A young boy is sitting on a large log, looking towards the right. He is holding a small green plant with two leaves in his right hand. The background shows a large, partially destroyed wooden structure made of many vertical and horizontal beams, suggesting a school building that has been damaged. The scene is outdoors with some greenery visible in the distance.

“ALL THAT I HAVE LOST”

Impact of Attacks on Education
for Women and Girls in Kasai Central Province
Democratic Republic of Congo



Global Coalition to **Protect** Education from **Attack**

This study is published by the **Global Coalition to Protect Education from Attack (GCPEA)**, which was formed in 2010 by organizations working in the fields of education in emergencies and conflict affected contexts, higher education, protection, and international human right and humanitarian law that were concerned about ongoing attack on educational institutions, their students, and staff in countries affected by conflict and insecurity. GCPEA is a coalition that includes United Nations agencies and non-governmental organizations. GCPEA is a project of the Tides Center, a non-profit 501(c)(3) organization.

This report is the result of independent research conducted by GCPEA. It is independent of the individual members of the Coalition and does not necessarily reflect the views of the member organizations.

This report was written by Holly Cartner, gender project consultant for GCPEA, and was reviewed and supported by GCPEA staff, including Amy Kapit, Diya Nijhowne, Nevena Saykova, Gisela Schmidt-Martin, Chris Sfetsios, and Marika Tsolakis, as well as members of GCPEA's Gender Working Group, including Heather Barr, Sujata Bordoloi, Amanda Braga, Nora Fyles, Sana Jelassi, Caroline Keenan, Maleiha Malik, Garnett Russell, Amritpal Sandhu, Margaret Sinclair, and Emilie Rees Smith. The report, or segments of it, were also reviewed by Timo Mueller, Congo researcher for Human Rights Watch, and Bede Sheppard, deputy director of Human Rights Watch's Children's Rights Division.

ACKNOWLEDGMENTS

GCPEA would like to thank the many individuals who have contributed to this report, including representatives of Congolese non-governmental organizations, representatives of international humanitarian organizations working in Congo, and other experts.

GCPEA would especially like to thank Jasmine Katshunga of Réseau de Femme pour la Promotion de Droit de l'Enfant et de la Femme (REFEDEF) for her invaluable expertise and support during the field research in the Kasai region. Without her assistance, this report would not have been possible. GCPEA would also like to thank Constantin-Roland Ndambu for his assistance with the research and especially with the translation of interviews. Most importantly, GCPEA would like to express its sincere gratitude to the victims, witnesses, and education personnel who provided evidence and shared their experiences related to attacks on education.

Generous support for this report is provided by the Education Above All Foundation, Education Cannot Wait, and the NoVo Foundation. GCPEA is also grateful for support from an anonymous donor, and the Norwegian Ministry of Foreign Affairs.



I was engaged before, but after [my fiancé] heard I was raped, he never contacted me again. He never even called to ask me how I was... I always think about my studies and all that I have lost. I can't stop thinking about how those guys smelled and the way they fell on me. They smelled so awful. I can't stop thinking about it...

NOELLE A., A STUDENT WHO WAS RAPED DURING A MILITIA ATTACK ON HER SCHOOL

“ALL THAT I HAVE LOST”

Impact of Attacks on Education
for Women and Girls in Kasai Central Province
Democratic Republic of Congo

April 2019

TABLE OF CONTENTS

Summary	4
Recruitment into the Kamuina Nsapu militia.....	7
Sexual Violence During and After Attacks on Schools	8
Abuses by FARDC Forces and the Bana Mura Militia.....	8
Long-Term Consequences of Attacks	8
Priority Recommendations	10
To the Congolese Authorities	10
To Kamuina Nsapu and other militias	11
To the International Community.....	11
Methodology	13
Map of Greater Kasai	14
Map of Kasai Central Province	15
Background and Context of the Conflict	16
The Kasai Region	16
Origins of the conflict: a struggle over customary power	18
Impact of the Conflict on Civilians	19
Attacks on Schools	22
FARDC Attacks on and Military Use of Schools	24
Recruitment and Use of Children by Kamuina Nsapu	30
Recruitment and Use of Girls and Young Women by Kamuina Nsapu	32
The Baptism Ritual at the Tshiota.....	33
Sexual Violence against Female Students and Teachers	35
Sexual Violence During Attacks on Schools and at the Tshiota.....	35
Raped while fleeing school attack.....	36
Raped at the Tshiota after Recruitment	39
Abductions of Female Students from Schools and Forced “Marriage”	40

Long-Term Consequences of Attacks on Education and Military Use of Schools on Female Students	42
Lost Education	42
Early Marriage	45
Stigma and Social Exclusion	48
Stigma as Obstacle to Continued Education	49
Rejection by Husbands and Other Family Members	50
Health Consequences of Rape	50
The Government’s Response to Attacks on Education in the Kasais	52
Government Programs to End Recruitment and Sexual Violence	52
Government Prosecutions of Crimes Against Civilians	53
Programmatic Responses from International Agencies and International and National NGOs	56
Separation of Children Formerly Associated with Armed Groups	56
Programs to Improve Access to Education.....	57
Psychosocial Support Programs.....	58
Support for Survivors of Sexual and Gender-Based Violence (SGBV)	58
Expanded Recommendations	62
To the Congolese Authorities	62
To Kamuina Nsapu and other militias	66
To the International Community.....	66
ANNEX I	
The Democratic Republic of Congo’s Obligations Under International Law	69
Prohibitions Against Sexual and Gender-Based Violence	69
Prohibitions Against Recruitment and Use of Children in Combat	70
Prohibition Against Forced and Child Marriage	72
Right to Health	73
Right to Education.....	74
International Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict	74
Legal Framework Relating to Military Use of Schools During Armed Conflict	75

SUMMARY

Attacks on schools, most notably by the Kamuina Nsapu militia, as well as the Congolese army (*Forces armées de la République Démocratique du Congo, FARDC*), were a common feature of the conflict in the greater Kasai region of the Democratic Republic of Congo (Congo or DRC), which erupted in August 2016 and engulfed the area through much of 2017.

This report documents abuses that women and girls experienced when schools were attacked in the Kasais, focusing specifically on Kasai Central province, where the conflict originated and where the largest number of schools were attacked. The Global Coalition to Protect Education from Attack (GCPEA) conducted over 55 interviews with female students, principals and teachers who were present during the attacks.

This research is part of a multi-country study on the impact of attacks on education on women and girls, which GCPEA initiated because girls and women are affected differently by attacks on education and military use of schools and universities than boys and men and may require different responses to support their recovery and return to education. The research is intended to contribute to a better understanding of the long-term implications for girls and women and ultimately to inform better strategies for protecting girls and women, preventing abuse, and mitigating harm.

The Kasai conflict originated in the village of Kamuina Nsapu (in Dibaya territory in Kasai Central province) where a dispute over customary power between a local chief and the government escalated into a brutal armed conflict that spread rapidly throughout the region. The chief, who formed the Kamuina Nsapu militia, initially targeted primarily government institutions and those who worked for them. However, over time, and especially after the chief was killed by government forces in August 2016, the Kamuina Nsapu militia increasingly targeted other institutions that it considered symbols of government authority, including schools, health centers, and offices of the electoral commission, as well as those who worked for these institutions. It also carried out more and more attacks on civilians. In a little under one year, between August 2016 and June 2017, as many as 5,000 people were killed by brutal militia attacks and the response of government forces fighting the revolt.¹ At the peak of the crisis, over 1.4 million were internally displaced, including almost 600,000 children; at least 35,000 sought refuge in neighboring Angola.² By July 2018, the United Nations (UN) had confirmed 87 mass graves.³ After the



Survivors of attack on their primary school in Kazumba territory in December 2016.

© Holly Cartner, October 2018

¹ The Regional Council of Non-Governmental Development Organisations (Le Conseil régional des organisations non gouvernementales de développement, CRONGD), “Kasaï: An NGO collective counts more than 5000 killed and denounces the trivialization of the crisis, (Kasaï: Un collectif d’ONG dénombre plus de 5000 tués et dénonce la banalisation de la crise,” July 5, 2017, <https://actualite.cd/2017/07/05/kasai-collectif-dong-dnombre-plus-de-5000-tues-denonce-banalisation-de-crise/> (accessed October 14, 2018).

² See OCHA, “Democratic Republic of Congo: Internally Displaced Persons and Returnees (as of 30 November 2017),” https://reliefweb.int/sites/reliefweb.int/files/resources/drc_factsheet_novembre_2017_en_1.pdf (January 11, 2019).

³ See HRC, “Interactive dialogue on the regular periodic update on DRC, Statement by Ms. Kate Gilmore, United Nations Deputy High Commissioner for Human Rights, 36th session of the Human Rights Council,” September 26, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22154&LangID=E> (accessed September 1, 2018).



initial escalation in violence, pro-government militias formed to fight the Kamuina Nsapu militia, allegedly with the support of government security forces.⁴

The conflict had a particularly devastating impact on children, who were widely recruited by the Kamuina Nsapu militia and disproportionately targeted by FARDC and the national police (*Police nationale congolaise*, PNC).

⁴ See Human Rights Council, “Statement of the High Commissioner to the Interactive dialogue on the Democratic Republic of the Congo, 35th session of the Human Rights Council,” June 20, 2017, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=21779&LangID=E> (September 1, 2018).



The children are told the broomsticks are magic and can protect them from enemy fire.

© Roland Leon Sunday Mirror, 2018



Recruitment into the Kamuina Nsapu militia

The Kamuina Nsapu militia engaged in the massive recruitment of children and youths. The United Nations Children’s Fund (UNICEF) estimated that several thousands of children were recruited and used in combat by Kamuina Nsapu and that at least 60 percent of militia members were children, often under the age of 15.⁵

Kamuina Nsapu recruited both adults and children, including girls, in many different settings, including in villages, from homes, and from the local market. As Kamuina Nsapu increasingly targeted schools, attacks on schools were sometimes also used as an opportunity to recruit children, including both boys and girls.

All recruits were required to participate in a ritual baptism, typically at a ceremonial fire (*tshiota*). The baptism was believed to offer the combatants protection and make them invulnerable to its enemies. As a result, many children went into combat against heavily armed government forces with only knives, machetes, and sometimes only so-called magical weapons such as sticks and brooms. Many of these children were reportedly under the influence of drugs or alcohol.⁶

Girls played an important role in the Kamuina Nsapu militia and were recruited specifically as the carriers of charms or fetishes—the protective magic—that the Kamuina Nsapu militia members believed would protect them during battle. These young girls, referred to as “*ya mamas*” (little mamas) were believed to be able to magically stop bullets by rustling their skirts, thereby sending the bullets back toward the soldiers who had shot at them. They were placed at the front of the militia units going into battle as human shields, often completely unarmed or armed only with a magical weapon such as a broom or kitchen utensil. While the number of girls who died in battle is unclear, several interviewees believed that girls were at greater risk of injury and death because of their position in front of other militia members during battles.

⁵ UNICEF, “Kasai: A Children’s Crisis,” https://www.unicef.org/publications/files/UNICEF_DRC_Kasai_Children_in_Crisis_2018.pdf, p. 20.

⁶ Human Rights Council, “Statement of the High Commissioner to the Interactive dialogue on the Democratic Republic of the Congo, 35th session of the Human Rights Council,” June 20, 2017, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=21779&LangID=E> (September 1, 2018).

Sexual Violence During and After Attacks on Schools

Various abuses were committed against girls during attacks on schools and after they were abducted. GCPEA documented cases where Kamuina Nsapu militiamen raped female students and school staff when they attacked schools or when girls were fleeing a school attack. Although there is insufficient data on the number of cases of sexual violence perpetrated against school children and teachers during such attacks, GCPEA interviewed a number of students who reported having been raped or of knowing of other students and colleagues who had been raped during militia attacks on their schools. Similarly, most of the school principals interviewed by GCPEA reported dozens of girls having been raped during attacks on their schools.

GCPEA also received reports of girls who were taken from their school to the tshiota purportedly to become militia members but were instead subjected to rape and other sexual violence or forcibly “married” off to militia members. Some of the girls interviewed by GCPEA were told they had a choice of joining the militia or being raped, but others were raped after joining the militia. Still others were raped without any pretext of being recruited, although sexual violence is reportedly prohibited by Kamuina Nsapu ideology.

Abuses by FARDC Forces and the Bana Mura Militia

Government security forces in their response to the Kamuina Nsapu insurgency committed serious violations of international humanitarian law and human rights law. They unlawfully targeted civilians and committed large numbers of summary executions, rape and other abuses in the course of suppressing the militia. Armed forces attacked at least 38 schools in the Kasai region during this period.⁷ FARDC, as well as Kamuina Nsapu, also used schools for military purposes, thereby compromising the civilian status of the schools and making them a legitimate target of attack. Furthermore, such military use damaged and destroyed school buildings and supplies, that are often of poor quality and limited availability in the region, and thereby further interfered with students’ access to quality education.

As the conflict spread from Kasai Central province into neighboring Kasai province, pro-government militia groups were formed, reportedly with the support and funding of Congolese defense and security forces, to fight the Kamuina Nsapu.⁸ These groups, called Bana Mura, have also reportedly committed massive rape and held women and girls in sexual slavery in Kamonia territory (Kasai province). However, GCPEA did not receive information from survivors of school attacks or from international organizations working in the greater Kasais that these violations occurred in the context of attacks on schools, which is the focus of this report.

Long-Term Consequences of Attacks

Many students, both girls and boys, were unable to return to school after the conflict began to gradually subside in mid-2017, and a significant number appear to remain out of school at this writing. Although there is little concrete data on the numbers of children who were still out of school when the 2017-2018 school year started, many school principals indicated that when schools reopened in September 2017, there were significantly fewer students than had been registered the previous year and that this was particularly true for girls.

Interviewees told GCPEA that one of the main reasons that students remain out of school is due to their inability to pay school fees. While school fees and other educational costs prevented some children from going to school prior to the conflict, the financial impediments to schooling have increased as a result of the deaths of parents and the destruction of families’ homes, fields, animals, and other means of livelihood. Many girls, as well as

⁷ Information provided by a representative of a UN organization. GCPEA telephone interview, April 2, 2018, and follow-up emails.

⁸ See HRC, “Detailed Report of the Team of Experts,” para. 66. See also, for example, Nick Cumming-Bruce, “Congolese Militia Accused of Atrocities,” *New York Times*, June 20, 2017, <https://www.nytimes.com/2017/06/20/world/africa/democratic-republic-of-congo-bana-mura.html> (accessed January 3, 2019).

school principals, reported that when parents could not pay for all their children to attend school, they were more likely to prioritize their sons’ education.

Parents were also reportedly more likely to keep their daughters than their sons home from school because of fears for their safety and especially their concerns about the risk of sexual violence. Even though the security situation had improved, principals and students reported that some parents would never send their daughters back to schools that had been attacked, especially if they knew girls had been raped there or raped after being abducted from the school.

Although there is little quantitative data that would allow for a comparison, many interviewed by GCPEA were convinced that early marriage had increased as a direct result of the conflict and its aftermath. Interviewees stressed that, as a result of the widespread sexual violence that had occurred in the region, parents were even more likely to marry their daughters early. Parents believed that marriage might provide their daughters with some protection, even though there was no indication that married women were spared sexual violence.

Female students who were victims of sexual violence, and many of those who joined the militia, now face severe stigma and social exclusion. For many, it is this rejection and ostracism by family and friends that is most painful. Virtually everyone interviewed by GCPEA reported that victims of rape would rarely return to school because of the shame they feel. Those who attempt to go back to school face terrible bullying and social exclusion.

Many of the girls and young women who were interviewed by GCPEA reported that they continue to have a range of gynecological problems such as sexually transmitted infections, abdominal pain, and numerous other symptoms that may be physical or psychological, as a result of sexual violence. Some also reported fertility problems, which they attributed to the sexual violence that they had suffered. Others became pregnant as a result of rape and are now dealing with unwanted pregnancies.

* * *

In recognition of the intensity of the violence and massive violations being reported in the Kasai region, the UN Human Rights Council appointed a Team of International Experts on the situation in the Kasai (hereinafter Team of Experts) in June 2017 to investigate the situation in the region.⁹ The Team of Experts issued its report at the 38th Session of the Human Rights Council in July 2018, concluding among other things that both the Kamuina Nsapu and Bana Mura militias, and the FARDC, had committed war crimes and crimes against humanity.¹⁰ The Team of Experts’ mandate was renewed for another year in July 2018.

Security in the Kasai region has improved since the height of the conflict, and many displaced persons have returned to their homes.¹¹ However, the region remains an operational zone for the FARDC, and militias continue to carry out sporadic attacks. In January 2019, the UN peacekeeping forces, the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO¹²) reported continuing activity by Kamuina Nsapu and Bana Mura militias, including recruitment of children, as well as military operations by FARDC in areas of the Kasai region.¹³

⁹ UN Human Rights Council, “Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions,” (June 22, 2017), A/HRC/RES/35/33, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/176/85/pdf/G1717685.pdf?OpenElement> (accessed November 12, 2018). See also Human Rights Watch, “Renewing and Expanding the Human Rights Council-Mandated Investigation Into Human Rights Violations and Abuses in the DR Congo’s Kasai Region: Joint NGO letter to Permanent Representatives of Member and Observer States of the United Nations Human Rights Council,” June 29, 2018, <https://www.hrw.org/news/2018/06/29/renewing-and-expanding-human-rights-council-mandated-investigation-human-rights> (accessed February 11, 2019).

¹⁰ UN Human Rights Council, “Situation in Kasai* Report of the United Nations High Commissioner for Human Rights,” July 3, 2018, <http://undocs.org/A/HRC/38/31> (accessed August 10, 2018).

¹¹ OCHA, “Democratic Republic of Congo: 2018 Overview of Humanitarian Needs (2018 Aperçu des Humanitaires),” October 31, 2018, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-2018-aper-u-des-besoins> (accessed January 12, 2019).

¹² MONUSCO is the acronym for the force’s French name, Mission de l’Organisation des Nations unies pour la stabilisation en République démocratique du Congo.

Priority Recommendations

Congo endorsed the Safe Schools Declaration in July 2016. The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express support for protecting education from attack during times of armed conflict; the importance of the continuation of safe education during war; and the implementation of concrete measures to deter the military use of schools.¹⁴

GCPEA calls on the Congolese government to implement the Declaration and on the international community to support the government, including by taking immediate steps to account for the specific needs and experiences of women and girls in the process of implementation.

GCPEA also offers the following priority recommendations (see also Expanded Recommendations section below, which also includes citations).

To the Congolese Authorities

GCPEA calls on the Congolese government to take the following steps as a matter of urgency:

- **Investigate and prosecute sexual violence.** The authorities should impartially investigate and prosecute alleged perpetrators of sexual violence in the Kasais, including holding accountable those high-level officers who knew or should have known about the widespread abuses of those under their command and did not take appropriate action, and ensuring that anyone convicted of such crimes is prohibited from remaining or rejoining the security forces in any location in the country;
- **End military use of schools.** The Congolese government should fully enforce Ministerial Directive N° VPM/MDNAC/CAB/0909 of 2013, which prohibits the use of schools for military purposes. For scenarios not addressed by the directive, the government should ensure the full implementation of the ***Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*** as a minimum standard;
- **Train national defense and security forces** on the prohibition of sexual violence and on ending the use of educational institutions for military purposes;
- **Enforce legal age of marriage.** Enforce the Child Protection Act of 2009 (Article 48) 15 which sets the legal age of marriage at 18 for both men and women in all regions of Congo and expand measures to mitigate the harms caused by early marriage, including by expanding efforts to encourage and support continuation of education after marriage or, where that is not possible, economic empowerment programs and skills acquisition initiatives. Enforce ministerial directive guaranteeing that young mothers can continue with their education after childbirth;
- **Create systematic early warning systems.** In particular, the government should provide school administrators, students, and teachers, Ministry of Education personnel, and local communities with accurate, up-to-date security information, including specific information on the risks of sexual violence;
- **Ensure that schools have emergency communications protocols.** Improved communications systems are essential, especially in remote areas, if school administrators and teachers are to be able to alert students and take appropriate action when a threat is imminent;
- **Support flexible educational arrangements.** The government should support and expand, with international donor support, formal and non-formal accelerated education opportunities. These should be certified programs that allow those who have missed out on education to catch up on missed learning. Efforts should

¹³ Security Council, “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,” S/2019/6, January 4, 2019, <https://undocs.org/S/2019/6> (accessed January 12, 2019).

¹⁴ See Global Coalition to Protect Education from Attack, “Safe Schools Declaration and Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,” <http://www.protectingeducation.org/safeschoolsdeclaration>.

¹⁵ Child Protection Act of 2009 (Article 48) <http://www.leganet.cd/Legislation/JO/2009/L.09.001.10.01.09.htm>

be made to increase girls’ access to safe and secure spaces for non-formal and formal education, especially accelerated programs;

- **Develop targeted reintegration interventions.** The government, with the support of international donors, should develop a comprehensive strategy specifically for the Kasai region,¹⁶ of adequate duration and backed by sufficient funding, for the reintegration of women and girls who have experienced sexual violence, abductions or recruitment and use in the Kasai conflict. This should include measures to increase availability of and access to services for the physical and psychological treatment of sexual violence; and
- **Address the financial impediments preventing children from attending schools,** such as mandatory school fees and at minimum suspend mandatory school fees in areas affected by conflict.

To Kamuina Nsapu and other militias

GCPEA also makes recommendations to Kamuina Nsapu and other militia leaders regarding the gross and serious abuses committed by their forces:

- **Cease attacks on schools.** As a matter of utmost urgency, GCPEA calls on all militia leaders to cease all attacks on education, including attacks on schools, students, and teachers, and the specific abuses against female students and teachers or administrators documented in this report;
- **End all recruitment and use of children.** Militia leaders should stop recruitment and use of children under 18 years of age and suspend from their positions, pending investigations, any commanders who are credibly alleged to have recruited and used child soldiers, including specifically the placing of girls in the front of militia units as human shields;
- **Prevent sexual and gender-based violence.** Militia commanders should take all steps necessary to prevent sexual and gender based violence (SGBV) by its combatants, including by halting all forced marriages, and hold combatants accountable, in accordance with international standards; and
- **Comply with international law.** The militia leadership should take all measures necessary to ensure that its combatants strictly comply with international humanitarian law and the principles of international human rights law, including by issuing command orders, adopting internal policies or creating a code of conduct that incorporate international humanitarian law obligations regarding the protection of education and the prohibition against sexual violence.

To the International Community

While, the United Nations, including MONUSCO, donor governments, and international humanitarian actors are already responding to many of the concerns raised in this report, the needs of victims of the conflict in the Kasais far exceed the resources currently available. GCPEA calls on the international community to privately and publicly urge the Congolese government to adopt the recommendations included in this report, and to increase its own support for the interventions recommended:

- **Support enhanced protection measures.** International donors should expand support for enhanced security measures, including emergency communications systems, especially for rural communities, systematic early warning systems, the development of comprehensive school-based safety and security plans, and programs to provide security training for educators and students;
- **Support continued deployment and expanded mandate for MONUSCO.** The United Nations and member governments should ensure that MONUSCO maintains a presence in the Kasai region to afford it the capacity to monitor developments and intervene as necessary to prevent future conflict. The deployment of MONUSCO troops in the region should continue to include monitoring, reporting and responding to attacks on schools,

¹⁶ Such efforts may include the full implementation of the Action Plan to stop and prevent child recruitment, sexual violence and other violations committed against children in the Kasais.

military use of schools, and abductions and recruitment of children. In addition, if feasible, consider explicitly mandating MONUSCO to patrol schools to prevent attacks and the violations that occur during such attacks, as documented in this report;

- **Support specialized outreach to female victims of attacks on education.** International donors should support the expansion of specialized outreach to female survivors of attacks on education, including those who have suffered from recruitment, abduction, sexual violence, and other abuses documented in this report, in order to identify the numbers of survivors and their specific needs, and should continue to support, and where possible, expand the provision of medical and psychosocial assistance to survivors of attacks on education, taking into account the specific needs and experiences of women and girls;
- **Support targeted reintegration interventions.** International donors should support the development of a comprehensive strategy specifically for the Kasai region,¹⁷ of adequate duration and backed by sufficient funding, for the reintegration of girls formerly associated with armed groups;
- **Support efforts to expand access to medical and psychosocial support for victims.** International donors should expand support for programs that provide free and confidential medical and psychosocial services for victims of conflict-related violence, including sexual and reproductive healthcare, and ensure that victims are aware of such services and how to access them;
- **Support international accountability measures.** International actors in Congo should continue to promote and support international accountability measures with the government, including through international channels, such as the International Criminal Court, the UN Human Rights Council, UN Security Council Working Group on Children and Armed Conflict, UN human rights treaty monitoring bodies, among others; and
- **Support efforts to strengthen monitoring and reporting.** International organizations and influential governments should support the Congolese government to strengthen and systematize data collection related to school security, including on specific threats to female students and teachers. In addition, they should support efforts to strengthen monitoring and reporting of attacks on education and military use of schools and universities, including by collecting and reporting data that is disaggregated by sex.

¹⁷ Such efforts may include the full implementation of the Action Plan to stop and prevent child recruitment, sexual violence and other violations committed against children in the Kasais.

METHODOLOGY

This case study is based on over 55 interviews, including with 21 female survivors of sexual and gender-based violence, recruitment and use, or forced “marriage,” and 30 principals or teachers who were eyewitnesses to the attacks on their schools. The female students who were interviewed for this report ranged in age from 7 to 25, with about half being between the ages of 13 and 19. The victims and witnesses were identified with the assistance of civil society workers, who were asked to facilitate contact with female students or teachers they knew of who had been affected by an attack on a school. In addition, GCPEA consulted with approximately 20 representatives of international humanitarian organizations based in the Congo, international donor organizations, and other experts. The types of impact discussed in this report are those specifically identified by the interviewees. This case study focuses on abuses committed against female students and teachers in the context of attacks on schools in Kasai Central province, the province where the conflict originated.¹⁸

GCPEA conducted a two-week research mission in Congo in October-November 2018. All victims and eyewitnesses were interviewed in person in Kasai Central province. Some supplemental interviews were conducted in the capital, Kinshasa. A few interviews, as well as follow-up clarification, were conducted by phone, Skype, or email. GCPEA selected research sites in Kasai Central province based on where the largest number of schools had been attacked, where it was possible to access the target population, and where it was considered safe to travel. Researchers conducted interviews in Luiza and Bilomba, as well as in Kananga. Interviewees came from the following territories: Demba, Dibaya, Dimbelenge, Kananga, Kazumba, and Luiza. All interviews with victims and their families were conducted in Tshiluba, French, or another local language, all with the help of an interpreter.

In conducting this research, GCPEA followed relevant ethical principles, such as those set out in UNICEF’s Ethical Guidelines for research involving children,¹⁹ and guidelines for interviewing survivors of trauma and sexual violence. In all cases the research was guided by the principle of doing no harm, as well as principles of informed consent, confidentiality, and privacy. The researchers informed each interviewee about the nature and purpose of the research and how the information would be used. The researchers explained the voluntary nature of the interview and told interviewees that they could refuse to be interviewed, refuse to answer any question, and terminate the interview at any point. GCPEA obtained explicit consent for each interview, which was recorded in the interview notes. When the interviewee was a minor, GCPEA obtained consent from a parent or guardian, as well as from the child. The names of all survivors and witnesses have been changed to pseudonyms to protect their privacy. Other details, including the names of the villages, have not been included in this study to protect the identity of interviewees. The names of other interviewees have sometimes been withheld at their request. Interviewees did not receive any compensation for the information they provided. However, to ensure that interviews were conducted in a private, safe space, GCPEA paid to transport some interviewees to safe interview sites.

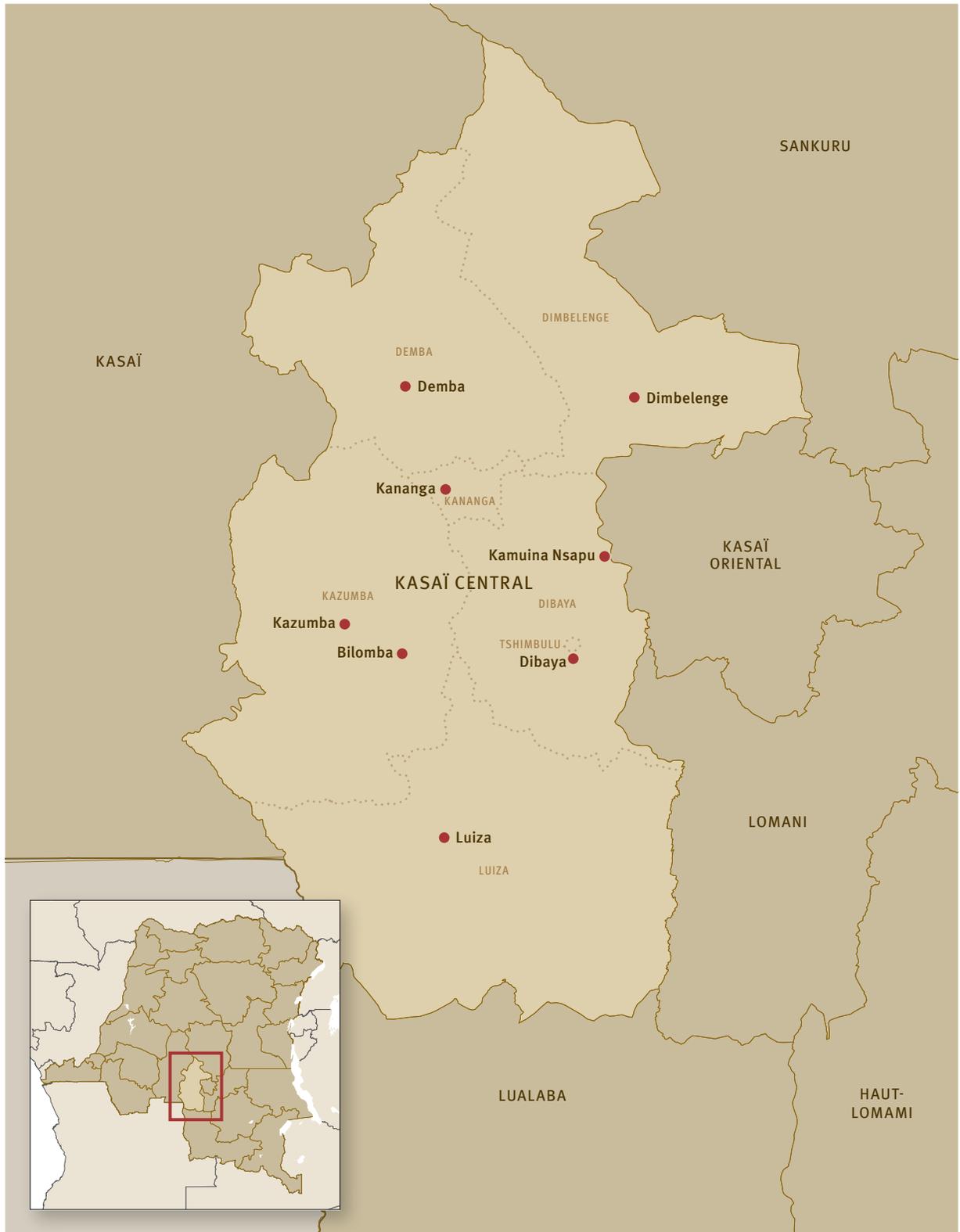
¹⁸ This study does not provide a complete picture of the abuses committed during the conflict in the Kasai region, which took on a different character as it spread from Kasai Central to other provinces. Specifically, the conflict took on an increasingly ethnic dimension as it spread into Kasai province, and the nature and degree of the abuses committed there may have been different. What is more, the formation of pro-government militias, especially in Kasai province, also changed the nature of the violations and the motivation of the perpetrators, but these were not covered by GCPEA’s research in Kasai Central province. See, for example, Security Council, “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,” S/2017/565, June 30, 2017, <https://monusco.unmissions.org/sites/default/files/n1718276.pdf> (accessed July 28, 2018); see also, Fédération Internationale de Droit de l’Homme (FIDH), “Massacres au Kasai : des crimes contre l’humanité au service d’un chaos organisé République démocratique du Congo,” December 2017, https://www.fidh.org/IMG/pdf/massacres_au_kasai_rapportfidh_dec2017.pdf (accessed November 11, 2018).

¹⁹ Graham, A., Powell, M., Taylor, N., Anderson, D. and Fitzgerald, R., Ethical Research Involving Children (Florence: UNICEF Office of Research – Innocenti, 2013), <https://www.unicef-irc.org/publications/pdf/eric-compendium-approved-digital-web.pdf> (accessed September 9, 2018).

MAP OF GREATER KASAI



MAP OF KASAI CENTRAL PROVINCE



BACKGROUND AND CONTEXT OF THE CONFLICT

The Kasai Region

The Greater Kasai region (Grand Kasai) is located in central Congo and is approximately the size of Germany. It is comprised of five provinces—Kasai, Kasai Central, Kasai Oriental, Lomami, and Sankuru, which were created in July 2015 by a provincial redistribution plan.²⁰ The Luba people are the main ethnic group in the region and especially in Kasai Central province. The 2015 redistribution was viewed by some as a government effort to reduce the influence of the Luba to the benefit of other ethnic groups. This redistribution is one of several factors that had contributed to an increase in ethnic tensions in the region prior to the conflict.²¹

The region is considered a stronghold of the political opposition. In the 2011 elections, late opposition leader Etienne Tshisekedi and his political party—Union for Democracy and Social Progress (UDPS)—reportedly won nearly 75 percent of the votes in the Greater Kasai region.²² The Greater Kasai region was also a stronghold for his son Félix Tshisekedi, who was declared the winner in disputed presidential elections held on December 30, 2018.

The Congo ranks among the poorest countries in the world with a position of 176 out of 189 countries and UN recognized territories on the Human Development Index,²³ and the Kasai region is one of the poorest and least developed in the country. The UN Team of Experts on the situation in the Kasais noted in its 2018 report that:

Between 2005 and 2012, while the rate was falling in other parts of the DRC, the poverty rate rose in Kasai, reaching more than 70 percent of the population.... The state invested only weakly in basic services and infrastructure, reinforcing the extreme poverty of the population and chronic underdevelopment.²⁴

Government socio-economic indicators for 2013-2014 also reveal that, in what is now Kasai and Kasai Central provinces (at the time Kasai Occidental), 51.7 percent of children were chronically malnourished, in comparison to 17.3 percent in Kinshasa.

Gender inequality remains a persistent problem throughout the Congo. In 2017, the United Nations Development Program (UNDP) ranked Congo 152 out of 160 nations included in the Gender Inequality Index.²⁵ UNDP reported that

In Congo... 8.2 percent of parliamentary seats are held by women.... For every 100,000 live births, 693 women die from pregnancy related causes; and the adolescent birth rate is 124.2 births per 1,000 women of ages 15-19. Female participation in the labour market is 71.4 percent compared to 73.5 for men.²⁶

There is significant gender inequality in the education sector. According to the World Bank, the literacy rate in 2016 for all females 15 and above was 66.5 percent, compared with 88.5 percent for males.²⁷ Of the illiterate

²⁰ In 2015, the greater Kasai region was split from two provinces – Kasai Occidental and Kasai Oriental – into five provinces in a policy known as *découpage*. Kasai Occidental was divided into Kasai and Kasai Central provinces, and Kasai Oriental was divided into Kasai Oriental, Lomami, and Sankuru. See Congo Research Group, *Setting Fire to Your Own House*,” p. 8, fn. 1.

²¹ *Ibid.*

²² FIDH, “Massacres au Kasai,” p. 4. See also Congo Research Group, “Setting Fire to Your Own House,” p. 23.

²³ See UNDP, “Human Development Indices and Indicators: 2018 Statistical Update: Congo (Democratic Republic of the),” http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/COD.pdf (accessed January 21, 2019), p. 2.

²⁴ Human Rights Council, “Detailed Report of the Team of International Experts on the situation in the Kasais (Rapport détaillé de l’Equipe d’experts internationaux sur la situation au Kasai),” A/HRC/38/CRP.1, June 29, 2018, <https://digitallibrary.un.org/record/1637440?ln=en> (accessed September 8, 2018), para. 36.

²⁵ In making its ranking, the Gender Inequality Index (GII) considers three dimensions – reproductive health, empowerment, and economic activity.” UNDP, “Human Development Indices and Indicators: 2018 Statistical Update, Congo (Democratic Republic of the),” <http://hdr.undp.org/sites/default/files/Country-Profiles/COD.pdf> (accessed February 20, 2019), p. 5.

²⁶ *Ibid.*

²⁷ World Bank, <https://data.worldbank.org/indicator/SE.ADT.1524.LT.MA.ZS?locations=CD&view=chart> (accessed February 20, 2019).

population, 75 percent are female.²⁸ According to Oxfam, which conducted a gender assessment in the Kasais in 2017, “schooling rates are very low for all children but especially so for girls, with nine girls in primary, six girls in secondary, and four girls in tertiary education for every 10 boys.”²⁹

It is difficult to obtain reliable data on measures of gender equality for the Kasai region or for individual provinces within the Kasais. However, based on Oxfam’s assessment, it reported that:

Gender issues that exist nationally are likely to be magnified in the Kasai region as it is one of the least developed and poorest regions in the country, with a population that is already vulnerable. Data from the Demographic and Health Survey conducted in 2014 show that the incidence of child marriages, sexual violence and intimate partner violence in Kasai is already higher than the national average. The conflict has exacerbated these vulnerabilities, leading to greater health risks and increased food insecurity; as in other crises, these affect men, women, boys and girls differently.³⁰

Similarly, in Kasai and Kasai Central provinces, 31.5 percent of women and girls over six years of age had no education, compared to 5.3 percent in Kinshasa.³¹

Although the Kasai region was marginalized both economically and politically before 2016, the region had been largely free of the armed conflict that has plagued other areas of the country.³² Thus, the explosion and rapid escalation of violence in the region caught everyone off guard.

²⁸ UNESCO, “Democratic Republic of Congo, Illiterate Population,” <http://uis.unesco.org/en/country/cd> (accessed February 20, 2019).

²⁹ Oxfam, “Kasai: The Forgotten Province of DRC – Gender Assessment October-November 2017,” February 2, 2018, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620410/rr-kasai-drc-gender-assessment-020218-en.pdf;jsessionid=oFFooDB9AF92D7F622952F4F4D348F6?sequence=7> (accessed November 15, 2018), p. 10.

³⁰ *Ibid.*, p. 11. Oxfam’s assessment was conducted in Kasai province.

³¹ See Demographic and Health Survey Kasai Occidental 2013-2014, cited in Congo Research Group, “Setting Fire to Your Own House,” p. 23. See also International Crisis Group, “Kamuina Nsapu Insurgency Adds to Dangers in DR Congo,” March 21, 2017, <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/kamuina-nsapu-insurgency-adds-dangers-dr-congo> (August 17, 2018), p.2.

³² See, for example, Congo Research Group, “The Landscape of Armed Groups in Eastern Congo,” November 20, 2015, <http://congoreserchgroup.org/essay-the-landscape-of-armed-groups-in-eastern-congo-2/>; Human Rights Watch, “Always on the Run: The Vicious Cycle of Displacement in Eastern Congo,” September 14, 2010, <https://www.hrw.org/report/2010/09/14/always-run/vicious-cycle-displacement-eastern-congo>; “Trail of Death: LRA Atrocities in Northeastern Congo,” March 28, 2010, <https://www.hrw.org/report/2010/03/28/trail-death/lra-atrocities-northeastern-congo>; “You Will Be Punished: Attacks on Civilians in Eastern Congo,” December 13, 2009, <https://www.hrw.org/report/2009/12/13/you-will-be-punished/attacks-civilians-eastern-congo>. See also International Crisis Group, “Eastern Congo: The ADF-NALU’s Lost Rebellion,” December 19, 2012, <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/eastern-congo-adf-nalu-s-lost-rebellion>; and “Congo: Bringing Peace to North Kivu,” October 31, 2007, <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/congo-bringing-peace-north-kivu>.

Origins of the conflict: a struggle over customary power

In early 2016, a local struggle over customary power in Kasai Central province between a traditional chief and the state provided a spark that escalated into a brutal conflict and quickly spread across the Greater Kasai region. Although the conflict affected much of the region, its impact was most devastating in Kasai Central (capital, Kananga) and Kasai province (capital, Tshikapa).

A traditional chief in the village of Kamuina Nsapu (in Dibaya territory)—Jean-Prince Pandi³³—had been appointed by the ruling family in 2013 but had not received the government recognition that was necessary to carry out his chiefly duties. Under Congolese law, customary chiefs perform important functions in the public administration of their area. Although they are selected by the ruling family according to traditional customs, they are recognized by the state and provided a state salary. The government’s recognition is supposed to be a formality. However, in the case of Jean-Prince Pandi, the state refused his request for recognition, probably because he was known to be close to the political opposition.

In April 2016, the government obtained a search warrant for Pandi’s home, based on information from a relative that Pandi had begun to stockpile weapons. Security forces conducted a raid on Pandi’s house on April 3, while Pandi was in South Africa, but no weapons were found. However, according to the Congo Research Group, the raid was considered a sign of disrespect and an insult to the authority of the chief:

During the operation, there were two important affronts to Pandi and his customary power, which are among the events that triggered the conflict: first, security officials handled sacred objects associated with Pandi’s customary authority, thereby violating an important taboo. Second, Pandi’s wife was allegedly assaulted or raped.³⁴

Pandi returned to the village of Kamuina Nsapu shortly after the raid and began to set up barricades to prevent access to the village. Pandi also began to recruit members for a militia—the Kamuina Nsapu militia (see discussion of the recruitment ritual below). During the next months, the Kamuina Nsapu militia reportedly began to carry out violent attacks on government representatives and government buildings, as well as against a rival chief in the neighboring village of Ntenda. Approximately 100 houses were burned, and at least 15 people were killed during these attacks.³⁵ Although there were some efforts by the provincial government to negotiate with Pandi during this time, there was also growing pressure to arrest the chief.

The government, which increasingly viewed Pandi as a threat, gave him an ultimatum on August 10 to surrender or face the army. Pandi requested that he be able to surrender to MONUSCO but was told that MONUSCO was not present in the area at the time. On August 12, Pandi was killed at his home in Kamuina Nsapu by government security forces. Although intended to put an end to the uprising, the death of Pandi caused an intensification of the conflict, which spread rapidly to other parts of the Kasais and over the next months would take on an increasingly ethnic dimension.

³³ He is also referred to as Jean-Pierre Pandi. Pandi’s name is sometimes spelled Mpandi. His chiefly title is Kamuina Nsapu Pandi, after the village of Kamuina Nsapu.

³⁴ Congo Research Group, “Setting Fire to Your Own House, p. 10.

³⁵ Sonia Rolley, “DRC: Violence in the Kasais – Chapter 1: Death of a Chief (RDC : Violences au Kasai – Chapitre 1: la mort d’un chef),” Radio France International, <http://webdoc.rfi.fr/rdc-kasai-violences-crimes-kamuina-nsapu/index.html> (accessed September 28, 2018).

Impact of the Conflict on Civilians

The Kamuina Nsapu militia committed horrific acts of violence against representatives and employees of the government, mutilating bodies and sometimes decapitating them, and engaging in acts of cannibalism.³⁶ As will be discussed below, the Kamuina Nsapu militia also began to target other institutions that it considered symbols of government authority, including schools, health centers, and offices of the electoral commission, as well as those who worked for these institutions. It also increasingly committed crimes against the civilian population. The Congo Research Group reported:

In the wake of Pandi’s death, the Kamuina Nsapu militia began to fragment into different factions and proliferated across several provinces.... As brutal as it was, the original group was characterized by a certain amount of discipline inculcated through a set of prohibitions, including a ban on consuming meat and not engaging in sexual activity. They were relatively limited in their targeting, attacking state authorities and associated buildings. The later “Kamuina Nsapu” groups that emerged after Pandi’s death often did not practice the same self-restraint, engaging in vicious attacks against the civilian population.³⁷

Government security forces responded with attacks against the Kamuina Nsapu insurgency that involved numerous abuses against persons in custody and civilians. The UN Team of Experts reported that FARDC forces often made no distinction between active militia members and civilians who had nothing to do with the militia, committing a large number of summary executions, including during house-to-house searches, widespread rape, and the torching of villages.³⁸ FARDC forces used heavy weaponry, including rocket launchers, in clashes with militia members, the majority of whom were children typically without firearms, carrying only the most primitive weapons such as machetes, knives and slingshots, or with sticks and brooms that were believed to magically transform into real weapons.³⁹ Some FARDC abuses were filmed by soldiers and later leaked to the media, including what appear to be killings of wounded and unarmed militia members, including children.⁴⁰

In fact, FARDC appears to have targeted children. MONUSCO stated that although the full scale of child casualties remains unknown, information it obtained during its interviews with children formerly associated with Kamuina Nsapu, as well as the identification of mass graves by the UN (see below) “all point to significant numbers of child casualties.” MONUSCO concluded:

The protective powers that both children and their FARDC opponents believed to be real, as well as Kamuina Nsapu’s use of children on the frontlines and chiefs’ abandonment of children when the militia was overrun, led to close combat between young children, FARDC soldiers, and PNC officers. The FARDC’s use of force was often disproportionate relative to the threat the children posed.... Three quarters of all children killed and maimed by the FARDC in 2017 occurred in the Kasais, far higher than in the East...⁴¹

In a little under a year, between August 2016 and June 2017, an estimated 5,000 people were killed in the Kasai region.⁴² By July 2018, 87 mass graves had been confirmed by the United Nations Joint Human Rights Office

³⁶ UN Human Rights Council, “Situation in Kasai: Report of the United Nations High Commissioner for Human Rights,” A/HRC/38/31, July 3, 2018, https://digitallibrary.un.org/record/1641141/files/A_HRC_38_31-EN.pdf (accessed July 24, 2018), para. 31.

³⁷ Congo Research Group, “Setting Fire to Your Own House, p. 13.

³⁸ Human Rights Council, “Situation in Kasai.”

³⁹ Sonia Rolley, “DRC: Violence in the Kasais – Chapter 2: The Reaction of the Army (RDC: *Violences au Kasai – Chapitre 2: La Réaction De L’Armée*),” Radio France International, <http://webdoc.rfi.fr/rdc-kasai-violences-crimes-kamuina-nsapu/chap-02/index.html> (accessed September 28, 2018).

⁴⁰ Jeffrey Gettleman, “‘Look, They Are Dying’: Video Appears to Show Massacre by Congolese Soldiers,” New York Times, February 17, 2017, <https://www.nytimes.com/2017/02/17/world/africa/democratic-republic-congo-massacre-video-.html> (accessed January 7, 2019).

⁴¹ MONUSCO, “Our Strength Is in Our Youth: Child Recruitment in the Democratic Republic of the Congo 2014-2017,” February 2019, [Kamuina Nsapu Chapter, pre-publication pagination], p.14-15.

⁴² The Regional Council of Non-Governmental Development Organisations (Le Conseil régional des organisations non gouvernementales de développement, CRONGD), “Kasai: An NGO collective counts more than 5000 killed and denounces the trivialization of the crisis, (Kasai: Un collectif d’ONG dénombre plus de 5000 tués et dénonce la banalisation de la crise,” July 5, 2017, <https://actualite.cd/2017/07/05/kasai-col>

(UNJHRO).⁴³ Human Rights Watch stated that the majority of the mass graves “are believed to contain the bodies of civilians and militants killed by government security forces using excessive force against alleged militia members or sympathizers.”⁴⁴ Similarly, the International Federation for Human Rights noted that “In most cases, the location of the mass graves corresponds to reports of summary executions of Kamuina Nsapu militiamen and ordinary citizens committed by FARDC and PNC units.”⁴⁵

The conflict also resulted in the massive displacement of the civilian population who were fleeing the violence. At the peak of the crisis, over 1.4 million were internally displaced, including almost 600,000 children; at least 35,000 sought refuge in neighboring Angola.⁴⁶ Many of the internally displaced fled into the bush or to isolated areas that were often inaccessible to humanitarian actors and devoid of any protection. As the Global Education Cluster stated, “Life in the open entails significant dangers, such as an increased risk of physical violence and abduction by militia or military personnel.”⁴⁷ Many of those interviewed by GCPEA reported that they had suffered additional violence, including sexual violence, after fleeing into the bush. Others reported that they were attacked when they attempted to exit the bush during the day to search for food and other supplies.

Although it is nearly impossible to get accurate data on the number of cases of sexual violence that occurred during the conflict in the Kasais, there is little doubt that sexual violence was rampant. This report discusses below sexual violence committed in the context of attacks on schools. However, it should be noted that sexual and gender-based violence occurred in many different settings and contexts during the conflict and was committed by all sides, including by militia groups and the Congolese army.

Between August 2016 and May 2017, the Gender-based Violence (GBV) Sub-Cluster for the Congo reported that 1,429 survivors of SGBV were treated in three provinces in the Kasai region. The majority of incidents reported (68 percent) were cases of sexual violence perpetrated against children, with girls between 12 and 17 representing the vast majority of cases.⁴⁸ The UN Team of Experts also reported that

Of the 454 persons who shared their experience with [the team], at least 45 percent mentioned that they had been victims of sexual violence by one or more persons, on one or more occasions, or that they had witnessed people who had suffered such violence.... These figures must be read in light of the fact that many victims do not dare talk about what happened to them for fear of stigma.⁴⁹

As the conflict spread from Kasai Central province into neighboring Kasai province, pro-government militia groups were formed, reportedly with the support and funding of Congolese defense and security forces, to fight the

lectif-dong-denombre-plus-de-5000-tues-denonce-banalisation-de-crise/ (accessed October 14, 2018).

⁴³See Human Rights Council, “Interactive dialogue on the regular periodic update on DRC, Statement by Ms. Kate Gilmore, United Nations Deputy High Commissioner for Human Rights, 36th session of the Human Rights Council,” September 26, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22154&LangID=E> (September 1, 2018). The United Nations Joint Human Rights Office (UNJHRO) is comprised of the MONUSCO Human Rights Division (HRD) and the office of the UN High Commissioner for Human Rights in the Congo.

⁴⁴ Human Rights Watch, “World Report 2018, Democratic Republic of Congo,” <https://www.hrw.org/world-report/2018/country-chapters/democratic-republic-congo#> (accessed September 8, 2018).

⁴⁵ See, for example, “Fédération International de Droit de l’Homme (FIDH), Massacres au Kasai: des crimes contre l’humanité au service d’un chaos organisé République démocratique du Congo,” December 2017, p. 6, https://www.fidh.org/IMG/pdf/massacres_au_kasai_rapport-fidh_dec2017.pdf (accessed November 11, 2018).

⁴⁶ “Inter-agency Operational Update: Angola,” November 22, 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/61220.pdf> (accessed September 3, 2018). See also OCHA, “Democratic Republic of the Congo Overview,” November 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA-DRC-Overview-Nov2017.pdf> (accessed October 1, 2018).

⁴⁷ Global Education Cluster, “Secondary Data Review,” p. 3.

⁴⁸ GBV Sub-Cluster DRC, “Gender Based Violence Situation and Response in the Democratic Republic of Congo: The Kasai Crisis,” August 25, 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/GBVSC-DRC_Overview%20on%20the%20Kasai%20response_18Aug17.pdf (accessed August 3, 2018), p. 4.

⁴⁹ Human Rights Council, “Detailed Report of the Team of International Experts on the situation in the Kasais (Rapport détaillé de l’Equipe d’experts internationaux sur la situation au Kasai),” A/HRC/38/CRP.1, June 29, 2018, <https://digitallibrary.un.org/record/1637440?ln=en> (accessed September 8, 2018), para. 408.

Kamuina Nsapu.⁵⁰ These groups, called Bana Mura, are largely composed of young men from the Chokwe, Pende and Tetela ethnic groups. As the conflict spread from Kasai Central, it took on an increasingly ethnic dimension, and reached new levels of brutality. In a statement to the UN Human Rights Council in June 2017, then-High Commissioner for Human Rights Zeid Ra’ad Al Hussein stated:

I am appalled by the creation and arming of a militia, the Bana Mura – allegedly to support the authorities in fighting the Kamuina Nsapu, but which has carried out horrific attacks against civilians from the Luba and Lulua ethnic groups. Refugees from multiple villages in the Kamonia territory indicated that the Bana Mura have in the past two months shot dead, hacked or burned to death, and mutilated, hundreds of villagers, as well as destroying entire villages.⁵¹

Bana Mura have also reportedly committed massive rape and held women and girls in sexual slavery in Kamonia territory (Kasai province).⁵² The UN reported that it had documented 66 cases of women and girls being abducted and used as sex slaves, and that it had provided the provincial government of Kasai with a list of the victims, as well as the location of the farms where they were being held.⁵³ Some of these women and girls have since escaped.⁵⁴ However, it is unclear whether there are others who remain in captivity at this writing.

In June 2017, the UN Human Rights Council mandated an international team of experts to investigate the human rights violations in the Kasais.⁵⁵ The Team of Experts issued their report in June 2018, concluding among other things that both the Kamuina Nsapu and Bana Mura militias and government forces had committed war crimes and crimes against humanity.⁵⁶ The experts’ mandate was renewed in June 2018.⁵⁷

⁵⁰ See HRC, “Detailed Report of the Team of Experts,” para. 66. See also See, for example, Nick Cumming-Bruce, “Congolese Militia Accused of Atrocities,” *New York Times*, June 20, 2017, <https://www.nytimes.com/2017/06/20/world/africa/democratic-republic-of-congo-bana-mura.html> (accessed January 3, 2019).

⁵¹ HRC, “Statement of the High Commissioner to the Interactive dialogue on the Democratic Republic of the Congo, 35th session of the Human Rights Council,” June 20, 2017, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=21779&LangID=E> (September 1, 2018).

⁵² See Radio France International, “Sexual slaves in Kasai: 38 people heard by the courts (Esclaves sexuelles au Kasai: 38 personnes entendues par la justice),” December 9, 2018, <http://www.rfi.fr/afrique/20181209-esclaves-sexuelles-kasai-38-personnes-entendues-justice-otage-femmes-viol> (accessed February 15, 2019); Sexual slaves in Kasai: Monusco goes to the creneau (Esclaves sexuelles au Kasai: la Monusco monte au créneau),” January 8, 2018, www.rfi.fr/afrique/20180801-esclaves-sexuelles-kasai-monusco-peine-convaincre-gouvernement (accessed February 11, 2019); “DRC: more than a year of ordeal for girls sex slaves Kasai (RDC: plus d’un an de calvaire pour des filles esclaves sexuelles du Kasai)” July 19, 2018, www.rfi.fr/afrique/20180719-rdc-femmes-esclaves-sexuelles-kasai-central (accessed February 11, 2019); “Sexual slaves from Kasai: the anger of civil society (Esclaves sexuelles du Kasai: la colère de la société civile),” July 20, 2018, www.rfi.fr/afrique/20180720-esclaves-sexuelles-kasai-rdc-colere-societe-civile (accessed February 11, 2019).

⁵³ Radio France International, “Sexual slaves in Kasai: 38 people heard by the courts.”

⁵⁴ David Wroe, “The suffering of sex slaves in the Congo: ‘I was one woman to 20 men,’” *The Sydney Morning Herald*, November 24, 2018, <https://www.smh.com.au/world/africa/the-suffering-of-sex-slaves-in-the-congo-i-was-one-woman-to-20-men-20181120-p50h35.html> (accessed February 20, 2019).

⁵⁵ UN Human Rights Council, “Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions,” (June 22, 2017), A/HRC/RES/35/33, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/176/85/pdf/G1717685.pdf?OpenElement> (accessed November 12, 2018).

⁵⁶ UN Human Rights Council, “Detailed Report of the Team of International Experts.”

⁵⁷ UN Human Rights Council, “Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai region,” (July 20, 2018), A/HRC/RES/38/20, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/230/66/pdf/G1823066.pdf?OpenElement> (accessed November 12, 2018).

ATTACKS ON SCHOOLS

Attacks on schools and school personnel have been a prominent feature of the conflict in the Greater Kasai region. The UN Secretary General, in his May 2018 report on Children in Armed Conflict (which covers the period through the end of 2017), stated that there were 333 verified attacks on schools in the Kasai region, “with schools burned down, destroyed and pillaged.”⁵⁸ The Secretary General went on to state that “reports of hundreds of additional attacks in the region were received but could not be verified at the time of writing.”⁵⁹ A representative of a UN agency based in the Congo also reported that there were 375 verified attacks on schools in the Kasai region.⁶⁰ The majority of these attacks occurred in Kasai Central province.

The vast majority of the attacks on schools were committed by the Kamuina Nsapu militia, which as noted above, it considered to be symbols of government authority in the region. As the representative of one international NGO observed, “In the Kasai region, Kamuina Nsapu militia started out targeting representatives of government agencies. But when the conflict escalated, they started targeting schools.... It wasn’t because of an ideological hostility toward education, but because schools were seen as an agency of the government.”⁶¹

The militia often targeted the principal of the school and teachers, who were perceived as supportive of the government of then-president Joseph Kabila. Many principals reported that they were asked why they were still holding classes when they had been told to close the schools, although the only such communication appears to have been through local radio channels. Clément T., a primary school principal from Demba territory, described what happened when the militia came to his school in April 2017:

They told me, ‘You are working with your so-called President. You are a traitor to the traditions and morals of the region.’ They tied my hands behind my back and started beating me.... I was held the whole day, but when they left to burn the school, I was able to flee. When I realized they had left, I ran to the bush.⁶²

Pascal M., a principal from Luiza territory, noted:

On the eve of the state exams on January 31, 2017, we were ready to start the exams when the first militia group came. We received a message [warning on the radio] that the principal should close the school. ‘Tell them we are coming for them.’ That day we closed the school. Another school principal had already been killed in our area, so I did not want to take the risk.⁶³

The militia often destroyed books and other learning materials, administrative files, classrooms and furniture and set many schools on fire. Gaston M., a junior primary school principal, recounted his experience:

On March 8, [2017] around 10:30 am, we were having a school break. I saw a crowd of people coming toward the school with guns. They came up and started attacking me in my office, trying to break the door.... They said, ‘We have come to take the documents and furniture.’ Then they took everything. All the tables, books ... I started weeping. I pleaded with them. They asked, ‘Why do you continue teaching since

⁵⁸ Report of the Secretary-General, Children and armed conflict in the Democratic Republic of Congo, S/2018/502, May 25, 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1816164.pdf> (accessed August 20, 2018), para. 45.

⁵⁹ Ibid.

⁶⁰ Information provided by a UN respondent. GCPEA telephone interview, April 2, 2019, and follow-up emails. The information covered the period up to the end of March 2019, but the majority of attacks on schools in the Kasai region occurred during the second half of 2016 and 2017. It should be noted that different UN agencies report slightly different numbers of attacks on schools (as well as the military use of schools). Based on information provided by a UN respondent, for example, GCPEA reported in *Education under Attack 2018* that, “of at least 639 verified and unverified attacks on schools reported in the Greater Kasai region in 2016 and 2017... the UN verified 51 in 2016 and 396 in 2017. See GCPEA, “Education Under Attack,” May 2018, http://www.protectingeducation.org/sites/default/files/documents/eua_2018_full.pdf, p. 112. During the research for this report, GCPEA also received information from two separate members of the Education Cluster that 404 attacks on schools had been verified.

⁶¹ GCPEA telephone interview, September 18, 2018.

⁶² GCPEA interview with Clément T., Kananga, November 1, 2018.

⁶³ GCPEA interview with Pascal M., Luiza, October 27, 2018.



Girls assaulted by Kamuina Nsapu militia members while fleeing their primary school in Demba territory in April 2017.

© Holly Cartner, October 2018

others have stopped?... Why do you continue to support the government, which isn't doing anything for your village?"⁶⁴

School teachers and students were wholly unprepared for these attacks. School staff and students described the lack of any warning before the attacks. Principals and teachers also reported that they had received no communication from provincial or other education representatives or from security forces in the region, that they were given no security information or guidance as to how to respond if an attack were to occur, and that they had not received any security training, security protocol or had anyone speak to them about the risks associated with the growing insecurity in the area. School personnel and students had to fend for themselves, which typically involved fleeing into the bush.

⁶⁴ GCPEA interview with Gaston M., Luiza, October 27, 2018.

FARDC Attacks on and Military Use of Schools

Government army forces also attacked schools and used them for military purposes. The Secretary General's report on Children and Armed Conflict in the DRC, which covers the period through December 2017, stated that "six attacks on schools in the Kasais were attributed to FARDC."⁶⁵ However, the number is believed to be much higher. According to the representative of a UN agency based in Congo, of the 375 verified attacks on schools in the Greater Kasai region, 38 were carried out by the Congolese army.⁶⁶ In 29 of these attacks, FARDC was responsible for burning or other destruction of the school. In 10 of the cases, soldiers reportedly looted learning and other school materials. There is limited information on the circumstances surrounding these attacks, but in at least five cases the attack appears to have been motivated by Kamuina Nsapu having previously occupied the school.⁶⁷

The Catholic Schools Coordinator's Office for the Archdiocese of Kananga, which oversees many schools in the region, reported that it had received reports that the Congolese army had attacked schools, and that teachers were beaten and ill-treated by FARDC units during the attacks.⁶⁸ The Coordinator's Office expressed the view that the army had attacked schools because it suspected teachers of being members of the militia.

Of the organizations interviewed for this report, few had detailed information on whether children and teachers were present at the time of the FARDC attacks and occupation of schools or whether anyone was harmed during these attacks. In one case, a local activist in Kasai Central reported that children were not present when soldiers attacked:

In Luiza, in the villages of Kadongo and Moma, soldiers burned three schools in March 2017, during their fight against the [Kamuina Nsapu] militia. The students were not yet in class, as these attacks occurred early in the morning, and at a time when much of the population had fled the villages.⁶⁹

However, in another case documented by a UN agency, children appear to have been present at the time of the attack: A 15-year-old boy from Dibaya territory (Kasai Central province) reported that the Ditalala primary school in Tshimpinganga had been occupied by FARDC soldiers in November 2016 during their campaign against the Kamuina Nsapu militia. The military left the school after approximately one month, but the boy reported that, during their time in the school, he saw soldiers ill-treat the director and loot everything in the school.⁷⁰

In another case reported by UNICEF, Tshiela, a ten-year-old girl, describes the army's attack on her school:

The army locked us in our classroom so we couldn't get out. They accused us of being militia, but it wasn't true, because the militia came from somewhere else. Some of the children escaped and the army started shooting them, some of the children fell and the rest of us fled into the bush.... There were five of my classmates that were killed... I was hiding behind some rocks and I could see people being killed by gunfire... The military burned our school down, a school in Kasanji village, and many others.⁷¹

FARDC units were also responsible for the military use of schools, often occurring in the aftermath of an attack. According to the representative of a UN agency, in 10 of the 38 verified cases, FARDC units occupied the school for periods ranging from one to six months.⁷² For example, FARDC reportedly attacked the Complexe Scolaire

⁶⁵ Report of the Secretary-General, Children and armed conflict in the Democratic Republic of Congo," S/2018/502, May 25, 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1816164.pdf> (accessed August 20, 2018), para. 45.

⁶⁶ GCPEA telephone interview with representative of UN agency, April 2, 2019, and follow-up emails.

⁶⁷ Ibid.

⁶⁸ Email communication from the Catholic Schools Coordinator of the Archdiocese of Kananga, February 22, 2019.

⁶⁹ Email communication with GCPEA, February 21, 2019.

⁷⁰ Ibid.

⁷¹ UNICEF, "Shootings while trying to learn in DR Congo," May 10, 2018, https://www.youtube.com/watch?time_continue=41&v=HfhCoNlf-Sms (accessed January 19, 2019). See also UNICEF, "Kasai: A Children's Crisis," p. 17.

⁷² GCPEA telephone interview with representative of UN agency, April 2, 2019, and follow-up emails.



Girl abducted by Kamuina Nsapu militia during an attack on her secondary school in Dimbelenge in November 2016. She was later assaulted at the “tshiota” (initiation fire), and harassed by soldiers until she abandoned her school and fled the area.

© Holly Cartner, November 2018



DANS
VOTRE
OF THE

LEONARDI UET MIFON

m+f

- mbu
- mbu
- mbi
- Karj
- mbari

DA

2004



Former teacher attacked by militia members while fleeing her school in Dimbelenge in November 2016.

© Holly Cartner, November 2018

Mukenge in Nganza commune on the outskirts of Kananga on February 11, 2017, and used the school as an operation center until April 14, 2017. During their occupation of the school, soldiers destroyed school property, and their presence prevented the 350 registered students from having access to the school. The school was evacuated on April 14, following advocacy from child protection officers.⁷³

Representatives of international organizations reported that FARDC usually evacuated schools quickly after advocacy by MONUSCO, UNICEF, or other members of the Country Task Force on Monitoring and Reporting on grave violations against children (CTFMR), or government representatives through the Joint Technical Working Group on children and armed conflict.

GCPEA interviewed two principals who reported that FARDC had damaged their schools. Yves M., a primary school principal from Demba territory, stressed:

The school was closed after the attack [by Kamuina Nsapu], until the military arrived in October 2017. Then I and the teachers returned... but we had to run back to the bush regularly because soldiers were killing everyone they met and confusing everyone as militia.... The military stayed in my school for about 3 months. They used the desks to make fires and caused a lot of damage... The government does not pay for the damage caused to the school, and the children suffer the consequences.⁷⁴

⁷³ Ibid.

⁷⁴ GCPEA interview with Yves M., Kananga, November 2, 2018.

Victor N., a secondary teacher in Luiza territory, reported that “in my school... some of the soldiers slept in the school and on the porch of the school. They caused a lot of damage, including completely destroying the office... I am not sure how we will ever pay for the necessary repairs.”⁷⁵

Similarly, human rights activists working in Kasai Central reported to GCPEA that:

- At least 13 schools in the Demba territory were attacked by the army between January and April 2017 in the Diofa, Lombelu, and Tshibungu sectors. The military used the classrooms as their barracks and shelters. In some schools where the benches were already broken, they used them as firewood.⁷⁶
- Seven schools were occupied by the military in the Mboyi, Kafuba, and Ndekesha sectors of Kazumba in March 2017. The military only stayed a few days in the schools before moving on to other villages.⁷⁷
- FARDC units occupied several schools in the Kunduyi and Mashala sectors of Dimbelenge territory for an extended period of time and used the remaining wood and roof frames for heating. Several of these schools had been previously damaged by Kamuina Nsapu.⁷⁸

According to some of the principals and students interviewed by GCPEA, the occupation of schools by one armed group could trigger a response by the other group, with students and education personnel suffering from insecurity and the disruption of students’ education. For example, Elodie N., a fifteen-year-old female student from a village near Kananga, recounted that:

When the soldiers and militia started fighting in Kananga village, I think in April [2017], we were all nervous.... The militia were coming to the school regularly to check whether soldiers were in our school. When they came, we ran away... When the soldiers came, they were also looking for militia members, who they suspected of being in our school... Finally, I decided to get christened [and join the militia] to protect myself. They [the elders] were saying that everyone should get christened to protect themselves from the soldiers.⁷⁹

Many of the school personnel and students interviewed by GCPEA had mixed feelings about the arrival of FARDC forces in their villages. On the one hand, some were relieved that FARDC was able to chase the Kamuina Nsapu militia out of their area, but many feared the soldiers’ conduct. François L., a high school teacher from Luiza territory, expressed a common sentiment:

The military is a necessary evil. We were glad that they fought the militia, but then they started looting houses of those who were in the bush. Young people were afraid to be in front of soldiers because they would shoot without any reason. They also raped many girls.⁸⁰

Similarly, Oscar K., secondary school principal in Kazumba territory, stated:

With the arrival of the soldiers, we thought we would be safe, but we were fooling ourselves. We couldn’t imagine that they would do worse than what the militia had done. We thought they would protect us, but they didn’t know who was a militia member and who was not, so they were shooting at anyone they saw... When we returned, they started raping our daughters... so many were raped. As a result, many girls dropped out of school.⁸¹

⁷⁵ GCPEA interview with Victor N., Luiza, October 28, 2018.

⁷⁶ Email communication with GCPEA, February 21, 2019.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ GCPEA interview with Elodie N., Kananga, November 4, 2018.

⁸⁰ GCPEA interview with François L., Luiza, October 28, 2018.

⁸¹ GCPEA interview with Oscar K., Bilomba, October 29, 2018.

RECRUITMENT AND USE OF CHILDREN BY KAMUINA NSAPU

The Kamuina Nsapu militia systematically recruited children and youth, including from schools, and used them in combat. UNICEF estimated that several thousands of children were recruited and used in combat by the Kamuina Nsapu militia and, citing the interagency Global Education Cluster and Global Protection Cluster, at least 60 percent of militia members were children, often under the age of 15.⁸² MONUSCO has estimated that at least 1,900 children were recruited by Kamuina Nsapu, although this figure is believed to be much higher. The Team of Experts stated in June 2018:

Despite the difficulties of access, child protection actors had already identified, as of 30 August 2017, 1,220 boys and 658 girls recruited and used by the Kamuina Nsapu militia. In view of the testimonies collected by the [team], there are serious reasons to believe that the Kamuina Nsapu militia recruited and used a much larger number of children⁸³

It is difficult to assess the extent to which children were forcibly recruited or enticed to join Kamuina Nsapu. Many of those interviewed by GCPEA reported that Kamuina Nsapu militiamen tried to convince them (principals, teachers and students) to join the militia, but did not hesitate to use various forms and degrees of pressure and threats, as well as violence to force those who resisted to join. Some witnessed their parents being killed when they resisted giving their children over to the militia. Others had heard stories of such killings and were too afraid to resist. According to MONUSCO's research, "while the popular stereotype was that most children volunteered to join the militia, in fact 69 percent were forcibly recruited, including through death threats."⁸⁴ Still others joined because they or their parents believed that the initiation ritual would provide protection. As will be discussed in more detail below, Kamuina Nsapu has a religious-magical ideology, which features in its induction rituals and is intended to provide protection from the arms of its enemies. In addition, some children, especially in the earliest stages of the conflict, joined because they or their families shared the ideological and political views of the Kamuina Nsapu chief and leadership.

Some of the girls interviewed by GCPEA who joined the Kamuina Nsapu militia stated that they were motivated by promises of better and free education. Several international actors interviewed by GCPEA reported that their own research had confirmed that children were motivated, at least in part, by the promise of free education. However, a senior representative of an international organization was skeptical that many children had joined the Kamuina Nsapu militia because of a desire for education. Instead, he believed most were motivated by promises of money to alleviate a range of more immediate needs, such as for food and shelter.⁸⁵

The recruitment of children, including girls, occurred in many different settings, such as in their villages, from their homes, and from local markets. As Kamuina Nsapu increasingly targeted schools, attacks on schools were sometimes also used as an opportunity to recruit boys and girls. MONUSCO reported that the unprecedented level of attacks on schools in the Kasais, "was closely inter-related with child recruitment, as schools and their hundreds of students were targeted as recruitment and abduction sites."⁸⁶ Many teachers and students were apparently able to flee before the militia arrived at their schools. A representative of an international organization

⁸² UNICEF, "Kasai: A Children's Crisis," https://www.unicef.org/publications/files/UNICEF_DRC_Kasai_Children_in_Crisis_2018.pdf, p. 20.

⁸³ Human Rights Council, "Detailed Report of the Team of International Experts," para. 402.

⁸⁴ MONUSCO, "Our Strength Is in Our Youth: Child Recruitment in the Democratic Republic of the Congo 2014-2017," February 2019, [Kamuina Nsapu Chapter, pre-publication pagination], p. 2. MONUSCO's research indicates that the primary reason for children to join Kamuina Nsapu was "family and peer pressure, with 37 percent of Kamuina Nsapu child volunteers citing this reason..." Other reasons children gave for joining the militia included as part of the "forced recruitment of entire communities on pain of death," to avenge the death of Chief Kamuina Nsapu, to fight the government, and because of promised financial incentives. *Ibid.*, pp. 2-5.

⁸⁵ GCPEA interview, Kinshasa, October 25, 2018.

⁸⁶ MONUSCO, "Our Strength Is in Our Youth," p. 8.



Girl who was 11 years old when assaulted by militia while fleeing an attack on her school in Kazumba territory in December 2016.

© Holly Cartner, October 2018

estimated that 60 percent of the schools were empty when the militia attacks occurred.⁸⁷ However, GCPEA found many others who were not able to escape quickly enough. Louis L., a primary school principal in Luiza territory, described the abduction of students from his school:

Two weeks before [the attack on my school], Kamuina Nsapu had come to preach to us in the village and convince us to go to the tshiota. The traditional chief was forced to be christened. The group that was baptized at that point came back and went straight to the school. They took all the children who were 9-10 years old. They took all the girls and boys. Approximately 18 children in all.⁸⁸

To the extent that those being recruited are under the age of 18, they are considered for purposes of this report to be forcibly recruited and to be used in violation of international law. For those children who are under the age of 15, their recruitment and use is a war crime. The recruitment from schools also amounts to the military use of schools, which endangers students and teachers and undermines students' right to education, among other rights. (See Legal Obligations).

⁸⁷ GCPEA interview, Kinshasa, October 25, 2018.

⁸⁸ GCPEA interview with Louis L., October 27, 2018.

Recruitment and Use of Girls and Young Women by Kamuina Nsapu

Girls played a prominent role in the Kamuina Nsapu militia and were either convinced or abducted and forced to join the militia to serve a number of purposes. While all militia members who had been baptized at the tshiota were believed to be invincible to their enemy's bullets, girls had a particularly important role to play in ensuring protection for the whole unit. According to this ideology, young girls called "ya mamas" (little mothers) were believed to be able to magically stop bullets by rustling their skirts and send the bullets back toward the soldiers who had shot at them. "Ya mamas," typically wearing only red skirts and no tops and often unarmed or armed only with a magical weapon such as a broom or kitchen utensil, were placed at the front of the militia unit going into battle.

According to MONUSCO's research "Kamuina Nsapu recruited girls at the relatively high rate of 21 percent."⁸⁹ Furthermore, "89 percent of girls recruited by Kamuina Nsapu were involved in armed clashes, in stark contrast to the armed groups in the East..." A representative of an international non-governmental organization (NGO) based in the Kasai region also observed that "Girls were targeted more for combat than in other parts of the DRC because of the magic-religious ideology that assigned girls a particularly prominent and important role in the combat units."⁹⁰ Similarly, MONUSCO reported that "the youngest children, especially girls, were explicitly sent to the frontlines to protect the next wave of combatants."⁹¹

Several interviewees stressed that girls were especially at risk of injury and death because of their position as human shields in front of the militia unit during battles and that they were likely to have faced disproportionate injury and death. For example, Alexandre M., a principal of a primary school, observed:

So many girls were killed because they were trying to fight soldiers with only so-called magic weapons. Girls and boys would stand up to heavy weaponry with only a "magic" stick or broom, but the girls were at the very front.⁹²

A representative of an international organization based in the Kasais also stated: "I think that girls were killed more than boys due to their place in the front lines during combat."⁹³ Similarly, referring to "ya mamas," the Congo Research Group noted: "Some of the videos that appeared in early 2017 of FARDC attacks against Kamuina Nsapu groups show that a considerable number of the casualties may have been these kinds of girls."⁹⁴ However, it is not possible to determine what proportion of militia deaths were girls.

Many of those interviewed by GCPEA reported the recruitment of both girls and boys from their schools. Justin K., a principal of a secondary school, reported:

On January 8, 2017, the militia came to my school. They did not want the schools to be open. They wanted to recruit students for their militia. Some of the students were forced to join them. Others went willingly. The first day they came, they took nine girls away and six boys. Of the nine girls, some were killed, others raped.... None of the [girls] came back to school.⁹⁵

⁸⁹ MONUSCO, "Our Strength Is in Our Youth," p.11. "This rate is second only to the FRPI [Force de résistance patriotique d'Ituri, Union of Congolese Patriots] nationally." Some international organizations interviewed by GCPEA reported an even higher percentage of girls in the Kamuina Nsapu militia. The representative of one international non-governmental organization based in the Kasais estimated from its own work that "at least 32 percent [of child combatants] were girls." GCPEA interview, Kananga, October 25, 2018.

⁹⁰ GCPEA telephone interview, September 18, 2018.

⁹¹ MONUSCO, "Our Strength Is in Our Youth," p.6.

⁹² GCPEA interview with Alexandre M., October 27, 2018.

⁹³ GCPEA telephone interview, December 1, 2018.

⁹⁴ Congo Research Group, "Setting Fire to Your Own House," p. 13.

⁹⁵ GCPEA interview with Justin K., Luiza, October 27, 2018.

As noted above, Kamuina Nsapu sometimes tried to convince students to join, but resistance was typically met with threats and violence. Some students and teachers were able to pay for their release. Girls who resisted were often subjected to rape. Some girls and young women were taken to the tshiota purportedly to become militia members but were instead subjected to rape and other sexual violence or forcibly “married” off to militia members. (see discussions on sexual violence and forced “marriage” below) It is not clear whether the motive, at least in some cases, was from the start primarily for the purpose of extortion of money and food, and, in the case of girls, for sexual violence.

Frederic K., a principal from Dimbelenge, described the militia’s attack on his school:

In October 2016, we started to hear people saying the militia was going to pass through [the village] to fight. Some days later, they came in the village and found us at school. They surrounded the school and tried to recruit the male students from the 6th [grade] and take them to the tshiota. I and my teachers resisted, so we were captured and taken to the tshiota together with 20 students (10 boys and 10 girls). We all had our hands tied behind our backs.⁹⁶

Others reported that they were forcibly recruited into the Kamuina Nsapu militia when they were on their way to or from school. Lucia N., a secondary school student, remembered being forced to join the militia:

I was at school when some people came to tell me that my father and mother had been burned to death in their house.... When I heard that my parents were killed, I left the school to go to my village. On the way home from the school, I met the militia on their way to fight. They asked me, “Are you the daughter of the pig and his wife, who we just killed? They ordered me to join the militia. Then I knew it was true that my parents were dead. I tried to argue with them, but they told me they would kill me if I did not want to join them, and I believed them.⁹⁷

The Baptism Ritual at the Tshiota

After being recruited from their school, all recruits were taken to the tshiota for the initiation ritual, or baptism. The baptism ritual was slightly different at different tshiotas but tended to include having to drink potions or eat various items, including in some cases human flesh. Some reported being given alcohol or drugs. Lucia N. told GCPEA about her experience being baptized:

They took me to the tshiota and gave me water to pour all over my body. I had to eat red and black ants. They told us that the militia was in search of true freedom and was going to take back the true power of the country...

After I was baptized, they gave me a red headband, which made me angry and when I put it on, I felt motivated to go to war, like I could kill everything.... The militia leaders gave us girls a broom, which was considered magic. I was given a wooden [kitchen utensil] that was supposed to be a magic gun that the soldiers could not defeat.... After that, I went with them wherever they went and participated in several battles. I later realized that we would not be able to defeat soldiers with the magic. They were killing us in large numbers.⁹⁸

Alexandra B., who was a 17-year-old secondary school student when she was recruited into the militia when she went home for holidays, described her experience:

The militia came to me and proposed that I join them to fight for peace in the country.... After I was baptized, I felt stronger, more powerful. Then I went to fight.... When we went into battle, girls were in the front. I was given a magic wooden [kitchen utensil] as a weapon.... The magic worked. At one point, I was

⁹⁶ GCPEA interview with Frederic K., Kananga, November 1, 2018.

⁹⁷ GCPEA interview with Lucia N., Kananga, November 3, 2018.

⁹⁸ Ibid.

surprised by soldiers, who shot at us. I flew away [magically] with another militiaman.... But I am not sure whether it was the magic that helped or whether God intervened. So many [other militia members] were killed. Why were they not able to fly away too? ⁹⁹

Similarly, Prudence K., who was 15 years old at the time of the attack on her school in Dibaya, described her initiation into the militia:

Then the militia captured me and took me to the tshiota. They told me to join them or be killed. So, I accepted to join the militia. I was baptized with a black liquid that they rubbed on my skin. Then they took a razor and cut my back in five places and poured some black dust on the cuts. I was given something to drink that I did not recognize. I was told to close my eyes and swallow. The liquid was to help us disappear if we felt in danger.

We girls were told we could not have our underwear on. If the soldiers could see them, they would be weakened. I was given a red headband and we were given red skirts. If soldiers shot at us, this would chase the bullets away. I was also given a magic broom.

And the magic did help me. I disappeared during battle. Once you do these things, you have other spirits that make you have to kill, whether man or animal. Yes, I felt that way and I did kill.¹⁰⁰

⁹⁹ GCPEA interview with Alexandra B., Kananga, November 4, 2018.

¹⁰⁰ GCPEA interview with Prudence K., Kananga, November 3, 2018.

SEXUAL VIOLENCE AGAINST FEMALE STUDENTS AND TEACHERS

Sexual Violence During Attacks on Schools and at the Tshiota

As noted above, sexual violence was rampant during the conflict in the Kasais. Rape and other forms of sexual violence also occurred during attacks on schools and in the aftermath of such attacks. Although there is no reliable data on the number of cases of sexual violence perpetrated against school children and teachers during these attacks, GCPEA interviewed a number of students and school officials who reported having been raped or of knowing of other students and colleagues who had been raped during militia attacks on their schools and in the aftermath of such attacks.

In early March 2017, the Kamuina Nsapu militia was moving through Luiza¹⁰¹ territory and attacking many schools. According to several interviewees, a group of militiamen went to a post-secondary institute and assaulted the students, raping ten of the female students and a female administrator, and killing a male department head. Noelle A. was a student at the school when the militia arrived that day. She reported:

The [militiamen] found us (21 students - 11 boys and 10 girls) in the auditorium where we were studying. One shouted, ‘Strength!’ in Tshiluba. Others shouted back, ‘We have that!’ They started beating the boys, and then took them outside. The girls were forced to stay in the auditorium. Then they started ... to rape us. They told us they would kill us. We started crying, weeping, but no one could come to rescue us...

[My colleague] was raped first. After they raped [her], it was my turn, then another, then another. While one was raped, the other militiamen stood guard over us.... After they were finished, they chased us and said they didn’t want to see us in school anymore. They accused us of having collaborated with the national army.¹⁰²

The husband of one of the students at the institute also reported:

I heard that my wife had been raped at the [institute], where she was studying.... When I reached her, she did not want to tell me, but I said, ‘I love you for better or worse. I will forgive you... you should not keep this to yourself and not tell me.’ My wife said that the day she was raped, they had asked the militia to let them continue with their studies if they paid them money. At first the militia seemed to accept, but then they slaughtered [the head of the department] and raped his assistant. And they raped my wife and many of her classmates.... When she started telling me... she started crying.¹⁰³

Chantal K., a school administrator, was in her office when the militia attacked. She described what happened:

I was working at the institute that day [in March 2017]. The militia had already tried to intimidate one of my colleagues — the head of the department. When he resisted, they beheaded him... Later the militia came to me [my office] ... They told me to take off my clothes. Three of the [militiamen] raped me.... I have not felt well since then. I have lost everything as a result of the attack [See discussion below about trauma and stigma] They were against all the people who are working in education because they thought that all intellectuals were supporting Kabila.¹⁰⁴

Victor N., a high school teacher, described the attack on his school in April 2017:

¹⁰¹ The names of towns and villages where the schools were located, as well as the names of the schools, have been omitted to protect the privacy of the survivors.

¹⁰² GCPEA interview with Noelle A., Luiza, October 28, 2018.

¹⁰³ GCPEA interview, Luiza, October 28, 2018.

¹⁰⁴ GCPEA interview with Chantal K., Luiza, October 27, 2018.

We were in class, when we saw some men coming into the school. They were shooting guns in the air. There was a complete panic. We looked and saw that there were many of them.... So, we told the students to get down on the floor. The militia entered [the school] and divided the students into groups. They had militiamen standing in front of each classroom. When they came into the class where I was teaching, they started beating me, and another group of militiamen started beating boy students. They started grabbing the girls' breasts. I said to them, 'This is the first time I see you here. Why can't you release the children?' One of the militiamen said, 'We told you not to have school. This school is still open because of you.'

Some of the kids tried to run out. That is when they captured five girls. Among the five was my little sister. Several of the militiamen started raping the five girls in the classroom, right in my presence! I was ashamed to see my little sister undergoing such a thing in my presence. And ashamed that I was beaten in front of my students.

Then I heard them call to bring the teachers out and was forced to leave the girls in the classroom weeping. There were three female teachers. All of them were taken, but I am not sure whether they were raped. They said they were 'threatened,' but I did not ask for details. All the teachers' hands were tied behind their backs. They led us outside, and then took all the books, tables, desks etc. and burned them.¹⁰⁵

Augustin F., a secondary school teacher from Luiza territory, relayed the assault on his daughter and niece:

The militia went to my school to try to capture kids to be baptized and recruited into the militia. The children fled everywhere.... My daughter and a niece were captured at school. The mother of my niece was also captured when she rushed to the school to intervene. All three were raped by militiamen. They were forced to go to the tshiota and join the militia.¹⁰⁶

Augustin F. reported that the three were held for several days before his family was able to obtain their release through the intervention of a relative who was in the militia.

Maurice K., the principal of a primary school in Demba territory, reported:

On March 15, 2017, the militia came to my school armed with guns and machetes and magic arms (short sticks). They had powder in their hands to blow in the air. They were wearing red headbands. There were many of them, but it is hard to estimate how many.... They set the roof of the school on fire... They captured one boy and cut off his head. We all ran away, but I learned later from parents that during the attack, the militia captured five girl students and raped them.¹⁰⁷

Raped while fleeing school attack

In addition to those students who were assaulted at school, some of those interviewed by GCPEA were raped while fleeing from their school during an attack. Chloé M., who was an 11-year-old pupil December 2016 when her school was attacked in Kazumba territory, explained:

We were at school when we saw the first graders running and saying that the militia had come and were surrounding the school. The teachers ran away. We went out to try to see them. It was the first time I had ever seen a militia, so I wanted to see. I didn't know that they would have problems with us. I thought they were after the teachers and the principal. When we realized they were after us too, we ran into the bush. One of the militiamen followed me into the bush and was threatening me. If I did not agree to what he

¹⁰⁵ GCPEA interview with Victor N., Luiza, October 28, 2018.

¹⁰⁶ GCPEA interview with Augustin F, Bilomba, October 29, 2018.

¹⁰⁷ GCPEA interview with Maurice K., Kananga, November 1, 2018.



Survivor of attack on secondary school in Dibaya territory in August 2016.

© Holly Cartner, October 2018

wanted, he said he would kill me. What he did to me was so painful. I could not stop crying. He threatened me to keep quiet. After he finished, he went away and left me lying on the ground.¹⁰⁸

Ines M. was a 12-year-old primary school pupil when her school was attacked on April 15, 2017 in Demba territory. She recounted what happened:

We had heard that the war was approaching our village and that a tshiota had been set up in our area.... Then, on April 15, we were at school and heard that the militia was coming. Teachers came and told us to run. We all ran out, but we did not know where to go. The militia was everywhere, and you could bump into them anywhere.... We ran into the bush, but the militia captured [five of us girls]. They said they wanted us to join the militia and be baptized, but we resisted. Then I and my classmates were raped. Each one of us was raped by a militiaman. After they finished, they put water on our foreheads to make us invincible to bullets. They left us in the bush after we were baptized, but we were not made to fight.¹⁰⁹

Similarly, Victoria M., was 13 years old when she was assaulted while fleeing (together with Ines M.) the attack on her school:

The militia came to the village on April 15. One teacher heard that the militia was coming and ‘set us free.’ I ran with my classmates into the bush. Five of us ran together, but the militia members were everywhere, and we ran right into them. Five militiamen tried to make us join the militia. They threatened us, and when I resisted, one of them raped me. The same thing happened to my [four] classmates too. Then they left us there.¹¹⁰

Ann Marie M., who was 16 years old at the time her school was attacked in Dibaya territory, described her ordeal:

One day I was in class when the militia came to my school. All the students ran away, and I ran out with my classmates to go to our [boarding] house. But the principal had already locked the house and run away, so we were captured outside the boarding house at the fence. Eight boys and two girls from my class were captured. The boys were all taken to the tshiota to be baptized. I and my classmate were taken in another direction in the bush. There were 10 militiamen and they were threatening us to get baptized, but we rejected that. Then eight militiamen raped my classmate and two raped me as punishment for refusing. Then they took us back to the village and abandoned us. I fell ill after I was raped and was taken to a hospital where a nurse treated me.¹¹¹

Gustave T., a high school teacher from Dimbelenge territory, reported:

On October 29, the militia came into our village. A group of the militia came to our school to ask students and teachers to join them. The teachers refused, and the militia members became very aggressive and threatened us. The militiamen captured some of the boys and girls from the school. We told the students to run home, but some were captured while leaving the school. Some boys — about 6— wanted to join the militia. Some of the girls resisted and were beaten and taken by force. Of this group, I later learned that about 10 of them were raped.¹¹²

As noted above, it is impossible to calculate how many female students and teachers may have been raped during attacks on schools. However, in addition to the cases discussed above, most of the principals and teachers interviewed by GCPEA knew of other girls who had been raped during Kamuina Nsapu attacks on their schools.

Furthermore, as one principal pointed out, “I knew what happened to many of the girls from my school, either because I saw them with my own eyes, or I had conversations with the girls or their parents. But I also suspect that

¹⁰⁸ GCPEA interview with Chloé M., Bilomba, October 30, 2018.

¹⁰⁹ GCPEA interview with Ines M., Kananga, October 31, 2018.

¹¹⁰ GCPEA interview with Victoria M., Kananga, October 31, 2018.

¹¹¹ GCPEA interview with Ann Marie M., Kananga, November 3, 2018.

¹¹² GCPEA interview with Gustave T., Kananga, November 1, 2018.

there are others who never dared to speak to me about what they suffered. There is too much shame for them to be open.”¹¹³

Raped at the Tshiota after Recruitment

Some of the girls who were captured during an attack on their school and taken to the tshiota to be baptized were raped, sometimes after the baptism and sometimes without ever being baptized. Anna N. was a 15-year-old primary school student when her school was attacked in April 2017. She ran into the bush to flee the attack but was captured and forced to join the militia. She described what happened at the tshiota:

The militia raped girls who were taken to the tshiota to be baptized. I was raped there, after I had been baptized. I knew the guy. He was from my village. He was very threatening, and I was very afraid. It was a terrible thing. I fell ill after the rape.¹¹⁴

Frederic K., principal from Dimbelenge territory was captured together with some teachers at his school and taken to the tshiota along with 20 students (10 girls and 10 boys). He described what happened:

At the tshiota, four of the girl students were taken and raped in our presence. They were between 12-13 years old.¹¹⁵

Some of those who were taken to the tshiota reported seeing other girls there. In some cases, interviewees reported seeing girls raped in their presence or seeing girls “taken away” and suspecting that they would be raped. Lucia N. described her time with the Kamuina Nsapu militia:

There were many, many girls there. They raped some girls and forced others to be their wives. It contradicted the rules the chief had established that men were not to have sex with any of the girls. That is why soldiers were able to kill militia members... because men were having sex — some girls were offering themselves; others were raped.¹¹⁶

Joséphine N., a 17-year-old high school student at the time of the attack on her school in Dimbelenge, reported:

The militia came to our school in November 2016. We were in class. The militia came into the classroom. They captured me and took me to the tshiota, along with some of my classmates. They were trying to force me to be baptized, but I refused. We had heard that soldiers were killing those in the militia, so I did not want to join them. Then they threatened to kill me, but one of the militiamen said that I could live if I had sex with them. I was so afraid, so I agreed. Then two of them raped me. Two other girls were taken away by three other militiamen and raped.... When they had finished with me, they left me in the bush.¹¹⁷

Martin K., primary school principal from Demba, stated:

On September 30, 2016, the militia came to our village and to our school to tell us that we had to send the children home. No class was to be held any more. They gathered together all the students who were in the 5th and 6th grades and took 59 of them to the tshiota. There were six girls from my school who were between 9-13 years old who were raped at the tshiota.... Those who were raped were then abandoned by the militia...¹¹⁸

¹¹³ GCPEA interview with Justin K., Luiza, October 27, 2018.

¹¹⁴ GCPEA interview with Anna N., Kananga, October 31, 2018.

¹¹⁵ GCPEA interview with Frederic K., Kananga, November 1, 2018.

¹¹⁶ GCPEA interview with Lucia N., Kananga, November 3, 2018.

¹¹⁷ GCPEA interview with Joséphine N., Kananga, November 1, 2018.

¹¹⁸ GCPEA interview with Martin K., Kananga, November 1, 2018. Thirteen girls in total were taken to the tshiota from Martin K’s school. In addition to the six girls who were raped and then released, Martin K. reported that seven other girls were forced to marry militiamen. [See discussion below]

Arthur M., primary school director from Demba, described what happened when his school was attacked in late September 2016:

A large group of militiamen came straight to our school. They were armed with knives, arms, machetes, and with magic weapons. I had come out of my office, and they came to me and said they were looking for ‘ya mamas.’ They told me that I had to give the girls to them, so they could be the charm keepers. I was very afraid because they were armed. I felt weak and afraid in front of my students.

The militia went into the 4th, 5th, and 6th grade classrooms on their own. They selected 38 girls, who were between 14-17 years old, and let all the boys go. They took the girls to the tshiota, where they were baptized. One of my girl students later told me what happened... After they were baptized, the girls were ordered to take off all their clothes and to sleep at the tshiota naked. During the night, militiamen raped the girls; I don’t know for sure, but I think all of them were raped. The next morning, they were released to go home. Although they were baptized, they were not made to fight¹¹⁹

While GCPEA interviewed several girls who were raped after being taken to the tshiota and baptized, most of these girls do not appear to have been formally recruited and used in fighting. In most cases, they were released within a few hours or days after the abduction and sexual violence. In its own research, MONUSCO found that “very few of the children [it interviewed] in Kamuina Nsapu—boys or girls—reported sexual violence. Anecdotally, this may partly be due to the belief that girls retained power through their virginity.”¹²⁰

Abductions of Female Students from Schools and Forced “Marriage”

When schools were attacked, Kamuina Nsapu members were not only looking for recruits, but often were also selecting girls who would be raped, as discussed above, or who were forced to become “wives.” Although it is not possible to know the initial intent, in some cases, the recruitment and baptism appears to have been nothing more than a pretext. MONUSCO found that “no girls reported being used as ‘wives,’... However, one boy reported that militants paid their commander money to ‘obtain authorization to sleep with the young girls,’ essentially pimping girl combatants out to his own soldiers.”¹²¹

Yves M., primary school principal from Demba territory, described the abduction of girl students when his school was attacked in September 2016:

A group of about 30 militia came to my school. When the students saw the militia, they started running everywhere and trying to escape, but the militia members ran after them and beat them. They were armed with machetes, knives and guns. Four girls were beaten to death... The militia went to the classrooms and were selecting girls to take away. They captured 10 girls and took them to the tshiota. Although they said they were selecting them to be baptized, they were really selecting them to rape and to become militia “wives.” These girls were held for several months and ultimately came back to their parents very weak, and some pregnant.¹²²

Clément T., primary school principal from Demba reported:

The militia men sexually abused the girls who joined them, giving them alcohol to drink. Six girl students from my school were forced to marry militiamen. As far as I know, two of the six are still with their husbands. Of the other four, the husbands abandoned them.¹²³

¹¹⁹ GCPEA interview with Arthur M., Kananga, November 1, 2018.

¹²⁰ MONUSCO, “Our Strength Is in Our Youth,” p. 16.

¹²¹ Ibid., pp. 16-17.

¹²² GCPEA interview with Yves M., Kananga, November 2, 2018.

¹²³ GCPEA interview with Clément T., Kananga, November 1, 2018.

Francis M., a primary school teacher from Dimbelenge, reported:

Beginning of October, I was in class when I saw a group of militiamen. They went straight to the principal’s office. All the teachers went out to join the principal, and the militia told us they had come to take the students. We resisted and said that the students were not allowed to take magic. The principal, another teacher and I were captured. The militia pulled our shirts down and tied our hands behind our back. We were taken to the tshiota, together with all the students from the 5th and 6th grades.

When we arrived, the militia ordered everyone to sit down. They took the students aside and asked them if they wanted to be baptized.... Some of the girls resisted. Only a few of the girls agreed to be baptized. The rest were sent home. Those who were baptized were then told to go back to the school and burn it down. The militia leaders went with them. Our school was burned down by our own students!...

Some of the girls who were baptized were forced to marry militiamen. The militia would just say, “You are my wife.” Many of these girls stayed there with their husbands. Some were abandoned later; others still live with their husbands today.¹²⁴

Principal Martin K.’s school in Demba territory was attacked by the Kamuina Nsapu militia in September 2016 (see above), and all of his students from the 5th and 6th grades were forced to go to the tshiota. He recounted that, in addition to six girls between the ages of nine and 13 who were raped at the tshiota,

Seven girls (ages 13-14) were forced to marry [militiamen]. Those who were raped were then abandoned by the militia.... Of those who were forced to marry militia, three were later abandoned by their husbands; four stayed in the marriage.¹²⁵

In February 2017, the militia went to the primary school where Louis M. was a teacher in Kazumba territory. He recounted what happened:

They blamed us for having opened school, when they had forbidden principals to open the doors. Since we hadn’t followed their instructions, they burned the school. The students were at school at the time [of the attack]. I ordered them all to run away... Five of the young girl students were captured [while trying to flee] and raped by militia members. Students had to pay to be freed. Some militia threatened that they would kill parents, so girls offered themselves to the militia to save their parents.... The girls [from my school] who were raped were not released, so they ended up “married” to militia members.¹²⁶

¹²⁴ GCPEA interview with Francis M., Kananga, November 1, 2018.

¹²⁵ GCPEA interview with Martin K., Kananga, November 1, 2018.

¹²⁶ GCPEA interview with Louis M., Bilomba, October 29, 2018.

LONG-TERM CONSEQUENCES OF ATTACKS ON EDUCATION AND MILITARY USE OF SCHOOLS ON FEMALE STUDENTS

The security in the Kasai region has improved since the height of the conflict,¹²⁷ and displaced persons have begun to return to many areas. However, the intensity and brutality of the violence have devastated the region, worsening already high levels of poverty and aggravating ethnic tensions. For the girls and young women interviewed for this report, the attacks on their schools have impacted their lives in multiple negative ways and that impact continues to this day. For these girls and young women, who suffered from disrupted education, recruitment and use in militias, sexual violence and other violations, the consequences are likely to be felt for many years to come.

Lost Education

Many students, both girls and boys, were unable to return to school after the conflict gradually began to subside in mid-2017, and a significant number appear to still be out of school at this writing. According to UNICEF, “Almost half a million children in the region were unable to complete the school year in 2017, and about 60,000 eligible students did not manage to pass their primary school final exams on time.”¹²⁸

Although there is little concrete data on the numbers of children who were still out of school when the 2017-2018 school year started, GCPEA’s interviews with many school principals in Kasai Central indicated that when schools reopened in September 2017, there were fewer students than had been registered the previous year and that this was particularly true for girls. By September 2018—the start of the 2018-2019 school year—a higher number of students had returned to school, but the number of girls who were out of school appeared to remain higher than that of boys.¹²⁹

For example, GCPEA received data from ten principals regarding the number of students in their schools prior to the conflict and the number of students who had enrolled for the September 2018-2019 school year, including the number of girl and boy students for each of the two school years. In all of the cases, there were fewer students enrolled than had been the case for the 2016-2017 school year, but in all but two cases the percentage of girls enrolled had decreased more than that of boys.¹³⁰ In one case, the percentage of girls enrolled was higher than that of boys, and in one case the percentage of boys and girls who had enrolled in school was roughly the same.

¹²⁷ See, for example, OCHA, “Democratic Republic of Congo: 2018 Overview of Humanitarian Needs (2018 Aperçu des Humanitaires),” October 31, 2018, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-2018-aper-u-des-besoins> (accessed January 12, 2019).

¹²⁸ UNICEF, “Kasai: A Children’s Crisis,” May 2018, https://www.unicef.org/publications/files/UNICEF_DRC_Kasai_Children_in_Crisis_2018.pdf, p. 16.

¹²⁹ At the time of GCPEA’s field research, UNICEF was in the process of conducting a study to determine the number of children who were out of school as a result of the conflict. The study had, however, not been finalized at this writing.

¹³⁰ For purposes of these calculations, GCPEA excluded the data on two schools in which there had been a merger with another school resulting in an increase in enrollment for 2018-2019 compared to the 2016-2017 school year, but where there was no comparative information available on the number of students who had been enrolled in the merged school or the breakdown by gender for the 2016-2017 year. All numbers have been rounded to the closest whole number.

Location of School (territory)	Type of School	Boys' Enrollment in 2018-19 school year as % of Boys' Enrollment for 2016-17	Girls' Enrollment in 2018-19 school year as % of Girls' Enrollment for 2016-17
1. Luiza	Primary	89%	74%
2. Luiza	Higher Education	50%	14%
3. Luiza	Secondary	46%	35%
4. Luiza	Higher Education	75%	66%
5. Luiza	Secondary	75%	63%
6. Kazumba	Primary	55%	66%*
7. Kazumba	Primary	82%	82%**
8. Kazumba	Primary	90%	82%
9. Dimbelenge	Primary	56%	44%
10. Demba	Primary	40%	35%

*Percentage of girls who returned was higher than that of boys; ** Percentage for boys and girls approximately the same.

This information is only an anecdotal indication that more girls may be out of school than boys as a result of the conflict. However, it is not possible to know whether those returning to school are the same students as those who were previously enrolled, or whether other factors may have affected the enrollment that are not clear from these limited figures. It is also not possible to know whether these findings would be the same in other parts of the Kasai region. Nevertheless, this data is consistent with the statements of virtually all of the principals who were interviewed by GCPEA.

Those interviewed by GCPEA reported that one of the most important reasons students remain out of school is due to their inability to pay for school fees and the associated expenses of sending children to school, including school uniforms, books, and other education materials. Although primary education in the Congo is supposed to be free, the government has significantly reduced funding for education in recent years. As a result, parents are required to pay for large portions of the school budget, including school upkeep, learning materials, and even teachers' salaries. In an area with high levels of poverty, it is not surprising that many parents found it very difficult to pay for school fees even before the conflict. However, the conflict has resulted in the deaths of parents, and the

destruction of families' homes, fields, animals, and other means of livelihood, resulting in many families having fewer resources to devote to their children's schooling than prior to the conflict. While this situation affects all children, girls are particularly likely to be affected. Many girls, as well as school principals, reported that when parents could not pay for all their children to attend school, they were more likely to send their sons.

Ines M., a 14-year-old from Demba territory, was in 5th grade when the militia attacked her school. She was captured along with some other classmates and raped by a militiaman. She was held for a week before being able to escape. She wants to go back to school, but explains why she cannot:

When the militia came... they were everywhere.... My parents were on their way to rescue me, but they were both killed by the militia.... I have not returned to school. I now live with my paternal uncle, but we are five boys and two girls, and the boys are favored to go to school.... I feel sad to see others at school and me outside.¹³¹

Frederic K., a principal from Dimbelenge reported:

So many parents kept their girls at home because of a lack of money. When parents had many children in the family, they prioritize schooling for their sons over their daughters.¹³²

Similarly, a local representative for education in Kasai Central province told GCPEA that:

There are many reasons that girls are out of school since the conflict... When parents are not able to afford to pay for their children, they prefer their sons because they are asking themselves who will take care of me in my old age. Their daughters will go to their husband's family when they marry, but it will be their sons who take care of them, so they will benefit from investing in their sons more than their daughters.¹³³

It should be noted that the reasons given by the education representative were also obstacles to girls' education before the conflict started. However, these challenges have been exacerbated as a result of the conflict and its aftermath.

Many of those interviewed by GCPEA also stressed that parents remained afraid to send their daughters to school. Even though the security situation has improved, principals and female students reported that some parents would never send their daughters back to schools that had been attacked, especially if they knew girls had been raped there or raped after being abducted from the school.

Maurice K., a primary school principal from Demba territory observed:

Some parents were too afraid to send their daughters to school. They were afraid they would be killed. Since they learned of girls being raped in the conflict, so many parents want to keep their daughters at home. It is also true that parents often prioritize sending their sons over their daughters.¹³⁴

Louis M., a primary school principal in Kazumba territory, noted:

Some parents kept their daughters at home because they were afraid that the war would continue. Others married their daughters early. They did it because they believed it would protect them from being raped either by the soldiers or the militia.¹³⁵

Hugo M., a primary school principal from Kazumba territory, stressed:

¹³¹ GCPEA interview with Ines M., Kananga, October 31, 2018.

¹³² GCPEA interview with Frederic K., Kananga, November 1, 2018.

¹³³ GCPEA interview with local representative for education, Luiza, November 2, 2018.

¹³⁴ GCPEA interview with Maurice K., Kananga, November 1, 2018.

¹³⁵ GCPEA interview with Louis M., Bilomba, October 29, 2018.

In September 2017, when the school reopened, about 50 of my girl students did not return. For many of them, the parents kept them home because they were afraid there could be more violence. In [September] 2018, all the boys returned and many of the girls, but we still have 30 girls who will not return. The parents do not send their daughters because they think their daughters will suffer more pain, if the school is attacked [again]. They remain afraid for their girls and do not want to risk their daughters being raped.¹³⁶

For girls who are forced to interrupt or end their education prematurely, the impact on their future earnings and job prospects is devastating. However, the impacts are much more far-reaching than economic losses: it may mean foregoing a range of benefits that would have come from the education of girls.

[Girls' education] leads to better outcomes in not only the traditional economic areas of growth and incomes but also in its positive impact in areas like reducing rates of infant mortality, maternal mortality, child marriage, and the incidence of HIV/AIDS...¹³⁷

In fact, the loss of the transformative impact of education on future generations must be considered another component of the long-term impact of girls' lost education.¹³⁸

Early Marriage

Although the legal age of marriage in Congo is 18 for both boys and girls, early or child marriage is prevalent in the country.¹³⁹ Many of these are customary marriages. According to UNICEF, 39.4 percent of girls in the country are married before their 18th birthday and 9.3 percent are married before they turn 15.¹⁴⁰ Factors such as high levels of poverty and low levels of education (see discussion above) are known to increase the prevalence of early marriage. Girls who live in rural areas are also at greater risk of being married at an early age. According to the NGO Girls, Not Brides, “In 2010, women [in DRC] aged 20-24 and living in rural areas were 1.7 times as likely to be married before 18 years as their urban counterparts.”¹⁴¹ Thus, although there is limited data on early marriage in the Kasai region, it is likely that it was already more prevalent before the conflict than in the Congo as a whole, given that the region is one of the poorest and least developed in the country. In its 2017 gender assessment in the Kasais, Oxfam stated:

Data from the Demographic and Health Survey conducted in 2014 show that the incidence of child marriages, sexual violence and intimate partner violence in Kasai is already higher than the national average.¹⁴²

¹³⁶ GCPEA interview with Hugo M., Bilomba, October 29, 2018.

¹³⁷ Gene B. Sperling, Rebecca Winthrop, and Christina Kwauk, “What Works in Girls' Education,” (Brookings Institution Press: Washington, D.C. 2016), <https://www.brookings.edu/wp-content/uploads/2016/07/What-Works-in-Girls-Educationlowres.pdf> (accessed February 22), p. 4. See also “Thanks to education, global fertility could fall faster than expected,” *The Economist*, <https://www.economist.com/international/2019/02/02/thanks-to-education-global-fertility-could-fall-faster-than-expected> (accessed February 23, 2019).

¹³⁸ “...perhaps the greatest return from girls' education: the belief that when a single girl who would have been denied an education receives a high-quality education, it starts a positive cycle of education and empowerment from mother to daughter, generation after generation.” Sperling, Winthrop, and Kwauk, “What Works in Girls' Education,” p. 13.

¹³⁹ Committee on the Rights of the Child, “Concluding observations on the combined third to fifth periodic reports of the Democratic Republic of the Congo,” February 28, 2017, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOD%2fCO%2f3-5&Lang=en (accessed January 4, 2018), para. 27. “Child marriage, or early marriage, is any marriage where at least one of the parties is under 18 years of age. Forced marriages are marriages in which one and/or both parties have not personally expressed their full and free consent to the union. A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.” See UN Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx> (January 4, 2019).

¹⁴⁰ See UNICEF, “Congo, Democratic Republic: Statistics,” https://www.unicef.org/infobycountry/drcongo_statistics.html (accessed January 4, 2019). These statistics are based on 2002-2012 data.

¹⁴¹ Girls, Not Brides, <https://www.girlsnotbrides.org/child-marriage/democratic-republic-of-the-congo/> (accessed December 9, 2018).

¹⁴² Oxfam, “Kasai: The Forgotten Province of DRC,” p. 11.

Armed conflict also contributes to increased levels of child marriage. Scholars and activists have written extensively about the link between insecurity and early marriage, including how parents sometimes resort to early marriage in times of insecurity out of desperation or as a perceived form of protection.¹⁴³

Although there is little quantitative data that would allow for a comparison of the current rates of early marriage with those before the conflict began, many interviewed by GCPEA were convinced that early marriage had increased as a result of the conflict and its aftermath. Virtually all of the principals interviewed by GCPEA reported that there had been an increase in early marriages of girl students from their schools. What is more, interviewees stressed that, as a result of the widespread sexual violence that had occurred during the conflict in the region, parents were afraid that their daughters would never be able to find a husband if they were victims of rape, so they were opting for early marriage as a perceived form of protection for their daughters. The UN Team of Experts also reported that there has been an increase in early marriages.¹⁴⁴

Martin K., a primary school principal from Demba, stated:

Some parents keep their children at home even up to today. There are five girls from my school who were married off early solely because their parents were afraid of more war and violence. These girls were between the ages of 13-17, and they had been good students.¹⁴⁵

Similarly, Yves M., a primary school principal, observed:

Four girls who were 14-15 years old were married off during the conflict. We had not had such early marriages in my school before the conflict. But afterwards, parents saw that girls had been raped, and they would agree to have their daughters married as soon as possible.¹⁴⁶

There is also a close link between girls being out of school and parents' decision that they should marry early. In general, many felt that girls were likely to be married if they remained out of school for any significant amount of time, regardless of the reasons for being out of school. Many of the principals interviewed by GCPEA gave a tally of the number of girls who had been married off during the time their school was closed.

Celestine K., a primary school principal in Kazumba territory, stressed:

In the higher grades, there are fewer girls who returned because many were married. Parents saw that there was no more school, and they were concerned anyway to send their girls back. Marriage was the next step for their daughters.¹⁴⁷

Alice T. reported that she was 15 years old when she married:

Before the conflict, I was in the 6th grade of primary school.... Then the troubles started, and the militia attacked our school [in December 2016]. We all ran into the bush and stayed there for some days.... When I came out, I found out that the school was not open... I got married [shortly after that] because there was no school, so what could I do? I did not know the man, but I had nothing to do but get married. Some months later they reopened the school. I would like to go back, but now I have a baby son.¹⁴⁸

¹⁴³ See Girls Not Brides, "Child Marriage: Why Does It Happen?" <https://www.girlsnotbrides.org/why-does-it-happen/>. See also, Gayle Tzemach Lemmon, *Fragile States, Fragile Lives: Child Marriage Amid Disaster and Conflict* (New York: Council on Foreign Relations, 2014), <http://www.cfr.org/global/fragile-states-fragile-lives/p33093>; Anju Malhotra et al, *Solutions to End Child Marriage: What the Evidence Shows* (Washington, International Center for Research on Women, 2011), <http://www.icrw.org/files/publications/Solutions-to-EndChild-Marriage.pdf>; and CARE International, *Women and girls in emergencies*, March 2018, http://insights.careinternational.org.uk/media/k2/attachments/CARE_Women-and-girls-in-emergencies_2018.pdf.

¹⁴⁴ UN Human Rights Council, "Detailed Report of the Team of International Experts," para. 416.

¹⁴⁵ GCPEA interview with Martin K., Kananga, November 1, 2018.

¹⁴⁶ GCPEA interview with Yves M., Kananga, November 2, 2018.

¹⁴⁷ GCPEA interview with Celestine K., Bilomba, October 29, 2018.

¹⁴⁸ GCPEA interview with Alice T., Bilomba, October 30, 2018.

Although the Congolese government adopted Law 15 on August 1, 2015, that protects young mothers’ right to return to school, most principals, as well as many of the girls GCPEA interviewed, considered it too difficult for young mothers to continue with their education.¹⁴⁹

The conflict in the Kasai region has exacerbated the levels of poverty for many families, resulting in many facing food insecurity and extreme vulnerability. The World Food Programme estimates that 7.7 million people are severely food insecure in the DRC, and almost half of them (3.2 million) live in the Kasai region.¹⁵⁰ In such circumstances, principals interviewed by GCPEA reported that there is a vicious circle, with girls not being able to attend school because their parents cannot pay the fees, and girls being married off because they are not in school. For example, Clément T., a primary school principal from Demba territory, stated:

There are also three cases of girls who were married by their parents because the parents couldn’t pay for school.¹⁵¹

Principals and girl students also stressed that the economic impact of the conflict made it increasingly likely that girls would be married off at an earlier time than would have been the case prior to the conflict. The tradition of a dowry being paid to the girl’s family meant that early marriage could provide much needed financial assistance for families who had been impoverished by the conflict.

Martin K. pointed out that:

Many families are also negatively affected by the economic impact of the conflict. Families who had their children in school before the war are not able to afford to send their children or not all their children to school now. Some girls are kept home to be baby-minders and help with their younger siblings, so their parents can earn money to help the family. Others are married off because the parents can benefit financially from the marriage and it will help them.¹⁵²

Although parents may press their daughters into an early marriage because they believe it will protect them, especially during periods of insecurity, there is no evidence in the Kasai conflict that marital status protected women and girls or spared them from sexual violence. Furthermore, early marriage often exposes the girl to other types of increased risk to health and well-being. A girl who marries at an early age is often not mentally or emotionally prepared to negotiate for safer sex or withstand the pressures from her husband and other family members to become pregnant soon after the marriage.¹⁵³ Early marriage frequently leads to early and unprotected sex, early pregnancy, and often involves considerable health risks and related reproductive health complications.¹⁵⁴

As will be discussed below, many girls who were victims of sexual violence or who were recruited into the militia have not been able to return to school because of the stigma and shame.

¹⁴⁹ See République Démocratique du Congo, “Plan d’Action National de Mise en Oeuvre de la Politique Nationale Genre,” 2010, <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/95095/111833/F1922363659/COD-95095.pdf>; “Loi no. 15/013 du 1er aout 2015 portant modalités d’application des droits de la femme et de la parité,” <http://leganet.cd/Legislation/Droit%20Public/DH/Loi.15.013.01.08.html>; cited in Human Rights Watch, “Leave No Girl Behind in Africa: Discrimination in Education against Pregnant Girls and Adolescent Mothers,” June 2018, https://www.hrw.org/sites/default/files/report_pdf/auo618_web.pdf (accessed February 6, 2019), p. 36, fn. 62.

¹⁵⁰ World Food Programme, “Democratic Republic of Congo,” <https://www1.wfp.org/countries/democratic-republic-congo> (accessed February 15, 2019).

¹⁵¹ GCPEA interview with Clément T., Kananga, November 1, 2018.

¹⁵² GCPEA interview with Martin K., Kananga, November 1, 2018.

¹⁵³ See for example, Girls Not Brides, <https://www.girlsnotbrides.org/themes/health/>. UNFPA, “Motherhood in Childhood: Facing the challenge of adolescent pregnancy, State of World Population,” 2013, pp. 17-30.

¹⁵⁴ See Kabemba, B.H., Alimasi, Y.G., Ntambwe, A.M., Kalamba, M.E., Kitenge, F.F., Nyongonyi, O.E. and Monzi, H.K. (2018), “Adolescent Pregnancy and Delivery in the Rural Areas of DR. Congo: A Cross-Sectional Descriptive Study (2014 to 2016),” *Open Access Library Journal*, 5: e4762, <https://doi.org/10.4236/oalib.1104762> (accessed December 15, 2018), p.11.

Stigma and Social Exclusion

As discussed in detail above, many female students who were interviewed by GCPEA had suffered sexual violence; some had joined the militia or been forced to join the militia and had been used in combat. All are suffering from trauma related to their experiences during the conflict and the violence they witnessed and, in some circumstances, carried out. Their trauma is compounded by the stigma and social exclusion that they suffer as victims of sexual violence, as well as their perceived association with militia groups. For many, it is this ridicule and rejection by family and friends that is most painful. Child Soldiers International (CSI) has conducted research with girls who were formerly members of armed groups in the eastern provinces of Congo, many of whom had been sexually abused. According to CSI, those who have faced sexual abuse are often ostracized by their family and community when they return home. CSI reported:

Social exclusion and stigmatization is far more prevalent among girls. It is linked to a perceived ‘loss of social value’ after having had sexual relations outside marriage. Their suffering is often misunderstood or completely overlooked, and their most basic psychosocial and emotional needs are woefully unaddressed.¹⁵⁵

Stigma as Obstacle to Continued Education

Virtually all the principals interviewed by GCPEA recounted stories of their former girl students who could not return to school because they had been victims of sexual violence. Justin K., principal of a high school, in Luiza territory, reported that many of his female students did not return to school. He explained:

For those who were raped or who came back pregnant, they do not return because they think others will make fun of them from their time in the militia. There is too much stigma associated with what happened to them.¹⁵⁶

Similarly, Martin K., a primary school principal from Demba territory, spoke of one of his students:

Only one of the six girls who were raped [at my school] came back to school, but she is not well. She was too young, and the rape caused her to suffer serious injury. Even after all her suffering, we know her classmates make fun of her.¹⁵⁷

Joséphine N., a 19-year-old student from Dimbelenge, was raped by Kamuina Nsapu militiamen and later threatened with rape by FARDC soldiers. Joséphine wants to finish secondary school (she is in the last class), but cried as she spoke about being in school now:

I went back to school in September 2017, but classmates called me names and said I was a ‘wife of the militia.’ They laugh at me and make fun of me, even though they do not know how much I have suffered. My school principal and some of the teachers punished them for bullying me, but it is still hard to be in school.¹⁵⁸

Olivia B., a 24-year-old college student who was raped by a militiaman while fleeing an attack on her school, described her experience:

I did return to school because I want to continue with my studies, but it is not easy. Students are teasing me. I don’t feel well at school, and I try to pretend I haven’t heard their comments. They criticize me. I feel

¹⁵⁵ Child Soldiers International, “DR Congo: Improving practices for the reintegration of girl soldiers,” June 19, 2017, <https://www.child-soldiers.org/Handlers/Download.ashx?IDMF=e57e9cb2-cd70-4dc2-8681-e29bc6f3622b> (accessed August 12, 2018).

¹⁵⁶ GCPEA interview with Justin K., Luiza, October 27, 2018.

¹⁵⁷ GCPEA interview with Martin K., Kananga, November 1, 2018.

¹⁵⁸ GCPEA interview with Joséphine N., Kananga, November 1, 2018.

afraid and ashamed because of what they say to me.... No teachers, professors or anyone else has intervened to help me. There is no program or anything else to support me.¹⁵⁹

François L., a high school teacher from Luiza territory, described how rape survivors are treated in his school:

Among our students, those who were raped find it difficult to return to school. We observed that one girl student who was raped was too ashamed to continue. And I saw another girl who raised her hand to answer a question in class. Her classmates laughed at her and said she had been raped. The next day she did not come back to school.¹⁶⁰

Although most of the principals interviewed by GCPEA were sympathetic toward their students and spoke of trying to help them overcome their suffering and continue with their education, it was clear that most did not have the training necessary to help highly traumatized children, and some thought it best to simply forget about the past. For example, Paul K., a primary school principal from Luiza territory, asserted that:

The children did not suffer any trauma. They have been instructed to forget about their past and move on.¹⁶¹

Rejection by Husbands and Other Family Members

Some young women who were raped during attacks at their school reported that their spouse or fiancé rejected and abandoned them because of the rape. Chantal K., who was raped by militiamen when her post-secondary institute was attacked in Luiza territory, recounted the consequences of the attack:

My husband left me because of the rape. I am the subject of laughter and ridicule by people in the community. All who suffered rape are made fun of. I live with my [parents] now. Although I was two months pregnant with my daughter (my husband’s child) when I was raped, my husband has never come to see her.... I am so upset about my future. It bothers me so much, especially that I am no longer married.¹⁶²

Similarly, Noelle A., who was raped during a militia attack on her post-secondary institute, stated:

People continue to talk about the rape. I was engaged before, but after he heard I was raped, he never contacted me again. He never even called to ask me how I was... I always think about my studies and all that I have lost. I can’t stop thinking about how those guys smelled and the way they fell on me. They smelled so awful. I can’t stop thinking about it...¹⁶³

Olivier S., the principal of an institute of higher education in Luiza territory, described the aftermath of the rape of a student when his school was attacked:

One of the girls became pregnant from the rape. That girl was already engaged, but her fiancé rejected her after the rape. She delivered a [a child with a disability], which are considered evil. So, the girl was abandoned.¹⁶⁴

The UN Team of Experts also reported that:

Since the beginning of the violence in Kasai, the number of divorces (customary divorces because marriage remains mainly customary in this region) has increased as well as early marriages. The feeling of shame and the fear of being rejected and stigmatized by her family and community push survivors of rape not to speak publicly about what they suffered.¹⁶⁵

¹⁵⁹ GCPEA interview with Olivia B., Kananga, November 2, 2018.

¹⁶⁰ GCPEA interview with François L., Luiza, October 28, 2018.

¹⁶¹ GCPEA interview with Paul K., Luiza, October 27, 2018.

¹⁶² GCPEA interview with Chantal K., Luiza, October 27, 2018.

¹⁶³ GCPEA interview with Noelle A., Luiza, October 28, 2018.

¹⁶⁴ GCPEA interview with Olivier S., Luiza, October 28, 2018.

¹⁶⁵ UN Human Rights Council, “Detailed Report of the Team of International Experts,” para. 416.

Health Consequences of Rape

Many of the girls and young women who were interviewed by GCPEA reported that they continue to have gynecological problems, such as sexually transmitted infections, abdominal pain, infertility, and numerous other symptoms that may be physical or psychological, as a result of rape.

Joséphine N., a 19-year-old student from from Dimbelenge, reported:

I have had a [sexually transmitted] infection ever since the rape. I saw a doctor and he gave me medication, but it doesn't seem to help. I often feel ill and notice it... I am always shocked when I think back to the rapes. Since that time, I have grown thin and lost my health.¹⁶⁶

Noelle A., a post-secondary student in Luiza, reported:

I do not feel healthy. I did go to the doctor after the attack. He found that I had an infection and treated me to clear that up, but I still feel weak and have trouble working.¹⁶⁷

Chloé M., a primary school student who was raped during the attack on her school, reported:

[After the rape], I stayed in the bush for one month. I felt nothing but pain inside. I never went to a doctor or had a check-up. I was given traditional medicine to calm the pain.¹⁶⁸

Victor N., a teacher and husband of a student who was raped by militiamen, reported:

After they raped my wife and many of her classmates.... We consulted with a doctor, and tried to find medication for her, but at that time, it was very difficult to find.... My wife is very ill. She is still not well. And she cannot get pregnant.¹⁶⁹

Although some of the girls did ultimately seek medical care, they were typically not able to do so within the 72 hours necessary for proper medical treatment of rape. Most of the women and girls, however, had never been treated by a doctor and did not have any information about how to access post-rape care, treatment for HIV or other sexually transmitted diseases, or reproductive services. For example, Chantal K., who was raped at the institute where she worked, reported:

I do not feel well. I feel as if I am infected. I have not seen a doctor or had any tests. Where would I get the test? How would I pay for it?¹⁷⁰

The UN Team of Experts reported that:

Many of the victims were unable to access medical care within 72 hours of being raped. This was sometimes due to the impossibility of accessing a suitable health center especially in the most isolated places, some having been destroyed in the violence that has occurred since 2016, or because the victim could not afford the cost of the service. So many survivors suffer from physical consequences, including infections, fistulas (vaginal or anal tears), or other recurring gynecological problems that affect their ability to perform domestic tasks or a professional activity necessary to provide for the needs of their families; they also suffer from psychological consequences.¹⁷¹

In fact, the vast majority of those interviewed by GCPEA would appear to be suffering from the trauma and psychological impact of all that they have suffered, and a significant number of women and girls cried during the interviews (as well as some of the male principals) and almost everyone spoke about the shame that they feel as a

¹⁶⁶ GCPEA interview with Joséphine N., Kananga, November 1, 2018.

¹⁶⁷ GCPEA interview with Noelle A., Luiza, October 28, 2018.

¹⁶⁸ GCPEA interview with Chloé M., Bilomba, October 30, 2018.

¹⁶⁹ GCPEA interview with Victor N., Luiza, October 28, 2018.

¹⁷⁰ GCPEA interview with Chantal K., Luiza, October 27, 2018.

¹⁷¹ Human Rights Council, "Report of the Team of International Experts," para. 408.



Female students formerly recruited into the Kamuina Nsapu militia from their school or after fleeing their school in Dibaya territory in fall 2016.

© Holly Cartner, November 2018

result of the sexual violence. The UN Team of Experts underscored that many in Kasai would need long-term care and treatment, noting:

A significant number of victims of sexual violence, mainly rape, have described the difficulties that they have faced. In addition to the medical and psychological problems they suffer, survivors are also ostracized by their families and communities owing to the weight given to tradition and the resulting economic and social challenges. Many women have been raped in front of their husbands, children or other family members. It is therefore the entire social fabric of Kasai that is suffering the consequences of this sexual violence. Most rape victims are reluctant to report their ordeal for fear of stigmatization....¹⁷²

¹⁷² Ibid., para. 411.

THE GOVERNMENT'S RESPONSE TO ATTACKS ON EDUCATION IN THE KASAIS

As discussed above, the Kasais region has historically been a marginalized and neglected area of the Congo, where the national government has failed to devote adequate resources to economic development or social care programs. Similarly, at the time of the research for this report, the national government had not taken adequate steps to respond to the needs of the civilian population in the aftermath of the violence, leaving that response primarily to international donors and humanitarian organizations, sometimes working with local NGOs.

Government Programs to End Recruitment and Sexual Violence

The Congolese government has taken a number of steps at the national level to end conflict-related sexual violence and recruitment of children, and to combat impunity for related human rights and humanitarian law violations. In October 2012, the government adopted an action plan “to halt and prevent the recruitment and use of children, in addition to sexual violence against children, by the national armed forces and security forces.”¹⁷³ Similarly, in May 2015, the Ministry of Defense “issued a directive prohibiting the killing, maiming and, recruitment of, and sexual violence against, children as well as the military use of schools and hospitals, foreseeing disciplinary measures or military prosecution.”¹⁷⁴ Furthermore, in July 2014, then-President Kabila appointed Jeannine Mabunda Liyoko as his Personal Adviser on conflict-related sexual violence and child recruitment, in an apparent effort to signal his government’s commitment to bring an end to these violations.¹⁷⁵ In addition, in September 2014, the Congolese government launched an initiative to implement certain aspects of the action plan, including among other things a requirement that FARDC commanders pledge to implement the action plan to prevent rape in war.¹⁷⁶

Some efforts have also been made to prosecute perpetrators from the FARDC and the PNC of sexual violence. Although not specific to the Kasai region and conflict, the Special Representative of the Secretary General (SRSG) on Sexual Violence in Conflict reported in 2018 that “42 members of FARDC and 17 members of the national police were convicted by military tribunals of rape,” and noted a decline in conflict-related sexual violence by security forces since 2013.¹⁷⁷ Other UN bodies have also acknowledged the government’s efforts to fight impunity.¹⁷⁸

By all indications, the Congolese government has made strides in eradicating child recruitment among its security forces. The Secretary General reported in 2018 that FARDC had made “significant progress” in ending and preventing child recruitment and use in its ranks.¹⁷⁹ As a result of this progress, Congo was delisted from the

¹⁷³ Report of the Secretary-General, Children and Armed Conflict, S/2013/245, May 15, 2013, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/311/67/DOC/N1331167.DOC> (accessed February 15, 2019), para. 64.

¹⁷⁴ Report of the Secretary-General, Children and Armed Conflict, S/2014/339, May 15, 2014, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1431583.pdf> (accessed December 12, 2018), para. 69.

¹⁷⁵ Report of the Secretary-General, Children and Armed Conflict, S/2015/409, June 5, 2015, para. 68, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1510923.pdf> (accessed December 12, 2018).

¹⁷⁶ Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, “DRC: Military Pledge Marks Milestone On Road to Ending Conflict-Related Sexual Violence,” March 31, 2015, <https://www.un.org/sexualviolenceinconflict/press-release/drc-military-pledge-marks-milestone-on-road-to-ending-conflict-related-sexual-violence/> (accessed January 28, 2019).

¹⁷⁷ “Report of the Secretary-General on Conflict-Related Sexual Violence,” S/2018/250, April 16, 2018, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/report/s-2018-250/SG-REPORT-2017-CRSV-SPREAD.pdf> (accessed August 20, 2018), pp. 16-17. See also discussion of government’s prosecution of sexual violence cases perpetrated in North and South Kivu in Report of the Secretary-General on conflict-related sexual violence, S/2017/249, April 15, 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1708433.pdf> (accessed August 17, 2018), para. 34.

¹⁷⁸ See, for example, HRC, “Situation of human rights and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, Report of the United Nations High Commissioner for Human Rights,” A/HRC/33/36, August 12, 2016, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1617948.pdf> (accessed August 30, 2018).

¹⁷⁹ “Report of the Secretary-General on Children and armed conflict in the Democratic Republic of the Congo,” S/2018/502, May 25, 2018,

annexes of the UN Secretary General’s annual report on children and armed conflict for recruitment of children.¹⁸⁰ The same progress has not been achieved with regard to ending sexual violence perpetrated by FARDC units. Although the Congolese government has adopted these and other initiatives to underscore its commitment to end sexual violence, including by its own forces, sexual violence remained rampant during the conflict in the Kasais, as discussed in this report.

The Secretary General, in his 2018 report on conflict-related sexual violence, stressed that there had been setbacks in 2017. Not only had there been an overall increase in the number of reported cases of sexual violence throughout the country, but there had also been “an increase in the number of incidents attributed to both FARDC (28 percent) and the Congolese National Police (109 per cent) in 2017.”¹⁸¹ The outbreak of the conflict in the Kasai region contributed to this setback, given that government security forces and pro-government militias were alleged to have committed a significant number of the cases of sexual violence. The Secretary General called on the Congolese government “to reinforce its efforts to combat sexual violence and to scale up services, including socioeconomic reintegration support for displaced and returnee women” and called “for the armed and security forces to be adequately vetted and trained, to uphold a policy of zero tolerance of such violence by bringing offenders to justice, irrespective of rank, and to ensure that victims and witnesses are protected and that adequate reparations are made to victims.”¹⁸²

Initiatives to prevent sexual violence and respond to the needs of the victims from the Kasai conflict have come primarily from international humanitarian organizations sometimes working with local partner organizations in the region. GCPEA received little information of significant government measures to respond to the needs of survivors of SGBV in the Kasai region, including those victimized by FARDC forces.

Government Prosecutions of Crimes Against Civilians

The UN Team of Experts has documented widespread and serious crimes against the civilian population that were perpetrated by all sides to the conflict in the Kasai region. As noted above, it concluded that both militias and FARDC units may have committed war crimes and crimes against humanity. Yet, impunity continues to be rampant in the Congo, including in particular in the Kasai region. In a June 2017 statement to the UN Human Rights Council, then-High Commissioner for Human Rights Zeid Ra’ad Al Hussein noted that UN human rights investigators had gathered information of serious human rights violations, including by FARDC soldiers, and called on the government to take a number of steps to “ensure a credible and transparent investigation.”¹⁸³

Although the Congo government had called for a joint investigation with the UN into the crimes being committed in the Kasai region,¹⁸⁴ Zeid went on to state:

It is the duty of the Congolese authorities, army and police to protect the people, to act in accordance with human rights principles and to bring perpetrators of human rights violations and abuses to justice.... I regret that to date the Congolese Government has not fulfilled these obligations of protection and

para. 21.

¹⁸⁰ Report of the Secretary General, Children and Armed Conflict, August 24, 2017, (A/72/361-S/2017/821), <https://undocs.org/A/72/361%E2%80%93S/2017/821> (accessed August 20, 2018), p. 40.

¹⁸¹ “Report of the Secretary-General on conflict-related sexual violence,” S/2018/250, March 23, 2018, para.38, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1808325-1.pdf> (accessed February 23, 2019).

¹⁸² *Ibid.*, para. 41.

¹⁸³ HRC, “Statement of the High Commissioner to the Interactive dialogue on the Democratic Republic of the Congo, 35th session of the Human Rights Council,” June 20, 2017, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=21779&LangID=E> (September 1, 2018).

¹⁸⁴ This call came following the murder of two members of the UN Group of Experts on the Congo—Michael Sharp and Zaida Catalán—on March 12, 2017 in Kasai Central province. The two experts are believed to have been investigating mass graves at the time of their murder. No one has been held accountable for their deaths, as well as the disappearance of their drivers and interpreter. The Group of Experts on the Congo is mandated by the UN Security Council to investigate and report on sanctions violations in the country.

accountability. Although my Office has shared information and offered support to investigations in line with the Government's call for a joint investigation, the authorities then sought to limit the UN and AU [African Union] to a supporting role. As a result, progress has clearly been insufficient in view of the massive scale and horrific nature of the crimes that have taken place and, sadly, continue.

In other parts of the country, there has been some progress towards bringing a number of perpetrators to account. However, that political will has not been manifest in the Kasais.¹⁸⁵

Zeid went on to point out that:

While a number of national investigations have been launched into the alleged crimes committed by the Kamuina Nsapu, the Government has failed to conduct meaningful investigations into the conduct of the FARDC and the Police nationale congolaise.¹⁸⁶

During the July 2018 Human Rights Council's discussion on the situation in the Congo, Marie-Ange Mushobekwa, then-Congolese Minister of Human Rights, stated that the ministry had carried out investigations into alleged human rights violations in the Kasai region, and that the government "had already arrested three-quarters of the police and military personnel suspected of having committed crimes."¹⁸⁷ By contrast, then-UN High Commissioner Zeid reported that the information his office had received pointed to "very little progress on accountability, and that impunity was pervasive."¹⁸⁸

In its July 2018 report, the Team of Experts also noted that impunity remained a serious problem and stated:

While a few judicial proceedings have been initiated and some decisions handed down, the efforts made to date are clearly insufficient to provide a satisfactory response to the victims in view of the nature of the crimes.

Similarly, with regard to the violence in the Kasais, Human Rights Watch stated in 2018 that: "Only a few low-level criminal suspects have been prosecuted."¹⁸⁹

While the government may have prosecuted some FARDC soldiers and police for conflict-related crimes, in other cases it deployed commanders with an abusive record to other areas of the country, instead of holding them to account and removing them from duty. In fact, the government reportedly deployed to the Kasai region several FARDC officers suspected of having committed serious crimes, including massacres and widespread sexual violence, in conflicts in eastern Congo between 1998 and 2013.¹⁹⁰

¹⁸⁵ Human Rights Council, "Statement of the High Commissioner to the Interactive dialogue on the Democratic Republic of the Congo, 35th session of the Human Rights Council," June 20, 2017, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=21779&LangID=E> (September 1, 2018)."

¹⁸⁶ Ibid."

¹⁸⁷ OHCHR, "Human Rights Council discusses situation in the Democratic Republic of Congo," July 3, 2018, p. 2, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23319&LangID=E> (accessed August 8, 2018).

¹⁸⁸ OHCHR, "DRC: Zeid calls for international investigation into massive human rights violations in Kasais," June 9, 2017, <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21714&LangID=E> (accessed September 1, 2018).

¹⁸⁹ HRW, "UN Rights Body Should Renew and Expand Investigation into DR Congo's Kasai Region," July 3, 2018, <https://www.hrw.org/news/2018/07/03/un-rights-body-should-renew-and-expand-investigation-dr-congos-kasai-region> (accessed July 4, 2018).

¹⁹⁰ For example, the European Union adopted sanctions against General Eric Ruhorimbere, deputy commander of the 21th Military Region (based in Mbuji-Mayi, Kasai Oriental), among others, on May 29, 2017 because of his role in the "disproportionate use of force and extrajudicial killings by the FARDC, particularly against Nsapu militias, as well as women and children." Official Journal of the European Union, "Decision of Implementation (CFSP) 2017/905 of the Council implementing Decision 2010/788/ CFSP concerning the adoption of restrictive measures against the Democratic Republic of the Congo," May 29, 2017, <https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32017D0905&from=FR> (accessed February 14, 2019). Ruhorimbere had previously been identified by the UN as responsible for war crimes and crimes against humanity during the first and second Congo Wars. See Rolley, "DRC: Violence in the Kasais – Chapter 2: The Reaction of the Army."



Girl whose primary school was attacked in Kazumba territory in December 2016, holding her daughter.

© Holly Cartner, October 2018

The government must intensify its efforts to impartially investigate and hold accountable Congolese army officers, as well as commanders of armed groups, who are responsible for sexual violence and other violations documented in this report, including unlawful attacks on schools, students, and teachers. Violation of Ministerial Directive N° VPM/MDNAC/CAB/0909 of 2013 which prohibits the requisitioning of schools for military purposes should also be investigated. Without such efforts, there can be no hope of preventing the reoccurrence of such violations.

PROGRAMMATIC RESPONSES FROM INTERNATIONAL AGENCIES AND INTERNATIONAL AND NATIONAL NGOS

As already discussed in this report, the Kasai conflict erupted unexpectedly, and the violence grew quickly in intensity and spread rapidly in a region that had been largely peaceful for decades. Few international NGOs were active in the Kasai region prior to the conflict, given the many demands for humanitarian interventions in other parts of the country. It was therefore challenging for international actors to establish and scale up programmatic responses in a timely manner. Although a number of international organizations made a concerted effort to set up new programs or expand work that was already underway, overall, the response was delayed and insufficient in scope. Many of the international NGOs and UN agencies that are now working in the region, only began their work in mid-2017, almost a full year after the conflict began.

The response of international humanitarian organizations and their national partners has also been hampered by the lack of adequate funding for programming to the Congo in general, perhaps due to donor fatigue after years of conflict and instability in the country's eastern provinces. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in October 2018 that, "Despite increasing needs, humanitarian funding to the Democratic Republic of the Congo is extremely low. The 2017 Humanitarian Response Plan was only 52 percent funded, leaving millions of people without assistance. In 2018, additional resources are urgently needed to help save millions of lives."¹⁹¹ Similarly, the Norwegian Refugee Council (NRC) stressed in 2018 that among those countries classified as "Level 3 emergencies – the highest classification for humanitarian crises – DR Congo was the only country where the humanitarian contribution per person targeted for assistance has gone down from \$84 in 2015 to \$61.5 in 2017. This is the direct result of increasing needs coupled with insufficient funding."¹⁹²

Despite these obstacles, UN agencies and international humanitarian organizations are making important efforts to respond to the needs of the population in the aftermath of the crisis. It is beyond the scope of this report to conduct a comprehensive review of these initiatives. However, GCPEA would like to highlight a few of the efforts underway in the Kasai region that are of relevance to the concerns and needs addressed in this report.

Separation of Children Formerly Associated with Armed Groups

UNICEF, one of the only UN agencies already established and working in the Kasai region when the conflict broke out, has been instrumental in responding to the multiple protection needs for girls, including many of the issues addressed in this report. A key priority for UNICEF in the Kasai region has been a response to the widespread recruitment of children by militias. Among its efforts, UNICEF and its partners supported two transit centers in Kananga helping children formerly associated with militias to make the transition back to their families and communities.¹⁹³ Two of the girls interviewed by GCPEA had spent time in these centers and described the time there as a positive turning point, although both girls were still in need of additional support services.

Through these transit centers, as well as through additional programming, UNICEF and its partners provided reintegration support to thousands of children formerly associated with an armed group in the Kasai region. In 2017, for example, UNICEF and its partners helped separate 1,294 children (405 girls and 889 boys) from armed groups and

¹⁹¹ OCHA, "DRC," http://interactive.unocha.org/emergency/2018_drc/#fundingposition (accessed October 30, 2018).

¹⁹² Norwegian Refugee Council, "DRC: The Critical Consequences of Not Doing Enough," April 11, 2018, https://www.nrc.no/globalassets/pdf/reports/dr-congo-donor-conference/democratic_republic_of_the_congo_infosheet.pdf (accessed August 18, 2018).

¹⁹³ UNICEF, "Kasai: A Children's Crisis," https://www.unicef.org/publications/files/UNICEF_DRC_Kasai_Children_in_Crisis_2018.pdf, p. 20.

provide them with temporary assistance.¹⁹⁴ Similarly, in 2018, UNICEF provided such support to 1,513 children (456 girls and 1,057 boys).¹⁹⁵

In addition to the care provided by UNICEF and its partners in the transit centers, the organization supported the provision of socio-economic and psychosocial support to facilitate the reintegration of children separated from militias.

Programs to Improve Access to Education

Given the large number of schools that were attacked and destroyed or damaged during the conflict, UNICEF and its partners have been focused for much of the last two years on the provision of emergency and temporary schooling, including setting up temporary tent schools and providing basic education materials to children and teachers who were left with nothing to restart schooling. Thus, for example, UNICEF reported that, in 2017, it and its partners provided more than 9,000 children (including 4,700 girls) access to temporary learning spaces in the Kasais.¹⁹⁶ Furthermore, in 2018, UNICEF reached 98,428 girls and boys ages 5 to 11 (out of a target of 149,960), providing them with “quality education and psychosocial activities.” The package included capacity-building for 3,395 teachers (out of 2,727 planned) on child-centered teaching methodology, peace education, and psychosocial support. In addition, 500 classrooms (out of 989) were constructed or rehabilitated.¹⁹⁷

A number of international NGOs have been engaged in the rehabilitation of schools and classrooms. Save the Children, for example, has built 18 classrooms, 18 latrine doors, and provided 270 desks and blackboards, as well as school supplies for students and teachers, and recreational materials. Save also provided tuition fees for students during the 2017-2018 school year to facilitate access to education for 1,050 children affected by the crisis in the territory of Kabeya Kamuanga in Lomami province.¹⁹⁸

Given security and other obstacles, the emergency rehabilitation of schools only began in late 2017, and the reconstruction effort was only about to start when GCPEA was conducting the research for this report in late 2018. In an effort to support this transition from an emergency response to the longer-term reconstruction effort, UNICEF increased its funding request from US\$268.1 million in 2018 to US \$326.1 million in 2019, reflecting a need to expand its education programming and coverage in the Kasai region, as well as in Ituri province.¹⁹⁹ However, the education portion of the humanitarian response in the Congo has been significantly underfunded in previous years. According to OCHA, less than 11 percent of the total funding needs for education was funded in 2018.²⁰⁰ Based on the experiences of the past years, there is reason to be concerned that UNICEF may not receive the funding in 2019 that is necessary to address the educational needs created by the conflict in the Kasai region.

¹⁹⁴ Information provided by a UN respondent, email communication to GCPEA, March 7, 2019.

¹⁹⁵ Ibid.

¹⁹⁶ UNICEF, “Humanitarian Action for Children - DRC 2018,” <https://www.unicef.org/appeals/files/2018-HAC-Democratic-Republic-of-Congo.pdf>

¹⁹⁷ Information provided by a UN respondent, email communication to GCPEA, March 7, 2019.

¹⁹⁸ Email communication with GCPEA, March 8, 2019.

¹⁹⁹ See UNICEF, “Humanitarian Action for Children – DRC 2019,” (Last updated: December 27, 2018), <https://www.unicef.org/appeals/drc.html> (accessed January 24, 2019). (Data reflects results as of October 31, 2018). According to Human Rights Watch, “Between December 2017 and March 2018, violence intensified in parts of northeastern Congo’s Ituri province, where armed groups launched deadly attacks on villages, killing scores of civilians, raping or mutilating many others, torching hundreds of homes, and displacing an estimated 350,000 people.” Human Rights Watch, “World Report 2019: Democratic Republic of Congo,” <https://www.hrw.org/world-report/2019/country-chapters/democratic-republic-congo#36e273> (accessed February 15, 2019).

²⁰⁰ OCHA, “DRC 2018 (Humanitarian Response Plan),” <https://fts.unocha.org/appeals/652/summary> (accessed January 12, 2018).

Psychosocial Support Programs

UNICEF and its partners have also been actively engaged in the provision of psychosocial support programs, including the training of teachers to help them better support traumatized children in their classes. These programs are carried out in collaboration with the Congolese Ministry of Education, which has an approved teacher training program on psychosocial support, and are an important component of the Rapid Response to Population Movements (RRMP)²⁰¹ intervention in the Kasais. UNICEF and its partners train teachers, principals and community school volunteers, among other things, to recognize children suffering from trauma, acquire skills to better support children to overcome trauma, and use recreational activities as tools for supporting peaceful coexistence.²⁰² Such programs are critical, if teachers are to have the skills to work with highly traumatized children (not to mention their own trauma) and provide them with the necessary support, as well as to create a safe and welcoming space in schools for survivors of sexual violence.

The Norwegian Refugee Council (NRC), which works in conflict areas throughout the Congo, established an office in Kasai Central province in 2017 to allow it to respond to the impact of the conflict. Among other things, NRC is also engaged in training teachers, education authorities, and other education stakeholders on psychosocial support, the prevention of sexual exploitation and abuse, and good governance in school management. A representative from NRC stressed: “The psychosocial trainings are always critical, but here in the Kasais we are also working with teachers, because some teachers also joined the militia. And other teachers have rejected some children because they were in the militia. There is a lot of suffering and trauma from all sides and if it is not addressed, it will certainly have an impact on the children and teachers for the long-term.” NRC is also working to set up protection committees in schools and to provide girls and boys with recreational activities.²⁰³

Support for Survivors of Sexual and Gender-Based Violence (SGBV)

As noted above, militia groups such as Kamuina Nsapu and Bana Mura, as well as soldiers from the FARDC, have perpetrated widespread sexual violence in the Kasais. As of this writing, some women may still be held in sexual slavery by Bana Mura militias, and many more are suffering from the consequences of SGBV. The Protection Sub-cluster on SGBV reported in October 2017 that it had provided assistance to many victims of sexual violence, including 1,881 people who received multisectoral care since the beginning of the conflict. The sub-cluster also reported that 1,927 women and girls who had suffered from conflict-related trauma were provided with psychosocial support. In addition, the sub-cluster partners conducted training sessions to help build the capacity of 232 health care providers, members of protection networks, community leaders, and others working on SGBV in the region.²⁰⁴

²⁰¹ The Rapid Response to Population Movements (RRMP in English, known in the Congo by the French acronym, RRMP) is an inter-agency mechanism that pools funding to allow for rapid responses to developing crises. The RRMP, which is co-led by UNICEF and OCHA, has been in place in eastern Congo since 2010 and has been used in the Kasai region since mid-2017. See RRMP website at <http://rrmp.org/>. See also UNICEF, “Democratic Republic of the Congo: Humanitarian Update #3 Crisis in the Kasai region,” April 15 - May 31, 2017, https://www.unicef.org/appeals/files/UNICEF_DR_Congo_Humanitarian_Update_on_Kasai_Crisis_31_May_2017.pdf (accessed April 15, 2019).

²⁰² UNICEF, Democratic Republic of the Congo, Humanitarian Update #3 Crisis in the Kasai region,” April 15 - May 31, 2017, https://www.unicef.org/appeals/files/UNICEF_DR_Congo_Humanitarian_Update_on_Kasai_Crisis_31_May_2017.pdf (accessed April 15, 2019), p. 4.

²⁰³ GCPEA interview, Kananga, October 25, 2018.

²⁰⁴ OCHA, “Complex Emergency in the Kasai Region, DRC Situation Report No. 14 (Urgence complexe dans la région du Kasai, R.D. Congo Rapport de situation No.14),” October 23, 2017, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ocha_drc_kasais_situationreport_23102017_fr_francais.pdf (accessed August 9, 2018).

²⁰⁵ Information provided by a UN respondent, email communication to GCPEA, March 7, 2019.

UNICEF reported that for 2018, it had supported 382 survivors of sexual violence in the Kasais and provided them with a comprehensive response.²⁰⁵ Similarly, for 2017, UNICEF reported that it had reached 660 survivors of sexual violence in the Kasais.²⁰⁶

CARE International was one of the agencies already in the Kasai region prior to the outbreak of conflict and has focused its efforts on training health workers to provide holistic care to survivors of SGBV. It has also trained volunteers to conduct community outreach about the availability of confidential services and how these services can be accessed. CARE has also worked with local radio stations to broadcast public service announcements about the availability of these services.²⁰⁷

Similarly, Médecins Sans Frontières (MSF) teams began providing treatment and support for victims of sexual violence in May 2017. It reported that between May 2017 and September 2018, the organization had “treated 2,600 victims of sexual violence in the town of Kananga. Eighty percent reported having been raped by armed men; 162 were children under the age of 15, including 22 under the age of five.”²⁰⁸

²⁰⁶ *Ibid.*

²⁰⁷ CARE, “DRC Crisis webpage,” <https://www.careinternational.org.uk/emergencies/recovery-and-rebuilding/drc-crisis> (accessed January 15, 2019).

²⁰⁸ MSF, “DRC: Sexual Violence Committed by Armed Men in Kasai,” November 1, 2018, <https://www.msf.org/drc-sexual-violence-committed-armed-men-kasai> (accessed January 18, 2019).



Children play outside a temporary school set up by UNICEF during a mid-day break, near Mbuji Mayi, Kasai region, on January 27, 2018.

© UNICEF/Tremeau, 2018



EXPANDED RECOMMENDATIONS

The Congolese government has a responsibility to protect schools and ensure that they are safe for students and teachers. It also has an obligation to protect female students and teachers from the recruitment, abduction, sexual violence and other violations that were perpetrated by Kamuina Nsapu and other militias and by government security forces, and to mitigate the harm that many have suffered due to these abuses. The following recommendations draw on GCPEA's recommendations in previous reports such as "What can be done to better protect women and girls from attacks on education and military use of educational institutions," regarding the protection of women and girls and the protection of education, which are relevant to all conflict areas in the Congo, while adding recommendations specific to the current context in the Kasai region.²⁰⁹

To the Congolese Authorities

End Attacks on Education/Military Use of Schools

- **Implement the Safe Schools Declaration.** The Congo has endorsed the Safe Schools Declaration (SSD). It should increase efforts to implement the Declaration, including by considering enacting a national legislative bill on the Safe Schools Declaration;
- **End military use of schools.** The Congolese government should fully enforce Ministerial Directive N° VPM/MDNAC/CAB/0909 of 2013, which strictly prohibits the requisitioning of schools for military purposes and disseminate its provisions widely and incorporate them into military manuals and trainings. The government should also fully implement the ***Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*** as a minimum standard and should intensify efforts to raise awareness about the risks associated with the military use of educational infrastructure, including the particular risks for women and girls;
- **Investigate and prosecute perpetrators of attacks on education.** The government should impartially investigate and prosecute all persons responsible for recruiting and using girls and boys in combat, as well as for sexual violence and other abuses documented in this report; and
- **Train national defense and security forces** on the prohibition of sexual violence and on ending the use of educational institutions for military purposes.

Improve School Security

- **Work with members of local communities to conduct risk analyses for schools in the Kasai region.** The risk analysis should identify possible threats to the school, students, and teachers and assess the probability of future attack. Risk analyses should also assess vulnerabilities in school infrastructure, assess and map evacuation routes, and identify the adequacy of means to mitigate risks and vulnerabilities. Analyses should consult and engage students, teachers, school administrators, and local communities in the risk assessment as well as in developing protection measures;
- **Ensure that each school has a comprehensive school-based safety and security plan.** Such a plan should take into account the measures recommended in this paper, including the establishment of school safety committees, locally developed coordination mechanisms, comprehensive planning processes, risk assess-

²⁰⁹ Global Coalition to Protect Education from Attack, "What can be done to better protect women and girls from attacks on education and military use of educational institutions," 2018, http://www.protectingeducation.org/sites/default/files/documents/what_can_be_done_to_better_protect_women_and_girls.pdf; and "Technical Guide: What Teachers and School Administrators Can Do to Protection Education from Attack," April 2017, http://www.protectingeducation.org/sites/default/files/documents/technical_guide_2017.pdf. http://www.protectingeducation.org/sites/default/files/documents/what_ministries.pdf. See also, GCPEA, "What Schools Can Do to Protect Education from Attack and Military Use," September 2016, pp. 38-39, http://www.protectingeducation.org/sites/default/files/documents/what_schools.pdf, (accessed August 30, 2017); and "What Ministries Can Do to Protect Education from Attack," December 2015.

ments, response plans, training for education personnel, community members, parents, and students in the implementation of the safety plan, and early warning systems;²¹⁰

- **Establish school security committees.** The government should establish a body within each school with the explicit responsibility for developing and implementing comprehensive school-based safety and security plans. The committee should pay special attention to the specific concerns and protection needs of girls and women, and should involve female students and teachers, as well as parents’ committees, in development and implementation of security plans (see below);
- **Strengthen bottom up capacity and engagement in security.** The government should recognize and leverage pre-existing local structures to protect children and teachers, including by consulting parents and parents’ committees, learners, teachers, and other education personnel on where and how to reduce risk to children in and around learning environments. Parents and community leaders should work to ensure that the learning environment is safe and secure, including by becoming and remaining involved in risk assessments, developing security protocols and response mechanisms, and selecting teachers who are trained or willing to be trained on protection measures;²¹¹
- **Create systematic early warning systems.** In particular, the government should provide school administrators, students, and teachers, Ministry of Education personnel, and local communities with accurate, up-to-date security information, including specific information on the risks of sexual violence;
- **Ensure that schools have emergency communications protocols.** Improved communications systems are essential, especially in remote areas, if school administrators and teachers are to be able to alert students and take appropriate action when a threat is imminent. Such systems should include direct lines to the nearest security forces and police, with a specific, pre-designated contact point within these units;
- **Provide emergency preparedness training.** The authorities should provide teachers and other education personnel with appropriate emergency preparedness training, including by conducting regular school drills and review of security protocols, to ensure that students and staff understand what types of events trigger an emergency response and to enhance their ability to implement relevant security protocols;
- **Increase presence of female teachers/assistants.** The government should develop measures to encourage more women to become teachers. Where female teachers are not available, schools should recruit women from the community as teaching assistants to promote a more protective environment for children;²¹²
- **Strengthen data collection related to school security.** The Congolese government should strengthen and systematize data collection related to school security, including data on specific threats to the safety of female students and teachers and the steps the government is taking to improve security, including specifically for women and girls. Furthermore, in line with UNESCO’s recommendations, the Congolese government should “develop gender-sensitive education sector plans which disaggregate all indicators by sex and analyze barriers to girls’ and boys’ education,” including barriers related to insecurity and the threat of SGBV;²¹³ and

²¹⁰ For additional information, see GCPEA, “What Schools Can Do to Protect Education from Attack and Military Use,” September 2016, pp. 38-39, http://www.protectingeducation.org/sites/default/files/documents/what_schools.pdf, (accessed August 30, 2017).

²¹¹ See INEE Pocket Guide to Gender, “Gender Equality in and through Education,” 2010, pp. 60-61, http://toolkit.ineesite.org/toolkit/INEEcms/uploads/1009/INEE_Pocket_Guide_to_Gender_EN.pdf, (accessed November 28, 2017).

²¹² A UNESCO advocacy report states, “One of the most compelling arguments for increasing the number of women teachers in schools relates to the positive impact that doing so has on girls’ education. There is evidence to show a correlation between the number of women teachers and girls’ enrollment, especially in sub-Saharan Africa.” UNESCO, “The Impact of Women Teachers on Girls’ Education: Advocacy Brief,” 2008, <https://unesdoc.unesco.org/ark:/48223/pf0000145990> (accessed February 19, 2019), p. 1. See also, Right to Education, <https://www.right-to-education.org/girlswomen> (accessed February 19, 2019).

²¹³ UNESCO, Global Education Monitoring Report, http://gem-report-2017.unesco.org/en/chapter/gender_recommendations/, (accessed February 19, 2019).

- **Adopt gender-sensitive and conflict-sensitive education policies.** The Congolese government, as well as provincial governments and relevant national and provincial ministries, should develop gender-sensitive and conflict-sensitive educational policies and practices, in accordance with the INEE Minimum Standards for Education, INEE Guiding Principles on Conflict Sensitive Education,²¹⁴ IASC’s Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action, and UNFPA’s Minimum Standards for Prevention and Response to Gender-Based Violence.

Ensure Reintegration and Prevent Future Recruitment

- **Investigate and prosecute those who have recruited girls.** The government should impartially investigate and prosecute anyone responsible for the recruitment of girls, and the abduction, use, and other serious abuses against girls and women documented in this report;
- **Develop targeted reintegration interventions.** The government, with the support of international donors, should develop a comprehensive strategy specifically for the Kasai region,²¹⁵ of adequate duration and backed by sufficient funding, for the reintegration of girls formerly associated with armed groups;
- **Conduct inclusive community outreach to raise awareness about violence suffered by recruited girls and women.** The government, in collaboration with international and non-governmental organizations, should develop programs to raise community awareness about the violence and abuses suffered by girls formerly associated with armed groups, as well as the vulnerabilities and risks faced by these girls and women and their children. They should work with community members (including women, men, girls and boys) and members of marginalized groups, local government officials, education personnel, and other actors to develop effective protection and support mechanisms for these women and girls, including creating pathways to school enrollment or access to vocational training opportunities, and providing financial assistance for those who may not be financially supported by their families;²¹⁶ and
- **Expand training opportunities for teachers on conflict sensitive education and psychosocial support.** The government, with the support of international donors, should scale up training programs for teachers on conflict-sensitive and gender-responsive education, social inclusion, and how to support and care for students suffering from post-traumatic stress, including specifically girls suffering from psychological trauma and stigma from sexual violence. The scope of programs, such as the current psychosocial support training within the RRMP, should be expanded to more adequately address current needs in the greater Kasais.

End Sexual and Gender-based Violence/Provide Appropriate Services

- **Investigate and prosecute sexual violence.** The government should impartially investigate, prosecute, and try perpetrators of sexual violence in the Kasais, including holding accountable those high-level officers who knew or should have known about the widespread abuses of those under their command, and ensuring that anyone convicted of such crimes is prohibited from remaining or rejoining the security forces in any location in the country;
- **Implement recommendations of the UN Team of Experts.** The government should implement all recommendations related to sexual violence submitted by the Team of Experts on the situation in the Kasais, including measures to protect and support victims to lodge complaints and testify before the courts regarding incidents of sexual violence;²¹⁷

²¹⁴ See INEE, “Guiding Principles on Integrating Conflict Sensitivity in Education Policy and Programming in Conflict-Affected and Fragile Contexts,” <https://www.ineesite.org/en/conflict-sensitive-education>.

²¹⁵ Such efforts may include the full implementation of the Action Plan to stop and prevent child recruitment, sexual violence and other violations committed against children in the Kasais.

²¹⁶ This recommendation is drawn from the work of Child Soldiers International. See CSI, “What the Girls Say: Practical Guide,” June 2017, <https://www.child-soldiers.org/Handlers/Download.ashx?IDMF=doadf1d9-fdbc-487d-8a8a-346b11571369> (accessed August 12, 2018).

²¹⁷ UN Human Rights Council, “Situation in Kasai,” para. 111(d-f).

- **Increase access to medical and psychosocial support for victims.** The government should take necessary steps to expand availability of free and confidential medical and psychosocial services for victims of conflict-related violence, including sexual and reproductive healthcare, and ensure that victims are aware of such services and how to access them. It should also expand efforts to ensure that staff at medical facilities are trained to deliver confidential and comprehensive medical treatment and psychosocial support, including post-rape care in accordance with World Health Organization (WHO) standards; and
- **Support children born as a result of rape, including by forced marriage.** The authorities, in collaboration with NGOs, should provide specialized psychosocial support and other services for children born as a result of rape by militia members or government forces, including ensuring their access to schooling and long-term child protection monitoring and support.

End Early Marriage/Mitigate Harm for those already Married Early

- **Enforce legal age of marriage.** Enforce the Congolese Child Protection Act (Article 48) which sets the legal age of marriage at 18 for both men and women, in all regions of the Congo. Enforce Congolese law guaranteeing that young mothers can continue with their education after childbirth;
- **Educate and empower girls to avoid early marriage.** The government, with the support of international actors, should scale up programs that teach girls about their rights, including the legal prohibition against marriage before the age of 18, and empower them with access to education, vocational training, life-skills programming, and economic empowerment opportunities;
- **Educate and empower girls after early marriage.** The authorities, in collaboration and consultation with civil society, should expand measures to mitigate the harms caused by early marriage, including special programs to encourage and support the continuation of education after marriage or, where that is not possible, economic empowerment programs and skills acquisition initiatives;
- **Develop maternal health and family planning programs.** The government, working closely with local and international NGOs, should develop programs designed to address the maternal health and family planning needs of adolescent girls. Outreach efforts should be undertaken to ensure that adolescent girls are made aware of the availability of such services and provided with information on how to access them; and
- **Raise awareness of negative impact of early marriage.** Scale up efforts to raise the awareness of communities, including parents and adolescents, about the negative impact of early marriage and the benefits of girls’ education. Engage religious and community leaders in efforts to help girls avoid early marriage.

Ensure Access to Uninterrupted Education for Girls

- **Minimize disruption of education.** GCPEA calls on the government to take all appropriate measures to ensure that there is as little disruption as possible to students’ education, including by considering whether students can be safely relocated to schools in more secure areas when their schools must be closed due to insecurity, or by ensuring that they have alternative means of accessing education;
- **Support flexible educational arrangements.** The government should support and expand, with international donor support, formal and non-formal accelerated education opportunities. These should be certified programs that allow those who have missed out on education to catch up on missed learning.
- **Provide incentives for girls’ education.** The government should create targeted interventions to enhance school enrollment and attendance and to encourage families to send girls to school on an equal basis with boys, including cash incentives, food distribution at school, and scholarships to cover school fees;
- **Create safe spaces for girls.** The government, working closely with international actors, should create safe spaces for girls that provide nonformal and accelerated education, life-skills training, economic empowerment opportunities, and include information on and referrals for reproductive health and SGBV services; and

- **Address the financial impediments preventing children from attending schools**, such as mandatory school fees, and at minimum suspend mandatory school fees in areas affected by conflict.

Ensure Accountability for Violations of Humanitarian and Human Rights Law

- **Support international accountability measures for attacks on schools, recruitment of children, and sexual violence.** The government, with the support of international agencies, should promote accountability measures through international channels, such as the International Criminal Court, the Human Rights Council, UN Security Council Working Group on Children and Armed Conflict, UN human rights treaty monitoring bodies, and the Monitoring and Reporting Mechanism (MRM) on grave violations committed against children in times of armed conflict, among others.

To Kamuina Nsapu and other militias

GCPEA also makes recommendations to Kamuina Nsapu and other militia leaders regarding the gross and serious violations perpetrated by their combatants:

- **Cease attacks on education.** As a matter of utmost urgency, GCPEA calls on all militia leaders to cease all attacks on education, including attacks on schools, students, and teachers;
- **End all recruitment and use of children.** Militia leaders should stop recruitment, abduction, and use of children under 18 years of age, and suspend from their positions, pending investigations, any commanders who are credibly alleged to have recruited and used child soldiers;
- **Prevent sexual and gender-based violence.** Militia commanders should take all steps necessary to prevent SGBV by its combatants, including by halting all forced marriages, and hold combatants accountable, in accordance with international standards;
- **Integrate the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.** Militia leaders should order commanders not to use school buildings or school property for military purposes and implement the *Guidelines*, taking into account the ways in which female students and educators may be impacted by having armed groups in the vicinity of their schools; and
- **Comply with international law.** The militia leadership should take all measures necessary to ensure that its combatants strictly comply with international humanitarian law and the principles of international human rights law, including by adopting internal policies or creating a code of conduct that incorporate international humanitarian law obligations regarding the protection of education and the prohibition against sexual violence.

To the International Community

The United Nations, including MONUSCO, donor governments, and international humanitarian actors are already providing support and programmatic responses to many of the issues raised in this report. However, the needs of victims of the conflict in the Kasais, including the multiple needs of women and girl survivors of attacks on education, far exceed current resources. During the research for this report, almost none of those interviewed reported having received any assistance or programmatic support of any kind from the government or international actors. GCPEA therefore calls on the international community to privately and publicly urge the Congolese government and its relevant ministries to adopt the recommendations included in this report and to increase its own support for the interventions recommended:

Safe Schools

- **Advocate for comprehensive and sustained measures to protect education from attack.** International actors should intensify advocacy with the Congolese government to prioritize security of schools, including the urgent assessment of security risks for schools;

- **Provide support for enhanced protection measures.** International donors should expand support for enhanced security measures, including emergency communications systems, especially for remote areas, systematic early warning systems, the development of comprehensive school-based safety and security plans, and programs to provide security training for educators and students;
- **Support continued deployment and expanded mandate for MONUSCO.** The United Nations and member governments should ensure that MONUSCO maintains a presence in the Kasai region to afford it the capacity to monitor developments and intervene as necessary to prevent future conflict. The deployment of MONUSCO troops in the region should continue to include monitoring, reporting and responding to attacks on schools, military use of schools, and abductions and recruitment of children. In addition, if feasible, consider explicitly mandating MONUSCO to patrol schools to prevent attacks and the violations that occur during such attacks, as documented in this report;
- **Support risk analyses for schools in the Kasai region.** International actors should encourage and provide funding to identify threats to the school, students, and teachers, and assess vulnerabilities in school infrastructure, assess and map evacuation routes, and identify the adequacy of means to mitigate risks and vulnerabilities; and
- **Support implementation of the Safe Schools Declaration.** The international community should encourage and support the Congolese government to implement fully the commitments contained in the Safe Schools Declaration at all levels of education and should take immediate steps to account for the specific needs and experiences of women and girls in the process of implementation. This includes supporting efforts to raise awareness among security and military actors, community leaders and members, and state authorities, of the risks associated with the military use of educational infrastructure and of the particular risks for women and girls.

Access to Education

- **Devote more funding to education in emergencies.** The international community should work with the government to ensure adequate funding for the construction of emergency primary and secondary schools in areas of the Kasais where schools have been destroyed, and ensure that the special needs of female students and teachers are fully addressed in newly refurbished or rebuilt schools;
- **Support specialized outreach to female victims of attacks on education.** International donors should support the expansion of specialized outreach to female victims of attacks on education, including those who have suffered from recruitment, abduction, sexual violence, and other abuses documented in this report, in order to address their specific needs. They should continue to support, and where possible expand, the provision of medical and psychosocial assistance to victims of attacks on education, taking into account the specific needs and experiences of women and girls;
- **Train teachers on conflict sensitive education and psychosocial support.** International donors should work with the Congolese government to establish or scale up training programs for teachers on conflict-sensitive and gender-responsive education, and how to support and care for students suffering from post-traumatic stress, including specifically, girls suffering from the psychological trauma and stigma of sexual violence; and
- **Support efforts to minimize disruption of learning.** International donors should expand their support for efforts to minimize conflict-related disruptions to education by targeting additional funding for the development and provision of alternative means of accessing education, including non-formal and accelerated learning opportunities, and alternative delivery of education, in the absence of formal ones, as well as the establishment of safe spaces for girls that provide such non-formal and accelerated learning.

Programs to Prevent SGBV and Mitigate Harm

- **Support targeted reintegration interventions.** International donors should support the development of a comprehensive strategy specifically for the Kasai region,²¹⁸ of adequate duration and backed by sufficient funding, for the reintegration of girls formerly associated with armed groups; and
- **Support efforts to expand access to medical and psychosocial support for victims.** International donors should expand support for programs that provide free and confidential medical and psychosocial services for victims of conflict-related violence, including sexual and reproductive healthcare, and ensure that victims are aware of such services and how to access them.

Programs to Prevent and Mitigate Harm of Early Marriage

- **Support Effective Interventions to End Early marriage.** International donors should increase efforts to combat early marriage, including programs to provide information, sensitization and awareness-raising on the rights and concerns of female students, and to bring about behavioral change. They should expand measures to mitigate the harms caused by early marriage, including special programs to encourage continuation of education after marriage or, where that is not possible, economic empowerment programs and skills acquisition initiatives.

Efforts to Combat Impunity

- **Support international accountability measures.** International actors in the Congo should continue to promote and support international accountability measures with the government, including through international channels, such as the International Criminal Court, the Human Rights Council, UN Security Council Working Group on Children and Armed Conflict, UN human rights treaty monitoring bodies, and the Monitoring and Reporting Mechanism (MRM) on grave violations committed against children in times of armed conflict, among others.

Monitoring and Reporting

- **Support efforts to strengthen monitoring and reporting.** International organizations and influential governments should conduct advocacy with the Congolese government to strengthen and systematize data collection related to school security, including data on specific threats to the safety of female students and teachers. In addition, they should advocate and support efforts to strengthen monitoring and reporting of attacks on education and military use of schools and universities, including by collecting and reporting data that is disaggregated by sex.

²¹⁸ Such efforts may include the full implementation of the Action Plan to stop and prevent child recruitment, sexual violence and other violations committed against children in the Kasais.

ANNEX I: THE DEMOCRATIC REPUBLIC OF CONGO’S OBLIGATIONS UNDER INTERNATIONAL LAW

The Democratic Republic of Congo has ratified the core international human rights treaties that set out relevant standards for the protection of persons in its territory, including specific provisions related to the rights of women and girls. These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).²¹⁹ The Congo has also ratified relevant regional instruments, including the African Charter on Human and Peoples’ Rights and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol).²²⁰ Pursuant to these treaties, the Congolese government has an obligation to adopt effective measures to prevent, investigate, prosecute, and punish serious human rights abuses. This obligation extends to protecting women and girls from recruitment, abduction, sexual and gender-based violence, torture and other ill-treatment documented in this report.

Prohibitions Against Sexual and Gender-Based Violence

International human rights law guarantees the right to life, security of person and bodily integrity, and specifically prohibits torture and other cruel, inhuman, or degrading treatment. Violence, including sexual violence, against women is recognized as a violation of these fundamental rights. Sexual violence may include rape, sexual slavery, and forced marriage and pregnancy.²²¹ The Committee on the Elimination of Discrimination against Women, the monitoring body of CEDAW, has stated that violence against women is a violation of the right not to be subject to torture or to cruel, inhuman or degrading treatment.²²² In January 2016, the Special Rapporteur on Torture stated that “rape and other forms of sexual violence constitute violations of international humanitarian law and unequivocally amount to torture under international criminal law jurisprudence.”²²³

States also have an obligation to protect children (persons under 18 years old) against sexual violence. Article 19 of the Convention on the Rights of the Child (CRC) affirms that

²¹⁹ The International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by the Democratic Republic of Congo in 1976; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, Art. 12; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. Res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by the Congo in 1996; and the Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No.49), U.N. Doc A/44/49 (1989), entered into force September 2, 1990.

²²⁰ See African Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by the Congo in 1987; Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol), adopted July 11, 2003, entered into force November 2005, ratified by the Congo in 2008.

²²¹ The Rome Statute of the ICC states that “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” may constitute war crimes and crimes against humanity. Rome Statute of the International Criminal Court, http://legal.un.org/icc/statute/99_corr/cstatute.htm (accessed February 12, 2019), art. 7(1)(g), related to crimes against humanity, and art. 8(2)(e)(vi), related to war crimes in conflicts not of an international character.

²²² Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women (Eleventh session, 1992), U.N. Doc. A/47/38 at 1 (1993), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 243 (2003), available at <http://www1.umn.edu/humanrts/gencomm/gener19.htm> (accessed June 29, 2018).

²²³ United Nations Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment, A/HRC/31/57, January 5, 2016, <http://www.refworld.org/docid/56c435714.html> (accessed June 30, 2018), para. 52.

States Parties shall take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of physical and mental violence, injury or abuse...including sexual abuse.²²⁴

Furthermore, article 37 of the CRC specifies that children must be protected from torture, cruel, inhuman, and degrading treatment.²²⁵

International humanitarian law prohibits intentionally attacking or harming civilians or others who are not taking part in hostilities. It applies to non-state armed groups such as Kamuina Nsapu and Bana Mura militias, as well as to FARDC, and is applicable during internal armed conflicts, such as the conflict in the Kasais.²²⁶ International humanitarian law requires that all civilians and persons *hors de combat* be protected from torture and cruel, inhuman, humiliating or degrading treatment.²²⁷ It also specifically requires that all civilians and persons *hors de combat* be protected from rape or other forms of sexual violence.²²⁸

Pursuant to international humanitarian law, rape and other forms of sexual violence may be considered a war crime and, if carried out as part of a widespread or systematic attack against a civilian population, a crime against humanity. The Rome Statute of the International Criminal Court (the Rome Statute), includes rape, sexual slavery, forced pregnancy and other forms of sexual violence within its mandate.²²⁹

Abductions of female students from their schools is a violation of the fundamental right to security of person and bodily integrity, regardless of whether the abduction is for recruitment purposes, sexual violence or another use. States have a duty to prosecute violations of this right, whether committed by an agent of the state or a non-state armed group.²³⁰

Prohibitions Against Recruitment and Use of Children in Combat

International law proscribes the recruitment and use of children by armed forces or groups. It is a crime under international humanitarian law, the “laws of war”, and international criminal law to recruit or use children under 15 years of age. International human rights law also prohibits the recruitment or use of all children, setting the age of lawful conscription or use of a person by armed forces or groups at 18 years of age or older.

The Democratic Republic of Congo is a party to the Geneva Conventions of 1949 and the Additional Protocols of 1977.²³¹ The Congo is also a party to the Rome Statute of the International Criminal Court and has incorporated the ICC’s definitions of international crimes into the country’s criminal code.²³² This international humanitarian law,

²²⁴ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. doc A/44/49 (1989), entered into force September 2, 1990, art. 19. The Congo ratified the CRC in 1990.

²²⁵ *Ibid.*, art. 37.

²²⁶ The UN Team of Experts stated that it had “reasonable grounds to believe that from August 2016 and during the period covered by [its July 2018] report, there was an armed conflict not of an international character in Kasai between FARDC and the Kamuina Nsapu militia.” The experts concluded that during that period, acts of violence committed against civilians by Kamuina Nsapu and Bana Mura militias, as well as defense and security forces, constitute crimes against humanity and war crimes. UN Human Rights Council, “Situation in Kasai* Report of the United Nations High Commissioner for Human Rights,” July 3, 2018, <http://undocs.org/A/HRC/38/31> (accessed August 10, 2018), paras. 97-103.

²²⁷ See Common Article III to the Geneva Conventions of 1949, adopted August 12, 1949, entered into force October 21, 1950.

²²⁸ Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978, Art. 4 (2)(e).

²²⁹ Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 7(1)(g), art. 8(2)(b)(xxi and xxii), and art. 8(2)(e)(vi). The Congo ratified the Rome Statute on April 11, 2002.

²³⁰ Article 2 of the ICCPR requires governments to provide an effective remedy for abuses and to ensure the rights to life and security of the person of all individuals in their jurisdiction, without distinction of any kind including sex.

²³¹ See ICRC Treaties and State Parties to Such Treaties, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=CD (accessed December 20, 2018). Congo signed and ratified the four Geneva Conventions on February 24, 2016 and the Additional Protocols of 1977 on April 11, 2002.

²³² See ICRC Treaties and State Parties to Such Treaties, <https://ihl->

and other customary international humanitarian law, prohibits recruitment of children under the age of 15 or their participation in hostilities by national armed forces and non-state armed groups.²³³ Such recruitment or use is considered a war crime.²³⁴

Other international customary law acceded to by the Congo prohibits the use of children in conflict who are under the age of 18. The Congo ratified the Convention on the Rights of the Child (CRC) on September 27, 1990, and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on November 11, 2001 (‘the optional protocol’).²³⁵

The right of children to education is enshrined in the International Covenant on Economic, Social and Cultural Rights and in the Convention on the Rights of the Child.²³⁶ International humanitarian law states that children should continue to have access to education during periods of conflict.²³⁷

Students, teachers, and schools are protected under international humanitarian law.⁴⁵ Schools are presumed civilian objects and as such shall not be the object of attack unless they become legitimate military targets, for example, if they are being used as a barracks.²³⁸ Intentionally directing attacks against a school not being used for a military purpose (i.e. so that is not a legitimate military target), including by destroying the school or part of it, or looting a school as has happened in the conflict in the Kasai region, would constitute a war crime. Forces have a duty to take precautions to prevent attacks on civilians and civilian objects, including on schools under international humanitarian law.²³⁹ Military use of school buildings, thereby stripping a school of its civilian status and

databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=585 (accessed December 20, 2018). The Congo ratified the Rome Statute on April 11, 2002.

²³³ See Protocol 11, art.4 (3)(c). The recruitment and use of children under 15 is considered a crime under other customary international humanitarian law. See ICRC, Customary International Humanitarian Law, rule 136 and 137. The Rome Statute of the International Criminal Court lists “conscripting or enlisting children under the age of 15 years” into “armed forces or groups” or “using them to participate actively in hostilities” as war crimes (arts. 8(2)(b)(xxvi) and 8(2) (e) (vii). It also prohibits children’s active participation not only in combat but also in scouting, spying, and direct support functions. Several UN Security Council resolutions condemn the recruitment and use of children in hostilities, including Resolutions 1261 (1999), 1314 (2000) 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), and 1998 (2011) on children and armed conflict.

²³⁴ See ICRC, Customary International Humanitarian Law, Rule 156, https://www.icrc.org/customaryihl/eng/docs/v1_rul_rule156.

²³⁵ See https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=CD (accessed December 20, 2018). The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) “was the world’s first international treaty wholly focused on ending the military exploitation of children. The treaty prohibits the conscription of children under the age of 18 and their participation in hostilities. It also prohibits the voluntary recruitment of children by non-state armed groups, although it allows state armed forces to recruit from age 16, as long as the children recruited are not sent to war.” See Child Soldiers International, <https://www.child-soldiers.org/international-laws-and-child-rights>.

²³⁶ International Covenant on Economic, Social, and Cultural Rights (“ICESCR”), art. 13 and Convention on the Rights of the Child, art. 28. See also ACHPR, art. 17; Africa Charter on the Rights and Welfare of the Child, art. 11. The CRC provides that states shall make primary education compulsory and available to all; secondary education generally available and accessible to all; and higher education accessible to all on the basis of capacity. States are meant to undertake such measures to the maximum extent of their available resources and where needed within the framework of international cooperation.

²³⁷ See Optional Protocol II, art. 4(3) (a) stating that children “shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care.”⁴⁵ ICRC, Customary International Humanitarian Law, chapters 1 and 2, citing, for example, Protocol II, art. 13.

²³⁸ Military objects are defined as object which by their nature location purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. See Additional Protocol 1, art. 52(2). If there is any doubt as to whether a school is being used to make an effective contribution to military action, it shall be presumed not to be so used and thus to be a civilian object. See Additional Protocol 1, art.52 (3).

²³⁹ To the extent that schools and universities are civilian objects, parties to an armed conflict shall, to the maximum extent feasible, (a) avoid locating military objectives within or near densely populated areas where schools are often located; (b) endeavor to remove the civilians population, including civilians and civilian objects under their control from the vicinity of military objectives; and (c) take other necessary precautions to protect those schools under their control against the dangers resulting from military operations. See Additional Protocol 1, art.58 (a), (b) and (c). UN Security Council resolutions have called for forces to ensure the protection of schools, refrain from actions that impede children’s access to school including the use of schools by armed forces, that those who attack schools in contravention of international humanitarian law are investigated and prosecuted.

rendering it a military target, undermines in practice the guarantee of protection given to all schools, thereby endangering civilians such as students and teachers who occupy schools.

Prohibition Against Forced and Child Marriage

Forced Marriage

International human rights law protects girls and women from forced marriage. The UN Secretary-General, in the In-Depth Study on Violence Against Women states:

A forced marriage is one that lacks the free and valid consent of at least one of the parties. In its most extreme form, forced marriage can involve threatening behaviour, abduction, imprisonment, physical violence, rape, and, in some cases, murder.²⁴⁰

Article 16 (2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states:

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure... b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent.²⁴¹

Similarly, the ICCPR states that “No marriage shall be entered into without the free and full consent of the intending spouses.”²⁴²

Child Marriage

Child marriage, a marriage in which at least one party is under the age of 18, violates a number of human rights principles. CEDAW states explicitly that the “betrothal and the marriage of a child shall have no legal effect.”²⁴³ The CRC has called for the minimum age of marriage to be 18, without regard to the parents’ consent.²⁴⁴ Similarly, the African Charter on the Rights and Welfare of the Child prohibits “child marriage and the betrothal of girls and boys” and requires that States Parties take effective action to “specify the minimum age of marriage to be 18.”²⁴⁵

International human rights bodies have made clear that child marriage is “a form of gender-based violence which disproportionately affects women and girls.”²⁴⁶ As such, it violates a number of human rights instruments that guarantee non-discrimination.²⁴⁷ “The Committees on the Elimination of Discrimination against Women and on the Rights of the Child have both described forced and child marriage as a manifestation of discrimination against women and girls, a violation of their rights and an obstacle to the girl child’s full enjoyment of her rights.”²⁴⁸

Both forced and early marriage may be considered slave-like practices. The Office of the UN High Commissioner for Human Rights (OHCHR) has stated:

²⁴⁰ “Report of the UN Secretary General to the UN General Assembly, In-Depth Study on All Forms of Violence against Women,” July 6, 2006, UN doc. A/61/122/Add.1, para. 122.

²⁴¹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, art.16(1)(b). The Congo ratified CEDAW in 1986.

²⁴² ICCPR, art. 23 (3).

²⁴³ Ibid., art.16 (2).

²⁴⁴ UN Committee on the Rights of the Child, General Comment No. 4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child, (Thirty-third session, 2003), para. 20. See also CEDAW Committee, General Recommendation No. 21, Equality in Marriage and Family Relations, (Thirteenth Session, 1994), para. 36.

²⁴⁵ African Charter on the Rights and Welfare of the Child (1990), art. 21 (2).

²⁴⁶ Office of the High Commissioner for Human Rights (OHCHR), “Preventing and eliminating child, early and forced marriage,” April 2, 2014, A/HRC/26/22, para. 16.

²⁴⁷ See, for example, ICCPR, art.2, paras. 1 and 3, ICESCR, art. 2, paras. 2 and 3, and CEDAW, art. 16.

²⁴⁸ OHCHR, “Preventing and eliminating child, early and forced marriage,” para. 16.

Women and girls in situations of child and forced marriage may experience conditions inside a marriage which meet “international legal definitions of slavery and slavery-like practices” including servile marriage, sexual slavery, child servitude, child trafficking and forced labour, and “a potentially high proportion of child marriage cases appear to constitute the worst forms of child labour under the 1999 ILO Convention No. 182.”²⁴⁹

Early and forced marriage may also violate women and girls’ right to the highest attainable standard of health (see discussion below).

Right to Health

The CEDAW Committee has explicitly stated that “violence against women puts their health and lives at risk.” As such, violence against women and girls violates their right to the highest attainable standard of health, as guaranteed in international human rights instruments.²⁵⁰ Several human rights bodies have also noted that sexual violence violates women and girls right to health. The Committee on Economic, Social, and Cultural Rights (CESCR), which oversees implementation of the ICESCR, has recognized that “women and girls living in conflict situations are disproportionately exposed to a high risk of violation of their rights, including through systematic rape, sexual slavery, forced pregnancy and forced sterilization.”²⁵¹

Similarly, the CEDAW Committee has stressed that the lack of access to health care, including sexual and reproductive health services, that often occurs during conflict can exacerbate the impact of sexual violence for women and girls. The committee stated:

Women and girls are at a greater risk of unplanned pregnancy, severe sexual and reproductive injuries and contracting sexually transmitted infections, including HIV and AIDS, as a result of conflict-related sexual violence. The breakdown or destruction of health services, combined with restrictions on women’s mobility and freedom of movement, further undermines women’s equal access to health care.²⁵²

As noted above, early marriage can have serious health consequences for girls. These include early and frequent pregnancies, high maternal and infant morbidity and mortality rates, a heightened risk of sexually transmitted infections, and a higher rate of pregnancy-related complications, including obstetric fistula. The Committee on the Rights of the Child (CRC) has expressed concern “that early marriage and pregnancy are significant factors in health problems related to sexual and reproductive health, including HIV/AIDS,” and has recommended that “adolescent girls should have access to information on the harm that early marriage and early pregnancy can cause.”²⁵³ In its 2017 concluding observations, the CRC welcomed that Congo had increased the legal age of marriage for girls to 18 years, the committee remained “seriously concerned that the number of child marriages, including customary marriages, in the country has been high, affecting a large number of girls.”²⁵⁴

²⁴⁹ OHCHR, “Preventing and eliminating child, early and forced marriage,” para. 21, citing Anti-Slavery International, “Out of the Shadows: Child marriage and slavery,” (April 2013).

²⁵⁰ See, for example, International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 12. The Congo ratified the ICESCR in 1976.

²⁵¹ UN Committee on Economic, Social, and Cultural Rights (CESCR), General Comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), U.N. Doc. E/C.12/GC/22, May 2, 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f22&Lang=en (accessed July 1, 2018), art. 1.

²⁵² CEDAW Committee, General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, October 18, 2013, U.N. Doc. CEDAW/C/GC/30, <http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf> (accessed July 1, 2018) para. 50.

²⁵³ UN Committee on the Rights of the Child, General Comment No. 4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child, (Thirty-third session, 2003), paras. 16 and 27.

²⁵⁴ Committee on the Rights of the Child, “Concluding observations on the combined third to fifth periodic reports of the Democratic Republic of the Congo,” February 28, 2017, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOD%2fCO%2f3-5&Lang=en (accessed

Both the CRC and the CEDAW Committees have stressed the importance of delaying marriage to protect young girls from the negative health implications of early marriage such as early pregnancy and childbirth and to ensure that girls complete their education.²⁵⁵ The CEDAW Committee has stated that it considers that

The minimum age for marriage should be 18 years for both man and woman... According to the World Health Organization, when minors, particularly girls, marry and have children, their health can be adversely affected, and their education is impeded. As a result, their economic autonomy is restricted.²⁵⁶

Right to Education

Education is a basic right enshrined in various international treaties ratified by the Congo, including the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (ACHPR). This right is guaranteed without discrimination, including on the basis of sex. The African Charter on the Rights and Welfare of the Child calls on States Parties to the Charter to take the measure necessary to ensure the achievement of the right to education, including by providing special measures to ensure equal access to education for girls.²⁵⁷

International Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict

The Safe School Declaration

The Congo endorsed the Safe Schools Declaration on May 29, 2016.²⁵⁸

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express support for protecting education from attack during times of armed conflict; the importance of the continuation of education during war; and the implementation of concrete measures to deter the military use of schools. When they endorse the Declaration, states endorse and commit to use the *Guidelines on Protecting Schools and Universities from Military Use During Armed Conflict*.²⁵⁹

Although the Guidelines are not legally binding, they complement and draw on existing obligations in existing international humanitarian and human rights law. A core aim of the *Guidelines* is to protect against the risk of armed forces and groups converting schools and universities into military objectives by way of military use and exposing them to the potentially devastating consequences of attack. While it is acknowledged that certain uses would not be contrary to the law of armed conflict, all parties should endeavor to avoid impinging on students' safety and education, using the *Guidelines* as a guide to responsible practice.²⁶⁰

January 4, 2018), para. 27.

²⁵⁵ See, for example, CEDAW Committee, General Recommendation No. 21, Equality in Marriage and Family Relations, (Thirteenth Session, 1994), para. 36; UN Committee on the Rights of the Child, General Comment No. 4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child, (Thirty-third session, 2003), para.20.

²⁵⁶ CEDAW Committee, General Recommendation No. 21, para.36.

²⁵⁷ ACRWC, Art. 11 (1) and (3)(e).

²⁵⁸ As of this writing, 86 countries had signed the Safe School Declaration.

²⁵⁹ GCPEA, "Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict", December 2014, http://www.protectingeducation.org/sites/default/files/documents/guidelines_en.pdf. The Declaration was developed through consultations with states in a process led by Norway and Argentina in Geneva in 2015.

²⁶⁰ See http://www.protectingeducation.org/safeschoolsdeclaration#what_do_the_guidelines_say.

Legal Framework Relating to Military Use of Schools During Armed Conflict²⁶¹

The legal framework applicable to the targeting of schools and universities, and the use of schools and universities in support of the military effort, during armed conflicts is found primarily in international humanitarian law, which is the body of law that regulates conduct in international and non-international armed conflicts.

The law of armed conflict restricts the targeting of schools and universities, and the use of schools and universities in support of the military effort, but it does not prohibit such use in all circumstances and allows for the targeting of schools and universities when they become military objectives.

Schools and universities are normally civilian objects and, as such, shall not be the object of attack unless they become military objectives.²⁶² Indeed, to intentionally direct attacks against them when they are not military objectives would constitute a war crime. Military objectives, in so far as objects are concerned, are defined as objects which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization, in the circumstances at the time, offers a definite military objective.²⁶³ In case of doubt whether a school or university is being used to make an effective contribution to military action, it shall be presumed not to be so used and thus to be a civilian object.²⁶⁴

The law of armed conflict requires the parties to a conflict to take precautions against the effects of attack. To the extent that schools and universities are civilian objects, parties to an armed conflict shall, to the maximum extent feasible, a) avoid locating military objectives within or near densely populated areas where schools and universities are likely to be located; b) endeavor to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives; and c) take the other necessary precautions to protect those schools and universities under their control against the dangers resulting from military operations.²⁶⁵ These rules have important implications for schools and universities.

Turning a school or university into a military objective (for example, by using it as a military barracks) subjects it to possible attacks from the enemy that might be lawful under the law of armed conflict. Locating military objectives (a weapons store, for example) near a school or university also increases the risk that it will suffer incidental damage from an attack against those nearby military objectives that might be lawful under the law of armed conflict.

The above-mentioned rules must not be read in a void. Account must be taken of other relevant rules and principles of the law of armed conflict.²⁶⁶ Among these rules are those affording a special protection to children in armed conflict situations.²⁶⁷ If education institutions are fully or partially used for military purposes, the life and

²⁶¹ This section is adapted from GCPEA, “Implementing the Guidelines: A Toolkit to Guide Understanding and Implementation of the Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict,” Annex ii, pp. 46-48, <http://www.protectingeducation.org/sites/default/files/documents/toolkit.pdf>.

²⁶² See Protocol Additional to the Geneva Conventions of August 12, 1949 and relating to the Protection of Victims of International Armed Conflicts (“Additional Protocol I”), art. 52(1). This rule is also part of customary law for international and non-international armed conflicts. See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law: Rules*, vol. 1, International Committee of the Red Cross (“ICRC Customary IHL Study”), rule 9 and 10.

²⁶³ See Additional Protocol I, art. 52(2). This rule is also part of customary law for international and non-international armed conflicts. See ICRC Customary IHL Study, rule 8. See also ICTY, Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, The Hague, June 14, 2000, para. 41.

²⁶⁴ See Additional Protocol I, art. 52(3). The principle of presumption of civilian character in case of doubt is also contained in Amended Protocol II to the Convention on Certain Conventional Weapons. The customary character of this rule is not fully established, but it is clear that in case of doubt, a careful assessment has to be made. See ICRC Customary IHL Study, commentary to rule 10.

²⁶⁵ See Additional Protocol I, art. 58(a), (b), and (c). These rules are also part of customary law for international and non-international armed conflicts. See ICRC Customary IHL Study, rules 22-24. See also: ICTY, Kupreskic case, Judgment, Trial Chamber, January 14, 2000, paras. 524-525.

²⁶⁶ This is a traditional rule of interpretation. See Vienna Convention on the Law of Treaties, art. 31(1): “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.”

physical integrity of children might be at risk²⁶⁸ and access to education is restricted or even impeded either because children may not go to school for fear of being killed or injured in an attack by the opposing forces, or because they have been deprived of their usual educational building.

Under Additional Protocol II, applicable during non-international armed conflicts, it is a “fundamental guarantee” that children shall receive an education, in keeping with the wishes of their parents.²⁶⁹

As a consequence, before using a school or university in support of the military effort, consideration should be given to all relevant rules and principles of the law of armed conflict, in particular the obligation to take precautions against the effects of attack, the special protection afforded to educational institutions that also constitute cultural property, the importance of ensuring access to education in armed conflicts, the prohibition of human shields, and the special protection afforded to children in armed conflicts.

International humanitarian law imposes a legal obligation on all parties to an armed conflict, both government armed forces and non-state armed groups, to minimize the harm to civilians. A fundamental principle of international humanitarian law is the obligation to distinguish between civilians and combatants, and between civilian objects and military objectives.²⁷⁰

²⁶⁷ On the special protection afforded to children in armed conflicts, see Geneva Convention relative to the Protection of Civilian Persons in Time of War (“Fourth Geneva Convention”), arts. 14, 17, 23, 24, 38, 50, 82, 89, 94, 132; Additional Protocol I, art. 70, 77, 78; Additional Protocol II, art. 4 and 6.

²⁶⁸ It should be noted in particular that the law of armed conflict foresees the creation of safety zones and localities so organized as to protect from the effects of war children under fifteen (See Fourth Geneva Convention, art. 14.) This indicates that the law of armed conflict puts a particular emphasis on the protection of children from the effects of attacks.

²⁶⁹ Additional Protocol II, art. 4(3)(a).

²⁷⁰ ICRC, Customary International Humanitarian Law, rule 7, arts. 48 and 52(2).

Global Coalition to Protect Education from Attack

Secretariat

350 5th Avenue, 34th Floor, New York, New York 10118-3299

Phone: 1.212.377.9446 · Email: GCPEA@protectingeducation.org



www.protectingeducation.org



(Cover) “Tshiela,” aged 10, sits in what was once her school in Mulombela village, Kasai region. The school was attacked by government forces in 2017 and five students were killed.

© UNICEF/Tremeau, 2017