

REPUBLIC OF RWANDA



**INITIAL REPORT ON THE OPTIONAL PROTOCOL TO THE CONVENTION
ON THE RIGHTS OF THE CHILD, ON THE INVOLVEMENT OF CHILDREN
IN ARMED CONFLICTS**

September 2008

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ACRONYMS AND ABBREVIATIONS

ACRWC	African charter of the Rights and Welfare of the Child
CRC	Convention on the Rights of the Child
DRC	Democratic Republic of Congo
HIV/AIDS	Human Immunodeficiency Syndrome/Acquired Immunodeficiency Syndrome
ICRC	International committee of the Red Cross
MIFOTRA	Ministry of Public Service and labour
MIGEPROF	Ministry in the Office of the Prime Minister in charge of Gender And Promotion of the Family
MIJESPOC	Ministry of Youth, Sports and Culture
MINAFFET	Ministry of Foreign Affairs and Co-operation
MINALOC	Ministry of Local Government, Good Governance, Community Development and Social Affairs
MINEDUC	Ministry of education
MINIJUST	Ministry of Justice
MININTER	Ministry of Interior
MINISANTE	Ministry of Health
UNMIC	United Nations Mission for the Democratic Republic of Congo
ILO	International Labour Organisation
NCP	National Child Plan
NCW	National Council of Women
NGO	Non Governmental Organization
NYC	National Youth Council
OG	Official Gazette (of the Republic of Rwanda)
RCDR	Rwanda Commission for Demobilization and Reintegration
RDF	Rwanda Defence Forces
RDRP	Rwandan Demobilization and Reintegration Programme
RPA	Rwanda Patriotic Army
RPF	Rwanda Patriotic Front
RRC	Rwanda Red Cross
RUYAAC	Rwanda Youth Affected by Armed Conflicts
SC/UK	Save the Children/United Kingdom
UNHCR	United High Commission for Refugees
UNICEF	United Nations Children Fund

Summary

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts was ratified by Rwanda on 26 February 2002.

In general, the Protocol prohibits compulsory recruitment of people who have not attained the age of eighteen years (Article 2) and requests State Parties to take all possible measures to ensure that members of their armed forces who have not attained 18 years of age do not take part in direct conflicts (Article 1).

Indeed, Rwanda has applied the Protocol to the last word because the law N° 19/2002 of 17 May 2002 establishing the Rwanda Defence Forces (Article 3) and the Presidential Decree N° 72/01 of 8 July 2002 governing the General Statutes governing Armed Forces (Article 5) specifies that the recruitment into RDF shall be voluntary. In addition to being voluntary, the candidate must be at least eighteen years old (Article 5 of the Decree). The same conditions also apply to the recruitment in the National police Force and "Local Defence".

However, it will be noted that Rwanda ratified the Protocol following the liberation war that began in 1990 and culminated in the Tutsi Genocide in 1994. The war and the Tutsi Genocide have deeply affected Rwandan children. Some of them were involved or are still involved in armed conflicts. They were initially Genocide survivor children who joined RPF in search of security and then Rwandan children belonging to armed groups in DRC.

At the time of the drafting of this report, Rwanda is in the demobilisation phase in which children have been given special attention. Their demobilisation began in 1997 with children who had taken refuge in RPA and it has currently been extended to children belonging to armed groups in DRC who are disarmed and repatriated to be reintegrated into the society.

The present report contains political and legislative measures that were taken by the Government of Rwanda in the framework of the implementation of the Protocol. However, since all these measures ensure that any person under eighteen years of age should not be in the army, the application of the Protocol concerns especially the demobilisation and social reintegration of children who were involved in armed conflicts.

Measures taken in this area include the creation of a Rwanda Demobilisation and Reintegration Commission, which has a child protection unit, as well as the establishment of a demobilisation camp specifically for children. The camp receives children repatriated from DRC but the remaining major handicap is that these children come in very small numbers since armed groups continue to keep them in their rank and file.

INTRODUCTION

1. Rwanda ratified the Charter of the United Nations on September 18, 1962, immediately after its independence on 01 July 1962. The ratification by Rwanda of this charter is an eloquent proof of her faith and commitment to the respect of fundamental human rights, the dignity and the value of the human being as they are stipulated in the Preamble to the Charter.
2. It is in this framework that Rwanda is signatory to various international instruments on the protection of human rights. Among these legal instruments is the Convention on the Rights of the Child that Rwanda ratified on 19 September 1990.
3. Rwanda is strongly committed to the defence of the rights of the child, more particularly, the rights of vulnerable children. Rwanda is also a signatory to the two Optional Protocols to the CRC namely:
 - ⇒ *The Optional Protocol to the Convention on the Rights of Child on the Involvement of Children in Armed Conflicts;*
 - ⇒ *The Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography.*
4. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, which is the subject of the present report, was ratified by Rwanda on 26 February 2002¹.
5. As it is provided for in Paragraph 1 of Article 8 of this Protocol, each State Party shall submit, within two years from the date of the entry into force of the protocol within two years from the date of the entry into force of the Protocol, a report to the Committee on the Rights of the Child providing comprehensive information on measures taken to implement the provisions of this Protocol, including measures taken to implement the provisions on the participation and recruitment.
6. During its thirty-sixth Session, the Committee on the Rights of the Child, that examined reports of the State Parties to the Convention on the Rights of the Child, noted the delay in the submission of reports on Optional Protocols to the Convention. However, this delay can be explained by the fact that Rwanda concentrated on the elaboration of other reports, particularly the initial report on the implementation of the Convention on the Rights of the Child which was examined by the 21 May 2004 Session as well as the report of the same type on the implementation of the African Charter on the Rights and the Welfare of the Child.
7. Concerning the initial report on the implementation of the Convention on the Rights of the Child, The Government of Rwanda presented its initial report on 30 September 1992 that was examined by the Committee of the United Nations on the Rights of the Child on 5 October 1993 in its 97th and 98th Sessions, but it was not approved because it was not complete to such an extent that the Committee recommended State Parties to submit a new report within one year. The Government of

¹ Presidential Decree N° 31/101 of 26 February 2002 on the Approval of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, Official Gazette, Special Issue N° of 26 February 2002, P. 25

Rwanda, however, could not respect this deadline because of the conflict situation that was prevailing in the country that culminated in the 1994 Tutsi Genocide.

8. After the Tutsi Genocide, Rwanda's efforts were focussed in the first place, in parallel to many other emergency national reconstruction activities, on the drafting of her initial report on the implementation of the Convention on the Rights of the Child. This report was examined and approved by the Committee of the United Nations on the Rights of the Child on 21 May 2004.
9. However, in spite of the delay recorded in the drafting of the initial report on the optional Protocol on the involvement of children in armed conflicts, Rwanda took various measures to ensure the implementation of this Protocol that will be explained in details in the development of the present report.
10. The implementation of the Protocol was rather effective in Rwanda since at the time when it was ratified, the country had experienced a period of conflicts in which children had been involved.
11. This report specifies measures taken by Rwanda to ensure the implementation of the Protocol which the country would like to share with other States Parties. Therefore observations and recommendations from the Committee of the Rights of the Child are welcome for better application of the provisions of the Protocol.

CHAPTER I: GENERAL INFORMATION.

I.1: SITUATION OF CHILDREN IN RWANDA.

12. The Rwandan population is currently estimated at more than 9,000,000 inhabitants of which more than a half are children aged less than 18 years. The Rwandan population is mainly composed of children, but most of them are orphans or constitute other cases of vulnerability.
13. According to the results of the last Demographic and Health survey (DHS 2005), 29% of children aged less than 18 years are orphans and other vulnerable children (21% are orphans who have lost one of their parents, 4% are orphans without both parents). Taking account of the population growth, that represents a total of 1,350,820 children, 40% of all children aged less than 18 years do not live with their two parents, either following their separation, or death of one or two parents. The major causes of this phenomenon of orphans and other vulnerable children are poverty, Genocide and HIV/AIDS.
14. According to estimates from Rwanda Demobilisation and Reintegration Commission and UNMIC, the number of Rwandan children who were involved in armed conflicts is estimated at 4,864. These children can be divided into two groups: 2,364 are children who belonged to Rwandan Patriotic Army (RPA). The majority of these children joined RPA in search for security fleeing the Genocide, but they have all been demobilised and socially reintegrated. There are then children who belong to armed groups in DRC whose number is estimated at 2,500. At the time of writing this report, 702 of these children had been repatriated.

I.2. GENERAL MEASURES OF IMPLEMENTATION OF THE PROTOCOL

15. Pursuant to the Paragraph 1 of Article 6 of the Protocol, Rwanda took various measures to ensure effective application and respect of the provisions of the Protocol.

I.2.1: Policy Measures

16. Various measures of a political nature demonstrate the indefectible commitment of Rwanda to the protection of the rights of the child, in particular those in difficult situations.
17. Rwanda formulated a national policy on orphans and other vulnerable children since January 2003. This policy contains strategies and measures to respond to various situations of vulnerability of the child. Under the National Policy on Orphans and other Vulnerable Children, children affected by armed conflicts are displaced, kidnapped or refugee children who are forced by the war, genocide, poverty or armed groups to take part in armed conflicts. Children who take part in armed conflicts are not only those who fight on the frontline, but also informers, cooks, carriers and others.

18. Specific objectives of the Policy on these children are the following:

- ⇒ To guarantee the respect of the rights of the child during and after conflict situations;
- ⇒ To prevent the recruitment of children into armed groups;
- ⇒ To reintegrate children affected by conflicts into their communities.

19. To achieve these objectives, the following strategies are used:

- ⇒ To demobilize and reintegrate child soldiers;
- ⇒ To establish monitoring mechanisms for reintegrated children;
- ⇒ To promote the culture of peace, reconciliation, tolerance and conflict resolution by negotiation.

20. Rwanda has a Ministerial Department responsible for issues related to children and this is the Ministry in the Office of the Prime Minister in charge of Gender and Family Promotion (MIGEPROF). MIGEPROF has a desk in charge of matters related to children whose assignments are the following:

- ⇒ To ensure that the child occupies a central position in national programmes and projects and to promote maximum synergy of interventions targeting children;
- ⇒ To clarify and inspire policies, planning systems and programmes in favour of the child as well as their implementation in all sectors of the national life and at all levels (family, communities, public institutions and NGO's);
- ⇒ To coordinate actions in favour of the child, to evaluate his situation and the implementation of the CRC;

It goes without saying that this implementation also applies to Optional Protocols to the CRC.

21. Rwanda established a commission called "Rwanda Demobilisation and Reintegration Commission" which coordinates activities of rehabilitation and reintegration, in the framework of Rwanda Demobilization and Reintegration Programme. This programme comprises of a special component for children and it is in this framework that they have their own demobilisation camp².

22. It should be stressed that all these measures are in a more general framework major national political orientation instruments in which the investment in the human person, indeed beginning with the child, occupies a central position.

² Muhazi demobilization Camp

Among these tools are the following:

The Vision 2020:

23. It is a national orientation policy paper on the future of Rwanda by 2020. The Vision 2020 is based on 6 pillars: National Reconstruction, Efficient Uniting and Mobilising State, Human Resources Development, Land use Development and Basic Infrastructure, Development of entrepreneurship and the Private Sector, Modernization of Agriculture and Animal Resources. The vision 2020 has 4 cross-cutting sectors: Gender, environmental Protection, Sciences and Technologies, including ICT, Regional and International Integration³.
24. In its third main objective, which is to promote social cohesion and sustainable human development, the Vision insists on education with the fundamental objective of providing universal primary education and universal secondary education by the year 2010, on health whose key objectives are to reduce infant and maternal mortality by two thirds by 2015.

Economic Development and Poverty Reduction Strategy (EDPRS)

25. In 2002, the Government of Rwanda adopted a Poverty Reduction Strategy Policy Paper and in 2006 inter-sector reviews were carried out to assess the progress made and to elaborate an Economic Development and Poverty Reduction Strategy. There were twelve working groups and a thematic working group on cross-cutting issues related to children. The work of this group was able to identify problems of children, especially those of orphans and other vulnerable children, which were incorporated in the new policy framework.

I.2.2: Legislative Measures

The area of the protection of the rights of the child is a cross-cutting sector and therefore appears in various texts of the Rwandan legislation.

26. In the Preamble to the 04 June 2003 Constitution of the Republic of Rwanda, the People of Rwanda reaffirm especially their commitment to the Convention on the Rights of the Child of 20 November 1989.
27. Even if it is prior to the ratification of the Protocol, the Law N° 27/2001 of 28 April 2001 on the rights and the Protection of Children against Violence is a special law on the matter. Article 19 prohibits military service for children aged below eighteen years.
28. The Law N° 19/2002 of 17 May 2002 establishing Rwanda Defence Forces, in its Article 3, provides that Rwanda Defence Forces are open to any voluntary Rwandan citizen, who meets conditions determined by Specific statutes governing Rwanda Defence Forces, without any discrimination. Pursuant to this law, the Presidential Decree N° 72/01 of 08 July 2002 on general statutes governing the Army sets the minimum age to be recruited into Rwanda Defence Forces (RDF) at 18 years (Article 5).

³ Rwanda Institute of Administration and Management (RIAM) Induction Programme, August 2005

29. The Law N°25/2004 of 19 November 2004 on the Creation, Organization and Functioning of the local service in charge of maintenance of security "Local Defence", in its Article 9, specifies that the person selected (by the Cell Council as stipulated in Article 8 of the same law) to be member of the "Local Defence" must be at least eighteen (18) years old.
30. The Presidential Decree N° 155/01 of the 31st of December 2002 on the General Statute governing the National Police. In its Article 5 this Decree specifies that to be enrolled in the National Police, a person must be aged eighteen (18) years minimum.

I. 3. Factors and Difficulties that hinder the Fulfillment of Obligations provided for in the Protocol.

31. The implementation of the Protocol is faced with constraints of which the major one is the low rate of the repatriation of Rwandan children enrolled in armed groups operating in RDC. This low rate of repatriation is due to the fact that the armed groups keep children in their ranks and prevent them from being disarmed, demobilized and repatriated and from eventually being reintegrated into the civilian life. Out of 2500 children that are estimated to belong to armed groups in DRC, only 702 have been repatriated⁴. At the time writing the present report, 661 children had been reintegrated in their families or in foster families while Muhazi Centre hosts 41 children.

1.4. Conformity of the implementation of the Optional Protocol to General Principles of the Convention on the rights of the Child, namely the Non-discrimination, Supreme Interests of the Child, the Right to Life, Survival and Development and the Respect of Opinions of the Child

With regard to the conformity of the implementation of the Optional Protocol to the general principles of the Convention of the Rights of the Child, the following should be noted:

Not discrimination.

32. Concerning the non-discrimination, Article 11 of the Constitution specifies that: "*All Rwandans are born and remain free and equal in rights and duties.*

Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law".

33. All national legal instruments conform to this constitutional principle. The Law N° 27/2001 on the Rights and Protection of the child against violence is one of those laws and does not make any discrimination among rights and obligations that it stipulates with regard to children and this applies to penal acts.
34. In practice, no discrimination is made among beneficiaries of rehabilitation and social reintegration measures and apart from the fact that there are very few girls who return

⁴ Figures provided by the Rwanda Demobilisation and Reintegration Commission

according to official procedures, the facilities were however provided for them at the demobilisation camp (separate dormitories and toilet amenities from those of boys, a female social worker).

The Supreme Interest of the Child:

35. In general, the Constitution which, in its Preamble, refers to the Convention on the Rights of the Child contains provisions that reflect the principle of supreme interests of the child. Article 27 provides that *“both parents have the right and duty to bring up their children. The State shall put in place appropriate legislation and institutions for the protection of the family and of the mother and the child in particular, in order to ensure that the family flourishes”*.

As for Article 28, it specifies that *“every child is entitled to special measures of protection by his or her family, society and the State that are necessary, depending on the status of the child, under national and international law”*.

36. Still in connection with superior interests of the child, Subparagraph 1 of Article 9 of the Law N° 27/2001 in terms of which superior interests of the child must be taken into account as a priority in all decisions related to it is very eloquent on this subject.

37. Other texts contain provisions that demonstrate the importance attached to the principle of superior interests of the child and it is necessary to mention the following legal instruments⁵:

⇒ The Organic Law N° 29/2004 of the 03 December 2004 on Rwandan citizenship (Articles 1,2,4,6,11,12,23);

⇒ The Law N°07/2004 of 25/04/2004 on the Code governing Judiciary Organisation, Administration and Competence as it was amended and completed by the Organic Law N°14/2006 of 22 March 2006 (Articles 74 and 75);

⇒ The Law N° 13/2004⁶ of 17 May 2004 governing the Criminal Code (Articles 180 to 1920);

⇒ The Law N°38/2006 of 25 September 2006 governing Organization and Administration of the National Prisons Services (24, 25, 51).

38. Rwanda set up a framework where children express themselves and it is evident that they are themselves conscious of this principle. This is evidenced by the following recommendations to their Third National children Summit of the 31 July 2007:

⇒ To protect children whose mothers are detained in prisons (to get them an appropriate and complete diet, and to expedite the trials of their mother’s cases;

⁵ These texts were enacted after the 4 July 2003 Constitution, relevant provisions are derived from the Heading “National Legal review and Amendments made”

⁶ This law was amended and completed by the Law No 20/2006 but no amendment or completion was made on articles in relation with the prosecution of minors.

- ⇒ To establish committees at the level of grassroots authorities, from the village (*umudugudu*), responsible for the fighting against the worst forms of child labour;
- ⇒ To take drastic measures against people who employ children in the worst forms of labour;
- ⇒ No child in primary or lower secondary school shall be chased from school for lack of school fees;
- ⇒ To impose severe punishments on any parent who prevents his/her child from going to school;
- ⇒ To accelerate the enactment of a law punishing parents who lure children to prostitution or premature marriage.

Right to Life, Survival and Development

39. Concerning the right to life, Article 12 of the Constitution specifies that "*Every person has the right to life. No person shall be arbitrarily deprived of life*".

This principle was specifically stressed for the sake of children in Article 4 of the Law N° 27/2001.

40. Other legal texts testify to the respect of this paramount principle, in particular the Penal Code and the Law N° 27/2001 of 28 April 2001 on the Rights and Protection of the Child which provide for and punish abortion, except in case of therapeutic abortion.

41. Rwanda abolished capital punishment⁷ and it should be noted that even before the adoption of this measure, capital punishment was not rendered against persons aged less than 18 years because Article 77 of the Penal Code exempted minors from capital punishment. The results of this provision was that when a person aged between 14 years and 18 years at the time of offence was liable to the death penalty or to life imprisonment, his/her sentence was commuted to 20 years in prison. In addition, the Penal Code of Rwanda prohibited the execution of an expectant mother before delivery (Article 31).

42. The right to life also was one of the major concerns of the 2007 National Child Summit because among the recommendations adopted by the Summit was the creation of committees at the level of grassroots authorities from the village (*umudugudu*), responsible for prosecuting/monitor cases of abortion and perpetrators of various forms of violence against children, who were supposed to be heavily punished.

43. In the area of the right to survival and development of the child, the Law N° 42/1988 of 27 October 1988 instituting Preliminary Book and Book One of the Rwandan Civil Code obliges parents to cater for and educate their children and provides for fostering as a protection mechanism of the rights of the child who have lost their parents. Several strategies in areas of health, HIV/AIDS control, education and the protection of the child were adopted since 2003. The implementation of the strategy of Integrated care of childhood diseases (PMTCT) which, applied both at the level of health facilities and at the family and community level,

⁷ In Rwanda, capital punishment was abolished by the Organic law No 24/2007 of 27 June 2007 on the Abolition of Death Sentence

have enabled the reduction of morbidity and mortality due to malaria, acute respiratory infections, diarrhoea and malnutrition.

The Respect of Opinions of the Child

44. The respect of opinions of the child is also provided for, in general, by the Constitution which provides for freedom of opinion in Article 33. This freedom is still incarnated by Article 9 of the Law N° 27/2001 which provides that *“the child has right to freely express its opinion on any issue of its interest. The child must be heard, either directly or via his representative, in any legal or administrative procedure interesting it”*.
45. This freedom of opinion does not stop at the level of its inclusion in legal texts; it is translated in action since children freely express their opinions which are taken into account in decision making. The most eloquent example is in connection with National Children Summits during which children who represent their peers participate to discuss and express opinions and make recommendations to the Government as for the respect of their rights.
46. One of the recommendations of the first National Children Summit which was held in April 2004 is the annual organization of summits. In accordance with this recommendation, National Summits have been regularly held each year since 2006⁸.
47. The 2006 National Children Summit was used to stimulate the participation and expression of children during the elaboration of 2008-2012 EDPRS. The views and the contribution of children were reflected in the final EDPRS policy document.
48. The National Children Commission whose establishment is imminent was the idea of children themselves who expressed to the President of the Republic the wish to set up such a commission, following the example of other commissions endowed with specific missions of the national life. This idea was expressed for the first time during the First National children Summit held in April 2004, but the children reiterated it during the Second Summit in January 2006. The draft of the Organic Law on the Creation, Organization and Administration of the National Children Commission has been completed and is waiting for its adoption by the Cabinet before it is submitted to the Parliament.
49. The Committee of the Rights of the Child during the examination of the initial report of Rwanda on the implementation of the Convention on the Rights of the Child, noted, in its observation N° 27, that because of traditional attitudes, the respect of opinions of the child is still limited within the family and at school. Even if this observation was true at the time of the examination of the report, it will be stressed that significant changes have taken place and continue to do so. In this framework, during interviews carried out by a team of consultants working on the drafting of Rwanda third and fourth periodic reports on the

⁸ The Second Children Summit was supposed to be held in 2005 but it could not take place as it coincided with other programmes planned at the national level

implementation of the Convention on the Rights of the Child, children affirmed that they usually had right of opinion in family decisions⁹.

50. Still in the framework of the respect of opinions of the child and following the wish of children during their 2007 National Summit, schools and public places have suggestion boxes. In the schools, children can express their ideas in writing and deposit their paper in suggestion boxes. After some time, pieces of paper are collected and expressed ideas discussed during meetings that bring together children and school authorities.
51. The application of the Protocol for Rwanda concerns especially social reintegration of ex-child soldiers since the country is in the phase of military demobilisation and promulgation of laws that prohibit recruitment of children in armed forces. During the procedure of social reintegration, opinions of the children are taken into account in all decisions concerning them and this also applies to the search of the family of the child or another foster family as well as in making the decision on the activity which the child will carry out to facilitate social reintegration.

1.5. Process of writing the report, Role Played by Public or Non Governmental Organizations in the Drafting and Diffusion of the Text

52. This report was written in consultation with all partners involved in the protection of the rights of the child. Various government institutions and nongovernmental organisations intervened by providing data and information as well as through the participation in validation sessions. These institutions are:
 - ⇒ Office of the Prime Minister
 - ⇒ Ministerial Departments: MIGEPROF, MINADEF, MIFOTRA, MINIJUST, MINEDUC, MINALOC, MINAFFET, MINISANTE
 - ⇒ Rwanda national Police
 - ⇒ Rwandan Demobilisation and Reintegration Commission
 - ⇒ National Human rights Commission
 - ⇒ National Youth Council
 - ⇒ National Council of Women
 - ⇒ UNICEF
 - ⇒ UNDP
 - ⇒ World Bank
 - ⇒ UNMIC
 - ⇒ Save the Children U.K
 - ⇒ International Committee of the Red Cross (ICRC)
 - ⇒ Rwanda Red Cross (RRC)
 - ⇒ World Vision
 - ⇒ National Unity and Reconciliation Commission
 - ⇒ National NGO's such as HAGURUKA¹⁰, Pro Femmes Twese Hamwe (Umbrella of associations that defend women's rights) and RUYAAC.

⁹ These interviews were carried out in April 2005 and the results were used in the writing of the Third and Fourth country Report on the Implementation of the Convention on the Rights of the Child

53. As for the drafting of the report itself, the first stage consisted in collecting data, information and inputs required, under the supervision of MIGEPROF. These data, information and inputs were used for the writing of the draft report. This draft was subjected to a validation seminar that brought together various stakeholders and partners involved in the protection of the rights of the child (see list mentioned above). This validation seminar made observations and recommendations which were integrated in the draft. The document was then examined by the Cabinet Ministers before its forwarding to the Committee of the Rights of the Child.

1.6. Reference date used to determine if a person is above or below the age limit (for example, the date of birth of the person concerned or the first day of the year in which the interested person attains this age limit)

54. In the past, the officer in charge of civil registration recorded the year of birth because birth declarations were often made long after the event and therefore the person declaring birth could not remember the exact day and month of birth. It is to say that the reference date to determine if a person is above or below the age limit is generally the first day of the year in which the interested person attains this age limit. However, this way of calculating is gradually being replaced by another more specific method that refers to the day, month and year of birth because parents are more and more sensitised to have their children registered in official civil registry.

55. The obligation to register births stems from the law which also punishes those who do not comply. In this framework, the Law N°14/2008 of 04 June 2008 on Civil registration of the Population and the Delivery of the National Identity Card stipulates in its Article 8 Paragraph 1 that: ***“Every person is responsible to declare the birth of her/his child within a time not exceeding (30) thirty days from the date of birth... ”***. The last paragraph of this Article 8 provides that ***“the guardian or foster parent is responsible to declare the birth of children under their guardianship within a time not exceeding (30) thirty days as from the day they acquired the guardianship”***.

56. As for punishments, Article 12 provides for prison sentence of one (1) to seven (7) days and of a fine of Five Thousand Rwandan Francs (5,000 RWFS) to Fifty Thousand Rwandan Francs (50,000 RWFS) or one of these punishments only against any person who does not respect the obligations stipulated in the terms of Article 8 mentioned above.

57. It should finally be noted that death and birth registration which was carried out by the Districts has been done at the level of Sectors since the beginning of the year 2006. At each administrative sector, a professional in charge of civil registration was recruited, to support and facilitate services in charge of civil registration. Therefore, birth and death registers are kept by this officer of the Sector. Without doubt, this decentralization will also facilitate birth

¹⁰ HAGURUKA which is specialized in the protection of the rights of women and the child is also a member of the umbrella Pro Femmes TWESE HAMWE

and death declarations because it reduces long distances that used to decouple the majority of the population from travelling to District Headquarters.

CHAPTER II: SPECIFIC MEASURES OF IMPLEMENTATION OF THE PROTOCOL.

Article 1:

Measures taken, in particular legislative, administrative measures or otherwise, to ensure that members of the armed forces who have not attained the age of 18 years do not take a direct part in conflicts

58. It should be recalled that the Presidential Decree N° 72/01 of 08 July 2002 governing the General statutes of Armed Forces sets the minimum age of recruitment into Rwanda Defence Forces at the age of 18 years (Article 5) and that the Law N° 27/2001 on the Rights and Protection of the child against violence prohibits military service for children aged less than eighteen years (Article 19). This constitutes the principal and ultimate measure because if children cannot be enrolled in RDF, they will not be able to take part, even indirectly, in conflicts.

a) The sense of the concept of “direct participation” in the legislation and in practice in Rwanda

59. As it has just been specified above, the Rwandan legislation prohibits military service for children (Presidential Decree N° 72/01 and Law N° 27/2001 mentioned above). The concept of “*direct participation*” of the children in armed conflicts therefore does not apply to the legislation and practice in Rwanda.

60. However, concerning demobilisation and reintegration of Rwandan ex-child-soldiers, the fact of involvement is not limited to children who took direct part in conflicts and, on inspiration of the 1997 Cape Town Principles and Best Practices, it included those which carry out other activities, in particular cooks, carriers, messengers, those who accompany groups without necessarily being members of their families as well as girls recruited for sexual purposes or forced marriages.

b) *Measures taken to prevent that a member of the armed forces who has not attained the age of 18 years is deployed or maintained in a region where conflicts are taking place, and obstacles met in the application of these measures;*

61. The major measure is the non recruitment of persons aged less than eighteen years in Rwanda Defence Forces, as it was stipulated by the Presidential Decree N°72/01 of 08 July 2002 on the General Statutes governing armed forces and the Law N° 27/2001 on the Rights and Protection of the child against violence. Other measures in this area would therefore be irrelevant. Beyond the national territory, Rwandan children involved in armed conflicts in neighbouring countries, in particular in DRC, have been disarmed and demobilised and are hence repatriated to be reintegrated into the society. The Government

uses intensive diplomatic measures both at the national level and international level so that children held hostages are identified and repatriated

c) Members of armed forces aged less than 18 years who were made prisoners though they did not take a direct part in conflicts

62. Such data do not exist for the case of Rwanda because the country is not at war and even in time of war, there would not be members of Rwanda Armed Forces aged less than 18 years that would be made prisoners even though they would not have participated directly in armed conflicts since the Rwandan legislation prohibits the recruitment of children aged less than eighteen years. There are Rwandan children kept by armed groups in DRC, but considerable efforts are being deployed for their repatriation.

Article 2:

Measures taken, in particular legislative, administrative measures, or otherwise, to ensure that persons who have not attained the age of 18 years are not subject to compulsory recruitment in armed forces

63. Article 37 of the 04 June 2003 Constitution specifies that *“Every person has the right to free choice of employment. Persons with the same competence and ability have a right to equal pay for equal work without discrimination”*. Compulsory recruitment in armed forces would be a violation of this constitutional principle which is in addition reiterated in Article 3 of the Law N° 19/2002 of 17 May 2002 establishing Rwanda Defence Forces: They (Rwanda Defence Forces) are open to any voluntary Rwandan citizen, meeting conditions determined by Specific statutes governing the Rwandan Defence Forces, without any discrimination. Pursuant to this law, the Presidential Decree N°72/01 of 08 July 2002 on the General Statutes governing the army specifies, among others conditions to be fulfilled, that recruitment in Rwanda Defence Forces must be voluntary (Article 5).
64. Article 19 of the Law N° 27/2001 of 28 April 2001 on the Rights and Protection of children against violence prohibits military service for the children aged less than eighteen years.
65. The Law N° 51/2001 of 30 December 2001 on the Labour Code absolutely prohibits forced or compulsory labour (Article 4).
66. If the spirit of all these texts is against voluntary recruitment of persons aged less than eighteen years, it goes without saying that compulsory recruitment is a fortiori prohibited for these same people.

Since compulsory recruitment is not practised in the country, the paragraphs a, b. c. and d below are not applicable to Rwanda; i.e.:

- a. The process of compulsory recruitment (i.e. from the time of enrolment up to physical incorporation in armed forces), the minimum age fixed for each stage and specific time of the process by which recruits become members of armed forces;***

- b. *Necessary documents deemed reliable to verify the age, before the admission to compulsory military service (birth certificate, declaration under oath, etc);*
- c. *Legal provisions authorising lowering the age for the recruitment in exceptional circumstances. Information on the limit up to which the recruitment age may be lowered: procedure and conditions specifying this change;*
- d. *The minimum age for recruitment set for compulsory military service.*

Article 3

Paragraph 1

Information on:

- a. *The minimum age set for voluntary recruitment in armed forces, in accordance with the provisions of the declaration deposited during the ratification of the Protocol or the accession to this instrument or any modification which has occurred thereafter;*

67. Article 5 of the Presidential Decree N°72/01 of 08 July 2002 on the General Statutes governing the army specifies 9 conditions to be fulfilled to be admitted in Rwanda Defence Forces; namely:

- ⇒ To be of Rwandan nationality;
- ⇒ To be voluntary;
- ⇒ To be physically fit;
- ⇒ **To be at least 18 years old;**
- ⇒ Not having been sentenced to imprisonment equal or longer than six months;
- ⇒ To be holder of a certificate of studies corresponding to the category of recruitment;
- ⇒ To be in order with the legislation on the national service;
- ⇒ To have passed recruitment tests;
- ⇒ To be of good behaviour;

68. If reference is made to Article 19 of the Law N° 27/2001 on the Rights and Protection of the Child against Violence, a person must be eighteen years old to be able to give his/her consent for voluntary recruitment in armed forces. These texts are therefore concordant as for the minimum age for voluntary recruitment in armed forces which is 18 years.

69. It should be stressed here that Rwanda took serious note and followed up the application of the recommendation N° 63 of the Committee of the Rights of the Child during the examination of the initial country report on the Convention of the Rights of the Child. The Committee hailed the Law N°. 27/2001 on the Rights and Protection of children against all forms of mistreatment and prohibiting any military service for children aged less than 18 years (Article 19). However, The Committee was still very concerned because this law did not apply to Local Defence Force (LDF). The Committee therefore recommended to the

State Party to take all necessary measures to make sure that children aged less than 18 years are not recruited into LDF or of any other armed group operating on her territory;

70. Therefore following this recommendation, the Law N°25/2004 of 19 November 2004 on the Creation, Organization and Functioning of Local Service responsible for assisting in the maintenance of security "Local Defence" stipulates in its Article 9 that a person selected¹¹ to be member of the " Local Defence" must:

- ⇒ Be of Rwandan nationality;
- ⇒ Be a person of integrity;
- ⇒ **Be eighteen (18) years old;**
- ⇒ To be known by residents of the cell and to be a resident of that cell ;
- ⇒ To have the capacity and willing ness to carry out such duties.

71. Be known by inhabitants of the Cell and be resident of s governing the National Police Force, a candidate who wishes to be admitted in the National Police Force must in addition "be at least 18 years old and 25 years maximum".

b. Detailed Data on children aged less than 18 years who were voluntarily recruited in the national armed forces;

73. Such data could not exist since from previous explanations, it was specified that the national legislation prohibits recruitment, even voluntary, of any person aged less than eighteen years.

c. In accordance with Paragraph 3 of Article 38 of the Convention on the Rights of the Child, measures taken to guarantee that in recruiting among those persons who have attained the age of eighteen years but who have not attained the age of eighteen years, priority is given to those who are the oldest. Information on Special protection measures adopted in favour of recruits of aged less than 18 years.

74. Non-existent for the same reasons as in *b*.

Paragraphs 2 and 4

Information on:

a) Discussions which took place in the State party before the adoption of the prohibiting declaration and people who took part in this debate;

75. There were no discussions since there was no prohibiting declaration setting the minimum age for recruitment into armed forces at lowers than eighteen years of age.

¹¹ By the Cell Council as was provided for in Article 18 of the same law

- b) *Organized Debates, initiatives taken or campaigns carried out at the national level (or regional, local levels, etc) with the objective of reinforcing the declaration if the latter sets the minimum age lower than 18 years.*

76. Idem as in a.

Paragraph 3:

Information on the application of minimal guarantees provided for voluntary recruitment.

77. As stipulated in Article 3 of the Law N° 19/2002 of 17 May 2002 establishing Rwanda Defence Forces, the forces are open to any voluntary Rwandan citizen, meeting conditions determined by Specific statutes governing Rwanda Defence Forces, without any discrimination whatsoever. The Presidential Decree N°72/01 of 08 July 2002 on the General Statutes governing the army specifies among other conditions that for a person to be eligible for recruitment in Rwanda Defence Forces, he/she *“must be at least 18 years old”*. Voluntary recruitment for persons aged less than eighteen years does not exist in Rwanda and therefore the following points are not applicable in the country; namely:

- a) *The procedure to be followed for this type of recruitment since the declaration of voluntary intention until physical incorporation in armed forces;*

Medical examinations volunteers must undergo before recruitment:

- b) *The documents required to verify the age of volunteers (birth certificates, declarations under oath (Affidavit), etc);*

78. It should however be noted that to verify the age, reference is made to records from the civil registration of applicants, especially the birth certificate as provided for in Article 101 of Book One of the Civil Code. Article 11 of the Law N°14/2008 of 04 June 2008 on Civil Registration of the Population and the delivery of the identity card stipulates that “possession and carrying the identity card are compulsory, for every Rwandan aged sixteen (16) years, inclusive...”. On the basis of all these documents, it is possible to verify the age of applicants and of course, to refuse access to those who have not attained the age of eighteen years.

- d. *Information which is communicated to volunteers, as well as to their parents or their legal guardian, that they have the right to make their own opinion and be fully informed of duties attached to military service;*

- e. *Effective minimum duration of the service and conditions of early release; the application of military justice or discipline to recruits aged less than 18 years and detailed data on the number of recruits subjected to legal procedures or under detention; minimal and maximum punishments provided for in the event of desertion;*

- f. *The incentive measures used by national armed forces to attract volunteers (scholarships, publicity, meetings in schools, games, etc).*

Paragraph 5

- a) *The minimum age of admission in schools under the administration or supervision by armed forces;*

79. In Rwanda, there are no schools under the administration or supervision of armed forces, except military academies. This is why this paragraph (a), as well as the following points (b), (c), (d) and (e) are not applicable in the country, i.e.:

- b) *Detailed data on schools placed under the administration or control of armed forces, in particular their number, the type of training they offer and the fraction of general education and military training in their programmes, the duration of education or training, teaching personnel and soldiers who take part in this training, installations available, etc;*
- c) *The inclusion in school programmes subjects on human rights and humanitarian principles, in particular in areas related to the implementation of the rights of the child;*
- d) *Detailed data on students who attend these schools, their military status in the event of mobilization or of armed conflict, real needs at the military level or any other emergency situation, their right to leave these schools any time and not to continue the military career;*
- e) *Measures taken to guarantee that school discipline is applied in a manner that does not infringe on the human dignity of the child and any existing mechanism of appeal, in case of child abuse.*

Article 4:

- a) *Armed groups operating on the territory of the State Party or from this territory or using of this territory as a refuge;*

80. There are no armed groups operating in Rwanda, there is not either which operate from Rwanda or make use of the national territory like refuge. This is why the following points are not applicable, namely:

- b) *The state of negotiations with armed groups;*
- c) *Detailed data on children who were recruited and used in conflicts by armed groups and those who were made prisoners of war by the country;*
- d) *Written or oral commitment taken by armed groups not to recruit or use children under the age of 18 years in conflicts;*

- e) *Measures taken by the State Party to sensitise armed groups and communities on the need to prevent the recruitment of children aged less than 18 years and on legal obligations under their, taking into account the minimum age stipulated in the Optional Protocol for the recruitment and participation in conflicts;*
- f) *The adoption of legislative measures aimed at prohibiting and making the recruitment and use of children aged less than 18 years by armed groups, a punishable offence and court orders in this areas;*
- g) *Programmes (for example, campaigns to promote the registration of births) with the objective of preventing recruitment or use by armed groups armed of children who are at higher risk of being recruited or used, such as refugees children and internally displaced children, street children and orphans.*

| Article 5:

Provisions of the national legislation or international instruments and International humanitarian law applicable to Rwanda that promote most the respect of the rights of the child. The state of ratification by Rwanda of major international instruments on the participation of children in armed conflicts and other commitments entered into by the country in this area.

81. Among provisions of the national legislation that promote most the respect of the rights of the child, the following texts should be highlighted:

- ⇒ The Law N°27/2001 of 28 April 2001 (Article 19) on the Rights and Protection of the child against violence;
- ⇒ The Law N°25/2004 of 19 November 2004 on the Creation, Organization and Functioning of the local service in charge of assisting in the maintenance of security "Local Defence" (Article 8);
- ⇒ The Presidential Decree N°155/01 of 31 December 2002 on the Statutes governing the National police Force (Article 5);
- ⇒ The Presidential Decree N° 72/01 of 08 July 2002 on the General Statutes governing the Army (Article 5).

All these texts provide that persons aged less than eighteen years cannot be recruited in the army, the local service to assist in the maintenance of security "Local Defence" and in the National police Force, the minimum age provided for by Article 38 of the Convention being fifteen years¹².

82. Apart from the above-mentioned texts of the national legislation that contain provisions that promote the respect of the rights of the child, other texts also protect the rights of the child at least according to the minimum stipulated in the Convention and the Protocol and the following instruments should be mentioned:

¹² Article 3 of the Protocol ; also refers to Article 38 of the Convention

The Constitution:

The 4 June 2003 Constitution of the Republic of Rwanda as it was amended and completed to date (Articles 27, 28 (specific Articles), but also Articles 10 to 13, 15, 16, 22, 29, 35, 37, 40).

Organic laws:

- ⇒ The Organic law N°07/2004 of 25 April 2004 on the Code governing Judicial Organisation, Administration and Competence, amended in March 2006 (Articles 74, 75).
- ⇒ The Organic law N° 29/2004 of 03 December 2004 on the Code governing the Rwandan National Citizenship (Articles 1, 2, 4, 6, 11, 12, 23);

Ordinary Laws:

- ⇒ The Law N° 42/1988 of 27 October 1988 on Preliminary Book and Book One of the Civil Code (Articles 296 and other articles relating to the relationship, filiations, adoption, guardianship) ;
- ⇒ The Law N° 22/1999 of 12 November 1999 completing the Book One of the Civil Code and establishing the Fifth Part on Matrimonial regimes(Article 70);
- ⇒ The Law N° 55/2001 of 30 December 2001 on the Labour Code (Articles 63 to 66, 67 to 70);
- ⇒ The Law N° 19/2002 of 17 June 2002 establishing Rwanda Defence Forces (Article 3)
- ⇒ The Decree -Law N°21/77 of 18 August 1977 on the Penal Code (Articles 358 to 362, 374, 379, 380 to 388).
- ⇒ The Law N° 13/2004 of 17 May 2004 on the Penal Procedure Code amended and completed by the Law N°20/2006 of 09 April 2006 (Articles 184 to 192)
- ⇒ The Law N°38/2006 of 25 September 2006 on the Organisation and Administration of the National Prisons Services (Articles 24, 25, 51).

83. As for international instruments promoting the respect of the rights of the child to which Rwanda is party, the following can be mentioned :

- ⇒ The Convention on the Rights of the Child ratified on 19 September 1990 (Presidential Decree N° 773/16 of 19 September 1990 O.G. N° 21 of 01 November 1990, p.1160);
- ⇒ The African Charter of the Rights and Welfare of the Child ratified on 30 May 2000 (Presidential Decree N° 11/01 of 30 May 2001, O.G. N° 22 of 15 November 2001, p.58)
- ⇒ The Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed conflicts ratified on 26 February 2002 (Presidential Decree N° 32/01 of 26 February 2002, O.G. N° Special Issue of 26 February 2002, p.25)

- ⇒ The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography ratified on 26 February 2002 (Presidential Decree N° 32/1 of 26 February 2002, O.G. N° Special Issue of 26 June 2002, p.27)
- ⇒ The Convention N° 138 on the Minimum Age for the Admission to employment, which was ratified on 07 November 1980 (Presidential Decree N° 416/06 of 07 November 1980, O.G. N° 24 of 15 December 1980, p.817)
- ⇒ The ILO Convention N°182 on the Prohibition of the Worst Forms of Labour against Children and Immediate Action for their Elimination ratified on 25 May 2000 (Presidential Decree N° 32/1 of 26 February 2002, O.G. N° Special Issue of 26 June 2002, p.27)
- ⇒ The Convention of the United Nations against Organised Crime. Rwanda ratified this Convention on 31 December 2002 (Presidential decree N° 158/01 of 31 December 2002, O.G. N° 12 ter of 15 June 2003, p.23)
- ⇒ The Additional Protocol to the Convention of the United Nations against Organised Cross-border Crime aimed at preventing, repressing and punishing human trafficking, in particular of women and children, ratified on 31 December 2002 (presidential Decree N° 163/01 of 31 December 2002, O.G. N° 12 ter of 15 June 2003, p.28).
- ⇒ The Convention on consent to marriage, minimum age of marriage and registration of marriages ratified on 31 December 2002 (Presidential Decree N° 159/01 of 31 December 2002, O.G. N°12 ter of 15 June 2003).;
- ⇒ The Closing Protocol of the Convention on the Repression of Human Trafficking and the Exploitation of Prostitution of others that Rwanda ratified on 31 December 2002 (Presidential Decree N° 161/01 of 31 December 2002, O.G. N° 12 ter of 15 June 2003, p.26)
- ⇒ The Convention on the Repression of Human Trafficking and Exploitation of the Prostitution of Others. Rwanda ratified this Convention on 31 December 2002 (Presidential Decree N° 161/01 of 31 December 2002, O.G. N° 12 ter of 15 June 2003, p.27);
- ⇒ The Convention N°123 of the International labour Convention on the minimum age for employment in underground labour in Mines, ratified on 28 October 1968 (Presidential Decree N° 95/12 of 28 October 1968, O.G. N° 23 of 01 December 1968, p.313)
- ⇒ The UNESCO Convention on the Fight against Discrimination in the area of Education which Rwanda ratified on 28 December 2000.
- ⇒ The 1993 Hague Convention on the Protection of Children and Cooperation in the area of International Adoption. The law authorizing the accession to this Convention is in force and this is the Law N°001/2008 of the 14 January 2008 authorizing the ratification of the Convention on the Protection of Children and Cooperation in International Adoption, adopted in The Hague, The Netherlands, on 29 May 1993.
- ⇒ The Geneva Convention on the status of Refugees, ratified on 22 October 1979 (Presidential Decree N° 29/79 of 22 October 1979, O.G. N° 22 of 15 November 1979, p.666);
- ⇒ The Geneva Convention on the Treatment of Prisoners of War

⇒ The Geneva Convention on the Protection of Civilians in times of War¹³.

Paragraphs 1 and 2

Provisions of the Optional Protocol

a) Revision of the national legislation and the made modifications;

84. The 4 June 2003 new Constitution of Rwanda refers in its preamble to the Convention on the Rights of the Child, reference that did not contain the former fundamental provisions.

The following texts were elaborate or were updated:

85. The law N° 19/2002 of the 17 May 2002 establishing Rwanda Defence Forces; its Article 3 provides that Rwanda Defence Forces are open to any voluntary Rwandan citizen, meeting conditions determined by the Specific Statutes governing Rwanda Defence Forces, without discrimination whatsoever. Pursuant to this law, the Presidential Decree N° 72/01 of 08 July 2002 on the General Statutes governing the Army set at 18 years the minimum age for the recruitment in Rwanda Defence Forces (RDF) (Article 5).

86. A new law on the Civil Defence Forces was promulgated and it is the Law N°25/2004 of 19 November 2004 on the Creation, Organization and Administration of the local service in charge of assisting in the maintenance of security "Local Defence". This law stipulates in its Article 9 that a person selected (by the Cell Council as provided for by Article 8 of the same law) to be member of the "Local Defence" must be at least eighteen (18) years old.

87. The Presidential Decree N°155/01 of 31 December 2002 on the Statutes governing the National Police Force which specifies in its Article 5 that to be recruited in the National Police Force, the candidate shall be at least eighteen (18) years old.

88. Among the drafts of legal review in progress, it should be stressed here that of the Law N°27/2001 of 28 April 2001 on the Rights and Protection of the child against violence. Even if the new text has not yet been enacted, the process is advanced since the drafting of a bill of the new law was completed. The new law will bring innovations, compared to the old one. Not only will this law refer to the Convention on the Rights of the Child as well as to its two Optional Protocols, but it will also practically reiterate all the rights stipulated by the Convention and the Protocols, while providing for mechanisms of implementation of these rights.

89. Even if the Penal Code in force provides for punishments against forgery and use of forgery as well as fraudulent declarations and false claims, the bill of the new Penal Code provides for specific punishments against people responsible of recruitment of children into the army,

¹³ For the two Geneva Conventions, the Government of Rwanda committed itself by the communication of 21 March 1964 addressed to Swiss Federal Council and received on 05 May 1964 of the fact of its ratification by Belgium on 03 September 1952, with effect from 01 July 1962, date of the attainment of independence

such recruitment having been done following false fraudulent records or following false declarations.

b) The place of the Optional Protocol in the National Law and its Applicability before National Jurisdictions;

90. Under Article 190 of the Constitution, international treaties or agreements, which have been conclusively adopted and upon their publication in the Official Gazette, shall be more binding than organic laws and ordinary laws except in the case of non compliance by the other party? In Rwanda, the place of the Protocol is therefore like that of other international treaties or agreements, i.e. it has supremacy over national laws.

91. As for the applicability of the Protocol before jurisdictions, there are no litigations brought before Rwandan jurisdictions that require the application of the Protocol, simply because there are no children in the army.

c) Government organizations or services responsible for the application of the Optional Protocol and coordination of their action with that of regional and local authorities and the civil society;

The application of the Protocol is carried out at various levels by various institutions since issues of children cut across several sectors of the national life.

Ministry in the Office of the Prime Minister in charge of Gender and family Promotion:

92. The application of the Protocol is the prime responsibility of the Ministry in the Office of the Prime Minister in charge of Gender and Family Promotion, which coordinates activities of various stakeholders and partners involved in the protection of the rights of children.

Ministry of Defence

93. In the recruitment by RDF, MINADEF ensures the respect of laws (the Law N°27/2001 of 28 April 2001 on the Rights and Protection of the child against violence and the Law N° 19/2002 of 17 May 2002 establishing Rwandan Defence Forces) and the Presidential Decree N°72/01 of 08 July 2002 on the General Statutes of the Army, by not recruiting persons aged less than eighteen years in the army.

Ministry of Public Service and Labour

94. The Ministry of Public Service and labour intervenes in the fight against the worst forms of child labour, pursuant to the ILO Convention N° 182 that Rwanda ratified on 25 May 2000, which prohibits the worst forms of child labour and classifies forced or compulsory recruitment of children aged less than 18 years for their use in armed conflicts among the category of the worst forms of child labour.

The National Police

95. The Presidential Decree N°155/01 of 31 December 2002 on the Statutes governing the National Police Force stipulates in its Article 5 that the minimum age for recruitment in the National Police Force shall be at eighteen (18) years. The National Police Force therefore also applies the Protocol by not recruiting persons aged less than eighteen years. The National Police Force has a specialised unit for minors.

Ministry of Local Government:

96. It should be recalled here that the Law N°25/2004 of 19 November 2004 on the Creation, Organization and Administration of the local service in charge of assisting in the maintenance of security "Local Defence" specifies in its Article 9 that a person selected (by the Cell Council as provided for by Article 8 of the same law) to be member of the "Local Defence" must be at least eighteen (18) years old. The Local Defence being under the responsibility of MINALOC, the Ministry therefore applied the Protocol since Cell councils do not select persons aged less than eighteen years in recruiting members of the "Local Defence".

Rwanda Demobilisation and Reintegration Commission

97. Rwanda Demobilization and Reintegration Commission intervenes in the process of demobilizing and reintegrating ex-combatants among whom children that were involved in armed conflicts. Activities of this commission will be developed when giving information in connection with Paragraph 3 of Article 6 of the Protocol.

Rwanda National Human Rights Commission

98. Article 24 of the Law N°27/2001 of 28 April 2001 on the Rights and Protection of the child against violence provides that the National Human Rights Commission must devise specific methods to monitor the application of the rights of the child.

99. It is pursuant to this Article that an Observatory of the Rights of the Child was set up, in 2006, within the National Human Rights Commission. The creation of this observatory was also in response to the Recommendation 12.b¹⁴ of the Committee on the Rights of the Child during the examination of the initial report of Rwanda on the implementation of the Convention on the Rights of the Child, which recommendation advised for the establishment of independent monitoring structures.

100. The observatory of the rights of the child is composed of committees which operate at three administrative levels: Sector, District and National. Children are represented at each level and sit with other people from various public and private institutions.

¹⁴ BY its recommendation 12 b, the Committee was recommending the possibility of creating within the Commission of an office for the defence of the rights of the child in charge of centralising its activities related to the child

National Unity and Reconciliation Commission

101. The National Unity and Reconciliation Commission intervene in the prevention of the genocide ideology in children in schools by creating unity and reconciliation clubs.

102. It should be stressed that it is the genocide ideology and other practices of intolerance that led to the war and the 1994 Genocide and it will also be recalled that children who were being hunted sought refuge within RPA, while other children fled to DRC after the war where they were recruited by armed groups operating in this country. Therefore these are the children who must be repatriated and reintegrated into the society.

d) Mechanisms and Means used to supervise and regularly evaluate the Application of the Optional Protocol;

103. MIGEPROF has officers in charge of Gender at the District level that are responsible for health, family promotion, the protection of the rights of the child and monitoring of the application of laws, the Convention to the Rights of the Child and its Optional Protocols.

104. MIGEPROF organizes training programmes for these officers on the CRC and its Protocols, the African Charter on the Rights and Welfare of the child, the ILO Convention N°182 on the Prohibition of the Worst Forms of Child Labour and Immediate Action for their Elimination, the Law N° 27/2001 of 28 April 2001 on the Rights and Protection of children against violence, the national policy on Orphans and other Vulnerable Children.

105. RDRC has a unit in charge of monitoring and evaluation (M&E) with personnel deployed down to the level of Provinces. In addition, each year RDRC recruits an external consultant for the evaluation of the entire demobilisation and reintegration programme.

106. The National Human Rights Commission has a service in charge of legal affairs and the observatory of the rights of the child. The service offers advice on the conformity of bills with treaties and Conventions ratified by the country. In addition, it is in charge of monitoring and sensitisation on the rights of the child. NCHR sensitizes services concerned to ratify international Conventions and to submit reports within specified time limits on Conventions ratified by Rwanda in connection with human rights.

e) Measures taken to ensure training of the personnel in charge of the maintenance of peace on the rights of the child, and in particular on the provisions of the Optional Protocol;

107. In collaboration with National Human Rights Commission, MINADEF organized training programmes of soldiers on the rights of the child. All divisions (5) have already received this training. This training is also given to soldiers who are sent on peace keeping missions in Darfur. The training of soldiers and the Police Force on the rights of the child is also carried

out in collaboration between MINADEF, National Police Force, National Human Rights Commission, UNHCR and ICRC.

f) Dissemination of the Optional Protocol, in all relevant languages to all children and adults, in particular to people responsible for recruitment of soldiers, and training offered to members of all professional categories who work with children and advocate for them.

108. MIGEPROF annually organizes campaigns to explain the CRC and its Optional Protocols, the Law N° 27/2001 of 28/04/2001 on the Rights and Protection of the child against violence as well as the National policy on Orphans and Other Vulnerable Children. These campaigns target all brackets of the population such as teachers, social workers, representatives of NGOs and various local religious confessions, local government authorities. The campaigns also target the population in general since popular meetings are organized for this purpose.

109. With the support of UNDP, NHRC has just translated the Protocol into Kinyarwanda and the next step is its dissemination.

Paragraph 3

Measures adopted on disarmament, demobilization (or relieve from military obligations) and the provision of suitable assistance for physical and psychological re-adaptation and social reintegration of children, taking into account the specific situation of girls.

Measures adopted on disarmament, demobilization (or relieve from military obligations).

110. In this area, Rwanda established a Commission called Rwanda Demobilisation and Reintegration Commission, created by Presidential Decree N°37/01 of 09 April 2002.

111. In the framework of the World Bank's Multi-Country Demobilization and reintegration Programme (MDRP), Rwanda Demobilisation and Reintegration Programme (PRDR) was adopted in 2002 with the following objectives:

- ⇒ To assemble ex-combatants identified and repatriated by UNMIC, i.e. to verify their status, nationality and age as well as enable them to benefit demobilisation and reintegration programmes;
- ⇒ To monitor and coordinate reintegration activities in families and communities ;
- ⇒ To sensitize and prepare decentralized authorities to receive and care for ex-combatant children;
- ⇒ To ensure monitoring after reintegration.

To provide appropriate assistance to ensure physical psychological re-adaptation and social reintegration of children

- 112.** After their arrival at the demobilization camp, children receive basic personal effects¹⁵. Children also receive basic care, as some of them will have been wounded by bullets or suffer from various infections. The centre has a dispensary for this purpose.
- 113.** Psychosocial support is also provided for. This is why in the programme called Post Traumatic Stressed Disorders (PTSD), each child meets a social worker once a week and their session last at least for three hours. The centre has two social workers, a man and a woman.
- 114.** Still on health care, Rwanda Demobilization and Reintegration Commission has signed an agreement with Ruhengeri Hospital, Kigali Central Hospital and University hospital (CHUK), Kanombe Military hospital to provide health care to ex-soldier children during the process of demobilization and reintegration. The Commission meets the cost of medical care for children who have serious infections that require follow-up after reintegration, for a period of 12 months maximum.
- 115.** In the demobilization centres, children receive a balanced diet. Children learn how to read, write and to count and this prepares the younger among them to resume normal education, once reintegrated into the society. They also receive other lessons among which civic education.
- 116.** These school activities begin immediately on arrival at the camp where each child receives uniform identical to that of pupils of primary school. The centre has a permanent teacher, while others are external and are provided by decentralised authorities, depending on the lessons offered.
- 117.** In addition, children are allowed to play, sing, dance, watch films, etc. the centre has football and volley ball grounds, game's halls, a television with a video tape recorder. The centre is also open to the surrounding population who may equally benefit from these social activities and this provides an opportunity for children to socialise and familiarize themselves with the environment in which they are being prepared to live.
- 118.** A study carried out by the National Demobilization and Rehabilitation Commission¹⁶ demonstrates that 66% of children say that their life at Ruhengeri Reintegration Centre is good while 33% of them say that it is excellent. 100% stated to be satisfied with the care offered by the personnel of the centre and as opposed to what some people would think.
- 119.** These activities in the demobilization camp are accompanied by Family Tracing, i.e. the research for families or families close to the children since the centre only serves as transit place. The National policy on the matter is that every child should have a family. Family

¹⁵ Each child receives a mattress, 2 pairs of bed sheets, a bed, a mosquito net, a pair of shirts, a t-shirt, a pullover, a pair of sandals, toilet paper, tooth brush and tooth paste,. There are articles that are periodically distributed such as soap, toilet paper and tooth paste.

¹⁶ Rwanda Demobilization and Reintegration Commission baseline Survey and Assessment if Rwanda Demobilization and Reintegration Programme on ex-child combatants reintegration, 27 July 2005, P.9

Tracing is carried out in collaboration with ICRC which must each time obtain the opinion of the child.

120. The ex-soldier child who has just been demobilized may reintegrate the civil life through various options:

- ⇒ Handing over the child to its parents (father and mother) or to the one of the two surviving parents (ideal option) ;
- ⇒ Hand over the child to a foster family (Fostering) ;
- ⇒ Group home that consists in grouping a limited number of children of (3 , 4, or 5) in one family;
- ⇒ Independent life (A child with its own household).
- ⇒ Institutionalization, i.e. putting the child in an orphanage or in a centre for other vulnerable children.

121. Of all these options, ex-soldier children reintegrated until now were received by their families (nuclear or extended family). For children whose families were traced, there exists a reunification ceremony to which local authorities and the surrounding community are invited. When there are several children to be reunified with their families, the ceremony takes place at the demobilization centre at the expenses of the Commission. All people present share a drink, according to the tradition while children dance, recite poems, etc. When the number of children to be reintegrated is not large the ceremony is held in the family. Members of the Commission accompany the children to their homes and meet the cost of the handover ceremony of the child between the Commission and the family.

122. It should be recognised that Tracing Family does not always lead to reunification of ex-soldier children with their families. This is why Muhazi Demobilisation Centre, which is a centre especially organised for children¹⁷, has another technique called "Mobility Card".

123. This technique consists in a chat between the social worker and the child during which the social worker asks some questions related to the child's memories of its environment of origin (the school that the child attended, the place where the family fetched water, the church where the family prayed, etc.). The social worker must as much as possible collect answers in the form of drawings to retrace the itinerary. This conversation may last longer or for a short time , depending on whether the child can provide some specific data its environment of the origin.

124. As soon as the information collected is sufficient to locate the former environment of the child, the social worker goes to the place indicated to try to find members of family of the child. In this framework, out of 8 children who were not able to trace their families, it was possible to reintegrate 6 children in their respective former environments in their nuclear or extended families.

¹⁷ Adults have their own demobilization camp, Mutobo Camp

125. In the final analysis, in the event of failure of Tracing Family, this technique is preferable to another called "Physical Tracing" which requires the social worker to accompany the child as he tries to find the itinerary to its former environment.

Specific Situation of Girls:

126. In connection with ex-girl soldiers and according to the data of RDRC, only 2 girls were officially demobilised. The two girls were repatriated in August 2001 before Muhazi Demobilisation Centre was established. They were offered a Take Home Kit composed of blankets, saucepans and hoes.

127. If only two girls have been until now officially repatriated and have been reintegrated, it does not mean that armed groups do not use girls aged less than eighteen years in their activities. However, most the ex - fighting girls prefer to clandestinely regain the civilian life as they prefer to keep this part of their worry to keep hidden this part of past "under military service" hidden as in most cases this traumatizing past is considered as a source of scorn and a shame by the society in which these children have to relive.

128. As for RDRP, it does not make any distinction of beneficiary children and despite that there are very few girls demobilized through the official process designed in the framework of this programme, facilities are especially put in place for them at demobilisation centres (separate dormitories and toilet facilities from those of boys, female social worker).

Children targeted by these measures, their participation in designed programmes, and their status vis-à-vis armed forces and armed groups;

129. Children targeted by this programme are Rwandan children recruited by armed militia operating in DRC. There is also a Burundian child who was repatriated in 2006 and who belonged to FNL¹⁸. The family of this child was traced and the child reunified.

Participation of children in the designed programmes:

130. Concerning the participation of children in these programmes, it should be stressed that children take part in the programmes since their arrival at the demobilisation camp. Children provide information in connection with their family at the time of tracing family and give their point of view on the activity which they wish carry out in the reintegration phase.

131. Children reintegrated into the society formed an association which was from the beginning called ECCA (Ex-Combatant Children Association). However, to extend the association, since the majority of founding members had meanwhile exceeded eighteen years of age, the association changed the name to be called RUYAAC (Rwandan Youth Affected by Armed Conflicts).

132. It should be noted that in general children are encouraged to take part in all the programmes designed for them. It is in this framework that the budget planned for the

¹⁸ Front for national Libération

promotion and the protection of the rights of the child includes an item allocated for the participation of children¹⁹. There exists audio-visual sensitisation programmes during which demobilized children sensitize other children still held by armed groups in DRC to return.

Status vis-à-vis Armed Forces and Armed Groups

133. With regard to armed forces and armed groups, children who are in the demobilization and reintegration process are regarded as civilians. Indeed, since these children are aged less than eighteen years and are not eligible to recruitment into the army, they are reintegrated into the society. Demobilisation centres are under the administration of RDRC which is endowed with administrative and financial autonomy and does not have any military aspect whatsoever. Children are dressed in civilian clothes and wear school uniform in class while in these camps. It should finally be stressed that RDRC is itself under supervision of the Ministry of Finances and Economic Planning.

- b) The budget allocated to these programmes, the participating personnel and its training, organizations involved, co-operation between them, as well as the participation of the civil society, local communities, families, etc;

The budget allocated to these programmes

134. RDRC is financed by the World Bank. For the 2002 - 2007 period, the budget was of 2,780, 000 \$ USA, only for the children component.

135. In its budgetary law, Rwanda provides for an item called "***Demobilization, Reintegration and rehabilitation of Soldiers***". It is in this framework that a sum of 4,188,000,000 RWFS was allocated for the year 2006; 5,656,000,000 RWFS for the year 2007 and 5.637.900.000 RWFS for the year 2008.

Participating Personnel and its Training:

136. The personnel of Muhazi Demobilisation Centre is composed of 18 people among whom a director, with an undergraduate diploma, two social workers respectively with an undergraduate diploma and Upper Secondary Certificate of Education, a logistician with a Bachelor's Degree, a registered nurse, a grade II teacher, a person in charge of hygiene with six years of secondary education. The support personnel include a person of maintenance, 5 cooks and 5 guards. At the Headquarters of the Rwandan Demobilisation and reintegration Commission, there is a unit in charge of child protection. Two people work in this unit: an officer, who is a university graduate in Political Philosophy (Bachelor's degree) and with training experience in areas of conflict management and child protection and his/her assistant also a university graduate in Political sciences with proven experience in the area of protection of the rights of the child.

Organizations involved and their co-operation.

¹⁹ For instance, the budget on the participation of children was 8,242,452 RWFS in 2006

- 137.** It is Rwanda Demobilization and Reintegration Commission which coordinates rehabilitation and reintegration activities, in the framework of Rwanda Demobilization and Reintegration Programme. However, various institutions and organizations intervene in this process.
- 138.** Therefore, pursuant to the mandate entrusted to it by the United Nations, UNMIC carries out disarmament operations, identifies disarmed combatants, with special attention to children. UNMIC also intervenes in the monitoring, the reintegration and rehabilitation process by giving information on the situation of ex-combatants repatriated, to those who are still in DRC. This information is likely to encourage them to put down arms, to return to their country and to benefit from the DDRRR (Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration) process.
- 139.** International committee of the Red Cross (ICRC) plays a very important role in reuniting children with their families or families that accept to foster them. ICRC interviews each child to retrace his itinerary and facilitates communication with his family.
- 140.** United Nations Children Funds (UNICEF) intervenes in areas of advocacy for the rights of the child, facilitation in family tracing and funding.
- 141.** SC/UK played a major role in the mobilization for the opening of a child demobilisation centre in Ruhengeri. SC/UK initiated a project called *BARATASHYE* (they are returning home) involved in reintegration and monitoring activities of ex-soldier children after their reintegration into families or communities, up to 2002.
- 142.** MIFOTRA, with the support of the International Labour Office through its International Programme on the Elimination of Child Work (IPEC) launched since September 2003, a Programme in the area of the prevention of recruitment of children and socio-economic reintegration of those who have already been involved in armed conflicts. This programme targeted 200 children ex-soldiers for the reintegration and 600 children in the framework of prevention. The Programme also accompanied the Association founded by Rwandan ex-soldier children, RUYAAC (Rwandan Youth Affected by Armed Conflicts).

Participation of the Civil Society, Local Communities, Families, etc;

- 143.** The civil society, local communities and families take part in the implementation of programmes. Here, it is necessary to point out the intervention of international NGOs like Save the Children/ U.K., ICRC and local NGOs like HAGURUKA as well as other non-profit-making associations like ADEPE, ASSOFERWA and APROPOL. These last three associations took part in the implementation of projects designed in the framework of the above-mentioned MIFOTRA-ILO programme.
- 144.** Local communities and families intervene, especially in family tracing and in making the choice of reintegration activities.

145. Local authorities practically intervene in the entire process by providing various services, especially the following:

- ⇒ Providing teachers;
- ⇒ intervention in family tracing and the choice of integration activities;
- ⇒ The delivery of identity cards;
- ⇒ Facilitation in getting shelter;
- ⇒ Settlement of disputes, especially those connected with property, etc.

146. The Commission collaborates with local authorities at the sector level and this collaboration is essential because these are the same authorities which will have to manage the situation at the end of RDRP.

c) Various measures taken to ensure social rehabilitation of children, for example, temporary care, access to education, and to professional training, reintegration in the family and in the community and relevant legal measures, taking into account specific needs of the children concerned, depending particularly on their age and their sex;

Various measures were provided for to facilitate social reintegration:

147. When they leave demobilisation camps, children receive a "Take Home Kit" composed of clothes, a pair of bed sheets, cooking pans, plates and cups, a hoe, a mosquito net, a jerry can and a basin.

148. Children are examined and those who are infected who require regular medical monitoring receive "Treatment Access Form" (TAF) which gives them access to health care in hospitals that have signed an agreement with the Commission and at the expenses of the latter.

149. At the Demobilization Centre itself, the Commission, the child, his parents and local authorities discuss what the child will be able to do, once reintegrate into the society, particularly depending on the age, sex, capacity of the child and the potentialities of the surrounding environment. The choices are particularly directed towards:

- ⇒ Professional training (Trades): There exist a Convention between the Commission and GACULIRO Youth Professional Training Centre where children can learn various trades;
- ⇒ Formal education for the youth;
- ⇒ Income generating activities (IGA). This orientation is preferred by the oldest children. The main activities which they carry out are agriculture and animal keeping and informal trade.

d) Measures taken to guarantee the confidentiality and protection of children taking part in these programmes and to ensure that they are not exploited:

150. The procedure of Disarmament, Demobilization, Repatriation, Reintegration and Rehabilitation is carried out in the respect of international Conventions and national laws into force in the country. This means that the process respects human rights as enshrined in these instruments, in particular the right to private life and the secrecy of correspondences (Article 22 of the Constitution), freedom of expression (Article 34 of the Constitution and Article 11 of the Law N°27/2001 of 28 April 2001 on the rights and Protection of the child against violence), etc

151. The confidentiality attached to documents in connection with the private life of the child can be illustrated by a documentation card for a demobilized child (documentation for demobilised children) that is stamped "**CONFIDENTIAL**".

152. When children are at the demobilisation centre, they are protected against any form of exploitation because even if the centre is open to the population, children follow a specific programme whose objective is to facilitate their social reintegration. Children are not isolated, UNHCR and ICRC carry out their activities at the centre, but any person with the intention of exploiting the children cannot have access to the centre, in any case, it would not be possible to commit such an offence even if one could enter the centre, since children are under permanent care by the personnel of the centre.

f) Legal provisions adopted to make recruitment of children a punishable offence and the question of knowing if this offence falls within competence of any specific mechanism of justice created in the framework of conflict (for example war crime courts; mediation organisations and establishment of facts); guarantees adopted to ensure that the rights of the child as victims and witnesses are respected in the framework of these mechanisms in accordance with the Convention on the Rights of the Child;

153. The Presidential Decree N°72/01 of 08 July 2002 on the General statutes governing the Army does not admit children into the Rwandan Defence Forces and the Law N°27/2001 of 28 April 2001 on the Rights and Protection of the Child against violence prohibits military service for persons aged less than eighteen years.

Specific repressive punishments are not provided for against recruitment of children because the army is the prerogative of public authorities and the State prohibits such

154. Specific repressive sanctions are not provided for against the recruitment of children as the army is under the authority of public authorities and the State has prohibited carrying out such kind of recruitment.

155. Private militias are prohibited by the Decree of the 7th of December 1960 in the framework of measures related to public security²⁰.

156. In the final analysis, if a person took the law in his/her own hands and kidnapped children to be recruited into an army, which would be in any case not possible in the country, he/she would be punished in accordance with the provisions of the above-mentioned Decree²¹ and Article 388 of the Penal Code which provides for a prison sentence ranging from five to ten years against anybody who, by violence, tricks or threats, arbitrarily kidnaps or helps kidnap, arrests or make arrest, detain or make detain any person; maximum sentence shall be applied if the person kidnapped, arrested, detained is under 18 years of age.

157. The draft law of the new Penal Code provides for punishments against people responsible for recruitment of children in the army.

g) Criminal accountability of children for crimes committed while in armed forces or armed groups and the applicable legal procedure, as well as guarantees to ensure the respect of the rights of the child;

158. According to the information received from the Military Prosecution, there are until now no children who committed crimes while in armed groups or armed forces and therefore their criminal accountability is not applicable here.

159. If children could have committed crimes while in armed groups or armed forces, Rwanda has a Military Penal Code that in fact constitutes the Fourth Title of the Penal Code. Article 451 specifies the manner in *which military jurisdictions apply punishments to offences in these terms: "military jurisdictions apply to ordinary crimes, punishments enacted by ordinary criminal laws. As for military offences below, they apply punishments provided for by the Military Penal Code. To all offences and apart from exceptions provided for by the Military Penal code, they apply the general provisions of the Ordinary Penal Code"*. In the final analysis, ex-soldiers children who are guilty of committing crimes while in armed groups or armed forces would be judged on the basis of Military Penal Code. These children could benefit from mitigating circumstances of being minors provided for in Article 77 of the Penal Code as well as from any procedure in their favour provided for by the law.

h) Provisions of peace agreements on disarmament, demobilization and/or physical and psychological rehabilitation and social reintegration of child combatants.

160. There are no specific provisions for children in peace agreements on disarmament, demobilization and/or physical and psychological rehabilitation and social reintegration of child combatants, but it is important to generally mention the following agreements:

²⁰ Official Bulletin of Rwanda –Urundi (O.R.U), 1961, p. 8. Article 2 of the Decree accepts exceptions to this prohibition that may be authorized by the Resident General (currently the President of the Republic) for the benefit of non public organizations and associations

²¹ Article 3 of the Decree provides for a prison sentence from six to fifteen months and a fine ranging from 100 to 2000 Francs or one of the punishments

161. The 10 July 1999 Lusaka Ceasefire Agreement on the Cessation of armed conflict in the Democratic Republic of Congo. At the signature of this agreement, six countries were engaged in the conflict in DRC, namely: Zimbabwe, Namibia, Angola, Uganda, Rwanda and the DRC. The objective of the agreement was to cease conflicts, exchange prisoners of war, and foreign armies to withdraw from DRC. However, the Lusaka Ceasefire Agreement was not respected by signatory countries.

162. On 31 August 2002, Rwanda and DRC signed the Pretoria Agreement on the withdrawal of Rwandan Troops from DRC and by the beginning of September 2002; no Rwandan soldier was still on the Congolese soil.

163. Following the failure of the Lusaka Ceasefire Agreement, in February 2005 under the auspices of the United States of America, a "*Tripartite commission*" was established. It was composed of DRC, Uganda, and Rwanda. The Commission eventually became "*Tripartite commission plus*" with the admission of Burundi. The objective of the Commission is to search for sustainable peace in the Great Lakes Region and in this framework; it makes a bi-monthly report on the situation in the region.

164. The Pact on Security, Stability and Development in the Great lakes Region, 2004.

Article 7:

15 Information on the co-operation on the implementation of the Optional Protocol, in particular technical cooperation and financial assistance: Technical cooperation and financial assistance that Rwanda proposes.

165. As that was specified, Rwanda Demobilisation and Reintegration Programme are funded by the World Bank and have a child component. Several organizations are involved in the implementation of the Protocol, including especially UNICEF, Save the Children Fund-U.K., ICRC, and UNAMIC. At present, the priority should be focussed on the sensitisation of all stakeholders and partners to efficiently play their role so that armed groups are disarmed and their Rwandan members, especially children, are repatriated and reintegrated in the civilian life.

CONCLUSION

- 166.** As it is evident from all the data and information provided in this report, the involvement of children in armed conflicts is a recent phenomenon related to vicissitudes of the 1990-1994 Rwandan history. Before this period, Rwandan children had never been involved in armed conflicts.
- 167.** Following the Genocide, Rwanda immediately embarked on the demobilisation and reintegration into the civilian life, of children who had been involved in conflicts. This operation continues with disarmed children and repatriates from DRC.
- 168.** After the ratification of the Protocol, Rwanda took appropriate measures for its implementation. All the aforementioned measures can be summarised in the fact that the country, a few months only after this ratification, formally enacted a legislation prohibiting the recruitment of children in armed forces.
- 169.** Currently, Rwanda therefore is still confronted with the problem of Rwandan children involved in armed conflicts in DRC, which problem would not be so serious if the armed groups operating in this country were disarmed. Indeed, with the disarmament of these groups, children would be repatriated and reintegrated into social life because the country, with the international cooperation, is currently sufficiently equipped for this purpose.
- 170.** Rwanda wishes to remind all stakeholders and partners involved in the process to fully play their role so that armed groups are disarmed and that their Rwandan members, especially children, are repatriated and reintegrated in the civilian life. Once the problem has been completely solved, the question of child soldiers in the country will no longer be relevant and will be history since the Rwandan legislation, which conforms as much as possible to international treaties and Conventions ratified by Rwanda, is formally opposed to the recruitment of children in the army.

MAJOR REFERENCE DOCUMENTS

- The Constitution of the Republic of Rwanda of 4 June 2003 as it was amended to date
- The Organic Law N°07/2004 of 25 April 2004 on the Code governing judicial Organization, Administration and Competence as it was amended and completed by the Organic Law N°14/2006 of 22 March 2006.
- The Organic Law N° 29/2004 of 03 December 2004 on the Code governing the Rwandan Citizenship
- The Decree-Law N°21/77 of 18 August 1977 on the Penal Code
- The Law N° 42/1988 of 27 October 1988 on the Rwanda Defence Forces
- The Law N°30/2003 of 29 August 2003 amending and completing the Decree-Law N°01/81 of 16 November 1981 confirmed by the Law N°01/82 of 26 January 1982 on the census, identity card, domicile and residence of Rwandans
- The Law N°25/2004 of 19 November 2004 on the Creation, Organization and Administration of the local service in charge of assisting in the maintenance of security "Local Defence"
- The Law N°13/2004 of 17 May 2004 on the Penal Procedure Code amended and completed by the Law N°20/2006 of 22 April 2006
- The Law N°38/2006 of 25 September 2006 on the Organization and administration of National Prisons Services
- The Law N°30/2007 of 06 July 2007 on the Organization and Administration of National Human Rights Commission
- The Law N°14/2008 of 04 June 2008 on the Population registration and the Delivery of the national Identity card
- The Presidential decree N°31/01 of 26 February 2002 on the Approval and Ratification of the Optional Protocol to the Convention on the Rights of the Child and on the Involvement of Children in Armed Conflicts
- The Presidential Decree N°72/01 of 08 July 2002 on the General statutes governing the Army
- The Presidential Decree N°155/01 of 31 December 2002 on the Statutes governing the National Police Force
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- The Report on the use of children in armed conflicts in Central Africa (Burundi, Congo, DRC, Rwanda) (ILO).
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- The Demobilization and Rehabilitation of Rwandan Boys and Girls Associated with Armed Groups in the Democratic Republic of Congo (Save the Children/UK).
- Documentation for Demobilised Child