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CANADA

**THE AFTERMATH OF THE RWANDAN GENOCIDE –
A STUDY OF THE CRISIS OF CHILDREN BORN OF
RAPE COMMITTED DURING THE GENOCIDE**

**Report of the Standing Committee on
Foreign Affairs and International Development**

**Dean Allison
Chair**

Subcommittee on International Human Rights

**Scott Reid
Chair**

MAY 2015

41st PARLIAMENT, SECOND SESSION

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THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

has the honour to present its

NINTH REPORT

Pursuant to its mandate under Standing Order 108(1) and (2), the Subcommittee has studied the aftermath of the Rwandan genocide: A study of the crisis of children born of rape committed during the genocide and has reported to the Committee.

Your Committee has adopted the report, which reads as follows:

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THE AFTERMATH OF THE RWANDAN GENOCIDE – A STUDY OF THE CRISIS OF CHILDREN BORN OF RAPE COMMITTED DURING THE GENOCIDE

INTRODUCTION

During the 2nd session of the 41st Parliament, the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) studied the aftermath of the 1994 Rwandan genocide, focusing on the crisis facing children born of rape committed during the Rwandan genocide.¹ The Subcommittee heard from witnesses, including genocide survivors now living in Canada and Canadians with experience working in Rwanda. Based on the evidence it received and on publicly available information, the Subcommittee has agreed to report the following findings and recommendations to the House of Commons Standing Committee on Foreign Affairs and International Development.

This study builds on the Subcommittee's previous study on the use of sexual violence in conflict and crisis.² In that study's report, titled "*A Weapon of War: Rape and Sexual Violence Against Women in the Democratic Republic of the Congo – Canada's Role in Taking Action and Ending Impunity*," the Subcommittee noted the effects sexual violence has in "shattering lives, fracturing communities and aggravating the destruction wrought by war, disaster and civil strife."³ That report presented a case study on sexual

1 House of Commons, Subcommittee on International Human Rights [SDIR], [Minutes of Proceedings](#), 2nd Session, 41st Parliament, 8 April 2014. For clarity, throughout this report the term "children" is used when referring to those persons who were born as a result of rapes committed during the genocide. These persons are now 19 or 20 years old and are adults, not children, under international law. This report is concerned with the situation of children born as a result of "rape committed during the Rwandan genocide," which includes all children born of rapes that amounted to constituent acts of genocide, crimes against humanity or war crimes.

Under Article II of the [Convention on the Prevention and Punishment of the Crime of Genocide](#), genocide is defined as certain acts, including "serious bodily or mental harm to members of the group", which are "committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group." In the case of *Prosecutor v. Akayesu*, the International Criminal Tribunal for Rwanda [ICTR] found that rape was a constituent act of genocide because "[s]exual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole ... destruction of the spirit, of the will to live, and of life itself." ([Judgement](#), Trial Chamber, 2 September 1998, paras. 731–732). Under the [Statute of the ICTR](#), rape is also punishable as a crime against humanity when committed as "part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds." (ICTR Statute, art. 3(g), as well as arts. 3(c),(f),(h) and (i)). Rape is also punishable at the ICTR if it qualifies as a war crime and was committed in a context that has a nexus to the armed conflict that occurred between Rwandan government forces and the Rwandan Patriotic Front (ICTR Statute, art. 4(e)).

2 House of Commons, Standing Committee on Foreign Affairs and International Development, [A Weapon of War: Rape and Sexual Violence Against Women in the Democratic Republic of the Congo – Canada's Role in Taking Action and Ending Impunity](#), Fourth Report, 2nd Session, 41st Parliament, May 2014 [SDIR DRC Sexual Violence Report]. The Subcommittee also adopted a motion on 27 May 2014 condemning the widespread and systematic use of rape and other forms of sexual violence as a weapon of war by all parties to the Syrian conflict (SDIR, [Minutes of Proceedings](#), 27 May 2014).

3 SDIR DRC Sexual Violence Report, p. xv.

violence in the Democratic Republic of Congo (DRC), where rape as a weapon of war was reportedly used to demoralize and terrorize the population, and as a form of ethnic cleansing.⁴ At the time, the Subcommittee heard evidence to suggest that instability and ongoing conflict in eastern DRC are directly linked to the influx of Rwandans after the end of the 1994 genocide, including many involved in planning and carrying out the genocide.⁵

The link between the conflict in eastern DRC and the Rwandan genocide, along with the twentieth anniversary of the genocide, provided the Subcommittee with a timely opportunity to deepen its study of conflict-related sexual violence, this time focusing on sexual violence committed during the Rwandan genocide and the effect it continues to have on survivors. The Subcommittee is mindful of the long-term effects of the genocide on the Rwandan people and of the unspeakable suffering that many continue to experience as a result of the trauma they endured. The Subcommittee's study and this report place special attention on a group that has suffered greatly but has received little attention – the estimated 20,000 or more children born of rape committed during the genocide.⁶ It is important to note that the accuracy of this estimate is unclear; as Glenda Pisko-Dubienski, International Director of Operations, Rwanda, HOPEthiopia and a counsellor currently working in Rwanda, told the Subcommittee, the exact numbers of such children may never be known “because the majority of women ... [who were raped during the genocide] have still not come forward.”⁷ These children, now young adults aged 19 or 20, face numerous challenges as they enter adulthood and seek their place as active social, political and economic participants in Rwandan life.

Throughout its study, the Subcommittee heard evidence regarding the unique challenges that Rwanda has confronted since the end of the genocide.⁸ The Subcommittee acknowledges the complexity of the situation facing the Government of Rwanda as it works towards reconciling its people and building its governance system. The Subcommittee aims to draw lessons from Rwanda's post-genocide experience and bring attention to the plight of survivors of sexual violence committed during the genocide and their children born of rape. The circumstances of these children's conception have, in many cases, negatively impacted their physical and mental health, as well as that of their mothers, and have resulted in a lack of equal opportunity to access vocational training and post-secondary education.

4 *Ibid.*, pp. 21-22.

5 *Ibid.*, pp. 13-20.

6 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira, Vice President, Page-Rwanda); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery, Journalist, *Montreal Gazette*). Sue Montgomery, “[Rwanda: Families born of rape](#),” *Montreal Gazette*, 27 March 2014.

7 SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski, International Director of Operations, Rwanda, HOPEthiopia). See also: SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira).

8 SDIR, [Evidence](#), *ibid.* (Rwirangira); SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye, Member, Humura Association, as an Individual).

This report begins by providing a brief overview of the Rwandan genocide and of Rwanda's recovery in the 20 years following the tragedy. The report then reviews the current situation of genocide survivors and victims, focusing on the particular challenges faced by children born of rape, who are not officially recognized as victims or survivors by the Rwandan government. Finally, the report sets out the Subcommittee's conclusions and its recommendations to the Government of Canada.

RWANDA: THE GENOCIDE AND THE RECOVERY

In the 100 days between 6 April and 16 July 1994, an estimated 800,000 to one million Tutsis and moderate Hutus were killed in the Rwandan genocide.⁹ As Human Rights Watch has stated, “the Rwandan genocide was exceptional in its brutality, its speed, and in the meticulous organization with which Hutu extremists set out to destroy the Tutsi minority.”¹⁰ The perpetrators of the genocide intended the biological destruction of Rwanda’s ethnic Tutsi population as such, and also tried to exterminate moderate Hutus who opposed their agenda. The *génocidaires*, as they are known, carried out this plan in numerous ways, including through killings, mutilations, rape and other acts aimed at causing bodily and mental harm to their victims.¹¹

Prior to the genocide, Rwanda had experienced decades of tensions between the Tutsi and Hutu ethnic groups. Other factors also contributed to the outbreak of genocide, including the rise of extremist factions within the government of then-President Juvenal Habyarimana and an ongoing conflict between the Rwandan military and the Rwandan Patriotic Front (RPF), a political and military movement mainly composed of Tutsi refugees based in Uganda. Hutu extremists incited hatred towards the Tutsi and advocated for their destruction, including the rape of Tutsi women. According to Jacques Rwirangira, Vice President of the survivors’ association Page-Rwanda, this was done in an attempt “to completely dehumanize the women.”¹² A United Nations report estimated at least 250,000 cases of rape during the 100 days of genocide.¹³ One study of over a thousand rape survivors found that approximately two-thirds had been infected with HIV.¹⁴ Indeed, one witness told the Subcommittee that during the genocide HIV-positive men were systematically sent to rape women.¹⁵

9 [Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda](#), United Nations Security Council, UN Doc. S/1999/1257, 16 December 1999; United Nations Department of Public Information, [The Outreach Programme on the Rwanda Genocide and the United Nations: A Brief History](#). The figure remains a matter of debate: see Human Rights Watch, [“Leave None to Tell the Story”: Genocide in Rwanda](#), 1 June 1999.

10 Human Rights Watch, [Rwanda: Justice After Genocide – 20 Years On](#), 28 March 2014, p. 1.

11 [Convention on the Prevention and Punishment of the Crime of Genocide](#), Art. II; International Criminal Tribunal for Rwanda, [Prosecutor v. Karemera, Ngirumpatse, Nzirorera](#), Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006, para. 35; United Nations Security Council Resolution [2150 \(2014\)](#).

12 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira). See also SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye).

13 René Degni-Ségué, [Report on the Situation of Human Rights in Rwanda Submitted by René Degni-Ségué, Special Rapporteur of the Commission on Human Rights](#), United Nations Commission on Human Rights, UN Doc. E/CN.4/1996/68, 29 January 1996, para. 16.

14 Amnesty International, [Rwanda: “Marked for Death”. Rape Survivors Living with HIV/AIDS in Rwanda](#), 6 April 2004.

15 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira). See also René Degni-Ségué, [Report on the Situation of Human Rights in Rwanda Submitted by René Degni-Ségué, Special Rapporteur of the Commission on Human Rights](#), United Nations Commission on Human Rights, UN Doc. E/CN.4/1996/68, 29 January 1996, para. 20.

The killings ended when the RPF captured the Rwandan capital of Kigali, declared a ceasefire and installed a multi-ethnic government with a Hutu, Pasteur Bizimungu, as president, and a Tutsi, Paul Kagame, as his deputy. Following the RPF victory, an estimated one to two million Rwandan Hutus – including civilians, officials of the previous Hutu government, regime soldiers and members of the genocidal *Interhamwe* militia – fled westward to what is now the DRC. The RPF has remained in power since the end of the genocide and Mr. Kagame has been the President of Rwanda since March 2000.

The genocide left Rwanda in ruins economically, institutionally and socially. Twenty years later, the long-term effects of the tragedy continue to be felt by a population left grieving, displaced, physically injured and psychologically traumatized. Many survivors were left widowed, orphaned or handicapped. Witnesses explained that it is common for survivors and their children to live in situations of poverty and vulnerability. Moreover, survivors often struggle to overcome their physical and psychological trauma, and some have turned to alcohol and substance abuse.¹⁶

Many Rwandans left the country in the years following the genocide; a number of them now live in Canada. Organized diaspora groups have emerged in several Canadian cities, notably Montreal, Ottawa, Toronto, Calgary and Edmonton.¹⁷

While Rwanda began the recovery process almost immediately, this process has been lengthy, and the many after-effects of the genocide continue to be felt. That said, in the 20 years since the genocide, Rwanda has made impressive economic and social advancements, particularly in health care and education. Rwanda's GDP has experienced an average annual growth rate of 7 to 8% since 2003, and inflation has been reduced to single digits.¹⁸ Nevertheless, Rwanda remains a poor, rural country with nearly 45% of the population living in poverty.¹⁹ In 2014, Rwanda was ranked 151st out of 187 countries on the United Nations Human Development Index.²⁰

Since 2000, the Government of Rwanda has based its socio-economic reforms on six pillars: good governance and a capable state; human resource development and a knowledge-based economy; a private-sector-led economy; infrastructure development; productive and market-oriented agriculture; and regional and international economic integration.²¹ Gender equality and equity is an issue of priority for the government and

16 SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery).

17 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira); SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye).

18 Central Intelligence Agency, "[Rwanda: Economy](#)," *The World Factbook*.

19 *Ibid.*

20 United Nations Development Programme, "[Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience](#)," *Human Development Report 2014*, 2014, Table 1. The Human Development Index is a "composite index measuring average achievement in three basic dimensions of human development – a long and healthy life, knowledge and a decent standard of living."

21 SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski). Government of Rwanda Ministry of Finance and Economic Planning, [Rwanda Vision 2020](#), July 2000.

significant progress has been made to increase the participation of women in public affairs. Today, women's equality and participation in society is well entrenched, and women occupy more than 60% of the seats in the Parliament of Rwanda, one of two countries where the percentage of women in parliament matches or exceeds their percentage of the population.²² Rwanda ranks 79th out of 151 countries on the United Nations Gender Inequality Index.²³ One witness explained that – as a result of Rwanda's stance on women's rights and its public awareness campaigns – survivors of rape and sexual violence are now more likely to “feel justified in coming forward with their testimonies and looking for help to recover.”²⁴

The Subcommittee recognizes the social, economic and political efforts and advancements that the Government of Rwanda and Rwandans have made in the 20 years since the genocide. The Subcommittee agrees with the assessment of several witnesses that post-genocide recovery efforts are ongoing. These efforts continue to require attention, resources and support from government and non-government actors in Rwanda, in the Rwandan diaspora, and from the broader international community.

22 SDIR, [Evidence](#), Meeting No. 47, 2nd Session, *ibid.* (Pisko-Dubienski); The World Bank, [Proportion of Seats held by women in national parliaments \(%\)](#); United Nations Development Programme, [Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience](#), *Human Development Report 2014*, 2014, p. 74.

23 United Nations Development Programme, [Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience](#), *Human Development Report 2014*, 2014, Table 4. The Gender Inequality Index is “a composite measure reflecting inequality in achievement between women and men in three dimensions: reproductive health, empowerment and the labour market.”

24 SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski).

THE FORGOTTEN SURVIVORS OF THE GENOCIDE: CHILDREN BORN OF RAPE

The Rwandan government has instituted numerous programs that seek to address the specific situation of genocide survivors – including access to HIV retroviral medication and special subsidy funds and programs to treat drug and alcohol addiction. For example, the Government of Rwanda has created a National Assistance Fund for the Needy Survivors of Genocide (FARG or *Fonds d'assistance aux rescapés du génocide*) “reserved for the assistance to the most needy victims of genocide and massacres” committed in the country.²⁵ The FARG provides educational scholarships and free medical care to the neediest victims.²⁶ However, the parameters for access to these programs exclude the estimated 20,000 children born of rape during the genocide because the government does not recognize them to be genocide survivors.²⁷

The Subcommittee observes that, as has been the case with Rwandan government programs, international and domestic non-governmental aid programs have also focussed on addressing the needs of women survivors and orphans but have given insufficient attention to the needs of children born of rape committed during the genocide.

A. Psychological trauma

Many victims of the 1994 genocide – and rape victims in particular – suffer from mental health problems and psychosocial disabilities as a result of their traumatic experiences. Ms. Pisko-Dubienski explained that “a woman who conceived a child through rape during the genocide is most likely orphaned and severely traumatized by watching her family die before her eyes... [these women] suffer from mental illnesses ranging from depression to the utterly debilitating dissociate disorder.”²⁸ As a result, the ability of these women to parent their children, especially those born of rape, is often compromised. The Subcommittee learned that infanticide, attempted infanticide, and desertion of children born of rape were common in the months immediately following the genocide.²⁹

Many children born of rape committed during the genocide face multiple and complex levels of rejection. Witnesses told the Subcommittee that these children may

25 Republic of Rwanda, [Law No. 2/1998 of 22 January 1998 Establishing a National Assistance Fund for Needy Victims of Genocide and Massacres Committed in Rwanda Between 1 October 1990 and 31 December 1994](#).

26 Republic of Rwanda, [Welcome to the Official website of FARG](#).

27 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira); SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery).

28 SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski).

29 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira); SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye).

serve as daily reminders to their mothers of the trauma they endured. The children may evoke feelings of anger or shame in their mothers, leading to the child's rejection. Moreover, in the case of Rwanda, the children's *génocidaire* fathers are unlikely to contribute to their upbringing, which can heighten the economic vulnerability of both the mothers and their children.³⁰

Children born of rape committed during the genocide may also face rejection from the surviving members of their mothers' families, who consider them to be outsiders. Their fathers – perpetrators of genocide and other atrocities – may have even been involved in the murder and rape of other family members. Thus, the mothers' families may be unwilling to include children born of rape in family activities or to extend to such children the support of the extended family unit. These children may also be rejected by other genocide survivors, who view them with anger and disdain because they are the descendants of *génocidaires*. The failure of the Rwandan state to recognize these children as victims of the genocide may exacerbate the familial and social rejection that they experience.³¹

Ms. Pisko-Dubienski explained that a lack of family support has profound consequences because “[c]hildren, no matter what age, need a secure attachment to a safe and reliable person...home and family make the difference in such a child's ability to recover from the brokenness of rejection.”³² In the absence of adequate family, social and government support, many children born of rape committed during the genocide feel “unwanted and unloved” and “suffer from serious identity issues” as a result.³³

The mental health conditions that continue to affect the genocide survivors of rape and their children – including long-term mental illness that may result in psychosocial disability – have implications for Rwanda's international human rights obligations.³⁴ International human rights law requires that Rwanda continue to make progress towards providing the necessary care for these individuals so that they may enjoy all of their human rights and fully participate in their societies.

30 SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); SDIR, [Evidence](#), *ibid.* (Iyakaremye); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery).

31 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira); SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); SDIR, [Evidence](#), *ibid.* (Iyakaremye); SDIR, [Evidence](#), *ibid.* (Montgomery).

32 SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski).

33 SDIR, [Evidence](#), *ibid.*

34 [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), art. 12; [Convention Against Torture](#) (CAT), art. 14; [Convention on the Rights of Persons with Disabilities](#) (CRPD), arts. 6, 7, 16, 19; Committee on Economic, Social and Cultural Rights, [General Comment No. 14 \(2000\), The Right to the highest attainable standard of health \(article 12 of the International Covenant on Economic, Social and Cultural Rights\)](#), Economic and Social Council, UN Doc. E/C.12/2000/4, 11 August 2000. Canada and Rwanda have both ratified the ICESCR, the CAT and the CRPD, which contain legally binding obligations under international law. In contrast, the expert opinion of the Committee on Economic, Social and Cultural Rights is not legally binding. The Committee is made up of 18 independent experts, elected by member states of the UN's Economic and Social Council (ECOSOC), who serve in their personal capacity. It was established in 1985 under [ECOSOC Resolution 1985/17](#) and has a mandate to review states' compliance with their obligations under the ICESCR and to make recommendations of a general nature regarding the rights recognized under the Covenant (ECOSOC Res. 1985/17; ICESCR, arts. 16 – 23).

Ms. Pisko-Dubienski stressed that addressing the mental health care needs of children born of rape during the genocide requires holistic and culturally contextualized strategies that promote long-term, compassionate care. However, she noted that Rwanda currently has “only six psychiatrists, one or two psychiatric nurses or psychologists per district, and only one hospital with a department of clinical psychology ... not enough to handle the psychiatric and psychological needs of the nation.”³⁵ Sue Montgomery, a Canadian journalist with experience interviewing survivors of sexual violence committed during the genocide in Rwanda, agreed, noting that “[t]here's certainly need for psychological support in Rwanda.”³⁶

Witnesses acknowledged that clinical psychology is new to Rwanda, and that some progress is being made to increase access to this type of care. For example, the Rwandan government has established some programs and facilities to help those suffering from mental illness and psychosocial disabilities, and has committed to building the first gender-based violence care facility in east Africa.³⁷ In addition, the Subcommittee was informed that local non-governmental organizations play a valuable role in assisting mothers who survived sexual violence during the genocide and their children born of rape to cope with trauma and participate fully in society.³⁸ The Subcommittee believes that such organizations should be supported and encouraged in their work. Nevertheless, significantly more must be done to ensure that children born of rape committed during the genocide have adequate access to professional mental health care and community support.

B. Access to education

Several witnesses raised the importance the Government of Rwanda places on education – in a country where over 60% of the population is under 25 years old – but noted that access to education is not yet universal, particularly at the secondary, vocational and post-secondary levels.³⁹ Witnesses emphasized that access to education increases a young person’s economic opportunities and keeps youth away from drug and alcohol dependency. Further, access to education helps children and youth to participate

35 SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski). See also SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery).

36 SDIR, [Evidence](#), *ibid.* (Montgomery).

37 SDIR, [Evidence](#), Meeting No. 42, 2nd Session, 41st Parliament, 4 November 2014 (Kenneth Neufeld, Director General, West and Central Africa Bureau, Department of Foreign Affairs, Trade and Development [DFATD]); SDIR, [Evidence](#), *ibid.* (Glenda Pisko-Dubienski); SDIR, [Evidence](#), *ibid.* (Montgomery).

38 SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); SDIR, [Evidence](#), *ibid.* (Montgomery).

39 SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); Central Intelligence Agency, “[Rwanda: People and Society](#),” *The World Factbook*.

fully in their communities and in public and political life more broadly.⁴⁰ The Subcommittee heard from Moses Gashirabake, who was a child when his family escaped the genocide to live as refugees in Kenya, and who has since immigrated to Canada. Based on his personal experience, Mr. Gashirabake impressed upon the Subcommittee the role that education and family support can play in ensuring genocide survivors improve their socio-economic condition.⁴¹

As discussed above, children born of rape committed during the genocide often live in poverty and struggle with mental health problems. As a consequence, they may struggle to access higher levels of education. While survivor assistance programs such as the FARG facilitate access to educational and vocational opportunities for survivors, children born of rape are not eligible to benefit from this support.⁴²

The Subcommittee observes that international human rights law recognizes that education is a human right and an indispensable means of realizing other human rights, including the right to live with dignity and to participate effectively in a free society.⁴³ It agrees with witnesses who argued that additional efforts are required to facilitate equal access to educational opportunities – particularly vocational training and post-secondary education – in order to address the current crisis faced by children born of rape committed during the genocide in Rwanda.⁴⁴

C. Children born of rape as genocide victims and survivors

The Subcommittee recalls that the Government of Rwanda does not consider children born of rape committed during the genocide to be survivors of the genocide. As a result, children born of rape are ineligible for survivor benefits and assistance programs offered by the government to survivors of the genocide. The Subcommittee urges the Government of Rwanda to reconsider its position on these children born of rape.

40 SDIR, [Evidence](#), *ibid.* (Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 48, 2nd Session, 41st Parliament, 4 December 2014 (Moses Gashirabake, Candidate, McGill University Faculty of Law, as an individual); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery). See also Committee on Economic, Social and Cultural Rights, [General Comment No. 13. The right to education \(article 13 of the Covenant\)](#), Economic and Social Council, UN Doc. E/C.12/1999/10, 8 December 1999, para. 1. The expert opinion of the Committee on Economic, Social and Cultural Rights is not binding under international law.

41 SDIR, [Evidence](#), *ibid.* (Gashirabake).

42 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira); SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery).

43 ICESCR, art. 13; Committee on Economic, Social and Cultural Rights, [General Comment No. 13: The right to education \(article 13 of the Covenant\)](#), Economic and Social Council, 8 December 1999, UN Doc. E/C.12/1999/10. Article 13 of the ICESCR is legally binding under international law on both Canada and Rwanda. The expert opinion of the Committee on Economic, Social and Cultural Rights is not binding under international law.

44 SDIR, [Evidence](#), Meeting No. 47, 2nd Session, 41st Parliament, 2 December 2014 (Glenda Pisko-Dubienski); SDIR, [Evidence](#), Meeting No. 48, 2nd Session, 41st Parliament, 4 December 2014 (Moses Gashirabake); SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery).

Jean-Bosco Iyakaremye, a member of the survivors' group Humura Association, told the Subcommittee that he was

outraged by the fact that the government is rejecting these children and does not consider them to be survivors of the genocide. They were born after the genocide, of course, but their mothers are survivors. They should consequently be considered as survivors of the genocide and not be rejected by the state. They should benefit from the same advantages as those granted to the young survivors of the genocide, particularly where education is concerned.⁴⁵

The Subcommittee agrees that these children are victims of the genocide. They have suffered harm, often including mental injury, emotional suffering and reduced educational and economic opportunities as a result of their mothers' rape. International human rights standards recognize that, in appropriate cases, dependants of such direct victims should be recognized as victims themselves. As such, they should be given access to measures intended to provide reparation for the harm suffered, including mental health care and educational and vocational training opportunities.⁴⁶

The Subcommittee believes that recognizing children born of rape committed during the genocide as genocide victims and providing them with access to survivors' funds and other benefits, such as the FARG, would facilitate their full integration and participation in Rwandan society. The Subcommittee urges government and non-government actors in Rwanda, in the Rwandan diaspora, and from the broader international community to intensify their efforts to address the mental health and educational needs of this vulnerable group.

45 SDIR, [Evidence](#), *ibid.* (Iyakaremye).

46 [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, principles V, IX. The Basic Principles are not binding under international law.

CANADA'S CONTINUING SUPPORT FOR RWANDAN GENOCIDE SURVIVORS

The Subcommittee heard evidence about the extensive humanitarian efforts and international aid extended to Rwanda by Canada after the genocide, as well as the lessons learned from this experience. Leslie Norton, Director General of the International Humanitarian Assistance Directorate at the Department of Foreign Affairs, Trade and Development (DFATD), informed the Subcommittee that “the Rwandan genocide has had a really profound impact on the way Canada and the international community actually provide humanitarian assistance now and how we go about protecting crisis-affected populations, including women and girls.”⁴⁷ Officials from DFATD also indicated that Canada has been at the forefront of those international efforts.⁴⁸

The lessons of the Rwandan genocide – including the need to take special measures to protect women and girls from gender-based violence in situations of armed conflict – have informed Canada’s implementation of UN Security Council Resolution 1325 and related resolutions on women, peace and security.⁴⁹ These lessons have also had an effect on Canada’s continued commitment to push for women’s equal participation and full involvement in efforts to maintain and promote international peace and security.⁵⁰ In addition, Canada supported the creation and operations of the International Criminal Tribunal for Rwanda (ICTR), which had a mandate to “prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and neighbouring States, between 1 January 1994 and 31 December 1994.”⁵¹

Canada was an important bilateral development partner with Rwanda in the aftermath of the genocide. For many years Canada provided assistance in a number of areas, including health care, judicial issues around reconciliation, land use and land tenure – all of which were key in helping Rwanda’s post-genocide recovery.⁵² The Government of Canada has recently reduced its bilateral international assistance to

47 SDIR, [Evidence](#), Meeting No. 42, 2nd Session, 41st Parliament, 4 November 2014 (Leslie Norton, Director General, International Humanitarian Assistance Directorate, DFATD).

48 SDIR, [Evidence](#), Meeting No. 42, 2nd Session, 41st Parliament, 4 November 2014 (Kenneth Neufeld).

49 To date, the United Nations Security Council resolutions on women, peace and security are [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [1960 \(2010\)](#), [2106 \(2013\)](#) and [2122 \(2013\)](#). UNSCR 1325 “commit[s] member states and the UN system to strengthen efforts to prevent violence, including sexual violence; advocate for the active and meaningful participation and representation of women and local women’s groups in peace and security activity; promote and protect the security and rights of women and girls; and work to ensure women’s equal access to humanitarian and development assistance, as well as justice.” (SDIR DRC Sexual Violence Report, p. 45, citing SDIR, [Evidence](#), Meeting No. 36, 3rd Session, 40th Parliament, 2 December 2010 (Elissa Goldberg, Director General, Stabilization and Reconstruction Task Force Secretariat, DFATD)).

50 SDIR, [Evidence](#), Meeting No. 42, 2nd Session, 41st Parliament, 4 November 2014 (Kenneth Neufeld).

51 UNSCR [955 \(1994\)](#); SDIR, [Evidence](#), *ibid.* (Neufeld).

52 SDIR, [Evidence](#), *ibid.* (Neufeld).

the country as a result of “decisions by the government to focus development assistance on fewer partners.”⁵³ Currently, Canada contributes to regional programs that include a Rwandan component.⁵⁴ DFATD officials told the Subcommittee about two specific contributions, both of which assist victims of conflict-related sexual violence. The first is implemented by a Canadian non-governmental organization – the *Centre d'étude et de coopération internationale* – and is “a regional project to better protect girls and young women of Rwanda, the DRC, and Burundi from the physical and psychosocial effects of sexual violence.”⁵⁵ The second is a contribution to a World Bank project “that offers gender-sensitive activities and technical assistance to national programs for disarmament, demobilization, and reintegration of ex-combatants in Rwanda, the DRC, Burundi, and Uganda.”⁵⁶

The Rwandan genocide has had an effect on Canadian foreign and domestic policy. For example, DFATD officials drew the Subcommittee’s attention to the fact that in 1999, the *Extradition Act* and other legislation were amended to allow the surrender of accused individuals to the ICTR for trial.⁵⁷ In 2000, the *Crimes Against Humanity and War Crimes Act* was adopted to allow for criminal trials in Canada for genocide, war crimes and crimes against humanity.⁵⁸ Subsequently, one person has been convicted, one has been acquitted, and at least one other has been extradited to face trial for genocide-related crimes in Rwanda.⁵⁹

As noted by Mr. Rwirangira, in 2004, the Parliament of Canada declared 7 April a “Day of Remembrance of the victims of the 1994 Rwanda genocide” and, by unanimous resolution, in 2008, the date was designated “Day of Reflection on the Prevention of Genocide.”⁶⁰

The Subcommittee heard evidence about social, economic and mental health difficulties faced by genocide survivors who have resettled in Canada, along with suggestions for further action that can be taken to support them. Mr. Rwirangira and Mr. Gashirabake both indicated that psychological trauma often burdens survivors who

53 SDIR, [Evidence](#), *ibid.*

54 SDIR, [Evidence](#), *ibid.* See also SDIR DRC Sexual Violence Report, pp. 47-51.

55 SDIR, [Evidence](#), *ibid.* (Neufeld).

56 SDIR, [Evidence](#), *ibid.*

57 Bill C-40: [An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence](#), 1st Session, 36th Parliament, amending the [Extradition Act](#), S.C.1999, c. 18.

58 [Crimes Against Humanity and War Crimes Act](#), S.C. 2000, c. 24.

59 Désiré Munyaneza was convicted on 22 May 2009 for his involvement in the Rwandan genocide, [R. v. Munyaneza](#), 2009 QCCS 2201. Jacques Mungwarere was acquitted on 7 May 2013 of genocide and crimes against humanity, [R. c. Jacques Mungwarere](#), 2013 ONCS 4594 [AVAILABLE IN FRENCH ONLY]. Léon Mugesera was extradited following a Federal Court decision of 25 January 2012, [Mugesera v. Canada \(Citizenship and Immigration\)](#), 2012 FC 100.

60 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira); House of Commons, [Debates](#), 3rd Session, 37th Parliament, 24 February 2004 (1500) (Hon. Don Boudria, Glengarry–Prescott–Russell, Lib.); House of Commons, [Debates](#), 2nd Session, 39th Parliament, 7 April 2008 (1510) (Hon. Irwin Cotler, Mount Royal, Lib.).

immigrate to Canada.⁶¹ Mr. Iyakaremye and Ms. Montgomery, for their part, suggested that some of these newcomers continue to experience psychological issues and may not be receiving the assistance they need.⁶²

Mr. Rwirangira highlighted the need for safe spaces where women and children victims of sexual violence committed during the genocide could receive assistance and address their psychological and social needs.⁶³ Although diaspora organizations have attempted to address these needs, Mr. Iyakaremye noted the difficulty his association has had in raising funds amongst members of the diaspora to help orphans and other survivors of the Rwandan genocide.

A. The Subcommittee's observations

The Subcommittee applauds Canada's commitment to combatting conflict-related and genocidal sexual violence at the international level, as well as Canada's efforts to ensure that women participate more fully in building and maintaining international peace and security. These efforts should continue.

The Subcommittee is furthermore of the view that the crisis currently faced by children born of rape committed during the Rwandan genocide highlights important gaps in responses to mass sexual violence. The Subcommittee observes that programming and assistance – whether it is provided by international, governmental or non-governmental actors – must be directed towards both survivors of sexual violence and their children, with specific and specialized assistance offered to children born of rape. Programming designed to meet the needs of these particularly vulnerable children is necessary to mitigate the cross-generational effects of mass sexual violence. It is also essential to the promotion of equality and economic development and, ultimately, to the creation of more peaceful and prosperous societies in affected countries. In the Subcommittee's view, the Government of Canada is well placed to play a leadership role in such efforts.

The Subcommittee recognizes the importance of the Government of Canada's programming aimed at addressing conflict-related sexual violence in the Great Lakes region of Central Africa. It takes note, however, of Mr. Iyakaremye's observation that "as long as Canada does not provide any assistance" directed specifically to Rwanda, it will be difficult for Canada to successfully encourage the Government of Rwanda to extend the benefits afforded to genocide survivors to children born of rape committed during the genocide.⁶⁴

Finally, the Subcommittee was impressed by the work being done by non-government organizations to support Rwandan genocide survivors, children born of

61 SDIR, [Evidence](#), *ibid.* (Rwirangira); SDIR, [Evidence](#), Meeting No. 48, 2nd Session, 41st Parliament, 4 December 2014 (Moses Gashirabake).

62 SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye); SDIR, [Evidence](#), Meeting No. 51, 2nd Session, 41st Parliament, 27 January 2015 (Sue Montgomery).

63 SDIR, [Evidence](#), Meeting No. 44, 2nd Session, 41st Parliament, 20 November 2014 (Jacques Rwirangira).

64 SDIR, [Evidence](#), Meeting No. 50, 2nd Session, 41st Parliament, 11 December 2014 (Jean-Bosco Iyakaremye).

rape committed during the genocide and others affected by conflict and crisis around the world. In particular, the Subcommittee believes that partnerships between Canada's Rwandan diaspora community and non-governmental organizations active in Rwanda on the one hand, and Canadian educational institutions and mental health experts on the other, ought to be further explored. In the Subcommittee's view, such partnerships could potentially improve the situation of children born of rape committed during the genocide and allow them to more fully enjoy their human rights. If such partnerships are successful, they could also provide a model for future programming in other regions affected by large-scale sexual violence.

CONCLUSIONS AND RECOMMENDATIONS

The Rwandan genocide continues to affect victims and survivors – including the children born of rape committed during the genocide – physically, mentally, socially and economically. Such children often experience long-term trauma that prevents them from fully enjoying their human rights because they have been deprived of the love, compassion, care, social acceptance and educational opportunities necessary for their development into stable, productive and fulfilled adults.

The Subcommittee believes that providing meaningful assistance to children born of rape committed during the Rwandan genocide should be an important component of Rwanda's efforts to rebuild its society and institutions. Taking additional steps to provide appropriate mental health care and improve equality of access to secondary and post-secondary education, as well as vocational training for this vulnerable group, is part of the Rwandan government's responsibility to respect, protect and fulfill the human rights of all people under its jurisdiction. The Subcommittee is convinced that the Rwandan diaspora has an important role to play in supporting these efforts, both in Canada and in Rwanda.

Based on the evidence it heard, the Subcommittee puts forward the following recommendations to the Government of Canada:

Recommendation 1

That the Government of Canada encourage the Government of Rwanda to undertake a review of its position with regard to children born of rape committed during the genocide, in order to permit these young people to benefit from initiatives specifically aimed at assisting genocide survivors.

Recommendation 2

That the Government of Canada review its position on bilateral development assistance programming in Rwanda and, in particular, consider the possibility of providing assistance to Rwandan grassroots, non-government organizations that provide psychological, social and educational support to children born of rape committed during the genocide.

Recommendation 3

That the Government of Canada consider ways to encourage and support the Rwandan diaspora in Canada to develop initiatives aimed at providing psychological, social and educational support to survivors of the Rwandan genocide, including in particular children born of rape committed during the genocide, whether they now reside in Canada or in Rwanda.

Recommendation 4

That the Government of Canada consider developing a long term strategic response plan to assist and support victims of sexual violence and genocidal rape and the children born of these acts in the aftermath of sexual violence in crisis or conflict areas around the world.

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Department of Foreign Affairs, Trade and Development Kenneth Neufeld, Director General West and Central Africa Bureau Leslie Norton, Director General International Humanitarian Assistance Directorate	2014/11/04	42
Page-Rwanda Jacques Rwirangira, Vice-President	2014/11/20	44
HOPEthiopia Glenda Pisko-Dubienski, International Director of Operations Rwanda	2014/12/02	47
As an individual Moses Gashirabake, Candidate McGill University Faculty of Law	2014/12/04	48
Humura Association Jean-Bosco Iyakaremye, Member	2014/12/11	50
As an individual Sue Montgomery, Journalist Montreal Gazette	2015/01/27	51

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No.61](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights ([Meetings Nos. 42, 44, 47, 48, 50, 51, 61 and 65](#)) is tabled.

Respectfully submitted,

Dean Allison

Chair

