



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Thirty-sixth session

### Summary record of the 953rd meeting

Held at the Palais Wilson, Geneva, on Friday, 21 May 2004, at 10 a.m.

*Chairperson:* Ms. Sardenberg (Vice-Chairperson)

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*In the absence of Mr. Doek, Ms. Sardenberg (Vice-Chairperson) took the Chair.*

*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties** (*continued*)

*Second periodic report of Rwanda (CRC/C/70/Add.22; CRC/C/Q/RWA/2; CRC/C/RESP/57)*

1. *At the invitation of the Chairperson, Ms. Gahonzire, Mr. Hagenimana and Ms. Nyirahabineza (Rwanda) took places at the Committee table.*

2. **Ms. Nyirahabineza** (Rwanda) stated that the Rwandan authorities attached growing importance to the cause of children, who accounted for 51.9 per cent of the population. A number of steps forward had been made since the drafting of the report, in particular the approval of the National Policy for Orphans and Other Vulnerable Children, which covered: children living in households headed by children, in foster families or in institutions; street children; children affected by an armed conflict or in conflict with the law; children with disabilities; working children; children who were exploited or sexually abused; children affected by HIV/AIDS, children of single mothers or whose mothers were in prison; refugee or displaced children; children of poor families, and children married before the age of majority. The Policy defined ways of combating vulnerability, including the promotion of community care so as to reduce the number of children in institutions and support through food distribution, housing construction, psychosocial help and so on for households headed by children.

3. Rwanda's particular sociocultural context had unfortunately forced a number of children onto the streets. The Government might place them temporarily in a re-education centre or find them a foster family within their family environment or elsewhere, but those practices could not be equated with discrimination or deprivation of liberty since they sprang, on the contrary, from a desire to ensure that the children concerned had as healthy a life as others.

4. The treatment of children in conflict with the law differed according to whether the children were criminally responsible or not. In the first instance, they were brought before a criminal judge, but they would, of course, be tried by a juvenile court and be treated in prison in a manner appropriate to their young age. In the second instance, they were placed in a re-education centre for 1 to 12 months.

5. A programme had been launched for children who had been involved in armed conflicts. Under it, the Gitagata centre had taken in 273 ex-combatant minors, of whom only one had still to be returned to his family. The Ruhengeri rehabilitation centre housed 99 ex-combatant minors who had recently completed their re-education programme and were now commencing the reintegration programme. Following their return to their families, the children were monitored by, and received continuing assistance from the Demobilization and Rehabilitation Commission.

6. Children with disabilities had access to education; the practice of compelling them to perform certain kinds of work had been forbidden and the authorities now gave preference to catch-up programmes for them. Particular attention had been paid to access to education, as well as to the improvement of teaching quality. Primary education was now compulsory and, in public schools, was free.

7. In May 2003, Rwanda had adopted a new Constitution in which the Rwandan people had reaffirmed its attachment to human rights as enshrined in a range of expressly named international instruments, including the Convention on the Rights of the Child.

8. Also in 2003, it had established a National Women's Council, a body that would be playing a decisive role in areas including the promotion of girls' education. In order to ensure that activities were better co-ordinated, responsibility for the National Programme for Children had been transferred from the Ministry of Local Administration and Social Affairs to the Ministry of Gender and the Advancement of Women.

9. A family and child protection unit tasked principally with providing assistance in the event of family disputes had been set up within the national police force. It was also intended to set up a sub-unit, to be called the "juvenile police", with special responsibility for prosecuting offences committed by persons aged from 14 to 18.

10. Children had expressed their concerns at the National Children's Summit on genocide, which had been held on 29 and 30 April 2004 with the support of UNICEF. Following the meeting, the President of the Republic had personally pledged to: establish at all levels structures for children's participation in decision-making and for monitoring of the realization of their rights; ensure access to high-quality basic education for all boys and girls; ensure care and protection for orphans and children who were vulnerable in any other way; halt child sex abuse and sexual exploitation of children; combat HIV/AIDS, and further peace, unity and national reconciliation by promoting children's participation in that process and in the administration of justice.

11. **Ms. Smith**, rapporteur for Rwanda, congratulated Rwanda on a report that was clearly the result of real participatory consultation and gave a clear and critical picture of the situation of the country's children. Rwanda, which was known primarily for the genocide that had ravaged the country in 1994 and was certainly the event which, more than any other, had influenced the current situation and policies, had recovered; in less than a decade, it had returned to political stability and economic growth. The new Constitution testified to the resolve to have done with divisions and to promote national unity; it, like the Law of 2001 on the rights of the child, marked an important stage on the journey of national progress. Even if it unfortunately did not expressly mention the principle of the best interests of the child, the Constitution contained a provision dealing specially with child protection and was generally consistent with international standards. It remained to be seen how it would be applied in practice in a country that was undeniably still very poor.

12. Among the subjects of concern, there was no denying that the Supreme Court did not seem to have the requisite independence. As it was also to be feared that the transfers of responsibility from one ministry to another might prove contrary to the objectives of stability and continuity of action, it would be helpful to know whether the National Programme for Children would remain under the authority of the Ministry of Gender and the Advancement of Women. She noted with concern that, in the case of street children and children in conflict with the law, the best interests of the child came in second place, after security.

13. Details were needed of the progress with, and contents of the draft children's code, especially concerning the various legal ages, because the Committee had conflicting information about that issue, as well as about respect for children's views in matters affecting them and participation by children in school and family life.

14. Details were also needed of how the various activities in support of children were coordinated. The current structure and modus operandi of the National Human Rights Commission should be clarified, as should the Commission's relationship with other bodies such as the Division responsible for assistance to, and protection of children in difficulty or COMISOPE, the Committee for the Implementation of Policies on Children. As things stood, it was hard to get an overall picture of Rwanda's activities for children and she therefore urged the country to adopt a national action plan that covered all the areas in the Convention and was monitored by a single institution.

15. **Ms. Oeudraogo**, co-rapporteur for Rwanda, asked why protection, participation and survival of children were not among the topics discussed in connection with preparation of the children's code. The delegation should also say how the National Women's Council's activities for children related to those of, for example, the National Programme for Children and the Division responsible for assistance to, and protection of children. Better coordination of the various bodies' activities was needed in order to give an overall view of the implementation of the Convention. It would be interesting in that regard to know whether any organ had specific responsibility for monitoring and following up that implementation.

16. She wished to know whether the National Youth Council was a governmental or non-governmental body, how its members were chosen, how it took young people's concerns into account, whether young people were strongly represented on it, and whether there was an equivalent structure for minors aged less than 15.

17. The tables of budget allocations showed a slight increase in basic social spending, whereas other sources alleged such spending had declined. The delegation should clarify that matter. It would also be of interest to know what Rwanda expected from international cooperation and whether it received international technical assistance.

18. She asked whether the decentralization process had progressed, what were the main difficulties it had entailed, and what progress had been made with the anti-poverty strategy and privatization.

19. She noted with concern that the best interests of the child were still not taken into account with respect, for example, to street children and the social protection of the poorest children. She asked how the members of the Children's Assembly were chosen, how often the Assembly met and what action was taken on its findings.

20. **Ms. Khattab**, referring to the scale of the problems facing it, asked what were the Government's priorities. She wished to know whether the minimum age of 21 for marriage was respected in practice, whether all children over 16 years of age had an identity card and whether it was easy for them to obtain it. The delegation should also state whether schools had places for all school-age children and whether it was intended to harmonize the minimum ages for admission to employment.

21. Noting that the penalty for rapes in which the victim died could be death, she asked whether that was also the case when the culprit was a child. She inquired whether child drug users were liable to penalties or were considered victims.

22. She wished to know whether there had been public awareness-raising campaigns to combat the discrimination against girls, whether teachers were specially trained to look after children with disabilities who attended ordinary schools and whether pupils at such schools and their parents received appropriate information and awareness-training.

23. **Mr. Citarella** asked whether there was customary law in Rwanda and whether the Convention could be invoked before the courts. The delegation should say more about the reports from some sources that the health, education and culture budgets had fallen by almost 30 per cent between 2002 and 2003.

24. It would be helpful to know why only the father, and not both parents, had the right to emancipate an unmarried minor.

25. **Mr. Filali** wished to know whether the National Policy for Orphans and Other Vulnerable Children formed part of a national policy for children and how it was financed. It would also be interesting to know whether staff in schools and specialized centres for children had been trained to meet the needs of children traumatized by the genocide.

26. The delegation should indicate whether judges drew on the provisions of the Convention in reaching their decisions and whether the three lawyers whom the Government had hired to represent children in conflict with the law had been instructed to base themselves on the Convention in defending the minors.

27. He also wished to know if the National Human Rights Commission had the necessary freedom of action and whether civil society was sufficiently represented on that body.

28. **Ms. Vuckovic-Sahovic** requested additional information on the gacaca courts and the training of their members. She also wished to know if the Government cooperated actively with non-governmental organizations and whether there were budget allocations for the activities of civil society.

29. **Mr. Liwski** called for detailed information on the problem of orphans deprived of their property. As the genocide had inevitably left consequences in the communities, he asked what the Government was doing to turn that tragic page in the country's history and, in particular, to combat discrimination.

30. **Mr. Krappmann** requested details of the number and living conditions of orphans, especially AIDS orphans, and of other categories of vulnerable children, as well as of national policy to support them.

31. **Ms. Chutikul** requested information on the National Programme for Children from the point of view of coordination of the various child-related national action plans and strategies and on the mandates and resources of the community development committees, the National Human Rights Commission and the National Youth Council. The delegation should also indicate whether children's views were taken into consideration in society in general and in the family and at school in particular.

32. **Ms. Lee**, observing that, according to the report, the National Youth Council was only concerned with "some" children aged from 15 to 18, asked who had responsibility for the other children in that age group and whether identification of children's ethnicity on their birth certificates might not give rise to discrimination.

*The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.*

33. **Ms. Nyirahabineza** (Rwanda) said that the Government had set up a National Legal Reform Commission to identify, in cooperation with all public bodies and civil-society institutions, the legal provisions that were not consistent with the new Constitution.

34. The National Human Rights Commission was not a court, but could receive complaints. In accordance with the Paris Principles, it was independent and its members were appointed through close cooperation between government institutions, civil society and the private sector.

35. The gacaca courts had been set up not only to bring the approximately 120,000 genocide subjects to trial more speedily, but also to involve the population in that process and thereby facilitate reconciliation: by pleading guilty and apologizing to victims and their families, the perpetrators of genocide made pardon possible and opened the way to genuine reconciliation.

36. **Mr. Citarella** asked whether persons who had been minors at the time of the offence were being prosecuted for genocide and, if so, how many of them there were.

37. **Mr. Filali** wished to know to what body and how soon the National Legal Reform Commission would report and whether the National Human Rights Commission had the assistance of the Ministry of the Interior and of the army and police in investigating the complaints filed with it.

38. **Ms. Nyirahabineza** (Rwanda) said that the minors imprisoned on suspicion of having taken part in the genocide or committed a criminal offence had all been released by decision of the President. They would be tried by gacaca courts and, if found guilty, would be punished in accordance with the law.

39. The National Legal Reform Commission, whose mandate expired at the end of 2004, was responsible for coordinating the efforts of the various official bodies to identify the legal provisions that were inconsistent with the new Constitution. It reported to the country as a whole and not to any particular organ.

40. The National Human Rights Commission cooperated closely, in a spirit of openness, with the police, the gendarmerie, the Ministry of Justice and the other relevant ministries. The cooperation was encouraged by the Government and had yet to create any problem.

41. The Government of National Union had embarked on a policy of decentralization because of its belief that excessive bureaucracy and centralization had been among the principal causes of the genocide. The fact was that, at the lowest levels, citizens had not known what was happening. There could be neither justice nor development without consultation of the base of society. For example, for the drafting of the new Constitution all citizens had been consulted, including children who had reached the age of criminal responsibility. The entire population was consulted on the means to be used to reduce poverty. It should be noted in that regard that the majority of the population approved the Government's policy of privatization, because it realized that privatized businesses were better managed, more profitable and more efficient.

42. **Ms. Ouedraogo** asked whether the Government had taken measures to guarantee people living below the poverty line access to basic social services.

43. **Ms. Nyirahabineza** (Rwanda) said that the policy of privatization had created jobs and reduced poverty. There was unanimous support for privatization because it helped to raise the level of living.

44. The Government endeavoured to coordinate the child-related activities of the various public and private bodies, NGOs and UNICEF through the medium of, in particular, the ministry staff posted to provinces and districts in execution of the policy of decentralization. The activities in question included action by the National Women's Council, which came under the authority of the Department for the Advancement of Women and dealt mainly with girls' education.

45. **Ms. Ouedraogo** asked whether, in order to have an integrated picture of the implementation of the Convention, Rwanda might not consider establishing a single structure to coordinate activities in support of children, a task that seemed currently to be shared between the National Women's Council, the National Programme for Children, the Division for child protection and other bodies.

46. **Ms. Nyirahabineza** (Rwanda) said that, as the project for a national children's programme had not yet been submitted to the Council of Ministers, monitoring of the implementation of child-related policies and programmes countrywide was in the hands of the Transitional Committee for the implementation of such policies. The Committee, a multidisciplinary body comprising staff from the competent ministries, including the Ministry of Justice, and representatives of the International Committee of the Red Cross, UNICEF and, as appropriate, the private sector, civil society and NGOs, was currently working to draw up a children's code and the law governing institutions for lone children.

47. Because of the disruption caused by the genocide and the AIDS epidemic, the entities she had mentioned had not all been able to work satisfactorily. For that reason, the cooperation of NGOs, which came under the authority of the Ministry of Local Administration and were regulated by law, had been and was still very useful. Every effort

was now being made to ensure that planned activities for the realization and protection of children's rights were co-ordinated by the Ministry of Gender and the Advancement of Women.

48. **Ms. Vuckovic-Sahovic** wished to know exactly how many staff there were in the unit within the Ministry of Gender and the Advancement of Women that had had specific responsibility for children.

49. **Ms. Nyirahabineza** (Rwanda) said that the unit in question had only four permanent staff but cooperated closely with other departments from ministries including the Ministry of Youth, Sport and Culture and the Ministry of Social Affairs and with decentralized civil servants, UNICEF and NGOs.

50. **Ms. Smith** requested additional information on the "right of correction" that the Civil Code gave parents and on the legal status of corporal punishment in the family, at school and in judicial decisions. She also wished to know if the provisions of the Civil Code authorizing courts to order the internment of children whose parents were seriously dissatisfied with their conduct were still in force, which organ had power to decide that mistreated children should be separated from their parents and placed in an institution and what checks there were in such a case. Any more information on the number of children placed in foster homes would also be welcome.

51. **Ms. Khattab** said she would like more information on the situation of street children, who sometimes suffered police brutality, on the procedure whereby a newborn child found in Rwanda whose filiation with a foreign national was established before the child became an adult lost Rwandan nationality, and on the emergence in recent years of violence against children, especially young girls, including in the family environment. It would be helpful to know in that regard whether there was a general rehabilitation and social reintegration programme for children who had been caught up in the maelstrom of the genocide and whether the country was satisfied with the level of international cooperation it received.

52. **Ms. Ouedraogo** wished to know what Rwanda intended to do to establish a centralized data collection system for the systematic compilation and disaggregation of new statistics, whether the Convention had been translated into Kinyarwanda, how children orphaned by the genocide were guaranteed the right to life, survival and development and what was the situation of the Batwa relative to the provisions of the Convention.

53. She would also be interested to know whether there was a charge for birth registration procedures, which were particularly slow in rural areas, and whether, after the genocide, anything had been done uniformly to renew Rwandans' identity papers so that they no longer mentioned their ethnicity. It would also be good if the terms "legitimate children" and "illegitimate children" were removed from official documents.

54. The delegation should also indicate whether the Rwandan children who had returned to the country after the genocide could now recover their identity and, if they wished, find their families again. In that regard, it would be good to know whether the Government had followed up on the complaints filed by Rwanda and the families of children illegally adopted in Italy and on the Italian authorities' silence concerning them. She pointed out in that connection that Rwanda had not ratified any of the Hague Conventions on matters such as international adoption and maintenance obligations and that, notwithstanding the existence of national legal provisions governing adoption, informal adoption caused problems in practice and was often a source of abuse. It would therefore be of interest to know what had been done about the Committee's recommendations in its first concluding observations to improve coordination between adoption agencies and make studies of informal adoption.

55. In view of the increase in their numbers, it would be of interest to know whether children abandoned by their mothers were placed in orphanages, whether the preliminary draft law governing placement institutions had been completed and whether Rwanda intended to establish procedures for the review of placement decisions. Information should also be provided on the measures to help families forced for economic reasons to place their children in institutions.

56. The Committee could not but applaud the Rwandan Government's efforts to give Rwandan nationality to refugee children of unknown origin and its family tracing and reunification programmes. Of 14,500 lone children, only 3,500 had yet to find their families.

*The meeting rose at 1 p.m.*