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Concluding observations on the third and fourth periodic reports of Rwanda, adopted by the Committee at its sixty-third session (27 May–14 June 2013)

A. General measures of implementation (arts. 4, 42 and 44 (para. 6), of the Convention)

The Committee’s previous recommendations

7. The Committee regrets that some of the Committee’s concluding observations from 2004 on the State party’s second periodic report under the Convention have not been fully addressed but still remain valid.

8. The Committee urges the State party to take all necessary measures to address all those recommendations from the 2004 concluding observations (CRC/C/15/Add.234, 2004) that still remain valid. The Committee notes the progress made in the areas of data collection and awareness-raising but recommends that the State party further:

(a) Strengthen its data collection system to ensure availability of up-to-date data on children in the most vulnerable situations, including children heading their own households, children with disabilities and living in poverty, children affected by HIV/AIDS and from marginalized Batwa communities. In this regard, the NCC, the Child Rights Observatory and the National Institute for Statistics should coordinate and harmonize their data collection to avoid duplication and discrepancies in data and information on children;

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

21. The Committee welcomes the State party’s efforts to address discrimination, such as the revision of all
discriminatory provisions against women. These efforts have, for example, enabled women in the State party to attain very high participation in decision-making. It also welcomes the various policies and strategies focusing on specific categories of children in disadvantaged situations, such as the National Policy for Orphans and Other Vulnerable Children. However, the Committee remains concerned at the stigma and persistent discrimination faced by persons who were born as a result of rape during the genocide, children affected by HIV/AIDS, and children with disabilities, especially girls. The Committee is also deeply concerned about continued discrimination against children living in poverty, children in street situations and child-headed households, children in residential care, orphans, and children from minority Batwa or “historically marginalized communities” with regard to their access to social services, health care and education.

22. The Committee urges the State party to:

   (a) Prevent and eliminate discrimination in development, education, health and basic services against children with disabilities, children affected by HIV/AIDS, children living in street situations and in poverty, and in child-headed households. In this context, the Committee requests the State party to pay particular attention to girls and intensify measures to ensure that children in vulnerable situations are well protected, have equitable access to all services and are fully included in society;

D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Birth registration

25. While the Committee notes that Law No. 54/2011 relating to the rights and the protection of the child provides for the right to name and nationality, it is concerned that only 63 per cent of children were registered with civil authorities and less than 7 per cent had birth certificates in 2010 according to the latest Rwanda Demographic and Health Survey. The Committee further notes with concern that:

   ...  

   (c) Law No. 14/2008 imposes penalties, including prison sentences on families who fail to register their children within the first 45 days, which could deter parents or guardians from registering their children and result in the separation of the parents from their children, which is not in the best interests of the child.
| 26. | The Committee recommends that the State party strengthen its efforts to ensure free and immediate birth registration, including the issuance of birth certificates for all children, by means of accessible and expeditious registration procedures. The Committee further recommends that the State party:

(a) Increase availability and access to registry services and strengthen sensitization and training for registration officers on relevant laws to ensure the registration of all children, including refugee children immediately after birth;

(b) Intensify community sensitization and public awareness of the importance of birth registration, including among refugee populations and in urban areas;

(c) Amend Law No. 14/2008 in order to remove penalties of imprisonment and all legal and procedural barriers that impede birth registration;

E. Violence against children (arts 19, 37 (a), 34 and 39 of the Convention)

Corporal punishment

27. The Committee notes that Law No. 54/2011 prohibits some violent forms of punishment against children; however, the Committee is gravely concerned that:

... 

(c) There is an absence of legislation that explicitly prohibits corporal punishment in alternative care settings; and

28. The Committee urges the State party to:

(a) Develop the National Plan of Action to fight violence against children, based on the recommendations from the national conference held in 2011;
(b) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice, and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment in the family, schools, alternative care and penal institutions;

... 

(d) Explicitly prohibit corporal punishment of children in alternative care settings;

F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

35. The Committee notes that Organic Law No. 01/2012/OL criminalizes child abandonment in order to prevent and remedy child abuse and neglect. However, the Committee is concerned about the unintended consequences of criminalization measures on economically and socially disadvantaged parents or families, particularly those living in poverty, and the negative effects that criminalization would have on the efforts to trace parents or guardians for family reunification purposes.

36. The Committee also notes with concern that the State party has one of the highest proportions of child-headed households in the world as a result of the 1994 genocide and HIV/AIDS, and regrets the lack of reliable and comprehensive data on the situation of child-headed households, community-based services for child-headed households and family-based care for children without parental care, such as foster care and kinship care.

37. The Committee urges the State party to:

(a) Review Organic Law No. 01/2012/OL to ensure that families and parents who are unable to provide proper care for their children due to reasons such as poverty are not prosecuted for child abandonment, and that necessary reforms in law are introduced to facilitate the process of family reunification under such circumstances;
(b) Identify the root causes of child abandonment, including poverty, domestic violence, homelessness and substance abuse and strengthen efforts to address such issues, including through direct and specialized services to the families;

(c) Ensure that families in vulnerable situations are adequately supported with financial and technical resources, appropriate information and integrated social services which should be regularly monitored; and

(d) Pay specific attention to children heading their own households, by, inter alia, collecting reliable and up-to-date data on the specific challenges they face to guide the formulation of appropriate policies to address their needs including their access to education, health care, counselling and community-based services. The Committee also recommends that the State party design comprehensive programmes to meet the psychosocial needs of child-headed households.

Children deprived of a family environment

38. The Committee notes as positive the launching of the National Strategy for Childcare Reform in 2012 and that the State party is in the process of developing ministerial instructions governing the placement of children into foster care. However, in the meantime, the Committee is concerned that the time frame for the full implementation of the National Strategy is short and that the number and locations of service providers are very limited. The Committee is further concerned that there are cases of “spontaneous reintegration” of children without adequate preparation or proper assessment, monitoring and follow-up.

39. The Committee is concerned about the overreliance on NGOs for the provision of institutional care for children deprived of a family environment and the limited availability of community-based services for children living with disabilities, children living in street situations and those separated from their families and/or placed into institutions.

40. The Committee recommends that the State party:

   (a) Review the National Strategy for Childcare Reform, with a view to expanding the time frame for its implementation, introduce monitoring mechanisms with clear indicators to measure the outcomes and provide follow-up procedures. The Committee further recommends that the
**State party increase the number of professionals working with or for children and provide them adequate training and vocational training and supervision;**

(b) **Intensify its efforts to provide appropriate care and assistance to all children deprived of a family environment and those living in vulnerable situations, through the provision of education, health care, counselling and community-based services with timely responses at the local level; and**

(c) **Expedite the adoption of ministerial instructions governing the placement of children into foster care.**

### Adoption

41. The Committee notes with concern that despite the ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the State party has not yet adopted implementing regulations for the law or established necessary structures and mechanisms to implement the Hague Convention. The Committee further notes with concern that there is no provision on post-adoption and follow-up services.

42. The Committee recommends that the State party:

(a) **Intensify its efforts to adopt comprehensive legislation and effective mechanisms to ensure compliance with the Convention and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;**

(b) **Set up an appropriate system for the selection and preparation of future adoptive parents as well as post-adoptive services for children and their families in need;**

(c) **Ensure strict transparency and follow-up control mechanisms with regard to international adoption and ensure regular follow-up of the conditions of adopted children; and**

(d) **Provide detailed information and disaggregated data on domestic and international adoptions in its next periodic report.**
G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

43. The Committee notes that the State party is revising the 2007 Special Needs Education Policy. However, the Committee is deeply concerned that children with disabilities lack access to inclusive education, adequate health care and social protection measures and are often discriminated against due to cultural stigma and superstition. In particular, the Committee is concerned that:

... 

(d) Article 42 of Law No. 54/2011 contradicts the right of children with disabilities to live and play an active part in the community on an equal basis, as guaranteed under the Convention since this law stipulates that children with physical and mental disabilities “shall be placed in special institutions for care and medical treatment”, without specifying a time limit for such placement.

44. In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:

... 

(e) Ensure that the NCPD includes a dedicated section on children, and strengthen its capacity to introduce and monitor programmes promoting the rights of children with disabilities, deinstitutionalization and community education about the rights of children with disabilities, and provisions to support such children and their families; and

(f) Repeal article 42 of Law No. 54/2011 and ensure that the placement of children with disabilities in institutions is used only as a measure of last resort, when it is absolutely necessary and in the best interests of the child.

I. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)
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<td><strong>Asylum-seeking and refugee children</strong></td>
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58. The Committee expresses deep concern that the present law on asylum, Law No. 29/2006 Modifying and Complementing Law No. 34/2001 relating to Refugees, and its draft amendment of 2011-2012 have a number of provisions that are contrary to the 1951 Convention relating to the Status of Refugees including the right to derivative status which is narrowly interpreted in article 37 of the present law and does not include other family members besides spouses and children under the age of 18, which affects family unifications for refugees and asylum seekers.  

59. The Committee notes that amendment of the law is still under way and therefore urges the State party to adopt a flexible and expansive approach to ensure implementation of the right to family reunification for all children and family members without distinctions based on their legal status. |
| **Administration of juvenile justice** |  
62. The Committee notes that the adoption of the law on the rights and the protection of the child (Law No. 54/2011) is an important step in addressing some of the shortcomings of juvenile justice in the State party. However, the Committee regrets that, notwithstanding its previous recommendation (CRC/C/15/Add.234, para. 74, 2004), the State party has not established independent children’s courts. In particular, the Committee expresses concern that:  

...  

(b) Children in vulnerable situations, such as children living in street situations and victims of child prostitution continue to be perceived as offenders and to be detained in an unofficial detention centre in Gikondo under poor living conditions and without any charges;  

63. The Committee recommends that the State party bring the juvenile justice system fully into line with the Convention and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Guidelines for Action on Children in the Criminal Justice System; and the Committee’s general comment No. 10 (2007) on children’s rights in juvenile justice. In particular, the Committee urges the State party to: |
... (b) Ensure that children in street situations, child victims of prostitution and other crimes are treated as victims rather than offenders by law-enforcement and judicial authorities;

(c) Permanently close all unofficial places of detention, including the detention centre in Gikondo and stop the arbitrary detention of children in need of protection, such as children in street situations and child victims of prostitution, and conduct thorough investigations of acts of arbitrary detention, ill-treatment, and other abuses occurring in the centres;

**Country Report**

**CRC/C/RWA/3-4**
30-31 May 2013
[http://www2.ohchr.org/english/](http://www2.ohchr.org/english/)

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<td>V. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)</td>
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<td>Measures adopted to prevent offences prohibited under the Protocol</td>
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<td>20. The Committee welcomes the adoption of the National Policy on Elimination of Child Labour in February 2013. However, it is concerned that:</td>
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<td>sixty-third session (27 May–14 June 2013)</td>
<td>(a) The State party has not adopted effective and adequate prevention strategies, such as early identification of groups of children vulnerable to sale, prostitution and pornography, or taken adequate measures to address the root causes of the sale of children, child prostitution and child pornography, such as poverty, unemployment, discrimination, violence, HIV/AIDS and absence of parental care; 21. The Committee urges the State party to adopt a comprehensive and targeted approach to assess and address the relevant root causes and risk factors of offences under the Optional Protocol, including poverty, violence, discrimination, HIV/AIDS and absence of parental care, and to target children in the most vulnerable situations. <strong>Child trafficking</strong> 22. The Committee is deeply concerned at the increase of the cases of child trafficking in the State party, as reported by the Rwandan National Police, and that children, particularly refugees, are victims of trafficking to other East African countries and other destinations where they are exposed to forced agricultural and industrial labour, domestic work and prostitution. The Committee notes with concern that, although Law No. 59/2008 on gender-based violence prohibits sex trafficking, it does not define that act. 23. The Committee is further concerned about the reports which indicate that there are cases of adolescent girls disappearing from the refugee camps without their family being aware of their whereabouts. 24. The Committee recommends that the State party define and prohibit all cases of trafficking of children, in accordance with the provisions of the Optional Protocol, and adopt a comprehensive policy with targeted measures to address the root causes of child trafficking and which focuses on children in the most vulnerable and marginalized situations. The Committee further urges the State party to: (a) Immediately investigate the reports of disappearances of adolescent girls from the refugee camps, discover their whereabouts and ensure that they are safely reunited with their families and provided with all necessary support, including psychosocial counselling and health care. The Committee further recommends that the State party ensure that individuals responsible for such abductions and possible child trafficking are immediately arrested and prosecuted; and</td>
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(b) Strengthen international assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences covered by the Optional Protocol to deal with the existing problem of cross-border trafficking for the purpose of forced labour and sexual exploitation.

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Concluding observations on the initial report of Rwanda submitted under article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict, adopted by the Committee at its sixty-third session (27 May–14 June 2013)

## VI. Protection, recovery and reintegration

### Measures adopted to protect the rights of child victims

19. In the light of the armed conflict in the neighbouring Democratic Republic of the Congo and the fact that the State party is hosting a large number of refugees, including children from there, the Committee is concerned about the absence of a comprehensive mechanism to identify at the earliest stage refugee and asylum-seeking children or children in migrant situations who may have been or who are at risk of being recruited or used in hostilities by armed groups abroad. The Committee is further concerned about:

(a) The lack of procedures to provide care and services to those children, including for their psychosocial and physical recovery and social rehabilitation and reintegration; and

(b) The absence of training programmes for border and immigration personnel, police, lawyers, doctors, social workers and other persons working with or for children on such mechanisms and services.

20. The Committee recommends that the State party:

(a) Establish a comprehensive mechanism to identify at the earliest stage refugee and asylum-seeking children and children in migrant situations who may have been or who are at risk of
Demobilization and reintegration

21. The Committee welcomes the establishment of the Rwanda Demobilization and Reintegration Commission in April 2002 and its efforts in repatriating Rwandan children recruited or used in hostilities by the armed groups in the Democratic Republic of the Congo and providing them with education, psychological counselling, social integration and family reunion services and programmes. However, the Committee is deeply concerned about the information provided by the State party that the rate of repatriation of Rwandan children, particularly girls, remains low. The Committee is further concerned about the absence of gender-specific programmes to address specific challenges and needs of girls in the Disarmament, Demobilization and Reintegration (DDR) process.

22. The Committee recommends that the State party expedite its efforts to identify and repatriate Rwandan children recruited and used in hostilities by the armed groups in the Democratic Republic of the Congo, strengthen cross-border frameworks of cooperation and exchange of information with that country as well as seek the assistance and facilities of UNHCR, UNICEF, the International Committee of the Red Cross (ICRC) and other relevant international, regional and subregional bodies. The Committee further recommends that the State party give particular attention to girls, including teenage mothers and their children, in the development and implementation of the DDR policies and programmes.

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**Acronyms and Abbreviations:**

- **CEDAW** Convention on the Elimination of All Forms of Discrimination against Women
- **CRC** Convention on the Rights of the Child/Committee on the Rights of the Child
- **CRPD** Convention on the Rights of Persons with Disabilities
- **ICCRP** International Covenant on Civil and Political Rights
- **ICESCR** International Covenant on Economic, Social and Cultural Rights
- **OPAC to CRC** Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- **UN** United Nations
- **UPR** Universal Periodic Review