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Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fifth and sixth periodic reports of Rwanda*

I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Rwanda (CRC/C/RWA/5-6) at its 2442nd and 2443rd meetings (see CRC/C/SR.2442 and 2443), held on 27 and 28 January 2020, and adopted the present concluding observations at its 2460th meeting, held on 7 February 2020.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/RWA/RQ/5-6), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, in particular the adoption of Law No. 71/2018 relating to the protection of the child, Law No. 68/2018 determining offences and penalties in general, Law No. 32/2016 governing persons and the family, the revised policy on justice for children and the national integrated child rights policy and the strategic plan for its implementation for the period 2019–2024. It commends the State party on its remarkable achievement of most of the Millennium Development Goals, in particular in reducing the poverty and infant and child mortality rates, improving access to education and health services and combating HIV/AIDS.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: cooperation with civil society (para. 14), sexual exploitation and abuse (para. 26), children with disabilities (para. 33), adolescent health (para. 36), children in street situations (para. 45) and administration of child justice (para. 48).

* Adopted by the Committee at its eighty-third session (20 January–7 February 2020).



5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

6. While welcoming the adoption of Law No. 71/2018, the Committee regrets the insufficient consultation with civil society on new legislation and recommends that the State party:

(a) Fully harmonize its legislation with the principles and provisions of the Convention, in close consultation with civil society organizations and children;

(b) Ensure that the implementation of child-related laws addresses disparities in the fulfilment of children's rights, in line with the Committee's previous recommendations.

Comprehensive policy and strategy

7. The Committee recommends that the State party establish an adequate monitoring and evaluation mechanism to regularly assess progress achieved and identify possible deficiencies in implementing the strategic plan on integrated child rights.

Coordination

8. The Committee recommends that the State party enhance the mandate and authority of the National Commission for Children to effectively coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, district, sector and cell levels.

Allocation of resources

9. While noting with appreciation the increased budget allocations for children, the very low levels of corruption and the consultations with children conducted by some districts on planning and budgeting processes, the Committee, in the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, recommends that the State party:

(a) Allocate adequate financial, human and technical resources for the implementation of all policies, plans, programmes and legislative measures for children, including, in particular, the strategic plan for the implementation of the integrated child rights policy for the period 2019–2024;

(b) Implement a system for tracking and ensuring the efficient use of budgetary allocations for the realization of children's rights, conduct regular assessments of the distributional impact of government investment in sectors supporting the realization of children's rights and identify measures to address any disparities between girls and boys, with particular attention to Batwa children, children with disabilities and children belonging to other vulnerable groups;

(c) Ensure that budgetary allocations for children also provide for qualified social workers and other child protection professionals;

(d) Strengthen mechanisms for ensuring transparent and inclusive budgeting by allowing children, civil society and the public to participate in all stages

of the budgetary process, including formulation, implementation, monitoring and evaluation, and by rolling out consultations with children on planning and budgeting in all districts;

(e) Provide information on the proportion of the national budget allocated to the implementation of the rights of the child at the national and local levels in its next periodic report.

Data collection

10. The Committee welcomes the establishment, in 2014, of a database on children in vulnerable situations and recommends that the State party:

(a) Improve its data-collection system and ensure that it covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, nationality, geographical location, ethnic origin and socioeconomic background, in order to facilitate analysis of the situation of all children, especially in the areas of health, violence, sexual exploitation, child labour, trafficking and child justice, and in particular children in street situations and Batwa children;

(b) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the guidelines of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

Independent monitoring

11. Recalling its previous recommendations (CRC/C/RWA/CO/3-4, para. 18), the Committee recommends that the State party:

(a) Ensure that the National Commission for Human Rights, including the Child Rights Observatory, has adequate and sufficient human, technical and financial resources to effectively monitor the implementation of the Convention;

(b) Raise awareness among children of their right to file a complaint and ensure that the procedures are accessible, confidential and child-friendly;

(c) Ensure effective coordination between the Child Rights Observatory and the National Commission for Children on relevant policies and measures.

Dissemination, awareness-raising and training

12. The Committee notes with appreciation the training activities on the Convention for lawyers, local authorities, law enforcement officials and civil society and recommends that the State party:

(a) Strengthen its awareness-raising programmes, including campaigns, in cooperation with civil society organizations, to ensure that the Convention is widely known by the general public, including parents and children themselves;

(b) Promote the active involvement of children in public outreach activities and encourage the media to ensure sensitivity to children's rights and the inclusion of children in the development of those programmes;

(c) Include mandatory modules on the Convention in school curricula and in training programmes for law enforcement officials, judges, prosecutors, lawyers, teachers, social workers, health professionals and other professionals working with and for children.

Cooperation with civil society

13. The Committee remains concerned about reports of the arbitrary detention and enforced disappearance of human rights defenders, including those working on children's rights, and the difficulties faced by civil society organizations in obtaining long-term registered status.

14. **The Committee reminds the State party of the important role of independent civil society organizations and human rights defenders in promoting the human rights of children and urges the State party, in line with the Committee's previous recommendations (CRC/C/RWA/CO/3-4, para. 20), to:**

(a) **Ensure the independence of civil society organizations and human rights defenders in promoting children's rights and in exercising their right to freedom of expression and opinion without being subjected to harassment, arbitrary detention or enforced disappearance, including by ensuring the registration of such organizations;**

(b) **Promptly and thoroughly investigate all allegations of intimidation of human rights defenders, including child human rights defenders and their families, and ensure that they have adequate access to justice and are protected from future harassment, intimidation, retaliation and violence;**

(c) **Systematically engage civil society organizations working in the field of children's rights in the planning, implementation, monitoring and evaluation of laws, policies, plans and programmes relating to the Convention and the promotion of children's rights.**

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

15. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure the full implementation of relevant laws prohibiting discrimination, including by adequately sanctioning perpetrators and providing child victims of discrimination with appropriate remedies;**

(b) **Ensure full access to education and health and social services for children in disadvantaged or vulnerable situations, including children with disabilities, children in street situations, children affected by HIV/AIDS, children living in poverty or in child-headed households and children from historically marginalized communities, including the Batwa;**

(c) **Provide anti-discrimination training to government and law enforcement officials.**

Best interests of the child

16. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee notes with concern the removal of the principle of the best interests of the child from recently adopted Law No. 71/2018 and recommends that the State party:**

(a) **Strengthen its efforts to ensure that the principle of the best interests of the child is explicitly provided, appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies and programmes that are relevant to and have an impact on children;**

(b) **Develop procedures and criteria to provide guidance to all relevant professionals for determining the best interests of the child in every area and for giving the best interests of the child due weight as a primary consideration;**

(c) Evaluate, on the basis of the procedures and criteria described above, all practices, policies and services, including the use of institutional care, orphanages and transit centres.

Respect for the views of the child

17. Noting with concern that Law No. 32/2016 does not provide for children to express their views in adoption procedures or judicial decisions concerning custody or divorce, the Committee reiterates its previous recommendations (CRC/C/RWA/CO/3-4, para. 24) and recommends that the State party:

(a) Ensure that children's views are given due consideration in courts, schools and relevant administrative processes concerning children by, inter alia, amending Law No. 32/2016 so that children's views are respected in administrative and judicial proceedings concerning custody, divorce and all types of adoption, conducting training and developing operational procedures or protocols for professionals working with and for children to ensure respect for the views of children in administrative and judicial proceedings and establishing specific activities at schools, such as children's newspapers;

(b) Allocate sufficient technical, human and financial resources to the effective functioning of the children's forums and the National Children's Summit and ensure that their outcomes are systematically fed into public decision-making and that children receive the feedback;

(c) Expedite the establishment of children's centres in all districts and ensure that they are accessible, safe and adequately resourced;

(d) Conduct awareness-raising activities to promote the meaningful and empowered participation of all children within the family, communities and schools, paying particular attention to girls, children with disabilities, children deprived of a family environment and Batwa children, and include children in decision-making in all matters related to children, including environmental matters.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

18. Taking note of target 16.9 of the Sustainable Development Goals, the Committee notes with appreciation the introduction of e-registration in health facilities and recommends that the State party:

(a) Continue its efforts to promote the timely registration of births, including by implementing e-registration in all health facilities and mobile registration campaigns throughout the country and raising awareness among the general public of the new e-registration system and of the importance of birth registration;

(b) Ensure effective coordination between health facilities, civil registrars and notary officers, the digitalization without fees of the registrations of children who were born prior to the availability of e-registration and that all registered children receive birth certificates.

Freedom of thought, conscience and religion

19. The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion and ensure to every child the right to practice freely his or her religion or belief.

Freedoms of expression, association and peaceful assembly

20. The Committee recommends that the State party take all measures necessary to guarantee the freedoms of expression, association and peaceful assembly for all

children, as provided under the Constitution and the Convention, and ensure that children are supported and encouraged to form their own associations and initiatives.

Right to privacy

21. The Committee recommends that the State party take measures to fully protect the right of the child to privacy, including developing guidelines for parents, teachers, social workers and other professionals working with and for children to ensure that they understand and respect the right of the child to privacy.

Access to appropriate information

22. The Committee commends the State party for the significant increase in Internet access coverage and the adoption of the child online policy and recommends that the State party continue to expand access to the Internet and to information for children in disadvantaged or vulnerable situations and ensure that children are protected from online risks, including by providing training on the child online policy to relevant stakeholders and putting into place online safety measures.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

23. While noting with appreciation the repeal of parents' "right to correction" from legislation and the prohibition of corporal punishment in schools, the Committee remains deeply concerned with the still extensive use of corporal punishment in schools and in the home. The Committee reiterates its previous recommendations (CRC/C/RWA/CO/3-4, para. 28) and urges the State party to:

(a) Explicitly prohibit in legislation the use of corporal punishment in all settings, including in the home, childcare institutions and alternative care settings;

(b) Ensure that the prohibition of corporal punishment is adequately monitored and enforced and that cases of violations are referred to the competent administrative and/or judicial authorities;

(c) Strengthen efforts to raise the awareness of parents, teachers, professionals working with and for children and the general public about the harm caused by corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline.

Violence, abuse and neglect

24. The Committee expresses deep concern over the high incidence of violence, including physical, sexual and emotional violence, against children in the State party. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and target 16.2 of the Sustainable Development Goals, the Committee urges the State party:

(a) To address the violence against and harassment of children by teachers and their peers by strengthening the training of teachers and raising the awareness of students of the harmful effects of violence, harassment and bullying and disseminating information among children, parents, caregivers, teachers and staff working with and for children on relevant complaint mechanisms and remedies in school settings;

(b) To allocate sufficient human, technical and financial resources to Isange One-Stop Centres, social workers and other front-line service providers to adequately respond to reported cases of child abuse and neglect;

(c) To integrate data collection on violence against children into national data-collection systems and ensure the systematic collection of information and data, disaggregated by age, sex, type of violence and relationship between the victim and the

perpetrator, on all cases of violence against children in families, schools, institutional care and refugee camps.

Sexual exploitation and abuse

25. While noting with appreciation the measures taken to address the prevalence of the sexual exploitation and abuse of children, including the expansion of Isange One-Stop Centres, the Committee is seriously concerned about the underreporting of the sexual exploitation and abuse of children, the public tolerance of sexual violence against girls, the increasing prevalence of teenage pregnancy and the high proportion of teenage pregnancies that are a result of sexual violence.

26. **Taking note of target 5.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Establish effective mechanisms, procedures and guidelines for the mandatory reporting of cases of sexual exploitation and abuse in the home, school, institutions and other settings, including online, and ensure the availability of accessible, confidential, child-friendly and effective reporting channels for such violations;**

(b) **Ensure that the sexual abuse of children is promptly reported, investigated and prosecuted, applying a child-friendly and multisectoral approach with the aim of avoiding the retraumatization of the child victim, and that perpetrators are duly sanctioned;**

(c) **Provide child victims with child-friendly and multisectoral remedies and comprehensive support, including psychological, recovery and social reintegration assistance;**

(d) **Ensure that all professionals and staff working with and for children, including law enforcement authorities, judges, prosecutors, social workers and civil servants, receive training on how to receive, monitor, investigate and prosecute complaints in a child-sensitive and gender-sensitive manner;**

(e) **Assess the impact of awareness-raising programmes aimed at preventing the sexual exploitation and abuse of children.**

Harmful practices

27. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party take active measures to prevent child marriage, including through a national action plan with dedicated resources for its implementation.**

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

28. **Noting with regret the continued criminalization of child abandonment, the Committee recommends that the State party:**

(a) **Ensure that families and parents who are unable to provide proper care for their children are not prosecuted for child abandonment;**

(b) **Allocate sufficient financial resources for the *inshuti z'umuryango* (child and family protection volunteers) and other programmes aimed at supporting families in vulnerable situations and ensure that they also address the psychosocial needs of child-headed households;**

(c) Recruit and increase the number of adequately trained social workers in all districts of the State party, who should supervise and provide technical support to volunteers of the *inshuti z'umuryango* programme and ensure the appropriate referral of child protection cases.

Children deprived of a family environment

29. The Committee notes with appreciation the measures taken to phase out the institutionalization of children deprived of a family environment and promote family-based care. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:

(a) Continue to support and facilitate family-based care for all children, including children with disabilities and children living in street situations, and ensure the effective implementation of the strategy for childcare reform;

(b) Put into place adequate safeguards and clear criteria, based on the principle of the best interests of the child, for determining whether a child should be placed in alternative care, ensure the periodic review of the placement of children in foster care and alternative care centres, including centres for children with disabilities and the national rehabilitation centres, and monitor the quality of care of such institutions, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children.

Adoption

30. Noting the adoption of Law No. 32/2016, the Committee recommends that the State party:

(a) Take further legislative and other measures to ensure that adoption procedures are in compliance with the Convention on the Rights of the Child and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption by establishing standard guidelines for the screening of potential adoptive parents, providing training and support to adoptive parents and preserving information concerning the identity of the child's parents;

(b) Ensure that the best interests of the child are the paramount consideration in all adoption cases and that the views of the child are heard and given due consideration in all types of adoption cases;

(c) Ensure that professionals responsible for adoption cases are fully equipped with the expertise needed to review and process adoption cases, strengthen the coordination of relevant agencies and ensure the sufficient training of staff to ensure appropriate long-term support for adopted children and adoptive parents.

Children of incarcerated parents

31. The Committee recommends that the State party ensure that living conditions for children in prison with their mothers are adequate for the child's physical, mental and social development and seek alternative measures to institutional confinement for pregnant women and mothers with small children, wherever possible.

F. Children with disabilities (art. 23)

32. The Committee welcomes the adoption of a national strategy for inclusive education and increased support for families of children with disabilities. However, it is seriously concerned that:

(a) Law No. 54/2011 does not provide protection for children with all types of disabilities, in particular psychosocial disabilities;

(b) School curricula are not adapted for children with disabilities and there is an inadequate number of teachers who are qualified to provide inclusive education for children with disabilities;

(c) Some families place their children with disabilities in residential care institutions so that they can obtain specialized services that are not available in their communities;

(d) Children with disabilities continue to face discrimination and are not effectively integrated into all areas of social life.

33. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:

(a) Amend legislation, including Law No. 54/2011, to ensure that the protection of children with disabilities extends to all types of disabilities, including intellectual and psychosocial disabilities;

(b) Guarantee all children, including those with intellectual and psychosocial disabilities, the right to inclusive education in integrated classes, with accessible environments and curricula and adequately trained teachers and professionals to provide individual support;

(c) Continue efforts to deinstitutionalize children with disabilities and strengthen support to families with such children, including financial support, for their social integration and individual development;

(d) Take all measures necessary to ensure that children with disabilities leaving alternative care are fully integrated into all areas of social life, including by providing access to adequate housing, legal, health and social services and educational and vocational training opportunities;

(e) Strengthen its awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities, especially children with psychosocial and intellectual disabilities, and promote a positive image of such children;

(f) Ensure that children with disabilities are consulted on matters that concern them.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

34. The Committee commends the State party for achieving high rates of immunization and health insurance coverage. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and target 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Improve access to high-quality health care, obstetric care and nutrition services for children, including through the allocation of sufficient financial resources for health infrastructure and the training of community health workers to address the specific needs of children and adolescents;

(b) Ensure that primary health-care services are accessible and affordable, including by training health-care personnel and reviewing the criteria of programmes, such as *Ubudehe*, to ensure that all children living in poverty can obtain free health care;

(c) Strengthen efforts to prevent anaemia, stunting and undernourishment among children by, inter alia, promoting proper infant and young-child feeding practices, providing nutritional supplements and strengthening efforts to raise public awareness of good nutrition;

(d) **Build the capacity of health workers to provide care and support for children living with HIV/AIDS;**

(e) **Strengthen actions to promote breastfeeding and monitor the implementation of the International Code of Marketing of Breast-milk Substitutes;**

(f) **Establish mechanisms in each province and district to monitor the implementation of health policies and strategic plans, in line with the Committee's previous recommendation (CRC/C/RWA/CO/3-4, para. 47 (d)).**

Adolescent health

35. The Committee notes with appreciation the integration of reproductive health education into primary and secondary school curricula, the decriminalization of abortion for adolescent girls and the presidential pardon in 2019 of a number of women and girls who were serving prison sentences for offences related to abortion. Nonetheless, the Committee is concerned about the increasing rate of teenage pregnancy, the limited access to comprehensive reproductive health education and services, including contraceptives, the inaccessibility of safe abortion services for adolescent girls, due to the requirement that they have the consent of and be accompanied by a parent or legal guardian and the fear of criminalization, and the increased rates of drug use and mental health conditions among adolescents.

36. **In the light of its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence and taking note of targets 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Strengthen reproductive health education for adolescents in all schools to prevent early pregnancy, sexually transmitted infections and substance abuse;**

(b) **Improve access for adolescents to confidential and age-appropriate reproductive and sexual health services, family planning services and modern contraceptives;**

(c) **Ensure access to safe abortion and post-abortion care services for adolescent girls, without the need for the consent of and to be accompanied by a parent or legal guardian;**

(d) **Address the issue of drug use and substance abuse by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information on preventing substance abuse, including tobacco and alcohol, and developing accessible and youth-friendly drug dependence treatment and harm reduction services for children and adolescents;**

(e) **Ensure that all adolescents have access to confidential mental health services and counselling in primary health care, schools and communities.**

Standard of living

37. **Taking note of target 1.2 of the Sustainable Development Goals, the Committee welcomes the social protection strategic plan for the period 2018–2024 and the vision 2020 programme and recommends that the State party:**

(a) **Take all measures necessary to improve access to, and ensure the sustainability of existing policies on, adequate housing, safe drinking water and adequate sanitation;**

(b) **Scale up the vision 2020 programme by integrating it into other policies targeting nutrition, water and sanitation and housing and ensuring that children in rural areas, children with disabilities and children living in women-headed households can benefit.**

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

38. The Committee commends the State party for the high primary school enrolment rates and welcomes the adoption of the education sector strategic plan for the period 2018–2025 and the early childhood development policy, but it is deeply concerned about the low secondary school enrolment rates. Taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen efforts to eliminate all hidden costs of schooling, in particular the practice of fees for teacher bonuses and educational materials, and address the school dropout rate at the secondary school level, especially among boys and Batwa children;

(b) Continue to improve the quality of education at all levels and in all districts, including by reducing the student-teacher ratio and improving school equipment and infrastructure, in particular electricity and sanitation;

(c) Ensure that pregnant girls remain in school and reintegrate pregnant girls and adolescent mothers into the school system by providing counselling in parenting skills and childcare facilities;

(d) Develop and promote vocational training for children and adolescents, including children with disabilities, asylum-seeking and refugee children and children in street situations;

(e) Allocate sufficient financial resources to the implementation of the national early childhood development programmes and ensure the effective coordination of relevant stakeholders at the district and sector levels.

Human rights education

39. Taking note of target 4.7 of the Sustainable Development Goals, the Committee recommends that the State party ensure that human rights education and the principles of the Convention are integrated into school curricula, early childhood development programmes and training programmes for teachers and education professionals and take into account the framework of the World Programme for Human Rights Education.

Rest, leisure, recreation and cultural and artistic activities

40. In the light of its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party:

(a) Guarantee the right of all children to engage in age-appropriate recreational activities, cultural life and the arts, based on the principles of inclusion, participation and non-discrimination, rest and leisure, including by ensuring their access to safe, accessible and inclusive spaces for play, recreation and cultural and sports activities, in line with the integrated child rights policy;

(b) Ensure that sports and other recreational activities are integrated into the curricula of all schools, with the provision of sufficient financial resources, and raise awareness among teachers and parents on the importance of rest, leisure and recreation;

(c) Fully involve children in the planning, designing and monitoring the implementation of policies and programmes relevant to leisure, play, recreation, cultural life and the arts.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking and refugee children

41. The Committee welcomes the various legislative and policy measures to protect the rights of asylum-seeking and refugee children. In the light of joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) Ensure that all reception centres for asylum-seeking and refugee children are child-friendly and that all unaccompanied and separated children have prompt access to national refugee status determination procedures;

(b) Investigate any reports of alleged disappearance of children, in particular adolescent girls, from refugee camps, establish their whereabouts and prosecute those responsible for crimes involved in such disappearance;

(c) Continue to cooperate with the Office of the United Nations High Commissioner for Refugees to address the aforementioned issues.

Children belonging to minority or indigenous groups

42. The Committee remains deeply concerned about the persistent denial of the State party of the existence of minority groups and indigenous peoples, in particular the Batwa. The Committee reiterates its previous recommendations (CRC/C/RWA/CO/3-4, para. 57) and urges the State party:

(a) To develop initiatives to reconnect Batwa children with their ancestral habitats and cultural practices;

(b) To combat all forms of discrimination faced by Batwa children and ensure that, in law and practice, Batwa children have full and equal access to education, adequate housing, health care and all other services without discrimination;

(c) To address child poverty, inadequate standard of living and vulnerability among Batwa populations;

(d) To consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO).

Economic exploitation, including child labour

43. Noting with deep concern the few sanctions applied to perpetrators of violations relating to child labour, the Committee takes note of target 8.7 of the Sustainable Development Goals and recommends that the State party:

(a) Significantly increase the human, technical and financial resources allocated to labour inspections in order to fully, regularly and effectively implement the laws and policies on child labour, particularly in the agricultural sector, prosecute any perpetrators of violations relating to child labour and increase sanctions;

(b) Explicitly prohibit the employment of children in underground mining activities, including by adding it to the list of hazardous work prohibited for children and amending Law No. 54/2011;

(c) Strengthen public awareness of child labour, its exploitative character and its consequences;

(d) Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189).

Children in street situations

44. While noting the explanation by the State party that transit centres are not places of detention, the Committee is deeply concerned at allegations of the detention, ill-treatment and beating of children in street situations, sometimes for prolonged periods, in such centres, where they may be deprived of their liberty, albeit for a short time.

45. **In the light of its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party:**

(a) **Ensure that the rights of children in street situations are fully respected by the police and that they are not subject to arbitrary detention or ill-treatment;**

(b) **Issue guidance to the police and transit centre personnel on the child's right to freedom from all types of violence, investigate reported cases of the ill-treatment, including beatings, of children in street situations by the police and transit centre personnel and prosecute alleged perpetrators;**

(c) **Develop programmes that facilitate the reunification of children in street situations with their families and communities when possible, taking into account the best interests of the child, and support their long-term education and developmental needs, including through the provision of psychological support.**

Sale and trafficking

46. **Taking note of target 8.7 of the Sustainable Development Goals, the Committee welcomes the criminalization of trafficking in persons in 2018 and recommends that the State party:**

(a) **Develop and implement standard operating procedures for the adequate identification and referral of child victims of trafficking;**

(b) **Provide child victims of trafficking with adequate assistance and protection, including the provision of shelters and psychological, rehabilitation and social integration services;**

(c) **Conduct awareness-raising activities in order to make both parents and children aware of the dangers of trafficking.**

Administration of child justice

47. The Committee notes with appreciation the adoption of the justice for children policy and the national legal aid policy, which provide for measures to ensure child-friendly justice and legal representation for children alleged to have, accused of or recognized as having infringed criminal law. However, the Committee is deeply concerned about:

(a) The lack of judges specialized in handling cases concerning child justice;

(b) The limited use of non-judicial and non-custodial measures, including restorative justice measures;

(c) The existence of "deviant behaviours" such as "prostitution, drug use, begging, vagrancy, informal street vending or other deviant behaviour that is harmful to the public" in Ministerial Order No. 001/07.01 of 19 April 2018, despite their removal from the Penal Code, leading to the deprivation of liberty of children in need of protection;

(d) Reports of the ill-treatment and beatings of children during pretrial detention and that children are often held with adults.

48. **In the light of its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and:**

(a) **To designate specialized judges for children in all courts and to ensure that such specialized judges, as well as prosecutors, police officers and other professionals, receive training on the provisions of the Convention;**

(b) To promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial measures for children, such as probation or community service;

(c) To avoid the use and reduce the period of pretrial detention by ensuring that children arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of the deprivation of liberty or its continuation and expedite trials involving children;

(d) Halt the arbitrary detention of children, including children in street situations and children exploited in prostitution, for “deviant behaviours”, including by amending Ministerial Order No. 001/07.01;

(e) To ensure that detention is used as a measure of last resort only, and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to withdrawing it;

(f) To ensure that, in cases where detention is unavoidable, children are not detained together with adults, in line with the integrated child rights policy, and that detention conditions comply with international standards, including with regard to access to food, health services and education;

(g) To strengthen assistance programmes for children at risk of infringing criminal law and continue to provide services for the psychological counselling and social reintegration of children released from transit centres or from prison, including access to education, vocational training and family-based alternative care.

Child victims and witnesses of crime

49. Noting with concern that the refusal of a child victim or witness of crime to testify in court can be criminalized, or the child detained, the Committee recommends that the State party:

(a) Prevent the revictimization of children, including by ensuring safe and child-friendly criminal proceedings and ensuring closed-circuit criminal proceedings involving children, with particular emphasis on their protection and confidentiality;

(b) Ensure that all child victims and witnesses of crime, including child victims of sexual exploitation and abuse and witnesses of such crimes, have the right to refuse to testify in court, that such a refusal is not criminalized, nor such children detained therefor, and that they are provided with the protection required by the Convention.

J. Follow up to the Committee’s previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention

Optional Protocol on the sale of children, child prostitution and child pornography

50. Recalling its guidelines on the implementation of the Optional Protocol (CRC/C/156), the Committee recalls its previous concluding observations (CRC/C/OPSC/RWA/CO/1) and urges the State party to:

(a) Review whether the existing legislation criminalizes all offences prohibited under the Optional Protocol, including the sale of children for the purpose of the transfer of organs of the child for profit, the online sale and sexual exploitation of children and the production, distribution and possession of child sexual abuse material, and take necessary legislative measures to rectify any discrepancy;

(b) Revise the Penal Code to establish the jurisdiction over the offences covered under the Optional Protocol, when the alleged offender is a national or a habitual resident of the State or when the victim is a national of the State without the requirement of double criminality;

(c) Adopt a national action plan to combat all offences covered under the Optional Protocol, including trafficking in persons, with a particular focus on children and the distribution of child sexual abuse material;

(d) Take all necessary legislative and administrative measures, including through the development of a code of conduct with the tourism industry, to prevent, prosecute and eliminate the exploitation of children in the commercial sex industry, including the tourism industry;

(e) Ensure that remedies are available to child victims of sale, exploitation in prostitution and online sexual exploitation.

Optional Protocol on the involvement of children in armed conflict

51. Recalling its previous concluding observations on the Optional Protocol (CRC/C/OPAC/RWA/CO/1), the Committee urges the State party to:

(a) Explicitly criminalize the compulsory recruitment and use in hostilities of children under 18 years of age by the national armed forces and non-State armed groups and promptly investigate and prosecute suspects and bring perpetrators to justice;

(b) Establish an identification mechanism for children, including refugee and asylum-seeking children and children in migrant situations, who may have been or are at risk of being involved in armed conflict abroad.

K. Ratification of the Optional Protocol on a communications procedure

52. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

L. Ratification of international human rights instruments

53. The Committee recommends that the State party consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

M. Cooperation with regional bodies

54. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

IV. Implementation and reporting

A. Follow-up and dissemination

55. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

56. The Committee recommends that the State party strengthen the National Treaty Body Reporting Task Force and ensure that it has a mandate to coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the Task Force should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the National Commission for Human Rights and civil society.

C. Next report

57. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 22 February 2025 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

58. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
