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**Q11004 - Democratic Republic of Congo - Researched and compiled by the Refugee Documentation Centre of Ireland on 1 October 2009.**

**Information on child soldiers in the DRC. Forced conscription into the DRC army. Forced conscription of minors into the DRC army**

A report by the *US Department of State* under the heading '2008 Human Rights Report: Democratic Republic of the Congo' subheading 'Use of Excessive Force and Other Abuses in Internal Conflicts' states:

"Military preparations during the year, and the fighting itself, led to further depredations against civilians by members of security forces and armed groups, led to further recruitment of child soldiers and dozens of attacks on humanitarian groups, and temporarily halted humanitarian aid to many of North Kivu Province's displaced persons." (US Department of State (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*)

It also states:

"According to a report released in November by the UN Secretary-General, there continued to be 3,500 children in the ranks of all armed groups and in a few units of government security forces in the east, with the overwhelming majority of them found in armed groups, serving as combatants, porters, spies, and sex slaves. Despite their commitments given at the January Goma peace conference to immediately demobilize children, armed groups continued to actively recruit child soldiers into their ranks, and child protection agencies reported a surge in forcible recruitment of children in North Kivu Province by armed groups in November, particularly by the CNDP and Mai-Mai. According to a September Amnesty International report, for every two children demobilized, five were recruited. While there were a few reports of child recruitment during the year by a nonintegrated FARDC brigade, most reports indicated that the FARDC was no longer systematically recruiting children. UN officials estimated that between 200 and 300 children remained within the FARDC's nonintegrated brigades, particularly in the 81st and 85th brigades." (ibid)

It also states:

"Since 2004 more than 31,000 children have been released from the FARDC and rebel groups. However, in addition to the estimated 3,500 children being held by armed groups and a few FARDC units before the escalation of violence in August, many of the 2,200 child soldiers demobilized and reunited with their families during the year were re-recruited by armed groups, according to Save the Children." (ibid)

It also states under the heading 'Abuses by Government Security Forces'

“The use and treatment of child soldiers by FARDC elements remained a problem. In a report released in December, the UN Group of Experts presented evidence that the 85th Nonintegrated Brigade recruited children into its ranks shortly after having facilitated the release of 30 children in May. In addition, the UN Group of Experts and MONUC Child Protection expressed concern about frequent reports of the prolonged detention of children at detention centers following their separation from armed groups; the group noted that this practice often involved the interrogation of children and inhumane treatment.” (ibid)

It also states under the heading ‘National Congress for the Defense of the People (CNDP)’:

“Forces loyal to former FARDC general Nkunda, believed to number between 4,000 and 7,000 combatants, continued to commit serious abuses in North Kivu Province following the disintegration of the mixed brigades in 2007. On October 2, Nkunda publicly announced that the CNDP had organized itself as the Movement of Total Liberation of the Republic and withdrew from the Amani process while declaring it dead. According to MONUC, there were frequent reports of beatings, abductions, forced displacement, extortion at road blocks, looting, and forced labor in territories controlled by the CNDP, including the forced recruitment of child soldiers.” (ibid)

A report by *Amnesty International* under the heading ‘Amnesty International Report 2009 - DR Congo’ subheading ‘Child soldiers’ states:

“An estimated 3,000 to 4,000 children were still serving with armed groups in 2008. Many children reportedly also still served with the army, although the FARDC formally ended the recruitment of children in 2004. UN and NGO child protection and community reintegration programmes for former child soldiers remained under-resourced.

There were new recruitments of children by armed groups in North Kivu and some other areas. Children were sometimes forcibly recruited in groups. Demobilized children were also targeted. The army also used children as porters during combat operations in North Kivu in September and October. The LRA reportedly abducted at least 160 children from several villages in Dungu territory.” (Amnesty International (28 May 2009) *Amnesty International Report 2009 - DR Congo*)

A report by *Human Rights Watch* under the heading ‘Congo Advocacy Coalition Update on Protection of Civilians in Eastern Congo’s Peace Process’ subheading ‘Disarming armed groups, ending recruitment and demobilizing child soldiers’ states:

“Recruitment of combatants, both voluntary and forced, amongst a range of armed groups in North and South Kivu, continued despite the ceasefire and intensified during the past three months. Some of these groups were largely dormant before the peace talks. Former demobilized soldiers and combatants have been targeted for re-recruitment, raising concerns about the effectiveness and sustainability of previous demobilization programs.”(Human Rights Watch (23 January 2008) *Congo Advocacy Coalition Update on Protection of Civilians in Eastern Congo’s Peace Process*)

It also states:

“While there are no reports of large-scale recruitment of children since the signing of the Goma agreement, sporadic recruitment by some armed groups has continued. Moreover, there has been limited progress on the demobilization of the estimated 2,500-3,000 children who remain in the ranks of armed groups and in some units of the Congolese army. Child protection agencies began screening troops for children in mid-April, but their activities stalled due to coordination issues between UN agencies, and only restarted in early July. Following two joint missions, a total of 47 children were separated from armed groups. Outside of these missions, at least a further 507 children have been demobilized since January. In June, the government launched a national program of “zero tolerance” for the recruitment and use of children by armed groups and committed to taking further action on demobilizing all associated children.” (ibid)

A report by the *Coalition to Stop the Use of Child Soldiers* under the heading ‘Child Soldiers Global Report 2008 - Congo, Democratic Republic of the’ states:

“Children were recruited and used by all parties to the armed conflict for combat and support roles, and thousands of girls were used as sexual slaves. An estimated 30,000 children were awaiting demobilization from armed forces and other parties to the armed conflict at the end of 2003. Child recruitment by the former Congolese army officially ended in 2003, although some children remained in individual units. National army unification and the national disarmament, demobilization and reintegration (DDR) programs did not begin in earnest until 2005; some 30,000 children had been demobilized by mid-2007. Thousands of others, including many girls, escaped, were abandoned or left the armed forces without being officially demobilized. From 2005 the UN reported an overall reduction in child-soldier recruitment and use by armed forces and groups – a consequence of a decrease in the number of active fighting zones, the progressive incorporation of armed groups into the national army and the associated demobilization process for adults and children. However, some 7,000 child soldiers remained in armed groups and the Armed Forces of the DRC (Forces armées de la République démocratique du Congo, FARDC). Active recruitment continued in some areas in 2007, particularly in North Kivu.” (Coalition to Stop the Use of Child Soldiers (20 May 2008) *Child Soldiers Global Report 2008 - Congo, Democratic Republic of the*)

It also states under the heading ‘National recruitment legislation and practice’

“The 2004 Defence and Armed Forces Law prohibited the individual requisition of one or more children below the age of 18 in the event of a mobilization (Article 10) and the maintenance of a youth army or youth subversive group (Article 41). Responsibility for child-soldier demobilization was held by the Minister of National Defence, Demobilization and Former Combatants (Article 25). A previous decree-law, of 9 June 2000, ordered the demobilization of children below the age of 18 from armed forces and groups. A May 2005 circular issued by the military prosecutor instructed regional and local military prosecutors to initiate proceedings against all those accused of child recruitment or use in military operations. The same circular instructed

military prosecutors to refer illegally recruited children accused of crimes to a competent civilian court, or to the official DDR program for demobilization.

A comprehensive Child Protection Code was awaiting approval by parliament in October 2007. The code prohibited the forced recruitment of children or their use in armed conflict (Article 50a), as well as the enlistment or use of children in the national armed forces, the police and armed groups (Article 73). Prison terms of between ten and 20 years were specified for these offences (Article 193). The code criminalized rape, (Article 175) and sexual slavery (Article 189), with prison terms of 7-25 and 10-25 years respectively. A wide range of other acts of sexual violence and exploitation were criminalized by the code." (ibid)

It also states under the heading 'Child recruitment and deployment'

"Children remained in FARDC units which had completed the army unification program (known as integrated units) and in those awaiting unification (non-integrated units). In mid-2006 more than 26 cases of child recruitment and other violations by FARDC were brought to the attention of FARDC chief of staff by MONUC. Children were seen in FARDC brigades in Kasai Occidental, Katanga and South Kivu. FARDC troops undergoing redeployment in Ituri and the Kivus abducted children to carry equipment and belongings. In mid-2007 local sources reported seeing children used as guards and "wives" in integrated and non-integrated units in the Fizi area, South Kivu. Children interviewed complained of lack of food and harsh conditions. Some child soldiers were abandoned by commanders en route to unification centres in several locations, including South Kivu and Katanga, possibly for fear of prosecution. Children captured from armed groups were detained by FARDC members in order to gather information on armed groups or to extort money from family members. Some had been beaten while in detention. Former child soldiers faced intimidation and harassment by FARDC members, including non-respect for their official demobilization certificates" (ibid)

A report by the *Integrated Regional Information Networks* (IRIN) under the heading 'DRC: In Brief: Fears over child soldiers' states:

"More child soldiers are to be demobilised in South Kivu Province, but concerns remain because some of those freed earlier have ended up in the national army, Radhika Coomaraswamy, special representative of the Secretary-General for children and armed conflict, has told a news conference in Kinshasa.

About 1,200 children have been released from various militias since January. However, any that have joined specially designated brigades within the national army will not be allowed to stay.

"The new Congolese army cannot afford to have children in its ranks and the integration process is a unique opportunity to identify and release them," she said" (IRIN News (22 April 2009) *DRC: In Brief: Fears over child soldiers*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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