



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **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)**

1. The Committee considered the initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of Rwanda (CRC/C/OPAC/RWA/1) at its 1794th meeting (see CRC/C/SR.1794), held on 31 May 2013, and adopted at its 1815th meeting, held on 14 June 2013, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's initial report (CRC/C/OPAC/RWA/1) providing detailed information regarding its fulfilment of the rights guaranteed by the Optional Protocol as well as the written replies to the list of issues (CRC/C/OPAC/RWA/Q/1/Add.1), taking into account the difficulties in producing these documents for the first time. The Committee appreciates the constructive dialogue with the cross-sectoral delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's third and fourth periodic reports under the Convention on the Rights of the Child (CRC/C/RWA/CO/3-4), and on the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/RWA/CO/1), adopted on 14 June 2013.

#### **II. General observations**

##### **Positive aspects**

4. The Committee welcomes the ratification by the State party of the Optional Protocol on the sale of children, child prostitution and child pornography in February 2008.

5. The Committee welcomes the various measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including:

(a) Law No. 54/2011 of 14 December 2011 relating to the rights and protection of child;

(b) Law No. 25/2004 of 19 November 2004 on the creation, organization and functioning of the local service in charge of assisting in the maintenance of security referred to as “Local Defence”, which provides a minimum age requirement of 18 years for voluntary recruitment into the Local Defence Forces; and

(c) Law No. 19/2002 of 17 May 2002 establishing the Rwanda Defence Forces (RDF) and the Presidential Decree No. 155/01 of 31 December 2002 governing the National Police Force, which prohibits the recruitment of children under 18 years into the RDF and the National Police, respectively.

6. The Committee further welcomes the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the establishment of the National Commission for Children in June 2011.

### III. General measures of implementation

#### Dissemination and awareness-raising

7. While welcoming the information provided by the State party that the National Commission for Human Rights, with the support of United Nations Development Programme, has translated the Optional Protocol into Kinyarwanda, the Committee is concerned that awareness of the principles and provisions of the Optional Protocol is low among the public at large and, in particular, children.

**8. Pursuant to article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the public at large, and to children in particular.**

#### Training

9. While noting that the State party organized training on children’s rights for members of the National Police and Armed Forces at all levels, the Committee regrets the lack of specific training on the provisions of the Optional Protocol in the curricula provided to military and law enforcement personnel, including those involved in international peacekeeping operations. The Committee is further concerned that these efforts mainly targeted the national Armed Forces and were not sufficiently directed at the other professionals working with or for children.

**10. The Committee encourages the State party to provide training on the Optional Protocol for all military and civilian personnel of the Armed Forces, including those involved in international peacekeeping operations and systematically include the provisions of the Optional Protocol in the curricula provided to them. It further recommends that the State party ensure that all personnel working with and for children, in particular authorities working for and with asylum-seeking and refugee children, police, lawyers, judges, military judges, medical professionals, social workers and journalists, receive training on the Optional Protocol.**

## IV. Prevention

### Human rights and peace education

11. The Committee regrets that human rights, tolerance and peace education, as well as knowledge of the Optional Protocol, is not specifically incorporated as a mandatory part of the primary and secondary school curricula and in the teachers' training programme.

**12. The Committee recommends that the State party include human rights, tolerance and peace education in the curricula of all schools and teacher-training programmes, with special reference to the Optional Protocol.**

## V. Prohibition and related matters

### Criminal legislation and regulations in force

13. While welcoming that several national laws establish the age of voluntary recruitment into the Armed Forces as 18 years, including in the National Police Force and the Local Defence Forces, the Committee is concerned about the absence of explicit criminalization in the domestic legislation of the recruitment and use in hostilities of children by the State Armed Forces and by the non-State armed groups.

**14. The Committee recommends that the State party enact in its domestic legislation explicit criminalization of the recruitment and use in hostilities of children under 18 years by the national Armed Forces and non-State armed groups.**

### Recruitment and use of children by non-State armed groups

15. The Committee is gravely concerned about the situation on the Rwandan-Democratic Republic of the Congo border where several reports, including the United Nations Group of Experts on the arms embargo against the Democratic Republic of the Congo in 2012, indicate that the armed groups operating in the eastern Democratic Republic of the Congo, particularly the militia the March 23 Movement (M23) and the Democratic Forces for the Liberation of Rwanda (FDLR) continue to recruit Rwandan children and refugee children in the territory of Rwanda and use them in hostilities. While the Committee notes the establishment and expansion of the Joint Verification Mechanism (JVM) in September 2012, it is concerned that it lacks a child protection mechanism within its structure to respond to the specific risks and needs of children who may have been recruited or used in hostilities.

**16. The Committee urges the State party to take immediate actions to end such practices occurring within its jurisdiction. The Committee specifically recommends that the State party:**

**(a) Adopt and implement, as a matter of urgency, a comprehensive time-bound plan of action to halt the use and recruitment of Rwandan and refugees children by non-State armed groups operating in the Democratic Republic of the Congo, including by closely controlling its borders and mobilizing communities. In this regard, the State party is encouraged to seek assistance from the United Nations, including the United Nations Children's Fund (UNICEF), to protect children from unlawful recruitment within Rwanda;**

**(b) Strengthen cross-border frameworks of cooperation and exchange of information with the Democratic Republic of the Congo to repatriate children involved in armed conflict from the Democratic Republic of the Congo to the State party, and to ensure that children, particularly those living in areas closer to the**

border with that country and in refugee camps are not re-recruited by the non-State armed groups;

(c) **Independently and promptly investigate serious allegations of facilitating recruitment and use in hostilities of children for M23;**

(d) **Ensure that individuals found responsible for supporting and facilitating the recruitment and use of children in hostilities by armed groups, including M23, are apprehended and prosecuted;**

(e) **Encourage and advocate the establishment of a mechanism for child protection within the Joint Verification Mechanism, in collaboration with the other members of the mechanism, to respond to the specific risks and protection concerns of children who are or may have been recruited or used in hostilities; and**

(f) **Provide information in its next periodic report on the specific measures taken to implement these recommendations.**

#### **Extraterritorial jurisdiction and extradition**

17. The Committee notes with concern that, despite the January 2009 arrest of Laurent Nkunda, a rebel leader from the Democratic Republic of the Congo who has been implicated in recruitment and use of children in hostilities, the State party has not taken any concrete legal actions against him in response to these allegations nor has it extradited him to that country.

18. **The Committee urges the State party to show tangible efforts to apply a zero-tolerance policy, with a view to promoting accountability for violations of the Optional Protocol in the State party, including by initiating prompt, independent and impartial investigations into the allegation of recruitment and use of children in hostilities by Laurent Nkunda and other suspected perpetrators of such crimes who may be within the jurisdiction of the State party and prosecute them if charged, or extradite them to the Democratic Republic of the Congo in accordance with the State party's legal procedures. The Committee further recommends that the State party accede to the Rome Statute of the International Criminal Court.**

## **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 being recruited and/or used in hostilities by armed groups abroad;**

(b) **Take all necessary measures to address the physical and psychological recovery needs of those children, including girls, and develop and implement a programme of assistance and support for them. The State party is encouraged to seek technical assistance from relevant United Nations agencies and programmes, including the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF; and**

(c) **Ensure that all personnel dealing with children, in particular authorities working for and with asylum-seeking and refugee children, such as border and immigration personnel, and police lawyers, judges, medical professionals, social workers receive adequate training on such mechanism and services and on the Optional Protocol.**

#### **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.**

## **VII. International assistance and cooperation**

23. The Committee welcomes the active role played by the State party as a member of the Great Lakes region and East African community, including during the International Conference on the Great Lakes Region. In this regard, the Committee recommends that the State party, in accordance with article 7 of the Protocol, strengthen its bilateral and multilateral cooperation, particularly with countries in the region in the implementation of the Optional Protocol, particularly to eliminate the recruitment and use of children in armed conflict.

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

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

25. The Committee recommends that the initial report and written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee 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, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## **IX. Next report**

26. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, due by 22 February 2018.

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