Challenges to be faced

The recruitment and military use of children in the hostilities in DRC is prohibited by a raft of national laws which are relatively complete in comparison with many other countries. These laws would provide a strong basis for the protection of children against their participation in armed conflict but, even with a global legal framework in place, the institutional capacity and public will for its application are still too weak.

Part of the challenge lies in the fact that many traditional approaches are not suited to dealing with armed groups of this type. Denunciation and humiliation at an international level, for instance, have little impact on groups whose main territory is the local communities from which they operate. To reiterate, the standards produced on an international level are broadly sufficient to allow an end to the recruitment and use of children. The same is true of the instruments intended to apply them. The difficulty lies instead in reconciling the different points of view on practices which are illegal for some and legitimate for others. If we are to condemn the recruitment and use of children by armed forces and groups – a condemnation which must be without appeal – we must also understand the motivations and causes behind this recruitment and use of children. One of the many points of entry to resolve this is to take into account the complexity of the armed conflicts in DRC and to admit that there is not one but several solutions to be adapted and combined depending on the situation.

The conflicts in DRC operate at different interlinked levels – international, regional, national and/or local. The causes of the recruitment and use of children vary on each of these levels and the means to reach solutions differ according to the level. Maintaining international pressure is essential in order to continue to draw attention to a practice that cannot be tolerated. The adoption by the Congolese authorities of an action plan designed to put an end to the recruitment and use of children by armed forces and groups is also necessary in order to translate the commitments made at an international level into action.

As for the communities, it is vital that they return to normal living and security conditions and find their way out of this crisis by means of economic recovery which will reverse the cycle of violence. Local groups need to understand the need to put an end to these practices although they find a justification in the very defence of the community. More than ever, it is necessary to restore the capacity of the state to guarantee peace and security across its entire territory – and for the state to implement an approach which reconciles local needs and international imperatives while defining a framework intended to protect the general environment for children.

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3. The term Mayi Mayi (also known as Mai Mai) refers to local militia groups organised on an ethnic basis. In 2009, 22 groups were counted as Mayi Mayi, with an estimated 8-12,000 fighters.
4. All forms of child exploitation are prohibited within the framework of the Congolese constitution, and ‘youth armies’ are banned. The Child Protection Act of January 2009 significantly strengthened legal protection for children, prohibiting and criminalising the recruitment and use of children in armed forces or groups. DRC is also a State Party to international treaties on human rights, especially the Convention on the Rights of the Child and its Optional Protocol, Convention No 182 from the ILO, the CPI Statute, etc. See also the report of the Coalition to Stop the Use of Child Soldiers on DRC at http://tinyurl.com/Child-Soldiers-DRC

At lunchtime we heard gunshots

Josephine, 18 years old, was interviewed in September 2010 in Niangara Territory, Oriental Province, by Oxfam staff.

“At lunchtime we heard gunshots. We left the house as quickly as possible. It was too late. A group of about 80 LRA men arrived and encircled us. They tied us up and then shot and killed my grandfather right in front of me. They took me and my three brothers into the bush, leaving behind my mother and grandmother. After an hour of walking they separated us and I was left with my 14-year-old brother Patrick. My two other brothers were never seen again.

I was held by the LRA for eight months. We were always on the move. I was forced to carry heavy loads, find food, and cook. Girls like me, some as young as 12, were forced to become the ‘wives’ of the LRA men. I was assigned to a boy who was actually Congolese like me and had also been kidnapped but was now a LRA fighter. I was finally able to escape one day when I was sent out to look for food. When the LRA fighters who were accompanying us fell asleep, I and another girl ran away. We walked 40 kilometres and finally arrived to safety in a village in Sudan. Patrick escaped two months after me.

I don’t know if I have HIV because there is no HIV testing clinic in Niangara. We now live as displaced people in a town where there are some UN peacekeepers so we feel safer but at our village there is no one to protect us. Until the UN comes to our area, it is too dangerous for us to access our fields and so we go hungry.”