



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Thirty-sixth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Rwanda**

1. The Committee considered the second periodic report of Rwanda (CRC/C/70/Add.22) at its 953rd and 954th meetings (see CRC/C/SR.953 and CRC/C/SR.953), held on 21 May 2004, and adopted at the 971st meeting (see CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's second periodic report,<sup>1</sup> which followed the established guidelines. The Committee also takes note of the submission of the written replies to its list of issues (CRC/C/Q/RWA/2). The Committee acknowledges that the presence of a high-level delegation directly involved with the implementation of the Convention allowed for a better understanding of the rights of the child in the State party.

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<sup>1</sup> Rwanda's initial report (CRC/C/8/Add.1) was considered by the Committee on 5 February 1993. At the time, the Committee requested Rwanda to prepare a new and more comprehensive initial report to be submitted within one year (see CRC/C/15/Add.12). This new initial report has never been submitted to the Committee.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. **The Committee welcomes:**

(a) **The adoption of the 2003 Constitution which contains provisions on human rights, including children's rights;**

(b) **The adoption of the National Policy for Orphans and Other Vulnerable Children (2003);**

(c) **The adoption of Law 27/2001 on the Rights of the Child and Protection of Children against Violence;**

(d) **The adoption of a National Health Policy (2002) and of Vision 2020;**

(e) **The establishment of the National Human Rights Commission in 1999;**

(f) **The ratification of the African Charter on the Rights and Welfare of the Child;**

(g) **The ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2000; and**

(h) **The ratification of the two Optional Protocols to the Convention on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.**

**C. Factors and difficulties impeding the implementation of the Convention**

4. The Committee notes that the genocide which occurred in 1994 has long-term negative consequences on the implementation of the Convention and that the lives of all children have been seriously affected during that event and its aftermath. The Committee also notes that, since the Convention was ratified, there has been a serious deterioration in the socio-economic conditions in the State party, aggravated by the genocide.

**D. Principal subjects of concern and recommendations**

**1. General measures of implementation**

**Legislation**

5. The Committee is concerned that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse and other relevant pieces of legislation are not fully implemented. The Committee is also concerned that the legislation relevant to children's rights, including customary law, is not fully compatible with the provisions and principles of the Convention.

6. **The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention on the Rights of the Child and is fully implemented. In that respect, the Committee also encourages the State party to expedite the enactment of a comprehensive children's code.**

#### **Coordination**

7. The Committee notes that the former Ministry of Gender and the Family was responsible for children's issues and that the National Programme for Children, established in 1997, is now responsible for coordinating programmes and policies regarding children. The Committee is concerned at this transfer of responsibility and that the limited financial and human resources allocated to the National Programme for Children do not allow for it to be carried out efficiently and effectively.

8. **The Committee recommends that the State party take all necessary measures to provide the National Programme for Children with adequate human, financial and other resources, with a clear mandate and with sufficient authority to carry out its mission. The Committee further recommends that the State party ensure the stability and strengthen the capacity of the ministry principally in charge of the coordination of the implementation of the Convention at the local and national levels and seek technical assistance in this regard from, among others, UNICEF.**

#### **National plan of action for children**

9. Despite the recent adoption of the National Policy for Orphans and Other Vulnerable Children (2003) and the sectoral plan for HIV/AIDS and youth, the Committee is concerned that no national plan of action for all children for the decade 2001-2010, fully based on the Convention, has been adopted.

10. **The Committee recommends that the State party take all necessary measures to adopt, in consultation with all relevant partners, including the civil society, a national plan of action for children that covers all areas of the Convention and includes the Millennium Development Goals and fully reflects "A world fit for children", allocate the necessary human and financial resources for its full implementation, and seek international assistance from UNICEF in that regard.**

#### **Independent monitoring structures**

11. The Committee welcomes the establishment of the National Human Rights Commission in 1999, which also accepts and investigates complaints regarding the violation of children's rights. However, the Committee is concerned that the Commission has insufficient human and financial resources to deal effectively with its volume of work at the national and local levels.

12. **The Committee recommends that the State party, in accordance with the Committee's General Comment No. 2 on national human rights institutions:**

- (a) Ensure that the National Human Rights Commission is provided with sufficient resources to carry out its responsibilities effectively;**
- (b) Consider establishing a bureau for children's rights within the Commission in order to centralize its work on children's rights;**
- (c) Ensure its accessibility to children, in particular by raising awareness of its ability to receive, investigate and address complaints by children, in particular those affected by conflict; and**
- (d) Seek technical assistance from, among others, OHCHR.**

### **Resources**

13. The Committee notes the priority given by the State party to increasing the budget allocated to social services and the adoption of the poverty reduction strategy paper (PRSP) (2002), but is concerned that insufficient attention has been paid to article 4 of the Convention regarding the allocation of funds to the "maximum extent of ... available resources" to implement the economic, social and cultural rights of children. In particular, the Committee is concerned about the decrease in financial resources for health and education.

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

- (a) Make every effort to increase the proportion of the budget allocated to the realization of children's rights and, in this context, ensure the provision of appropriate human resources, and to guarantee that the implementation of child policies regarding children are a priority at national and local level within the context of decentralization and privatization;**
- (b) Make respect for the implementation of children's rights a primary consideration in the implementation of the PRSP; and**
- (c) Develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of children's rights and to collect and disseminate information in this regard.**

### **Data collection**

15. The Committee is concerned at the lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children, including orphaned, abandoned and disabled children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

16. **The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, and urban and rural area. This system should cover all children up to the age of 18 years, with**

**specific emphasis on those who are particularly vulnerable, including orphaned, abandoned and disabled children. It encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.**

#### **Cooperation with civil society**

17. While taking note of the role of non-governmental organizations in the provision of services, the Committee is concerned that insufficient efforts have been made to involve civil society in the full implementation of the Convention and the reporting process.

18. **The Committee recommends that the State party systematically involve non-governmental organizations and other elements of civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes, and in the drafting of the next report to the Committee.**

#### **Training and dissemination**

19. The Committee is aware of the measures taken to promote widespread awareness of the principles and provisions of the Convention and welcomes the translation of booklets into Kinyarwanda, but is concerned that these measures are not sufficient. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

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

**(a) Strengthen its efforts and systematize the dissemination of the principles and provisions of the Convention in order to sensitize society about children's rights;**

**(b) Translate the Convention into the national language;**

**(c) Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants at the local and national level, personnel working in institutions, teachers, health personnel, including psychologists, social workers, including traditional communities leaders and officials at the community levels; and**

**(d) Seek technical assistance from, among others, OHCHR, UNICEF and UNESCO.**

## **2. Definition of the child**

21. The Committee is concerned about possible discrepancies between the minimum age for employment and the age limit for compulsory education and at the practice of forced and early marriage, despite the fact that legislation sets the minimum age for marriage at 18.

**22. In the light of articles 1, 2, 3 and other related provisions of the Convention, the Committee recommends that the State party review its legislation with a view to eliminating discrepancies between the minimum age for employment and the age limit for compulsory education, and that it make greater efforts to enforce the requirements set out in law.**

### **3. General principles**

#### **The right to non-discrimination**

23. While acknowledging the prohibition of discrimination in the 2003 Constitution (art. 11) and taking note of the efforts of the State party to address discrimination, including the adoption of Law No. 22/99 of 12 November 1999 regarding inheritance rights for women and the development of a gender policy by the Ministry of Gender Issues and the Advancement of Women, the Committee is concerned at the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by girls and children belonging to the most vulnerable groups, such as abandoned and orphan children, children with disabilities, children born out of wedlock, children living in rural areas and Pygmy children.

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

**(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and**

**(b) Prioritize and target social services for children belonging to the most vulnerable groups, including in the framework of international cooperation.**

**25. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No. 1 (aims of education).**

#### **Best interests of the child**

26. The Committee is concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of the policies and programmes of the State party, as well as in administrative and judicial decisions.

**27. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legislation and budgets, as well as judicial and administrative decisions and in projects, programmes and services that have an impact on children.**

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

28. The Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, in schools, in institutions, as well as in the courts, before administrative authorities and in the society at large.

29. **The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child, with special attention to vulnerable groups, to participate in the family, at school and in society at large. Special emphasis should also be placed on the child's right to be heard in judicial and administrative procedures affecting him or her. This general principle should also be reflected in all laws, policies and programmes relating to children. Awareness-raising among the public at large as well as education and training of professionals on the implementation of this principle should be reinforced.**

## **4. Civil rights and freedoms**

### **Right to an identity**

30. The Committee takes note of the efforts made by the State party to re-establish the identity of a large number of children evacuated to different countries during and just after the genocide of 1994. However, the Committee is concerned that it has not yet been possible to identify many children and reunite them with their families.

31. **The Committee recommends that the State party strengthen its efforts to reunite these children with their families by facilitating the re-establishment of their identity.**

32. The Committee takes note of the introduction of the new system of birth certificate and identity card, which does not refer to ethnic origin. However, the Committee is concerned about the slow progress made in this regard.

33. **The Committee recommends that the State party strengthen its effort to ensure that all children are provided with new birth certificates and identity cards.**

### **Corporal punishment**

34. The Committee notes that the Rwandan legislation does not include an explicit prohibition of corporal punishment and is concerned at the persistent practice of corporal punishment by parents, teachers and law enforcement officers.

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

(a) **Introduce legislation explicitly prohibiting corporal punishment;**

(b) **Make use of information and education campaigns to sensitize parents, teachers, other professionals working with children and the public at large to the harm caused by corporal punishment and promote an alternative, non-violent forms of discipline, as foreseen in article 28, paragraph 2, of the Convention;**

**(c) Investigate in an effective way reported cases of ill-treatment of children by law enforcement officers and ensure that appropriate legal action is taken against alleged offenders; and**

**(d) Provide for the care, recovery and rehabilitation of child victims, in the light of article 39 of the Convention.**

#### **Torture or cruel, inhuman or degrading treatment or punishment**

36. The Committee notes that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse prohibits any act of torture and cruel, inhuman or degrading treatment or punishment against children, but remains concerned at the absence of a definition of those offences in the Penal Code and that Rwanda is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**37. The Committee recommends that the State party adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment and that it ratify the Convention against Torture.**

### **5. Family environment and alternative care**

#### **Parental responsibilities**

38. The Committee is concerned that a large number of single-parent and child-headed families, notably families headed by girls, face financial and other kinds of difficulties. The Committee is also seriously concerned that parents can request that a child whose conduct is not satisfactory be interned.

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

**(a) Take all necessary measures to implement the National Policy for Orphans and Other Vulnerable Children effectively and provide assistance to single-parent and child-headed families in order to support them in bringing up their children and siblings, in the light of article 18, paragraph 2, of the Convention; and**

**(b) Take the necessary measures to prohibit the internment of children because of their behaviour or for economic reasons.**

#### **Children deprived of a family environment**

40. The Committee is deeply concerned that one third of the children in the State party are orphans. The Committee remains deeply concerned at the weakness of family links, at the large numbers of children who have been deprived of a family environment and, in particular at reports regarding the abandonment of children by parents mainly for economic reasons. The Committee is further concerned at the consequent placement of many children in institutions, where they remain in difficult living conditions and for long periods without adequate mechanisms of protection. The Committee is also concerned that placement in institutions is being resorted to in preference to developing alternative care measures (e.g. adoption and foster care).



41. **The Committee recommends that the State party strengthen and increase its programmes, in collaboration with relevant NGOs, to support families in need, in particular single-parent families and those in difficult socio-economic or other circumstances. The Committee urges the State party to make every effort to increase support, including training, for parents in order to discourage the abandonment of children. The Committee also recommends that the State party strengthen its efforts to find substitute families through fostering or adoption. The Committee further recommends that the State party ensure that the situation of children placed in institutions is periodically monitored and establish an independent and easily accessible complaint-monitoring mechanism for those children.**

### **Adoption**

42. While noting that domestic adoptions are regulated by the Civil Code and Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse, the Committee expresses concern that informal adoptions, which are generally not monitored with respect to the best interests of the child, are more widely accepted and practised within the State party. The Committee is also concerned that intercountry adoptions do not always respect the requirements of article 21 of the Convention.

43. **In the light of article 21 of the Convention, the Committee recommends that the State party strengthen administrative and legislative procedures for formal domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of the children concerned. In view of the increasing number of children deprived of a family environment, the Committee recommends that the State party promote and encourage formal domestic adoptions and reinforce its foster care programme. Additionally, the Committee encourages the State party to accede to the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and to seek international assistance from, among others, UNICEF.**

### **Violence, abuse, neglect and maltreatment**

44. The Committee is concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools, care institutions and the family. Concern is also expressed about the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated for programmes to prevent and combat abuse of children.

45. **In the light of article 19 of the Convention, the Committee recommends that the State party:**

(a) **Undertake a comprehensive study on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt laws, policies and programmes that will help change attitudes and improve the prevention and treatment of cases of violence against children;**

**(b) Strengthen awareness-raising campaigns, with the involvement of children, in order to prevent and combat child abuse;**

**(c) Properly investigate cases of violence through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and both punish and provide counselling for perpetrators, having due regard to the child's right to privacy;**

**(d) Establish an appropriate individual complaint procedure, inform children about this mechanism and encourage them to use it;**

**(e) Provide services for the physical and psychological recovery and social rehabilitation of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;**

**(f) Take into consideration the recommendations of the Committee adopted during its days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745); and**

**(g) Seek technical assistance from, among others, UNICEF and WHO.**

## **6. Basic health and welfare**

### **Children with disabilities**

46. The Committee welcomes the launching of a study to assess access to education by disabled children, but remains concerned at the lack of data on such children and at the inadequate legal and de facto protection of and the insufficient facilities and services for children with disabilities. Concern is also expressed at the limited number of trained teachers available to work with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion in the educational system and generally in society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities.

47. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations adopted by the Committee during its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), it is recommended that the State party:**

**(a) Take effective measures to collect adequate statistical data on children with disabilities and to ensure that such data are used in the development of policies and programmes for these children;**

**(b) Reinforce its efforts to develop early detection programmes to prevent disabilities;**

**(c) Establish special education programmes for children with disabilities and, where feasible, integrate such children into mainstream schools and public life;**

**(d) Undertake awareness-raising campaigns to sensitize the public about the rights and special needs of children with disabilities, as well as children with mental health problems;**

**(e) Increase the resources, both financial and human, allocated to special education and the support to children with disabilities;**

**(f) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, WHO and UNICEF.**

### **Health and health services**

48. While taking note of the adoption of, inter alia, the National Health Policy 2002 and Vision 2020, the Committee is deeply concerned at the still high infant, under-five, and maternal mortality rates and the low life expectancy in the State party. The Committee is also concerned that health services continue to lack adequate resources (both financial and human). In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by early childhood diseases and that malnutrition is an acute problem. Concerns also exist at the lack of prenatal health care.

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

**(a) Reinforce its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;**

**(b) Facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; and promote proper breastfeeding practices;**

**(c) Develop the highest attainable standard of health care;**

**(d) Establish midwifery training programmes to ensure safe home delivery;**

**(e) Pursue additional avenues for cooperation and assistance for child health improvement with, among others, WHO and UNICEF.**

### **Adolescent health**

50. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, substance abuse, as well as adolescents traumatized by the consequences of the genocide. The Committee is also concerned at the particular situation of girls, given, for instance, the very high percentage of early marriages and early pregnancies, which can have a negative impact on their health.

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

(a) **Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted infections (STIs), including HIV/AIDS, and early pregnancies, especially through reproductive health education for both boys and girls;**

(b) **Strengthen adolescent-sensitive mental health counselling services and make them known and accessible to adolescents.**

#### **HIV/AIDS**

52. While noting the adoption of the 2002-2006 Strategic Plan for HIV/AIDS and the establishment of a Ministry of State in charge of HIV/AIDS, as well as of the National HIV/AIDS Commission, the Committee is extremely concerned at the very high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting high and increasing number of children orphaned by HIV/AIDS. In this regard, the Committee is concerned at the lack of alternative care for these children.

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

(a) **Increase its efforts to prevent HIV/AIDS taking into account, inter alia, the Committee's General Comment No. 3 on HIV/AIDS and the rights of children;**

(b) **Strengthen its measures to prevent mother-to-child transmission, inter alia by combining and coordinating them with the activities to reduce maternal mortality, and take adequate measures to address the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;**

(c) **Strengthen its efforts to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups, and among the population at large, notably to reduce discrimination against children infected or affected by HIV/AIDS; and**

(d) **Seek further technical assistance from, among others, UNICEF, WHO and UNAIDS.**

#### **Right to an adequate standard of living**

54. The Committee is very concerned about the widespread poverty in the State party and the increasingly high numbers of children who do not enjoy the right to an adequate standard of living.

55. **The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families, child heads of household and abandoned and orphan children and to guarantee the right of children to an adequate standard of living. In this**

**connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing its PRSP and all other programmes intended to improve the standard of living in the country.**

### **7. Education, leisure and cultural activities**

56. The Committee welcomes the fact that article 40 of the 2003 Constitution provides for free and compulsory education in public schools and that enrolment rates in primary education are similar for boys and girls, but is concerned that enrolment in schools is still low and that illiteracy is widespread. The Committee is also concerned at the gender and regional disparities in attendance, the high drop-out and repeat rates, the insufficient numbers of trained teachers, schools and classrooms, and the lack of relevant teaching material. In the light of article 29, paragraph 1, of the Convention, the Committee is also concerned at the quality of education in the State party.

57. **The Committee recommends that the State party take all necessary measures to:**

**(a) Progressively ensure that girls and boys, from urban, rural and least developed areas, all have equal access to educational opportunities;**

**(b) Take the necessary measures to remedy the low quality of education and to ensure better internal efficiency in the management of education;**

**(c) Build better infrastructure for schools and provide appropriate training for teachers and school materials;**

**(d) Improve the education system with a view to achieving the aims mentioned in article 29, paragraph 1, of the Convention and the Committee's general comment on the aims of education, and introduce into the school curricula human rights, including children's rights, as well as education on peace and tolerance and environmental education;**

**(e) Raise awareness of the importance of early childhood education and introduce it into the general framework of education;**

**(f) Encourage the participation of children at all levels of school life; and**

**(g) Seek technical assistance from, among others, UNICEF and UNESCO.**

#### **Leisure and cultural activities**

58. The Committee is concerned that children have insufficient opportunities to exercise their rights to leisure and cultural activities.

59. **The Committee recommends that the State party improve respect for the right of children to leisure and cultural activities, including by promoting these rights among parents, teachers and community leaders. The Committee recommends that the State party seek assistance from UNESCO and UNICEF in this regard.**

## 8. Special protection measures

### Children in situations of emergency

#### *Refugee children/internally displaced persons*

60. The Committee notes the recent agreements signed between the State party and UNHCR for the return of refugees, many of them children, and welcomes the large number of children who have been reunited with their families over the past years. The Committee remains concerned at the poor situation of children and their families who have returned to the State party, notably with regard to access to health services and education. The Committee is further concerned that these children are not provided with adequate physical and psychological recovery and social rehabilitation.

61. **In the light of articles 22 and 39 of the Convention, the Committee recommends that the State party ensure that refugee children who returned to the State party are provided with proper documentation, facilitate family reunification and ensure the right to health and education for all these children. The Committee further recommends that the State party ensure that refugee children who returned to the State party are safe and provided with the necessary physical and psychological recovery and social rehabilitation.**

#### *Child soldiers*

62. The Committee welcomes the ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict. The Committee further welcomes that Law No. 27/2001 on the Rights of the Child and Protection of Children against Abuse prohibits military service for children under 18 (art. 19), but remains deeply concerned that this law does not apply for the Local Defence Forces. The Committee is further concerned at numerous reports of recruitment of children below the age of 15 years by armed groups operating in the State party or in the Democratic Republic of the Congo. The Committee is also concerned that not all former child soldiers, notably girls, are provided with the means of psychological recovery and social rehabilitation.

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

(a) **Take all necessary measures to ensure that children below the age of 18 years are not recruited in the Local Defence Forces or in any armed group on the territory of the State party;**

(b) **Make additional efforts to demobilize child soldiers and reintegrate them into their communities and provide for their full psychological recovery and social rehabilitation, paying special attention to girls; and**

(c) **Seek technical assistance from, among others, UNICEF.**

## **Children in situations of exploitation**

### *Economic exploitation, including child labour*

64. The Committee welcomes the adoption of the new Labour Code, Law No. 51/2001 of 31 December 2001, but is nevertheless deeply concerned that child labour in the State party is widespread, particularly in the informal sector where children work as domestic workers, and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

65. **In the light of article 32 and other related articles of the Convention, the Committee recommends that the State party:**

- (a) Undertake a comprehensive study to assess the situation of child labour;**
- (b) Amend the existing legislation to harmonize it with the various international instruments that have been ratified by the State party, including ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;**
- (c) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to further strengthen their capacity to effectively monitor the full implementation of child labour legislation; and**
- (d) Seek assistance from ILO/IPEC and UNICEF.**

### *Sexual exploitation*

66. The Committee welcomes the ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, but remains concerned about the increasing number of child victims of sexual exploitation, including for prostitution and pornography, especially among girls, child orphans and abandoned and other disadvantaged children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social rehabilitation of child victims of such abuse and exploitation.

67. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party:**

- (a) Extend the protection from sexual exploitation and trafficking contained in all relevant legislation to all boys and girls below the age of 18 years;**
- (b) Ensure that child victims of sexual exploitation are not considered as offenders;**
- (c) Implement appropriate gender- and child-sensitive policies and programmes to prevent it and to rehabilitate child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

*Street children*

68. The Committee notes that a study on street children was carried out in 1998, but is concerned at the increasing number of street children and at the lack of a systematic, comprehensive strategy to address this situation and to provide these children with adequate assistance. The Committee is further concerned at reports indicating that street children have been rounded up and taken into custody, where they are living in poor conditions.

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

(a) **Pursue its efforts to prevent and reduce this phenomenon by addressing its root causes, notably by carrying out a comprehensive strategy with the aim of preventing and reducing this phenomenon in the best interest of these children and with their participation;**

(b) **Consider addressing the situation of street children under the system of youth social welfare services and stop rounding up these children and sending them to detention centres;**

(c) **Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development, and seek innovative measures in dealing with these children; and**

(d) **Ensure that these children are provided with recovery and rehabilitation services for physical, sexual and substance abuse, and services for reconciliation with their families.**

**Children in conflict with the law**

*Children arrested for alleged war crimes*

70. The Committee is extremely concerned that persons below the age of 18 at the time of their alleged war crime have not yet been tried, have been detained in very poor conditions, some for a very long time, and are not provided with appropriate services to promote their rehabilitation. The Committee notes the establishment of *gacaca* courts but is deeply concerned that no specific procedure has been established for those who were under 18 at the time of their alleged crime, as required by article 40, paragraph 3, of the Convention, and are still in what could be considered as pre-trial detention.

71. **In the light of articles 37, 40 and 39 of the Convention and other relevant international standards, the Committee recommends that the State party take all necessary measures to complete within six months all pending legal proceedings against persons who were below the age of 18 at the time they allegedly committed war crimes.**



*Other alleged children in conflict with the law*

72. While recognizing the State party's efforts in this domain, including through adopting legislation, decrees and ministerial circulars, the Committee is concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at the lack of juvenile courts, juvenile judges and social workers in this field. In addition, it is deeply concerned at the very poor conditions of detention, due notably to overcrowding in detention and prison facilities, overuse and extremely long periods of pre-trial detention, the length of time before the hearing of juvenile cases, the lack of assistance towards the rehabilitation and reintegration of juveniles following judicial proceedings and the lack of systematic training of judges, prosecutors and prison staff.

**73. The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, 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 (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.**

74. In addition, the Committee recommends that the State party:

(a) Undertake all necessary measures to ensure that juvenile courts are established and trained juvenile judges appointed in all regions of the country;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period and limit by law the length of pre-trial detention;

(c) Provide persons under 18 with legal assistance at an early stage of legal proceedings;

(d) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, including by addressing the problem of overcrowding in prisons and establishing special prisons for children with conditions suited to their age and needs, and in the meantime guarantee that all persons under 18 are separated from adults in prisons and places of pre-trial detention throughout the country;

(e) Ensure that all persons under 18 in conflict with the law do not receive the same sanctions as adults;

(f) Ensure that persons under 18 remain in regular contact with their families while in the juvenile justice system;

(g) Introduce regular medical examination of inmates by independent medical staff;

(h) Establish an independent child-sensitive and accessible system for individual complaints for persons under 18;

**(i) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**

**(j) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings; and**

**(k) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF.**

*Children belonging to a minority or an indigenous group*

75. The Committee is concerned at the situation of children belonging to minorities, including Batwa children, in particular their limited access to basic social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

**76. In line with its recommendations adopted at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party:**

**(a) Undertake a study to assess the situation and the needs of Batwa children and to elaborate a plan of action involving leaders of the Batwa community to protect the rights of those children and ensure their social services; and**

**(b) Seek adequate means and measures to ensure birth registration, health care, etc.**

## **9. Optional Protocols to the Convention on the Rights of the Child**

77. The Committee, while welcoming the ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, notes with concern that the submission of the initial reports on the Optional Protocols is overdue.

**78. The Committee urges the State party to submit its initial reports to the Optional Protocols as soon as possible.**

## **10. Dissemination of documentation**

79. **In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.**

## 11. Periodicity of submission of reports

80. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 22 February 2008, the due date for the submission of the fourth report. Such a report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

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