

STATE PARTY EXAMINATION OF RWANDA'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

63RD SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

27 MAY – 14 JUNE 2013

Contents

Opening Comments.....	1
General Measures of Implementation.....	1
Prevention.....	2
Prohibition and related matters.....	4
Protection, Recovery and Reintegration.....	4
Concluding Remarks.....	5

Rwanda ratified Optional Protocol on the Involvement of Children in Armed Conflict on 23 April 2002. On 31 May 2013, the Committee on the Rights of the Child (the Committee) examined the initial report of Rwanda.

Opening Comments

The delegation of Rwanda was led by Ms Zaina Nyiramata, Executive Secretary of the National Commission for Children in Rwanda. She was supported by a small delegation of representatives from the Ministry of Justice and Chargé d'Affaires.

Mr Madi and Mr Mezmur, the Country Rapporteurs, commended the State party for its tremendous efforts to bring its legislation, police and army regulations into line with OPAC. Mr Madi welcomed the fact that compulsory recruitment no longer existed in the State and that the minimum age for voluntarily joining the armed forces had been set at 18. He expressed concern, however, regarding the process of assessing the age of recruits and asked what documents were being relied upon to assess age, particularly given the low rate of birth registration and the irregular issuance of birth certificates. Mr Madi drew attention to the fact that the State party was located near the borders with the Democratic Republic of Congo (DRC) and reports suggested that a large number of children that had been recruited into non-State armed groups.

General Measures of Implementation

Legislation

The Committee noted that the Criminal Code currently explicitly prohibited the recruitment of children under the age of 18 into non-State armed groups; however called for the State to make explicit provisions to criminalise recruitment of children into the police and the national armed forces. The Committee stated that this issue was of particular importance due to the conflict between Rwanda and the DRC's borders where international non-state armed groups had been recruiting children; and asked if the State had any plans to address this. The

delegation was also asked if the legislation allowed for the lowering of the minimum age of conscription in emergency situations.

The delegation clarified that no legal provision existed that would allow for the lowering of the age of conscription in emergency situations and that all recruits must be 18 years or over. The delegation also stated that it would consider criminalising acts which were not currently classified in national law as a crime. Furthermore, the delegation highlighted that the legal age of recruitment into armed forces was 18 and stated that no evidence had been presented to suggest that children had been recruited by or for armed groups in the DRC.

Coordination and monitoring

The Committee inquired about the role of the National Human Rights Institution in addressing issues related to the OPAC.

The delegation stated that the National Human Rights Institution had a broad mandate to ensure that all human rights were monitored in all sections of Rwandan life, including refugee camps.

Dissemination and training

The Committee asked whether human rights and peace education had been incorporated into the national educational curriculum. It also asked if the training for relevant professionals, as well as the educational curriculum, included information specifically on the provisions of the OPAC.

The delegation stated that human rights education had been incorporated into both primary and secondary school curricula and that the State had established several human rights and peace education programmes. Furthermore, human rights education had been incorporated into teacher training to facilitate better understanding and awareness.

Prevention

Age Assessments

The Committee asked how the armed forces assessed the age of recruits and inquired about the documents that were relied upon during this process, particularly in light of the fact that only a limited number of children possessed birth certificates.

The delegation stated that all recruits had to provide a birth certificate or an *acte de naissance* to prove that they had attained the age of 18. Furthermore, recruits had to be assessed by medical experts to determine age through a health examination. Once the health examination had been completed, an additional certificate was issued to establish health and age.

Birth registration

The Committee expressed concern that in 2010 only 63 per cent of children had been registered within the first 15 days of birth and that only 7 per cent of those children reportedly possessed birth certificates. It noted that two separate procedures existed regarding birth registration and asked the delegation to elaborate on why two procedures were necessary.

The Committee asked how children were registered where parents had failed to register them within the first 15 days and whether failure to do so would affect the enjoyment of their rights. It further encouraged the State party to change this period from 15 days to 30-45 days to facilitate registration, particularly amongst parents who were unable to easily access the registration centres. The Committee also recommended that the procedure be amended so that birth registration and issuing of birth certificates would occur at the same time.

The delegation clarified that following birth registration, a certificate was issued. When the initial 15 day period had passed, parents were unable to register their children at the hospital but could instead register under at a civil registry and receive an *acte de naissance*, also a legally valid document. The difference between the two procedures was that in the latter, the court was involved; however, it did not negatively impact the child's right to be registered. The delegation highlighted that births could be recorded after the 15 day period. Furthermore, the delegation stated that the Civil Code was in the process of being reviewed and it had noted the Committee's concerns in this regard.

The delegation stated that in 2013 and 2014, the State would carry out campaigns to raise awareness about birth registration. The Ministry of Justice would undertake a review of the current regulations on the right to identity, as well as the rights of recruits, and was looking into current laws and procedures that were preventing children from being registered. The delegation recognised that the current 15-day period for registration would need to be reviewed.

Cross border recruitment

The Committee noted that it had been reported that due to the State's shared border with the DRC, there was continued recruitment of Rwandan and refugee children by non-state armed groups for exploitation on the territory of the DRC. Furthermore, the Committee highlighted that some of the reports indicated that Rwandan authorities at the border had been facilitating the recruitment of children, as well as the provision of weapons and ammunition to non-State armed groups operating in the DRC such as the M23. The Committee inquired about how the State had been monitoring its border to ensure that children were not recruited.

The delegation stated that there were no non-State armed groups present in Rwandan territory and that it had no evidence to suggest that children had been recruited by armed groups in the Democratic Republic of Congo.

The delegation stated that the presence of Rwandan children on the territory of the DRC could be a direct consequence of the 1994 genocide in Rwanda, which had caused the displacement of families to the DRC. The delegation stated that many Rwandans had fled the country and some had joined the Democratic Forces for the Liberation of Rwanda (FDLR) and had committed violations of human rights. These individuals had since formed large families, which could have resulted in their children being involved in that same non-State armed group or another.

A joint-verification mechanism had been established between the State and the DRC, as well as with Uganda and Tanzania, to investigate allegations of child recruitment.

Military schools

The Committee asked the delegation whether any children under 18 could be placed in military schools and if such schools were compliant with the provisions of the Protocol. The Committee also inquired about whether children had access to an independent complaint mechanism to voice complaints.

The delegation stated that there were no military schools within the State.

Cooperation

The Committee inquired about the extent to which the State cooperated with the International Committee of the Red Cross. It also asked whether it had agreed any written or oral commitment with non-State armed groups confirming that they would not recruit children.

The delegation confirmed that the State worked closely with the International Committee of the Red Cross and the United Nations High Commissioner for Refugees to monitor the situation of refugee camps. Furthermore, the State had engaged in close cooperation with the DRC and stated that there was a significant presence of United Nations organisations within the State.

Prohibition and related matters

Rome Statute

The Committee asked whether the State planned to accede to the Rome Statute of the International Criminal Court.

The delegation stated there were no current plans to accede to the Rome Statute.

Prosecution of war criminals

The Committee welcomed the fact that Laurent Nkunda had been arrested following an arrest warrant issued in the DRC, for war crimes and crimes against humanity. The Committee highlighted that despite the fact that the Rwandan National Armed Forces had arrested Mr Nkunda, no judicial action had been taken against him. The Committee asked the delegation to comment on the fact that there were also reports that other members of the M23 were travelling freely between the borders and had not been arrested despite the travel ban on them.

The delegation explained that Laurent Nkunda had been detained in the State and highlighted that charges had been brought against him by the DRC, and that an extradition request had been made. The State itself was an abolitionist country and did not extradite persons accused of crimes that were punishable by the death penalty in the country that had requested the extradition of the individual. The delegation highlighted that due to the fact that the alleged crimes had been committed on foreign territory it did not have the jurisdiction or power to investigate those crimes.

With regards to other members of the M23 travelling freely, the delegation stated that such allegations had not been substantiated by facts and that penalties did exist for transnational movement.

Extraterritorial jurisdiction

The Committee asked the delegation to clarify the State's position on extraterritorial jurisdiction and how it was put in practice.

Protection, Recovery and Reintegration

Refugee children

The Committee asked if a system for registering refugee children had been established which determined their specific circumstances. It also asked what data was currently available on refugee children. The Committee asked the delegation about the mechanisms in place to allow for early identification of asylum seeking and refugee children who might have been involved in armed conflict. It also asked about the level of training of officials involved in such identification procedures.

The delegation stated that officers received special training on identification of such children and that a mechanism had been put in place which had drawn on expertise from disaster management programmes. Furthermore the National Council for children was responsible for the early identification of such children.

The delegation stated that there was a registration process in existence which closely monitored the situation of all refugee children coming into Rwanda. The delegation had no specific data on children living in the refugee camps.

Repatriation

The Committee commended the State on the progress it had made regarding the demobilisation and repatriation of Rwandan children that had been involved in the armed conflict in the DRC. The Committee highlighted that official reports by the UN Security Council suggested that only 2,500 children had been repatriated to Rwanda. The Committee requested further information on this matter and asked whether an independent and impartial investigation had been carried out to establish the situation. The delegation was also asked if there were any obstacles to the process of repatriation and whether the State had taken steps to ensure that children did not remain stateless.

The delegation stated that the situation and information had been investigated by the State and that 770 Rwandan children involved in the armed conflict in the DRC had been repatriated with their families. The delegation stated it had no evidence to suggest that Rwandan and refugee children continued to be recruited in the State's territory.

The delegation highlighted that there were no official means of assessing the number of Rwandan children involved in the armed conflict and could only rely on estimates which indicated around 5,000 people had fled to the DRC, of which some could be children.

Victim support

The Committee asked whether holistic psychosocial services were available for the rehabilitation and reintegration of children formerly involved in armed conflict.

The delegation confirmed that holistic psychosocial care services were offered in this regard.

Concluding Remarks

Mr Madi thanked the delegation for a frank and open dialogue and encouraged the State to continue its efforts. Mr Madi highlighted that mutual concerns had been considered and highlighted that legislation relating to the OPAC needed to be further strengthened.

Ms Nyiramatama thanked the Committee for the fruitful dialogue and stated that the delegation would return to the State with some very useful and relevant recommendations which it planned to share with the relevant stakeholders and partners, including the forum of children in Rwanda.