



# Convention on the Rights of the Child

## Committee on the Rights of the Child

### 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)

The Committee considered the combined third and fourth periodic reports of Rwanda (CRC/C/RWA/3-4) at its 1793rd and 1794th meetings (see CRC/C/SR.1793-1794) held on 30-31 May 2013, and adopted the following concluding observations at its 1815th meeting, held on 14 June 2013.

#### I. Introduction

The Committee welcomes the submission of the combined third and fourth periodic reports of the State party (CRC/C/RWA/3-4) and the written replies to its list of issues (CRC/C/RWA/Q/3-4/Add.1), which allowed for a better understanding of the situation in the State party. The Committee expresses appreciation for the constructive dialogue held with the cross-sectoral delegation of the State party.

The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/RWA/3-4, 2013) and under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/RWA/3-4, 2013).

#### II. Follow-up measures undertaken and progress achieved by the State party

The Committee welcomes as positive the adoption of the following legislative measures:

- (a) Organic Law No. 01/2012/OL of 2 May 2012 instituting the Penal Code;
- (b) Law No. 54/2011 of 14 December 2011 relating to the rights and the protection of the child;
- (c) Law No. 22/2011 of 28 June 2011 establishing the National Commission for Children;
- (d) Law No. 13/2009 of 27 May 2009 regulating labour in Rwanda and its subsequent regulations namely, Ministerial Order No. 06 of 13 July 2010 determining the list of worst forms of child labour;
- (e) Law No. 59/2008 of 10 September 2008 on the prevention and punishment of gender-based violence and its subsequent regulations; and
- (f) Law No. 01/2007 of 20 January 2007 relating to protection of the rights of people living with disabilities.

The Committee also welcomes the ratification of or accession to the following international instruments:

- (a) The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, in March 2012;
- (b) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in June 2010;
- (c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in August 2009;
- (d) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in October 2008;
- (e) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in December 2008; and
- (f) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in October 2008.

The Committee notes as positive the following institutional and policy measures:

- (a) The National Policy to Fight against Child Labour adopted in 2012;
- (b) The National Strategy for Childcare Reform adopted in March 2012;

- (c) The Integrated Child Rights Policy and its Strategic Plan adopted in August 2011;
- (d) The National Commission for Children (NCC) established under the Ministry of Gender and Family Promotion in June 2011;
- (e) The National Social Protection Policy in January 2011; and
- (f) The National Girls' Education Policy in April 2008.

### **III. Main areas of concern and recommendations**

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

##### **The Committee's previous recommendations**

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.

**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; and**

**(b) Intensify public education and training on the provisions of the Convention for all professionals working for and with children, in particular parliamentarians, judges, lawyers and law - enforcement officials at the provincial, district and sector levels.**

##### **Legislation**

The Committee notes with concern that the implementation of national legislation related to the promotion and protection of the rights of children remains weak and inconsistent in the State party.

**The Committee recommends that the State party undertake all measures, including the establishment of effective monitoring mechanisms, to ensure that child-related laws are effectively and consistently implemented at national, provincial, district and sector levels and address disparities in the fulfilment of children's rights.**

##### **Comprehensive policy and strategy**

While commending the adoption of the Integrated Child Rights Policy (ICRP) and its Strategic Plan in 2011, the Committee expresses concern that their implementation is weak and hampered by the lack of clear and adequate budgetary allocations.

**The Committee recommends that the State party strengthen the implementation, monitoring and evaluation of the Integrated Child Rights Policy and its Strategic Plan and increase its budgetary allocations.**

##### **Coordination**

The Committee notes that the NCC was recently established under the Ministry of Gender and Family Promotion as the leading coordinating body for the protection and promotion of children's rights. However, it is concerned that the NCC lacks sufficient stature, independence and adequate capacity, including decentralized coordination structures at the district and sector levels, to perform its role effectively.

**The Committee strongly recommends that the State party take all the necessary measures to provide the NCC with the stature, authority and independence as well as the human, technical and financial resources to effectively coordinate and influence necessary actions for children's rights across all technical sectors at national level and among all provinces, districts and sectors. Furthermore, the Committee recommends that the State party strengthen the capacity of the NCC to monitor and evaluate the implementation of all activities to fulfil children's rights under the Convention.**

##### **Allocation of resources**

While noting the positive response of the development partners towards supporting efforts of the State party to fulfil children's rights, the Committee is concerned that reliance on donors to implement the various activities, including under the ICRP, could affect continuity and sustainability. The Committee is also concerned about the absence of mechanisms to assess the impact of budgetary allocations for children.

**In the light of its Day of General Discussion on "Resources for the Rights of the Child – Responsibility of States" in 2007 and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

**(a) Effectively increase budgetary allocations for policies, plans and structures concerning the implementation of**

children's rights, particularly the ICRP and NCC, and adopt strategies towards achieving sustainability;

**(b) Establish a budgeting process with a child-rights perspective to adequately take into account child rights and are a s of need and concern, which has clear allocations for children in the r elevant ministries and agencies, as well as specific indicators and a tracking system;**

**(c) Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures (for example, children living in poverty, children with disabilities, Batwa and other minorities, refugee children) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies; and**

**(d) Establish mechanisms to monitor, assess and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for the implementation of the Convention and disseminate information in this regard .**

### **Independent monitoring**

The Committee notes the existence of the Child Rights Observatory under the National Commission for Human Rights; however, it is seriously concerned that this body lacks adequate human and financial resources. The Committee is further concerned that due to the lack of professional capacity, the Observatory depends on volunteers at the district and sector levels to carry out its core functions, which could compromise its professionalism as well as accountability to the National Commission. Furthermore, it is concerned that there is no mechanism to facilitate children's access to the Observatory or ensure that their complaints are heard.

**The Committee recommends that the State party take all necessary measures to provide the Child Rights Observatory with adequate human, technical and financial resources in order to secure its independence and ability to effectively monitor children's rights in sectoral ministries and among all provinces, districts and sectors. Furthermore, the Committee encourages the State party to raise awareness among children concerning the Observatory in their respective provinces, districts and sectors, and ensure that children can easily access the Observatory, and have their complaints addressed in a child-sensitive manner.**

### **Cooperation with civil society**

The Committee expresses deep concern over reported threats, harassment, intimidation and arrests of human rights defenders, including journalists in the State party, which has greatly reduced the scope for Rwandan organizations to report, inter alia, on children's rights violations and thereby contribute to the realization of children's rights in the State party. The Committee also notes with concern that some relevant non-governmental organizations (NGOs) working in the field of children's rights do not have the opportunity to participate in the development of laws, policies and strategies on children.

**The Committee reminds the State party that human rights defenders deserve special protection as their work is critical for promoting human rights for all, including children , and thus strongly recommends that the State party take immediate action to allow journalists, human rights defenders and all NGOs to exercise their right to freedom of expression and opinion without threats and harassment. The Committee also urges the State party to ensure that reported instances of intimidation and harassment of NGOs, human rights defenders or civil society activists are promptly and independently investigated, and those responsible for such abuses are held accountable. The Committee further recommends that the State party systematically involve all NGOs working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.**

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

### **Non-discrimination**

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.

**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; and**

**(b) Intensify measures, including awareness - raising and timely implementation of relevant policies and strategic plans to combat stigma against children from " historically marginalized communiti es ", children with disabilities, especially girls , and persons who were born as a result of rape during the genocide.**

## **Respect for the views of the child**

The Committee notes the establishment and promotion of the yearly National Children's Summit since 2004. Nevertheless, the Committee is concerned that, due to traditional attitudes and resistance, respect for the views of the child remains limited within the family, in schools and village councils. The Committee is further concerned that mechanisms for facilitating meaningful and empowered participation of children with disabilities, without parental care or from marginalized communities, such as Batwa, in legislative, policy and programme development processes which impact on them, are almost non-existent.

**The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard, and recommends that it continue to ensure the implementation of the right of the child to be heard in accordance with article 12 of the Convention. In so doing, it recommends that the State party promote the meaningful and empowered participation of all children within the family, community and schools, and develop and share good practices. Specifically, the Committee recommends that hearing the views of the child be a requirement for all official decision-making processes that relate to children, including custody cases, child welfare decisions, criminal justice, immigration and environmental matters. The Committee also urges the State party to ensure that children with disabilities, without parental care, Batwa children and other children in vulnerable situations have the possibility to express their views, concerns and complaints during the preparation, planning and implementation of laws, policies and programmes relating to children.**

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

### **Birth registration**

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:

(a) Despite efforts to improve birth registration through legislative reforms and birth registration campaigns, children born to refugee parents and children of migrants are still not registered in the State party, partly due to inconsistent implementation of Law No. 14/2008 of 4 June 2008 governing the registration of the population and issuance of the national identity card;

(b) Birth registration procedures are complicated in the State party and do not facilitate the ready issuance of birth certificates; and

(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.

**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; and**

**(d) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees ( UNHCR ) and the United Nations Children's Fund ( UNICEF ) among others, for the implementation of these recommendations.**

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

### **Corporal punishment**

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

(a) The use of corporal punishment is considered appropriate in education and is still widespread in all settings, including families and schools;

(b) The draft ministerial order on general regulation of preschool, primary and secondary education, prohibiting corporal punishment in school has not yet been adopted;

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

(d) Parents have a "right of correction" under article 347 of the 1988 Civil Code, which may lead to corporal punishment.

**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;**
- (c) Immediately adopt and implement the ministerial order on prohibition of corporal punishment in schools and widely publicize the order in all educational institutions;**
- (d) Explicitly prohibit corporal punishment of children in alternative care settings;**
- (e) Immediately repeal all provisions that authorize corporal punishment, including the “right of correction” in the Civil Code; and**
- (f) Ensure adequate follow-up measures to all corporal punishment.**

### **Sexual exploitation and abuse**

The Committee notes as positive the establishment of the Gender-Based Violence Technical Working Committee under the Ministry of Gender and Family Promotion which is co-chaired by the Ministry of Health and mandated to implement the recently approved National Policy against Gender-Based Violence (2011-2016). The Committee also notes that the State party has established the Isange One Stop Centre at the National Police Hospital and 13 districts, to prevent and respond to, inter alia, child survivors of domestic and gender-based violence. However, the Committee is alarmed at the high prevalence of sexual violence against children, including in schools and in the community. In particular, the Committee is gravely concerned that:

- (a) According to the annual statistics of the National Police, the most commonly reported form of violence is child sexual abuse and that 65 per cent of survivors treated at the Isange in Kigali are children, with 94.5 per cent being girls;**
- (b) Child victims of sexual violence have limited access to counselling and psychological services and;**
- (c) The State party’s report lacks comprehensive statistical data on violence against children, including sexual violence, as well as on investigations, prosecutions, convictions and penalties applied against perpetrators.**

**The Committee urges the State party to:**

- (a) Enforce effectively legislation relating to sexual violence and abuse, and ensure that perpetrators of such crimes are brought to justice and punished with sanctions proportionate to their crimes;**
- (b) Facilitate the expansion and strengthen the implementation of the Isange One Stop Centre initiative in all districts to respond to the shelter, health, legal and psychosocial needs of child victims of sexual exploitation and violence;**
- (c) Establish, as a matter of urgency, effective and child-friendly procedures and mechanisms, including free helpline access for children, to receive, monitor and investigate complaints;**
- (d) Undertake awareness-raising in all communities and among children, especially among girls, to encourage the reporting of sexual violence and abuse in schools and communities; and**
- (e) In its next periodic report, provide the Committee with information on violence against children, in particular sexual violence against girls, and on the number of investigations, including information on the penalties against perpetrators, and on redress and compensation offered to the victims.**

### **Harmful practices**

The Committee notes as positive that Law No. 42/1988, instituting the Family Code, sets the minimum age of marriage at 21 years. The Committee nevertheless remains concerned about the persistence of early marriages in the State party, particularly in refugee communities.

**The Committee urges the State party, in collaboration with civil society, to:**

- (a) Effectively enforce the Family Code to prevent and prohibit early marriage, including among refugee communities and ensure that perpetrators of such acts are brought to justice;**
- (b) Strengthen its strategies for awareness-raising and sensitization of families, traditional or religious leaders, refugee families and the general public in order to encourage a change of attitudes towards harmful practices, such as early marriage; and**
- (c) Put in place effective monitoring systems to assess progress towards the eradication of early marriages.**

### **Helpline**

The Committee recommends that besides the general hotline in the country, the State party establish a specific toll-free, three-digit helpline for children which would operate nationwide and have the necessary financial, human and technical resources to respond effectively to children's complaints and calls for help. The State party is encouraged to seek NGO and international cooperation in this regard.

### **Freedom of the child from all forms of violence**

Recalling the recommendations of the 2006 United Nations study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 on the right of the child to freedom from all forms of violence (CRC/C/GC/13, 2011), and in particular:

- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- (b) Adopt a national coordinating framework to address all forms of violence against children;
- (c) Pay particular attention to and address the gender dimension of violence; and
- (d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions .

### **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**

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.

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.

**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**

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.

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.

**The Committee recommends that the State party:**

- (a) Review the National Strategy for Child Care 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**

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.

**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**

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:

**(a) Children with disabilities mostly attend special schools in the urban areas;**

**(b) The Special Needs Education Policy lacks the necessary resources and a strategic plan; consequently schools and institutions do not have adequate capacities to meet the needs of children with disabilities, including trained professionals and essential facilities for therapy and education for children with mental disabilities;**

**(c) The National Council of Persons with Disabilities (NCPD), established in 2011, lacks a designated division focusing on children with disabilities and lacks adequate capacities; and**

**(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.**

**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:**

**(a) Ensure that children with disabilities have equal access to adequate social and health services, including psychological support, counselling services, parental guidance for families of children with disabilities, and tailored services for children with mental disabilities and behavioural disorders, and raise awareness of all services available. Furthermore, measures should be taken to ensure accessibility to buildings and installations;**

**(b) Undertake intensive public enlightenment campaigns in cooperation with NGOs, to challenge cultural norms and abandon superstitious beliefs surrounding children with disabilities;**

**(c) Increase budget allocations, including for the implementation of the 2007 Special Needs Education Policy with a view to achieving inclusive education as far as possible for all Rwandan children concerned, and the elimination of all barriers that lead to educational disparities for children with disabilities;**

**(d) Finalize the revision of the 2007 Special Needs Education Policy in collaboration with other stakeholders, detailing implementation strategies, activities and resources to realize the rights of children with disabilities, including children with mental disabilities;**

**(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.**

## **Health**

The Committee notes as positive the adoption of the National Policy for Child Health, the three-year Multisectoral Strategy to Eliminate Malnutrition in 2009, and the implementation of the Integrated Management of Childhood Illnesses strategy since 2006, which have led to a significant improvement in child health and well-being. The Committee also notes the innovative community-based health insurance scheme aimed at increasing access to medical services for the population, including children. However, the Committee is concerned at the regional disparities in health among children living in urban and rural areas and the several existing obstacles in accessing health services for children living in remote areas and in poverty, such as lack of infrastructure, long travel distance to health centres and inability to pay for health insurance.

The Committee is seriously concerned at the high level of child malnutrition, particularly widespread stunting in the Northern and Western Provinces, and lack of prenatal and neonatal care, resulting in high newborn mortality. The Committee further notes with concern that the Ministry of Health has not established budgetary lines specifically for children's health.

**The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

**(a) Ensure equitable access to health - care services, particularly in rural and remote areas, by improving health infrastructures, trained staff and supplies and ensuring accessibility to the health insurance scheme for children living in rural areas and children in poverty or other vulnerable situations;**

**(b) Strengthen efforts to address, as a matter of urgency, the high rates of child malnutrition, and develop educational programmes, including educational campaigns to inform parents and families about basic child health and nutrition, hygiene and environmental sanitation;**

**(c) Promote exclusive breastfeeding and the establishment of Baby - Friendly Hospitals and adopt a Code of Marketing of Breast - Milk Substitutes with appropriate controls on the marketing of artificial infant formula;**

**(d) Increase the availability and accessibility of emergency obstetric care and skilled birth attendants at sector and district-level health facilities, and improve the quality of interventions to prevent newborn child mortality and strengthen neonatal care in particular. The State party should also establish monitoring mechanisms in each province and district under the Ministry of Health to monitor the implementation of various health policies and strategic plans in place;**

**(e) Provide accessible, age appropriate and adolescent - friendly health services for boys and girls, including confidential services related to sexual and reproductive health, with a focus on prevention of HIV/AIDS and sexually transmitted infections ( STIs ), and the prevention of substance abuse; and**

**(f) Establish specific budgetary lines for children's health and nutrition under the Ministry of Health, and in this regard, seek financial and technical assistance from, inter alia, the United Nations Children's Fund ( UNICEF ) and the World Health Organization (WHO).**

## **Standard of living**

While commending the existence of several policies to combat poverty and strengthen child protection, including by direct support through cash and in-kind transfers to children in vulnerable situations under its Vision 2020 Umurenge Programme, the Committee is nonetheless concerned that up to 60 per cent of the State party's children live below the poverty line.

**The Committee calls on the State party to:**

**(a) Take all necessary measures to address the high levels of child poverty and vulnerability through, inter alia, improved social protection, income and family support services to disadvantaged families, including targeted community - based programmes for families and child-headed households that are particularly vulnerable to poverty; and**

**(b) Assess the impact of policies such as Vision 2020, the National Strategic Plan of Action for Orphans and Other Vulnerable Children and the National Social Protection Strategy on reducing child poverty and ensure that children get equitable access to social services, health care, education and social protection measures.**

The Committee notes the Government's initiative to construct decent housing as an effort to improve the living conditions of the Rwandan people, including children. However, it is concerned that housing initiatives, such as the Bye-Bye Nyakatsi campaign has rendered hundreds of families homeless in the interim, and has disproportionately affected Batwa children due to their vulnerable economic situation.

**The Committee strongly urges the State party to ensure that children, including the marginalized Batwa, and their families displaced during the Bye Bye Nyakatsi programme be immediately provided new places of residence which conform to international standards relating to the right to housing. The Committee also urges the State party to ensure that its housing programmes are carried out in accordance with the concept of the right to decent housing.**

## **H. Education, leisure and cultural activities (arts, 28, 29 and 31 of the Convention)**

## **Education, including vocational training and guidance**

While welcoming the State party's various initiatives to improve educational outcomes for children, including the 2010-2015 Education Sector Strategic Plan (ESSP), a five-year (2008-2013) campaign entitled "Making a difference for girls", and increased budgetary allocations, the Committee is concerned about the following:

- (a) The inadequate quality of education and unequal educational outcomes, including disparities between urban and rural areas, and limited access to education for children with disabilities, Batwa children and girls, especially at the upper secondary school level;
- (b) Hidden education fees that prevent children from accessing education, especially children living in poverty and children in vulnerable situations;
- (c) The remaining challenges to implementing the change in language of instruction policy from French to English, including the urgent need to develop teachers' capacities and training in both the English language and teaching methodology; and
- (d) The lack of disaggregated data on enrolment and retention rates of children in vulnerable situations, such as children living in poverty, children with disabilities, orphans, adolescent girls, as well as the decrease in the enrolment rate for boys.

**The Committee recommends that the State party:**

- (a) Increase spending on quality education, including the number of well-trained teachers, school infrastructure, and children's access to school materials;**
- (b) Take further measures to eradicate regional disparities and closely monitor the implementation and outcomes of the ESSP and the campaign for girls' education as well as school enrolment and retention for boys and children in vulnerable situations, particularly Batwa children, children with disabilities and children living in poverty;**
- (c) Take immediate measures to eliminate all types of hidden educational costs in the school system to ensure unhindered and equal access to education for all children;**
- (d) Intensify its efforts to develop the capacity of teachers through English language and pedagogical training at all levels of the educational system, and monitor the impact of the language policy on learning outcomes;**
- (e) Undertake studies to identify the root causes and extent of dropouts from school, especially of boys, and implement effective measures to address the issues identified; and**
- (f) Strengthen the collection and analysis of disaggregated data on the participation in education by the most vulnerable children, including rural children, adolescent girls, children with disabilities, orphans, children living with HIV/AIDS and children living in poverty, and ensure that these children are fully integrated in educational settings in order to prevent segregation and discrimination.**

## **Early childhood care and education**

The Committee is concerned about the weak implementation of the Early Childhood Development (ECD) Policy and Strategic Plan of 2011 and the limited coverage of children with ECD services. The Committee is also concerned that there is inadequate funding for the improvement and implementation of early childhood development and that programmes and services for children between the ages of 0 and 6 are not harmonized and integrated among the various ministries and agencies.

**Referring to its general comment No. 7 (2005) on implementing child rights in early childhood, the Committee recommends that the State party further improve the quality and coverage of its early childhood care and education, and in particular:**

- (a) Scale up the investment and implementation of the ECD Policy and Strategic Plan, and ensure that ECD is provided in a holistic manner that includes overall child development, nutrition, health care, stimulation and early learning and the strengthening of parental capacity and participation; and**
- (b) Strengthen effective coordination among all ministries to ensure that early childhood development programmes and services are integrated and harmonized, and that such services meet quality standards, are affordable and accessible for all children, including children in vulnerable situations.**

## **I. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)**

### **Children belonging to minority or indigenous groups**

The Committee is seriously troubled by the State party's non-recognition of the existence of minority and indigenous people, including the Batwa community, which leaves them with no legal status or recognition. Furthermore, the Committee is deeply concerned that Batwa children continue to experience severe marginalization and discrimination as many live in extreme poverty and lack access to basic services, including adequate housing, safe drinking water and sanitation, education and health care. The Committee is specifically concerned that:

- (a) Batwa communities, including children, have been forcibly displaced from their ancestral forest lands without consent or compensation and deprived of their traditional livelihoods, which has resulted in serious damage to their distinct lifestyles, livelihoods and culture;

(b) Batwa children, specifically girls, experience significant obstacles to their right to education compared to other population groups, including very high dropout rates, low levels of enrolment, and poor education outcomes; and

(c) There is an absence of official information and disaggregated data on Batwa children, including on their socioeconomic conditions, access to education, adequate standard of living, and health care.

**The Committee recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party and in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference. The Committee specifically recommends that the State party:**

(a) Grant Batwa children and families recognition of their special status, recognize their rights to the natural resources of the forests, and develop initiatives to reconnect them with their ancestral habitats and cultural practices, as recommended by the African Commission on Human and Peoples' Rights International Work Group for Indigenous Affairs, the United Nations Independent Expert on minority issues and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living;

(b) Adopt all necessary measures to combat all forms of discrimination faced by Batwa children and take immediate steps to ensure that in law and practice, Batwa children have full and equal access to education, adequate housing, health care and all other government services without discrimination. In these efforts, the Committee calls upon the State party to ensure that adults and children from Batwa communities and civil society organizations representing Batwa communities are consulted;

(c) Take all necessary measures to address child poverty, inadequate standard of living and vulnerability among Batwa populations, through, inter alia, targeted programmes for families and communities in order to address poverty and discrimination against Batwa children. The Committee also recommends that the State party ensure that funding and other support, including housing and welfare services, provided to Batwa children are comparable in quality and accessibility to services provided to other children in the State party and are adequate to meet their needs;

(d) Set up a comprehensive data collection system and analyse the data collected on the situation of Batwa children and assess progress achieved in the realization of their rights. Data should be disaggregated by age, sex, geographic location and socioeconomic background to inform policy decisions and programmes at different levels; and

(e) Ratify International Labour Organization (ILO) Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.

### **Asylum-seeking and refugee children**

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 reunifications for refugees and asylum seekers.

**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.**

### **Economic exploitation, including child labour**

While the Committee notes that the State party adopted a policy and five-year strategic plan for the elimination of child labour in 2012, it reiterates its previous concern (CRC/C/15/Add.234, para. 64, 2004) about the high prevalence of child labour in rural areas and particularly in the domestic and agriculture sectors. The Committee is especially concerned that:

(a) Child labour has increased up to 27 per cent in the State party, according to the 2010 Rwanda Demographic and Health Survey, and that despite legal prohibitions, approximately 65,628 children are involved in hazardous work;

(b) There is a lack of clarity in the definition of child labour, specifically in legislation covering domestic work by young workers above the minimum age of employment, exposing them to risk of abuse and exploitation;

(d) Law No. 54/2011 relating to the rights and the protection of the child, specifies that children aged under 18 may work in underground mines;

(e) The Labour Code does not cover workers in the informal sector where children are mostly employed, including in family agricultural or domestic work; and

(f) Work-related injuries and illness among children are common in the State party; and

(g) Labour inspectors, operating under the Ministry of Public Service and Labour lack adequate resources to effectively carry out their functions.

**The Committee recommends that the State party:**

- (a) Intensify efforts to investigate and prosecute individuals involved in the worst forms of child labour, including by increasing resources for labour inspectors and making information publicly available on investigation and prosecutions of individuals involved in child labour;**
- (b) Take steps to establish a unified mechanism for systematic data collection and analysis on incidences of hazardous child labour and working conditions, disaggregated by age, sex, geographical location, socio economic background and type of work as a form of public accountability for protection of the rights of children;**
- (c) Amend existing legislation, including the legislation covering domestic work to ensure that they include both provisions to prohibit child labour as well as provisions to ensure that work performed by workers , who are under the age of 18 and above the minimum age of employment , does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training. In this regard, the Committee recommends that the State party strengthen inter - agency and interministerial collaboration to eliminate child labour ;**
- (d) Amend Law No . 13/2009 to ensure that the law covers workers in the informal sector, including in family agricultural or domestic work and not just contractual employment;**
- (e) Identify hazardous domestic and agricultural work carried out by children and prohibit and eliminate such work for children under the age of 18. In this regard, the State party should amend Law No. 54/2011 relating to the rights and the protection of the child to legally prohibit employment of children under 18 in underground mining activities; and**
- (f) Require employers of agricultural and child domestic workers to report all work-related injuries and serious illnesses to labour inspectors at the district level in order to monitor the situation and collect and publish better statistics than are currently available about such incidents; and**
- (g) Ratify ILO Convention No. 189 (2011) concerning decent work for domestic workers.**

### **Administration of juvenile justice**

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:

- (a) The "special chamber" established for hearing children's cases operates under an ad hoc arrangement, does not exist at the High Court nor the lower courts, and lacks judges and lawyers specialized in children's rights and juvenile justice;**
- (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; and**
- (c) The draft Justice for Children Policy and the Legal Aid Policy are yet to be finalized and adopted.**

**The Committee recommends that the State party bring the juvenile justice system fully in to 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:**

- (a) Take all measures to establish separate children's courts at the High Court and the lower courts, and in the meantime extend specialized juvenile chambers at both the lower court and High Court levels;**
- (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; and**
- (d) Expedite the adoption of the Justice for Children Policy and the Legal Aid Policy to address the concerns raised in surveys conducted by the Ministry of Justice in 2006 and the Legal Aid Forum in 2007.**

### **Child victims and witnesses of crimes**

**The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes, including child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).**

## **J.Ratification of international human rights instruments**

In order to further strengthen the fulfilment of children's rights, the Committee encourages the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

## **K.Cooperation with regional and international bodies**

The Committee recommends that the State party continue its cooperation with the African Committee of Experts on the Rights and Welfare of the Child of the African Union towards the implementation of the Convention, the African Charter on the Rights and Welfare of the Child and other human rights instruments, both in the State party and in other African Union member States.

## **L.Follow-up and dissemination**

The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Head of State, Parliament, relevant ministries, the High Court and to heads of provincial and district authorities for appropriate consideration and further action.

The Committee further recommends that the third and fourth periodic reports and written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

## **M.Next report**

The Committee invites the State party to submit its next combined fifth and sixth periodic reports by 22 February 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In accordance with General Assembly resolution 67/167 of 20 December 2012, in the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).