



# **Democratic Republic of the Congo**

## **Country Report:**

### **Children & Security**

The Roméo Dallaire Child Soldiers Initiative

October 2018

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## I. BACKGROUND

### Map of the Democratic Republic of Congo (DRC)<sup>1</sup>



<sup>1</sup> Central Intelligence Agency, 'Congo, Democratic Republic of the', available at <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html>, accessed 15 October 2018.



## Children in the DRC – Struggle Within Conflict

The humanitarian situation in the Democratic Republic of the Congo (DRC) is one of the world's most complex, challenging, and protracted crises. After two decades of conflict (mainly affecting the eastern provinces), the situation in Kasai, North and South Kivu, Haut-Katanga, and Tanganyika deteriorated dramatically in 2017 and remains volatile, with devastating effects on children.<sup>2</sup> The ongoing political crisis over the delayed organisation of elections, the presence of armed groups, and inter-communal violence and inter-ethnic clashes, are all major sources of insecurity and violence against children.<sup>3</sup> The persistent conflict has left the DRC economically and politically vulnerable.

The overall human rights situation in the DRC remains of serious concern. Children continue to be subject to grave violations, including: killing and maiming,<sup>4</sup> abduction (which peaked in 2017),<sup>5</sup> recruitment and use by armed forces or unidentified elements,<sup>6</sup> rape and other forms of sexual violence,<sup>7</sup> and an unprecedented number of attacks on schools and hospitals.<sup>8</sup> This has left the DRC with one of the world's highest rates of children out of school, increasing children's vulnerability to recruitment and use by armed groups.

The United Nations (UN) reports that between 2014 and 2017, more than 40 parties to the conflict committed 11,542 grave violations against children, a 60 per cent increase over the period from 2010 to 2013.<sup>9</sup> The situation in 2018 is equally troubling, with an increased number of reported violations: 2,858 from January to May 2018, as compared with 2,332 during the same period in 2017.<sup>10</sup>

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<sup>2</sup> See UNHCR, 'Congolese Situation: Responding to the Needs of Displaced Congolese and Refugees: Annex Supplementary Appeal' (January – December 2018), available at [http://reporting.unhcr.org/sites/default/files/2018%20Congolese%20Situation%20SB%20-%20DRC\\_0.pdf](http://reporting.unhcr.org/sites/default/files/2018%20Congolese%20Situation%20SB%20-%20DRC_0.pdf), accessed 15 October 2018 ('UNHCR Supplementary Appeal'), p. 3; UN Security Council, 'Report of the Secretary General: Children and armed conflict in the Democratic Republic of the Congo' (25 May 2018) (UN Doc. S/2018/502) ('May 2018 DRC Report'), para. 4.

<sup>3</sup> See May 2018 DRC Report, paras. 4, 17; See generally UNOCHA, '2018 Plan de Réponse D'urgence (Avril – Sept 2018): Provinces du Nord-Kivu et de l'Ituri (RD Congo)' (9 July 2018), available at <https://www.humanitarianresponse.info/en/operations/democratic-republic-congo/document/rd-congo-provinces-nord-kivu-et-ituri-plan-de-r%C3%A9ponse>, accessed 15 October 2018.

<sup>4</sup> May 2018 DRC Report, paras. 28-32.

<sup>5</sup> May 2018 DRC Report, paras. 16, 40-43.

<sup>6</sup> May 2018 DRC Report, paras. 19-24. See also UN Security Council, 'Report of the Secretary-General: Children and armed conflict' (24 August 2017) (UN Doc. A/72/361-S/2017/821) ('2017 SGCAC Report'), para. 63.

<sup>7</sup> May 2018 DRC Report, paras. 33-38.

<sup>8</sup> May 2018 DRC Report, paras. 44-47; 2017 SGCAC Report, para. 68. See also UN Security Council, 'Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo' (2 October 2017) (UN Doc. S/2017/824) ('October 2017 MONUSCO Report'), para. 44.

<sup>9</sup> May 2018 DRC Report, para. 16.

<sup>10</sup> UN Office of the High Commissioner for Human Rights, 'Enhanced interactive dialogue on the Democratic Republic of the Congo: 38th session of the Human Rights Council, Statement by UN High Commissioner for Human Rights Zeid Ra'ad Hussein' (3 July 2018), available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23316&LangID=E>, accessed 15 October 2018.



More than 16.6 million people are impacted by the conflict in the DRC, with children accounting for more than 60 per cent of the more than 13.1 million people in need of humanitarian assistance in 2018.<sup>11</sup> The situation is further complicated by political uncertainty, food insecurity, the spread of disease at epidemic rates as in relation to the Ebola Virus Disease (EVD),<sup>12</sup> economic downturn, and displacement. As a result, the DRC is host to more than 4.5 million internally displaced persons (IDPs), the highest number of any country on the African continent.<sup>13</sup> Among this number are the 2.7 million internally displaced children within the DRC (representing 60 per cent of the country's 4.5 million IDPs).<sup>14</sup> UNICEF projects that the number will increase to 6.8 million by the end of 2018 (of which 4.1 million will be children).

The vulnerability of Congolese children is compounded by extreme poverty. Currently ranked 176 out of 188 countries in the human development index, 82 per cent of the DRC's population lives on less than \$1.25 per day per person; one of the highest poverty rates in the world.<sup>15</sup> Children and families continue to face rising food prices and the unavailability of government services, which is exacerbated by challenges in the ability of humanitarian actors to access the most vulnerable populations. Children also remain vulnerable to climatic shocks. For instance, heavy rains and flooding left millions without shelter and vulnerable to waterborne diseases such as cholera in April 2018.<sup>16</sup>

Refugees fleeing instability and violence in the Central African Republic and South Sudan have also entered the DRC, placing additional pressure on already strained resources.<sup>17</sup> As of April 2018, the number of refugees in the DRC from across Africa was reported to be 540,000,<sup>18</sup> while approximately 600,000

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<sup>11</sup> UN OCHA, '2017-2019 Humanitarian Response Plan (Update)' (6 April 2018), available at [https://reliefweb.int/sites/reliefweb.int/files/resources/MAJ\\_DRC\\_HRP\\_2017\\_En.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/MAJ_DRC_HRP_2017_En.pdf), accessed 15 October 2018 ('2017-2019 HRP'), p. 6.

<sup>12</sup> See International Federation of Red Cross and Red Crescent Societies, 'Republic of Congo / Ebola Virus Disease Epidemic Preparedness - DREF No. MDRCG015, Emergency Plan of Action Operation Update n° 1' (11 September 2018), available at <https://reliefweb.int/report/congo/republic-congo-ebola-virus-disease-epidemic-preparedness-dref-no-mdrcg015-emergency>, accessed 15 October 2018. See also World Health Organisation, 'Ebola outbreak in DRC ends: WHO calls for international efforts to stop other deadly outbreaks in the country' (24 July 2018), available at <http://www.who.int/news-room/detail/24-07-2018-ebola-outbreak-in-drc-ends-who-calls-for-international-efforts-to-stop-other-deadly-outbreaks-in-the-country>, accessed 15 October 2018.

<sup>13</sup> 2017-2019 HRP, p. 3.

<sup>14</sup> UNICEF, 'DRC Refugees Situation' (31 March 2018), available at [https://www.unicef.org/appeals/files/UNICEF\\_DRC\\_Refugees\\_Situation\\_and\\_Response\\_March\\_2018.pdf](https://www.unicef.org/appeals/files/UNICEF_DRC_Refugees_Situation_and_Response_March_2018.pdf), accessed 15 October 2018 ('UNICEF March 2018 Situation Report').

<sup>15</sup> UN Security Council, 'Special Report of the Secretary-General on the strategic review of the United Nations Organization Stabilization Mission in the Democratic Republic of Congo' (29 September 2017) (UN Doc. S/2017/826) ('September 2017 Strategic MONUSCO Report'), para. 36.

<sup>16</sup> UNICEF, 'DRC Humanitarian Situation Report – April 2018' (April 2018), available at [https://www.unicef.org/appeals/files/UNICEF\\_DR\\_Congo\\_Humanitarian\\_Situation\\_Report\\_April\\_2018.pdf](https://www.unicef.org/appeals/files/UNICEF_DR_Congo_Humanitarian_Situation_Report_April_2018.pdf), accessed 15 October 2018, ('UNICEF April 2018 Humanitarian Report'), p. 2.

<sup>17</sup> UN Security Council, 'Special Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo' (1 March 2018) (UN Doc. S/2018/174) ('March 2018 MONUSCO Report'), para. 14.

<sup>18</sup> UNICEF April 2018 Humanitarian Report, p. 2.



Congolese refugees are reported to have made their way to Angola, Rwanda, Tanzania, Zambia, Uganda and Burundi.<sup>19</sup>

## II. SECURITY SITUATION

### 1. Context

Twenty years after the 1994 genocide in Rwanda, the effects can still be felt in DRC; and the Great Lakes region remains highly unstable. In 1994, some 1.2 million Rwandese Hutus, including armed génocidaires (now organised as the Forces Démocratiques de Libération du Rwanda (FDLR)), fled Rwanda to the neighbouring Kivu regions of eastern DRC – an area inhabited by ethnic Tutsis and others – to escape the advancing Tutsi-led rebellion that ended the genocide in Rwanda and took power. In 1996, Rwanda and Uganda invaded the eastern DRC in an effort to root out perpetrators of the genocide. The conflict that took place from 1996 to 1997 saw Laurent Désiré Kabila, aided by Rwanda and Uganda, overthrow President Mobutu Sese Seko (who had ruled the country for three decades) and take over the capital city of Kinshasa, renaming the country which was formerly known as Zaïre. Rwandan-backed Congolese Tutsi rebels captured most of the eastern part of the country. A second war – commonly referred to as Africa’s World War – erupted in 1998 as a result of a rebellion in the Kivu regions (eastern Congo) against the Kabila government and was marked by violence, displacement and widespread rape, among other violations. By January 2008, the conflict had caused the deaths of 5.4 million people.<sup>20</sup> Between 1998 and 2002 alone, approximately 3.3 million were killed by conflict, starvation and disease. In 2004, the Government of the DRC referred the situation to the International Criminal Court (ICC) and the ICC Prosecutor opened an investigation.

Until 2015, conflict in the DRC was concentrated in the east of the country. However, much of the DRC’s most recent violence which has spread to parts of the country which had previously enjoyed greater stability, is rooted in the country’s worsening political crisis. Kabila’s constitutionally-mandated two-term limit expired at the end of December 2016. However, he refused to cede power or call for elections.<sup>21</sup> Clashes in the two years leading up to December 2016 have caused both military and civilian casualties.<sup>22</sup> Despite

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<sup>19</sup> UNICEF March 2018 Situation Report.

<sup>20</sup> See survey and census evidence collected by the International Rescue Committee. This group also reported that most of the deaths during this period arose out of consequences associated with displacement such as malnutrition and disease. See <https://www.rescue.org/country/democratic-republic-congo>.

<sup>21</sup> October 2017 MONUSCO Report, para. 8. Laurent Kabila was assassinated by his bodyguard and was succeeded by his son Joseph Kabila in 2001. Joseph Kabila was ultimately elected in 2006 and won a second term in 2011 in a process marred with criticism both domestically and internationally.

<sup>22</sup> UN Security Council, ‘Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo’ (29 December 2016) (UN Doc. S/2016/1130) (‘December 2016 MONUSCO Report’), para. 12; UN Security Council, ‘Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo’ (10 March 2015) (UN Doc. S/2015/172), para. 4; UN Security Council, ‘Report of the Secretary-General on the United Nations Organization



commitments made to lift the ban on public demonstrations, authorities continue to repress activities organised by civil society and opposition parties.

In late 2016, peace discussions facilitated by Conférence Episcopale Nationale du Congo (CENCO) mediators led to an agreement that President Kabila cede power. Since its signature, implementation efforts have been characterised by divisions between the parties, resulting in incomplete implementation. A worsening socio-economic context and increased repression by national security forces have fuelled discontent in the capital and the country's main urban centres,<sup>23</sup> and conflict has spread to new hotspots around the country. At the same time, a plethora of armed groups continue to operate as new groups continue to emerge, including two new armed groups in North and South Kivu in July and August 2018.<sup>24</sup>

On 8 August 2018, a government spokesman announced that Kabila would not be standing in elections scheduled to take place in December 2018.<sup>25</sup> The perceived lack of governmental credibility continues to undermine the electoral process.<sup>26</sup> Instances of targeted repression and intimidation of political activists and human rights defenders in certain provinces, as well as other restrictions on political participation persist.

## Kasai region

Despite being rich in natural resources, the Kasai is also one of the DRC's poorest and least developed regions, with 70 per cent of the population living in poverty.<sup>27</sup> At the same time, tensions between different ethnic groups remain heightened. The Kasai region, predominantly populated by people of the Luba ethnicity, is reportedly a stronghold of the main opposition party, l'Union pour la démocratie et le progrès social (UDPS).

The crisis in Kasai can partially be understood within the context of a localised conflict over customary power for traditional chiefdoms, aggravated by economic and political marginalisation. In April 2016, tensions rose between customary chiefs and the government, prompting dissatisfied supporters to establish the Kamuina Nsapu militia, after a former chief in Kasai Central Province. Violence broke out on 12 August 2016 following the killing of the Chief, with violence erupting between the Chief's followers and security forces.<sup>28</sup> The localised conflict over customary power spread rapidly in 2017 throughout the region to all

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Stabilization Mission in the Democratic Republic of the Congo' (30 December 2014) (UN Doc. S/2014956), para. 4.

<sup>23</sup> September 2017 Strategic MONUSCO Report, para. 7.

<sup>24</sup> See generally New York University, 'Kivu Security Tracker', available at <https://kivusecurity.org/reports>, accessed 15 October 2018.

<sup>25</sup> UN News, 'UN chief welcomes DR Congo President's promise to stand down' (10 August 2018), available at <https://news.un.org/en/story/2018/08/1016802>, accessed 15 October 2018.

<sup>26</sup> See e.g. Congo Research Group, 'New CRG/BERCI poll: Congolese expect a flawed, contentious election' (31 July 2018), available at <http://congoreserchgroup.org/new-crgberci-poll-congolese-expect-a-flawed-contentious-election/>, accessed 15 October 2018.

<sup>27</sup> 'UN Human Rights Commission, 'Rapport détaillé de l'Equipe d'experts internationaux sur la situation au Kasai' (29 June 2018) (UN Doc. A/HRC/38/CRP.1) ('June 2018 Expert Report'), para. 36.

<sup>28</sup> Radio France International, 'DRC: Violence in Kasai – Chapter 3: The United Nations Deals with Crisis', available at <http://webdoc.rfi.fr/rdc-kasai-violence-kamwina-nsapu-onu/chap-03/index.html>, accessed 14 October 2018.





five provinces of the region.<sup>29</sup> At the same time, the forces armées de la République démocratique du Congo (FARDC – the national army) and the police helped set up rival militias which were supported by politicians at national and provincial levels. The situation was marked by militia attacks and army reprisals, resulting in crimes being committed by all parties.<sup>30</sup> According to the Congo Group, “[w]hile the insurrection... was extremely brutal, the government’s narrow and disproportionate military response compounded the crisis”.<sup>31</sup>

Inter-ethnic tension also remains high in Kasai. In particular, tensions between the Luba populations and the Chokwe and Pende populations have been exacerbated following the division of the former province of Kasai Occidental into two new provinces in 2015.<sup>32</sup> Armed groups such as the Bana Mura, made up mostly of members of individuals of Chokwe and Pende ethnic origin, have proliferated and continue to commit crimes and cause the displacement of civilians.<sup>33</sup>

Although the conflict is diminishing, and government forces have regained control of large areas of the Kasai, sporadic fighting continues to impact civilians, and children in particular. There is a high risk that the upcoming election process will negatively impact the region’s security situation.<sup>34</sup>

The United Nations Human Rights Council established a team of international experts on the situation in Kasai on 23 June 2017. In 2017, two UN experts monitoring the sanctions regime were killed while conducting investigations in Kasai. Media reports indicate that a trial of more than two dozen people resumed in August 2018.<sup>35</sup>

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<sup>29</sup> United Nations Population Fund, ‘Violence, fear limit access to pregnancy care in Democratic Republic of Congo’s Kasai Area’, available at <https://www.unfpa.org/news/violence-fear-limit-access-pregnancy-care-democratic-republic-congos-kasai-area>, accessed 15 October 2018. See also Congo Research Group, ‘Setting Fire to Your Own House: Crisis in the Kasai: The Manipulation of Customary Power and the Instrumentalization of Disorder’ (July 2018), available at <https://congoreserchgroup.shorthandstories.com/kasai/index.html>, accessed 15 October 2018 (‘Setting Fire’); June 2018 Expert Report, para. 18; UN Human Rights Council, ‘The Situation in Kasai: Report of the High Commissioner for Human Rights’ (3 July 2018) (UN Doc. A/HRC/38/31) (‘Human Rights Council July 2018 Report’), para. 35.

<sup>30</sup> Africa Center for Strategic Studies, ‘A Medley of Armed Groups Play on Congo’s Crisis’ (25 September 2017), available at <https://africacenter.org/spotlight/medley-armed-groups-play-congo-crisis/>, accessed 15 October 2018.

<sup>31</sup> Setting Fire.

<sup>32</sup> June 2018 Expert Report, para. 37.

<sup>33</sup> United Nations Human Rights Office of the High Commissioner, ‘Report of a Mission of the United Nations High Commissioner for Human Rights – accounts of Congolese fleeing the crisis in the Kasai region, in the Democratic Republic of the Congo’ (August 2017), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/OHCHRMissionreportonaccountsofKasairefugees.pdf>, accessed 15 October 2018, para. 14.

<sup>34</sup> 2017-2019 HRP, p. 7.

<sup>35</sup> VOA News, ‘Congo Trial Over Killings of UN Experts Resumes After Long Suspension’ (27 August 2018), available at <https://www.voanews.com/a/congo-trial-over-killings-of-un-experts-resumes-after-long-suspension/4545729.html>, accessed 15 October 2018.



## North Kivu

North Kivu has been at the epicentre of war in the DRC and has generated a plenitude of armed groups, often with local grievances relating to land ownership or ethnicity.<sup>36</sup> Conflict in North Kivu has led the province to host the highest numbers of IDPs in the DRC (currently more than one million, half of whom fled in 2018 alone).<sup>37</sup> The humanitarian situation remains dire, with a sharp rise in abuses against civilians, including the forced displacement of some 13,000 people in August 2018 alone. A new Ebola outbreak in September 2018 has only exacerbated the humanitarian situation.

The Allied Democratic Forces (ADF), FDLR, Nduma défense du Congo-Sheka (NDC-Sheka), Mai-Mai Raia Mutomboki factions and Nyatura groups operating in North Kivu, among others, continue to pose a serious threat to children.<sup>38</sup> Armed groups are often able to use the province's natural resource reserves to incentivise participation in armed groups based on short term promises of material wealth.

## South Kivu

Intercommunal violence and the presence of armed groups in South Kivu has caused the rapid increase in the number of violations against children as well as displacements, making South Kivu the second largest host to displaced persons in the DRC.<sup>39</sup> Fighting between the FARDC and other militias, including the FDLR, has resulted in displacements, including to Burundi.<sup>40</sup>

South Kivu is greatly affected by conflict as well as high levels of crime and violence.<sup>41</sup> As recently as April 2017, over 70 armed groups were reportedly active in the region, with attacks by a Mai-Mai coalition in South Kivu increasing in frequency.<sup>42</sup> The groups which comprise this coalition (including the new National

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<sup>36</sup> In November 2013, Mouvement du 23 Mars (M23), the largest rebel group, was defeated, resulting in further fragmentation of the many armed groups active in the region.

<sup>37</sup> UNHCR, 'UNHCR alarm at recent attacks and rising displacement in eastern DRC' (28 September 2018), available at <http://www.unhcr.org/news/briefing/2018/9/5baddbb94/unhcr-alarm-recent-attacks-rising-displacement-eastern-drc.html>, accessed 15 October 2018; UNHCR Supplementary Appeal, p. 4.

<sup>38</sup> See e.g. Accord, 'Rebellion and Conflict Minerals in North Kivu' (24 April 2017), available at <http://www.accord.org.za/conflict-trends/rebellion-conflict-minerals-north-kivu/>, accessed 15 October 2018.

<sup>39</sup> UN OCHA, 'South Kivu: A spiralling humanitarian crisis' (22 February 2018), available at <https://www.unocha.org/story/south-kivu-spiralling-humanitarian-crisis>, accessed 15 October 2018; ICRC, 'Democratic Republic of the Congo: Renewed violence in South Kivu' (13 June 2014), available at <https://www.icrc.org/eng/resources/documents/update/2014/06-13-dr-congo-south-kivu-wounded.htm>, accessed 15 October 2018.

<sup>40</sup> UN OCHA, 'Burundi: Population Movements (as of March 2018)' (28 March 2018), available at <https://reliefweb.int/report/burundi/burundi-population-movements-march-2018>, accessed 15 October 2018.

<sup>41</sup> Secure Livelihoods Research Consortium, 'Briefing Paper 25: How do conflict, violence and livelihood trajectories affect the legitimacy of the State of South Kivu?' (December 2016), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/18.-How-do-conflict-violence-and-livelihood-trajectories-affect-the-legitimacy-of-the-state-in-South-Kivu.pdf>, accessed 15 October 2018, p.4.

<sup>42</sup> UN Office of the High Commissioner for Human Rights, 'Enhanced interactive dialogue on the Democratic Republic of the Congo: 38th session of the Human Rights Council, Statement by UN High Commissioner for Human Rights Zeid Ra'ad Hussein' (3 July 2018), available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23316&LangID=E>, accessed 15 October 2018.



People's Coalition for the Sovereignty of Congo) continue to attack civilians, and are alleged to have committed violations of human rights, including the forced recruitment and use of children.<sup>43</sup>

## Tanganyika

Inter-ethnic conflicts have intensified in the province of Tanganyika during 2018. In February 2018, the UNHCR warned that the province was imminently to experience “a humanitarian disaster of extraordinary proportions”.<sup>44</sup> Between December 2016 and February 2018 alone, violence displaced over 630,000 people.<sup>45</sup>

Key to the ongoing conflict in this province is the entrenched inter-communal conflict between the Twa and Luba groups as well as other ethnic groups, arising out of historic denial of land rights and accessibility of social services to the nomadic Twa.<sup>46</sup> The relationship between these parties has long been unstable, and is marked by intermittent significant violence. For example, between July 2016 and September 2017 alone, more than 200 people were killed as part of this ongoing ethnic violence,<sup>47</sup> which has spread into Haut Katanga.<sup>48</sup>

## 2. State, Non-State, and International Actors

### a) State Actors

#### Forces armées de la République démocratique du Congo (FARDC) – National Army

The FARDC is the official DRC military, and is comprised of members of several ethnicities. Significantly, the FARDC is made up of the regional militias against which it had previously fought. FARDC is comprised of “some 130,000 troops” though it is suggested that “three quarters ... are operational but can hardly be considered a reliable force”.<sup>49</sup> During the three years to August 2018, the FARDC has undertaken a modernisation and capacity-building programme.<sup>50</sup> This modernisation process has included imposing strict age limits on recruitment processes, and training on compliance with international humanitarian principles.<sup>51</sup>

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<sup>43</sup> Human Rights Watch, ‘Democratic Republic of Congo: Events of 2017’, available at <https://www.hrw.org/world-report/2018/country-chapters/democratic-republic-congo>, accessed 15 October 2018 (‘HRW DRC 2018’).

<sup>44</sup> UN High Commissioner for Refugees, ‘UNHCR alarmed over reported atrocities in DR Congo’s Tanganyika province’ (20 February 2018), available at <http://www.unhcr.org/5a8be92c4.html>, accessed 15 October 2018 (‘UNHCR Atrocities in DRC’).

<sup>45</sup> UNHCR Atrocities in DRC.

<sup>46</sup> UNHCR Atrocities in DRC.

<sup>47</sup> HRW DRC 2018.

<sup>48</sup> UNHCR Atrocities in DRC.

<sup>49</sup> Médecins Sans Frontières, ‘Impact of Violence on Medical and Humanitarian Services in North Kivu, DRC’ (16 January 2017), available at <https://msf-analysis.org/wp-content/uploads/2017/12/McLean-Kivu-Violence-Impact-Report-Jan17.pdf>, accessed 15 October 2018, p. 5.

<sup>50</sup> Defense et Securite du Congo, ‘La France doit cesser de poursuivre son soutien militaire au régime dictatorial de Kabila – JJ Wondo’ (2 March 2018), available at <http://desc-wondo.org/fr/france-cesser-de-poursuivre-soutien-militaire-regime-dictatorial-de-kabila-jj-wondo/>, accessed 15 October 2018.

<sup>51</sup> Child Soldier International, ‘Briefing on the recruitment and use of children in the Democratic Republic of the Congo (DRC) to the UN Security Council Working Group on Children and Armed Conflict’ (31 July 2014), available at <http://www.refworld.org/pdfid/53eb6c8e4.pdf>, accessed 15 October 2018. Legislation was enacted



In 2017, FARDC was delisted from the annexes of the Secretary-General's annual report listing parties to the conflict which recruit and use children.<sup>52</sup> Despite these developments, the UN's Group of Experts has reported FARDC's complicity in ongoing recruitment and use of children by other armed groups, and ongoing participation by the FARDC in supplying weapons to armed groups.<sup>53</sup> For instance, in 2016, International Peace Information Service reported that 38 per cent of artisanal mine sites were under the control of the FARDC, staffed by force by civilians.<sup>54</sup> In September 2018, a local NGO reported that FARDC entered a local school in Ulvira, recruiting boys and forcing them to carry ammunition.

Further, three cases of recruitment and use of children were attributed to the FARDC in 2017. FARDC also reportedly executed unarmed children suspected of belonging to Kamuina Nsapu and supported and collaborated with various militias that recruit and use children. In addition, FARDC was reported to be responsible in 2017 for 154 instances of killing and maiming, 44 cases of sexual violence, and 13 instances of attacks on schools and hospitals.<sup>55</sup>

In 2016, the UN reported that the FARDC killed and maimed 20 children,<sup>56</sup> perpetrated 54 cases of sexual violence against children (including one instance of the rape of a boy in detention),<sup>57</sup> abducted four children,<sup>58</sup> and used 14 schools and hospitals for military purposes in violation of international humanitarian law.<sup>59</sup> During late 2016, the FARDC handed over 193 children to the UN (some of whom had been held for one year). By early 2017, the number of children detained by the FARDC was reported to be 21.<sup>60</sup>

Impunity for crimes is rampant, with few examples of perpetrators being held accountable. For instance, during the course of 2015, at least 68 individuals, including high-ranking officers of FARDC and the Congolese National Police, were arrested, with 37 receiving sentences of up to 20 years' imprisonment for sexual violence against girls. Moreover, in August 2015, an FARDC officer was arrested for the alleged recruitment and use of children.<sup>61</sup>

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prohibiting the recruitment and use of children in its armed forces, the government signed an action plan with the UN to prevent child recruitment in 2012 (see UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'DRC Signs Agreement to End Child Recruitment and other Conflict-related Violations against Children' (4 October 2012), available at <https://childrenandarmedconflict.un.org/drc-signs-agreement-to-end-child-recruitment-and-other-conflict-related-violations-against-children/>, accessed 15 October 2018).

<sup>52</sup> See also May 2018 DRC Report, para. 4.

<sup>53</sup> UN Security Council, 'Final report of the Group of Experts on the Democratic Republic of the Congo' (4 June 2018) (UN Doc. S/2018/531), para. 13.

<sup>54</sup> International Peace Information Service, 'Analysis of the Interactive Map of Artisanal Mining Areas in Eastern DR Congo: 2015 Update' (25 October 2016), available at <http://ipisresearch.be/publication/analysis-interactive-map-artisanal-mining-areas-eastern-dr-congo-2/>, accessed 19 October 2018.

<sup>55</sup> May 2018 DRC Report, para. 4; UN Security Council, 'Report of the Secretary-General: Children and armed conflict' (16 May 2018) (UN Doc. S/2018/465) ('2018 SGCAC Report'), paras. 62-66.

<sup>56</sup> 2017 SGCAC Report, para. 65.

<sup>57</sup> 2017 SGCAC Report, para. 66.

<sup>58</sup> 2017 SGCAC Report, para. 69.

<sup>59</sup> 2017 SGCAC Report, para. 68.

<sup>60</sup> 2017 SGCAC Report, para. 64. Of them, three had been held for more than six months.

<sup>61</sup> United Nations Security Council, 'Report of the Secretary-General: Children and armed conflict', (20 April 2016) (UN Doc. S/2016/360) ('2016 SGCAC Report'), para. 55.



## Congolese National Police

The Congolese National Police (CNP) is listed by the UN Secretary-General for committing grave violations against children in the DRC in 2017. The number of incidents of sexual violence against children committed by the CNP reportedly increased to 15 in 2017, from 12 in 2016.<sup>62</sup> Further, CNP was responsible for four instances of killing and maiming children (replicating the number of instances for which it was reported responsible in 2016),<sup>63</sup> in addition to three cases of recruitment and use of children.<sup>64</sup>

The National Intelligence Agency and the Republican Guard are also alleged to have committed crimes, including against opposition members, peaceful protestors and civil society.<sup>65</sup>

## b) Non-State Actors

A large number of non-state actors, both armed groups and other influencers, have formed and operated in the context of DRC's ongoing instability. Information concerning the numerous armed groups as well as the corresponding alliances and allegiances of these groups is difficult to trace. According to New York University's Congo Research Group, 134 armed groups are active in North and South Kivu alone. Some of the larger, and most recently operating armed groups are identified and described below. As such, this list is not comprehensive.

### FDLR

The Forces Démocratiques de Libération du Rwanda (FDLR), formed in 2000, is one of the largest and most violent foreign organised armed groups operating in the DRC.<sup>66</sup> Comprised largely of members of the Hutu ethnic group, it includes former members of President Juvénal Habyarimana's army and Interahamwe militia. The activities of the FDLR are said to have triggered the first Congo war and significantly contributed to the second war between mid-1998 and 2002. Initially allied with former President Laurent-Désiré Kabila after 1998, current president Joseph Kabila permitted Rwandan troops to enter Congo to assist in efforts against the FDLR in 2009. In response, the FDLR committed crimes against the civilian population, including children in North and South Kivu provinces. In recent years, the FDLR has maintained the largest number of combatants of the many armed groups in the DRC, ranging between 700 and 1,200 fighters, and operates alongside other Congolese armed groups in North Kivu and South Kivu Provinces.<sup>67</sup> The group continues to commit grave violations and other crimes against children, including the recruitment and use of 22 children in 2017 and 141 in 2016 (accounting for nearly 35 per cent of all verified recruitment of

<sup>62</sup> 2018 SGCAC Report, para. 65; 2017 SGCAC Report, para. 66. This reflects a slight improvement on the 19 instances reported in 2015. See 2016 SGCAC Report, para. 48.

<sup>63</sup> 2017 SGCAC Report, para. 65.

<sup>64</sup> 2018 SGCAC Report, paras. 62, 65.

<sup>65</sup> See UN Security Council, 'Resolution 2049 (2012)' (7 June 2012) (UN Doc. S/RES/2049(2012)).

<sup>66</sup> UN Security Council, 'Narrative Summaries for Reasons for Listing: Forces Democratique de Liberation du Rwanda (FDLR)', available at <https://www.un.org/sc/suborg/en/sanctions/1533/materials/summaries/entity/forces-democratiques-de-liberation-du-rwanda-%28fdlr%29>, accessed 15 October 2018.

<sup>67</sup> September 2017 Strategic MONUSCO Report, para. 19.





children in that year).<sup>68</sup> The FDLR has also been responsible for killing and maiming children,<sup>69</sup> attacking schools and hospitals,<sup>70</sup> sexual violence (including rape)<sup>71</sup> and abduction.<sup>72</sup> In 2015, it was reportedly responsible for nearly 40 per cent of the 2,549 verified incidents of violations against children.<sup>73</sup> The ICC issued a warrant of arrest in 2012 for Sylvestre Mudacumura, the Supreme Commander of the FDLR who is suspected of nine counts of war crimes allegedly committed in 2009 and 2010 in the context of the conflict in North and South Kivu.<sup>74</sup> At the time of this report, Mudacumura remains at large.

## CNDP

The National Congress for the Defence of the People (Congrès national pour la défense du peuple, CNDP) was an armed militia established by Laurent Nkunda in December 2006.<sup>75</sup> The Tutsi-led rebel group was comprised of two original brigades and involved approximately 2,200 personnel. By May 2007 some 8,000 to 8,500 personnel considered themselves under Nkunda's command.<sup>76</sup>

In March 2009, the CNDP became a political party and 3,000 to 4,000 of its fighters joined the Congolese army. Some 1,000 to 2,000 resisted integration, and this faction (M23) remained involved in a range of activities in North Kivu, from artisanal mining to charcoal trafficking and extortion. Notwithstanding the formal absorption, observers claim that the CNDP retained its chains of command within the army, and control over those of its forces integrated into the FARDC.<sup>77</sup>

## M23

M23, which stands for the March 23 Movement, was a faction of the former CNDP which was integrated into the FARDC in 2009 following signature of a peace agreement between the CNDP and DRC government on 23 March 2009. Dissatisfied with the security situation in April 2012 as well as the poor pay and conditions available to FARDC, the group, led by Bosco Ntaganda, rebelled against FARDC. Mostly comprised of Tutsis, the group had strong ties with Tutsis in Rwanda, and operated primarily in North Kivu province. The government of the DRC and others had accused Rwanda and Uganda of supporting this armed group.<sup>78</sup> Since 2013, remaining splinters of the group have been reported as living in hiding, some in Uganda and Rwanda. Despite a peace deal which saw the disarmament of the group in November 2013, more than

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<sup>68</sup> 2018 SGCAC Report, paras. 62-67; 2017 SGCAC Report, para. 63. See also 2016 SGCAC Report, para. 45.

<sup>69</sup> 2016 SGCAC Report, para. 47.

<sup>70</sup> 2016 SGCAC Report, para. 49.

<sup>71</sup> 2017 SGCAC Report, para. 66.

<sup>72</sup> 2017 SGCAC Report, para. 69.

<sup>73</sup> 2016 SGCAC Report, para. 44.

<sup>74</sup> ICC, 'Situation in the Democratic Republic of Congo: *The Prosecutor v. Sylvestre Mudacumura*' (24 February 2016), available at <https://www.icc-cpi.int/iccdocs/PIDS/publications/MudacumuraEng.pdf>, accessed 15 October 2018.

<sup>75</sup> See e.g. International Business Times, 'Battle for control of the DRC: Who are National Congress for the Defence of the People (CNDP)?' (22 February 2017), available at <https://www.ibtimes.co.uk/battle-control-drc-who-are-national-congress-defence-people-cndp-1526284>, accessed 15 October 2018 ('Who are the CNDP?').

<sup>76</sup> Who are the CNDP?

<sup>77</sup> Who are the CNDP?

<sup>78</sup> See e.g. BBC, 'Rwanda 'supporting DR Congo mutineers' (28 May 2012), available at <https://www.bbc.co.uk/news/world-africa-18231128>, accessed 15 October 2018.



200 former M23 rebel fighters based in Uganda and Rwanda were mobilised by senior security officials and deployed to quash protests against President Joseph Kabila in December 2016.<sup>79</sup>

Members of the group are alleged to have committed crimes against civilians. Then-leader Bosco Ntaganda is now facing trial for war crimes and crimes against humanity before the ICC.<sup>80</sup> Many of those in hiding have been identified by Interpol and other security services have been added to international sanctions lists, to preclude their remote support for any resurgence of the group within the DRC.<sup>81</sup>

## Mai-Mai

In opposition to the Kabila government and its policies, a proliferation of Mai-Mai groups has emerged across North and South Kivu provinces.<sup>82</sup> These groups, dominated by ethnic Luba, were formed in the wake of a power vacuum created by the redeployment of FARDC forces against a crisis emerging in the Kasai region. The unifying feature of the various Mai-Mai groups is their deliberate attacks on symbols of state authority.<sup>83</sup> However, the proliferation of Mai-Mai groups has also resulted in scenarios involving cooperation between the FARDC and Mai-Mai forces. For example, there have been multiple reports that FARDC troops have provided arms, ammunition and funding to proxy militias including the Mai Mai Guidon, also known as Nduma Defense of Congo Rénové (NDC-Rénové) (Nyanga ethnicity).<sup>84</sup>

Among the largest Mai-Mai groups are Maï Maï Nyatura and Maï Maï Simba.<sup>85</sup> In shifting alliances and coalitions, the Mai-Mai groups have been reported to commit grave violations against children such as the recruitment of children,<sup>86</sup> and to attack FARDC personnel and installations, with no apparent regard for the consequences affecting civilians.<sup>87</sup> Further, many of these groups are reported to have committed grave violations of children's rights.

## Mai-Mai Mazembe

Mai-Mai Mazembe operates in opposition to FARDC and with various Nyatura factions. In 2017, the Mai-Mai Mazembe was reported to have been responsible for the recruitment and use of 173 children, 18 attacks

<sup>79</sup> Human Rights Watch, 'DR Congo: Rebels Were Recruited to Crush Protests' (4 December 2017), available at <https://www.hrw.org/news/2017/12/04/dr-congo-rebels-were-recruited-crush-protests>, accessed 15 October 2018.

<sup>80</sup> Shortly after Ntaganda's surrender, a large number of M23 troops crossed into Uganda and surrendered themselves. Those who surrendered, and others living freely in Rwanda, have not been extradited to the DRC for trial, nor have the results of trials held in Uganda or Rwanda been widely reported.

<sup>81</sup> UN Security Council, 'Consolidated United Nations Security Council Sanctions List' (2 October 2015), available at <http://www.un.org/french/sc/committees/consolidated.htm>, accessed 19 October 2018.

<sup>82</sup> September 2017 Strategic MONUSCO Report, para. 24.

<sup>83</sup> September 2017 Strategic MONUSCO Report, para. 24.

<sup>84</sup> US Department of State, '2017 Trafficking In Persons Report' (June 2017), ('2017 TIP Report'), p. 135.

<sup>85</sup> IRIN News, 'Briefing: Armed groups in eastern DRC' (31 October 2013), available at <http://www.irinnews.org/report/99037/briefing-armed-groups-eastern-drc>, accessed 15 October 2018, ('IRIN Briefing').

<sup>86</sup> December 2016 MONUSCO Report, para. 25. For example, the leader of Mai-Mai Kata Katanga was found guilty of crimes against humanity including ordering attacks on civilians. He was imprisoned, but escaped in 2011.

<sup>87</sup> October 2017 MONUSCO Report, para. 15. For example, attacks on government installations were carried out in South Kivu in June 2017.



on schools and hospitals, and 30 abductions.<sup>88</sup> Similarly, in 2016 alone, the Mai-Mai Mazembe was found to have committed 44 instances of recruitment and use of children<sup>89</sup> and 49 instances of killing and maiming of children.<sup>90</sup>

### Mai-Mai Nyatura

A Congolese militia formed in 2010, the Mai-Mai Nyatura (*Nyatura* translates to ‘hit them hard’) is allied with the FDLR and FARDC against M23’s support of Hutu interests. In 2012, certain Nyatura forces were integrated into the FARDC. Notwithstanding their formal integration, individuals associated with the Mai-Mai Nyatura have retained a significant degree of independence.

The Mai-Mai Nyatura has repeatedly been accused of human rights violations, including grave violations against children. The UN Secretary-General reported 122 instances of recruitment and use of children in 2016 (compared with 69 in 2015) by the group,<sup>91</sup> and further reports indicate that the group is responsible for 10 cases of rape of children<sup>92</sup> and the abduction of 13 children in 2016.<sup>93</sup> Similarly in 2017, the group was reported to be responsible for 121 instances of the recruitment and use of children, 33 instances of the killing and maiming of children, and 60 abductions of children.<sup>94</sup>

### Mai Mai Simba

Understood to be the oldest Congolese armed group, the Mai-Mai Simba is led by ‘General’ Lucien Simba. The force is small, comprising only a few hundred men in Maniema and Orientale provinces. Due to its small size, the Mai-Mai Simba is reported to have collaborated with FARDC and other Mai-Mai groups.<sup>95</sup>

The UN Secretary-General reported that the group abducted 21 children in 2016, but made no reference to any other grave violations. Similarly, the UN Secretary-General reported that the Mai-Mai Simba was a party which recruits and uses children, and that commits sexual violence against children in 2017.<sup>96</sup> However, no verified incidents of either violation were identified.<sup>97</sup>

### Allied Democratic Forces (ADF)

The ADF, formed in 1995, is a Ugandan armed group which operates in the eastern part of the DRC. Established initially to fight the Museveni government in Uganda and establish an Islamic state, the group was forced across the border into the DRC. The ADF has increased its ranks in eastern DRC by kidnapping and abducting Congolese and Ugandan nationals. The group was reported to have an estimated strength of between 1,200 and 1,500 fighters, mostly ethnic Nande men, and a total membership of between 1,600 and

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<sup>88</sup> 2018 SGCAC Report, paras. 62, 66, 67.

<sup>89</sup> 2017 SGCAC Report, para. 63.

<sup>90</sup> 2017 SGCAC Report, para. 65.

<sup>91</sup> 2017 SGCAC Report, para. 63; 2016 SGCAC Report, para. 45.

<sup>92</sup> 2017 SGCAC Report, para. 66.

<sup>93</sup> 2017 SGCAC Report, para. 69.

<sup>94</sup> 2018 SGCAC Report, paras. 62, 64, 67.

<sup>95</sup> See also IRIN Briefing.

<sup>96</sup> 2018 SGCAC Report, Annex 1.

<sup>97</sup> 2018 SGCAC Report, paras. 62-68.





2,500 members, including women and children.<sup>98</sup> The group is alleged to have links to Al-Shabaab and Al-Qaeda militants, which have reportedly provided training to ADF forces in the use of improvised explosive devices.<sup>99</sup>

The ADF is accused of having launched brutal attacks on civilians and to have committed serious violations of international law, including grave violations against children. In particular, ADF is involved in the recruitment and use of children, some as young as ten years old.<sup>100</sup> In 2015, the group was found responsible for 20 instances of killing and maiming of children,<sup>101</sup> for attacks on two hospitals (including an attack on a hospital in November 2015 causing at least 31 casualties),<sup>102</sup> and an unspecified portion of 68 verified cases of abduction.<sup>103</sup> In 2016, the group was reported to have been responsible for verified instances of the recruitment and use of children, 19 instances of killing and maiming,<sup>104</sup> eight instances of attacks on schools and hospitals,<sup>105</sup> and abduction of 23 children.<sup>106</sup> By 2017 however, the UN Secretary-General did not attribute any reported incidents of grave violations against children to the ADF.<sup>107</sup>

However, since the beginning of 2017, the group has reportedly changed its approach to warfare, conducting only sporadic attacks on civilian populations, but increasing its activities against state forces.<sup>108</sup> In August 2017, ADF elements in FARDC uniforms launched an attack on FARDC positions in North Kivu, killing 14 and wounding three others.<sup>109</sup>

### **Rally of Political and Social Forces for Change in the Democratic Republic of Congo (Rassemblement)**

In June 2016 in Belgium, a number of leading DRC opposition parties (including the Union pour la démocratie et le progrès social (UDPS)) announced that they had formed an umbrella entity with the intention of forcing President Joseph Kabila to relinquish power. Having been in power since 2001, a number of opposition parties claim that Kabila has deferred and blocked subsequent elections to retain his position within the country.

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<sup>98</sup> UN Security Council, 'Narrative Summaries of Reasons for Listing' (5 December 2016), available at <https://www.un.org/sc/suborg/en/sanctions/1533/materials/summaries/entity/allied-democratic-forces-%28adf%29>, accessed 15 October 2018. See also IRIN Briefing.

<sup>99</sup> See UN Security Council, 'Final Report of the Group of Experts on the Democratic Republic of the Congo' (12 January 2015) (UN Doc. S.2015/19), ('UN Sanctions Committee'), para. 45; Washington Post, 'Jihadis in Congo? Probably not' (27 September 2016), available at [https://www.washingtonpost.com/news/monkey-cage/wp/2016/09/27/heres-why-its-a-problem-that-congos-u-n-peacekeeping-force-is-blaming-international-jihadis-for-these-killings-and-attacks/?noredirect=on&utm\\_term=.7c5e96c82d06](https://www.washingtonpost.com/news/monkey-cage/wp/2016/09/27/heres-why-its-a-problem-that-congos-u-n-peacekeeping-force-is-blaming-international-jihadis-for-these-killings-and-attacks/?noredirect=on&utm_term=.7c5e96c82d06), accessed 15 October 2018; IRIN Briefing.

<sup>100</sup> UN Sanctions Committee. See also IRIN Briefing.

<sup>101</sup> 2016 SGCAC Report, para. 47.

<sup>102</sup> 2016 SGCAC Report, para. 49.

<sup>103</sup> 2016 SGCAC Report, para. 51.

<sup>104</sup> 2017 SGCAC Report, para. 65.

<sup>105</sup> 2017 SGCAC Report, para. 67.

<sup>106</sup> 2017 SGCAC Report, para. 69.

<sup>107</sup> 2018 SGCAC Report, paras. 62-68.

<sup>108</sup> September 2017 Strategic MONUSCO Report, para. 20.

<sup>109</sup> October 2017 MONUSCO Report, paras. 15, 20.



The group has arranged weekly protests against the delay and deferral of elections, originally scheduled for late 2016. In response to a revised timetable proposing elections in December 2018 and the appointment of a new president in January 2019, the group has expressed considerable anger, prompting fears of renewed violence.<sup>110</sup>

No reports suggest that Rassemblement is directly responsible for any grave violations against children, but that its role in the political environment is to inspire public protests. These activities are encouraged notwithstanding ongoing political unrest and the history of politically motivated violence in the country.<sup>111</sup>

### Twa and Luba militias

A group of pygmy tribes in Tanganyika province, Twa communities (referred to as Batwa in its Bantu plural form) have been engaged in inter-ethnic conflict with Luba groups in Katanga Province. In this historic conflict, the more nomadic Twa have traditionally been denied various land rights and access to social services.

In demanding that their rights be respected, the Twa have antagonised Luba groups, which accuse them of complicity with the Congolese army. The conflict between the Twa and the Luba has escalated in recent years, causing widespread displacement, and destruction of civilian communities. For example, on 17 October 2016, during clashes between militias from both communities, at least 16 people, including three civilians, were killed in Kabalo, more than 8,600 people were displaced, and some 40 villages were burned down.<sup>112</sup> Only nine days later, Twa militia elements attacked Luba civilians in the village of Kizika, looting and burning down more than 80 houses and causing the displacement of civilians.<sup>113</sup> Together, the two communities were found responsible for 13 attacks on schools and hospitals in 2016.<sup>114</sup>

In 2016, verified incidents of sexual violence increased in Tanganyika, with rape reportedly being used as a tactic of war between Twa and Luba communities.<sup>115</sup> Twa factions began to splinter in mid-2017,<sup>116</sup> further exacerbating the political and security uncertainty in the region.

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<sup>110</sup> Africa News, 'DRC opposition parties oppose December 2018 poll date' (8 November 2017), available at <http://www.africanews.com/2017/11/08/drc-opposition-parties-oppose-december-2018-poll-date/>, accessed 15 October 2018.

<sup>111</sup> International Crisis Group, 'Time for Concerted Action in DR Congo' (4 December 2017), available at <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/257-time-concerted-action-dr-congo>, accessed 15 October 2018. See also Radio France I, 'RDC: la CENCO déplore l'usage disproportionné de la force par la police' (21 November 2017), available at <http://www.rfi.fr/afrique/20171121-rdc-cenco-deploire-usage-disproportionne-force-police>, accessed 15 October 2018.

<sup>112</sup> December 2016 MONUSCO Report, para. 24.

<sup>113</sup> December 2016 MONUSCO Report, para. 24.

<sup>114</sup> 2017 SGCAC Report, para. 67. In 2015, a Twa self-defence group destroyed ten schools in Tanganyika province. See (2016 SGCAC Report, para. 49).

<sup>115</sup> May 2018 DRC Report, para 36.

<sup>116</sup> October 2017 MONUSCO Report, para. 15.



## Bana Mura militia

The Bana Mura militia was formed in early 2017 in response to attacks by the Luba Kamuina Nsapu militia against the Chokwe and Pende.<sup>117</sup> Comprised of members of the Chokwe people (or Tshokwe or Kichokwe) as well as Pende and Tetela ethnic groups between the ages of 18 and 22,<sup>118</sup> the Bana Mura is most active in the Kamonia and Luiza territories of Kasai Central.<sup>119</sup> The group reportedly receives support from prominent political figures in Kasai, and is alleged to have been armed and supported by national security forces and local chiefs.<sup>120</sup> According to the UN International Group of Experts, it is difficult to establish the existence of a chain of command – sometimes the Bana Mura militias operate alone, with the national security forces, or against them.<sup>121</sup> Most recently, the national security forces have clashed with Bana Mura militias.

The Bana Mura is alleged to have committed grave violations against civilians, and children in particular. In a report by the UN Office of the High Commissioner for Human Rights, it was found that “the Bana Mura allegedly undertook a campaign aimed at eliminating the entire Luba and Lulua populations in the villages they attacked.”<sup>122</sup>

## Kamuina Nsapu

The Kamuina Nsapu is a predominantly Luba armed group operating in the Kasai region of the DRC.<sup>123</sup> As of June 2018, the UN estimated that the group consisted of at least 2,500 combatants,<sup>124</sup> with children making up an estimated 60 per cent of the groups’ ranks.<sup>125</sup>

Kamuina Nsapu galvanised support after the appointment of local chief Jean-Prince Pandi (known by his chiefly title as Kamuina Nsapu Pandi) was not recognised by the provincial government (allegedly on the basis of his opposition to the government and the perceived threat he posed to it).<sup>126</sup> The presence of national forces sent to the region in 2016 was characterised as an occupation and became a “rallying cry for Kamuina Nsapu groups” which launched attacks on FARDC forces and local police.<sup>127</sup> The Kamuina Nsapu militia grew and spread and committed crimes against children, and targeted officials and civilians with ties to the

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<sup>117</sup> Human Rights Council July 2018 Report, para. 35.

<sup>118</sup> Human Rights Council July 2018 Report paras. 35, 37; May 2018 DRC Report, para. 15; October 2017 MONUSCO Report, para. 30.

<sup>119</sup> October 2017 MONUSCO Report, para. 30.

<sup>120</sup> Human Rights Council July 2018 Report, para. 36; October 2017 MONUSCO Report, para. 30.

<sup>121</sup> Human Rights Council July 2018 Report, para. 38.

<sup>122</sup> UN Office of the High Commissioner for Human Rights, ‘Report of a Mission of the United Nations High Commissioner for Human Rights – accounts of Congolese fleeing the crisis in the Kasai region, in the Democratic Republic of the Congo’ (4 August 2017), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/OHCHRMissionreportonaccountsofKasairefugees.pdf>, accessed, 15 October 2018.

<sup>123</sup> June 2018 Expert Report, para. 54.

<sup>124</sup> June 2018 Expert Report, 49.

<sup>125</sup> May 2018 DRC Report, para. 19.

<sup>126</sup> See for e.g. June 2018 Expert Report, para. 56.

<sup>127</sup> Setting Fire; International Crisis Group, ‘Kamuina Nsapu Insurgency Adds to Dangers in DR Congo’ (21 March 2017), available at <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/kamuina-nsapu-insurgency-adds-dangers-dr-congo>, accessed 15 October 2018.



government. The group is not heavily armed but has been reported to have obtained more sophisticated weaponry following clashes with security forces.<sup>128</sup> The UN has reported that the militia also engaged in cannibalism, mutilation, and massacres of the civilian population in areas inhabited by other ethnic groups.<sup>129</sup>

Young boys and girls are recruited to the group and undergo initiation processes, including the drinking of a “potion” – which sometimes contains alcohol or human bones – in order to give them supernatural powers to prevent them from being killed during combat.<sup>130</sup> Other children have been reported to have been forced to eat human flesh or insects.<sup>131</sup> Boys are often used as combatants, spies, or to initiate new children. While girls are typically forced to marry combatants, some (known as “ya mamas”) serve on the front line. Kamuina Nsapu believes that girls are able to stop bullets, resulting in reports of the disproportionate killing of girls serving on the front line.<sup>132</sup>

### **Coalition nationale du peuple pour la souveraineté du Congo (CNPSC)**

The CNPSC is a new coalition of armed groups in South Kivu, which has clashed repeatedly with the Congolese army to take control of villages along Lake Tanganyika.

The group’s stated goal is to topple the Kabila Presidency, which it characterises as illegitimate following Kabila’s refusal to step down in December 2016. More than 100,000 people have been displaced in areas where the CNPSC operates since the fighting began in June 2018, and the FARDC reportedly arrested scores of local youth suspected of having links with the coalition.<sup>133</sup>

### **Front for Patriotic Resistance in Ituri (FRPI)**

The Front for Patriotic Resistance in Ituri is a Bunia-based armed militia and political party primarily active in the south of Ituri Province of north-eastern DRC. The group was formed in 2002 and is comprised primarily of individuals from the Ngiti ethnic group.<sup>134</sup>

In 2016, the group was reported to be responsible for 40 instances of recruitment and use of children,<sup>135</sup> 42 cases of rape and sexual violence (compared with 67 instances in 2015),<sup>136</sup> three incidents of attacks on schools and hospitals,<sup>137</sup> and the abduction of 26 children.<sup>138</sup> Similarly, in 2017, the group was reported to be responsible for 53 instances of recruitment and use of children, 14 instances of rape and sexual violence, and 26 abductions.<sup>139</sup>

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<sup>128</sup> Setting Fire.

<sup>129</sup> June 2018 Expert Report, para. 62.

<sup>130</sup> Setting Fire.

<sup>131</sup> Setting Fire.

<sup>132</sup> Setting Fire.

<sup>133</sup> HRW DRC 2018.

<sup>134</sup> Terrorism Research and Analysis Consortium, ‘Patriotic Resistance Front in Ituri (FRPI)’, available at <https://www.trackingterrorism.org/group/patriotic-resistance-front-ituri-frpi>, accessed 15 October 2018.

<sup>135</sup> 2017 SGCAC Report, para. 63.

<sup>136</sup> 2017 SGCAC Report, para. 66; 2016 SGCAC Report, para. 48.

<sup>137</sup> 2017 SGCAC Report, para. 67.

<sup>138</sup> 2017 SGCAC Report, para. 69; 2016 SGCAC Report, para. 51.

<sup>139</sup> 2018 SGCAC Report, paras. 62-68.



## Raia Mutomboki

Raia Mutomboki, which translates as ‘outraged citizens’, was formed in 2005 by a FARDC defector in response to FDLR massacres. Its ranks include a large number of local leaders and FARDC deserters. Understood to have been formed in order to counter the FDLR and FARDC, the group is reported to have committed serious human rights violations and acts of violence. Initial success against the FDLR gave the group legitimacy within the local population, which sought its assistance in settling personal disputes.<sup>140</sup> Reports have indicated that the group has collaborated with M23,<sup>141</sup> and has employed some of that group’s tactics, including those which constitute grave violations against children.

Reflecting resurgent tensions between 2014 and 2017, the Raia Mutomboki was responsible for 536 instances of the use and recruitment of children.<sup>142</sup> The UN Secretary-General reported that in 2017 the Raia Mutomboki was responsible for 62 instances of the recruitment and use of children, 25 instances of rape and sexual violence and 40 abductions of children.<sup>143</sup> This represents a marked improvement over the violations of children’s rights recorded in 2015: which included 89 verified accounts of recruitment of children,<sup>144</sup> 33 instances of sexual violence against children,<sup>145</sup> and responsibility in part for 68 verified cases of child abduction.<sup>146</sup> In addition, the group was documented as having denied humanitarian assistance in South Kivu on at least two occasions, and of participating in both intimidation and direct attacks on humanitarian organisations and staff in North Kivu.<sup>147</sup>

## Nduma Defence of Congo/Chekaa

Formed in 2009 by a long-time minerals businessman, the group is comprised of between 150 and 180 members; mainly army deserters and youth. Led by ‘General’ Sheka in North Kivu’s Masisi Territory, the Nduma Defence of Congo committed various attacks in October 2015, leaving ten dead.

The group has consistently been reported by the UN Secretary-General to have committed grave violations against children such as killing and maiming, including in the report regarding activities undertaken during 2017.<sup>148</sup> From 2014 to 2017, Nduma Defence of Congo has been reported to be responsible for 95 verified instances of recruitment and use of children.<sup>149</sup>

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<sup>140</sup> RefWorld, ‘Raia Mutomboki: The flawed peace process in the DRC and the birth of an armed franchise’ (2012), available at <http://www.refworld.org/docid/51c8273f4.html>, accessed 15 October 2018, pp. 12-15; International Business Times, ‘Battle for control of the DRC: Who are the Raia Mutomboki?’ (22 February 2017), available at <https://www.ibtimes.co.uk/battle-control-drc-who-are-raia-mutomboki-1526287>, accessed 15 October 2018.

<sup>141</sup> IRIN Briefing.

<sup>142</sup> May 2018 DRC Report, para. 20.

<sup>143</sup> 2018 SGCAC Report, paras. 62-68.

<sup>144</sup> 2016 SGCAC Report, para. 45.

<sup>145</sup> 2016 SGCAC Report, para. 48.

<sup>146</sup> 2016 SGCAC Report, para. 51.

<sup>147</sup> 2016 SGCAC Report, para. 52.

<sup>148</sup> 2018 SGCAC Report, para. 62.

<sup>149</sup> May 2018 DRC Report, para. 20.



## c) Foreign Non-State Actors

### Burundi National Liberation Forces (BNLF)

In late 2017, Burundi-based groups began to compete with certain Mai Mai militias in the DRC for control of gold mining deposits. Specifically, along the Burundi border, FARDC troops have arrested BNLF combatants.<sup>150</sup>

### Lord's Resistance Army

Founded in 1987 in northern Uganda, the LRA has gained infamy for its brutality and forced recruitment of children.<sup>151</sup> In 2006, the LRA consisted of only a few hundred fighters in the north of the country. By 2007, the group consisted of fewer than 100 combatants, moving between the DRC, Central African Republic, and South Sudan.<sup>152</sup> The LRA reportedly traffics ivory from northern DRC to Darfur in Sudan, to trade for weapons and supplies.<sup>153</sup>

Throughout 2015, the LRA continued to abduct children in the DRC – with 102 new reports of the activity noted by the UN Secretary-General.<sup>154</sup> During the course of 2015, the group was also allegedly responsible for killing and maiming, committing rape and other forms of sexual violence, and abducting, children.<sup>155</sup> A further 25 children were abducted in 2016.<sup>156</sup> In October 2016, suspected LRA elements reportedly attacked FARDC troops in Nasumba, killing two soldiers and injuring four. Shortly thereafter, suspected LRA elements looted villages and abducted 50 civilians.<sup>157</sup> Similarly, in June 2017, the LRA was reported to have increased the number of abductions of boys and girls aged 12 or 13.<sup>158</sup>

## d) International and Regional Actors

### United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

The United Nations Organisation Stabilization Mission in the Democratic Republic of Congo (MONUSCO) replaced the pre-existing UN Organization Mission in Democratic Republic of the Congo (MONUC), and the initial military observer presence sent to report on the compliance of various military factions with the

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<sup>150</sup> October 2017 MONUSCO Report, para. 23.

<sup>151</sup> IRIN News, 'Briefing: Armed groups in eastern DRC', available at <https://reliefweb.int/report/democratic-republic-congo/briefing-armed-groups-eastern-drc> accessed 12 June 2018.

<sup>152</sup> September 2017 Strategic MONUSCO Report, para. 21.

<sup>153</sup> United Nations Security Council, 'Narrative Summaries of Reasons for Listing: Lord's Resistance Army' (7 March 2016), available at <https://www.un.org/sc/suborg/en/sanctions/2127/materials/summaries/entity/lord%E2%80%99s-resistance-army>, accessed 15 October 2018.

<sup>154</sup> 2016 SGCAC Report, para. 51.

<sup>155</sup> 2016 SGCAC Report, Annex I.

<sup>156</sup> 2017 SGCAC Report, para. 69.

<sup>157</sup> December 2016 MONUSCO Report, para. 23.

<sup>158</sup> UN Security Council, 'Report of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa' (31 May 2017) (UN Doc. S/2017/465), available at <http://undocs.org/S/2017/465>, accessed 15 October 2018, para. 25.





peace accords concluded following two civil wars. Within a short period, MONUSCO's focus turned to conflicts in Ituri Kivu and Dongo.

Force strength has varied since the organisation's formation. On 28 March 2013, in the face of continuing waves of violence in eastern DRC, the UN Security Council created a specialised "intervention brigade" for an initial period of one year. The mandate of MONUSCO and the intervention brigade was then extended for a further year, and MONUSCO's mandate has been extended annually since.<sup>159</sup> As at April 2018, the total strength of UN peacekeeping troops in DRC was approximately 18,300 military, police, and civilian personnel.<sup>160</sup>

MONUSCO's existence and operations have been contentious: in 2004, dozens of media reports circulated concerning sexual exploitation of individuals by peacekeepers functioning in the DRC,<sup>161</sup> many of which were later upheld.<sup>162</sup> Similar allegations were reported in 2017 and 2018.<sup>163</sup>

### International Criminal Court (ICC)

The Congolese government referred the situation to the ICC in April 2004, prompting investigation into alleged war crimes and crimes against humanity committed in the Ituri region and the North and South Kivu Provinces since 1 July 2002. This was the ICC Office of the Prosecutor's first investigation, and led to its two first convictions, in the cases of *The Prosecutor v Thomas Lubanga Dyilo* and *The Prosecutor v Germain Katanga*, and to the eventual acquittal of Mr Ngudjolo Chui. A trial is ongoing for Mr Ntaganda,<sup>164</sup> exacerbating existing tensions between his supporters and opponents.

### Regional Oversight Mechanism (ROM)

With a view to concluding cycles of conflict, 11 African nations signed a peace, security and cooperation framework agreement on 24 February 2013. The framework set out national, regional and international commitments to peace and security in eastern DRC, including establishment of a ROM and the Technical Support Committee (TSC). The ROM is the main oversight body under the TSC Framework, and has met once a year to review progress on implementation of the commitments set by each party to the framework agreement.

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<sup>159</sup> UN MONUSCO, 'MONUSCO - Mandate', available at <https://monusco.unmissions.org/en/mandate>, accessed 15 October 2018.

<sup>160</sup> United Nations, 'United Nations Peacekeeping – MONUSCO Fact Sheet' (15 October 2018), available at <https://peacekeeping.un.org/en/mission/monusco>, accessed 15 October 2018.

<sup>161</sup> MONUSCO, 'MONUSCO – Conduct and Discipline', available at <https://monusco.unmissions.org/en/conduct-and-discipline>, accessed 15 October 2018; BBC, 'UN probes India 'abuses' in Congo' (13 August 2008), available at <http://news.bbc.co.uk/1/hi/7557670.stm>, accessed 15 October 2018.

<sup>162</sup> BBC News, 'DR Congo: UN peacekeepers face fresh sexual abuse claims' (28 April 2017), available at <https://www.bbc.co.uk/news/world-africa-39745357>, accessed 15 October 2018.

<sup>163</sup> News 24, '18 new sexual abuse claims against UN peacekeepers in DRC' (15 February 2018), available at <https://www.news24.com/Africa/News/18-new-sexual-abuse-claims-against-un-peacekeepers-in-drc-20180214>, accessed 15 October 2018.

<sup>164</sup> See International Criminal Court, 'Democratic Republic of the Congo', available at <https://www.icc-cpi.int/drc> accessed 15 October 2018. The Court, however, declined to confirm charges against Callixte Mbarushimana. A warrant of arrest was issued for Sylvestre Mudacumura, who remains at large.



### III. CHILD PROTECTION CONCERNS

#### 1. Recruitment and Use of Children

There are a large number of groups participating in the conflict in the DRC. As early as 2004, Child Soldiers International estimated the number of children recruited and used in the conflict to be as high as 30,000.<sup>165</sup> In 2013, MONUSCO released a report which stated that between 1 January 2012 and 31 August 2013 up to 1,000 children had been recruited by armed groups. In early 2018, UNICEF reported the difficulty of tracing this type of activity, but estimated that in the Kasai region alone, between 5000 and 10,000 children have been associated with armed groups; with the implication that the total number of children affected nationwide is several times that.<sup>166</sup> In 2017 alone, the UN verified the recruitment and use of 1,049 children (including 128 girls), a third of whom were under 15 at the time of recruitment, more than double the 492 children recruited in 2016.<sup>167</sup> Both armed groups and government forces are alleged to have recruited and used children: in 2017 the largest number of this grave violation of children's rights were committed by Kamuina Nsapu (370 of the 1,049 verified cases), Mai-Mai Mazembe (173 verified cases), Nyatura (121 verified cases), and Raia Mutomboki and Mai-Mai Charles (62 verified instances each). The UN Secretary-General verified recruitment of three boys by the Congolese National Police in 2017.<sup>168</sup> These violations were also considerably more prevalent in North Kivu, Ituri and the Kasais.<sup>169</sup> In addition to participation in hostilities, children have also reportedly been forced to commit crimes for their captors, such as looting and extortion.<sup>170</sup>

In 2012, the DRC's government signed an action plan<sup>171</sup> and has implemented steps to address the recruitment and use of child soldiers, including imposing significant penalties on those found to be involved in the enlistment of children into armed forces,<sup>172</sup> finding public officials complicit in the recruitment and

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<sup>165</sup> Child Soldiers International, 'Child Soldiers Global Report 2004 - Congo, Democratic Republic of the, 2004', available at <http://www.refworld.org/docid/49880668c.html>, accessed 15 October 2018.

<sup>166</sup> MONUSCO, 'Child Recruitment by Armed Groups in DRC From January 2012 to August 2013' (October 2013), available at [https://monusco.unmissions.org/sites/default/files/131024\\_monusco\\_cps\\_public\\_report\\_on\\_armed\\_group\\_recruitment\\_2012-2013.pdf](https://monusco.unmissions.org/sites/default/files/131024_monusco_cps_public_report_on_armed_group_recruitment_2012-2013.pdf), accessed 19 October 2018; UNICEF, 'Thousands of children continue to be used as child soldiers' (12 February 2018), available at <https://ponabana.com/en/thousands-child-soldiers-in-drc/>, accessed 20 October 2018.

<sup>167</sup> See 2018 SGCAC Report, para. 62. See 2017 SGCAC Report, para. 63. See also 2017 TIP Report, p. 135.

<sup>168</sup> 2018 SGCAC Report, para. 62.

<sup>169</sup> 2018 SGCAC Report, para. 61.

<sup>170</sup> 2017 TIP Report, p. 135.

<sup>171</sup> UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'DRC Signs Agreement to End Child Recruitment and other Conflict-related Violations against Children' (4 October 2012), available at <https://childrenandarmedconflict.un.org/drc-signs-agreement-to-end-child-recruitment-and-other-conflict-related-violations-against-children/>, accessed 15 October 2018.

<sup>172</sup> 2017 TIP Report, p. 133. For example, enlistment of children in the armed forces entails a penalty of imprisonment for 10 to 20 years.





use of children in armed conflict, and working with NGOs to identify and demobilise the children involved.<sup>173</sup> After two years without verified incidents of recruitment and use, and implementation of screening processes to verify the ages of over 7,500 new recruits,<sup>174</sup> FARDC was removed from the United Nations list of state armed forces which recruit and use child soldiers in 2017.<sup>175</sup>

Efforts toward demobilisation have been supported by government action – the DRC government has recruited its national football team and local artists as spokespeople for the action plan, raising national awareness regarding the persistent recruitment and use of children by armed groups.<sup>176</sup> Using radio messages encouraging children to escape, 2,045 children were separated from armed groups in 2015, a 100 per cent increase over the previous year.<sup>177</sup>

## 2. Trafficking and Child Labour

The DRC is a source, destination, and transit country for men, women, and children subjected to forced labour and trafficking, including sex trafficking, debt bondage, illegal diamond mining and mineral smuggling.<sup>178</sup> South Sudanese, Burundian, Central African Republican and Ugandan nationals are also vulnerable to trafficking in the DRC.<sup>179</sup> Similarly, Congolese nationals are subjected to trafficking and forced labour in the Republic of the Congo, Uganda, Zambia, and Angola.<sup>180</sup>

Within the DRC itself, children are subjected to forced labour, including in the illegal mining of diamonds, copper, gold, cobalt, tungsten ore, tantalum ore, and tin, as well as the smuggling of minerals, small-scale agriculture, domestic work, street begging, vending, and portering.<sup>181</sup> Some street children are suspected of being forced to participate in the illicit drug trade and sex trafficking.<sup>182</sup>

The DRC had the highest number of IDPs of any African country in mid-2017, of which 2.7 million are children, and who are particularly vulnerable to trafficking.<sup>183</sup> Additionally, Congolese refugees face risks of trafficking in the countries in which they have sought refuge. For example, many of those who have crossed into Angola have been detained and deported as part of efforts to stem the flow of illegal migrants

<sup>173</sup> 2017 TIP Report, p. 133; 2018 SGCAC Report, paras. 69-71.

<sup>174</sup> 2017 TIP Report, p. 134.

<sup>175</sup> AllAfrica, 'Emerging from a Decade of Violence: UN Delists the DRC for the Recruitment of Soldiers' (3 November 2017), available at <http://allafrica.com/stories/201711030932.html>, accessed 15 October 2018.

<sup>176</sup> 2017 SGCAC Report, para. 74; May 2018 DRC Report, para. 60.

<sup>177</sup> 2016 SGCAC Report, para. 53.

<sup>178</sup> 2017 TIP Report, p. 135.

<sup>179</sup> US Department of State, '2018 Trafficking in Persons Report' (June 2018), ('2018 TIP Report'), pp. 121, 134, 146.

<sup>180</sup> 2018 TIP Report, pp. 73, 150, 434, 457.

<sup>181</sup> 2018 TIP Report, p. 148; 2017 TIP Report, p. 135.

<sup>182</sup> 2018 TIP Report, p. 148.

<sup>183</sup> Better Care Network, 'Secondary Data Review: Democratic Republic of the Congo – the Kasai Crisis' (July 2017), available at [https://bettercarenetwork.org/sites/default/files/DRC%20Kasai%20crisis\\_Secondary%20Data%20Review\\_2017-07-20.pdf](https://bettercarenetwork.org/sites/default/files/DRC%20Kasai%20crisis_Secondary%20Data%20Review_2017-07-20.pdf) accessed 15 October 2018, ('BCN Data Review 2017') p. 2. It is notable that the prevalence of IDPs in areas which are difficult to access renders all statistics on the incidence of IDPs inadequate.



between the countries, where some fall into sex trafficking and forced prostitution.<sup>184</sup> Similarly, those refugees in the DRC, often originating in neighbouring Republic of the Congo and Burundi, are similarly vulnerable to sex trafficking, trafficking in mining operations and recruitment into armed groups. Many Congolese find themselves in domestic servitude in South Africa.<sup>185</sup>

The United States Department of State has characterised the DRC's response to the threats of trafficking as inadequate.<sup>186</sup> There are only negligible state efforts to investigate or prosecute those responsible for sex trafficking as distinct from other sexual crimes.<sup>187</sup> The DRC has no law criminalising human trafficking. This lack of a legal framework combined with the lack of capacity, funding, and widespread corruption continues to hinder meaningful efforts to combat trafficking.<sup>188</sup>

There are systemic difficulties facing the eradication of forced labour and child trafficking in the DRC – a governmental committee aimed at addressing child labour did not meet at all in 2016, and was allocated only inadequate funding within the national budget. Contemporaneously, the government was unable to adopt a draft national action plan to combat child labour despite reports of sex trafficking of Congolese nationals in Kuwait and Lebanon.<sup>189</sup>

Since the emergence of these reports, there has been no confirmation that the government has taken any proactive measures either to resolve the national prevalence of child labour, or to regulate foreign labour recruitment to reduce the likelihood of recurrence of this problem.<sup>190</sup>

### 3. Separation of children and Institutional Care

Conflict and poverty continue to fuel the separation of children from their families. As at April 2017, UNICEF reported that it had registered 4,180 children separated from their families in the DRC, a number which does not reflect the scope of the issue, given the difficulties of access arising out of the country's ongoing conflict.<sup>191</sup> Since then, humanitarian agencies have continued to document unaccompanied or separated children, some of whom have fled across the border into Uganda or Zambia. Recent reports indicate that the latest Ebola outbreak has left children unaccompanied or orphaned.<sup>192</sup> The number of children separated, however, remains unknown.

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<sup>184</sup> 2018 TIP Report, pp. 72, 148.

<sup>185</sup> 2018 TIP Report, pp. 134, 141, 148.

<sup>186</sup> 2017 TIP Report, p. 133.

<sup>187</sup> 2017 TIP Report, p. 133.

<sup>188</sup> 2018 TIP Report, p. 145; 2017 TIP Report, p. 133. DRC legislation including the Child Protection Law 09/001, which prohibits forced child labour, child prostitution, and the use of children in illicit activities. However, forced child labour, debt bondage, and child commercial sexual exploitation only attract penalties of one to three years imprisonment.

<sup>189</sup> 2017 TIP Report, p. 135.

<sup>190</sup> 2017 TIP Report, p. 135.

<sup>191</sup> BCN Data Review 2017, p. 8.

<sup>192</sup> UNICEF, '155 children left orphaned or separated from their parents in DRC's latest Ebola outbreak' (21 September 2018), available at <https://ponabana.com/en/155-children-left-orphaned-or-separated-from-their-parents-in-drcs-latest-ebola-outbreak/>, accessed 15 October 2018.



Efforts continue to be made to demobilise children and reintegrate them from armed groups into communities.<sup>193</sup> Most of these children are placed in interim care centres pending tracing and reunification with their families. The tracing of families is made difficult by the very low rates of birth registration reported in the country.<sup>194</sup> Reintegration can be challenging due to stigmatisation and exclusion from communities - boys formerly associated with armed groups may face mistrust, while girls are often shunned as a matter of course, stemming from their “having known men”. Because they are assumed to have been sexually abused (regardless of specific circumstances), girls are diminished in the eyes of their community and are seen as having lost their social value.<sup>195</sup>

Children living in residential care institutions on a long-term basis raise serious child protection concerns. There is limited reporting, and therefore considerable uncertainty regarding the number of children living in institutions in the DRC. Moreover, there is very little reliable information available regarding the conditions which exist in these facilities.

#### 4. Sexual and Gender-Based Violence (SGBV)

The UN and other international organisations have documented a number of forms of sexual violence committed in the context of DRC’s numerous conflicts.<sup>196</sup> The DRC had among the largest number of recorded incidents of sexual violence reported worldwide in 2017.<sup>197</sup> This is as a result of reluctance by Congolese women to report incidents due to lack awareness about the justice system and fear of stigma.<sup>198</sup> Though women and girls represented the vast majority of victims of SGBV, men were also victims of SGBV. Between June and August 2017, 27 men were among the 99 reported victims of sexual violence between Twa and Luba communities.<sup>199</sup>

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<sup>193</sup> See e.g. IRIN News, ‘Growing up in war - the DRC's child soldiers’ (31 March 2014), available at <http://www.irinnews.org/feature/2014/03/31/growing-war-drcs-child-soldiers>, accessed 15 October 2018.

<sup>194</sup> World Vision, ‘Children’s Rights in the Democratic Republic of Congo: Stakeholder Report on DRC - Submission by World Vision for universal periodic review’ (November 2009), available at [https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CD/WV\\_COD\\_UPR\\_S06\\_2009.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CD/WV_COD_UPR_S06_2009.pdf), accessed 15 October 2018.

<sup>195</sup> Kasangye et al, ‘Sexual Violence at the Eastern Region of the Democratic Republic of Congo and its Public Health Implications’, (2014) 3 *World Journal of Public Health Sciences* 8; Child Soldiers International, ‘Raped then rejected: The girl soldiers of Congo’ (19 June 2017), available at <https://www.child-soldiers.org/news/drc-report> accessed 15 October 2018.

<sup>196</sup> See e.g. Human Rights Watch, ‘The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo’ (2002), available at <https://www.hrw.org/reports/2002/drc/Congo0602.pdf>, accessed 15 October 2018.

<sup>197</sup> See UN Security Council, ‘Report of the Secretary-General on conflict-related sexual violence’ (15 April 2017) (UN Doc. S/2017/249), (‘2017 SGSGSV Report’).

<sup>198</sup> UNDP, ‘Fighting sexual violence in the Democratic Republic of Congo’, available at <http://www.undp.org/content/undp/en/home/ourwork/ourstories/fighting-sexual-violence-in-the-democratic-republic-of-congo.html>, accessed 15 October 2018.

<sup>199</sup> October 2017 MONUSCO Report, para. 42.



In 2017, the UN verified 804 cases of conflict-related sexual violence, with 179 incidents committed against girls, and two against boys<sup>200</sup> as compared with 514 verified cases in 2016, of which 171 were children.<sup>201</sup> The UN has reported that sexual violence is used in the DRC as “a tool of intimidation, retaliation and punishment, in order to terrorise entire families and communities”, and have been reported with “shocking regularity”.<sup>202</sup>

In addition to its prevalence, reports indicate that the use of sexual violence in the DRC has taken on an ethnic dimension. For example, between June and August 2017 in the Tanganyika province, Twa/Luba ethnic tension was reported to be the motivation for at least 99 of the 195 reported victims of sexual violence.<sup>203</sup> Similarly, between August 2016 and June 2017, approximately 600 cases of sexual violence were recorded in the Kasai provinces, perpetrated by the Bana Mura and Kamuina Nsapu militias against the Luba and Lulua populations.<sup>204</sup>

The UN Secretary-General has reported a pattern of perpetrators profiting from their sexual violence, and notes the economic consequences of creating fear of violence while undertaking livelihood activities such as trading at marketplaces, tending fields and fetching firewood.<sup>205</sup>

A significant proportion of all reported conflict-related sexual violence was alleged to have been perpetrated by individuals affiliated with FARDC and national police. The number of SGBV incidents committed by government forces decreased from 32 per cent in 2016 to 20 per cent of all verified incidents in 2017.<sup>206</sup> In response to this reporting, the government has increased its efforts to collect data on the perpetration of sexual violence, ostensibly with a view to implementing measures to remedy the issue.<sup>207</sup> Such measures reportedly include training for commanders on their legal obligations regarding the prosecution of sexual crimes<sup>208</sup> and prosecuting of 319 FARDC officials and 135 Congolese National Police officials over their involvement in crimes of sexual violence.<sup>209</sup> In 2017, 57 commanders signed undertakings against this conduct, and 370 officers were trained to eradicate it. However, disciplinary action against high-ranking offenders is uneven, and implementation of the country’s national police action plan is also advancing

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<sup>200</sup> UN Security Council, ‘Report of the Secretary-General on conflict-related sexual violence’ (23 March 2018) (UN Doc. S/2018/250) (‘2018 SGSV Report’), para. 37; 2018 SGCAC Report, para. 65.

<sup>201</sup> 2017 SGSV Report, para. 32. During the same period, the United Nations Population Fund reported 2,593 cases of sexual violence in conflict-affected provinces.

<sup>202</sup> 2018 SGSV Report, para. 26.

<sup>203</sup> October 2017 MONUSCO Report, para. 42.

<sup>204</sup> 2017 TIP Report, p. 135.

<sup>204</sup> BCN Data Review 2017, p. 4. See also UN Office of the Human Rights High Commissioner, ‘UN Experts conclude crimes against humanity and war crimes committed in Kasai, warn against risk of new wave of ethnic violence’ (26 June 2018), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23263&LangID=E>, accessed 20 August 2018.

<sup>205</sup> 2018 SGSV Report, para. 17.

<sup>206</sup> 2017 SGSV Report, para. 34; October 2017 MONUSCO Report, para. 42.

<sup>207</sup> 2017 TIP Report, p. 134.

<sup>208</sup> 2017 SGSV Report, para. 34. Further, the government was reported to have received 193 undertakings from military field commanders to prevent and address sexual violence in 2016.

<sup>209</sup> 2017 TIP Report, pp. 133-134.



slowly.<sup>210</sup> The UN has also documented various SGBV cases prosecuted (including 26 grave cases prioritised by the DRC's Ministry of Justice and Human Rights and military judicial authorities, with the assistance of the Team of Experts, United Nations Development Programme, MONUSCO, and the International Center for Transitional Justice), and the conviction of over 100 members of the state security forces for sexual violence during that period.<sup>211</sup>

Indicators of progress in eradicating sexual violence in this conflict are mixed. Alongside increased incidents of SGBV, human rights defenders pursuing sexual violence convictions have also reported intimidation by the authorities, most frequently in South Kivu province.<sup>212</sup> Moreover, in 2017, Twa militias were found to have committed the highest number of documented cases of sexual violence by a non-state group. Groups both supporting and opposing the government also commenced the use of sexual violence as a weapon of war, using taboo practices such as the rape of women in the presence of their relatives, forced acts of incest, and forcible removal of a foetus from the womb.<sup>213</sup>

## 5. Education

Despite progress in the education sector in recent years, the DRC has among the highest number of children out of school. Of those children who do attend school, UNICEF noted that 44 per cent start late, and only 67 per cent complete sixth grade. Further, of the 67 per cent of children who reach sixth grade, only 75 per cent will pass the exit exam,<sup>214</sup> precluding them from attending high school.

Congolese children are deprived of education for a number of reasons. Key among those reasons is the country's ongoing conflict; clashes between militias and security forces which have displaced families and left an estimated 3.4 million children in need of education as at April 2018.<sup>215</sup> Schools continue to be used and attacked by parties to the conflicts. Human Rights Watch reported that around 600 schools were attacked or destroyed between August 2016 and September 2017,<sup>216</sup> further reducing the number of children participating in education.<sup>217</sup> In 2017 alone, of the 1,000 reported attacks on schools, 396 were verified (compared with 68 verified attacks in 2016, an increase from 2015).<sup>218</sup> In April 2018, UNICEF reported that

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<sup>210</sup> 2018 SGSV Report, para. 38.

<sup>211</sup> 2017 SGSV Report, para. 35.

<sup>212</sup> 2017 SGSV Report, para. 35.

<sup>213</sup> 2018 SGSV Report, para. 36; May 2018 DRC Report, para. 36.

<sup>214</sup> USAID, 'Education: Democratic Republic of the Congo' (27 February 2018), available at <https://www.usaid.gov/democratic-republic-congo/education>, accessed 15 October 2018.

<sup>215</sup> UNICEF, 'DRC Humanitarian Situation Report: Situation in Numbers' (April 2018), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20DR%20Congo%20Humanitarian%20Situation%20Report%20-%20April%202018.pdf>, accessed 15 October 2018. .

<sup>216</sup> Human Rights Watch, 'World Report 2018: Events of 2017' (2017), available at [https://www.hrw.org/sites/default/files/world\\_report\\_download/201801world\\_report\\_web.pdf](https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf), accessed 15 October, p. 175.

<sup>217</sup> UNICEF, 'DR Congo: Children's access to education under threat from ongoing violence in Kasai region' (15 September 2017), available at <https://reliefweb.int/report/democratic-republic-congo/dr-congo-children-s-access-education-under-threat-ongoing-violence>, accessed 15 October 2018.

<sup>218</sup> 2018 SGCAC Report, para. 66; 2017 SGCAC Report, para. 67.



136 schools were burned in Djugu territory of Ituri province alone between January and March 2018.<sup>219</sup> For example, a rocket hit a school in Butembo in October 2016, killing two girls, two teachers, and injuring four other children.<sup>220</sup> During 2016, FARDC was reported to have used 19 schools in North Kivu, Tanganyika, and South Kivu for military purposes for a matter of weeks.<sup>221</sup>

The DRC has developed an Education Sector Plan for 2016-2025 to remedy the low level of accessibility of education to the DRC's children by improving access to, and the quality of, the education available to Congolese children, and improving the management of the education sector generally.<sup>222</sup> The plan is funded by major international donors including USAID and the UK Department for International Development.

## 6. Access to Healthcare

The DRC was reportedly once “renowned in Africa for its network of clinics, quality of physicians, and primary health care system”.<sup>223</sup> Today, it is estimated that 70 per cent of those living in DRC have little or no access to health care. Conflict as well as political and economic collapse have severely impacted the DRC's health system, resulting in a shortage of critical resources and medical supplies. In 2017, the UN verified 119 attacks on hospitals. The number of people in the DRC in need of health services has increased to exceed 13 million in 2018, including 7.8 million children.<sup>224</sup> One factor contributing to the increased needs was the reported widespread displacement and violence has led to the destruction of health centres since August 2016.<sup>225</sup> The lack of humanitarian access and insecurity for those providing health care further exacerbates the situation. For example, three Médecins Sans Frontières staff abducted in North Kivu in 2013 remain missing.

Severe food insecurity remains a key issue, affecting 7.7 million, a thirty per cent increase since 2016.<sup>226</sup> As a result, 2.2 million children suffer from severe acute malnutrition.<sup>227</sup> The situation is exacerbated by outbreaks of diseases such as cholera and Ebola Virus Disease (EVD). Although an outbreak in 2018 was

<sup>219</sup> UNICEF April 2018 Humanitarian Report.

<sup>220</sup> 2017 SGCAC Report, para. 67.

<sup>221</sup> 2017 SGCAC Report, para. 68.

<sup>222</sup> Global Partnership for Education.

<sup>223</sup> USAID, ‘Democratic Republic of Congo: Global Health’, available at <https://www.usaid.gov/democratic-republic-congo/global-health>, accessed 15 October 2018.

<sup>224</sup> UNICEF, ‘Democratic Republic of the Congo’ (5 January 2018), available at <https://www.unicef.org/appeals/drc.html>, accessed 7 June 2018 (‘Democratic Republic of the Congo’).

<sup>225</sup> Kasai: A Children's Crisis, p. 12. See also UNICEF, ‘Conflict in the Kasai, DRC’, available at <https://www.unicef.org/wca/conflict-kasai-drc>, accessed 19 June 2018.

<sup>226</sup> Food and Agriculture Organisation, ‘Food insecurity soars in conflict-ridden Democratic Republic of Congo’ (14 August 2017), available at <http://www.fao.org/news/story/en/item/1028934/icode/>, accessed 15 October 2018.

<sup>227</sup> Democratic Republic of the Congo Humanitarian Fund, ‘Humanitarian Fund Annual Report: 2017’ (2018), available at [https://reliefweb.int/sites/reliefweb.int/files/resources/DRC%20HF\\_Annual%20Report%202017.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/DRC%20HF_Annual%20Report%202017.pdf), accessed 15 October 2018. UNICEF has reported that by April 2018, that over 57,000 of its target 1.15 million children with severe acute malnutrition (SAM) were admitted to therapeutic care (including 48,226 treated through UNICEF-supported interventions). The country's most affected regions were Kasai Central, Kwilu and Kwango (UNICEF April 2018 Humanitarian Report).





contained and declared over in July 2018, EVD was recently declared for the tenth time in 40 years in August 2018.<sup>228</sup> It is worth noting that reporting on the EVD outbreak is limited, and may not accurately reflect the factual situation.<sup>229</sup> The ability of aid organisations and their humanitarian partners to reach those affected is restrained by the prevailing insecurity of the country and insufficient epidemiological information.<sup>230</sup> As a result, there are often delays in detection of initial cases, such that the WHO classifies the risk of EDV spreading within the DRC as very high.<sup>231</sup>

The limited availability of vaccination and other protection measures, shortfall of supplies required to treat the infection, and the limited functionality of those health centres operating in the country,<sup>232</sup> have contributed to a high mortality rate among those affected by EVD. Of the 62 cases reported as at 17 June 2018, 28 had resulted in death.<sup>233</sup> These problems have compounded the country's already precarious position in relation to access to health; in the year to June 2018 alone, surging violence caused ill effects to people in areas previously considered stable, undermining the ability of the DRC's children to capitalise on the opportunities available to them.<sup>234</sup>

Regional unrest, combined with difficulties relating to access to healthcare, are understood to have contributed to the cholera epidemics in January and November 2017 which resulted in a high number of fatalities<sup>235</sup> in what is reported to be one of the worst cholera outbreaks of the decade.<sup>236</sup> As of early September 2018, an outbreak of Yellow Fever was reported by the World Health Organisation, placing further pressure on the country's health infrastructure.<sup>237</sup>

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<sup>228</sup> Médecins Sans Frontières, 'New Ebola outbreak declared in North Kivu' (5 September 2018), available at <https://www.msf.org/new-ebola-outbreak-declared-north-kivu>, accessed 15 October 2018 ('MSF New Ebola Outbreak'); OCHA, 'About OCHA DRC,' available at <https://www.unocha.org/democratic-republic-congo-drc/about-ocha-drc>, accessed 15 October 2018 ('About OCHA DRC'). WHO, 'Ebola outbreak in DRC ends: WHO calls for international efforts to stop other deadly outbreaks in the country' (24 July 2018), available at <http://www.who.int/news-room/detail/24-07-2018-ebola-outbreak-in-drc-ends--who-calls-for-international-efforts-to-stop-other-deadly-outbreaks-in-the-country>, accessed 15 October 2018.

<sup>229</sup> Ministère de la Santé, 'Strategic Response Plan for the Ebola Virus Disease Outbreak: Democratic Republic of the Congo' (May 2018), available at <http://www.who.int/emergencies/crises/cod/DRC-ebola-disease-outbreak-response-plan-28May2018-ENfinal.pdf>, accessed 19 October 2018 ('May 2018 Strategic Response Plan'), p. 8.

<sup>230</sup> OCHA, 'About OCHA DRC,' available at <https://www.unocha.org/democratic-republic-congo-drc/about-ocha-drc> accessed 18 August 2018, para. 3.

<sup>231</sup> May 2018 Strategic Response Plan, p. 8.

<sup>232</sup> MSF New Ebola Outbreak, para. 6.

<sup>233</sup> World Health Organisation, 'Ebola situation reports: Democratic Republic of the Congo' (17 June 2018), available at <http://www.who.int/ebola/situation-reports/drc-2018/en/>, accessed 15 October 2018.

<sup>234</sup> About OCHA DRC.

<sup>235</sup> UNICEF, 'Kasai: A Children's Crisis, Coping with the impact of conflict in the Democratic Republic of the Congo' (May 2018), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/UN0206466.pdf>, accessed 15 October, p. 12; Start Network, 'Briefing Note - Cholera Outbreak in Greater Kasai' (28 June 2018), available at [https://reliefweb.int/sites/reliefweb.int/files/resources/20180628\\_acaps\\_start\\_drc\\_cholera\\_outbreak\\_greater\\_kasai.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20180628_acaps_start_drc_cholera_outbreak_greater_kasai.pdf), accessed 15 October 2018.

<sup>236</sup> Doctors Without Borders, 'DEC: Fighting the Country's Worst Cholera Epidemic in Decades' (25 January 2018), available at <https://www.doctorswithoutborders.org/what-we-do/news-stories/news/drc-fighting-countrys-worst-cholera-epidemic-decades>, accessed 19 October 2018.

<sup>237</sup> WHO, 'Yellow fever – Republic of the Congo: Disease Outbreak' (7 September 2018), available at <http://www.who.int/csr/don/7-september-2018-yellow-fever-congo/en/> accessed 15 October 2018.



## ANNEX I: KEY FACTS<sup>238</sup>

### Democratic Republic of the Congo in a Snapshot

	<b>Democratic Republic of the Congo</b>
<b>Geography</b>	<p><b>Climate:</b> tropical; hot and humid in equatorial river basin; cooler and drier in southern highlands; cooler and wetter in eastern highlands; north of Equator - wet season (April to October), dry season (December to February); south of Equator - wet season (November to March), dry season (April to October)</p> <p><b>Terrain:</b> vast central basin is a low-lying plateau; mountains in east</p> <p><b>Border countries:</b> Angola (2,646 km, of which 225 km is the boundary of Angola's discontinuous Cabinda Province), Burundi (236 km), Central African Republic (1,747 km), Republic of the Congo (1,229 km), Rwanda (221 km), South Sudan (714 km), Tanzania (479 km), Uganda (877 km), Zambia (2,332 km)</p> <p><b>Coastline:</b> 37 km</p>
<b>People</b>	<p><b>Population:</b> 83,301,151 (July 2017 est.)</p> <p><b>Median age:</b> 18.6 years</p> <p><b>Languages:</b> French (official), Lingala (a lingua franca trade language), Kingwana (a dialect of Kiswahili or Swahili), Kikongo, Tshiluba</p> <p><b>Ethnic groups:</b> over 200 African ethnic groups of which the majority are Bantu; the four largest tribes - Mongo, Luba, Kongo (all Bantu), and the Mangbetu-Azande (Hamitic) make up about 45% of the population</p> <p><b>Religions:</b> Roman Catholic 50%, Protestant 20%, Kimbanguist 10%, Muslim 10%, other (includes syncretic sects and indigenous beliefs) 10%</p>
<b>Economy</b>	<p><b>Capital:</b> Kinshasa (13.171 million)</p> <p><b>Major urban areas:</b> Mbuji-Mayi 2.305 million; Lubumbashi 2.281 million; Kananga 1.335 million; Kisangani 1.167 million; Bukavu 973,000; Tshikapa 821,000 (2018)</p> <p><b>GDP (purchasing power parity):</b> \$67.99 billion (2017 est.)</p> <p><b>GDP per capita:</b> \$800 (2017 est.)</p>

<sup>238</sup> Central Intelligence Agency, 'Congo, Democratic Republic of the' (The World Factbook, 28 May 2018), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html> accessed 19 October 2018.





<b>Children and youth</b>	<b>Population under age of 25:</b> 63.20% <b>Unemployment (ages 15-24):</b> n/a% <b>Child labour (ages 5-14):</b> 15% <sup>239</sup> <b>Legal age of conscription:</b> 18 (note: 18-45 years of age for voluntary and compulsory military service)
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<sup>239</sup> UNICEF, 'Democratic Republic of the Congo - Statistics', available at [https://www.unicef.org/infobycountry/drcongo\\_statistics.html](https://www.unicef.org/infobycountry/drcongo_statistics.html), accessed 19 October 2018.



## Relevant UN Security Council Resolutions

**Framework and Ad-hoc Arrangements** – Resolutions 1258 (6 August 1999), 1457 (24 January 2003), 1484 (30 May 2003), 1493 (28 July 2003), 1653 (27 January 2006), 1671 (25 April 2006), 1698 (31 July 2006), 1804 (13 March 2008), 1820 (19 June 2008), 2076 (20 November 2012), 2389 (8 December 2017).

**Panel of Experts** – Established by Resolution 1533 (12 March 2004) and re-established by Resolution 1654 (31 January 2006).

**Sanctions regime** – Established by Resolution 1533 (12 March 2004), extended by Resolutions 1596 (18 April 2005), 1616 (29 July 2005), 1649 (21 December 2005), 1768 (31 July 2007), 1771 (10 August 2007), 1799 (15 February 2008), 1807 (31 March 2008), 1857 (22 December 2008), 1896 (30 November 2009), 1952 (29 November 2010), 2021 (29 November 2011), 2078 (28 November 2012), 2136 (30 January 2014), 2198 (29 January 2015), 2293 (23 June 2016), 2360 (21 June 2017).

**UN Nations Mission in South Sudan (MONUSCO)** – Established by Resolution 1279 (30 November 1999), and mandate extended and adjusted by Resolutions 1291 (24 February 2000), 1565 (1 October 2004), 1592 (30 March 2005), 1621 (6 September 2005), 1635 (28 October 2005), 1650 (21 December 2005), 1669 (10 April 2006), 1693 (30 June 2006), 1711 (29 September 2006), 1736 (22 December 2006), 1742 (15 February 2007), 1751 (13 April 2007), 1756 (15 May 2007), 1797 (21 December 2007), 1843 (20 November 2008), 1856 (22 December 2008), 1906 (23 December 2009), 1925 (28 May 2010), 1991 (28 June 2011), 2053 (27 June 2012), 2098 (28 March 2013), 2147 (28 March 2014), 2211 (26 March 2015), 2277 (30 March 2016), 2348 (31 March 2017), 2409 (27 March 2018).



## Child Protection Legislation

<b>National</b>	<ul style="list-style-type: none"> <li>▪ Labor Code 2002</li> <li>▪ Child Protection Code 2009</li> <li>▪ Ministerial Order No. 12 (55)</li> <li>▪ Ministerial Order No. 68 (13)</li> <li>▪ Decree No. 09/38 (establishing The National Agency to Combat Violence against Women and Girls)</li> <li>▪ Constitution of the Democratic Republic of the Congo 2005</li> <li>▪ Penal Code 2004</li> <li>▪ Family Code Amendment Act 2016</li> <li>▪ Code of Criminal Procedure 2006</li> </ul>
<b>International</b>	<ul style="list-style-type: none"> <li>▪ Convention on the Rights of the Child</li> <li>▪ Optional Protocol on the Involvement of Children in Armed Conflict</li> <li>▪ Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography</li> <li>▪ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</li> <li>▪ ILO Convention on the Worst Forms of Child Labour</li> <li>▪ African Charter on Human and Peoples' Rights</li> <li>▪ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</li> <li>▪ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</li> <li>▪ Geneva Conventions and Additional Protocols</li> </ul>



## ANNEX II: TIMELINE OF NOTABLE EVENTS

### 1879-1959

Congo and the surrounding area are subject to colonisation by Belgium. The area is known as the Belgian Congo.

### 1960

June: Congo gains its independence (30 June). Patrice Lumumba becomes prime minister, and Joseph Kasavubu becomes president.

July: Congolese army mutinies; the Katanga region is declared independent by Moïse Tshombé; Belgian troops move in to protect Belgian citizens and Belgian mining interests; UN Security Council sends troops to restore order, without intervening in the internal affairs of the country.

September: Kasavubu dismisses Lumumba from his post as prime minister.

December: Lumumba is arrested.

### 1961

February: Lumumba is murdered with the alleged complicity of the US and Belgium.

August: UN troops begin disarming Katangese soldiers.

### 1963

Tshombé agrees to end Katanga's secession.

### 1964

President Kasavubu appoints Tshombé prime minister.

### 1965

Kasavubu and Tshombé ousted in a coup led by Joseph Mobutu.

### 1970

Mobutu elected president (re-elected in 1977 and 1984, despite repeated allegations of election fraud).

### 1971

Congo renamed Zaire.

### 1989

Zaire defaults on loans from Belgium, causing the cancellation of development aid and deterioration of the economy.

### 1990

Mobutu ends the ban on multiparty politics and appoints a transitional government, but he still retains substantial powers.



## 1991

Mobutu forms coalition government with opposition leaders but retains control of the security apparatus and key ministries.

## 1994

Mobutu appoints Kengo Wa Dondo (an advocate of austerity and free-market reforms) as prime minister.

## 1996-97

While Mobutu is abroad for medical treatment, Rwandan-led Tutsi rebels capture large portions of eastern Zaire in what is known as the First Congo War. Mobutu is replaced by rebel leader Laurent Kabila, who later becomes president.

## 1998

The Second Congo War, eventually involving nine countries and 20 rebel groups, breaks out.

## 1999

July: The heads of state of Angola, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia, and Zimbabwe sign an agreement in Lusaka, Zambia in an attempt to end the conflict (Lusaka Ceasefire Agreement).

November: The Security Council establishes the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (renamed MONUSCO in 2010).<sup>240</sup>

## 2000

January: UN observers report on the viability of deploying peacekeepers; the UN sends 5,500 peacekeepers to the DRC. Without western support and following a breakdown of the Lusaka Ceasefire Agreement, the UN deployment is postponed indefinitely.

July: The Organization of African Unity (OAU) conference takes place in Algiers. President Kabila offers a general amnesty to those involved in the civil war, but the opposition Rally for Congolese Democracy (RCD) faction rejects the offer and vows to continue fighting until Laurent Kabila steps down.

November: Angola, Zimbabwe and Namibia officially reconfirm their support for Laurent Kabila. However, the alliance is increasingly under strain.

## 2001

Joseph Kabila is named head of state following the assassination of his father, Laurent Kabila.

## 2002

October - December: The withdrawal of Rwandan forces occupying eastern Congo is negotiated and the Pretoria Accord is signed by all remaining warring parties, leading to a cessation of the fighting.

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<sup>240</sup> MONUSCO, 'United Nations Organization Stabilization Mission in The DR Congo-Timeline' (2018), available at <https://monusco.unmissions.org/en/timeline>, accessed 19 October 2018.



## 2003

A transitional government is established.

## 2004

Government of DRC deploys 10,000 troops on the border with Rwanda, allegedly to address dissident forces along the border.

## 2005

June: Scheduled elections are postponed for six months (later postponed again until July 2006).

September: The deadline for foreign militias to leave the DRC passes. The DRC promises to retaliate against any forces, old or new, that violate its sovereignty

October: Uganda calls on the DRC to join a military operation aimed at attacking the rebel Lord's Resistance Army.

December: A constitutional referendum is held; new constitution adopted with the approval of 84% of voters. The International Court of Justice (ICJ) rules in favour of the DRC in a case about the invasion of DRC territory by Uganda.<sup>241</sup>

## 2006

February: The constitution approved by referendum in December 2005 comes into force.

March: Thomas Lubanga is the first war crimes suspect to be charged by the ICC in The Hague.

May: Large numbers are displaced in north-east DRC as FARDC and MONUSCO attempt to disarm irregular forces ahead of the elections.

July: The first free elections in forty years are held, but there is no clear winner. Clashes occur in the capital between supporters of incumbent leader Joseph Kabila and opposition candidate Jean-Pierre Bemba.

November - December: Joseph Kabila is elected and inaugurated as president.

## 2007

March: Forces loyal to opposition leader Jean-Pierre Bemba clash with DRC forces in Kinshasa.

April: DRC, Rwanda and Burundi relaunch the regional economic bloc called the Great Lakes Countries Economic Community, known under its French acronym CEPGL. Jean-Pierre Bemba leaves for Portugal, ending a three-week political stalemate in Kinshasa, during which he shelters in the South African embassy.

May: The UN investigates allegations of gold and arms trafficking by UN peacekeepers in Ituri region.

June: Radio Okapi broadcaster Serge Maheshe becomes the third journalist killed in the DRC since 2005 when he is shot dead in Bukavu.

August: Uganda and the DRC reach an agreement to attempt to resolve a border dispute.

September: Ebola outbreak in DRC.

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<sup>241</sup> Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Merits, [2005] ICJ. Reports 168.



## 2008

UN Security Council agrees to send more peacekeeping troops to DRC, largely in response to conflicts between factions of Hutus, Tutsis, Rwandan militia, Ugandan forces and Congolese army deserters in eastern provinces along the borders with Rwanda and Burundi.<sup>242</sup>

## 2009

January: A five-week Joint DRC-Rwandan military operation against Tutsi rebels is led by Laurent Nkunda. Nkunda is displaced by Bosco Ntaganda and arrested in Rwanda.

February: UN peacekeepers are accused by Médecins San Frontières of failing to protect civilians from LRA rebels in DRC.

April: Thousands flee after Hutu militia re-emerge after the joint DRC-Rwanda campaign in the east ends.

May: Kabila approves law giving amnesty to armed groups as part of a deal meant to end fighting in the east of the DRC.

June: International Criminal Court orders ex-vice president Jean-Pierre Bemba to stand trial on charges of war crimes for his troops' actions in Central African Republic between 2002 and 2003.

August: Then-US Secretary of State Hillary Clinton visits Goma and promises \$17 million worth of aid to help victims of sexual violence.

December: UN extends mandate of MONUC for five months, as a step to full withdrawal by mid-2010.

## 2010

May: Government pressures UN peacekeepers to leave before elections in 2011. UN opposes this demand

June: Human rights advocate Floribert Chebeya is summoned to meet the chief of police, but is found dead a day before the planned meeting.

Celebrations mark 50 years of independence.

June-August: Operation Rwenzori against Ugandan ADF-NALU rebels prompts 90,000 people to flee in North Kivu province.

October: UN reports that killing of Hutus in DRC between 1993 and 2003 may constitute crimes of genocide. It implicates Rwanda, Uganda, Burundi, Zimbabwe and Angola.

November: UN reports widespread rape during mass expulsion of illegal migrants from Angola.

## 2011

January: The DRC constitution is amended to eliminate the multi-round run-off vote system used during the 2006 elections.

February: Court sentences Lt-Col Kibibi Mutware to 20 years in jail in a mass rape case in eastern DRC. This is the first conviction of a commanding officer for rape in DRC.

May: Rwandan Hutu rebel Ignace Murwanashyaka goes on trial in Germany for alleged crimes against humanity in DRC.

November: Kabila is re-elected for a third term.

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<sup>242</sup> Worldatlas.com, 'Democratic Republic of The Congo Timeline' (2018) available <https://www.worldatlas.com/webimage/countrys/africa/drc/cdtimeln.htm> accessed 12 June 2018



## 2012

July: Thomas Lubanga is convicted by the ICC and sentenced to 14 years imprisonment for recruitment and use of children in armed conflict in 2002 and 2003.

October: The UN Security Council announces its intention to impose sanctions against leaders of the M23 rebel movement and violators of the DRC arms embargo.

## 2013

The country is ranked 154th of the 177 countries assessed by Transparency International's Corruption Perceptions Index.<sup>243</sup>

February: Representatives of 11 African countries sign an accord (the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region) in Ethiopia, pledging to end the conflict in DRC. The M23 rebel group declares a ceasefire ahead of the talks.<sup>244</sup>

March: Bosco Ntaganda (M23 founder) surrenders to US embassy in Rwanda and faces war-crimes charges at the ICC.

July: 3,000-member of the UN Intervention Brigade are deployed to fight and disarm rebels in the east.

December: M23 signs peace deal with government after the last of M23's strongholds in the east is captured.

## 2014

February: Mai Mai militias are accused by the UN of killing more than 70 civilians in the Masisi area of North Kivu.

March: ICC finds Germain Katanga (FRPI militia leader) guilty of war crimes related to the 2003 massacre of villagers in Ituri.

June: Rwandan and DRC troops clash on the DRC-Rwanda border.

## 2016

March: UN Security Council unanimously passes Resolution 2277 extending MONUSCO's mandate until 31 March 2018.<sup>245</sup>

May: Ex-Katanga governor Moïse Katumbi declares intention to run for president, but is subsequently threatened with arrest and leaves the country to seek medical treatment.

November: Prime Minister Augustin Matata Ponyo and his cabinet resign, with the new cabinet set to include opposition figures, after President Kabila's ruling coalition and the opposition reach a deal to delay the presidential election until 2018.

December: Kabila refuses to step down as president, despite expiration of his appointed term.

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<sup>243</sup> Transparency International, 'Overview of Corruption and Anti-Corruption in The Democratic Republic of Congo (DRC)', available at [https://www.transparency.org/files/content/corruptionqas/Country\\_Profile\\_DRC\\_2014.pdf](https://www.transparency.org/files/content/corruptionqas/Country_Profile_DRC_2014.pdf), accessed 12 June 2018.

<sup>244</sup> BBC, 'Democratic Republic of Congo profile - Timeline' (14 May 2018), available at <https://www.bbc.com/news/world-africa-13286306>, accessed 9 June 2018.

<sup>245</sup> MONUSCO, 'United Nations Organization Stabilization Mission in The DR Congo-Timeline' (2018), available <https://monusco.unmissions.org/en/timeline> accessed 18 August 2018.





## 2017

March: two UN investigators are summarily executed by armed men as they investigate human rights abuses in the Kasai region.<sup>246</sup>

May: The European Union announces targeted sanctions against eight senior government and security officials.

June: The United States imposes targeted sanctions against General François Olonga, the military chief of staff of president Kabila.<sup>247</sup>

July: Unidentified armed men shoot a judge who refuses to rule against opposition leader and presidential aspirant Moïse Katumbi.<sup>248</sup>

November: National elections are set for 23 December 2018.<sup>249</sup>

## 2018

January: The UN Security Council releases a statement urging compliance with, and reaffirming support for, international agreements.<sup>250</sup>

May: Ministry of Health declares an outbreak of the Ebola virus in Bikoro Health Zone.<sup>251</sup>

July: President Kabila postpones a visit from the UN Secretary-General and refuses to meet with US Ambassador to the UN.<sup>252</sup> The World Health Organization declares an end to the Ebola outbreak.<sup>253</sup>

August: Kabila spokesperson announces that the President will not be seeking re-election. New Ebola outbreak declared in North Kivu.

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<sup>246</sup> Human Rights Watch, 'Democratic Republic of Congo: Country Summary' (January 2018), available at <https://reliefweb.int/report/democratic-republic-congo/world-report-2018-democratic-republic-congo-events-2017>, accessed 18 August 2018

<sup>247</sup> Human Rights Watch, 'Democratic Republic of Congo: Country Summary' (January 2018), available at <https://reliefweb.int/report/democratic-republic-congo/world-report-2018-democratic-republic-congo-events-2017>, accessed 18 August 2018.

<sup>248</sup> Human Rights Watch, 'Democratic Republic of Congo: Country Summary' (January 2018), available at <https://reliefweb.int/report/democratic-republic-congo/world-report-2018-democratic-republic-congo-events-2017>, accessed 14 June 2018

<sup>249</sup> Human Rights Watch, 'Democratic Republic of Congo: Country Summary' (January 2018) available at <https://reliefweb.int/report/democratic-republic-congo/world-report-2018-democratic-republic-congo-events-2017>, accessed 14 June 2018

<sup>250</sup> MONUSCO, 'United Nations Organization Stabilization Mission in The DR Congo' (2018), available <https://monusco.unmissions.org/en/timeline> accessed 12 June 2018.

<sup>251</sup> World Health Organization, 'Ebola situation reports: Democratic Republic of the Congo: Ebola Outbreak in DRC: 11 May 2018', available <http://www.who.int/ebola/situation-reports/drc-2018/en/> accessed 1 July 2018.

<sup>252</sup> Global Conflict Tracker, 'Democratic Republic of Congo: Recent Developments', available <https://www.cfr.org/interactives/global-conflict-tracker?marker=4#!/conflict/violence-in-the-democratic-republic-of-congo> accessed 11 July 2018.

<sup>253</sup> World Health Organization, 'WHO declares an end to the Ebola outbreak in the Democratic Republic of Congo', available, <https://www.afro.who.int/news/who-declares-end-ebola-outbreak-democratic-republic-congo> accessed 14 August 2018.



## ANNEX III: RECOMMENDED READING

Human Rights Watch, 'World Report 2018: Events of 2017' (2018).

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