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Rwanda

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	16 April 1975	None	Individual complaints (art. 14): No
ICESCR	16 April 1975	None	–
ICCPR	16 April 1975	None	Inter-State complaints (art. 41): No
ICCPR-OP 2	15 December 2008	None	–
CEDAW	2 March 1981	None	–
OP-CEDAW	15 December 2008	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	15 December 2008	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	24 January 1991	None	–
OP-CRC-AC	23 April 2002	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	14 March 2002	None	–
ICRMW	15 December 2008	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
CRPD	15 December 2008	None	–
CRPD-OP	15 December 2008	None	Inquiry procedure (arts. 6 and 7): Yes

Treaties to which Rwanda is not a party: OP-ICESCR³, ICCPR-OP 1, OP-CAT, and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except APIII
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on Elimination of Discrimination against Women (CEDAW) encouraged Rwanda to consider ratifying CEDAW.⁸ Similarly, the Working Group on Enforced or Involuntary Disappearances (Working Group) called on Rwanda to sign and ratify CEDAW and accept the competence of the Committee under articles 31 and 32.⁹ The Committee on Elimination of Racial Discrimination (CERD) noted that Rwanda had not made the declaration provided for in article 14 of the ICERD.¹⁰

B. Constitutional and legislative framework

2. In 2009, CEDAW commended Rwanda for the adoption of its Constitution in 2003, which enshrined the principle of gender equality and non-discrimination.¹¹ CEDAW urged Rwanda to accelerate its law review process and to ensure that all discriminatory provisions in legislation were repealed.¹²

3. The High Commissioner for Human Rights (the High Commissioner) noted that the Constitution recognized the precedence over domestic laws of international human rights conventions which had been ratified.¹³

4. CEDAW welcomed the adoption of the Bill on prevention and punishment of gender-based violence.¹⁴

5. In 2004, the Committee on the Rights of the Child (CRC) was concerned that the legislation regarding children's rights, including customary law, was not fully compatible with the Convention.¹⁵

C. Institutional and human rights infrastructure

6. The National Commission for Human Rights in Rwanda (NCHRR) was accredited with A status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2001, which was reconfirmed in October 2007.¹⁶ While welcoming the establishment of the NCHRR, CRC was concerned that the Commission had insufficient human and financial resources.¹⁷

7. In 2010, the High Commissioner noted the establishment of the Gender Monitoring Office, an independent public institution dedicated to promoting non-discrimination and equal opportunity.¹⁸

8. In 2000, the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda noted the establishment of the National Unity and Reconciliation Commission.¹⁹

D. Policy measures

9. In 2004, CRC recommended that Rwanda adopt a national plan of action for children and allocate resources for its implementation.²⁰

10. The 2008-2012 United Nations Development Assistance Framework (UNDAF) noted that Rwanda's long-term development vision was set out in the *Vision 2020* policy.²¹

11. CEDAW appreciated the fact that gender was a cross-cutting issue in *Vision 2020* and other national policies, but it noted the absence of a comprehensive approach addressing all aspects of discrimination against women.²² In 2010, the National Action Plan on Security Council resolution 1325 (2000) was launched with leaders pledging a greater commitment to making gender equality a priority in development plans and programmes.²³

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²⁴</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1999	March 2000	–	Thirteenth to fourteenth report received in 2010
CESCR	1987	February 1989	–	Second to fifth report received in 2010
HR Committee	2007	March 2009	Due March 2010	Fourth report due in 2013
CEDAW	2006	February 2009	Due 2011	Seventh, eighth and ninth report due 2014
CAT	–	–	–	Initial report due 2010
CRC	2002	May 2004	–	Third and fourth reports overdue since 2008
OP-CRC-AC	–	–	–	Initial report received 2010
OP-CRC-SC	–	–	–	Initial report received 2010
CMW	–	–	–	Initial report overdue since 2009.

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	–
<i>Visits agreed upon in principle</i>	SR on minority issues
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 9 communications were sent. The Government replied to 5 communications.
<i>Responses to questionnaires on thematic issues</i>	Rwanda responded to 2 of the 23 questionnaires sent by special procedures mandate holders. ²⁵

3. Cooperation with the Office of the High Commissioner for Human Rights

12. In 2007, the Office of the High Commissioner for Human Rights (OHCHR) deployed the Human Rights Adviser in Rwanda to focus on, inter alia, the provision of technical assistance to Rwanda to comply with its reporting and follow-up commitments to treaty bodies.²⁶

B. Implementation of international human rights obligations

1. Equality and non-discrimination

13. In 2010, the High Commissioner commended Rwanda's efforts to shape a new society that is inclusive and which explicitly rejects historical discrimination and noted the progress towards gender equality.²⁷

14. The Committee on the Elimination of Discrimination against Women (CEDAW) was concerned that there was no explicit prohibition of discrimination against women, in line with the Convention, which addresses direct and indirect discrimination.²⁸ In 2010, HR Committee noted with concern that discrimination against women existed in several fields, particularly under the Civil Code and the Family Code, which recognized the husband to be the head of the conjugal union.²⁹ In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) reiterated its previous comments that legislation, which provided that "the husband is the head of the household", had a negative impact on equality between men and women in employment.³⁰

15. In 2009, CEDAW was concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and the community, which resulted in violence against women and were reflected, in particular, in women's limited educational opportunities and their disadvantaged situation in the labour market.³¹

16. CEDAW noted the absence of legislation and measures to address sexual harassment.³² The ILO Committee of Experts requested Rwanda to adopt a definition of sexual harassment in the workplace.³³

17. CEDAW was concerned at the higher unemployment and underemployment rates for women in both the private and public sector in comparison with men, and the concentration of women in low-paid jobs.³⁴

18. HR Committee noted that the number of girls entering secondary and higher education was lower than the number of boys.³⁵ CEDAW made similar observations and

expressed concern about the high dropout rate of girls and that traditional attitudes and early pregnancies were among the causes of girls' dropout.³⁶

19. CEDAW was concerned at widespread poverty among women, in particular among women heads of households.³⁷ UNDP noted that female headed households had a higher and deeper incidence of poverty.³⁸ CEDAW was concerned about the situation of rural women, most of whom were poor, and with reduced access to justice, health care, education, economic opportunities and community services.³⁹

20. CRC remained concerned, *inter alia*, at the inadequate legal and *de facto* protection of and the insufficient facilities and services for children with disabilities, and the insufficient efforts made to facilitate their inclusion in the educational system and in society.⁴⁰

21. In 2008, the ILO Committee of Experts referred again to observations from workers' organizations concerning discrimination in practice on the grounds of sex, ethnicity, religion, political affiliation or social origin, despite the fact that the law prohibited such discrimination.⁴¹ In 2008 and 2009, it recommended that Rwanda examine whether the available administrative and judicial remedies are appropriate to address discrimination in employment and any other obstacles for the detection and resolution of instances of discrimination in employment.⁴²

22. HR Committee was concerned about the reports that members of the Batwa community were victims of marginalization and discrimination. HR Committee recommended that Rwanda should take steps to ensure that members of the Batwa community were protected against discrimination in every field.⁴³

2. Right to life, liberty and security of the person

23. HR Committee welcomed the abolition of the death penalty.⁴⁴ However, it noted with concern that the death penalty had been replaced by life imprisonment in solitary confinement, treatment which is contrary to the ICCPR.⁴⁵

24. In 2009, the Working Group noted that since its establishment, it had transmitted 24 cases of disappearance to the Government of Rwanda; of those, 21 remained outstanding. The Working Group noted that the information concerning all outstanding cases transmitted by the Government in 2009 was insufficient to clarify the cases.⁴⁶ In 2007, it clarified that the most of the outstanding cases occurred between 1990 and 1996 and were attributed to the Armed Forces, the *gendarmérie nationale* and the Rwandese Patriotic Army.⁴⁷ HR Committee was concerned at reported cases of enforced disappearances and summary or arbitrary executions and about the impunity apparently enjoyed by the police forces responsible for such violations.⁴⁸

25. While noting the prohibition of any act of torture against children by the Law on the Rights of the Child and Protection of Children against Abuse, CRC, in 2004 remained concerned at the absence of a definition of those offences in the Penal Code. It recommended that Rwanda adopt measures to combat torture.⁴⁹ In 2007, the High Commissioner encouraged Rwanda to ratify the OP-CAT and thereby allow independent bodies to visit places where people are deprived of their liberty, in order to prevent torture.⁵⁰

26. CRC noted that the legislation did not include an explicit prohibition of corporal punishment and was concerned at the persistent practice of corporal punishment by parents, teachers and law enforcement officers. It recommended, *inter alia*, that Rwanda introduce legislation explicitly prohibiting corporal punishment and promote alternative, non-violent forms of discipline.⁵¹

27. CRC was concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools, care institutions and the family. It recommended, inter alia, that Rwanda investigate cases of violence through a child-sensitive judicial procedure.⁵²

28. HR Committee was concerned about reports of domestic violence and at the inadequacy of measures taken by the public authorities in that regard.⁵³ UNDP noted that more than one-third of women reported having experienced acts of spousal violence.⁵⁴ CEDAW remained concerned at the prevalence of different forms of violence against women and about the absence of a comprehensive strategy to combat it.⁵⁵

29. HR Committee was concerned about reports that the Kigali authorities often arrested persons belonging to vulnerable groups, such as street children, beggars and sex workers, on the grounds of vagrancy. Such persons were reported to be held in detention without any charges being brought against them.⁵⁶ CRC was concerned that parents can request that a child whose conduct was not satisfactory be interned.⁵⁷

30. CRC was concerned at numerous reports of recruitment of children below the age of 15 years by armed groups operating in Rwanda or in a neighbouring country. It was also concerned that not all former child soldiers, notably girls, were provided with the means of psychological recovery and social rehabilitation. It recommended, inter alia, that Rwanda ensure that children under the age of 18 were not recruited into the Local Defence Forces or into any armed group on the territory of Rwanda.⁵⁸ In 2010, the ILO Committee of Experts made similar requests⁵⁹ and urged Rwanda to adopt time-bound measures to demobilize child soldiers and secure their rehabilitation and social integration.⁶⁰

31. HR Committee was concerned at reports of appalling prison conditions, particularly as regards hygiene, access to health care and food.⁶¹ In 2000, CERD made similar observations.⁶²

32. In 2009, CEDAW was concerned at the absence of effective measures to address human trafficking. It urged the introduction of effective prevention measures, timely prosecution and punishment of traffickers and the provision of protection and support to victims. It recommended, inter alia, that Rwanda address the root causes of human trafficking.⁶³

33. In 2010, the ILO Committee of Experts noted that 352,550 children aged 5-17 were said to be workers.⁶⁴ In 2004, CRC was concerned that child labour was widespread, particularly in the informal sector, and that children might be working long hours.⁶⁵

34. CRC remained concerned about the increasing number of child victims of sexual exploitation and at the insufficient programmes for their recovery and social rehabilitation.⁶⁶

35. CRC was concerned at the increasing number of street children and at the lack of a comprehensive strategy to address this situation. It was further concerned at reports indicating that street children had been rounded up and taken into custody.⁶⁷

36. In 2009, Secretary-General noted that the right to security of the genocide survivors was threatened and there was a lingering genocide ideology, as demonstrated by recent destruction of genocide survivors' properties and attacks on genocide survivors who testified in courts.⁶⁸

3. Administration of justice, including impunity, and the rule of law

37. In 2007, UNDP noted that Rwanda had restored the basis of a functional justice system.⁶⁹

38. HR Committee noted with concern that the *gacaca* system of justice did not operate in accordance with the right to a fair trial, particularly with regard to the impartiality of judges and protection of the rights of the accused. HR Committee remained concerned about the lack of legal training for judges and reports of corruption.⁷⁰ In 2007, the High Commissioner welcomed the Government's willingness to work with all partners to find appropriate responses to these challenges.⁷¹

39. HR Committee was concerned about the limited number of lawyers who provided legal assistance to detained persons regarded as poor. HR Committee recommended that Rwanda should take steps to ensure free legal assistance for those who do not have the means to pay for the assistance of a defence lawyer.⁷² UNDP made a similar recommendation.⁷³

40. CRC was concerned that persons below the age of 18 at the time of their alleged war crimes had not yet been tried, had been detained in very poor conditions, and were still in what could be considered as pre-trial detention.⁷⁴

41. CRC was concerned at the limited progress achieved in establishing a functioning juvenile justice system. In particular, it was concerned at the lack of juvenile courts, juvenile judges and social workers in this field and at the very poor conditions of detention, due to overcrowding in detention and prison facilities, overuse and long periods of pre-trial detention, the length of time before the hearing of juvenile cases, the lack of assistance towards the rehabilitation and reintegration of juveniles following judicial proceedings.⁷⁵

42. HR Committee was concerned that there appeared to be no guarantee that detained children would be held separately from adults, and accused from convicted persons. HR Committee recommended that Rwanda should put in place a system to segregate accused persons from convicted persons and minors from other prisoners.⁷⁶

43. In 2009, HR Committee noted the efforts made by Rwanda to advance reconciliation in society and establish the rule of law.⁷⁷

44. HR Committee remained concerned at the large number of persons, including women and children, reported to have been killed from 1994 onwards in the course of operations by the Rwandan Patriotic Army, and at the limited number of cases reported to have resulted in prosecution and punishment by the courts.⁷⁸

45. CERD noted Rwanda's efforts to prevent impunity for perpetrators of genocide and other human rights violations and to bring those most responsible for such acts to justice.⁷⁹ However, CERD remained concerned that impunity prevailed, notably in some cases involving unlawful acts committed by members of the security forces. CERD was further concerned by reports of the intimidation of judicial authorities seeking to investigate and address human rights violations committed since 1994 against ethnic Hutus. It recommended that Rwanda continue addressing impunity through the judicial process.⁸⁰

46. In October 2010, OHCHR published a report of a mapping exercise that documented the most serious violations of human rights and international humanitarian law committed in the Democratic Republic of Congo (DRC) between 1993 and 2003. Comments on the report from a number of Governments concerned, including Rwanda, were released at the same time. The report described the most serious violations committed in the DRC over this ten-year period by both State and non-state actors, including a number allegedly by foreign military forces, including those of Rwanda. The mapping report was intended as a tool to promote accountability for past human rights abuses, to serve to prevent their recurrence in future and ensure sustainable peace and development in the DRC.⁸¹

47. In 2008, the Secretary-General thanked Rwanda for its cooperation with the International Criminal Tribunal for Rwanda (ICTR).⁸² In 2000, CERD noted with satisfaction that Rwanda had resumed its cooperation with the ICTR.⁸³

4. Right family life

48. In 2009, the Secretary-General noted that the genocide and the surge in HIV/AIDS cases had left Rwanda with one of the world's highest proportions of child-headed households.⁸⁴ CRC was concerned that a large number of single-parent and child-headed families faced financial and other kinds of difficulties.⁸⁵

49. In 2010, the ILO Committee of Experts referred to the latest estimates that there were approximately 210,000 orphans due to HIV/AIDS.⁸⁶ CRC was concerned that one third of the children were orphans, and at reports regarding the abandonment of children by parents for economic reasons and the placement of many children in institutions, which was being resorted to in preference to developing alternative care measures.⁸⁷

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

50. HR Committee noted with concern reports that journalists who criticized the Government were subjected to intimidation or to acts of aggression by the authorities and that some had been charged with "divisionism". HR Committee recommended that Rwanda should conduct investigations into the acts of intimidation or aggression and punish their perpetrators and should make sure that any restriction on the exercise of journalists' activities is compatible with the provisions of the ICCPR and cease to punish acts of so-called "divisionism".⁸⁸ The ILO Committee of Experts requested Rwanda to ensure that persons who hold or express an opinion opposed to the established political, social or economic system do not incur prison sentences involving the obligation to work.⁸⁹

51. HR Committee was concerned about the reported obstacles to the registration and freedom of action of human rights NGOs and opposition political parties. HR Committee recommended that Rwanda should enable NGOs to operate without hindrance. It should treat all political parties on an equal footing and offer them equal opportunities to pursue their legitimate activities.⁹⁰

52. In July 2010, noting the upcoming elections in Rwanda, the Secretary-General expressed concern about incidents causing political tensions and stressed the need to uphold human rights. The Secretary-General encouraged the Rwandan authorities to take immediate action, including a thorough investigation into the incidents, and to bring the perpetrators to justice.⁹¹

53. UNDP mentioned that Rwanda had one of the highest rates of female representation in parliament.⁹² CEDAW commended Rwanda for its successful use of quotas in political and public life.⁹³ HR Committee made similar observations.⁹⁴ CEDAW recommended that Rwanda further strengthen its efforts to increase participation of women in decision-making posts, in particular at the local level, and in senior managerial positions in the private sector.⁹⁵

6. Right to work and to just and favourable conditions of work

54. In 2006, the ILO Committee of Experts reiterated its previous observation that the equal remuneration provision of the Labour Code emphasized comparing "the same type" of work, while the principle of equal remuneration for work of equal value was wider, requiring also the comparison of work which is of a different type, but still of equal value.⁹⁶ In 2010, the ILO Committee of Experts noted with regret that Rwanda had not taken the opportunity to give full legislative expression to the principle of equal remuneration for work of equal value within the meaning of ILO Convention No. 100.⁹⁷

55. Referring to its previous comments on provisions on vagrancy, the ILO Committee of Experts considered that legislation, by providing a broad definition of the offence of

vagrancy - the simple fact of not working may be treated as an offence - and by making the persons concerned available to the Government, constituted a direct and indirect means of exacting labour, which is inconsistent with ILO Convention No. 29.⁹⁸

56. In 2010, the ILO Committee of Experts referred to its previous comments wherein it noted that there were no legislative provisions referring to the recognition and conditions governing the right to strike of public servants not exercising authority in the name of the State.⁹⁹

7. Right to social security and to an adequate standard of living

57. According to UNDAF, Rwanda has experienced a remarkable recovery since the 1994 genocide. Since the end of the emergency period, growth rates have averaged 5.8 per cent per annum, making Rwanda one of the top performers in Africa and an example of successful post-conflict reconstruction. Rwanda's challenge over the next decade will be to operate a successful transition from recovery and reconstruction-based growth to a broad-based and sustainable growth that would allow it to achieve its long-term development vision, known as Vision 2020.¹⁰⁰

58. WFP stated that Rwanda was enduring deterioration in nutritional conditions and referred to the 2009 survey that indicated national levels of stunting at 52 per cent and underweight at 16 per cent.¹⁰¹ In 2007, UNDP noted that despite a decrease in acute malnutrition among children under five, chronic malnutrition had increased from 43 per cent to 45 per cent of children. Additionally, 78 per cent of households presented some vulnerability in access to or consumption of food and 28 per cent of households were food insecure.¹⁰² The UNDAF noted that food insecurity continued to be very high as a consequence of population growth and internal displacement that led to deforestation and soil erosion and decreasing agricultural productivity.¹⁰³

59. In 2009, the Secretary-General noted the decline in the levels of infant and maternal mortality, HIV infection and malaria.¹⁰⁴ In 2009, CEDAW commended Rwanda for the recent decline in the incidence of HIV/AIDS and malaria and for the increased coverage of treatment for both diseases.¹⁰⁵ UNDAF noted that while social indicators showed improvement in addressing the health of the population, however, these indicators were still among the highest in the world.¹⁰⁶

60. CEDAW noted that, despite the reduction in the maternal mortality rate, the number remained high owing to lack of access to obstetric services. It was also concerned that many women, in particular in rural areas, gave birth at home.¹⁰⁷ CRC was concerned at the still high infant, under-five, and maternal mortality rates and the low life expectancy. It was concerned that the survival and development of children continued to be threatened by early childhood diseases and that malnutrition was an acute problem.¹⁰⁸ UNDP noted that malaria was the leading cause of morbidity and mortality and children under the age of five accounted for 35 per cent of all malaria-related deaths.¹⁰⁹

61. According to UNDAF, geographical and social disparity in access to basic health services persisted.¹¹⁰ UNDP indicated that a child born into a poor family was twice as likely to die before the age of five as a child born into a rich family.¹¹¹

62. According to UNDAF, most Rwandans died of diseases that could be prevented and/or cured through increased access to safe water and improved sanitation.¹¹² CRC was concerned that insufficient attention had been given to adolescent health issues, including developmental, mental and reproductive health concerns and substance abuse, as well as adolescents traumatized by the consequences of the genocide.¹¹³

63. In 2007, UNDP noted that enormous efforts had been made to improve service delivery and funding of the health sector with public spending on health more than

doubling over the last few years. However, Rwanda's starting point was extremely low as much of its human and institutional capacity had been decimated during the genocide and its health system was emerging from the ashes of war and years of neglect.¹¹⁴ In 2004, CRC was concerned that health services continued to lack adequate resources and at the lack of prenatal health care.¹¹⁵

64. According to UNDAF, despite progress in poverty rate reduction, the population increase had contributed to an overall rise in the number of Rwandans living in poverty of more than half a million since 2001.¹¹⁶ UNDP noted that Rwanda's recent growth had largely bypassed the rural poor.¹¹⁷

8. Right to education

65. CRC welcomed the fact that the 2003 Constitution provided for free and compulsory education.¹¹⁸ A 2010 United Nations Statistics Division source indicated that the total net enrolment ratio in primary education was 95.9 per cent in 2008.¹¹⁹ However, according to UNDAF, only 9.6 per cent of boys and 10.3 per cent of girls who started grade 1 actually reached grade 5.¹²⁰ UNDP noted that quality remained a challenge in primary education.¹²¹

66. UNDP noted that secondary school enrolment also remained a challenge, with barely 10 per cent net enrolment nationally and 7.9 per cent in rural areas.¹²² According to UNDAF, obstacles to successful secondary school achievement included, inter alia, absence of qualified teachers, inappropriate infrastructure unable to meet basic water, sanitation and hygiene needs and inadequate teaching and learning materials.¹²³ CRC made similar observations. It was also concerned at the gender and regional disparities in attendance and the high drop-out rates.¹²⁴

9. Minorities and indigenous peoples

67. HR Committee was concerned about the non-recognition of the existence of minorities and indigenous peoples.¹²⁵ In 2010, the ILO Committee of Experts repeated its previous request for information on the measures taken to improve access of members of the Batwa community to education, employment and occupation.¹²⁶

68. CRC was concerned at the situation of children belonging to minorities, including Batwa children, in particular their limited access to basic social services, and the violation of their rights to development, to enjoy their own culture and to be protected from discrimination.¹²⁷

10. Migrants, refugees and asylum-seekers

69. UNHCR mentioned that Rwanda, in 2009, had renewed its emphasis on the return of Rwandan asylum-seekers and refugees and that return- and reintegration-related activities were being carried out as planned.¹²⁸ CRC welcomed the fact that a large number of children had been reunited with their families over recent years, but remained concerned at the poor situation of children and their families who had returned to Rwanda, notably with regard to access to health services and education. It was further concerned that these children were not provided with adequate physical and psychological recovery and social rehabilitation.¹²⁹

70. UNHCR noted that Rwanda hosted between 50,000 and 60,000 refugees. Since 2008, however, Rwanda had begun to scrutinize asylum claims more stringently and become reluctant with respect to recognizing and processing asylum-seekers from neighbouring countries.¹³⁰ UNHCR noted issues regarding, inter alia: asylum reception and refugee status determination and access to essential documentation for refugees and asylum-seekers.¹³¹ It recommended ensuring that asylum procedures be well disseminated amongst government officials concerned as well as to civil society; the new Ministry in

charge of refugee affairs institute a new eligibility determination board and ensure regular sitting to determine all pending and new asylum claims and the provision of free legal aid to asylum-seekers at different stages of the process.¹³²

71. UNHCR noted that the refugee camps were overcrowded and refugees enjoyed 5 square metres of space as opposed to the recommended standard of 14 square metres.¹³³ It recommended that Rwanda explore the possibility of providing additional living space for camp-based refugees. Furthermore, UNHCR recommended that Rwanda identify refugees with strong established family and economic links to Rwanda and facilitate the process of local integration, in consultation with the refugees concerned.¹³⁴

72. CEDAW expressed concern at the situation of refugee women and women returnees, in particular in view of their precarious living conditions in camps where they were at risk of sexual and other forms of violence and lacked access to health care, education and economic opportunities.¹³⁵

11. Right to development

73. The SG mentioned, inter alia, high population density, limited access to safe water and energy, and poor infrastructure among many challenges Rwanda was confronted with in its pursuit of development.¹³⁶

III. Achievements, best practices, challenges and constraints

74. The High Commissioner underscored the fact that Rwanda found courage and consensus to abolish capital punishment in 2007.¹³⁷ UNHCR made similar observations.¹³⁸

75. HR Committee noted that Rwanda was still in a period of reconstruction following the genocide of 1994 and the tragic events that ensued. While acknowledging the progress achieved, it expressed its concern about the instability of the current situation with regard to reconciliation within society.¹³⁹ The UNDAF noted that Rwanda still faced challenges in terms of peace and reconciliation as well as rebuilding an efficient and inclusive state, a free and representative political system and a fair and transparent justice system.¹⁴⁰

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

76. In 2009, HR Committee requested that Rwanda provide, within one year, information on the follow-up action taken on the recommendations contained in paragraphs 12 (enforced disappearances), 13 (1994 killings), 14 (life imprisonment) and 17 (*gacaca* system of justice)¹⁴¹. No response has been received.

77. In 2009, CEDAW requested Rwanda to provide, within two years, detailed written information on the implementation of the recommendations contained in paragraphs 26 (violence against women) and 36 (women's health care) of its concluding observations.¹⁴²

V. Capacity-building and technical assistance

78. CEDAW called upon Rwanda to strengthen further its cooperation with specialized agencies and programmes of the United Nations system.¹⁴³ CRC recommended seeking international assistance from various United Nations agencies; for a national plan of action

for children¹⁴⁴; on child soldiers¹⁴⁵; on child labour;¹⁴⁶ juvenile justice and police training¹⁴⁷; on adoptions.¹⁴⁸

Notes

- ¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>
- ² The following abbreviations have been used for this document:
- | | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to the Convention on the Rights of Persons with Disabilities |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance |
- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the

- Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ CEDAW/C/RWA/CO/6, 8 September 2009, para. 45.
- ⁹ A/HRC/13/31, para. 463.
- ¹⁰ CERD/C/304/Add.97, 19 April 2001, paras. 21-22.
- ¹¹ CEDAW/C/RWA/CO/6, 8 September 2009, para. 6.
- ¹² *Ibid.*, para. 16.
- ¹³ Statement by the High Commissioner Navanethem Pillay for the International Day of Reflection on the 1994 Genocide in Rwanda, Geneva, 7 April 2010.
- ¹⁴ CEDAW/C/RWA/CO/6, 8 September 2009, para. 25.
- ¹⁵ CRC/C/15/Add.234, 1 July 2004, para. 5.
- ¹⁶ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- ¹⁷ CRC/C/15/Add.234, 1 July 2004, paras. 11-12.
- ¹⁸ Statement by the High Commissioner Navanethem Pillay for the International Day of Reflection on the 1994 Genocide in Rwanda, Geneva, 7 April 2010, p. 1.
- ¹⁹ A/55/269, p. 37, para. 188.
- ²⁰ CRC/C/15/Add.234, 1 July 2004, para. 10.
- ²¹ UNDAF 2008-2012: Rwanda (Kigali, 2007) pp. 7- 8, available from <http://www.undg.org/docs/8381/Rwanda-UNDAF-2008-2012.pdf>.
- ²² CEDAW/C/RWA/CO/6, 8 September 2009, para. 17.
- ²³ UNIFEM Press Release: "Rwanda's National Action Plan on Security Council resolution 1325 launched at international forum", available from http://www.unifem.org/news_events/story_detail.php?StoryID=1096
- ²⁴ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ²⁵ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ²⁶ UN OHCHR, 2009 Report: Activities and Results, p. 107.
- ²⁷ Statement by the High Commissioner Navanethem Pillay for the International Day of Reflection on the 1994 Genocide in Rwanda, p. 1.
- ²⁸ CEDAW/C/RWA/CO/6, 8 September 2009, para. 15.
- ²⁹ CCPR/C/RWA/CO/3, 7 May 2009, para. 9.
- ³⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual

- Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010RWA111, 4th para.
- ³¹ CEDAW/C/RWA/CO/6, 8 September 2009, para. 21.
- ³² Ibid., para. 33.
- ³³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 062010RWA111, 2nd para.
- ³⁴ CEDAW/C/RWA/CO/6, 8 September 2009, para. 33.
- ³⁵ CCPR/C/RWA/CO/3, 7 May 2009, para. 10.
- ³⁶ CEDAW/C/RWA/CO/6, 8 September 2009, para. 31.
- ³⁷ Ibid., para. 37.
- ³⁸ United Nations Development Programme Rwanda, Turning Vision 2020 into Reality: From Recovery to Sustainable Development - National Human Development Report, Rwanda, 2007, p. 33, box 6.
- ³⁹ CEDAW/C/RWA/CO/6, 8 September 2009, para. 37.
- ⁴⁰ CRC/C/15/Add.234, 1 July 2004, para. 46.
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- ⁴² Ibid., para. 5; ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009RWA111, 5th para.
- ⁴³ CCPR/C/RWA/CO/3, 7 May 2009, para. 22.
- ⁴⁴ Ibid., para. 5.
- ⁴⁵ Ibid., para. 14.
- ⁴⁶ A/HRC/13/31, p. 97, paras. 461-462.
- ⁴⁷ A/HRC/4/41, p. 75, para. 365.
- ⁴⁸ CCPR/C/RWA/CO/3, 7 May 2009, para. 12.
- ⁴⁹ CRC/C/15/Add.234, 1 July 2004, paras. 36-37.
- ⁵⁰ Statement of the High Commissioner: United Nations High Commissioner ends visit to Rwanda, 25 May, 2007.
- ⁵¹ CRC/C/15/Add.234, 1 July 2004, paras. 34-35.
- ⁵² Ibid., paras. 44-45.
- ⁵³ CCPR/C/RWA/CO/3, 7 May 2009, para. 11.
- ⁵⁴ United Nations Development Programme Rwanda, Turning Vision 2020 into Reality: From Recovery to Sustainable Development - National Human Development Report, Rwanda, 2007, p. 33, box 6.
- ⁵⁵ CEDAW/C/RWA/CO/6, 8 September 2009, para. 25.
- ⁵⁶ CCPR/C/RWA/CO/3, 7 May 2009, para. 16.
- ⁵⁷ CRC/C/15/Add.234, 1 July 2004, para. 38.
- ⁵⁸ Ibid., paras. 62-63.
- ⁵⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010RWA182, 7th para.
- ⁶⁰ Ibid., para. 12.
- ⁶¹ CCPR/C/RWA/CO/3, 7 May 2009, para. 15.
- ⁶² CERD/C/304/Add.97, 19 April 2001, para. 11.
- ⁶³ CEDAW/C/RWA/CO/6, 8 September 2009, paras. 27-28.
- ⁶⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Minimum Age Convention (No. 138), 2010, Geneva, doc. No. (ILOLEX) 092010RWA138, 9th para.
- ⁶⁵ CRC/C/15/Add.234, 1 July 2004, para. 64.
- ⁶⁶ Ibid., para. 66.
- ⁶⁷ Ibid., para. 68.
- ⁶⁸ A/64/313, p. 3, para. 9.
- ⁶⁹ United Nations Development Programme Rwanda, Turning Vision 2020 into Reality: From Recovery to Sustainable Development - National Human Development Report, Rwanda, 2007, p. 77..
- ⁷⁰ CCPR/C/RWA/CO/3, 7 May 2009, para. 17.

- ⁷¹ Statement of the High Commissioner: United Nations High Commissioner for Human Rights ends visit to Rwanda, 25 May, 2007.
- ⁷² CCPR/C/RWA/CO/3, 7 May 2009, para. 18.
- ⁷³ United Nations Development Programme Rwanda, Turning Vision 2020 into Reality: From Recovery to Sustainable Development - National Human Development Report, Rwanda, 2007, Executive p. 81, 2nd para.
- ⁷⁴ CRC/C/15/Add.234, 1 July 2004, para. 70.
- ⁷⁵ Ibid., para. 72.
- ⁷⁶ CCPR/C/RWA/CO/3, 7 May 2009, para. 15.
- ⁷⁷ Ibid., para. 4.
- ⁷⁸ Ibid., para. 13.
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- ⁸¹ OHCHR press release, "UN releases D.R. Congo report listing 10 years of atrocities, identifying justice options".
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- ⁸⁸ CCPR/C/RWA/CO/3, 7 May 2009, para. 20.
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