

CHILD ABUSE IN CONFLICT

CHILD SOLDIERS IN CONGOLESE SOCIETY

Steffen Krüger / Diana Hund

Characteristics of and ideas about child soldiers have changed significantly over time. In history and in stories they are often trivialised or even portrayed heroically. Joan of Arc, who fought in battle at the age of 17 during the Hundred Years War, is perhaps the most famous child soldier in European history. There are also countless unknown boys and girls who were included in the warring parties as drummers, grooms, porters and weapons cleaners throughout the various wars. With the invention and rapid spread of small arms and automatic rifles, children became increasingly more involved in armed conflicts as combatants.

The United Nations (UN) Convention on the Rights of the Child (CRC) defines children as every human being below the age of 18 years.¹ Among other things, the Convention ensures children's rights to equality, life, rest and leisure, the right to engage in play and to receive an education. With the exception of Somalia, South Sudan and the United States, all UN Member States have signed the CRC and included it as part of their national policies. In addition, in 2000 the signatories committed to an additional protocol that those members of armed forces under the age of 18 shall not "take direct part in hostilities" and that



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1 | The full text of the CRC: German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, "Übereinkommen über die Rechte des Kindes. VN-Kinderrechtskonvention im Wortlaut mit Materialien", 2012, http://bmfsfj.de/Redaktion/BMFSFJ/Broschuerenstelle/Pdf-Anlagen/_C3_9Cbereinkommen-_C3_BCber-die-Rechte-des-Kindes.pdf (accessed 22 Jul 2014). Available in English: UN, Office of the High Commissioner for Human Rights (OHCHR), "Convention on the Rights of the Child", <http://ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (accessed 28 Jul 2014).

“all feasible measures” should be taken² to prevent armed groups from using children. Unfortunately, the reality for many boys and girls around the world is shockingly different: in many conflicts, children are used as soldiers. The media often portrays child soldiers simply as African boys with bandoleers around their necks and AK-47s in their hands, boys who have been forcefully recruited through coercion. It is also reported that child soldiers are used as weapons. Pumped full of drugs, they strike fear and terror into the hearts of people in combat zones. However, the problem of child soldiers is more complicated than the image relayed by the media and affects many others as well.

The term child soldier comprises children who actually fight in armed conflicts or are an inherent part of a military unit.

At two international conferences in Cape Town (1997) and Paris (2007), the United Nations Children’s Fund (UNICEF), several states and representatives of civil society coined the term “child soldier”. They also worked to develop standards to prevent abuse of minors in conflicts. The term child soldier covers a broad spectrum according to the Paris Principles. It not only comprises children who actually fight in armed conflicts, but all children who are an inherent part of a military unit, regardless of their function. Child soldiers are therefore “any person (male and female) below 18 years of age who is or who has been recruited or used by an armed force or armed group [...], including children used as fighters, cooks, porters, messengers, spies or for sexual purposes.”³

2 | UN, OHCHR, “Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict”, May 2000, Art. 1 and 4 (2), <http://ohchr.org/EN/ProfessionalInterest/Pages/OPACCRRC.aspx> (accessed 28 Jul 2014).

3 | UNICEF, “The Paris Principles. Principles and Guidelines on Children Associated with Armed Forces or Armed Groups”, Principle 2.1, Feb 2007, <http://unicef.org/emerg/files/ParisPrinciples310107English.pdf> (accessed 22 Jul 2014). These Principles have been signed by 95 countries.

Current estimates put the number of child soldiers worldwide at 250,000,⁴ a third of whom are girls.⁵ The use of children has been documented in more than 20 countries in Africa, Asia and Latin America. Child soldiers are used in both government armies as well as in irregular forces, such as rebel groups or paramilitary organisations. Myanmar currently has the highest number of child soldiers (about 10,000), followed by Colombia.⁶ Experts estimate that approximately 40 per cent of all child soldiers currently active are located in African countries.⁷ Information is imprecise for both statistical data on the age or origin of child soldiers, but also in terms of how these children were recruited as soldiers, and this cannot always be accurately determined. Children become “soldiers” through (forced) recruitment, voluntary membership or by birth. Especially in the case of military groups that have existed for decades in isolation, children born into such groups are likely to become child soldiers. This is the case with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) or the Lord’s Resistance Army (LRA) in Uganda.

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Far more often, minors join an army or armed forces through recruitment or voluntarily. While the majority of them will be recruited through abduction or trafficking, it is just as likely for children to join a group voluntarily on the basis of (false) promises, material incentives, ideologies, revenge or other reasons. In retrospect, it can be difficult to differentiate between these various practices and

4 | For example, the report by Terre des Hommes Germany, “Kindersoldaten. Daten und Fakten. Definition”, <http://tdh.de/was-wir-tun/themen-a-z/kindersoldaten/daten-und-fakten.html> (accessed 22 Jul 2014). However, other organisations and campaigns, such as the German Child Soldier Alliance (Deutsches Bündnis Kindersoldaten) or Straight-18, who lobby that no person under 18 years of age should serve in an army. This includes countries such as France, Germany and the USA. These organisations contend that the number of child soldiers is actually much higher.

5 | For more information about the UN Machel Report, http://unicef.org/graca/a51-306_en.pdf (accessed 22 Jul 2014).

6 | Report by Terre des Hommes Germany, n. 4.

7 | Cf. Mark A. Drumbl, *Reimagining Child Soldiers in International Law and Policy*, Oxford University Press, Oxford, 2012, 5.

motivations; it is a complex situation further fuelled by alcohol and drug use, extreme violence, abuse and coercion. But privileges and rewards are also given, which in turn influence the motives of children and their families.

Considering the practices mentioned above, becoming a child soldier can happen quite rapidly. However, the consequences are dramatic for those affected both directly and indirectly. What happens when conflicts are resolved or lose intensity and the child soldiers involved are no longer involved in fighting? Their connection to the military group particularly and significantly complicates their reintegration into a society that is itself no longer intact, be that connection one forged through psychological pressure, the desire for brutal violence or the abuse of minors. In the case of the Democratic Republic of the Congo (DRC), this particular challenge as well as the society's contact to child soldiers require closer examination.



Difficult distinction: The lines between victims and perpetrators are not always clear when it comes to child soldiers, which makes the reintegration of former child soldiers into society difficult. | Source: L. Rose, USAID ©©.

THE CHILD SOLDIER PHENOMENON IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Eastern Congo continues to experience a particular degree of heavy fighting over access to natural resources, land and power. Other causes of conflict are ethnic clashes between

Congolese and foreign groups.⁸ In the DRC, both the army and the many rebel groups rely on child soldiers. They are often direct combatants equipped with weapons and are involved in the various conflicts that have dominated the country for 20 years, during which time some six million people have lost their lives so far. The biggest use of child soldiers – from home and abroad – took place during the two Congo Wars (1996 to 2003). Future President Laurent Désiré Kabila's Alliance of Democratic Forces for the Liberation of Congo-Zaire (Alliance des Forces Démocratiques pour la Libération du Congo-Zaire, AFDL)⁹ and other rebel movements had more than 30,000 child soldiers among their ranks.¹⁰ Although there has been peace in most parts of the country since the Sun City Agreement in 2002, minors continue to be used for fighting purposes primarily by the more than 50 different non-governmental rebel groups in the east. However, a credible number cannot be determined as the rebels are mainly active in the remote corners of the country.

A lack of the rule of law, extreme poverty, social injustice and a lack of education and job opportunities are factors that increase the risk of boys and girls facing abuse as child soldiers. Children are primarily recruited from refugee camps, orphanages or the poorest families. They are not always forced to join, but many either are lured by promises or they volunteer. Particularly in those places where native villages were destroyed and family members were murdered, joining an armed group can mean a chance of survival; the hope of pay, security and a reliable food supply guides the actions of adolescents. Children who

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8 | For further information: Steffen Krüger, "M23 Rebellion – A Further Chapter in the Violence in Eastern Congo", *KAS International Reports*, Jun 2013, 56-71, <http://kas.de/wf/en/33.34621> (accessed 22 Jul 2014).

9 | The Alliance des Forces Démocratiques pour la Libération du Congo-Zaire (AFDL) was a coalition of Congolese dissidents who brought about the fall of President Mobutu and were led by Laurent Désiré Kabila. Contemporary witnesses reported that more than 60 per cent of all combatants in the AFDL campaign from Bukavu to Kinshasa were child soldiers supervised by adult soldiers from Rwanda, Burundi and Uganda.

10 | Cf. "CONGO, Democratic Republic of the", in: *Child Soldiers. Global Report 2008*, London, 2008, 106-113, http://child-soldiers.org/user_uploads/pdf/congodemocraticrepublicof7740484.pdf (accessed 22 Jul 2014).

face war, violence and destruction on a daily basis weigh the option of carrying a weapon for self-defence against precisely this kind of violence to which they would otherwise regularly be exposed. But they also seek among other things acceptance in the rebel group.

THE LEGAL SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

The recruitment and use of children in armed conflict is even a violation of the law in the DRC. The Congolese government signed the UN Convention on the Rights of the Child from 20 November 1989, as well as the Optional

Protocols. According to the Convention, forced recruitment as well as voluntary use of children and adolescents under the age of 18 in armed conflicts are strictly, officially and internationally forbidden in countries

The Kinshasa government signed other international conventions that found their way into national law. The laws forbid the use of children in armed conflict.

that are signatories. After the ratification of Protocols on 11 November 2001, the Kinshasa government issued a declaration stating that the recruitment age for the armed forces was set at 18. They also signed a host of other international conventions that found their way into national law. The laws forbid the use of children in armed conflict. Those who flout these laws can be tried before a national court. Forced recruitment, but also the recruitment of voluntary children to participate in hostilities are considered war crimes pursuant to Article 8 of the Rome Statute of the International Criminal Court (ICC), the signatories of which include the DRC; furthermore, the torture of children is considered a crime against humanity under Article 7 of the Statute. The recruitment and use of minors in armed conflicts can thus be legally sanctioned at the international level even if the Congolese government does not consistently follow through with criminal prosecution. The trial of Thomas Lubanga testifies to this international jurisdiction. In March 2012, he was sentenced to 14 years imprisonment by the ICC in The Hague for the forced recruitment

and use of child soldiers from 2002 to 2003; he was the first Congolese to be convicted as a war criminal.¹¹

Unfortunately, a judgement of this kind is the exception rather than the rule; such criminals are rarely held accountable for their unlawful actions in the Congo. The rebel leaders, local commanders and backers who get rich through the conflicts are able to exert political pressure to ensure that the laws are not applied to them. Furthermore, these groups operate in areas where the government has lost control. Arresting war criminals is thus almost impossible. In practice, political will is also lacking to enforce effective measures, prohibitions and sanctions. In addition, according to information from local experts, some of the Congolese security forces themselves have units in which children are used as aides.

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DEMOBILISATION AND RE-INTEGRATION OF CHILD SOLDIERS

According to UNICEF, there are currently at least 4,500 adolescents among the ranks of the rebel groups in Kinshasa. The real figure probably exceeds this by far.¹² The UN peacekeeping mission MONUSCO¹³ confirmed at least 150 children were fighting in the non-state rebel groups M23, the FDLR and the LRA, as well as in local vigilante

11 | For more information on the case and the ruling, see the International Criminal Court "The Prosecutor v. Thomas Lubanga Dyilo", ICC-01/04-01/06, http://icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc%200104%200106/pages/democratic%20republic%20of%20the%20congo.aspx (accessed 22 Jul 2014).

12 | On 4 October 2012, the Congolese government, together with the UN, signed an action plan to put an official end to the recruitment and involvement of children in the army. However, experts on the ground have reported that soldiers under 18 years of age are among new recruits.

13 | MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo) is a UN peacekeeping mission in the DRC established in 1999, the predecessor of which was the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) from 1999 until 2010. The MONUSCO mandate is based upon UN Resolution 1279, which was updated by the Council Resolutions 1925, 2098 and 2147. Currently, about 20,000 military personnel and civilians are part of this mission.

groups between January to August 2012.¹⁴ However, reliable official figures do not exist.



Deconfliction: The UN mission MONUSCO is collaborating with other organisations to destroy firearms in the DR of Congo. Thus, new escalations and acts of violence should be prevented. | Source: Sylvain Liechti, MONUSCO, flickr ©①②.

Under the terms of the UN Convention on the Rights of the Child, the Congolese government must act to secure the demobilisation of children from armed groups and facilitate their reintegration back into their families and society. In 2003, the government, the United Nations and various NGOs agreed on a plan for the societal reintegration of these boys and girls. That same year, the DRC's transitional government established the National Commission for Disarmament, Demobilisation and Reintegration (CONADER).¹⁵ It was tasked with demobilising rebels and reintegrating members of rebel groups back into society. More than two-thirds of the 90,000 participants of the

14 | M23 (March 23 Movement) was a rebel group that occupied some areas in North Kivu between April 2012 and March 2014 and was composed of former government soldiers, rebels from the DRC and Rwanda. M23 was defeated in the spring of 2014. The FDLR is a rebel group mainly consisting of Hutus supported by Rwanda. Beginning in 2014, several military actions have been undertaken with the aim of disarming the FDLR. The LRA is a long-standing rebel group from Uganda, temporarily residing in the DRC. For more information, cf. Krüger, n. 8.

15 | The Commission Nationale de la Démobilisation et Reinsertion (CONADER) is the National Commission for Demobilisation and Reinsertion of former adult and adolescent rebels.

demobilisation programs were under the age of 18.¹⁶ The idea, though promising initially, has faced slow progress. As of 2006, 19,000 children had been demobilised but their reintegration was not satisfactorily ensured because of the short-term nature of the projects.¹⁷

In addition, many other international and national organisations have gotten involved in disarmament, demobilisation and reintegration (so-called DDR programs¹⁸) measures. Demobilisation and thus the first step out of rebel groups is not the only complicated process that faces a multitude of obstacles; permanent reintegration of child soldiers into society is only rarely successful. Often the programs do not receive adequate funding, are planned poorly or motivation is lacking with those involved. Traumatized former child soldiers do not receive sufficient support, and thus the vicious cycle threatens to repeat itself. Another apparent problem is the fact that no one authority has the jurisdiction throughout the entire DRC to provide follow-up care for demobilised and reintegrated adolescents. If former child soldiers are unable to find acceptance in society and receive no official follow-up care, they can quite easily fall back into the clutches of the military groups and the army. When international organisations such as the International Committee of the Red Cross visit families after several months, staff often report that the children have long since disappeared again.¹⁹ The task of reintegrating demobilised children back into Congolese society therefore usually falls to the children themselves.

Often the re-integration programs do not receive adequate funding, are planned poorly or motivation is lacking with those involved.

The boundaries between victim and perpetrator are not immediately recognisable with child soldiers, which is intensely problematic for their reintegration into society. The difficulties of transitioning from a military camp to civilian life should not be underestimated. Child soldiers are

16 | However, child soldiers were not the only participants; family members of rebels who were not deployed as soldiers were also included.

17 | Cf. Taylor Toeke Kakala, "Kongo: Noch 2000 Kindersoldaten", *Neues Deutschland*, 29 Aug 2013, <http://neues-deutschland.de/artikel/831650.html> (accessed 22 Jul 2014).

18 | DDR (disarmament, demobilisation, reintegration); disarmed rebels are often offered training or seed capital for economic activities for the purpose of reintegration.

19 | Cf. Kakala, n. 17.

accused of being criminals, murderers, looters or rapists in Congolese society. Such a reputation sticks with them even after their demobilisation. They are rarely treated as traumatised children who need special protection and care. Many of them have either lost their families or have been rejected by their relatives after their demobilisation. Families of former child soldiers usually live in such extreme poverty that they cannot look after those returning and cannot afford education costs. Boys and girls who (want to) return to communities whose social infrastructure was destroyed by years of exploitation and on-going wars face a particularly difficult time.



Uncertain future: Reintegrating child soldiers is rarely successful. Having finished a demobilisation program, children often find themselves alone, because their families are unable or unwilling to look after them. | Source: Julien Harneis, flickr ©📷📷.

Their use as child soldiers has resulted in physical injuries, psychological trauma, a lack of education and social exclusion; all of these will follow these children for their entire lives. Furthermore, unwanted pregnancies and sexually transmitted diseases have resulted from military service. In addition, HIV and AIDS have spread rapidly; this is not solely attributable to sexual assault, but also to the use of shared razor blades or other products in the training camps. Former child soldiers do not know (or no longer know) how to conduct themselves outside the combat zones according to societal norms. They do not know the rules because they have either forgotten them or never learned them in the first place. Survival and behavioural patterns that are remnants of their time as child soldiers

rarely apply in a peaceful environment. They have had very little or no education and are inexperienced in how to deal with certain problems. Field reports describe this problem as follows: "How is a child for whom violence and murder was common for ten years supposed to find their way back to a normal life through a three-month long integration program? That is ridiculous! How are you supposed to integrate into a society whose members you spent ten years senselessly killing in three months? That is where the biggest problem lies!"²⁰

Drug addiction, mental disorders and hallucinations are typical symptoms of former child soldiers. These young people cannot negotiate normal daily life by themselves without support. One consequence has been the increase in the number of street children in major cities such as Kinshasa, Lubumbashi, Matadi and Goma. A large number of them are former child soldiers. They either no longer have a family or are unable to return home. In Kinshasa alone there are an estimated 25,000 to 50,000 orphaned boys and girls living on the streets. Street children are destitute and rarely have access to education. Even the widespread kuluna groups in the DRC are comprised of former child soldiers. Kulunas are street gangs mainly located in the suburbs of Kinshasa, where they rob and threaten citizens, which often ends in deadly clashes. The kulunas present a real, everyday threat to people because they are often the source of professional organised crime.²¹

Plenty of former child soldiers are homeless: In Kinshasa alone there are an estimated 25,000 to 50,000 orphaned boys and girls living on the streets.

The educational deficits of this generation borne of war negatively impact Congolese society in the medium and long term. Most child soldiers can neither read nor write. In order to prepare themselves for the future – and not for combat – these youngsters need an adequate education, a vocational qualification, a job and, above all, to live their life in accordance with common values. If the youth of Congo is to be educated in democracy and the rule of law,

20 | Authors' interview with Junior Nzita Nsuami on 10 Apr 2014 in Kinshasa.

21 | For further information: Götz Heinicke, "Jugendbanden in Kinshasa", project overview, Hanns-Seidel-Stiftung, 30 Nov 2013, http://hss.de/fileadmin/media/downloads/Berichte/131205_Kongo_PB..pdf (accessed 22 Jul 2014).

they must also be familiar with democratic values and the values that accompany the rule of law and must be educated accordingly. Long-term programs for demobilisation, the treatment of trauma, rehabilitation and reintegration are therefore of vital importance in the DRC. The experiences of a former child soldier illustrate these challenges.



Hardly prepared for the future: Most of the child soldiers are not able to read or write. Therefore, the chances for a better life are not only reduced on an individual level, the educational deficits affect the society as a whole. | Source: Jonathan Hyams, European Commission, ECHO, flickr ©①②.

The Story of Junior Nzita Nsuami

Junior Nzita Nsuami²² was kidnapped by the AFDL from his boarding school in Kiondo in the province of North Kivu in November 1996 when he was 13 years old. He and other children were transported to an AFDL training camp in a sealed container, a journey that took two days. There he not only met other abducted children, but children who were recruited by soldiers or other child soldiers for the AFDL. They were approached in schools, nightclubs or on the street and lured with promises of large sums of money, cars or a house in Kinshasa. Most boys and girls came from very poor families who could barely afford to feed themselves. Junior also encountered child soldiers from Angola, Burundi, Rwanda and Uganda, who scarcely stood any chance of seeing their homelands again.

22 | Cf. interview with Junior Nzita Nsuami, n. 20.

In the training camp, the AFDL's campaign to capture Kinshasa and the accompanying overthrow of the Zairean government led by President Mobutu was propagandised. The initial training consisted of the intimidation and manipulation of recruits. Everyday life in the camp was full of terrifying events. Between military parades, exercises with wooden rifles and harassment, countless children were repeatedly killed before the others' eyes. Children who could not swim were left to drown, and the sick were not treated due to lack of resources and were simply taken away. The aim was to intimidate the children and to sow hatred in their minds. Escape attempts during the campaign and later in the barracks were nearly impossible. First of all, the children would never have been able to find their way back to their home villages without help, and second of all, they had all internalised the images of fleeing young people who were eventually tracked down and killed. These punishments acted as a deterrent.

Everyday life in the camp was full of terrifying events. Escape attempts during the campaign and later in the barracks were nearly impossible.

After a month-long march through the forests of the Congo, the AFDL reached the capital city of Kinshasa, which was peacefully surrendered to the rebels. After this coup against Mobutu and Desiré Kabila's rise to power, the rebel group became a part of the official national army. The child soldiers were placed in various military camps distributed throughout the country. Junior arrived at a barracks in Matadi where he lived with three families in a confined space in a single hut. At this point, he had not received any pay for seven months. Everyday life in the barracks saw less hostility. The soldiers were able to leave the camp alone and a truce was called. Since Junior's commander no longer required his services, they discharged him. With the help of a local family and his Christian faith, he regained the courage to start a "normal life", starting with attending school.

He later studied law and founded the NGO Paix pour l'Enfance (Peace for Childhood). With this NGO, he is not only committed to upholding international children's rights in the DRC, but also to helping former soldiers to integrate into society and receive follow-up care. He spends a lot of time with street children and former combatants, and finds out the addresses of their parents and visits them.

Junior Nzita Nsuami and his colleagues are committed to the acceptance and understanding of these children within the family and society at large. Junior himself has become a role model to the street children. He provides many child soldiers with real hope for a better life even though he faces a great deal of mistrust in his work because of his past.

PREVENTING THE USE OF CHILD SOLDIERS – A GLOBAL COMMITMENT

Worldwide, there are many measures in place to prevent the use of child soldiers. Multiple internationally networked campaigns have been led by civil society since the mid-1990s, shining the spotlight of global public opinion on the abuse of children in conflicts and engaging many governments and organisations on this issue. The lobbying and public pressure in favour of the protection of affected children mainly focuses on compliance with international agreements on the protection of children's rights and the national laws of the DRC. This means that they are more engaged in preventive awareness than they are in the curative area. However, curative measures are more important for the children affected.

The international community, the Congolese government and society itself should be asking themselves the question of how to effectively help these children after their demobilisation.

This is the second aspect of the problem: In the DRC at least, there are very few programs in place for reintegration into society that are successful in the long term. The international community, the Congolese government, but also society itself should be asking themselves how to effectively help these children after their demobilisation. What does a liberated child need in order to receive at least a chance for a civilised life? To get a realistic answer, the experiences and knowledge of successfully reintegrated child soldiers, like those of Junior Nzita Nsuami, should be taken into account.

Initiatives, such as the non-governmental organisation Paix pour l'Enfance, that advocate the inclusion of former child soldiers in society form an important link to the work being done on the international level when it comes to enforcement and compliance with legal norms and prevention. International legal standards that also permit offenders to be sentenced should be implemented to a greater extent.

The Kinshasa government itself must lead by example and end their practice of recruiting children for the national armed forces. They must take responsibility for complying with the laws, and must carry out sanctions and ensure they are monitored. Furthermore, the causes underlying voluntary recruitment must be addressed. These causes are multifaceted and, taken as a whole, are mainly due to poverty and the security situation in the country. Every international organisation on site is battling these problems one way or another, and this battle is closely tied to the fight against using child soldiers. Even more organisations should be including activities in their programs aimed at raising awareness. Such an approach is necessary to bring about a comprehensive preventive and curative impact along with the societal acceptance of these children.