



Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Democratic Republic of the Congo

1. During a closed videoconference meeting held on 6 November 2020, the Working Group on Children and Armed Conflict examined the seventh report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2020/1030), covering the period from 1 January 2018 to 31 March 2020, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Chargé d'affaires of the Democratic Republic of the Congo also addressed the Working Group (see annex).

2. The members of the Working Group welcomed the report of the Secretary-General, in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group expressed deep concern at the six grave violations, which continue to be committed against children affected by the armed conflict in the Democratic Republic of the Congo; they were particularly concerned by the persistent high number of violations and of children affected, in particular by recruitment and use, abductions and sexual violence, the large majority of which were committed by multiple armed groups; they urged all parties to conflict to end and prevent such violations and uphold their responsibilities in accordance with international human rights law and international humanitarian law; they further expressed concern at the rise in intercommunal conflict that takes a heavy toll on children; they welcomed the continued commitment of the Government to consolidate the gains of its action plan to sustainably prevent the recruitment and use of children by its armed and security forces and urged it to swiftly, fully and effectively implement all aspects of the action plan, including those related to sexual violence against children. Recognizing progress made in relation to prosecuting perpetrators of the six grave violations against children, they urged the Government to prioritize accountability and redouble its efforts to fight impunity; they acknowledged efforts of the United Nations country task force on monitoring and reporting in the Democratic Republic of the Congo; and they expressed concern about the impact of the coronavirus disease (COVID-19) pandemic on the Democratic Republic of the Congo, which negatively affects children in armed conflict.

4. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions



1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018), the Working Group agreed to the direct action set out below.

Public statement by the Chair of the Working Group

5. The Working Group agreed to address the following message to all parties to armed conflict in the Democratic Republic of the Congo, through a public statement by its Chair:

(a) Strongly condemning all violations and abuses that continue to be committed against children in the Democratic Republic of the Congo, expressing grave concern at the disproportionate negative impact of the COVID-19 pandemic on children, urging all parties to the conflict to immediately end and prevent all abuses and violations of applicable international law involving the recruitment and use of children, abduction, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals and denial of humanitarian access, and to comply with their obligations under international law;

(b) Calling upon the parties to further implement the previous conclusions of the Working Group on Children and Armed Conflict in the Democratic Republic of the Congo ([S/AC.51/2018/2](#));

(c) Reaffirming the importance of accountability for all violations and abuses against children in armed conflict; stressing that all perpetrators of such acts must be swiftly brought to justice and held accountable, without undue delay, including through timely and systematic investigation, prosecution and, as appropriate, conviction and punishment, noting that some of the above-mentioned acts are prohibited and criminalized under Law No. 09/001 on the protection of the child, adopted by the Government of the Democratic Republic of the Congo on 10 January 2009, including the recruitment and use of children by national armed forces or non-State armed groups; and further stressing the need to ensure that all survivors have access to justice and to provide remedies to those victims, including the medical and support services they need;

(d) Further noting that on 19 April 2004 the Government of the Democratic Republic of the Congo referred the situation in the Democratic Republic of the Congo to the Prosecutor of the International Criminal Court, and that some of the acts mentioned in paragraph 5 (a) may amount to crimes under the Rome Statute of the International Criminal Court, to which the Democratic Republic of the Congo is a State party;

(e) Condemning the recruitment and use of a high number of children by armed groups; noting the decrease in the number of children recruited; strongly urging all parties to the conflict to immediately and without preconditions release all children associated with them, hand over all children within their ranks to civilian child protection actors for their full reintegration through family- and community-based reintegration programmes and end and prevent further recruitment and use of children in line with their obligations as set out in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(f) Expressing deep concern at the high number of children killed and maimed, including as a direct or indirect result of ethnic strife, rising intercommunal violence, hostilities between parties to armed conflict, crossfire during armed clashes among armed groups or military operations by the Forces armées de la République démocratique du Congo (FARDC), incidents of indiscriminate attacks against civilian populations and explosive remnants of war, and urging all parties to comply with their obligations under international humanitarian law, in particular the principles of

distinction and proportionality and the obligation to take all feasible precautions to avoid and in any event minimize harm to civilians and civilian objects;

(g) Expressing grave concern about the ongoing prevalence of rape and other forms of sexual violence against children perpetrated by armed groups and government security forces; noting that such acts include forced marriage and sexual slavery; strongly urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective forces or groups; stressing the importance of accountability for those who commit sexual and gender-based violence against children; and noting with concern the underreporting of the prevalence of cases of sexual violence against children due to fear of retaliation by perpetrators who sometimes live in or near the community, stigmatization and rejection by families and communities, widespread impunity and the lack of adequate medical and support services for survivors;

(h) Condemning the continuation of attacks on schools and hospitals, the majority of which were verified as having been committed by armed groups; noting the significant decrease of such attacks during the reporting period; calling upon all parties to armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, as such, and to end and prevent attacks or threats of attacks against those institutions and their personnel as well as the military use of schools and hospitals, as guided by the Safe Schools Declaration, which was endorsed by the Government of the Democratic Republic of the Congo in July 2016;

(i) Condemning instances of abduction of children, the overwhelming majority of which were committed by armed groups, including for the purposes of recruitment and use, rape and other forms of sexual violence, and child labour; noting the significant decrease of cases during the reporting period; and urging all relevant parties to immediately release without preconditions all abducted children to relevant civilian child protection actors;

(j) Expressing grave concern at incidents of denial of humanitarian access affecting 9,000 children, including attacks on humanitarian personnel, and calling upon all parties to the conflict to allow and facilitate, in accordance with international law, including international humanitarian law, safe, timely and unhindered humanitarian access, consistent with United Nations guiding principles of humanitarian assistance as well as the humanitarian principles of humanity, neutrality, impartiality and independence, to respect the exclusively humanitarian nature and impartiality of humanitarian aid and to respect the work of all United Nations agencies and their humanitarian partners without adverse distinction;

(k) Urging those who are or will be engaged in peace talks and agreements, including the Force de résistance patriotique en Ituri (FRPI) process, to ensure that child protection provisions, including the release and reintegration of children, as well as provisions on the rights, well-being and empowerment of children, are integrated into the peace talks and agreements, as appropriate, with the support of the United Nations and guided by, inter alia, the *Practical Guidance for Mediators to Protect Children in Situations of Armed Conflict*;

To the Government of the Democratic Republic of the Congo

(l) Welcoming the continued commitment of the Government of the Democratic Republic of the Congo to consolidate the gains of its action plan to end and prevent the recruitment and use of children, sexual violence and the other four grave violations against children, to sustainably prevent the recruitment and use of children by its armed and security forces, including through the institutionalization

of measures and mechanisms therein; welcoming in this regard the support provided by national and international actors aimed at strengthening the capacity of FARDC to prevent and end the six grave violations against children; and urging the Government to accelerate the implementation of all aspects of the action plan, including those related to sexual violence against children, given that FARDC and other security forces remain significant perpetrators of this violation;

(m) Expressing concern about the continued deprivation of liberty of children for their alleged association with armed groups in violation of the directives issued in 2013 by the Minister of Defence and the Agence nationale de renseignements to immediately hand over children formerly associated with armed groups to child protection actors to facilitate their return and full integration; stressing that children associated or allegedly associated with armed groups, including those arrested during military operations, should be treated primarily as victims; urging in this regard the Government to comply with its obligations under the Convention on the Rights of the Child, in particular that the arrest, detention and imprisonment of children should be used only as a measure of last resort and for the shortest appropriate period of time, in line with international law, and that in actions concerning children the best interests of the child should be a primary consideration; and calling upon the Government to prioritize their reintegration through family- and community-based reintegration programmes, guided by the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), which it has endorsed;

(n) Recognizing progress made in relation to prosecuting perpetrators of the six grave violations against children, in particular recruitment and use and sexual violence; noting that prosecutions have included members of the government security forces; urging the Government to pursue its efforts towards accountability, including through comprehensive, independent, timely and systematic investigation, and, as appropriate, conviction and punishment, of anyone found to be responsible, including those in positions of command, and to provide access to non-discriminatory and comprehensive specialized services, including psychosocial, health, legal and livelihood support and services to survivors, and welcoming the recent conviction of Ntabo Ntaberi Sheka of the Nduma défense du Congo armed group for war crimes including rape, sexual slavery and the recruitment of children;

(o) Recalling the endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict by the Government of the Democratic Republic of the Congo and calling for their swift implementation, and encouraging the Government to ensure that attacks on schools are investigated and that those responsible are duly prosecuted;

(p) Encouraging the Government to focus on long-term and sustainable reintegration and rehabilitation opportunities for children affected by armed conflict through family- and community-based reintegration programmes that are gender- and age-sensitive, including equal access to health care, psychosocial support and education programmes, as well as raising awareness and working with communities to avoid stigmatization of these children and facilitate their return, while taking into account the specific needs of girls and boys, to contribute to the well-being of children and to sustainable peace and security; and in that regard calling upon the Government to ensure that in all disarmament, demobilization and reintegration programmes and peace agreements with armed groups the rights and protection needs of children are made a priority, including the unconditional release of children by armed groups, with the best interests of the child as a primary consideration;

To armed groups, including Nyatura, Mai-Mai Mazembe and other Mai-Mai groups, including Apa Na Pale, Kamuina Nsapu, Allied Democratic Forces (ADF) and Conseil national pour le renouveau et la démocratie (CNRD)

(q) Expressing its deep concern about the continued presence and ongoing destabilizing activities in the Democratic Republic of the Congo of a large number of armed groups and their harmful impact on children, in particular Nyatura, Mai-Mai Mazembe and other Mai-Mai groups, including Apa Na Pale, Kamuina Nsapu, Allied Democratic Forces (ADF) and Conseil national pour le renouveau et la démocratie (CNRD);

(r) Further calling upon all non-State armed groups to publicly express their commitment to end and prevent all violations and abuses committed against children, and to expeditiously develop, adopt and implement action plans in line with Security Council resolutions [1612 \(2005\)](#), [1882 \(2009\)](#), [1998 \(2011\)](#), [2068 \(2012\)](#), [2143 \(2014\)](#), [2225 \(2015\)](#) and [2427 \(2018\)](#) if they are listed in annex I to the report of the Secretary-General on children and armed conflict ([A/74/845-S/2020/525](#)); welcoming in this regard the communication between the United Nations country task force on monitoring and reporting and armed groups' commanders that has resulted in the release of hundreds of children; commending the Government of the Democratic Republic of the Congo for supporting such communication; and acknowledging the signature of a unilateral declaration and a road map by 31 commanders of armed groups and factions committing to ending and preventing child recruitment and use and other instances of the six grave violations against children;

(s) Recalling in this regard that several of those non-State armed groups have been listed in annex I to the report of the Secretary-General on children and armed conflict for at least five years, including Allied Democratic Forces (ADF), Forces démocratiques de libération du Rwanda (FDLR), Force de résistance patriotique en Ituri (FRPI), Nduma défense du Congo, Nyatura, Union des patriotes congolais pour la paix, Mai-Mai Simba, Alliance des patriotes pour un Congo libre et souverain and the Lord's Resistance Army;

(t) Recalling that the Security Council, by its resolution [2528 \(2020\)](#), renewed until 1 July 2021 the measures as set out in paragraphs 1 to 6 of resolution [2293 \(2016\)](#) and reaffirmed that the measures described in paragraph 5 of resolution [2293 \(2016\)](#) shall apply to individuals and entities as designated by the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo, as set forth in paragraph 7 of resolution [2293 \(2016\)](#) and paragraph 3 of resolution [2360 \(2017\)](#), which include individuals or entities operating in the Democratic Republic of the Congo and:

(i) Recruiting or using children in armed conflict in violation of applicable international law;

(ii) Involved in planning, directing or participating in the committing of acts that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement and attacks on schools and hospitals;

(iii) Obstructing the access to or the distribution of humanitarian assistance in the Democratic Republic of the Congo;

(u) Further recalling that on 6 February 2020 the Committee added the name of one individual to its sanctions list, who was listed pursuant to paragraph 7 of resolution [2293 \(2016\)](#), as detailed in paragraph 5 (t) above, for engaging in or providing support for acts that undermine the peace, stability and security of the

Democratic Republic of the Congo; he committed, planned and/or directed repeated targeting, killing and maiming, rape and other sexual violence, abduction of children, as well as attacks on hospitals, in particular in Mamove, Beni territory, on 12 and 24 February 2019, as well as the continuous recruitment and use of children during attacks and for forced labour in Beni territory in the Democratic Republic of the Congo since at least 2015;

(v) Recalling the Working Group's readiness to communicate to the Committee pertinent information with a view to assisting the Security Council in the imposition of targeted measures on persistent perpetrators.

6. The Working Group agreed to address a message to community and religious leaders, through a public statement by its Chair:

(a) Emphasizing the important role of community and religious leaders in strengthening the protection of children affected by armed conflict;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, killing and maiming, rape and other forms of sexual violence against children, abductions, attacks and threats of attacks against schools and hospitals, and to engage with the Government, the United Nations and other relevant stakeholders to support the release and reintegration of children affected by armed conflict in their communities, including by raising awareness to avoid stigmatization of these children.

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of the Democratic Republic of the Congo:

(a) Stressing the primary role of the Government in providing protection and relief to all children affected by armed conflict in the Democratic Republic of the Congo, and recalling that the Democratic Republic of the Congo is a State party to the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict;

(b) Reaffirming the importance of accountability for all violations and abuses against children in armed conflict; stressing that all perpetrators of such acts must be swiftly brought to justice and held accountable, without undue delay, including through timely and systematic investigation, prosecution and, as appropriate, conviction and punishment, and noting that some of the above-mentioned acts are prohibited and criminalized under Law No. 09/001 on the protection of the child, adopted by the Government of the Democratic Republic of the Congo on 10 January 2009, including the recruitment and use of children by national armed forces or non-State armed groups; and further stressing the need to ensure that survivors have access to justice and to provide remedies to those victims, including the medical and support services they need;

(c) Recognizing progress made in relation to prosecuting perpetrators of the six grave violations against children, in particular recruitment and use and sexual violence; noting that prosecutions have included members of the government security forces; urging the Government to pursue its efforts towards accountability, including through comprehensive, independent, timely and systematic investigation, and, as appropriate, conviction and punishment, of anyone found to be responsible, including those in positions of command, and to provide access to non-discriminatory and comprehensive specialized services, including psychosocial, health, legal and livelihood support and services to survivors; and welcoming the recent conviction of

Ntabo Ntaberi Sheka of the Nduma défense du Congo armed group for war crimes including rape, sexual slavery and the recruitment of children;

(d) Expressing deep concern at the high number of children killed and maimed, including as a direct or indirect result of ethnic strife, rising intercommunal violence, hostilities between parties to armed conflict, crossfire during armed clashes among armed groups or military operations by FARDC, incidents of indiscriminate attacks against civilian populations and explosive remnants of war, and urging all parties to comply with their obligations under international humanitarian law, in particular the principles of distinction and proportionality and the obligation to take all feasible precautions to avoid and in any event minimize harm to civilians and civilian objects;

(e) Expressing grave concern about the ongoing prevalence of rape and other forms of sexual violence against children perpetrated by armed groups and government security forces; noting that such acts include forced marriage and sexual slavery, strongly urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective forces or groups; stressing the importance of accountability for those who commit sexual and gender-based violence against children; and noting with concern the underreporting of the prevalence of cases of sexual violence against children due to fear of retaliation by perpetrators who sometimes live in or near the community, stigmatization and rejection by families and communities, widespread impunity and the lack of adequate medical and support services for survivors;

(f) Expressing its deep concern about the continued presence and ongoing destabilizing activities in the Democratic Republic of the Congo of a large number of armed groups and their harmful impact on children, in particular Nyatura, Mai-Mai Mazembe and other Mai-Mai groups, including Apa Na Pale, Kamuina Nsapu, Allied Democratic Forces (ADF) and Conseil national pour le renouveau et la démocratie (CNRD);

(g) Welcoming the communication between the United Nations country task force on monitoring and reporting and armed groups' commanders that has resulted in the release of children; commending the Government of the Democratic Republic of the Congo for supporting such communication; and acknowledging that this led to the signature of a unilateral declaration and a road map by 31 commanders of armed groups and factions committing to ending and preventing child recruitment and use and other instances of the six grave violations against children;

(h) Welcoming the continued commitment of the Government of the Democratic Republic of the Congo to consolidate the gains of its action plan signed to end and prevent the recruitment and use of children, sexual violence and the other four grave violations against children, to sustainably prevent the recruitment and use of children by its armed and security forces, including through the institutionalization of measures and mechanisms therein; welcoming in this regard the support provided by national and international actors aimed at strengthening the capacity of FARDC to prevent and end the six grave violations against children; and urging it to accelerate the implementation of all aspects of the action plan, including those related to sexual violence against children, given that FARDC and other security forces remain significant perpetrators of this violation;

(i) Expressing concern about the continued deprivation of liberty of children for their alleged association with armed groups in violation of the directives issued in 2013 by the Minister of Defence and the Agence nationale de renseignements to immediately hand over children formerly associated with armed groups to child protection actors to facilitate their return and full integration, stressing that children

associated or allegedly associated with armed groups, including those arrested during military operations, should be treated primarily as victims; urging in this regard the Government to comply with its obligations under the Convention on the Rights of the Child, in particular that the arrest, detention and imprisonment of children should be used only as a measure of last resort and for the shortest appropriate period of time, in line with international law, and that in actions concerning children the best interests of the child should be a primary consideration; and calling upon the Government to prioritize their reintegration through family- and community-based reintegration programmes, guided by the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), which it has endorsed;

(j) Recalling the endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict by the Government of the Democratic Republic of the Congo and calling for their swift implementation, and encouraging the Government to ensure that attacks on schools are investigated and that those responsible are duly prosecuted;

(k) Encouraging the Government to focus on long-term and sustainable reintegration and rehabilitation opportunities for children affected by armed conflict through family- and community-based reintegration programmes that are gender- and age-sensitive, including access to health care, psychosocial support and education programmes, as well as raising awareness and working with communities to avoid stigmatization of these children and facilitate their return, while taking into account the specific needs of girls and boys, to contribute to the well-being of children and to sustainable peace and security; and in that regard calling upon the Government to ensure that in all disarmament, demobilization and reintegration programmes and peace agreements with armed groups, the rights and protection needs of children are made a priority, including the unconditional release of children by armed groups, with the best interests of the child as a primary consideration;

(l) Urging those who are or will be engaged in peace talks and agreements to ensure that child protection provisions, including the release and reintegration of children, as well as provisions on the rights, well-being and empowerment of children, are integrated into the peace talks and agreements, with the support of the United Nations and guided by, inter alia, the *Practical Guidance for Mediators to Protect Children in Situations of Armed Conflict*;

(m) Welcoming the establishment by the Government of an effective vetting mechanism to ensure that no perpetrators of violations and abuses committed against children from its forces are integrated or recruited into the national armed and security forces and to systematically withdraw all perpetrators, irrespective of their rank, and to hold them accountable, and encouraging the Government to continue and strengthen its implementation;

(n) Calling upon the Government to facilitate the work of the United Nations country task force on monitoring and reporting regarding dialogue with armed groups operating in the Democratic Republic of the Congo on the development of an action plan to end and prevent all violations and abuses against children.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Requesting the Secretary-General to ensure that the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the United Nations Children's Fund (UNICEF) and other relevant United Nations agencies, continue and strengthen their efforts to support, in line with their respective mandates, the Congolese authorities in fighting impunity, including through the strengthening of the criminal justice system, in implementing the standard

operating procedures for age assessment in the national armed and security forces to prevent the recruitment and use of children in the Democratic Republic of the Congo, in mainstreaming the specific needs of children affected by armed conflict and the protection of their rights into all disarmament, demobilization and reintegration programmes, including through the development of a gender- and age-sensitive disarmament, demobilization and reintegration process, and in security sector reform, in providing long-term rehabilitation and reintegration programmes and opportunities to children formerly associated with national armed forces and non-State armed groups and training of the national armed and security forces on the protection of children, in bolstering the education and health system and in establishing standard operating procedures for the handover of children formerly associated with national armed forces and groups and for the protection of children in the course of military operations, and to give full attention to violations and abuses against children in the application of the human rights due diligence policy on United Nations support for non-United Nations security forces;

(b) Further requesting the Secretary-General to ensure that the United Nations country task force on monitoring and reporting continues its advocacy for the release and reintegration of children associated with non-State armed groups and national armed forces and of children detained on charges related to their alleged or actual association with non-State armed groups and on national security grounds, and prioritizes its efforts to ensure that all aspects of the action plan, including those relating to sexual violence and other grave violations against children by the national armed and security forces, signed on 4 October 2012 by the Government of the Democratic Republic of the Congo, are fully implemented, and to engage with non-State armed groups, with a view to developing action plans to end and prevent the recruitment and use of children, killing and maiming, and attacks on schools and hospitals, in violation of applicable international law, as well as rape and other forms of sexual violence against children and to address other violations and abuses committed against children, secure concrete commitments and advocate appropriate response mechanisms, in the Democratic Republic of the Congo;

(c) Requesting the Secretary-General to ensure the effectiveness of the monitoring and reporting mechanism on children and armed conflict in the Democratic Republic of the Congo and of the dedicated child protection component of MONUSCO, including in the context of the discussions on the drawdown, by ensuring that sufficient child protection capacities are available, in line with the Mission's mandate, recognizing the security and logistical constraints on monitoring and reporting activities;

(d) Noting the various measures taken by MONUSCO and troop- and police-contributing countries to combat sexual exploitation and abuse, which have led to a reduction in reported cases, while expressing grave concern that sexual exploitation and abuse of children by peacekeepers continued to be a protection concern, calling for the continued implementation by United Nations peacekeeping operations of the Secretary-General's zero-tolerance policy on sexual exploitation and abuse, as well as ensuring full compliance of their personnel with the United Nations code of conduct, and reiterating its request to the Secretary-General to continue to take all necessary measures in this regard and to keep the Security Council informed;

(e) Requesting the Secretary-General to ensure that, in the context of the development of a MONUSCO exit strategy, decision-making on child protection capacity takes into account objective and measurable progress on child protection, that any drawdown ensures the preservation and adequate funding of child protection functions, as mandated, including the management of the monitoring and reporting mechanism database, and to further ensure that the need for and the number and roles

of child protection advisers are systematically assessed during the discussions on the future United Nations presence.

9. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Chair of the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo:

(a) Recalling paragraph 9 (c) of resolution [1998 \(2011\)](#), by which the Security Council requested enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violation and abuses committed against children in armed conflict;

(b) Recalling also paragraph 17 of resolution [1698 \(2006\)](#), by which the Security Council requested the Working Group, the Secretary-General and his Special Representative for Children and Armed Conflict, as well as the Group of Experts on the Democratic Republic of the Congo, within its capabilities and without prejudice to the execution of the other tasks in its mandate, to assist the Committee in the designation of individuals referred to in paragraph 13 of the same resolution, by communicating to the Committee any useful information without delay;

(c) Welcoming the addition, on 6 February 2020, to the Committee's sanctions list of one individual, Seka Baluku, overall leader of the Allied Democratic Forces (ADF), who committed, planned and/or directed the abduction and the recruitment and use of children; and further recalling that on 6 February 2020 Mr. Baluku was listed pursuant to paragraph 7 of resolution [2293 \(2016\)](#), as detailed in paragraph 5 (t) above, for engaging in or providing support for acts that undermine the peace, stability and security of the Democratic Republic of the Congo; he committed, planned and/or directed repeated targeting, killing and maiming, rape and other sexual violence, abduction of civilians, including children, as well as attacks on health facilities, in particular in Mamove, Beni territory, on 12 and 24 February 2019, as well as the continuous recruitment and use of children during attacks and for forced labour in Beni territory in the Democratic Republic of the Congo since at least 2015;

(d) Encouraging the Committee to continue considering the designation for sanctions of other individuals and entities, in accordance with the rules and guidelines of the Committee, and in this regard also encouraging the continued exchange of pertinent information between the Special Representative of the Secretary-General for Children and Armed Conflict and the Committee;

(e) Welcoming in this regard the briefing to the Committee by the Special Representative of the Secretary-General for Children and Armed Conflict on 22 May 2020 and further encouraging strengthened information-sharing between the Working Group, the Special Representative and the Committee.

10. The Working Group agreed to recommend the following to the Security Council:

(a) Ensuring that the situation of children and armed conflict in the Democratic Republic of the Congo continues to be duly taken into consideration by the Council when reviewing the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and its activities;

(b) Ensuring the continuation of a child protection capacity for MONUSCO in line with its mandate, including in the context of discussions on the drawdown, especially with regard to monitoring, reporting, training and mainstreaming, as well as dialogue on action plans and support in their implementation, including through sustained engagement with all parties to the conflict;

(c) Ensuring in particular that, in the context of discussions on the drawdown of MONUSCO, the important role of the dedicated child protection component of the

Mission continues to be taken into consideration and that the objective and measurable progress on child protection will inform decision-making on future child protection capacity in the Mission;

(d) Communicating the present document to the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo.

Direct action by the Working Group

11. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and donors:

(a) Expressing grave concern at the severe lack of funding for long-term sustainable reintegration programmes for children formerly associated with armed forces and groups, thus increasing the risk of rerecruitment; and calling upon the donor community together with the Government of the Democratic Republic of the Congo to increase funding for sustainable, timely and appropriate socioeconomic reintegration for children to ensure that every child affected by armed conflict receives appropriate support;

(b) Requesting donors to provide funding and assistance to support the Government of the Democratic Republic of the Congo and relevant humanitarian and development partners in implementing the standard operating procedures on age assessment by the national armed and security forces to prevent the recruitment and use of children, in sustaining ongoing national programmes for the strengthening of the criminal justice system, in training the national armed and security forces on the protection of children, in providing long-term rehabilitation and reintegration programmes that are gender- and age-sensitive to children formerly associated with national armed and security forces or non-State armed groups, in ensuring timely and appropriate care for child survivors of sexual and gender-based violence by facilitating the provision of services for victims and in bolstering the education and health system, and to keep the Working Group informed, as appropriate;

(c) Calling upon donors to provide the necessary financial resources in support of the monitoring and reporting mechanism and the full implementation of all aspects of the Action Plan, including those relating to sexual violence against children by the national armed and security forces, signed on 4 October 2012 by the Government of the Democratic Republic of the Congo;

(d) Requesting donors to provide long-term and sustainable funding for mental health and psychosocial programming in humanitarian contexts and ensuring that all affected children receive timely and sufficient support, and encouraging donors to integrate mental health and psychosocial services in all humanitarian responses;

(e) Further calling upon donors to support the Government's efforts in the promotion of birth and late-birth registration as a means to prevent recruitment and use of children in the Democratic Republic of the Congo and to guarantee the comprehensive disarmament, demobilization and reintegration of children associated with national armed and security forces or non-State armed groups;

(f) Requesting donors to fully fund appeals for child protection in the humanitarian response plan for the Democratic Republic of the Congo and at a minimum ensure that child protection is funded at the same level as the overall appeal.

Statement by the Chargé d'affaires of the Democratic Republic of the Congo to the United Nations to the Working Group on Children and Armed Conflict*

[Original: French]

Mr. Chair,

Allow me at the outset to extend my warmest congratulations to you and your friendly country, the Kingdom of Belgium, on chairing the Security Council Working Group on Children and Armed Conflict, and to welcome the initiative of holding this meeting.

We take this opportunity to thank the Secretary-General, His Excellency Mr. António Guterres, for his support for the efforts of the Democratic Republic of the Congo in the fight against violations of children's rights.

I would also like to thank all the members of the Council for the special attention they continue to pay to the situation in the Democratic Republic of the Congo.

I welcome the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2020/1030), which has just been introduced by his Special Representative for Children and Armed Conflict, Virginia Gamba, whose presence here today and commitment to the cause of children I also welcome.

Allow me to add my delegation's voice to this discussion of the concerns raised in the report and to make a few comments, mainly on the security situation, recruitment issues and other violations of children's rights in the country.

Mr. Chair,

The implementation of child protection measures in the Democratic Republic of the Congo must be evaluated in the context of the general situation in the country and the particular situation in the eastern provinces, which are caught in a recurrent cycle of conflict, as described in the report.

The Government is aware of its duty to protect children, on whom the country's future depends. To that end, it has taken appropriate action to stop the recruitment and use of children, and other serious violations of children's rights, by our armed forces and security services.

In order to better organize its fight against this scourge and end violations of children's rights in times of conflict, my country has taken various initiatives, including the following:

- At the political level, the Head of State, His Excellency Mr. Félix Antoine Tshisekedi Tshilombo, has appointed a personal representative on countering sexual violence and child recruitment. She works closely with the State services that are responsible in general for women's and children's issues, and more specifically with the military and judicial authorities.
- In terms of legal texts, the Government has drawn up the following legislative and regulatory measures:
 - A decree-law on the demobilization and reintegration of vulnerable groups serving in fighting forces;

* The present annex is being issued without formal editing.

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- A decree establishing the Interministerial Committee for Disarmament, Demobilization and Reintegration;
 - An order establishing the Unit for the Implementation of the National Programme of Disarmament, Demobilization and Reintegration (UEPNDDR) and the Child Protection Act.

In this fight, the Government has also been supported and assisted by international partners. Such partnership was reflected in the signature, by the Government and the United Nations in 2012, of an action plan of the Armed Forces of the Democratic Republic of the Congo (FARDC). The country has taken several steps, including the following, to implement the plan:

- An interministerial committee on children and armed conflict, with members including representatives of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations Children's Fund (UNICEF), has been established to monitor the implementation of the action plan.
- To help fight impunity, new courts have been established with the mission of punishing serious crimes against children. As a sign of its firm commitment to cracking down on these crimes, the Government has decided to stop allowing into the army any person found guilty of six grave violations of children's rights in time of conflict.
- Six classrooms have been built and equipped in Luiza territory for the reintegration of children who have left the Kamwina Nsapu militia.
- Attacks on schools and hospitals have been prohibited, as has the use of schools in military operations.

Mr. Chair,

The security situation in the eastern provinces of the country, as described in paragraph 10 and many other paragraphs of the report, remains volatile, with the presence and activity of numerous armed groups, both domestic and foreign, and because of inter-ethnic conflicts, the illicit exploitation and trafficking of natural resources, and military operations by FARDC and its partners, such as MONUSCO.

To combat violations of human rights and humanitarian law committed against children in these areas, which are particularly affected by conflict, the Government continues to implement the road map that was drawn up with a view to ending the recruitment and use of children in armed groups and to protecting them from sexual violence.

In addition, convinced of the need to bring peace to the east of the country in order to better combat and put an end to these violations, the President of the Republic decided to launch, in October 2019, large-scale military operations led by FARDC with logistical support from MONUSCO. In particular, those military operations weakened several armed groups and allowed several others to lay down their arms, surrender, demobilize and release children, as stated in paragraph 9 of the report. Certain other armed groups took those steps voluntarily in response to the Head of State's call for them to do so.

As stated in particular in paragraph 11 of the report, however, the rebel armed groups that did not respond to the appeal by the President of the Republic are no longer limiting their attacks to symbols of the Government and FARDC but are broadening them, by way of retaliation, to United Nations peacekeepers, the civilian population and civilian property, with the burning of villages and schools, and atrocities of all sorts.

This conflict situation, which has lasted several years, exacerbates the suffering of children, increases their vulnerability and exposes them to a number of risks and violations, particularly recruitment by armed groups.

Mr. Chair,

We are encouraged by the decrease in the number of children recruited by armed groups in some provinces, as stated in paragraphs 19 and 20 of the report. However, the Government will remain concerned about and attentive to the issue until the recruitment of children is a thing of the past. The future of the country depends on it.

As stated in paragraph 21 of the report, 99 per cent of newly recruited children were recruited by 44 armed groups; the numbers of children recruited by those groups are also provided. The children are, of course, recruited by force, through abduction from their homes and schools and from roads and fields.

The six children whose recruitment was attributed to the security forces of the Democratic Republic of the Congo (see para. 22) were, as explained in the report, recruited by individuals and not by FARDC or the Congolese National Police as institutions, and the perpetrators were disciplined by the military hierarchy. One of the six was recruited after lying about his age after the death of his parents, presumably in order to survive. He was transferred to a care centre after he was identified.

In this connection, I would like to remind the Council that, on 4 October 2012, the Democratic Republic of the Congo signed an action plan, together with the United Nations, to end the recruitment and use of children and sexual violence against children by FARDC.

In order to honour its commitments in the area, the Government has established operational standards to determine and assess a person's age, to avoid recruiting children into the army. The standards are reinforced by a tried-and-tested technological process for the biometric registration of all soldiers in the country, along with the formal and compulsory use of banking services. In other words, FARDC does not recruit children or have them in its ranks. Those practices, however, are common among the armed groups, which are decimating the country's youth and against which we must all fight.

Mr. Chair,

Child recruits often suffer other violations, including maiming, killing, rape and sexual violence.

My Government deplores the shocking images of the killing and maiming of children, and also of women, some of them pregnant, by rogue members of armed groups acting without fear of God or man and with total disregard for human value. These attacks are often carried out in retaliation for those of FARDC, as stated above. However, distinguished members of the Council, rest assured that my Government will never allow any of these crimes to go unpunished.

For the cases attributed to the national security forces in paragraph 34, once again, the Government will investigate, establish responsibility and discipline the culprits if guilt is established. That is the meaning of the rule of law and the fight against impunity advocated by the President of the Republic.

Mr. Chair,

All crimes related to sexual violence are severely punished by the Congolese State, and the Congolese army applies a zero-tolerance policy to any crime of this nature. In 2019, the military justice system tried 282 of the 476 reported cases of sexual violence. These statistics clearly demonstrate that the Government of the

Democratic Republic of the Congo never allows the perpetrators of these odious practices to go unpunished.

Allegations against members of the national security forces have always been the subject of preliminary investigations, as wearing the uniform of the Congolese security forces in this conflict zone does not always signify membership of FARDC or the Congolese National Police. It has been demonstrated several times by the Group of Experts on the Democratic Republic of the Congo that military items have often been stolen by armed groups and trafficked illicitly. However, after investigation and trial, the culprits are and will always be punished in an exemplary manner in accordance with the law, regardless of their social status or their rank in the country's security services.

Allow me to remind the Council of the signature of two important directives in the area by the Minister of Defence in implementation of the FARDC action plan. The first directive requests the FARDC military hierarchy to punish with disciplinary action and bring to justice any soldier under its command who is guilty of serious violations of children's rights. It also requires that awareness-raising campaigns and training be held in all the country's garrisons to allow all military personnel to become familiar with the action plan and the obligations flowing therefrom.

Mr. Chair,

With regard to the allegations regarding the detention of children, contained in paragraph 28 of the report, I would like to inform the Working Group that the second directive of the Minister of Defence authorizes the military hierarchy of FARDC to release any children associated with armed groups and hand them over to child protection agencies.

This means that the temporary detention of children is one of the provisional measures applied in operational areas, in which children are unfortunately used by armed groups, which are often vicious and ruthless, as noted in several paragraphs of the report. However, as soon as minors are identified, following the assessment, by the Public Prosecutor's Office, of the age of defendants during case-by-case investigations of militia members captured on the battlefield, they are released and handed over either to their families or to partner organizations responsible for children, such as UNICEF.

Mr. Chair,

As a result of the great efforts made by the Government to date, undeniable progress has been made in the implementation of the FARDC action plan and road map.

However, the significant progress made by my country in this struggle must not blind us to the remaining challenges, which we must all work together to overcome. Those challenges include the following:

- Funding is lacking for reintegration measures to ensure the disarmament, demobilization and reintegration of children. My Government requests that the disarmament, demobilization and reintegration programme be allocated the necessary funds, in particular with regard to reintegration, for vocational training and job creation to prevent former combatants, including children, from being recruited again by armed groups. Through the programme, demobilized soldiers are introduced to several professions likely to enable them to be quickly useful to their communities directly after their reintegration; they are taught typing, agriculture, baking, beauty care and hairdressing, carpentry, masonry and dressmaking.

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- The technical working group and its provincial branches have no specific budget.
 - The system for the civil registration of children at birth is weak in conflict areas.
 - Foreign and Congolese armed groups remain present in the eastern part of the country. As long as there is no lasting peace there and negative forces remain active, children in that area risk continuing to be victims of all the violations and abuses that we condemn. We must therefore work together to eradicate the armed groups completely, end conflict and return to normal life.

With more than 100 known armed groups in the region, as stated in paragraphs 4 and 5 of the report, children will remain at risk from various types of trap as a result of the security situation in the east of the Democratic Republic of the Congo. Inter-ethnic conflicts would certainly be easier to stop if they were not exacerbated by the presence of all these armed groups in the region.

The results achieved in the area of child protection, including the release and reintegration of children into society and the reduction in the number of attacks on schools and hospitals, described in paragraphs 16 and 17 of the report, following the demobilization of armed groups and the laying down of their arms, speak for themselves. The war must therefore be ended in order to give life back to children in the east of my country.

Mr. Chair,

In conclusion, I would like to reaffirm the Government's determination to remain mobilized and continue the struggle that is already under way to protect children's rights, particularly in times of conflict.

Lastly, my Government is deeply grateful to all international partners, which have always given their assistance and support to my country in this fight.

Thank you for your attention.
