Experts of the Committee on the Rights of the Child hail progress in Rwanda, but express concern about street and refugee children and worst forms of child labour

Committee on the Rights of the Child (CRC/20/05)

28 January 2020

The Committee on the Rights of the Child today concluded its consideration of the combined fifth and sixth periodic report of Rwanda on the implementation of the Convention on the Rights of the Child. In the dialogue, Committee Experts commended the progress in many areas of children’s rights, including Rwanda’s strong legal framework for the protection of the rights of the child, but expressed concern about the situation of street and refugee children and children in worst forms of labour.

Committee Experts commended Rwanda for the adoption of several laws and the strengthening of the legal framework for the protection of the right of the child. They expressed concern about the practice of rounding up street children and holding them arbitrarily in transit centres. The Experts inquired about the legal basis for the placement of street children in the centres and the steps to ensure the accountability of the guards and others who violated the rights of those children. Experts acknowledged the impressive legislation enacted by Rwanda to support refugees and refugee children, however, it urged the Government to look more carefully into the situation on the ground. What measures were in place to protect them from trafficking and exploitation?

The delegation of Rwanda said that a number of measures had been adopted to support and protect street children. Refuting the allegations of their arbitrary detention, the delegation explained that Law 17/2017 and the ministerial order of 19 April 2018 provided for the mission, organization and functioning of the national rehabilitation centre and the 28 transit centres, found in all 27 districts and Kigali city.

The children were placed in the centres not to “clear up the streets”, but to support and rehabilitate them and, if possible, facilitate family reunification. To date, more than 5,000 street children had been reunited with their families. The delegation said Rwanda “invested money and love” to ensure that children living in the streets enjoyed the rights they were deprived of and it welcomed constructive comments to help improve the efforts to support the children at high risk of abuse.

Committee Experts also expressed concern about the high number of children engaged in worst forms of child labour and hazardous work - 147,000 by some reports. They worked in the tea and coffee, fishing, construction, mining, transport and hospitality sectors, and child labour was one of the leading causes of school dropout for boys.

The delegation stressed that all forms of child labour were prohibited and that legal instruments to investigate and prosecute those who employed children under the age of 16 were in place. The Rwanda Private Sector Federation and the Rwanda Development Board were examining the United Nations Guiding Principles on Business and Human Rights to better inform the legal frameworks and
ensure that the best interests of children were put front and centre of business and investment in Rwanda.

Cephas Lumina, Committee member of the task force on Rwanda, in his concluding remarks said that Rwanda had made important strides in the promotion and protection of children rights. In its concluding observations, the Committee would point to the remaining challenges and suggest how to address them.

In her concluding remarks, Soline Nyirahabimana, Minister for Gender and Family Promotion of Rwanda and head of the delegation, said that Rwanda had put the best interest of the child as the highest priority and was moving towards the achievement of the ambitious agenda Vision 2050. Rwanda remained open to constructive criticism that would enable it to achieve its goals.

Luis Ernesto Pedernera Reyna, Committee Chairperson, thanked the delegation and reiterated the Committee’s readiness to work with States parties and support them in the implementation of the Convention.

The members of the Committee’s task force for the examination of the report of Rwanda were Cephas Lumina, Mikiko Otani, Suzanne Aho Assouma and Faith Marshall-Harris.


The Committee will issue the concluding observations on the report of Rwanda at the end of the session, which concludes on 7 February. Those, and other documents relating to the Committee’s work, including reports submitted by States parties, can be found on the session’s webpage.

The webcast of the Committee’s public meetings can be accessed at http://webtv.un.org/.

The Committee will next meet in public at 3 p.m. this afternoon to review the initial report of the State of Palestine (CRC/C/PSE/1) under the Convention on the Rights of the Child.

**Report**

The Committee has before it the combined fifth and sixth periodic report of Rwanda under the Convention on the Rights of the Child (CRC/C/RWA/5-6) and its replies to the list of issues (CRC/C/RWA/RQ/5-6).

**Presentation of the Report**

SOLINE NYIRAHABIMANA, Minister for Gender and Family Promotion of Rwanda, in her introductory remarks, recalled that the thirtieth anniversary of the Convention on the Rights of the Child had coincided with the twenty-fifth commemoration of the genocide against the Tutsi in Rwanda, which had destroyed the social fabric of Rwanda and had had a disproportionate impact on children. This legacy continued to inform the laws, policies and programmes in order to ensure the full realization of the rights of the child, she said. The protection of the child was enshrined in the Constitution, reflecting the high-level political will to uphold children’s rights. Committed to the progressive realization of children’s economic, social and cultural rights, the Government mainstreamed targets and benchmarks on child rights in national strategic frameworks such as the National Strategy for Transformation and sector strategic plans.

Rwanda had undertaken legal reforms and countrywide campaigns to ensure free and immediate birth registration, including the adoption of e-birth registration in all health facilities in December 2019. All 3,323 children who had lived in orphanages in 2012 had been placed in families through the Tubarere Mu Muryango programme (Let’s raise children in families). A system of volunteers, Inshuti z’Umuryango (Friends of the Family) had been set up at the lowest level of administration to monitor child protection issues and raise awareness on positive parenting and child-friendly practices.

Ms. Nyirahabimana also highlighted the fact that 79 per cent of the households were enrolled in community-based health insurance scheme (Mutuelle de Santé) and had access to affordable and quality health services. Ninety-three per cent of the children were immunized, while the proportion of births attended in health facilities had increased from 69 per cent in 2010 to 91 per cent in 2015. The National Early Childhood Development Programme, created in 2017, coordinated all interventions to reduce malnutrition and stunting in children.
Primary education was free and compulsory and net enrolment rates were 98 per cent for girls and 97.3 per cent for boys. The quality of education remained a challenge, which the Government was addressing through a competency-based curriculum. The Constitution and specific laws, as well as the 2011 Integrated Child Rights Policy, provided for the protection of children from violence, abuse and exploitation. All forms of child labour were prohibited and legal instruments to investigate and prosecute those who employed children under the age of 16 were in place. A number of measures had been adopted to support and protect street children, while the National Rehabilitation Service continued to build the capacity to support children and youth from broken homes, those without families and other groups of vulnerable children.

Specialized chambers to try cases involving juveniles had been set up, continued the Minister. Such cases were tried in camera to preserve the privacy of the children and protect them from the stigma of public hearings. Juvenile offenders were detained in child-friendly facilities and were allowed to pursue their education and sit for national exams.

Turning to child participation, the Minister said that children’s forum committees had been set up, from the grassroots to the national level. They met annually in Parliament during the National Children’s Summit, a strategic platform for children to express their views. In 2019, the Rwanda Child Online Protection Policy had been adopted to deliver a framework that enabled children to safely and confidently navigate the digital environment. A stand-alone law on human trafficking placed particular emphasis on protecting children from trafficking and significantly increased the penalties for child trafficking. The recruitment and the use of children in all security organs was explicitly prohibited in the law.

Questions by the Committee Experts

CEPHAS LUMINA, Committee Co-Rapporteur for Rwanda, commended Rwanda for the adoption of several laws and the strengthening of the legal framework for the protection of the right of the child. Especially commendable was the adoption of the Law 71 of 2018; however, it was regrettable that it did not include the principle of the best interest of the child. The Co-Rapporteur asked about steps taken to harmonize the national legislation with the Convention and the Optional Protocol and to include children and their organizations in the adoption of new laws.

On policy and institutional frameworks, Mr. Lumina welcomed the adoption of the National Child Policy 2019-2024 and asked about the resources allocated for its implementation and the way its impact was measured. The National Commission for Children lacked sufficient independence and resources to fulfil its functions, he noted with concern, and asked about the plans to increase the number and capacity of child protection officers throughout the country.

The Committee welcomed increased allocations for children’s rights and for the consultation with children in some districts, and asked about mechanisms to assess the efficiency and impact of the budgetary allocations on children’s rights. Did Rwanda adopt the practice of child rights impact assessment, for example? The Co-Rapporteur also inquired about measures to enhance transparent and participative budgetary processes and to include children in all stages of budgetary processes. The delegation was also asked about data collection processes and how data was used in policy-making processes.

The Observatory for Children’s Rights existed within the Rwanda Commission for Human Rights; however, it seemed that its work was not well known. Mr. Lumina asked about the resources allocated to this independent monitoring mechanism and the relationship between the Observatory and the National Commission for Children.

While civil society provided an important foundation for promoting all human rights and holding the Government accountable, this role was not adequately recognized in the laws and the Government itself. The Committee was concerned about reports of arbitrary detention and enforced disappearance of human rights defenders, including those working on children’s rights. How many threats against civil society organizations had been investigated and what action had been taken?

The Committee was very concerned about the reported 147,000 children who were involved in the worst forms of child labour and hazardous work, mainly in the tea and coffee, fishing, construction, mining, transport and hospitality sectors. It had also been reported that businesses routinely violated the 10 principles governing business in terms of child rights protection. Had the Government put in place a National Action Plan to address the issue? What measures had been adopted to address child labour?
Mr. Lumina took positive note of the important reduction in the number of child marriages, which now stood at 7 per cent, a 62 per cent decline since 2015. Was child marriage explicitly prohibited in the law?

MIKIKO OTANI, Committee Co-Rapporteur for Rwanda, welcomed the progress in many areas of children’s rights in Rwanda and recognized the strong legal framework for the protection of the rights of the child, including the protection from discrimination. The child rights policy was aligned with the national strategy for transformation and the Sustainable Development Goals. What measures were in place to promote the equality of vulnerable children and rectify inequality in outcomes, including in health and education.

The Co-Rapporteur commended Rwanda for adopting participation and the right to be heard as a priority area. How did Rwanda understand the right to be heard; how was it applied in custody, adoption and asylum proceedings; and how could vulnerable groups of children participate, for example children with disability or the Batwa children?

Ms. Otani welcomed a very progressive initiative on digital information and communication technology and asked about its implementation, in particular about ensuring that all schools had electricity, that teachers were trained and that children knew how to protect their privacy in digital environments.

SUZANNE AHO ASSOUMA, Committee Co-Rapporteur for Rwanda, took positive note of the steps taken to increase birth registration rates and remarked that many children still did not have their birth certificate. This seemed to be the case for children in remote areas and for refugee and migrant children, she said with concern. What mechanisms were in place to coordinate birth registration between health officials, civil status officers and notaries?

Turning to violence against children, the Co-Rapporteur asked about the status and resources allocated to the National Action Plan and mechanisms children could use to report violence. Was corporal punishment prohibited and what was being done to promote positive parenting? Ms. Assouma expressed concern about the high rates of sexual violence in schools and asked about action taken to eliminate the practice and support the survivors.

**Replies by the Delegation**

The delegation took note of the Committee’s comments related to the lack of a reference to the principle of the best interest of the child in the law on child protection and said that Rwanda – which was fully committed to its international obligations – would to its utmost to include such a reference.

In 2019, Rwanda had reviewed the 2011 Integrated Child Rights Policy and had adopted the second phase of the implementation strategy. The Policy referenced all children’s rights and was the concern of many ministries and institutions. The resources for the realization of children’s rights were allocated to the relevant ministry – for example, resources for the realization of the right to education were allocated to the Ministry for Education.

Through children’s committees, children expressed their views in processes that concerned them from the lowest to the highest administrative level. Children usually did not talk about budgets and the money, but they participated to express their needs.

Referring to the Observatory for Children’s Rights, the delegation said that it was part of the National Commission for Human Rights, which coordinated many volunteers in the field, where the children were. They did a tremendous job in observing the realization of the rights of the child throughout the country.

The Government was aware of its weaknesses in data collection and was working to improve data collection and sharing. Following the recommendation by the Committee on the Rights of Persons with Disabilities of March 2019, the National Institute of Statistics had started using the Washington Group set of questions to collect data on persons with disabilities.

The age of marriage was set at 21 years and children and youth were encouraged to go to school. To the best of the delegation’s knowledge, there was no child marriage in the country.

Rwanda was an inclusive society in which the principle of non-discrimination was enshrined in the Constitution. Vulnerable children in society were protected by the social protection system, which ensured that the poorest families were helped and that persons with disabilities received support.
School feeding programmes were available for the poorest children to support children staying in school.

Rwanda strove to ensure the full realization of the economic, social and cultural rights of all its citizens and was working towards this aim progressively. The Government was implementing the One Child One Laptop programme and had decided to start with rural areas. This was still work in progress, stressed the delegation.

In Rwanda, 91 per cent of children were born in health facilities. The new law of December 2019 on e-birth registration would ensure that almost all children left a health facility with a birth certificate.

Rwanda valued civil society organizations and worked with them to advance human rights and children’s rights in particular. A 40-member task force in the Ministry of Justice had been set up, composed of representatives of Government institutions and civil society organizations.

Responding to questions raised about violence against children, the delegation said that one-stop centres in 44 district hospitals across the country provided victims of violence, including children, with a holistic range of services. This included psychological help and support, medical and legal help, shelter and others. The Friends of the Family actively worked to identify children victims of violence, transfer them to one-stop centres and report violence.

Most victims of sexual violence in schools were girls. Teachers who perpetrated such acts were prosecuted and received aggravated sentences. The Ministry was committed to addressing the issue and demanded that each teacher sign a code of conduct.

Questions by Committee Experts

In the next round of questions, MIKIKO OTANI, Committee Co-Rapporteur for Rwanda, noted that the Penal Code criminalized the abandonment of the child only when done with malice. Commending the national childcare reform and the strong commitment to placing children in care in a family environment, Ms. Otani asked if orphanages still existed and whether there were any children in orphanages. What was the policy concerning children with disability in care?

The Committee was concerned about children living in prison with their mothers - how many children were in such a situation? What was being done to prevent children from living in prisons? The law allowed for two types of adoption, the simple, whereby the ties between the child and biological parents were not cut, and full adoption. How was the best interest of the child principle implemented in the simple adoption?

SUZANNE AHO ASSOUMA, Committee Co-Rapporteur for Rwanda, asked about the extent to which the law on persons with disabilities catered to the specific needs of children with disability and whether a policy was in place to support and protect children with disability.

What budget had been earmarked for children’s health and what strategy was in place to reduce maternal mortality rates? Commending the country’s preparedness for Ebola, which included the setting up of a task force, vaccination and awareness raising, the Co-Rapporteur asked why similar approaches were not applied to other diseases. She asked about malaria control measures, access to condoms to prevent the transmission of HIV, and steps to promote breastfeeding.

FAITH MARSHALL-HARRIS, Committee Co-Rapporteur for Rwanda, noted that 35 per cent of Rwandans were children and that over 80 per cent lived in rural areas. In this context, she raised concern about disparities in access to and quality of education between rural and urban areas. Many schools in rural areas did not have access to electricity or drinking water. Another concern was that the school dropout rate at the secondary level was as high as 25 per cent.

Rwanda should examine how hidden costs of education – children having to pay for teachers’ bonuses, books or uniforms – contributed to school dropout rates. It seemed that many boys dropped out of school because of child labour, in mines, plantations, etc. Despite ministerial instruction prohibiting any humiliating treatment of children, including corporal punishment, this practice was seemingly widespread in schools.

Given the high rate of teenage pregnancies and the consequent school dropout of girls, was Rwanda contemplating the adoption of a policy to make comprehensive sexuality and reproductive health education compulsory? What was being done to retain pregnant girls in education?

CEPHAS LUMINA, Committee Co-Rapporteur for Rwanda, took up the question of the involvement of...
children in armed conflict and asked about the efforts to free children from armed groups in the Democratic Republic of the Congo, in particular the M23. What efforts were in place to support girls associated with armed groups?

FAITH MARSHALL-HARRIS, Committee Co-Rapporteur for Rwanda, reiterated the Committee’s concern about the situation of street children in Rwanda. Reports suggested that not enough was known about those children, including the root causes that pushed so many to the street. Measures taken were insufficient to ensure adequate support and protection for these children. The Committee was very disturbed about the practice of rounding up street children and holding them arbitrarily in transit centres.

The situation was particularly grave in Jacondo, later renamed Kigali Transit Centre, where there was severe overcrowding and lack of food, as well as reports of “savage beatings by guards”. Some children were kept in the centres for weeks or months and then put back on the street. The 2017 amendment to the Penal Code decriminalized vagrancy and begging - what was the legal basis to detain the children and who provided the judicial oversight, asked Ms. Marshall-Harris. What was being done to ensure accountability of the guards and others for violating the rights of those children?

The Committee acknowledged the impressive legislation enacted to support refugees and refugee children, however, the Government should look more carefully into the situation on the ground. In centres and camps, there were problems with the registration of all refugees, including children, and the disappearance of girls from refugee camps had been reported. What measures were in place to protect them from trafficking and exploitation?

Another issue of great concern was sexual violence against girls, especially the wall of silence that surrounded it and the lack of reporting for fear of reprisals.

Replies by the Delegation

The delegation reiterated the importance that the Government of Rwanda accorded to the work of civil society organizations. There were coordination mechanisms and civil society also participated in activities to promote and protect the rights of the child.

Explaining the process of budgetary allocations for the rights of the child, the delegation said that the National Commission for Children coordinated the Integrated Child Policy and its implementing strategies. Partners in various sections – health, education, justice and others – worked directly to implement the activities. Children at all levels of administration, from villages to Parliament, expressed their needs and their views were taken into consideration in the budgeting process.

On discrimination, the delegation reiterated that all children in Rwanda enjoyed equal rights and said that the Government was aware of the need to allocate additional resources and undertake supplementary actions to ensure the enjoyment of all rights by vulnerable groups of children.

Practices such as female genital mutilation and others considered as harmful traditional practices did not exist. Rather, there were hindrances such as gender inequality that made it difficult for women and girls to fully enjoy their rights because of their gender.

Child abandonment was a crime, aggravated by abandoning a child in a hidden place and the death of the child. Orphanages had been closed and more than 3,000 children had been put in a family environment. Rwanda would continue to pursue the policy of ensuring that all children in care grew up in a loving family, stressed the delegation.

The delegation refuted the allegations of the arbitrary detention of street children. Law 17/2017 and the ministerial order of 19 April 2018 provided for the mission, organization and functioning of the national rehabilitation centre and the 28 transit centres, found in all 27 districts and Kigali city. This was the legal basis for the placement of street children in the centres, which was not done to “clear up the streets” but to support and rehabilitate the children, and if possible, reunite them with their families, stressed the delegation.

The Rwanda Rehabilitation Service and other private rehabilitation centres had so far reunited more than 5,000 children with their families. The maximum time the children could spend in one of the centres was six months. Rwanda “invested money and love” to ensure that children on the streets could enjoy the rights they were deprived of, the head of the delegation stressed. Rwanda welcomed constructive comments to help it improve its efforts to support the children at high risk of abuse or being abusive themselves.
Since 2000, Rwanda had adopted a decentralization policy and the implementation of the State’s policies happened at the district level. The final process of linking the child with the family in the process of rehabilitation happened at the district level, where social workers, gender officers and child protection officers could be found.

The National Strategy for Transformation 2017-2024, the country’s sustainable development strategy, was fully aligned with the applicable Sustainable Development Goals and their targets and indicators.

On businesses and children’s rights, the Rwanda Private Sector Federation and the Rwanda Development Board were examining the United Nations Guiding Principles on Business and Human Rights to better inform the legal frameworks and ensure that children’s best interests were put front and centre of business and investment in Rwanda. Sector-specific legal frameworks governed the way in which businesses conducted their operations.

Rwanda subscribed to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in governing international adoption matters. To date, no adoptions had taken place under this framework but several were in the process.

The delegation said that by 2024, all schools in the country would have access to water and electricity. Currently, 64 and 72 per cent of schools had access to water and electricity respectively. Rwanda had adopted a policy to ensure the same quality of education in rural and urban schools. Considering that rural areas were poorer, the Government had introduced a number of initiatives to enable and encourage rural children to go to school, such as school feeding programmes. A competency-based curriculum had been introduced in 2016 and was already yielding fruit in terms of better learning outcomes. This curriculum included courses and textbooks in English. Schools were discouraged from asking parents for contributions and money to pay for the cost of education.

About 26 per cent of preschool children were in nurseries, which was not enough. Recently, the Government had declared a target of 100 per cent of children aged three and over joining kindergartens, where they could learn and prepare for school. Throughout the country, programmes were in place to prevent teen pregnancy and to encourage young mothers to return to school after childbirth. There was zero tolerance to students dropping out, especially the children who left schools to look for work. Making sure children were in school was a shared responsibility and communities understood that, said the delegation.

HIV/AIDS prevalence had decreased from 3 to 2.6 per cent over the past five years.

On juvenile justice, the delegation said that currently, the specialized juvenile chambers were sufficient to try cases involving juveniles; if the need arose, specialized juvenile courts could be established. Juvenile offenders were detained in child-friendly facilities.

Rwanda was not dealing with children involved in armed conflict outside of its own border but started to care for them once they returned. All refugees who had returned from the Democratic Republic of the Congo had been screened; refugee children who had been identified as having been involved in armed conflict had been provided with rehabilitation and reintegration support.

Each non-governmental organization had to register with the Rwanda Governance Board and declare its mission and line of operation. Each had a line ministry they worked with – education, health, etc. - which would invite them to participate in coordination forums. As far as threats and violence against human rights defenders were concerned, the delegation stated that all reported attacks and threats against any person were investigated by the police and if necessary pursued by the justice system.

The national child rights strategy (second generation) was in place and was adequately resourced. It contained a range of children’s rights, including participation, voice and accountability and was being implemented by various partners and Government departments. The previous strategy had been assessed and evaluated on all its components, as well as on its impact on the rights of the child.

Birth registration was free of charge, while there was a fee for the issuing of a birth certificate. Child hotlines were in place and used by children.

Rwanda was a party to the Maputo Protocol (the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa). Sex with underage girls was considered a defilement; perpetrators were prosecuted and girls who fell pregnant had legal access to safe abortion.
The delegation took note of the gaps in the law on child protection as pointed out by the experts. The law criminalized the use of child pornography, but it had overlooked the possession of such materials. The Commission for Law Revision, which was continuously examining the national laws and ensuring they were in line with Rwanda’s international obligations, would address the issue.

**Concluding Remarks**

CEPHAS LUMINA, Committee Co-Rapporteur for Rwanda, in his concluding remarks said that the dialogue aimed to assist the Committee to understand the implementation of the Convention in Rwanda and enable it to provide advice to the State party on how to improve. Rwanda had made important strides in the promotion and protection of children’s rights, but a number of issues still required further attention. In its concluding observations, the Committee would point to the remaining challenges and suggest how to address them.

SOLINE NYIRAHABIMANA, Minister for Gender and Family Promotion of Rwanda, concluded by affirming that the dialogue and the Committee’s upcoming concluding observations would assist Rwanda in the implementation of its obligations under the Convention on the Rights of the Child. Rwanda had put the best interest of the child as its highest priority. It was moving towards the achievement of the ambitious agenda Vision 2050, which put human capital at the centre of development. Rwanda thus gave particular attention to children and early childhood and remained open for constructive criticism that would enable it to achieve its goals.

LUIS ERNESTO PEDERNERA REYNA, Committee Chairperson, thanked the delegation and reiterated the Committee’s readiness to work with States parties and support them in the implementation of the Convention.

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