002 (the last available figures) only six per cent of government expenditure was on education(113). These are among the lowest rates in Central Africa(114), despite the strong demand for education in the DRC. There has also been a dramatic decline in state expenditure on education: the amount spent in real terms in 2002 was less than four per cent of the 1980 level of expenditure.(115)

The situation is worst in the areas most devastated by the conflict. Estimates of children who did not have access to education in the conflict areas of eastern DRC were in 2003 as high as 70 per cent, according to the International Federation of the Red Cross.(116) Large numbers of teachers in these areas have also been killed or displaced. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), over 50 per cent of schools in eastern DRC were destroyed during the conflict. Humanitarian agencies have tried to address some of the worst devastation(117), but their efforts cannot by themselves be enough to wholly redress the situation. And while the educational system may be less seriously incapacitated in areas unaffected by the conflict, it is only marginally so. Throughout the DRC, state schools are chronically under-funded and under-equipped. According to a 2004 World Bank study, most schools lack textbooks and other basic teaching materials, many buildings are unusable for safe teaching, educational curricula and standards have not been officially revised for over 25 years, and for almost two decades, the country has had no system of regular in-service training for teachers.(118) A further challenge is that DRC remains a relatively low priority for international donor funding compared to its severe humanitarian and development needs(119) and donor government contributions to education, in particular, have been practically non-existent.(120)

In this environment, relatively few released children are able to resume formal schooling without financial assistance. As most released children come from extremely poor families, it is usually very difficult for their parents or guardians to pay for their reinsertion to school. Released children can also be disadvantaged because their families give priority to the schooling of siblings who have an unbroken education. Moreover, few schools have the capacity to provide remedial classes (*"rattrapage scolaire"*) for children who have missed years of education.

Moreover, the Congolese education system does not have the capacity to address the needs of children who have missed years of education as a result of being with the armed forces and groups. A UNICEF official in Goma estimated that about 75 per cent of released children cannot read or write.(121) The Congolese system is extremely rigid regarding the age limits per academic level, which exclude children who have missed years of schooling from enrolling in classes according to their level of education rather than their age. Older children who are now beyond the compulsory school age may also have missed large parts of formal education. Under the DDR programme, these children are directed to vocational training programmes. However, they often find themselves severely disadvantaged in their chosen economic activity by a lack of basic literacy or numeracy skills which would enable them to calculate prices or profits, for example, or provide cost estimates for work. In some rare programmes carried out by local and international NGOs, some literacy and numeracy courses are organised as part of vocational training programmes, but these remain exceptional and inadequate to the enormous needs.

The shortcomings of the DRC's education system also leave NGOs trying to reinsert released children into local schools with a dilemma: on what basis should released children be treated as more of a priority than the many other vulnerable children who are unable because of poverty to receive education? Any perceived imbalance in the treatment of released children compared to other children also in need can lead to resentment in the community against released children. In this situation, many NGOs

have adopted a community-based approach which involves, for example, refurbishing a school for the benefit of the whole community in exchange for the school accepting returning released children, or financing the education of a mixture of released children and other most needy children from the local community. This approach aims to avoid community resentment against the released children who might otherwise be perceived as receiving preferential treatment in a context of extreme poverty, but it also seeks to develop a sense of community responsibility towards the children.

However, the slender resources available to NGOs are clearly not enough to make up for the wider shortcomings of the state educational sector. Given the current system of user fees and other charges for primary education, NGOs are able to ensure access to education for released children for one year only under the DDR programme. Beyond this, NGOs either have to generate additional funds or discontinue support to the children. This, quite plainly, is unsustainable, and notwithstanding NGO efforts, millions of Congolese children are still denied access to the elementary education that is their human right.

Amnesty International strongly believes that, in accordance with international human rights law, education should be free and compulsory until the minimum age for employment, and should be progressively available and accessible at the secondary, vocational, fundamental and higher levels, including through provision of free education where necessary. In the current situation, NGO resources are being diverted to meet school fees and education costs that should properly be met by the government with the support of international donors.

2. The human right to education

The right to education was recognized in the Universal Declaration of Human Rights (UDHR) in 1948 and is enshrined in various binding international treaties to which DRC is a party including the International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 13 and 14, the Convention on the Rights of the Child (CRC), Articles 28 and 29, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 10, and the African Charter on Human and Peoples' Rights (ACHPR), Article 17.

According to international human rights law and standards, the right to education includes primary (or elementary), secondary, technical and vocational, higher and fundamental (including, for example, basic numeracy, literacy and basic life-skills) education. International and regional human rights conventions consistently provide that governments must ensure that primary or elementary education, at least, should be free and compulsory⁽¹²²⁾ for all children.⁽¹²³⁾

(a) The right to free and compulsory primary education

The duty to realize the right to free and compulsory primary education is an obligation of immediate effect,⁽¹²⁴⁾ and requires those countries which have not yet secured compulsory primary education, free of charge, to work out and adopt a detailed plan of action to do so, within a reasonable number of years.⁽¹²⁵⁾ Where this is not possible given available resources at the national level, states should seek, and should receive, international assistance and cooperation to prioritize the realization of the right to free and compulsory primary education:⁽¹²⁶⁾ "Where a State party is clearly lacking in the financial resources and/or expertise required to 'work out and adopt' a detailed plan, the international community has a clear obligation to assist."⁽¹²⁷⁾

The meaning of "free" education should be interpreted broadly to require the immediate removal of direct fees and the progressive removal of all indirect charges which represent a barrier to accessing and staying in education at least until the minimum age of employment. As the UN CESCR has clarified:

"Free of charge. The nature of this requirement is unequivocal. The right is expressly formulated so as to ensure the availability of primary education without charge to the child, parents or guardians. Fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardize its realization. They are also often highly regressive in effect. Their elimination is a matter which must be addressed by the required plan of action. Indirect costs, such as compulsory levies on parents (sometimes portrayed as being voluntary, when in fact they are not), or the obligation to wear a relatively expensive school uniform, can also fall into the same category. Other indirect costs may be permissible, subject to the Committee's examination on a case-by-case basis."

On ratifying the Minimum Age Convention⁽¹²⁸⁾ in 2001, DRC declared 14 as the general minimum age for employment until it is in a position to raise the age to 15, as envisaged in the Convention. In order to ensure that children are not vulnerable to economic exploitation in the years intervening between a child's completion of compulsory education, and accessing employment, their right to free and compulsory education should likewise be guaranteed until at least 14. The DRC Constitution effective from 1986, recognised a right to free, compulsory education to 15, although this age is not specified in the newly promulgated 2006 Constitution.

(b) Rights to secondary, technical and vocational, and fundamental education

While primary education should be free and compulsory according to international human rights law, "secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education".⁽¹²⁹⁾ Any retrogression of available and accessible secondary education, including either through closing schools or increasing charges, would need to be carefully justified according to the totality of resources available, including those available through international cooperation, and the full range of human rights obligations.⁽¹³⁰⁾

The right to fundamental education, recognised in ICESCR Article 13.2(d) was included alongside elementary education as a component of the right to free education in the UDHR. This right has particular relevance to the situation of children who have missed years of education because of their association with the DRC's armed forces or groups, including those who are now older than the compulsory school age. Many of these children have also reiterated to Amnesty International the importance of opportunities to pursue vocational education, which according to the CESCR, should be part of all levels of education.⁽¹³¹⁾

Amnesty International's research demonstrates that while the process of demobilisation and reunification with families is progressing, the key aspects of education and socio-economic reinsertion are frustrated in part by the widespread charging of fees and other charges associated with access to education. The DRC is legally bound to progressively ensure free and compulsory education as a result of its ratification of the ICESCR and other international instruments.

Amnesty International recognizes that years of conflict have taken an appalling toll on the DRC's educational system and that such damage cannot be repaired easily or quickly. However, the public education system has also been debilitated by years of official neglect on the part of successive governments which have demonstrated little political will to fulfil the state's obligations to progressively ensure the full realisation of the right to education, including in particular, and as a matter of urgent priority, the right to compulsory primary education free of charge for all.

A World Bank study was recently undertaken to assess the DRC's education system and to develop priorities and options for regenerating the education sector. The outcome of this study was the *Country Status Report on Education: Priorities and Options for Regenerating the Education Sector*, published on 15 November 2004, the purpose of which is to assist the DRC government to identify the priorities for education policy and present options in order to assist the government in developing an education strategy, including introducing free compulsory primary education by 2015.

Following this report, a major project to support the education system was reportedly approved by the World Bank in January 2006(132). Implementation of the project, to a value of \$130 million, has yet to start, but the project aims to "prevent further deterioration in the delivery of essential services for primary education and to prepare the grounds for a sustainable development and financing of the education sector"(133). In order to achieve this, the World Bank project will provide support to the DRC government in, *inter alia*, "reducing primary school fees and providing free access to textbooks" and "restoring access to primary education of at least minimal quality, especially in areas affected by the conflict..."(134) The aims of this project are consistent with the interim Poverty Reduction Strategy Paper on DRC approved by the Executive Directors of the World Bank and IMF in 2004.

Amnesty International welcomes the project as it will give much needed support to efforts to achieve free primary education for all children in the DRC. Nevertheless, the organisation calls on the World Bank, on governments which support the Poverty Reduction Strategy process, and on the DRC, to ensure that international cooperation and assistance, including World Bank support for education in the DRC, is wholly consistent with human rights. In order to ensure that this is the case, World Bank and other donor funding for education in the DRC should devote the maximum of available resources to prioritize the realization of the right to free and compulsory education for all children until the minimum age of employment; as well as targeted fundamental, technical and vocational education for those children released from the fighting forces who are older than the age of compulsory education.

In particular, international cooperation and assistance for education should support the removal of all user fees and other charges which constitute an obstacle to the full realization of the right to education, and the continuous improvement of material conditions for teaching staff to ensure they receive a living wage.

Amnesty International wishes to emphasize that projects of international cooperation and assistance towards the realisation of the right to primary education should not come at the expense of the right to progressive availability and accessibility of secondary, fundamental, and technical and vocational education and to programmes aimed specifically at the reintegration through education of released children. Amnesty International also wishes to stress the importance that support for free education in the DRC should extend to the minimum age for employment, currently set at 14,(135) and not be limited to 11, where primary education currently ends in the DRC.

Further, Amnesty International urges States parties to the ICESCR, including the DRC, and many of those states which are Executive Directors of the World Bank, to ensure that "the material conditions of teaching staff [are] continuously improved".(136) Given that teachers are currently not guaranteed a living wage, and that the burden of paying teachers' salaries reportedly lies primarily with parents of school children in the form of additional fees, any project which aims to eliminate fees and other charges which inhibit the poor from exercising their right to education, must address this issue as a matter of urgency.

Efforts to support a plan to realise the right to free and compulsory education must not result in a retrogression in the availability and accessibility of secondary and other levels of education. Given this, Amnesty International is concerned that some of the financial simulations presented in the World Bank document on how to cover the government financing gap from the removal of primary education charges and enabling "a sustainable growth in expenditure" on education include reducing the number of secondary schools by up to 28 per cent outside Kinshasa, and/or by "drastic" restriction of enrolments in higher secondary and tertiary education.(137)

(c) Now is the time to adopt and implement a plan

The inauguration of a new government offers the opportunity for a reassessment of the country's needs and priorities, and long-term planning and action to ensure that the DRC's potential for economic and social development is met. Education will play a key role not only in advancing the country economically, but in healing the rifts of conflict and promoting reconciliation among divided ethnic groups and in realising the potential of a forgotten and abused generation. In the DRC as elsewhere, general public education is essential for the development of critical thinking which might help challenge ingrained assumptions and foster tolerance and inter-group understanding. (138)

The DRC government, in line with its obligations under international human rights law, should prioritize the implementation of compulsory, free education for all children. The government should also rehabilitate the national public education sector, including in particular by paying a living wage and providing professional training and development to teachers and school administrators.

Amnesty International believes that now the time is right for the DRC government to adopt a "detailed plan of action for the

progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all", as per Article 14 of the ICESCR. The CESCR has noted that this is a continuing obligation and should be adopted "within two years of a subsequent change in circumstances which has led to the non-observance of the relevant obligation"(139) such as two years after implementation of the DRC peace process.

Alongside this, the government and international community should provide all children released from the armed forces and groups with fundamental education (including, for example, in basic numeracy/literacy/ basic life-skills), and opportunities to access further education, including technical and vocational education free from discrimination on the basis of former association with armed forces or groups.

3. Providing sustainable economic opportunities

As with education, reinserting children through vocational training is essential to empowering released children and enabling them to recover a role as contributor to their families and community. However, despite the promises made in the DDR plan, the sad reality is that once in their communities, there is currently little assurance of vocational programmes for released children. Although the provision of community-based training or employment is recognized as a central plank of a successful reinsertion programme, to date, too few such projects have been identified or initiated. Most released children remain unemployed and at risk of re-recruitment. Some children stated openly to Amnesty International their intention to attempt to rejoin the DDR programme at a later date when they had reached or could pass for the age of 18. Other children have also rejoined the non-integrated FARDC contingents, in order later to get released and receive the money as the adults, or to join the integrated army in order to receive the pay.

The MDRP is a transitional programme, intended to run only until late 2006, although a further extension is possible according to World Bank sources. CONADER itself has the promise of World Bank funding until at least 2007, and possibly longer, but the absence of any national/international strategy and plan for the successful, sustained reintegration of released children over the longer-term impinges seriously on the design and delivery of NGO reintegration activities. While there are reportedly sufficient international funds to enable the Special Project activities to continue for some time, under CONADER direction, the funding relationship will be entirely different, involving the NGOs applying to CONADER for funding of their DDR activities. Only the local and international NGOs and UN agencies specialising in the support to these children will be in a position to judge when reintegration is genuinely completed in each community, however, and their continued involvement in the DDR programme is essential. For this, continued financial support and clarity in the funding arrangements for these NGOs is required.

Durable reinsertion also requires investment over the longer-term which, at present, the World Bank/MDRP funds do not provide.(140) Against this are the false starts and frustrations caused by the absence of longer or even medium-term support. Amnesty International visited one local NGO running remedial education ("*rattrapage scolaire*") for released children in Masisi, North-Kivu, accelerating a year's worth of education into a three month course. The NGO director explained,

"We have 95 children attending each course and we also run bakery classes so they can make a living. At the end of the course, children receive a certificate that enables them to rejoin the formal education system. Some children have even become trainers. But the problem with micro-projects is that the funding is not guaranteed. For this project we have received funding for six months, but to cover all the children who need the *rattrapage* in this area, we need funding for at least two years. We need sufficient and long-term support."(141)

A UNICEF official in eastern DRC agreed:

"The [DDR programme] partners are limited in terms of capacity and effectiveness. We can't always get on to do the work that will have an impact. Part of the problem is that the [investment] vision is too result-oriented, too demanding of immediate results. We need more actors investing over the longer-term, not only those who are ready only to give transitional support. This applies to Congolese children in all contexts: street kids, vulnerable children, children released from the armed groups... There are very few donors in this area, and there are especially few donors with a long-term vision."

Although programmes for released children cannot solve the social and economic devastation of the country, through the MDRP programme millions of dollars have been invested in transit centres, interim care, and family reunification, while too little funding has been invested by donors in community-level reintegration and socio-economic activities. Although children are reckoned by World Bank estimates to have made up 20 per cent of the fighting forces in the DRC, only eight per cent (\$16,000,000) of the World Bank/MDRP budget is devoted to children and other special groups (such as physically disabled demobilisees).(142)

Released children must be offered more tangible and durable solutions to the unemployment and inactivity that is all too common once they are returned to their communities. CONADER and the DRC government need to take a lead, in partnership with international and local NGOs and the World Bank, in ensuring that released children receive the necessary, targeted, vocational training and access to economic opportunities. In particular, CONADER needs promptly to expand the number of community-based vocational training programmes on offer to children, ensuring that these are of sufficient quality and length to enable released children to compete effectively for employment. Where funds are lacking, international donor organizations and donor governments must be prepared to offer appropriate assistance over the medium to longer term.

IX. CONCLUSION

Successful reintegration will significantly help preventing released children from returning to the armed forces. This in turn relies upon providing meaningful and durable educational and vocational opportunities for the children.

Amnesty International believes that the DRC government must take advantage of the current favourable climate of peace, relative stability and the availability of international assistance, to develop a detailed plan, with the genuine participation of relevant elements of civil society, for the achievement within a reasonable period of time, of the right to free and compulsory

education for all children, until the minimum age for employment. As part of this objective, the rehabilitation of the education system must become an immediate priority for the new government, including in particular the payment and training of competitive salaries to teachers and other educational personnel. If the DRC government does not have the resources to meet this goal, then it must urgently request international financial and technical assistance to enable it to do so. International donors themselves should recognize the urgency of this need and provide assistance where it is needed to ensure the realisation of the right to free and compulsory education for all children within a reasonable number of years, as well as targeted fundamental, technical and vocational education to ensure the full reintegration of all released former child soldiers.

For children over the age of compulsory education, vocational training should be progressively available, and of sufficient length and quality to enable the children to compete effectively in the local market. The DRC government, CONADER and the international donors should accelerate the identification and implementation of suitable economic reintegration activities for these children. The absence of such programmes has contributed to the feelings of drift, isolation and helplessness expressed by many released children once reunified with their families. Vocational training also needs to be provided as a central element of all levels of education and should be complemented with programmes of fundamental education for those released former child soldiers who lack basic numeracy, literacy and life skills.

Supporting through education and vocational training this generation of Congolese children is already to give a chance to peace and stability for the DRC of tomorrow. However, millions of other vulnerable children such as orphans and street children, children separated from their families, and displaced children are left affected by the conflict. While the reintegration of released children is essential, actions to reinsert released children into their community should ensure a positive effect on other vulnerable children, in order to prevent other children from becoming targets for recruitment. Offering a future to the millions of children who have been deeply affected by the war should be a government and international community priority, starting with a detailed plan for free compulsory primary education and targeted fundamental, technical and vocational education for older released children.

X. RECOMMENDATIONS

A. TO THE DRC GOVERNMENT

End child recruitment and use

- Ensure that all FARDC commanders in both integrated and non-integrated units obey orders not to recruit children.
- Fully collaborate with MONUC and other UN agencies and NGOs to identify children serving illegally in the FARDC and ensure their prompt demobilization and reintegration.
- Suspend from, or exclude from entry to the FARDC any individual against whom there are credible allegations of having used or recruited children aged under 18, or of having been responsible for other crimes under international law or other serious human rights violations, pending a fair, independent and impartial investigation into those allegations.
- At the earliest opportunity, revise the Constitution to stipulate 18 as the minimum age for entry into the armed forces.
- Ratify promptly the African Charter on the Rights and Welfare of the Child.

Support the safe demobilisation and reintegration of children into their communities

- Instruct FARDC personnel of all ranks about the DDR of children and the validity of demobilisation documents. FARDC personnel must be expressly forbidden from harassing released children or destroying their demobilization documents.
- Instruct the FARDC to provide adequate and timely information to MONUC, child protection agencies and NGOs partners in advance of all troop movements to regroupment and orientation centres.
- In accordance with the UN Guiding Principles on Internal Displacement, ensure that the return of children to their communities is voluntary and safe. There should be no return of children to areas where they are at risk of re-recruitment.
- Ensure that CONADER is fully capable of fulfilling its management and technical role of the child DDR process effectively, with transparency and accountability.

End impunity for the recruitment and use of children and other crimes

- Make the recruitment or use of children by armed forces or groups a specific offence under the DRC's civil and military penal codes.
- Ensure that suspected perpetrators of child recruitment and use are brought to justice in accordance with international fair trial standards, without recourse to the death penalty, and ensure adequate protection of witnesses and child victims of recruitment.
- Make the rehabilitation and reform of the national justice system a government priority, now and over the longer term, by establishing a competent, independent and impartial national justice system with all necessary powers and resources to investigate past and present human rights violations and abuses and to provide redress and reparations to the victims and their families.
- Promptly enact effective implementing legislation for the Rome Statute of the International Criminal Court, as recommended in Amnesty International's comments and recommendations on the July 2003 draft law implementing the Rome Statute of the International Criminal Court (AI Index: AFR 62/008/2004).
- Fully cooperate with the investigation by the Prosecutor of the International Criminal Court into crimes under international law committed in DRC after July 2002, including the recruitment and use of children and abuses committed against them.

Implement the right to free compulsory education

- Urgently prioritize the allocation of the maximum available resources, including those available through international cooperation and assistance, to ensure the realization, within a reasonable number of years, of the right to free and compulsory education until the minimum age of employment. This includes:
 - o the removal of user fees and other charges which constitute an obstacle to the full realization of the right to education, and
 - o the continuous improvement of material conditions for teaching staff to ensure the provision of a living wage.
- Develop and implement a detailed plan of action to ensure within a reasonable number of years the availability and

accessibility of free, compulsory education;

- Progressively introduce by every appropriate means free, available and accessible secondary education, including technical and vocational secondary education;
- Encourage and intensify fundamental education such as life skills and literacy training for released children who have not completed the whole period of their primary education.

B. TO CONADER

- Do not withdraw resources from demobilisation programmes until all children have been successfully identified and released.
- Devise and implement as a matter of urgency, in collaboration with MONUC, UNICEF and other child protection partners, a strategy to identify and recover the large number of children who are currently not accounted for and are not taking part in the DDR programme, including the self-demobilised and those left behind by armed groups.
- Ensure that all children are given accurate information about the DDR process and the benefits they can expect, including through radio broadcasts. Outreach should also be specifically targeted at children who have so far not had access to the DDR program and at communities where released children will be reintegrated.
- Ensure the timely preparation of families and communities for the return of the child, and ensure that communities are sensitized to avoid discrimination against released children.
- Ensure that children receive appropriate health and psychological care during all phases of the DDR programme.
- Ensure a gender-sensitive approach to the child DDR programme:

(a) As a matter of urgency, identify and recover the many girls associated with the armed forces and groups who remain outside the DDR process. To this end, ensure the release of those girls who remain with the armed groups, organise awareness campaigns with local communities to identify girls who have escaped the military, and undertake systematic checks among "dependants" attached to military camps.

(b) Ensure that child demobilisation and transit centres of all types provide protection and suitable separate facilities for girls, and that demobilisation kits are gender-sensitive.

(c) Ensure that girls benefit equally from reintegration activities and opportunities, including access to schooling or vocational training. Address lack of access to health care for young mothers and victims of sexual violence as part of their reintegration.

(c) Promote the use of "girls' clubs" and other initiatives to raise awareness about the DDR opportunities available to girls who were associated with the fighting forces.

(d) Strengthen awareness of this issue amongst CONADER staff through gender-sensitive training, and strengthen its identification procedures,

- Support the training of NGO partners involved in DDR.
- Provide assurances and implement safeguards on confidentiality of personal data of children, who have gone through the DDR process.
- Revisit the Operational Framework to address areas of uncertainty and areas where the document unnecessarily limits support to children.

Improve the reintegration process:

- Reinforce the focus on the reintegration aspect of the DDR and address as a matter of urgency the time gap between reunification of the child in the community and the start of reintegration activities.
- Speed up the identification, approval and financing of suitable child reintegration projects, ensuring that funding is delivered in timely fashion to NGO partners.
- Ensure that reintegration activities are aligned with income-generating opportunities available within the community.
- Together with child protection NGOs, identify suitable vocational training centres, partners and opportunities throughout the country and equip them to absorb released children and other vulnerable children.

C. TO ARMED GROUPS IN EASTERN DRC

- Immediately stop the recruitment, re-recruiting and use of children under the age of 18 into armed forces and release all children from the armed groups.
- Refrain from harassing released children and destroy their demobilisation documents.
- Fully cooperate with all child release initiatives, including by fully collaborating with MONUC, UNICEF, and NGOs.
- Cooperate with any international or national investigations into suspected war crimes and crimes against humanity, including the recruitment and use of child soldiers.

D. TO UNICEF, INTERNATIONAL AND LOCAL NGOS

- In cooperation with CONADER, devise and implement a strategy to identify and recover the large number of children who are currently not accounted for in the DDR programme, including the self-demobilised and those left behind by armed groups. There should be a particular emphasis on identifying and recovering girls associated with the armed forces and groups who remain outside the DDR process.
- Reinforce the focus on the durable reintegration of children, ensuring as far as possible that reintegration activities are aligned with income-generating opportunities available within the community.
- Support the training of local NGO partners for transit care and reintegration activities.

E. TO THE UN SECURITY COUNCIL AND UN MEMBER STATES

- Continue to put pressure on the DRC government, Congolese armed groups and foreign armed groups on Congolese soil to stop recruiting and using children under the age of 18, and to release all children currently in their forces.
- Support and ensure adequate funding for UN, international and national agencies or NGOs to release and successfully reintegrate children associated with armed forces and groups.
- Press the DRC government and CONADER in particular to focus greater attention and effort on ensuring that all released children benefit from meaningful educational and vocational reintegration opportunities.
- Ensure that MONUC forces are maintained at least current strength for as long as the political, military and humanitarian situation requires.
- Focus greater international attention and resources to ensure that the integration of the army and the DDR programmes respect and protect human rights. This should include:

- a) insistence that the DRC suspend from, or exclude from entry to, the FARDC any individual against whom there are credible allegations of having used or recruited children aged under 18, or of having been responsible for other crimes under international law or other serious human rights violations.
- b) assistance to the DRC government in ensuring that FARDC units from all ranks are fully trained on international human rights law and standards and international humanitarian law.

F. TO DONOR GOVERNMENTS

-- Prioritise support to the DRC government in efforts to realize the right to free and compulsory education, including:

- o the removal of user fees and other charges which constitute an obstacle to the full realization of the right to education,
- o the continuous improvement of material conditions for teaching staff to ensure the provision of a living wage, and
- o fundamental, technical and vocational education programmes aimed at the full reintegration of released children.

G. TO THE WORLD BANK

-- Urgently prioritize the realization of the right to free and compulsory education, including by supporting:

- o the removal of user fees and other charges which constitute an obstacle to the full realization of the right to education,
- o the continuous improvement of material conditions for teaching staff to ensure the provision of a living wage, and
- o fundamental, technical and vocational education programmes aimed at the full reintegration of released children.

-- Ensure that support for the achievement of free and compulsory education for all does not result in retrogression in the availability and accessibility of secondary education.

-- Continued support for released older children so that they can enter adulthood with literacy, numeracy and basic skills, until all children who require this support have received it, or until an alternative means of sustaining this project has been identified.

GLOSSARY OF ACRONYMS and COMMON TERMS

ADF	Alliance of Democratic Forces (Ugandan armed group active in eastern DRC).
<i>Brassage</i>	Programme of combining former government soldiers and former armed group fighters into unified FARDC units.
CBR	<i>Centre de brassage et de recyclage</i> , army unification centre where soldiers choosing to enrol in the FARDC are trained and formed into integrated brigades.
<i>Centre de regroupement</i>	Military regroupment centre, where fighters are collected and disarmed before moving to COs
CGFDR	<i>Comité de gestion des fonds de désarmement, démobilisation et réinsertion</i> , Government DDR Financial Management Committee (government body dissolved in May 2005).
CO	<i>Centre d'orientation</i> , Orientation centre, which receives disarmed fighters and prepares them for demobilization or integration into the FARDC.
CONADER	<i>Commission nationale pour la démobilisation et la réinsertion</i> , National Commission for Demobilization and Reintegration. Government commission charged with implementing the national DDR programme.
CPN	Community Protection Network, <i>Réseau de protection communautaire</i> .
CTO	<i>Centre de transit et orientation</i> , Transit and Orientation Centre.
DCR	Demobilization and Community Reintegration programme, DDR programme in Ituri a forerunner of the national DDR programme. <i>Démobilisation et réinsertion communautaire (Programme DDR en Ituri)</i> .
DDR	Disarmament, Demobilization and Reintegration, <i>Désarmement, Démobilisation et Réinsertion</i> .
DDRRR	Disarmament, Demobilisation, Repatriation, Reinstallation and Reinsertion (DDRRR) programme for foreign armed groups active on DRC territory.
DPP	<i>Division de protection présidentielle</i> , Presidential Protection Division, a military unit of the MLC.
FAC	<i>Forces armées congolaises</i> , Congolese Armed Forces. Former DRC government army.
FARDC	<i>Forces armées de la République Démocratique du Congo</i> , Armed Forces of the DRC (government unified army).
FDLR	<i>Forces démocratiques de libération du Rwanda</i> , Democratic Liberation Forces of Rwanda. Rwandan insurgent force based in eastern DRC.
FNI	<i>Front des Nationalistes Intégrationnistes</i> , Nationalist Integrationist Front (Ituri armed group).
FNL	<i>Forces nationales de libération</i> , National Liberation Forces (Burundian insurgent group).
ICC	International Criminal Court, <i>Cour pénale internationale</i>
IDP	Internally Displaced Person, <i>Personne déplacée interne</i> .
<i>Mayi-mayi</i>	A loose collective of Congolese armed groups allied to the former DRC government. Some joined the peace process and became a component party of the transitional government. Others remain outside the peace process.
MDRP	Multi-Country Demobilisation and Reintegration Program, <i>Programme multi pays de démobilisation et de réintégration</i> .
MONUC	<i>Mission de l'organisation des nations unies au Congo</i> , United Nations Organization Mission in the Democratic Republic of the Congo.
MLC	<i>Mouvement de libération du Congo</i> , Movement for the Liberation of the Congo. Political party and former armed group headed by Jean-Pierre Bemba. A component party of the DRC transitional government.

MRC	<i>Mouvement révolutionnaire congolais</i> , Congolese Revolutionary Movement (Ituri armed group).
NALU	National Army for the Liberation of Uganda (Ugandan armed group).
PPRD	<i>Parti du peuple pour la reconstruction et la démocratie</i> , People's Party for Reconstruction and Democracy. Political party of DRC President Joseph Kabila and a component party of the DRC transitional government.
RCD-Goma	<i>Rassemblement congolais pour la démocratie-Goma</i> , Congolese Rally for Democracy-Goma. Political party and former Congolese armed group led by Azaria Ruberwa. A component party of the DRC transitional government.
RCD-ML	<i>Rassemblement congolais pour la démocratie-Mouvement de libération</i> , Congolese Rally for Democracy-Liberation Movement, political party and former armed group. A component party of the DRC transitional government.
SET	<i>Structure d'encadrement transitoire</i> , Transitional Care Structure, which generally comprises either a CTO or foster family (<i>famille d'accueil</i>).
UPC	<i>Union des patriotes congolais</i> , Union of Congolese Patriots (Ituri armed group).

- (1) 30,000 was the figure accepted by the DRC government and World Bank in their planning for child demobilisation.
- (2) Forgotten Casualties of War: Girls in armed conflict, Save the Children-UK, 2005, p.11
- (3) Ibid.
- (4) These figures have since been modified. See below for details.
- (5) Multi-Country Demobilization and Reintegration Program (MDRP), Quarterly Progress Report April-June 2006, p.78.
- (6) Based on government estimates of the number of children with the armed forces or groups (30,000), less the number (19,054) the government claims it had demobilised by the end of June 2006. There are, however, doubts about the accuracy of government statistics, discussed below.
- (7) See below, Chapter V section 3, for details.
- (8) Multi-Country Demobilization and Reintegration Program (MDRP), Quarterly Progress Report April to June 2006, p.78.
- (9) DRC: Country Status Report on Education, Priorities and Options or Regenerating the Education Sector, Human Development III, Country Department 9, Africa Region, World Bank, 15 November 2004, page ii..
- (10) For a period, a number of foreign government forces were involved in the conflict, notably from Rwanda and Uganda, which together controlled most of eastern DRC from August 1998 to late 2002.
- (11) International Rescue Committee report, Mortality in the Democratic Republic of the Congo: a nationwide survey, Benjamin Coghlan et al., The Lancet 2006, 367: 44-51.
- (12) Action Plan 2006, Democratic Republic of the Congo, UNOCHA, p.28.
- (13) Ibid, p. 9, FAO, UNDP figures. From 2005 Human Development Report.
- (14) Ibid, p.29, UNDP Human Development Report 2005
- (15) World Bank 2006 World Development Indicators, Table 2.19.
- (16) For further information on the deep political, military and ethnic tensions in North-Kivu, see the AI report, North-Kivu: Civilians pay the price for political and military rivalry (AI Index: AFR 62/013/2005), September 2005.
- (17) See for example MONUC report, La situation des droits de l'Homme en mai 2006, para.71.
- (18) MONUC press briefing, 30 August.
- (19) See for example MONUC "Special investigation mission into human rights violations and abuses committed in the Territory of Mitwaba, Katanga Province" (www.monuc.org/downloads/mitwaba_human_rights_jun06.pdf).
- (20) « Nous allons traiter Gédéon en frère ». ASADHO Katanga communiqué 003/2006, 20 June 2006, « Le gouvernement de la RDC encourage l'impunité au Katanga ».
- (21) See AI press release, 'DRC: Kinshasa must meet its responsibility to protect civilians' (AFR 62/003/2006), 8 February 2006.
- (22) The term mayi-mayi applies to a number of local armed groups that were allied to the former DRC government in resistance to the RCD-Goma and other Rwandan or Ugandan-backed armed groups. Although mayi-mayi groups shared broadly common aims during the conflict, there is little coherence to the movement. Some groups have joined the peace process, others remained outside it.
- (23) Kabila required 50 per cent plus one vote to be declared outright winner. A second round of voting will take place on 29 October. The strength of Kabila's vote relied primarily on support in the eastern provinces, but Bemba took the larger share of

votes in his home Equateur province and in Kinshasa.

(24) Amnesty International's detailed concerns in relation to army unification in the DRC will be the subject of a forthcoming report.

(25) Literally, "mixing".

(26) The Multi-Country Demobilization and Reintegration Program (MDRP) is a multi-agency effort that supports the demobilization and reintegration of ex-combatants in seven Central Africa countries.

(27) World Bank, Technical Annex - Democratic Republic of Congo Emergency Demobilization and Reintegration Project, 3 May 2004, page 36.

(28) MDRP Quarterly Progress Report July – September 2005, pp 1 & 3.

(29) MDRP National Program 2nd Quarterly Report for the DRC, April-June 2006.

(30) See MDRP quarterly report April-June 2006, for instance: "the number [of demobilized persons] of the submitted national QPR [Quarterly Period Report] seems inaccurate", page 4.

(31) 300,000 is the basis of DRC government and World Bank calculations.

(32) EUSEC (European Union advisory and assistance commission on security sector reform in the DRC) analysis report, Administration de la solde et des vivres au sein du ministère de la défense et des forces armées de la RDC, 31 August 2005, Annex C section 1(b), and AI interview with EUSEC officials, Kinshasa, November 2005.

(33) Also known as centres de brassage et recyclage, or CBR.

(34) Amnesty International believes that some of these "dependants" are likely to be children (especially girls) associated with armed forces and groups who should qualify for inclusion in the child DDR programme.

(35) "Of the very low number who started the process, many did not appear with weapons. Furthermore, there was a complete absence of heavy weaponry". MDRP Quarterly Report July-September 2005.

(36) See below, Chapter IV, section 3, for details.

(37) See MDRP quarterly reports.

(38) In December 2005 the MDRP put the official demobilization rate at 60 per cent (MDRP Quarterly Report October – December 2005), although testimony received by Amnesty International from CONADER provincial staff suggests that in several areas the demobilization rate was 75 per cent or higher.

(39) "Thousands of men across the country await late payments in orientation centres, where living conditions are very poor". Twenty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, 13 June 2006, S/2006/390, para. 50.

(40) CONADER in July 2006 still had no accurate record of how many ex-fighters were receiving the \$25, although it claimed that 76,727, or 89 per cent, of demobilised adults had received the initial \$110 security net. MDRP Quarterly Report, April-June 2006, p.75.

(41) Equateur : 2,800 militaires regroupés à Gemena dépouillent la population locale, Radio Okapi, 19 March 2006; Le Potentiel, Quelque 116.000 démobilisés «mécontents», un vivier pour des groupes armés, 02 June 2006 ; Une manifestation de démobilisés à Gbadolite, Radio Okapi, 27 May 2006 ; Des démobilisés en colère à Gemena et à Kikwit, Radio Okapi, 10 July 2006.

(42) 'Arrêt de la démobilisation des ex-belligérants en RDC', AFP, 4 July 2006.

(43) 'DRC: Army suspends demobilisation', Integrated Regional Information Network (IRIN), 7 July 2006.

(44) This UNICEF definition broadens the more common term of "child soldiers" to include any person under 18 years of age who is part of any regular or irregular armed force or armed group in any capacity, including... combatants, cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. This definition was established by the Cape Town Principles and Best Practices (1997) in order to give a broader and more inclusive definition of a child soldier, into which girls may fall.

(45) See the government Cadre Operationnel, Operational Framework for Children Associated with the Armed Forces and Groups, 7 May 2004, and subsequent CONADER/MDRP quarterly reports. CONADER later revised the number down to 25,000, although it has not explained why.

(46) World Bank, Technical Annex - Democratic Republic of Congo Emergency Demobilization and Reintegration Project, 3 May 2004, page 76.

(47) The DRC ratified the Convention on the Rights of the Child on 27 September 1990.

(48) Protocol I relates to international armed conflicts, Protocol II to non-international armed conflicts.

- (49) At Article 8(2)(b)(xxvi), applicable to international armed conflict, and Article 8(2)(e)(vii), applicable to non-international armed conflict.
- (50) Loi No 04/023 portant organisation générale de la Défense et des Forces Armées.
- (51) The ICC's Pre-Trial Chamber I issued a sealed arrest warrant with the afore-mentioned charges on the 10 February 2006. The warrant requested his arrest by the DRC and surrender to the Court. The warrant was unsealed on the 17 March 2006. He was arrested and transferred on the same day.
- (52) 'DR Congo rebel charged with war crimes by ICC', Reuters, 28 August 2006.
- (53) See AI public statement, "Democratic Republic of the Congo: International Criminal Court's first arrest must be followed by others throughout the country", AI Index: AFR 62/008/2006, 20 March 2006.
- (54) AI interview with national director for international NGO, Goma, March 2006.
- (55) World Bank representative, Kinshasa, March 2006.
- (56) World Bank representative, Kinshasa, March 2006.
- (57) Save the Children UK, in the two Kivu provinces and Ituri, CARE International in Maniema province, the International Foundation for Education and Self-Help (IFESH) in northern Katanga province, the International Rescue Committee (IRC) in Ituri, and the Belgian Red Cross in Kinshasa/southern Equateur province. The UNICEF Special Project involves a nationwide coordination, standard-setting, monitoring, evaluation and training role.
- (58) The third government body, the CGFDR, has since been abolished. See below.
- (59) AI interview, Kinshasa, March 2006
- (60) Some international NGOs fear that, with the end of the Special Projects, the only funding they would be able to apply for from CONADER would be for reintegration activities, and that they would have no funds for organizing the release of children, their shelter or reunification, all of which would be managed directly by CONADER. CONADER officials suggested to Amnesty International that this would not be the case, but the future basis of relations between CONADER and the NGO partners seems unclear, at best.
- (61) MDRP Quarterly Report, January – March 2005.
- (62) The same situation still pertained in June, according to the MDRP/CONADER quarterly report for the second quarter of 2006. During the March interview with AI, a senior CONADER official blamed the World Bank for these delays, but the World Bank representative rejected this, saying that the final World Bank approval and turn-around for projects took only three days, and that the blockage was within CONADER.
- (63) AI interviews with INGO staff in Goma, Bukavu and Kinshasa, March 2006, and subsequent communications.
- (64) Reported to AI by NGO sources, August 2006.
- (65) UN document S/2006/390, 13 June 2006, paragraph 50.
- (66) AI interviews with CONADER provincial staff and World Bank representatives.
- (67) Interviews with a range of Congolese and international NGOs, eastern DRC, March 2006.
- (68) Manuel des opérations pour la prévention, le retrait et la prise en charge des enfants associés aux forces et groupes armés.
- (69) On ratifying the ILO Convention 138 in 2001, the DRC specified 14 as the minimum age for employment and therefore also as the minimum age for completing compulsory education.
- (70) AI interview with international NGO Director, Goma.
- (71) MDRP/CONADER Quarterly Report April – June 2006.
- (72) UN Secretary-General's 19th Report on MONUC (S/2005/603) para 51.
- (73) Interview with MONUC official, Goma, March 2006.
- (74) General Gabriel Amisi, FARDC Regional Commander.
- (75) AI interview with CTO staff in Goma, North-Kivu, March 2006.
- (76) AI Interview with MONUC official, Kinshasa, March 2006.
- (77) Save the Children (UK) press release, Children Abducted in the Democratic Republic of the Congo, 27 June 2006.

(78) E-mail communication from international NGO in North-Kivu, August 2006.

(79) This is a reference to traditional charms supposed to protect mayi-mayi fighters from harm.

(80) UN, Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2006/389), 13 June 2006, Section II (4).

(81) Interview with international NGO Ituri specialist, March 2006. The DCR was launched in September 2004 as a "fast-track" demobilization programme for Ituri in response to a badly deteriorating security situation there. It was not part of the MDRP-financed national DDR programme. The programme ended in June 2005. Fighters demobilized under the DCR should now have access to the reintegration package promised under the national DDR plan, although many do not. The DCR will be examined in greater detail in a forthcoming AI report.

(82) AI interview, Kinshasa, March 2006

(83) Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, S/2006/ 389, 13 June 2006, sections 4 & 19.

(84) See AI report, DRC: Mass rape – time for remedies, AI Index: AFR 62/018/2004, October 2004.

(85) Some children have crossed and re-crossed the country on foot in the course of the DRC conflict, according to testimonies received by Amnesty International.

(86) UN Report of the Secretary-General on children and armed conflict in the Democratic Republic of Congo, para. 49.

(87) See also UN Report of the Secretary-General on children and armed conflict in the Democratic Republic of Congo, para. 46.

(88) See AI report Children at war, AFR 62/034/2003, 9 September 2003.

(89) Cited in See also UN Report of the Secretary-General on children and armed conflict in the Democratic Republic of Congo, para. 46.

(90) UNICEF, 4 April 2005, 'UNICEF, CONADER and partners disarm 2,914 children'. According to UNICEF of 2,914 children released by the DCR programme in Ituri between September 2004 and April 2005, 561 (19.2) per cent were girls. UNICEF in the same article expressed "deep concern about the low numbers of girls who have been released" in Ituri, although the achievement was high in comparison to the subsequent performance of the national DDR programme. An international NGO worker involved in the DCR programme told Amnesty International that organizational and cultural factors played a part in the higher rate of release of girls in Ituri: "We had more success because we were able to go directly into the villages and establish centres for the girls. The girls also had not suffered exclusion from the community, because they were considered as having fought for their ethnic group. Their "husbands" were also usually from the same village. Even so, months later we were still finding girls who had not entered the programme."

(91) AI interview, Goma, March 2006. As a point of comparison, one of the international NGOs involved in child demobilisation in eastern DRC, Save the Children (UK), noted in a 2005 report that "fewer than 2 per cent of children passing through our programmes and interim care centres have been girls". (Forgotten Casualties of War: Girls in armed conflict, Save the Children UK, 2005, page 11.) This percentage, however, was based on figures compiled between May 1999 and December 2003, before the national DDR programme had been launched.

(92) MDRP/CONADER Quarterly Report October – December 2005, p.4

(93) AI interview, Kinshasa, March 2006.

(94) See AI report, DRC: Mass rape – time for remedies, AI Index: AFR 62/018/2004, October 2004.

(95) AI interview, Goma, March 2006

(96) See AI report, DRC: : Mass Rape - Time for remedies, AFR 62/018/2004, 26 October 2004.

(97) See AI report, DRC: Mass Rape - Time for remedies, AFR 62/018/2004, 26 October 2004.

(98) Forgotten Casualties of War: Girls in armed conflict, Save the Children-UK, 2005, p. 26

(99) Demobilised adults receive a tougher, plastic-encased card from CONADER which bears a photograph as proof of identity. Many children question why they should not receive a similar card.

(100) MDRP/CONADER Quarterly Progress Report April to June 2006, p.78. According to CONADER, 9,717 (or 50% of) demobilised children were receiving education and 6,312 (33%) had undergone vocational training by June 2006, although there is no record of numbers engaged in income-generating activities.

(101) AI interviews in Butembo, Goma, Beni, Bukavu, Uvira, eastern DRC, March 2006.

(102) World Bank, Country report No. 30860-ZR, Democratic Republic of Congo, Country Status Report on Education. Priority and Options for Regenerating the Education Sector, 15 November 2004. This issue is discussed in greater detail in Chapter VIII.

(103) Going Home: Demobilising and reintegrating child soldiers in the Democratic Republic of the Congo, Save the Children, 2003, p. 55.

(104) Article 43 of the new Constitution approved by referendum in December 2005 guarantees free primary schooling for all children: "L'enseignement primaire est obligatoire et gratuit dans les établissements publics"

(105) A primary school teacher receives less than \$10 a month from the state. When additional income received from parents is included, this may rise to around \$25 (or \$50 for a secondary teacher). However, "in many of the more remote areas, total earnings of teachers are less than \$10 per month". Source: World Bank, Country report No. 30860-ZR, op.cit. p.70.

(106) World Bank, Country report No. 30860-ZR, op.cit. p.63.

(107) Gross national income per capita is \$110 in the DRC. Source World Bank 2006 World Development Indicators.

(108) UNICEF's State of the World's Children 2006, pp. 114 and 126

(109) World Bank, Country report No. 30860-ZR, op.cit. p.36.

(110) UNICEF, Child Alert, "Democratic Republic of Congo: Martin Bell Reports on Children Caught in War", July 2006, p. 5

(111) Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, S/2006/ 389, 13 June 2006, p. 3.

(112) World Bank, Country report No. 30860-ZR, Democratic Republic of Congo, Country Status Report on Education. Priority and Options for Regenerating the Education Sector, 15 November 2004, p. ii.

(113) Ibid, p. 51. A level of at least 19 per cent state expenditure would be required to ensure free compulsory primary education in the DRC, according to the scenarios put forward in this World Bank document. In 1980, almost a quarter of the DRC's budget was devoted to education.

(114) According to UNICEF's State of the World's Children 2006, for example, Burundi, also war-ravaged, devoted 15 per cent of central government expenditure to education between 1993 and 2004.

(115) World Bank, Country report No. 30860-ZR, op.cit. p.49.

(116) Quoted in Struggling to survive: children in armed conflict in the Democratic Republic of the Congo, Watch list on Children and armed conflict, April 2006, p. 26

(117) According to the UN OCHA DRC Action Plan 2006, p. 18, in 2005 humanitarian agencies undertook large-scale information campaigns to promote the enrolment and retention of school-aged children in war-affected zones provided 6,700 teachers with teaching materials and training, supplied equipment to 670 school management teams, distributed 200,000 basic education kits to students, and ensured food allocations to around 126,000 students.

(118) World Bank, Country report No. 30860-ZR, op.cit. pp v and vi.

(119) According to the UN OCHA Action Plan 2006, DRC. As of December 31, 2005, USD 129 million was committed through the CAP, which represented only 58% of the funding required.

(120) World Bank, Country report No. 30860-ZR, op.cit. p.58.

(121) AI interview, Goma, March 2006.

(122) "The element of compulsion serves to highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education. Similarly, the prohibition of gender discrimination in access to education, required also by articles 2 and 3 of the Covenant, is further underlined by this requirement. It should be emphasized, however, that the education offered must be adequate in quality, relevant to the child and must promote the realization of the child's other rights." Committee on Economic Social and Cultural Rights, General Comment 11 (1999), Plans of action for primary education (art.14), UN Doc. E/C.12/1999/4, 10/05/99, para 6.

(123) See for example, UDHR, Article 26(1), "Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory."; ICESCR, Article 13(2)(a) "Primary education shall be compulsory and available free to all"; CRC, Article 28(1)(a), "[States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:] Make primary education compulsory and available free to all"; African Charter on the Rights and Welfare of the Child, Article 11(3)(a), "[States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular:] provide free and compulsory basic education" (DRC is not a party to the latter instrument).

(124) As clarified by the UN Committee on Economic, Social and Cultural Rights (CESCR), "The obligation to provide primary education for all is an immediate duty of all States parties.", General Comment No. 13, The right to education, UN Doc. E/C.12/1999/10, para 51.

(125) ICESCR, Article 14.

(126) As stated by the Committee on the Rights of the Child, in respect of the CRC, "When States ratify the Convention, they

take on obligations not only to implement it within their jurisdiction but to contribute, through international cooperation, to global implementation", General Comment No. 5 (2003), General measures of implementation for the Convention on the Rights of the Child, UN Doc. CRC/GC/2003/5.

(127) UN Committee on Economic, Social and Cultural Rights, General Comment 11 (1999), Plans of action for primary education (art.14), para 9.

(128) International Labour Organisation Convention 138, The Minimum Age Convention, 1973.

(129) ICESCR, Article 13(2)(b).

(130) UN CESCR, General Comment No. 3, The nature of States parties' obligations, UN Doc. E/1991/23. In 1996 the African Commission on Human and Peoples' Rights found Zaire (as the DRC then was named) in violation of Article 17 of the African Charter on Human and Peoples' Rights (the right to education) when it closed secondary schools and universities for a period of two years during the ongoing armed conflict. African Commission on Human and Peoples' Rights, Free Legal Assistance Group, Lawyers Committee for Human Rights, Les Temoins de Jehovah v Zaire, Communications Nos. 25/89, 47/90 and 100/93 (joined).

(131) CESCR, General Comment No 13 para 15.

(132) DRC, Education Sector Project, P086294, 19 January 2006.

(133) Ibid p.1

(134) Ibid, p.1

(135) Declaration made by DRC on ratifying ILO Convention 138, www.ilo.org

(136) ICESCR, Article 13(2)(e).

(137) World Bank Report No. 30860-ZR. Democratic Republic of Congo Country Status Report on Education: Priorities and Options for Regenerating the Education Sector. Nov 2004. pp 130,133,134. The financial simulations are "by no means exhaustive and are provided for illustrative purposes only".

(138) The lack of government provision and coordination of education in the DRC has meant that education has relied upon community- level systems which often reflect the nature of local relations and constructions of history, their specific beliefs and values, often heightening the role of one ethnic group at the expense of the others and using education to manipulate history for political ends.

(139) CESCR General Comment 11, paragraphs 8, 9, 10.

(140) "We're here to kick-start the process," commented one World Bank official. AI interview, Kinshasa, March 2006.

(141) AI interview, Goma.

(142) World Bank Technical Annex, op.cit., p.18. This rises to 15 per cent when the additional funding for the Special Projects is taken into account.

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