

**AFRICAN UNION**

**African Committee of Experts on the  
Rights and Welfare of the Child**



**UNION AFRICAINE**

**Comité Africain d'Experts sur les  
Droits et le Bien-être de l'Enfant**

**الاتحاد الأفريقي**

*"An Africa Fit for  
Children"*

**UNIÃO AFRICANA**

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**CONCLUDING RECOMMENDATIONS BY THE AFRICAN COMMITTEE OF  
EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC) ON THE  
SECOND PERIODIC REPORT OF THE REPUBLIC OF RWANDA ON THE STATUS  
OF IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND  
WELFARE OF THE CHILD**

September 2019

## **I. INTRODUCTION**

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Republic of Rwanda and expresses its appreciation for the timely submission of the second periodic report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter) which was submitted in accordance with the State Party's obligation under article 43 of the Charter. The ACERWC considered the second periodic report of the Republic of Rwanda during its 33rd Ordinary Session, which was held on 18-28 March 2019 in Addis Ababa, Ethiopia.
2. The Committee also congratulates and appreciates the Government of Rwanda for sending its Delegation led by Dr Claudine Uwera Kanyamanza, Executive Secretary of the National Commission for Children with whom the Members of the ACERWC had a productive discussion with. The dialogue indeed helped the Committee to better understand the measures that the State Party has undertaken towards the implementation of the Charter as well as the challenges it is facing. After a careful consideration of the facts in the Report and the information provided during the constructive dialogue, the Committee has developed and adopted the following concluding observations and recommendations which, in the Committee's view, provide guidance to better enhance the implementation of the provisions of the African Children's Charter.

## **II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER**

3. The Committee commends the efforts that the State Party has put in place to implement the Charter and its recommendations on the first periodic report of the State Party including:
  - i. The timely submission of the second periodic report and thereby efforts to comply with the State Party reporting obligations set forth under article 43 of the Charter;
  - ii. The revision of the Constitution and other laws including the Law N°71/2018 of 31 August 2018 relating to the Protection of the Child which repeals Law N°54/2011 related to the Rights and Protection of the Child;
  - iii. Aligning the definition of the child in various aspects with the Charter;
  - iv. High rate of immunization for basic vaccinations such as measles;
  - v. Extending the period for birth registration from 15 to 30 days and removing the fine previously imposed on late registrations; and
  - vi. The adoption of Ministerial Instructions No 001 of 10 May 2017 of the Ministry of Education that prohibits corporal punishment.

### **III. AREAS OF CONCERN AND RECOMMENDATIONS**

#### **A. General measures of implementation**

4. The Committee notes that the previous concluding observations of the Committee were made available on the website of the Ministry of Gender and Family Promotion. While appreciating that, the Committee recommends that the current recommendations are translated and widely disseminated among various Government organs and other stakeholders.
5. The Committee notes with great satisfaction that the State Party has employed commendable effort to implement the recommendations of the Committee on fast-tracking the law reform process including the revision of the Constitution in 2015; the adoption of Law N°71/2018 of 31 August 2018 relating to the Protection of the Child which repeals Law N°54/2011 related to the Rights and Protection of the Child; the enactment of Law N° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions which has addressed discriminatory laws in relation to inheritance; and the adoption of Law N° 32/2016 of 28/08/2016 governing persons and family which facilitates the submission of cases to courts by children over 16 and representation of children by CSOs in court cases. The Committee, while commending the law reform processes, encourages that efforts are also employed for the implementation of the revised and new laws.
6. In terms of institutional frame work, the Committee notes with appreciation the increased financial and human resources availed for the National Commission for Children (NCC), the establishment of the National Early Childhood Development Program (NECDP) in 2017, and the introduction of the Gender and Family Cluster which has components of child protection and early childhood development. While recognising the role such frameworks could play in supporting the mandate of NCC in protecting and promoting children's rights; the Committee encourages the State Party to be cautious of avoiding the risk of duplication of mandates and overlapping activities. Hence, the Committee recommends that the NCC should continue assuming its role in coordinating the works of the State Party with regard to promotion and protection of child rights and welfare.
7. Though the Committee appreciates the increase in budget for the child rights sector in the State Party, it notes with concern that there is still a need for greater investment by the State Party particularly to address issues of health, education and other basic

services. The Committee particularly notes that the investment on social programs declined in comparison to the total budget increment of the country. Hence, the Committee recommends that the State Party employ its greatest effort to continue increasing its budget for child rights and welfare issues which now stands at 7.3% of the GDP.

8. The Committee notes from the State Party report that the upcoming Demographic and Health Survey is due 2019/2020 and that the Integrated Household Living Condition Survey is undertaken. The Committee, therefore, recommends that the State Party conduct the surveys as planned and include updated data and information from the surveys on the next periodic report. Moreover, the Committee notes that the information management system has not yet been established despite the recommendation of the UN Committee on the Rights of the Child to expedite the process of launching the system. The Committee recommends that the State Party undertake concrete steps to operationalize the system for better data management.
9. The Committee notes with appreciation that the State Party slightly increased the budget allocated for the National Commission for Human Rights (NCHR) and the increased number of cases handled by the Child Rights Observatory of the NCHR. However, the Committee reiterates the concern it raised during the consideration of the report that the human resource capacity of the NCHR mainly depends on volunteers. The Committee, hence, recommends that the State Party continuously increase the budget allocated for the NCHR so that it can run its activities in a sustainable manner.
10. The Committee, while appreciating all the measures undertaken by the State Party for enhanced protection of children's rights, notes with concern the regression recorded in the State Party's ranking on the child friendliness index of African Countries<sup>1</sup> for 2017, which stands at 20; while its ranking for 2013 stood at 6. This is an indication that the State Party has not progressed in terms of protection and provision of children's rights. Therefore, the Committee strongly recommends that the State Party exert additional effort to improve its budgeting and child protection mechanisms to ensure that it improves in its child friendliness and keep up its previous records.
11. As the Committee alluded during the consideration of the State Party Report, it is concerned about the limited space available for CSOs in the protection of children's rights; hence recommends that the State Party create a conducive environment for the participation of CSOs in the protection and promotion of children's rights as well as implementation of the Charter and the recommendations of the Committee.
12. Furthermore, the Committee encourages the State Party to continue celebrating the Day of the African Child and ensure the meaningful participation of children in the

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<sup>1</sup> Child Friendliness Index is produced by the African Child Policy Forum every 5 years since 2008 <http://data.africanchildinfo.net/bfhyjkg/child-friendliness-index-score>

celebrations, particularly by providing them with the opportunity to reflect their views on the theme selected by the African Union (AU).

## **B. Definition of a child**

13. The Committee notes with great appreciation that the definition of the child as well as minimum ages set for employment, criminal responsibility and marriage are in line with the African Children's Charter and other international instruments. The Committee commends that the concern it raised in relation to the waiver for age of marriage in its previous recommendation has been addressed and no such waiver applies anymore.

## **C. General principles**

### ***Non-discrimination***

14. In addressing issues of discrimination, the Committee notes from the State Party report that much effort has been employed to protect and cater for children with disabilities. While this is commendable, the Committee is still concerned about the urban-rural disparity that exists in terms of accessing basic services as well as the discrimination of marginalized and vulnerable children which the Committee raised on its previous recommendations. The Committee recommends that its budget allocation and various efforts are targeted towards increasing service coverage in rural and remote areas where service is not accessible. Moreover, efforts to eradicate discrimination against children should focus on all groups that are disadvantaged/discriminated by all kinds of groups including society and the private sector, in addition to children with disabilities. The Committee also encourages the State Party to educate and sensitize communities about non-discrimination of children with disabilities, and other vulnerable children.

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

15. The Committee commends that the State Party has taken note of the recommendation of the Committee to provide systematic mechanism for ensuring the best interests of the child by mainstreaming child rights issues in its action plans and by providing trainings for the judiciary and the law enforcement sector. The Committee further encourages the State Party to ensure that laws, policies, and guidelines provide for clear procedures on how to protect the best interests of the child in judicial, administrative and law making procedures. The Committee also encourages the State Party to continue providing trainings and reach out more judges and law enforcement officers.

### ***Right to life, survival and development***

16. The Committee notes with appreciation that the State Party has successfully reduced child mortality rate, has recorded a high rate of measles immunization, launched the 1000 days campaign on nutrition, and improved coverage of sanitation and skilled birth attendants. Moreover, the Committee, in its previous recommendations and list of issues sent to the State Party raised the issue of access to clean drinking water as a concern that needed to be addressed. The State Party Report highlights that Integrated Household Living Condition Survey (EICV4) for 2014/2015 showed significant increase in access to improved water both in urban and rural areas. However, the Committee notes with concern about the high rate of chronic malnutrition whereby one in three children under the age of five are malnourished. Despite the positive progress, child and maternal mortality as well as access to water, sanitation, and hygiene need to be further addressed. The Committee is also concerned that there is lack of positive attitude towards accessing health centers in cases of illness of children which has been attested by UNICEF statistics, for instance only 28% of children with diarrhoea received oral rehydration salts.
17. The Committee recommends that the State Party enhances its investment on the right to life, survival and development of children; assesses its campaigns and actions targeted to address malnutrition; integrates nutrition issues in agriculture; creates awareness on nutritious foods that can be made from readily available household goods; provides nutrition supplements in areas where malnutrition is prevalent; and increases the rate of immunization for other vaccinations which play enormous roles in preventing deadly diseases. The State Party is encouraged to provide safe water, sanitation and hygiene facilities by giving specific attention to households with children under five or pregnant women. The Committee recommends that the State Party undertakes sensitization to educate parents and care givers to access health facilities in cases of illness as well as prenatal and postnatal care.

### ***The views of the child***

18. The Committee appreciates that the National Children's Summit takes place every year, and the Children Forum Committees are established to provide an opportunity for all children including children with disabilities and refugee children to express their views. The Committee also commends that that these platforms are representative of wide range of children from all districts and the views of children expressed in such platforms are considered in decision making processes. The State Party shared cases where the views of children duly considered in decision making processes, such as in budget allocation for provision of safe water, electricity and education, which is commendable. The Committee recommends that the State Party provides more support to the children who participate in the Summit as well as the Children Forum Committees so as to empower them to have meaningful engagement.

19. In relation to the participation of children in judicial proceedings and other issues affecting them, the Committee is concerned that the Law N° 32/2016 of 28/08/2016 governing persons and family does not have any procedure that allows children to participate in custody cases at the time of divorce. The Committee recommends that the State Party reviews such procedures and ensure that children's views are considered in decisions that concern or affect them.

## **D. Civil rights and freedoms**

### ***Right to name, nationality and birth registration***

20. The Committee welcomes the adoption of Law N° 32/2016 of 28/08/2016 governing persons and family which addresses some of the concerns that the Committee has pointed out in its previous recommendations. Particularly, the law extends the period for birth registration from 15 days to 30 days, and it has removed the fine that was previously imposed on late birth registration as affirmed by the State Party during the constructive dialogue. The Committee further notes with appreciation that birth registration is being provided in health services and sensitization campaigns are undertaken to increase the rate of birth registration. Following the recommendations of the Committee, the State Party has provided procedures where one parent can register a child without barriers, which the Committee appreciates. However, the Committee notes that the rate of birth registration remains very low where birth notification stands at 58%, and birth registration at civil registry and certification are even lower. The Committee is also concerned that birth registration is not accessible in some areas; birth certification is not immediate as provided by law; and people have to travel long distances to obtain the birth certificate.

21. The Committee would like emphasise the fact that birth certification is an essential element of Article 6 of the African Children's Charter as it is required to prove registration of ones birth. As the Committee, in its General Comment No 2 on Article 6 of the African Children's Charter, clearly prescribes, States should ensure that a birth certificate is issued immediately after registration and the first copy should be provided for free. The Committee, therefore, recommends that the State Party work towards increasing access to birth registration for all children born in all areas of the Country, including in remote and rural areas particularly by establishing mobile birth registration centers, among others. Moreover, the Committee recommends that the State Party decentralizes birth certification services so that it is issued at the same time with birth registration. In addition, the Committee encourages the State Party to continue the ongoing extensive sensitization to achieve universal birth registration and certification of all children born in its territory.

***Freedom of expression, access to appropriate information, freedom of thought, conscience and religion***

22. In addition to the forums where children participate through representation in the child parliaments and child forum committees, the Committee is of the view that all children have the right to fundamental freedoms. The Committee acknowledges that the State Party has a legal framework that provides for freedom of expression and freedom of assembly including the Law on the Rights and Protection of the Child. The Committee recommends that the State Party couples the legal framework with sensitization of communities so that children have freedom to embrace their rights. Moreover, the Committee recommends that the State Party establishes additional platforms for children to express their views in schools and on media. In relation to children's right to access information, the Committee encourages the State Party to provide child friendly sources particularly designated for children to ensure their protection and safety in accessing information. The Committee also recalls its recommendation for the State Party to ensure the protection of the right to privacy of child victims and child witnesses.

***Protection against abuse and torture***

23. The Committee commends that the State Party has implemented the previous recommendation of the Committee concerning parental right to correct children, a regressive provision provided under the Civil Code, which is now repealed by Law N° 32/2016 of 28/08/2016 Governing Persons and Family where no such right of parents is accepted. Additionally, the Committee welcomes the adoption of Ministerial Instructions No 001 of 10 May 2017 of the Ministry of Education that prohibits corporal punishment. Despite the legislative framework that bans corporal punishment, the Committee observes from the constructive dialogue that corporal punishment is highly practiced. The Committee is also concerned that no information was provided by the State Party as to banning corporal punishment in all settings including in alternative care facilities.

24. In view of the foregoing, the Committee encourages the State Party to undertake the following measures:

- Ensure that corporal punishment is explicitly prohibited in all settings including residential care facilities, correction centers and other facilities;
- Provide training for teachers, parents and police on positive discipline and preferably provide guidelines on positive disciplining measures;
- Investigate and prosecute cases of corporal punishment specifically in schools, and alternative care facilities; and



- Engage traditional and religious leaders in sensitizing communities about the negative impact of corporal punishment and establish community based prevention and protection mechanisms.

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

25. The Committee notes with appreciation the adoption of the Law Governing Persons and Family which provides better protection of children; and guarantees equality of men and women in raising children; and the revision of the ECD Policy in 2016.

### ***Parental guidance and parental responsibilities***

26. The Committee appreciates the State Party for providing support to economically disadvantaged families through Vision 2020 Umurenge Program (VUP); and sensitization of parents on positive parenting using volunteers. The Committee recommends that the State Party increases investment to support families as such measure plays a great role in prevention separation and ensuring proper growth and development for children. Sensitizing parents and caregivers should include steps that need to be taken to make home a safe space for children by addressing issues such as domestic violence and child neglect.

### ***Separation of children and family reunification***

27. The Committee observes that children who are deprived of their family environment are mostly catered for through kinship care as opposed to foster care or residential care. The Committee, however, is concerned with the lack of data on the status of children in kinship care; the Committee also notes reports, with concern, that indicate children taken care by elderly kin are disproportionately economically disadvantaged. Hence, the Committee recommends that the State Party collects data on the status of children in kinship care and provide support to kinship care givers who need support. The State Party should also consider placing special attention in supporting child headed families.

28. In cases where parents are alive, the Committee recommends that the State Party undertakes family tracing, assessment and reunification in a systematic manner where the best interests of the child is given the primary consideration.

29. In relation to foster care, the Committee commends that efforts of the State Party in introducing programmes to promote foster care, deinstitutionalising children and recruiting more social workers. However, there Committee notes with concern that there is no information about the status of children placed in foster care. The Committee reiterates its recommendation on the previous report where it states more

social workers should be trained and recruited to sustain the deinstitutionalization process and to make foster care effective and reliable. The Committee encourages the State Party to strengthen its support provided for foster families to encourage foster care as opposed to residential care.

30. The Committee recommends that residential care facilities are monitored and evaluated regularly in addition to the reports they have to submit to the Government. The care and facilities availed for children in institutional care should be standardized and inspected to ensure the protection of the rights of children.
31. The Committee notes with concern that some reports indicate that the number of children with disabilities who are in institutional care are higher than the average rate. The Committee recommends that the State Party undertakes sensitization on non-discrimination of children with disabilities and promotes the foster care of children with disabilities, among others, by providing additional subsidy for foster parents who take care of children with disabilities.

### ***Adoption***

32. The Committee notes that the State Party lifted the suspension on inter-country adoption in 2017. The Committee recommends that the State Party complies with international standards of inter-country adoption through establishing safeguarding rules on identification of adoptive parents, accreditation and regulation of adoptive bodies, probationary period, right to participation for children below the age of 12 based on their evolving capacity, and identifying the cost for adoption procedures to prevent sale of children. The Committee is concerned about the lack of centralized data on domestic adoption; therefore, recommends that the State Party establishes centralized data collection and monitoring mechanisms for domestic adoptions. The safeguarding rules recommended above for inter-country adoption should also apply in the context of domestic adoption.

## **F. Basic health and welfare**

33. The Committee notes that the State Party is undertaking efforts to build more health centers and referral hospitals, train more physicians, provide health insurance, and employ more health extension workers. While the positive achievements are notable, the Committee is concerned that the ratio of health budget to national budget declined in the past few years and the physician to population ratio is one of the lowest in the continent. Access and quality of health services are still areas where the Committee believes more actions need to be taken. Furthermore, the Committee notes that there is an increase in the rate of child pregnancy.
34. The Committee recommends that the State Party increases its budget allocation to the health sector and does not primarily target the health or education sectors in cases

where budgets need to be cut off. The Committee encourages that the State Party increases investment in medical education to train more physicians and to sustainably retain available physicians. The Committee also recommends that Government interventions to achieve universal health coverage, incorporate programs and actions to improve the quality of health services provided at all levels. In this regards, the Committee encourages the Government to seek partnership with the private health sectors and other stakeholders.

35. The Committee highlights that child pregnancy is one of the causes for maternal mortality and adversely affects the teenage bearing the baby in terms of education, economy, and social stigma. The Committee would like to stress that teenage pregnancy can be prevented if sexual reproductive health services are made available to adolescent girls. The Committee recommends that the State Party sensitizes adolescent girls on contraception options including emergency contraception pills and prevention of sexually transmitted diseases including HIV. While schools are one of the most important places to raise awareness on such issues, the Committee recommends that sensitization program also target out of school and economically disadvantaged girls as they are the most vulnerable when it comes to teenage pregnancy. Moreover, the Committee recommends that the State Party makes contraception available for adolescent girls.
36. Furthermore, the Committee recommends that the State Party employs its continued efforts to ensure the protection of the rights and welfare of children with disabilities. The Committee recommends that children with disabilities are not excluded from health services such as immunizations and nutrition supplements. Health facilities should also be accessible to children with disabilities; and health workers should be trained to provide disability friendly services that can cater for the special needs of children with disabilities.

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

37. The Committee welcomes that the State Party has undertaken various measures including the training of teachers, school feeding programmes, one cup of milk per child program in schools, introducing girls' rooms in schools where girls can access sanitary pads and hygiene materials, and implementing the previous recommendations of the Committee to assess causes of dropout and repetition by commissioning a study. Nevertheless, the Committee notes with concern the decline in the percentage of the budget allocated for the education sector; the low pre-primary education enrolment at 13%; the very low completion rate of primary education which stands at 54%; low secondary education enrolment rate with enrolment at lower secondary education being 30% and higher secondary education being 15%; and high

pupil to teacher ratio. Moreover, the Committee notes with concern that article 26(4) of the Ministerial Instruction No 001 of 10 May 2017 establishing guidelines for setting up general or TVET, Nursery, Primary or Secondary School's internal rules and regulations provides prostitution as a ground of expulsion from schools. The Committee recommends that the State Party undertakes the following measures to ensure a better protection of the right to education for all children:

- a. Finalize the study that assesses dropout and repetition trends as soon as possible and based on the outcome develop action plans and programs that address the causes of dropouts and repetitions;
  - b. Increase the budget allocated for the education sector proportionally with the increase of the total budget of the Country as there are various remaining issues that need to be addressed;
  - c. Build more public pre-primary schools and provide the existing public pre-primary schools with the necessary budget and human resource for their proper and effective operation;
  - d. Strengthen efforts in introducing school retention programs such as expanding the school feeding program to a wide range of schools; providing bursaries and other support for children from economically disadvantaged families; and reducing any related cost students might be required to incur to remain in school;
  - e. Promote secondary education enrolment by making secondary schools more accessible, provide financial supports, sensitize parents to send their children to secondary education;
  - f. Continue training more teachers until the pupil to teacher ration lowers to the acceptable standard and build the capacity of teachers through pedagogical trainings to increase the quality of education; and
  - g. Remove prostitution as a ground of expulsion from school; rather establish the necessary referral mechanism for children involved in prostitution to ensure their rehabilitation and reintegration without dropping out from school.
38. In relation to inclusive education, the Committee commends that the State Party developed a national strategy for inclusive education and adopted a Ministerial Order requiring newly built schools to provide facilities to accommodate children with disabilities. The Committee recommends that already existing schools should also be renovated to become child friendly by putting the necessary infrastructure and facilities. Moreover, the Committee recommends that teachers are trained with special needs education and schools should be provided with teaching and learning materials that are accessible to children with all forms of disabilities to translate inclusive education strategy to reality.
39. The Committee encourages the State Party to continue the good work it is undertaking to have playgrounds in schools and communities and to make sports and leisure a habit in the community. The Committee encourages the State Party to ensure that

basic facilities are provided in schools and youth centres for play and leisure and to ensure that such playgrounds are also accessible for children with disabilities.

## **H. Special Protection Measures**

### ***Refugee children***

40. The Committee notes with appreciation that the State Party has taken the approach of integration of refugees and has adopted a refugee response plan. The Committee, however, remains concerned about the instances of sexual abuse, neglect and exploitation against refugee children. Reports show that there are many out of school children among refugees. The Committee is concerned that the shelters are congested and do not have basic facilities or adequate protection from the rain. The Committee also observes that there are a large number of children who need special protection such as unaccompanied minors and child headed refugee families. The Committee recommends that the State Party improves the condition of the refugee camps and increases its budgetary allocation for food supply for refugee children. The Committee recommends that unaccompanied minors are provided with family tracing and reunification services or when that is impossible with alternative care mechanism. Skills training and support should be provided to child headed families and neglected children. In addition, refugee children should be provided with education and the means to enrol in schools.
41. The Committee would also like to draw the attention of the State Party in identifying practices and customs within refugee children in two folds: first refugee children in the territory of the State Party may be subject to harmful practices that are not practiced in the State Party such as FGM and child marriage, hence it becomes important to protect those children; second such practice may spread in the communities of the State Party if not addressed early due to the integration approached opted by the Government. Therefore, the Committee encourages the State Party to identify harmful practices exercised by refugees and include response mechanisms in its refugee response plan.

### ***Children in armed conflicts***

42. In its previous recommendations, the Committee has raised the issue of Rwandan children recruited to fight in neighbouring country Democratic Republic of Congo. On one hand the State Party indicated that it does not have information in this regard, on the other hand, it provided information on the number of children repatriated from Democratic Republic of Congo who were involved in the conflict. The Committee strongly recommends that the State Party undertakes an assessment of the situation including which parts are affected most, what puts children in risk for recruitment by armed groups from neighbouring countries, and the number of children recruited. The Committee recommends that the State Party strengthens its border security and other

preventive mechanisms to ensure that none of its children are recruited. The Committee recommends that the State Party continues to repatriate, rehabilitate and reintegrate children who have been recruited and, in cooperation with neighbouring countries, ensures that perpetrators are investigated and prosecuted in line with the penal law which penalizes recruitment of children. The Committee also recommends for a thorough de-radicalization and monitoring structure to be adopted and implemented by the State party towards monitoring the progress of the rescued children.

### ***Children in conflict with the law***

43. The Committee commends that the State Party has considered the recommendations of the Committee in good order and established Juvenile Chambers in all Intermediate Courts where trained judges are entrusted with cases involving children. The State Party reports also mentions that there are separate rehabilitation centers for children in conflict with the law. While this is notable, the Committee notes with concern that children are always sentenced to custodial sentences and still detained with adults in many prisons such as in Gikondo. Moreover, some reports indicate that there have been instances of arbitrary detention of children without due process. There are also indications that the prisons where children are detained do not have sufficient basic necessities.
44. The Committee recommends that the State Party consider its obligation under article 17 of the Charter and particularly to:
- a) Undertake continuous training to juvenile chamber judges to inform them about the specific rights of children they should uphold including giving priority to non-custodial sentences;
  - b) Ensure that children are not arbitrarily arrested by training the police and taking measures against arbitrary detentions;
  - c) Build correctional centers for children to ensure that they are not detained with adults and until such centers are built to establish juvenile units in the current prison cells to separate children;
  - d) Provide rehabilitation, education and skills training services for children in conflict with the law;
  - e) Ensure that children in detention are in no way subject to physical abuse and are treated with respect and dignity; provided with their basic needs including but not limited to adequate food, sanitation, education, and health services.

### ***Children of imprisoned parents or care-givers***

45. The Committee notes that the State Party has ECD for children under the age of 3 who are incarcerated with their mothers and after 3 years the children will be reintegrated with the other biological parent or placed in foster care. The State Party report further provides that children incarcerated with their parents are provided with

health, birth registration and other basic services. Nevertheless, the Committee comes across various reports, including that of UNICEF, which highlight that infants of incarcerated mothers are imprisoned with their mothers where the conditions are not ideal for infants. The Committee recommends that the State Party provides clear guidelines and procedures to give priority to non-custodial sentences for mothers or primary care givers of children. Where non-custodial sentence is not an option for the crime committed, the Committee recommends for the State Party to establish well maintained and equipped ECD centers for such mothers and caregivers. Children of incarcerated caregivers placed in such centers should be provided with the daily required meals, nutritional supplements, vaccinations, birth registration, as well as leisure and play. The Committee stresses that the children incarcerated with their mothers are innocent children who should be protected non-discriminatorily in spite of the status of their parents. Such protection obligation lies on the State Party and these children should not be exposed to an environment that has negative impact on their physical and psychosocial wellbeing. It is with this view that the Committee recommends that the State Party does not imprison children on the basis of the crime committed by their parents.

### ***Child labour***

46. The Committee Commends the adoption of Ministerial Instructions N° 01/2017 of 17/11/17 on the prevention and fight against child labour which applies both in the formal and informal sector and which imposes penalty on businesses that employ children below the minimum age of employment as well as on works not permitted for children. The Committee, however, notes that according to UNICEF's 2016 report on the State of the World's Children 29% of children are victims of child labour; the number of labour inspectors does not match the workforce; and there is low conviction rate against those who perpetrate child labour. The Committee recommends that the State Party recruits more labour inspectors and train them how to identify child labour in all sectors; shows due diligence to prosecute and convict perpetrators; provide rehabilitation and reintegration for children withdrawn; and strengthens its social programs to prevent child labour.

### ***Child trafficking, abduction and sale***

47. The Committee in its previous recommendation indicated that protection should be provided to children who are trafficked in to Democratic Republic of Congo, Tanzania, Uganda, and other countries for commercial sexual exploitation and forced labour. The Committee also notes that children are being internally trafficked in for worst forms of child labour and sexual exploitation. While the Committee appreciates the legislative and other measures undertaken, including prosecution of perpetrators, it

encourages the State Party to identify internal and external trafficking routes and regulate the movement of people in those areas as well as strengthen border security; enhance its prevention mechanism including social programs for vulnerable groups. The Committee recommends that the State Party establishes a cross-border cooperation with neighbouring countries for prevention, identification of victims, repatriation, family tracing and reunification. Furthermore, the Committee encourages the State Party to continue prosecuting perpetrators and ensure that children found in situations of prostitution or other activities due to trafficking are treated primarily as victims and are provide with rehabilitation services.

### ***Sexual exploitation and abuse***

48. The Committee is concerned that sexual exploitation and abuse against children, both girls and boys, is increasing in the State Party. The Committee notes that children are abused mostly by family members, relatives or people they know. The Committee further notes that reporting on cases of sexual abuse and exploitation is significantly low, mainly due to fear and shame. The increase in sexual exploitation has also led to an increase in teenage pregnancy. Moreover, reports show that over 80% of Rwandan children who have been sexually abused or exploited dropout of school.
49. The Committee notes with appreciation that the State Party has launched a campaign to end violence against children and conducted a survey on violence against children. The Committee also notes the State Party's effort to prosecute and convict perpetrators. The Committee recommends that the State Party work towards making its one-stop centers as child friendly as possible where children feel safe to report cases. Other reporting mechanism that are close to the community should also be introduced including in schools to encourage the habit of reporting on cases of sexual abuse. The Community, including traditional leaders, should be sensitized to prevent and report on incidents of sexual abuses perpetrated against children. Moreover, the Committee encourages the State Party enhance its efforts in prosecution and conviction to deter further violence. The Committee also encourages the State Party to provide emergency contraception, medical, psychosocial, and educations services for victims of sexual abuse and exploitation.

### ***Children in street situation***

50. The Committee notes that there is increasing number of children in street situation particularly in urban areas like Kigali. The Committee recommends that the State Party



assesses the situation, identifies the cause and prevent the situation of children on the street. The Committee also encourages that the State Party to withdraw children from the street, reunify them with their parents or provide them with alternative care, provide them with skills training, and reintegrate them in the community.

### ***Harmful practices***

51. The Committee notes with great appreciation that child marriage is at a low rate and FGM is not a cultural practice in the State Party. The Committee encourages the State Party to be vigilant and prevent the occurrence of child marriage or female genital mutilation (FGM) which can be brought with cross border movements. The Committee recommends that the State Party criminalizes FGM and cooperate with neighbouring countries to prevent cross-border FGM.

### **I. Responsibility of the child**

52. The Committee commends that the State Party conceptualizes the responsibilities of the child from the perspective of child participation and positive parenting. The Committee further encourages the State Party to educate children about their responsibilities and empower them to be able to deliver their responsibilities in schools and through other initiatives. Children should be educated about their responsibilities towards their families, their nation, and the environment and involved in activities that are appropriate for their age such as cleaning the environment, providing support for elderly and so forth.

### **J. Conclusion**

53. The African Committee of Experts on the Rights and Welfare of the Child appreciates the measures undertaken and efforts invested by the Government of Rwanda towards the implementation of the African Children's Charter and the recommendations of the Committee on the first periodic report. The Committee aspires for the implementation of the current recommendations and would like to indicate that it will undertake a follow up mission to assess the implementation of these recommendations in the foreseeable future. The Committee would also like to invite the State Party to submit its third periodic report in September 2022 according to article 43 of the African Children's Charter.

54. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Rwanda the assurances of its highest consideration.