



## **What Future? Street Children in the Democratic Republic of Congo**

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## I. Summary

*Our worry is this, what will become of these kids tomorrow? Thousands of children living on the streets with no supervision, no education, no love or care, accustomed to daily violence and abuse. What future for these children and for our country?*

—Street child educator in Lubumbashi

*After my parents died, I moved in with my uncle. But things were bad at his home. He was often drunk and would beat me. He took my parents things but he wouldn't take care of me. I began spending more and more time in the streets.*

—Street boy in Kinshasa

*The [military] police bother us at night. They ask for money, and if we have none, they threaten us with arrest and beat us.*

—Street boy in Goma

Tens of thousands of children living on the streets of Kinshasa and other cities of the Democratic Republic of Congo (DRC) suffer extreme hardship and exposure to daily violence. Turned out of their homes and without family care and support, they are victims of physical, sexual and emotional abuse. With no secure access to food, shelter, or other basic needs, they are exploited by adults, including law enforcement personnel, who use them for illegal activities to the detriment of their health and welfare and in violation of their basic human rights. The government of the DRC has failed to meet its obligations to protect these children from abuses committed by its own police and military forces and by private actors. Of particular concern is the deliberate and opportunistic recruitment of street children to participate in political demonstrations with the intention of provoking public disorder, events in which dozens of street children have been killed or wounded. During the upcoming national elections tentatively scheduled for June 18, 2006, the government must protect street children from political manipulation. The government in power after the 2006 elections must begin to comprehensively address the many other abuses committed against street children.

This report is based on interviews with more than fifty street children—children who might not necessarily be without families, but who live without meaningful protection, supervision, or direction from responsible adults. Although many children spend some

time in the streets, the term “street child” is used here to refer to children for whom the street, more than any family, residence or institution, has become their real home.

Many street children live in fear of the very state forces charged to protect them. The testimonies from children we interviewed revealed a common pattern of routine abuse by police, soldiers, and members of the military police. These figures of authority approach street children, often at night, and demand their money or articles of clothing, threatening them with their fists, boots and batons. One fourteen-year-old boy, who sleeps with his friends in empty kiosks near a Goma market, told us, “We are regularly harassed by the military police. In the evenings, they come to where we are sleeping and take whatever they can from us. We are chased and if caught, they beat us with their fists or a piece of wood.” In addition to physical violence, police and soldiers forcibly rape or sexually assault street girls. Girls can also be approached by soldiers or police officers who offer them small amounts of money in exchange for sex. The police use street children to spy on suspected criminals, provide decoys in police operations, and in some instances recruit them to participate in robberies of stores and homes. Children told us that they have no choice but to comply with whatever law enforcement personnel demand or risk further abuse and harassment.

The police routinely arrest street children when crimes are committed in areas where they are known to gather. While it is true that street children are sometimes involved in crimes, the police often hold them collectively responsible for crimes or knowledgeable about the events or the perpetrators. During interrogations, the police regularly beat children with their fists, batons, belts, or pieces of rubber to elicit a confession or information about a crime. Officials in the Ministry of the Interior also periodically order general roundups of street children under a colonial-era law that forbids vagrancy or begging by minors. Large groups of children, guilty of nothing more than homelessness, are apprehended and held in overcrowded and unsanitary police lockups. Once in detention, children are often kept together with adult criminals and receive little or no food or medical attention. They are rarely charged with crimes, but instead are released back to the streets after several days or weeks, in part because the state has no alternatives to prison or the street for vagrant children.

Civilians also exploit street children. They employ children as porters, vendors, cleaners, or laborers in homes and stores, often paying them little money for long hours and physically demanding work. Some street children told us that they are used by adults to work in hazardous or illegal labor, such as mining, prostitution, or selling drugs and alcohol. Street children also report that many adults, like the police, taunt them, beat them, and chase them from places where they congregate. The youngest street children we interviewed said that some of the worst treatment comes from older street boys and

men. Both boys and girls are survivors of rape and sexual assault perpetrated by older street boys and men; some girls are the survivors of brutal gang rapes. Street children told us that the police fail to investigate these crimes or offer protection from abusive adults.

Conflict, internal displacement, unemployment, poverty, disease, the prohibitive cost of education, and myriad other factors have all contributed to the growing number of children living and working on the streets in the DRC. Two additional and interrelated factors, however, are helping to fuel the increasing numbers of street children: the abuse and abandonment of children accused of sorcery, and the impact of HIV/AIDS on families and children affected by or infected with the virus.

Boys and girls accused of sorcery are often physically and emotionally abused, segregated from other children, pulled out of school, and denied physical contact with other family members. Parents, guardians, or older siblings may accuse a child of engaging in sorcery or being “possessed” due to sickness or death in the family, loss of a steady income or a job, or perceived abnormal behavior in the child. In our interviews, we found that children who were orphaned and cared for by extended family members or children whose mothers or fathers had remarried were far more likely to be accused than those living with both their biological parents. Some accused children were forced out of their homes; others fled when the abuse became intolerable.

Many accused children are brought before pastors, cult leaders, or self-proclaimed “prophets” and forced to undergo often lengthy “deliverance” ceremonies in an attempt to rid them of “possession.” Deliverance ceremonies can take place in “churches of revival” (*églises de réveil*) found throughout Kinshasa and Mbuji-Mayi and rapidly spreading to other cities. The growth in the number of new churches of revival is both a consequence of child sorcery accusations and a cause of new allegations; more than 2,000 churches practice deliverance in Kinshasa alone. Some prophets who run these churches have gained celebrity-like status, drawing in hundreds of worshipers in lucrative Sunday services because of their famed “success” in child exorcism ceremonies. This popularity rewards them for their often brutal treatment of children. Children who undergo deliverance rituals are sequestered inside churches anywhere from a few hours to several days or weeks. Many are denied food and water to encourage them to confess to practicing witchcraft. In the worst cases, children are beaten, whipped, or given purgatives, to coerce a confession. One twelve-year-old street boy in Kinshasa, held in a church with dozens of other children, said, “We were not allowed to eat or drink for three days. On the fourth day, the prophet held our hands over a candle, to get us to confess. So, I accepted the accusations and the abuse ended. Those who did not accept were threatened with a whip.” After the ceremonies, children who do not confess are

often sent away from their homes. Even children who do confess may be subjected to future abuse and abandonment. Despite the prevalence and seriousness of abuses stemming from accusations of sorcery in homes and churches, and despite the new constitution's prohibition of accusations of child sorcery, the state has failed to stop the violence. In fact, the government has failed even to investigate the most serious cases of abuse by parents or prophets and bring those responsible for the mistreatment of children to justice.

The growing number of street children and increases in accusations of sorcery are strongly correlated with the spread of HIV/AIDS in the DRC. The estimated national HIV/AIDS prevalence rate is 4.2 percent, lower than many countries in eastern and southern Africa, but resulting in approximately one million Congolese children orphaned by the epidemic. The impact of the disease has been enormous and has strained the fabric of communities and families. Children infected and affected by AIDS face stigma and discrimination inside and outside their homes. They are likely to be pulled from school to care for sick family members or to find work in the streets to support their families, leaving them susceptible to abuse and exploitation. Some children who have lost one or both parents to the disease are taken in by the extended family, only to be abused or neglected and end up on the street. Worse still is the link between accusations of sorcery and the epidemic. Several street children we interviewed whose parents had died of AIDS were blamed by family members for the deaths, told that they had transmitted the disease to their parents through sorcery. These children were physically and emotionally abused, thrown out of their homes, and had been denied their right to inherit their parent's property and valuables, including the smallest mementos to recall their parents. Even children who are themselves HIV-positive and in desperate need of medical care and protection are targets of accusations, abuse, and abandonment. HIV/AIDS awareness and prevention campaigns stressing ABC (Abstinence, Be faithful, and use Condoms) have to date failed to refute the commonly held view that HIV can be transmitted through sorcery and have done nothing to address the abuses experienced by children or to reduce their vulnerability.

In the first half of 2006, the DRC will face important democratic national elections. Political party leaders and their followers, opposed to the electoral process or the final results, may again attempt to recruit street children to intimidate voters, disrupt the elections, or contest the outcome. Street children who in past years were paid to join the ranks of party loyalists and march in political rallies and demonstrations faced sometimes brutal consequences. In several cities in the DRC in June 2005, troops and police killed or wounded scores of demonstrators, including street children, who were recruited to protest the extension of the transitional government's mandate. In the worst example to date, at least twenty street children associated with one political party were massacred by

angry civilians in Mbuji-Mayi in September 2004, while the police and the military largely failed to intervene. In the coming months there is a risk that street children, as in the past, will once again be manipulated, wounded or killed in political unrest. The Congolese government must protect these children from exploitation and, together with support from the international community, halt the abuse of street children and begin to address the underlying causes and violence that drive thousands of children into the streets each year.

## II. Recommendations

### ***Recommendations for the pre-election period***

#### **To the government of the Democratic Republic of Congo**

- **Protect street children during the electoral period.** The government should remind political parties of their obligations under the national code of conduct and prohibit them from using children in activities that expose them to danger. Working with national and international child protection agencies, the government should use existing urban networks to approach street children and warn them of the risks involved in participating in political protests.
- **Ensure that law enforcement personnel, when policing political demonstrations, respect the right to peaceful protest.** If required by the situation to resort to force, the police and military should apply non-violent means before resorting to the use of weapons, including firearms and, if such resort is necessary, restrict such force to the absolute minimum necessary. Particular care should be used to protect children from injury and harm. Law enforcement officers should abide by international standards governing police conduct as set forth in the United Nations (U.N.) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials.
- **Train and educate all police on issues affecting street children.** Sensitize police to the special needs of children to ensure that rights accorded to children are enforced. Special attention must be placed on the protection of street children from adults who physically and sexually abuse them.
- **End the practice of arbitrary arrest and roundups of street children.** The government should amend or repeal colonial-era juvenile delinquency laws that criminalize children for vagrancy and begging. Instead, the government should promote family reintegration and assistance to vulnerable children.

#### **To United Nations Agencies working in the DRC including the U.N. Mission in the DRC (MONUC)**

- **Work with the government to protect street children during the electoral period.** Building on some initial success in preventing street children from political abuse during the events of June 2005, and using existing urban networks, work with the government and Congolese nongovernmental

organizations to ensure that street children are not manipulated or abused in the electoral process.

### **To Donor Governments to the DRC**

- **Raise concern over the DRC's treatment of street children and related abuses.** In bilateral meetings with Congolese authorities, donors should specifically stress to the government and to leaders of political parties the need to protect street children during the electoral process. They should use their influence with the government to seek accountability for law enforcement personnel who abuse children including by extortion and physical and sexual abuse.
- **Emphasize the protection of street children in police training.** In donor funded training programs for law enforcement personnel in crowd control and general policing, ensure that protection of children is included.

### ***Recommendations for the post-election period***

#### **To the government of the Democratic Republic of Congo**

- **Together with international child protection agencies, launch a national awareness campaign that addresses violence and abuse against children accused of sorcery.** Programs should stress the important role that parents and guardians can play in protecting children and remind them that abandonment, abuse and accusations of sorcery are punishable by law.
- **Launch an HIV/AIDS prevention and awareness campaign that specifically refutes the belief that sorcery is a vehicle for transmission of the virus.** Working together with U.N. agencies and international and national nongovernmental organizations, HIV/AIDS prevention campaigns and messages should address the mistakenly held view that HIV/AIDS is transmitted through sorcery. Prevention messages should provide accurate information on how the disease is transmitted and comprehensive information on how people, including young people, can protect themselves from the virus.
- **Create a government task force, led by senior government officials, that focuses on issues of street children.** The task force should serve as a focal point to coordinate awareness campaigns, promote street child protection, and monitor law enforcement practices. The government should solicit international funding for the creation of the task force which should include individuals from national and international nongovernmental organizations.

- **Finalize and enact the draft code of child protection currently under review.** As a matter of priority, the government should complete the redraft of the Children’s Code which provides protection and guarantees against many of the human rights violations related to street children highlighted in this report.
- **End arbitrary arrests and roundups of street children.** Building on efforts by the transitional government, the newly elected government should amend or repeal colonial-era juvenile delinquency laws that criminalize children for vagrancy and begging. Instead, the government should promote family reintegration and assistance to vulnerable children.
- **Enforce the prohibition on physical or sexual abuse of children by police and military personnel.** The government should prosecute any official found guilty of such abuse to the full extent of the law. Prompt investigations of complaints concerning the use and abuse of street children should be conducted, and disciplinary measures and criminal procedures ordered where appropriate.
- **Expand special child protection units of the police to all major cities.** Recognizing the positive role in eastern DRC that officers from child protection units play in expediting cases involving children, limiting their abuse, and promoting their reconciliation with family members, the government should create these units in other urban areas of the country.
- **Ensure that every child deprived of liberty is held separately from adults.** Children should be afforded prompt access to legal assistance and the right to challenge the legality of the deprivation of liberty. Arrest, detention, or imprisonment of children should always be a measure of last resort and then only for the shortest possible time. Children should be protected from all forms of torture and cruel, inhuman or degrading treatment by police, officials and other government employees, and by other detainees.
- **Rehabilitate centers for children in trouble with the law as an alternative to prison.** Ten of the twelve centers created to house juvenile delinquents have fallen into disrepair and misuse. The state should refurbish and reopen these centers to provide alternatives for children in trouble with the law and ensure that the centers promote rehabilitation and provide appropriate education and health care.
- **Immediately launch investigations into churches that practice abusive child deliverance ceremonies.** Pastors or prophets who physically or sexually abuse children should be arrested, charged, and promptly tried in an impartial court of law. The accused should be punished to the maximum extent of the law as stipulated in the newly ratified and adopted constitution that prohibits

accusations of child sorcery, abandonment and abuse.

- **Investigate cases of child abuse in homes where parents or guardians are reported to physically or sexually abuse children.** Specific attention should be placed on cases of abuse related to child sorcery and abandonment as prohibited in Article 41 under the newly ratified constitution. Cases should be immediately referred to the appropriate judicial or social affairs personnel.
- **Prioritize primary education for every child in the DRC.** Recognizing the link between lack of educational opportunity and the number of children living and working on the streets, the government should ensure that all children enjoy their right to free primary education. The government should formulate and put in place a national strategy to progressively reduce and eliminate school fees and other related costs of education that prevent children in the DRC from going to school.

#### **To United Nations Agencies working in the DRC including MONUC**

- **Assist the government in promoting relevant sections of the new constitution that protect children.** Together with the government, launch awareness campaigns that address violence and specifically the abuses against children accused of sorcery. Programs should stress the important role that parents and guardians can play in protecting children and remind parents that abandonment, abuse and accusations of sorcery are punishable by law.
- **Promote national HIV/AIDS awareness campaigns that address the belief that the virus can be transmitted through sorcery.** Prevention messages should refute the view that HIV/AIDS is transmitted through sorcery and should address other local beliefs and practices that may fuel the epidemic and increase abuses against children. National campaigns should provide accurate information on how the disease is contracted and comprehensive information on how people, including young people, can protect themselves from the virus.

#### **To Donor Governments to the DRC**

- **Support comprehensive HIV/AIDS programs.** Donors should fund programs that:
  - provide treatment and care for persons living with AIDS;
  - strengthen legal protections for property inheritance;
  - raise general HIV/AIDS awareness refuting myths and fighting stigma and discrimination;
  - support children orphaned by AIDS; and,

- launch prevention interventions that provide not only comprehensive and accurate information but also information that reduces the vulnerability of youth to the disease.
- **Work with the government to promote children's rights.** Donors to the DRC should consider earmarking assistance for:
  - training for police and law enforcement personnel on the rights of the child and the handling of juvenile cases;
  - creation of a senior government task force that coordinates government action on issues concerning street children;
  - improving conditions in all detention facilities where children are held including the rehabilitation of centers that can provide alternatives to adult prisons for children in trouble with the law;
  - programs that identify and provide assistance to street children and that facilitate the reunification of street children with their families; and,
  - education to help the government admit every child to school— funds should be targeted to assist the government in any shortfall arising from the elimination of school fees and other related costs to parents or guardians for primary education.