THE MAPPING EXERCISE ON CHILD PROTECTION PROGRAMS IN RWANDA

FINAL DRAFT REPORT

29th APRIL 2012

Commissioned by: RWANDA CIVIL SOCIETY PLATFORM
B.P 6333 Kigali
Tel: 55 10 25 13
E-mail: rwandacsplatform@gmail.com

Study conducted by:

Isaac M Bizumuremyi
Lex Chambers Ltd
Box 6265, Kigali
Tel: 255111061
Mobile: 0788 300 983
Email: isaac@isaacchambers.net
www.isaacchambers.net
# TABLE OF CONTENT

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF ACRONYMS</td>
<td>7</td>
</tr>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>10</td>
</tr>
<tr>
<td>THE BACKGROUND, OBJECTIVES AND THE SCOPE OF THIS STUDY</td>
<td>12</td>
</tr>
<tr>
<td>Background of the study</td>
<td>12</td>
</tr>
<tr>
<td>The study objectives</td>
<td>13</td>
</tr>
<tr>
<td>The scope of the study</td>
<td>13</td>
</tr>
<tr>
<td>RESEARCH METHODOLOGY APPLIED IN THIS STUDY</td>
<td>14</td>
</tr>
<tr>
<td>Stakeholder analysis</td>
<td>14</td>
</tr>
<tr>
<td>Participatory consultations with stakeholders</td>
<td>14</td>
</tr>
<tr>
<td>List of Stakeholders who participated in this study</td>
<td>14</td>
</tr>
<tr>
<td>François-Xavier Bagnoud</td>
<td>FXB International</td>
</tr>
<tr>
<td>Participatory approach of child Focused Group Discussions</td>
<td>15</td>
</tr>
<tr>
<td>Literature research and desk review</td>
<td>16</td>
</tr>
<tr>
<td>Analysis and reporting phase</td>
<td>17</td>
</tr>
<tr>
<td>AN OVERVIEW OF CHILD PROTECTION IN RWANDA</td>
<td>18</td>
</tr>
<tr>
<td>SOME OF THE GIVEN DEFINITIONS OF A CHILD AND CHILD PROTECTION</td>
<td>24</td>
</tr>
<tr>
<td>INTERNATIONAL STANDARDS ON CHILD PROTECTION</td>
<td>26</td>
</tr>
<tr>
<td>AN OVERVIEW OF THE CHILD PROTECTION ISSUES UNDER THE CONVENTION ON THE RIGHTS OF A CHILD AND THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD</td>
<td>27</td>
</tr>
<tr>
<td>AN OVERVIEW OF THE WIDELY APPLIED DEFINITIONS OF DIFFERENT FORMS OF CHILD ABUSE</td>
<td>29</td>
</tr>
<tr>
<td>PRIMARY ACTORS IN ENSURING CHILD PROTECTION</td>
<td>32</td>
</tr>
<tr>
<td>A BRIEF LOOK ON RWANDA’S PROGRESS TOWARDS ACHIEVING MILLENEUM DEVELOPMENT GOALS RELATED TO CHILD PROTECTION</td>
<td>34</td>
</tr>
<tr>
<td><strong>Target 1.C:</strong> To halve the proportion of people who suffer from hunger</td>
<td>34</td>
</tr>
<tr>
<td><strong>Target 2.A:</strong> Target: Ensure that All Boys and Girls Complete a Full Course of Primary Education</td>
<td>34</td>
</tr>
</tbody>
</table>

Government introduced a universal access to basic education policy of universal basic education. All children are entitled to nine years of schooling and a program to expand senior secondary school provision will begin in 2012. The primary school enrolment rate was 94 per cent in 2008 up from
just over 60 per cent in the mid-1990s, with net enrolment increasing at a moderate pace until 2000 and then rapidly accelerating to 2005. Progress in reaching the Indicator of a hundred per cent of pupils completing primary school (defined as the number of children completing primary school as a proportion of all 12 year olds) is slower but it could still be met.

However, the issue of the quality of education remains, especially in rural areas and for children from poorer homes. One measure of the quality of education is the progress that children make through school, the time they take to achieve a given standard. This is a better measure of systems performance than the gross completion rate. The net primary completion rate in 2006 was just 5% and is estimated to be between 28 and 50% by 2020.

Target 4.A: Reduce by Two Thirds the Mortality Rate among Children Under Five Years

Risk

The under-five mortality rate is high, at 103 deaths per 1000 live births. In other words, of every 1000 babies born alive in 2008, 103 will not survive to their fifth birthday. Of every 1000 children who survive to one year, 43 will not survive to their fifth birthday.

Target 5.A: Reduce by three quarters the maternal mortality ratio

Target 5.B: Achieve universal access to reproductive health

There has been a significant decrease in the maternal mortality ratio, with Rwanda making good progress by reducing the rate from 1,300 per 1000,000 live births in 1990 to 750 in 2005. Ministry of Health figures for 2010 indicates the following:

- Infant mortality rate infant mortality stands at 50/1000.

Target 6.A: Halted and begin to reverse the spread of HIV/AIDS and provide universal access to treatment for HIV/AIDS for all those who need it

Target 6.B: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it

Protection indicators:

Target 6.C: Have halted and begun to reverse the incidence of malaria and other major diseases

Target 7.C: Improve sustainable Access to Safe Drinking Water and Basic Sanitation

Protection indicator:

- Proportion of the population using an improved drinking water source.
- Proportion of the population using an improved sanitation facility.

Status at a glance: Potential to be achieved with support to accelerate progress.

Status and trends:
Sanitation services Policy 2010) suggest that by 2008 access to improved sources of drinking water has reached about 71% in rural and 88% in urban. .............................................................. 39

The average, households – women and children – spend 29 minutes per day on fetching water in rural areas (9 minutes in urban areas) at daily per capita consumption of 6 to 8 in rural areas out of recommendable 20 liters per day. In sanitation, the Ministry indicates that sanitation coverage is estimated at 44 in rural and 54% on urban by 2008 records. Given the two conflicting sources of authority, relying on this data could be misleading. .............................................................. 39

RESEARCH FINDINGS ........................................................................................................................... 40

Child protection policies in Rwanda ........................................................................................................... 40

Protection policies .................................................................................................................................. 42

NATIONAL INTEGRATED CHILD RIGHTS POLICY (MIGEPROF NOVEMBER 2011)........ 44

NATIONAL POLICY FOR ORPHANS AND VULNERABLE CHILDREN (MINALOC 2003)...... 44

NATIONAL POLICY FOR FAMILY PROMOTION (MIGEPROF 2005).............................................. 56

NATIONAL POLICY AGAINST GENDER-BASED VIOLENCE (MIGEPROF JULY 2011).............. 57

HEALTH POLICIES ............................................................................................................................... 59

National Health Sector Policy (2005) ........................................................................................................... 59

National Health Insurance Policy (2010) .................................................................................................... 60

National Nutritional policy (2005) ............................................................................................................ 61


EDUCATIONAL POLICIES ....................................................................................................................... 62

Education policy (2003) .......................................................................................................................... 62


Special needs education policy (2007)........................................................................................................ 63

NATIONAL POLICY ON WATER AND SANITATION SERVICES (2010).......................... 63

NATIONAL SOCIAL SECURITY POLICY (2009) .................................................................................. 64

NATIONAL INTERNAL SECURITY POLICY .......................................................................................... 65

LEGAL AID POLICY .................................................................................................................................. 66

PROGRAMS FOR CHILD PROTECTION .............................................................................................. 67

Protection issues programs ....................................................................................................................... 67

CHILD PROTECTION SERVICES ........................................................................................................... 78

Responding Mechanisms .......................................................................................................................... 78

Rwanda National Police ............................................................................................................................ 78

National Public Prosecution Authority ...................................................................................................... 78
The Commission was established in 1999 by the Law N° 04/99 of 12/03/1999 to handle complaints of human rights abuses against individuals and in particular, against children. The commission is charged with:

- Receiving Complaints that have been lodged with the competent organs but have not been resolved or were not resolved within the legal deadline.
- Complaints related to judicial decisions where human rights principles were not respected.
- Complaints resolved by competent organs but where those decisions have not been implemented.
- Complaints against companies when the complainant wishes to pursue mediation via the Commission before any recourse to other competent bodies.

The commission carries out investigation upon receipt of the complaint and the following are dispute mechanisms for resolution:
### LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACRWC</td>
<td>African Charter on Rights and Welfare of the Child</td>
<td></td>
</tr>
<tr>
<td>AIDS</td>
<td>Acquired Immuno-Deficiency Syndrome</td>
<td></td>
</tr>
<tr>
<td>ART</td>
<td>Anti Retro-Viral Therapy</td>
<td></td>
</tr>
<tr>
<td>ARV</td>
<td>Anti Retro-Viral Drugs</td>
<td></td>
</tr>
<tr>
<td>CBO</td>
<td>Community Based Organization</td>
<td></td>
</tr>
<tr>
<td>CECOM</td>
<td>Community Based Childcare Centre</td>
<td></td>
</tr>
<tr>
<td>CHH</td>
<td>Child Headed Households</td>
<td></td>
</tr>
<tr>
<td>CHW</td>
<td>Community Health Workers</td>
<td></td>
</tr>
<tr>
<td>CNLS</td>
<td>National AIDS Commission</td>
<td></td>
</tr>
<tr>
<td>CNDP</td>
<td>National Human Rights Commission</td>
<td></td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
<td></td>
</tr>
<tr>
<td>DHS</td>
<td>Demographic and Health Survey</td>
<td></td>
</tr>
<tr>
<td>ECD</td>
<td>Early Childhood Development</td>
<td></td>
</tr>
<tr>
<td>EDPRS</td>
<td>Economic Development and Poverty Reduction Strategy</td>
<td></td>
</tr>
<tr>
<td>FBO</td>
<td>Faith Based Organization</td>
<td></td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
<td></td>
</tr>
<tr>
<td>GOR</td>
<td>Government of Rwanda</td>
<td></td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immuno-Deficiency Virus</td>
<td></td>
</tr>
<tr>
<td>HMIS</td>
<td>Health Management Information System</td>
<td></td>
</tr>
</tbody>
</table>
HSSP  Health Sector Strategic Plan
ICRP  Integrated Child Rights Policy
IEC   Information, Education, Communication
IGA   Income Generating Activity
IMCI  Integrated Management of Childhood Illnesses
MAJ   Masion de access a la Justice (Legal Aid clinics)
MAP   Multi-country HIV/AIDS Program
MDGs  Millennium Development Goals
MIFOTRA  Ministry of Public Service and Labor
MIGEPROF  Ministry of Gender and Family Promotion
MIJESPOC  Ministry of Youth, & Sports
MINALOC  Ministry of Local Government
MINECOFIN  Ministry of Finance and Economic Planning
MINEDUC  Ministry of Education
MININTER  Ministry of Internal Affairs
MINISANTE  Ministry of Health
NCC   National Commission for Children
NCDC  National Curriculum Development Centre
NGO   Non-Governmental Organisation
NISR  National Institute of Statistic of Rwanda
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPA</td>
<td>National Plan of Action</td>
</tr>
<tr>
<td>OVCs</td>
<td>Orphans and other Vulnerable Children</td>
</tr>
<tr>
<td>PEPFAR</td>
<td>President’s Emergency Plan for AIDS Relief</td>
</tr>
<tr>
<td>PLWHA</td>
<td>People Living With HIV/AIDS</td>
</tr>
<tr>
<td>PMTCT</td>
<td>Prevention of Mother to Child Transmission (of HIV)</td>
</tr>
<tr>
<td>RAAAP</td>
<td>Rapid Assessment, Analysis and Action Plan</td>
</tr>
<tr>
<td>RCSP</td>
<td>Rwanda Civil Society Platform</td>
</tr>
<tr>
<td>SWAP</td>
<td>Sector Wide Approach</td>
</tr>
<tr>
<td>TRAC</td>
<td>AIDS Treatment and Research Centre</td>
</tr>
<tr>
<td>TWG</td>
<td>Technical Working Group</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNAIDS</td>
<td>United Nations Joint Program on HIV/AIDS</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
</tr>
<tr>
<td>VCT</td>
<td>Voluntary Counseling and Testing</td>
</tr>
<tr>
<td>WFP</td>
<td>World Food Program</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

This research was commissioned by Rwanda Civil Society Platform (RCSP) with the purpose of assessing child protection policies, programs and interventions in Rwanda so that gaps between child protection processes (policies, legal framework and intervention) and the reality are revealed, with a view to creating awareness and designing a policy engagement strategy with the relevant stakeholders. The research looked at the existing child protection systems and tried to highlight the gaps between the strategic and policy commitments and the reality on the ground.

The research is qualitative study and use variety of methods of participatory approach was used in this study upon different segments of sources of information determined during analysis phase. The research approaches and tools employed included Stakeholder analysis under which stakeholder analysis of all key players in child protection in Rwanda was made which included Government policy maker institutions (Ministries), Civil Society Organizations (NGOs), Government institutions (implementing institution) and intermediaries. Participatory consultations were another tool which ensured meetings and interviews of stakeholder to get their input and views on the child protection in Rwanda.

The above was followed by Participatory approach of child Focused Group Discussions where we visited 3 three child centers in 3 provinces and with the help of directors/managers of child centers, we organized and held focus group discussions of about 10-15 children. In the group discussions, we discussed various protection issues ranging from knowledge of protection laws and rights, the root causes of their situations to their future prospects. The three child centers visited were from three provinces and they are: FIDESCO-Rugamba Cyprien in Kicukiro, Kigali City, Nyampinga in Huye of South Province and SACCA in Kayonza, Eastern Province). Literature research and desk review was another important method used in which researched law Libraries and child focused institutions to know and obtain relevant polices and program documents, child protection legal instruments which are in force, those still in legislative processes and conceived ideas for future drafting of child protections related Bills and future child protection policies and programs.

The findings at the side of policies are very encouraging and they impart optimism among the key players in child protection because they indicate a bright future of children of Rwanda keeping other factors to remain constant. Several child protection policies were found to be scattered in various ministries but major policies there were found in the Ministries Gender and Family Promotion, Education, Health, and Local Government. The Ministry of Gender has recently designed an integrated child rights policy and its strategic plan and given its holistic
design, the country and every stakeholder in child protection looks forward with optimism to the results should it be implemented as it is on paper.

The un-harmonized policies, scattered across several ministries lacked central coordination for common focus and goals. Each Ministry implemented its own policy in accordance with its priorities and this led to scattered energies and resources and this led to a principal gap in programs for child protection. The study found fewer programs in child protection in comparison with programs for women emancipation and empowerment, as it was to the youth. This gap in programs eventually led to the little and ineffective enforcement mechanisms. The police force which is mandated to protect rights of everyone on Rwandan soil is mentioned in several reports to be involved in child abuse itself with impunity. Limited by budget, the police duty to protect children is supplemented by child protection committees organized from village/umudugudu level to national level although many stakeholders have considered these committees at local level to be unpopular and ineffective to deliver their roles to protect children.

The findings indicates high government political will to protect children through the creation of a ministry charged with overseeing respect of child rights and the recent creation National Commission for Children on 28/06/2011 as an independent organ to ensure child protection issues are respected and enforced. These national institutions are responding to the state’s commitment to international child protection standards by ratifying several international legal instruments such as the International Labor Organization Conventions 138 and 182; United Nations Convention on the Rights of the Child (CRC), CRC Optional Protocols on the Involvement of Children in Armed Conflict and on Child Trafficking, Child Prostitution, and Child Pornography, and the African Charter on the Rights and the Welfare of the Child just to mention a few.

While there is a manifested high government’s political will to protect children, protection largely remains at political level than at law. The few child protection laws were found scattered in several laws with only one child focused protection law of 2001. It is was found to be incomprehensive and is currently review at advanced level of publication. It was found that there are no laws specifying civil damages for children who are victims of child offences. The current common basis of civil damages is the Article 258 of the Civil Code Book III and if the offender is found not guilty due to legal procedures and intricacies, the child victim will have no basis of civil damages. The most documented cases of child abuse are child labor which is prevalent in commercial tea and coffee estates. In short, there are gaps in legal framework for child protection and an improvement is required. Detailed recommendations are presented towards the end of this report. The study ends with the children’s 7th Annual summit recommendations on how to improve prevention and protection of their rights.
THE BACKGROUND, OBJECTIVES AND THE SCOPE OF THIS STUDY

Background of the study

The Rwanda Civil Society Platform (RCSP) commissioned this study as part of its obligations to full-fill its role of advocacy on behalf of the Rwandan citizens in the area of social protection. As a forum determined to support the development and implementation of effective child protection policies and programs in Rwanda, updating itself on the status of a child in Rwanda compelled the organization to undertake the current study so that it is equipped with a well researched data and tools of advocacy for the advancement of child protection and development in Rwanda.

Rwanda is signatory to numerous international conventions, declarations or treaties on human rights which independently or collectively impose binding obligations upon Rwandan Government to commit itself to ensuring the rights of a child in the country. These include but not limited the African Charter on the Rights and Welfare of a Child, United Nations Convention of the Rights of the Child, its two Optional Protocols on children in armed conflict and on sale of children, child prostitution and child pornography. As part of its commitment to the UN CRC and to the six key MDGs related to child protection, the Government is obliged to undertake appropriate measures in pursuance of children’s rights.

Domestically, the Constitution of the Republic of Rwanda (2003) as amended to date, reaffirms the adherence to the principles and commitments of the various international instruments and specifically invoking the CRC, entitles every child for special measures of protection by the family, society and Government. In a bid to domesticate the international commitments to which the government is a party to, the GoR has enacted and developed various legislations, policies and programs to address various needs and protect the rights of children by undertaking initiatives which are geared towards enhancing positive environment in the administration for policies to promote, protect and ensure children’s rights.

However, the Government acknowledges that until August 2011, there was no single and comprehensive child policy which covers all thematic areas of child protection which would serve as national reference point for child protection in Rwanda for programming and coordination. Because of this history, the Government of Rwanda has in the past two months developed a National Integrated Child Rights Policy (ICRP) and its implementation strategic plan in bid to bridge the gaps in streamlining child protection in Rwanda. Given the novelty of the National ICRP one can objectively believe that the policy and strategic plan is not yet fully operational and thus a need for a qualitative critical assessment of child status in Rwanda is very

---

essential so that a critical report is produced to serve as a tool for pressure groups advocate for improvement or change in certain protection areas by implementing recommendations which will have been proposed in this report.

The study objectives

Given the background of child protection policies in Rwanda given above, it is important to conduct assessment of child protection identifying what are the gaps in program interventions and legal frameworks designed to deliver child protection and propose recommendations on how best child protection can be improved in Rwanda. An assessment of policies, programs and legal framework for child protection shall provide an overview and detailed reality/situation of child protection in Rwanda and so that advocacy and a policy engagement strategy for relevant stakeholders can be designed. The study will look at the existing child protection systems and services and highlighting the gaps between the strategic and policy commitments and the reality on the ground. Employing a number of research methodologies the consultant would deliver a report which highlights the policies/processes and programs in existence, gap and recommendations.

The scope of the study

As detailed in the terms of reference of this assignment, the assessment shall limit itself to polices, programs/interventions and legal framework concerning/affecting child protection in Rwanda. Where necessary and for comparative purposes, foreign policies, programs and legal framework related to child protection may be referenced. Since the child protection is a very wide context, for the purposes of this study we shall limit ourselves to Rwandan situation against the International and Regional Child Rights Conventions and Protocols Ratified by Rwandan which we have taken as tool of standard measure for child protection compliance. To tackle each area of assessment, we shall assess each theme under four broad ranges of child rights as have been clustered in CRC. These are; Survival, Protection, Participation and Development which reflect the four rights principles of the CRC and ACRWC which are:

a) In the best interest principle
b) Non-discrimination principle
c) Right to development principle; and
d) The right to participation

That is to say that our assessment on policies, programs and law regime shall be assessed under each of the above four broad sections of child rights.
RESEARCH METHODOLOGY APPLIED IN THIS STUDY

The study was largely qualitative in nature and a variety of methods of participatory approach were used in this study upon different segments of sources of information determined during analysis phase and below those methodologies are explained.

Stakeholder analysis

Under this approach, stakeholder analysis of all players in child protection in Rwanda was made which included Government policy maker institutions (Ministries), Civil Society Organizations (NGOs), Government institutions (implementing institution), Parliamentary Committee on social protection and intermediaries. Each stakeholder identified and its degree of participation in child protection was analyzed. This analysis helped us to filter from a list of identified stakeholders who to consult, when and what information we would expect from each.

Participatory consultations with stakeholders

After filtering phase of stakeholders identified and analyzed, a structured questionnaire to guide interview was drafted and sent along with letters of data/interview request to target group of stakeholders accompanied by introductory letter from client. In request letters, follow up was made after 3-5 days and one-on-one interviews were conducted in a friendly environment. The approach was also designed to ensure that we obtain first hand information and opinions from policy makers and implementers, on policy challenges, gaps, and coordination issues among the players in child protection and propose recommendations for improvement/change. A table below indicates a list of Stakeholders consulted during this study.

List of Stakeholders who participated in this study

<table>
<thead>
<tr>
<th>No.</th>
<th>Stakeholder name</th>
<th>Area of intervention</th>
<th>Location</th>
<th>Response status</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Save the Children</td>
<td>Child protection</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>02</td>
<td>UNICEF</td>
<td>Child protection</td>
<td>Kigali</td>
<td>Non-responsive</td>
</tr>
<tr>
<td>03</td>
<td>UNHCR</td>
<td>Refugee protection</td>
<td>Kigali</td>
<td>Non-responsive</td>
</tr>
<tr>
<td>04</td>
<td>Ministry of Justice</td>
<td>Child protection through legal framework</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>05</td>
<td>World Vision</td>
<td>Child protection /HIV Aids</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>No.</td>
<td>Stakeholder name</td>
<td>Area of intervention</td>
<td>Location</td>
<td>Response status</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------</td>
<td>----------------------</td>
<td>----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>06</td>
<td>Care International</td>
<td>Poverty and Child protection</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>07</td>
<td>Handicap International</td>
<td>Disability rights</td>
<td>Kigali</td>
<td>Non-responsive</td>
</tr>
<tr>
<td>08</td>
<td>Francois-Xavier Bagnoud</td>
<td>Children affected by poverty and Aids</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>09</td>
<td>Right to Play</td>
<td>Child development, health and peace</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>10</td>
<td>Haguruka</td>
<td></td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>11</td>
<td>Plan International</td>
<td>Child development</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>12</td>
<td>Ministry of Gender and Family Promotion</td>
<td>Gender and family promotion</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>13</td>
<td>National Commission for Children</td>
<td>Child rights protection</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>14</td>
<td>Parliament Social Protection Committee</td>
<td>Social protection</td>
<td>Kigali</td>
<td>Non-responsive</td>
</tr>
<tr>
<td>15</td>
<td>National Human Rights Commission</td>
<td>Human rights</td>
<td>Kigali</td>
<td>Non-responsive</td>
</tr>
<tr>
<td>16</td>
<td>Avocat Sans Frontières</td>
<td>Legal Assistance to children in criminal matters</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>17</td>
<td>Compassion International</td>
<td>Child protection</td>
<td>Kigali</td>
<td>Responded</td>
</tr>
<tr>
<td>18</td>
<td>Imbuto Foundation</td>
<td></td>
<td>Kigali</td>
<td>Non-responsive</td>
</tr>
<tr>
<td>19</td>
<td>SACCA</td>
<td>Centre for street Children</td>
<td>Kayonza/Eastern province</td>
<td>Responded</td>
</tr>
<tr>
<td>20</td>
<td>FIDESCO/Rugamba Cyprien</td>
<td>Centre for street Children</td>
<td>Kicukiro/Kigali City</td>
<td>Responded</td>
</tr>
<tr>
<td>21</td>
<td>Nyampinga</td>
<td>Centre for street Children</td>
<td>Huye/Southern Province</td>
<td>Responded</td>
</tr>
</tbody>
</table>

**Participatory approach of child Focused Group Discussions**

We visited 3 three child centers in 3 provinces and with the help of directors/managers of child centers, we organized and held group of about 10-15 children. In the group discussions, we discussed various protection issues ranging from knowledge of protection laws and rights, the root causes of their situations to their future prospects. This was to ensure that the beneficiaries of child protection polices, programs and legal regimes contribute/participate to the outcome of this report. During those discussions, we were able to learn more by observation the depth and emphasis of their arguments and also their body language and of jargons spoke more to us.
particularly on certain sensitive issues which they would otherwise have been reluctant to answer through questionnaires. During discussion, notes were noted down. The three child centers visited were from three provinces (FIDESCO-Rugamba Cyprien in Kiukiro, Kigali City, Nyampinga in Huye of South province and SACCA in Kayonza, Eastern Province).

The study focus group discussions targeted vulnerable children both boys and girls of age between 12-18 years. A total of 130 children participated in the study in three provinces. There are former street children housed in centers on short term of maximum six months as per the government guidelines. However, in three centers, some children have stayed for a period more than 3 years because they are complete orphans. The study participation is shown in the simple table below:

**Disaggregation of targeted province and sex**

<table>
<thead>
<tr>
<th>Town/District/Province</th>
<th>Centre</th>
<th>Type of Vulnerable children</th>
<th>N0. Girls</th>
<th>N0. Boys</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huye/South</td>
<td>Nyampinga</td>
<td>Street Children (Girls only)</td>
<td>60</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Kicukiro/City of Kigali</td>
<td>Fidesco</td>
<td>Street Children (Boys only)</td>
<td>45</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Kayonza/Eastern</td>
<td>SACCA</td>
<td>Street Children (Boys only)</td>
<td>25</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>60</td>
<td>70</td>
<td>130</td>
</tr>
</tbody>
</table>

**Some of the probing questions**

Focus group discussions employed a single approach of discussion guided by few questions which aimed at understanding the following issues:

1) What were the causes of their street life situations?
2) To what extent they feel rehabilitated by the centers?
3) To what extent do they understand child protection issues?
4) To what extent do they know laws that protect them?
5) If they wanted to be re-integrated into their families?
6) Their future aspirations?

**Literature research and desk review**

By this approach, we made research in law Libraries and child focused institutions to know and obtain relevant polices and program documents, child protection legal instruments which are in
force, those still in legislative processes and conceived ideas for future drafting of child protections related Bills and future child protection policies and programs. A page on bibliography containing a list of reports, research papers, legal texts and publications consulted will be presented at the end of this analysis.

**Analysis and reporting phase**

After stakeholder consultations, focused group discussions, data collection and desk review, it came a time to analyze the information obtained in view if the terms of reference. This was filtering phase of information obtained, leaving out and keeping that information which is relevant to the objective and purpose of this assignment. The retained information was later used during the report writing which is a product of this report.
AN OVERVIEW OF CHILD PROTECTION IN RWANDA

On Aug 23, 2011, The NewTimes a local tabloid published an article with a heading “Minister cautions against child abuse”. According to this paper, the Minister of State for Primary and Secondary Education, Dr Mathias Harebamungu, acknowledged that different forms of child abuse in schools, especially sexual exploitation was rampant in schools. The cited reported revealed that over 600 school children suffered abuse in the previous two years.

On November 21st 2011, local tabloid, “Rwanda Focus” published a page with a heading “Sexual abuse fears as 1million kids go online”. The reported how children are exposed to child abuse by modern technology of internet and its products such as Facebook, Twitter, etc). On 15th May 2007, The NewTimes ran an article with a heading “Rwanda: Mrs Kagame Launches Campaign Against Child Abuse”. In this Article, the paper quoted the First Lady as saying that "Our children know much about sexually related issues because they are exposed to modern technology, but they also know less about how they can protect themselves from its dangers”. Below, we find some of the facts which give a brief picture of the magnitude of child protection in Rwanda.

The war and Genocide in 1994 had a dramatic impact on the fabric of the society in Rwanda. More than a million people, including babies and children, were killed and poverty increased. However, in the past 17 years, the government of Rwanda is recorded to have made a tremendous achievement in economic development which has improved poverty of children and everybody in general despite challenges encountered during reconstruction of formerly divided society and economic reconstruction. Of the 65% of the Rwandan population (made of children and youth under 25 years) children count 15% and at least 3 out of 10 of Rwandan children are either orphans or vulnerable children (OVCs), Kigali City housing at least 35% of Rwandan children are involved in harmful or hazardous child labor in tea plantations, stone mining/crushing, smuggling, domestic work, agricultural work. Various national and international reports on child and OVC’s situation in Rwanda highlights that by 2002, Rwanda had at least 42,000 households headed by children, and at least 175,000 children were involved in harmful or hazardous child labor in tea plantations, stone mining/crushing, smuggling, domestic work, agricultural work.

➢ protection against all forms of child abuse

---

2 Demographic Health Survey 2005 as cited by the Save the Children in its May 2010 report on baseline study children’s perceptions of child protection measures existing at community level in Rwanda, Page 6
4 Rwanda’s National Plan of Action on Child Labor of 2005
Article 19 of CRC provides that states shall take all measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The national policy on internal security mandates Rwanda national police to ensure child protection from all forms of violence. A child protection unit at all district police head offices are established country wide. Within the National Police, there is a Gender based violence Monitoring Unit which oversees child protection as well. It has specialized Office (interview room) to receive cases of children witnesses or victims of violence and at each administrative Sector there is a Police agent who has been trained to deal with child’s rights, to use specialized interview techniques, and to prepare case dossiers. He is in charge of the security in general but specifically to pay attention to the prevention of violence towards women and children and to ensure that the offenders are brought to Justice. Police also set up a helpline and online services to report child abuse and violence.

However, past and current independent reports on child protection report that violence against children is still prevalent in Rwanda but with some remarkable progress in the fight against violence against children. According to the study report Violence against Children in and around Schools in Rwanda: Through the eyes of children and young People (a study commissioned by UNICEF and national youth council in 2005) revealed on its page 9 that violence against children was prevalent in schools, communities and at home. This includes verbal and physical harassment by peers, the dangers in and around school in relation to sexual violence, and the ways that teachers punish students. Save the Children reported in May 2010 that different forms of violence against children were prevalent in the country.

Among the perpetrators reported by child in geographic area of the study by Save the Children, children parents and foster parents are the biggest number of perpetrators of child abuse in particular corporal punishment and child labor. Police force was also reported among the perpetrators in corporal punishment against children as follows: Parents and foster parents 69%, Police 06%, Teachers 13%, Neighbors 10%, and Others 02%. On sexual violence perpetrators, children reported high number as being parents at 28%, Sugar daddies and sugar mummies at 44% and police at 07%.

An online published UN Study on Violence against Children conducted by Global Submission by the International Save the Children Alliance in 2005 indicates that girls in the age group 12 –14 and up to around 17–19 who are most at risk. For the actual cases reported and gone to trial, the majority of the victims were between six and 14 years old.

---

5 Violence against Children in and around Schools in Rwanda: Through the eyes of children and young People.
6 Baseline study children’s perceptions of child protection measures existing at community level in Rwanda pages 4-5
7 Ibid page 16
8 Ibid page 22
of age, closely followed by victims below the age of six\textsuperscript{9}. The Ministry of Gender and Family Promotion did not have in its OVCs strategic plan mentioned above a program focused to child protection from abuse and violence rather than education and advocacy but in its new Integrated Child rights policy and strategic plan has its plan of action to improve prevention and redress of abuse, exploitation and violence against children and to put in place a comprehensive national child protection system the following strategies will be applied\textsuperscript{10}. The Ministry of Gender and Family Promotion reported that child defilement was reducing since 2007 from 2421 cases to 714 in 2010\textsuperscript{11}. The table below has been extracted from the report contains two types of child abuse of child sexual abuse presented as child defilement and abortion.

Cases of Violence against women and girls reported to the Rwanda National Police and the National Public Prosecution Authority (2006-2010)\textsuperscript{12}

<table>
<thead>
<tr>
<th>Infractions</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2006</td>
</tr>
<tr>
<td>Child defilement</td>
<td>2033</td>
</tr>
<tr>
<td>Rape against adult women</td>
<td>403</td>
</tr>
<tr>
<td>Women murdered by their husbands</td>
<td>35</td>
</tr>
<tr>
<td>Abortions</td>
<td>66</td>
</tr>
</tbody>
</table>

The above figures does not include 103 of unclassified cases of child abuse and 13 cases of child sexual abuse separately reported to the human rights commission in 2008.

**UNICEF says**. A UN agency says that there is a growing evidence of sexual exploitation in children heading households especially girls who find themselves forced to perform sexual favors in exchange for money, basic goods or protection. It further states that sexual abuse within homes has increased since 1994 and that discriminatory attitudes towards girls and lack of adequate sanitary facilities prevent some adolescent girls from attending school. The agency adds that at least there are 7,000 street children, 1,000 children living in conflict with the law,

\textsuperscript{9} UN Study on Violence against Children conducted by Global Submission by the International Save the Children Alliance, page 40
\textsuperscript{10} MIGEPROF ICRP Strategic plan page 29
\textsuperscript{11} Rwanda Country report on the implementation of 1325/2000 UN Resolution on Women, Peace and Security (December 2010), page 10
\textsuperscript{12} Rwanda Country report on the implementation of 1325/2000 UN Resolution on Women, Peace and Security, Op cite
120,000 working children, 2500 children are affected by armed conflict (still in Congo) and 300 infants living with their mothers in prison. Article 33 of the law on governing Correctional Services, provides that any incarcerated pregnant or breastfeeding woman shall be accorded special consideration. A child who is still breast feeding shall be entitled to adequate and nutritional food as required for infants, and shall be removed from the prison and given to his/her family at three (3) years of age. In case the child has no family to receive him/her, the State shall provide a place where he/she shall be cared for. For imprisoned children between ages of 14-18 years, are detained separately from adults and supervised by competent employees.

Rwanda is home to 101,000 children who live in 42,000 child-headed households. Child abuse, sexual exploitation, child labor are still child protection risks in Rwanda. 11 per cent of children work, more than half of whom are employed in hazardous conditions, such as stone quarries and sexual violence against children is an area of growing concern. Sixty-five per cent (65%) of all cases of violence reported from one centre in the capital, involved children under the age of 18.

Child neglect, abuse, and trafficking are worst forms of child abuse and Rwanda has been highlighted by US State Department and other reported in 2011 that Rwanda is a source and, to a lesser extent, destination country for women and children subjected to forced labor and sex trafficking. Rwandan girls and, to a lesser extent, boys are exploited in domestic servitude within the country; some of these children experience nonpayment of wages or physical or sexual abuse within their employer's household. Older females offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep. The report further claims that Rwandan children are also recruited and transported to Kenya, Uganda, and Tanzania, where they are subjected to forced agricultural labor, domestic servitude, and child prostitution, sometimes after being recruited by peers. In 2010, a female Rwandan trafficking victim was identified in Israel. Small numbers of children from neighboring countries are victimized in prostitution and forced labor after being lured to Rwanda.

---

13 http://www.unicef.org/infobycountry/23867.html (Date needs to be included)

14 Law N°34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correctional Service (RCS)

15 Article 31 of the law on correctional services cited in 11 above

16 UNICEF: Situation for children in Rwanda, Op Cite

Save the Children May 2010 report mentions that gender-based violence, defilement, rape, physical, verbal and psychological abuse and neglect of children is was at high rise. It cited Rwanda National Police annual Report of 2007 that there were 2421 reported case of child abuse. Efforts to obtain updated data of 2011 during this assignment were futile due to security checks and bureaucratic systems of releasing information.

By international Standards, child and maternal mortality rates in Rwanda remain high. However, in 2008, a remarkable record of decline in infant under five mortality rate from 196 death per 1000 live birth in 2000 to 103 in 2008. Maternal mortality rate has decreased from 1070 death per 100,000 live births in 2000 to about 383 in 2008 but 154,000 children under age of five continue to die annually from diseases such as diarrhea, respiratory infection and malaria. Chronic malnutrition is a serious concern with 52% of children under the age of five stunted. A quarter of all Rwandans still lack access to an improved drinking water source and 42% cannot access improved sanitation facilities. Hygiene promotion also remains an issue.

In education, primary education has been made free and a remarkable progress was recorded in meeting primary school enrolment and parity goals. Percentage of student in school now stand at 95.4% of students; more girls (96.5%) than boys (94.2%) are enrolled in school, but completion (76%), drop-out (12.2%) and repetition rates (14%) for both boys and girls, remain key challenges, along with the high pupil-teacher ratio (63:1). This was partly due to a target-based education sector strategy and effective donor coordination through the establishment of Education Sector Wide Approach (SWAp)

In health protection, over 22,200 children under the age of 15 live with HIV. Thirty percent (30%) of HIV+ children who need treatment are still not on it and HIV prevalence amongst pregnant women ranges between 16% and 34%. The Rwandan government has made efforts to eliminate the transmission of HIV from mother to child by 2015 and remarkable progress in scaling up services for pregnant women has been recorded but the percentage of pregnant women accessing those services countrywide remains low.

The Government’s ministry of Gender and Family Promotion formulated key child protection policies including the National Policy on Orphans and Vulnerable Children (2003) which establishes objectives and proposes strategies to address issues regarding orphans and other vulnerable children, the National Plan of Action (2006-2011) which guides the implementation of the National Policy on OVCs, laws number 27/2001 on the prohibition of violence against

18 Save the Children: May 2010 report on baseline study children’s perceptions of child protection measures existing at community level in Rwanda.
20 Ibid
22 Ibid
children and number 22/1999 on property and inheritance and several child-focused guidelines have been adopted such as Monitoring and Evaluation Framework of the OVC Strategic Plan, guidelines on the Setting-up of Community-based Committees to fight Gender-Based Violence and protect Children’s Rights, the International Adoption Regulations and the Guidelines on the minimum package for Orphans and Other Vulnerable Children. The latest government milestone in child protection policies and legal framework is the design of a National Integrated Children Policy, its strategic plan and a child law which if published shall repeal that of 2001.

**OVCs and ICRP:** Taken from the OVCs national policy and National Integrated Child Rights Policy the four overriding principles have been the guide to the child protection and can be summarized as:

1. The principle of the best interest of the child
2. The principle of non-discrimination
3. The principle of the right to survival and development
4. The principle of participation of the child in the actions and decisions that concern him/her.

While undertaking protection efforts, country priorities have in past been given to vulnerable children in categorized in 15 categories below. It is important that while going through this report, one should be able to understand the national context of protected children and this context have and will continue to influence national focus of child protection policies and programs. All policies and programs of child protection are or rotate around the following categories of children.

1) Children living in households headed by children
2) Children in fostering care
3) Street children
4) Children living in centers
5) Children in conflict with the law
6) Children with disabilities
7) Children affected by armed conflict
8) Children who are sexually exploited and/or abused
9) Working children
10) Children affected/infect by HIV/AIDS
11) Infants with their mothers in prison
12) Children in very poor households
13) Refugee and displaced children

---

23 OVCs national policy 2003 page 8, OVC’s Strategic plan of 2005 page 11
SOME OF THE GIVEN DEFINITIONS OF A CHILD AND CHILD PROTECTION

**a) The definition of a child**

Article 1 of the UN Convention on the Rights of the Child and Article 2 of the African Charter on the Rights and Welfare of the Child both define a child as every human being below the age of eighteen years. Rwandan laws adopted the same definition of a child but went further to lower the age of child in some instances to 16 years for the purposes of according more rights and privileges to a child.

**b) Definition of child protection**

The national child rights integrated policy does not define what child protection is. However, several definitions have been provided by different scholars, child focused regional and international institutions as well as UN child focused body-UNICEF. The definition by Save the Children adds another important element of *structures* to the definition given by UNICEF. However, certain national legislations have lowered the age of a child to allow prosecution and sentencing. These criminal law provisions are typical contrary to international child protection Conventions and Protocols.

1) **UNICEF** defines the term ‘child protection’ to refer to *preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage*. Child Protection addresses every child’s right not to
be subjected to harm and it complements other rights that, inter alia, ensure that children receive that which they need in order to survive, develop and thrive\textsuperscript{28}.

2) \textbf{Save the Children} defines child protection as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children\textsuperscript{29}. The goal of child protection is to promote, protect and fulfill children’s rights to protection from abuse, neglect, exploitation and violence as expressed in the UN Convention on the Rights of the Child and other human rights, humanitarian and refugee treaties and conventions, as well as national laws\textsuperscript{30}.

3) \textbf{The Rwandan draft law} on relating to the rights and the protection of the child in Rwanda defines child protection as all legislative, administrative or judiciary measures that are taken for the benefit of the child\textsuperscript{31}. This definition lacks parental/guardian measures taken for the benefit of the child yet the biggest percentage of decisions and measures affecting children are taken by their parents/guardians in their respective households.

\textsuperscript{28} Child protection A handbook for parliamentarians No.7, 2004 page 8
\textsuperscript{29} Save the Children definition of child protection → not a valid source
\textsuperscript{30} Ibid
\textsuperscript{31} Article 3 (9) of relating to the rights and the protection of the child
INTERNATIONAL STANDARDS ON CHILD PROTECTION

The rights of a child have been recognized in international law as early as 1924, when the first international Declaration on the Rights of the Child was adopted by the League of Nations. Subsequent human rights instruments – both those of the United Nations, such as the Universal Declaration of Human Rights of 1948, and regional instruments, such as the American Declaration on the Rights and Duties of Man of the same year – recognized more generally the human right to be free from violence, abuse and exploitation. These rights applied to everyone, including children, and were developed further in such instruments as the International Covenant on Civil and Political Rights of 1966. In 1989, the United Nations Convention on the Rights of the Child was adopted by the General Assembly. It also created for the first time an international body responsible for overseeing respect for the rights of the child, the Committee on the Rights of the Child.

Recognition of the child’s right to protection is not limited to the Convention on the Rights of the Child. There are a number of other instruments, both those of the United Nations and those of other international bodies, which also lay out these rights. These instruments include:

c) International Labour Convention No. 138 (1973), which states that, in general, persons under the age of 18 may not be employed in jobs that are dangerous to their health or development, and International Labour Convention No. 182 (1999)
d) concerning the Prohibition and Immediate Action for the Elimination of the Worst
e) Forms of Child Labour.
f) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the UN Convention on Transnational Organized Crime
g) UNESCO World Declaration on Education for All
h) UN Resolution 48/96 on Standard Rules on the Equalization of Opportunities for Persons with Disabilities
AN OVERVIEW OF THE CHILD PROTECTION ISSUES UNDER THE CONVENTION ON THE RIGHTS OF A CHILD AND THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

Before we proceed we found we thought it important to present to the reader the brief of the child rights as enshrined in the above instruments so that the reader should have an overview of the rights and protection of a child which this study is subject to. With this brief, it will be easy to make analysis of the presented protection policies, programs and legal framework as result of this research.

There CRC and ACRWC both have in common four rights of children and these are:

a) Best interest principle  
b) Non-discrimination principle  
c) Right to development principle; and  
d) The right to participation

These principles have been shared and expressly provided for in the ACRWRC. However, some scholars have criticized the ACRWC as being very soft on States parties while laying down obligations of State parties towards realizing the Charter. For example, Article 3 of the CRC sets out general obligations of State parties towards ensuring the “best interest principle” and these obligations cannot be found in the Article 4 of the ACRWC nor are they found in Article 1 which contains the general obligations of State Parties. CRC State Parties obligations are positive obligations to ensure the protection and care for children at minimal level. The ACRWC was not explicit and very clear on such obligations and one has to do deduction from other provisions of the Charter.

The charter has presented its uniqueness from the CRC by laying down the responsibilities of the child (Article 31) and the protection of children against apartheid and discrimination (Article 26), protection of children against harmful social and cultural practices. The Children's Charter originated because the member states of the African Union believed that the CRC missed important socio-cultural and economic realities particular to Africa. It emphasizes the need to include African cultural values and experiences when dealing with the rights of the child in such as:

a) Challenging traditional African views which often conflict with children's rights such as child marriage, parental rights and obligations towards their children, and children born out of wedlock;  
b) Expressly saying that the Children's Charter is higher than any custom, tradition, cultural or religious practice that doesn’t fit with the rights, duties and obligations in the Charter;
c) The Children's Charter has a clearer definition of the child as a person aged under 18 years old;

d) Outright prohibition on the recruitment of children (i.e. under 18 years old) in armed conflict and deals with conscription of children into the armed forces;

e) Prohibiting marriages or betrothals involving children;

f) Prohibiting the use of children as beggars;

g) Granting girls the right to return to school after pregnancy;

h) Promoting affirmative action for girls’ education;

i) Tackling specific African issues that affect children. For example it called for the confrontation and abolishment of apartheid and similar systems; and although, apartheid is now over, this provision is still applicable to children living under regimes practicing ethnic, religious or other forms of discrimination;

j) Protecting internally displaced and refugee children;

k) Protecting imprisoned expectant mothers and mothers of infants and young children;

l) Providing a way for children themselves to petition the Children's Charter's Committee of Experts regarding infringements of their rights;

m) Including special reference to care of the child by extended families;

n) Encouraging the state to provide support for parents "in times of need";

o) Protecting handicapped children.

However, the Charter has been criticized that the charter:

a) It doesn’t protect children from life imprisonment without the possibility of release;

b) When dealing with criminal activities, there is no provision for alternative measures such as community rehabilitation;

c) No mention of the rights such as to remain silent, to be protected from retroactive legislation, to challenge detention, or to be compensated for miscarriages of justice;

d) Article 20 can be construed as supporting physical punishment by parents as it is unclear regarding the meaning of "domestic discipline;"

e) There is some confusion regarding Article 31 that deals with children's responsibilities. Children are required to respect parents, superiors and elders at all times which could conflict with the child's right to participate in decisions that affect them;

f) The omission of a provision which requires countries to fully commit and use their resources means that the Children's Charter has no way to ensure or force states to provide resources to ensure the realisation of children's rights;

g) Although the Children's Charter makes provision for special protection measures for the disabled, it fails to expressly include disability as a prohibited ground of discrimination;

h) Unlike the CRC, which specifically ascribes rights to children of minorities, there is no similar provision in the African Charter, despite many countries in the region having significant populations of minority and indigenous groups.
AN OVERVIEW OF THE WIDELY APPLIED DEFINITIONS OF DIFFERENT FORMS OF CHILD ABUSE

We have also thought that it is important to provide a brief definitions of different forms of child abuse so that as the reader goes deeper into the this document, he/she be able to understand definitions of different terminologies of child abuse we shall be using throughout this document. The forms of child abuse we will define below are: Abuse, neglect, exploitation and violence against children. At the end of this small section, we shall have been understood the meaning of these terminologies so that as we analyze policies and programs as well a legal framework for child protection, our minds shall be facilitated to critically assess whether the presented polices, programs and legal framework in place do really provide protection of child from abuse, neglect, exploitation and violence. Below we present definitions as have been provided by Save the Children.

1) **Child Abuse** is a deliberate act of ill treatment that can harm or is likely to cause harm to a child's safety, well-being, dignity and development. It includes all forms of physical, sexual, psychological or emotional ill treatment. Examples:

- **Physical Abuse involves the use of violent physical force so as to cause actual or likely physical injury or suffering, (e.g. hitting, shaking, burning, female genital mutilation, torture.)**

- **Emotional or psychological abuse includes humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation**

- **Sexual Abuse includes all forms of sexual violence including incest, early and forced marriage, rape, involvement in pornography, and sexual slavery. Child sexual abuse may also includes indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material.**

2) **Neglect** is a deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical safety and development.

3) **Violence** has different forms:

- **Self directed violence** which includes suicide and self mutilation.

---

• **Interpersonal violence**: All forms of physical, sexual and psychological abuse, neglect and exploitation including domestic violence and other forms of gender based violence.

• **Primary collective violence** is defined as violence committed, condoned or allowed by the State and its representatives.

• **Other forms of collective violence** would include violence resulting from internal and international armed conflicts, terrorism, organized crime, but also collective forms of violence targeting specific groups of people such as child infanticide, honor killings, gang violence, Corporal or physical punishment (and the threat of it). This includes hitting the child with the hand or with an object (such as a cane, belt, whip, shoe, etc); kicking, shaking, or throwing the child, pinching or pulling their hair; forcing a child to stay in uncomfortable or undignified positions, or to take excessive physical exercise; and burning or scarring the child.

4) **Humiliating or Degrading Punishment** takes various forms such as psychological punishment, verbal abuse, ridicule, isolation, and ignoring the child.

5) **Harm** is the result of the exploitation, violence, abuse and neglect of children and can take many forms, including impacts on children's physical, emotional and behavioral development, their general health, their family and social relationships, their self-esteem, their educational attainment and their aspirations. Examples: Neglect includes abandonment, the failure to properly supervise and protect children from harm as much as is feasible, the deliberate failure to carry out important aspects of care which results or is likely to result in harm to the child, the deliberate failure to provide medical care or carelessly exposing a child to harm for examples can amount to neglect.

6) **Child exploitation** refers to the use of children for someone else’s advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. These activities are to the detriment of the child’s physical or mental health, education, moral or social-emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment. There are two main forms of child exploitation that are recognized:

   • **Sexual exploitation**: the abuse of a position of vulnerability, differential power, or trust for Sexual purposes; this includes profiting monetarily, socially or politically from the exploitation of another as well as personal sexual gratification. Examples: Child prostitution, trafficking of children for sexual abuse and exploitation, child Pornography, sexual slavery.

   • **Economic exploitation**: the use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labor. Examples: Child
domestic work, child soldiers and the recruitment and involvement of children in armed conflict, child bondage, the use of children from criminal activities including the sale and distribution of narcotics, the involvement of children in any harmful or hazardous work.

7) **Physical Injury**

Actual or attempted physical injury to a child, including the administration of toxic substances, where there is knowledge, or reasonable suspicion, that the injury was inflicted or knowingly not prevented.

8) **Sexual Abuse**, any child may be deemed to have been sexually abused when any person(s), by design or neglect, exploits the child, directly or indirectly, in any activity intended to lead to the sexual arousal or other forms of gratification of that person or any other person(s), including organized networks. This definition holds whether or not there has been genital contact and whether or not the child is said to have initiated or consented to the behavior.

9) **Non-organic failure to thrive** occurs when a child who significantly fail to reach normal growth and developmental milestones (ie physical growth, weight, motor, social and intellectual development) where physical and genetic reasons for the failure have been medically eliminated and a diagnosis of non-organic failure to thrive has been established.

10) **Emotional Abuse** is a failure to provide for the child’s basic emotional needs such as to have a severe effect on the behavior and development of the child.

11) **Physical Neglect** occurs when a child’s essential needs are not met and this is likely to cause impairment to physical health and development. Such needs include food, clothing, cleanliness, shelter and warmth. A lack of appropriate care, including access to health care, may result in persistent or severe exposure, through negligence, to circumstances which endanger the child.
PRIMARY ACTORS IN ENSURING CHILD PROTECTION IN RWANDA

Talking about child rights, care and protection without mentioning those who hold primary legal obligation to ensure the child protection and care would be understood that all stakeholders have equal domestic roles, responsibilities and regional and international obligations towards child protection and care. While the issue of child protection is a duty of every adult-Ufate umwana wese nk’uwawe, it should be understood by the reader that the International Convention on the Rights of a Child and other related Protocols and instruments impose primary responsibility of child protection to specific actors.

The fundamental objective of child protection is to ensure that all those with a duty to safeguard the protection of children recognize that duty, and are able to fulfill it. Given the ethical and legal imperatives, child protection is the business of everyone at every level of society in every function. It creates duties for presidents, prime ministers, judges, teachers, doctors, soldiers, parents and even children themselves. These duties may be reflected in the legal standards that a country puts in place. They may also be reflected in the choices a government makes, including its allocation of resources.

The most important actors in any child’s life are often, and should most often be, his or her parents. As such, the family can be the single most important factor in determining whether or not a child is protected. Conversely, however, given the centrality of the family in the child’s life, it can also be a frequent source of violence, abuse, discrimination and exploitation.

The Convention places considerable emphasis on the role of the family in raising children and, like older human rights instruments, recognizes the right of the family to protection and support. Article 5 makes clear the responsibility of the State in protecting and respecting the role of the family, stating that:

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

33 Child protection slogan adopted by Imbuto Foundation, Initiative of First lady of the Republic of Rwanda since 2009

34 UNICEF/Inter-Parliamentarians Union: Child Protection handbook for parliamentarians 2004 pp 15
According to the Convention, the primary responsibility for raising children rests with parents. When parents are unable to do so, the State has a duty to assist them. At the same time, however, Article 19 refers to the State’s obligation to “protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

In the most extreme cases, this obligation on the State might even entail removal of the child from his or her home. However, this should always be a last resort. This is made clear in Article 9 of the Convention, which provides in part that:

*States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents…*
A BRIEF LOOK ON RWANDA’S PROGRESS TOWARDS ACHIEVING MILLENNIUM DEVELOPMENT GOALS RELATED TO CHILD PROTECTION

Child protection is a crossing issue and is sometimes is self mainstreamed into sectoral polices and programs. At international level, there was set eight millennium Development goals in 1990 to be achieved in 2015. Every country in the world strives towards achieving every target of each goal. In the 8 goals, there are those that are directly related to child protection which is a subject of this research and it was important to we present few paragraphs on the Rwanda’s progress towards delivering child protection related MDGs. The following data are extracts from UNDP Millennium Development Goals Progress Report: Rwanda Country Report 2010.

GOAL 1: TO ERADICATE EXTREME POVERTY & HUNGER

Target 1.C: To halve the proportion of people who suffer from hunger

Child protection indicator: Prevalence of underweight children under five years of age.

Status at a Glance: On track for children under five years of age

There was a slight decline, from 19 to 16 per cent, of children under five years suffering from severe malnutrition. The Government has put in place a social cluster specifically to deal with the issue of child malnutrition, involving all relevant ministries. A feeding program for pre-school children and a school feeding program have been put in place. Given the strategies now in place there is confidence that the rate of child malnutrition will continue to decrease.

Risk:

Nearly half of all Rwandan children show signs of malnutrition. According to 2009 data, 52% are stunted, 5% wasted and 16% underweight, which is generally comparable to the situation in 2005. No evidence of a change in those suffering from chronic malnutrition or of wasting.

GOAL 2: ACHIEVE UNIVERSAL PRIMARY EDUCATION

Target 2.A: Target: Ensure that All Boys and Girls Complete a Full Course of Primary Education

Child protection indicators: • Net enrolment ratio in primary education.
• Proportion of pupils who start grade 1 who finish grade 6.
• Literacy rate of 15 – 24 year olds.

Status at a glance: On track
Status and Trend

Government introduced a universal access to basic education policy of universal basic education. All children are entitled to nine years of schooling and a program to expand senior secondary school provision will begin in 2012. The primary school enrolment rate was 94 per cent in 2008 up from just over 60 per cent in the mid-1990s, with net enrolment increasing at a moderate pace until 2000 and then rapidly accelerating to 2005. Progress in reaching the Indicator of a hundred per cent of pupils completing primary school (defined as the number of children completing primary school as a proportion of all 12 year olds) is slower but it could still be met.

Risk

However, the issue of the quality of education remains, especially in rural areas and for children from poorer homes. One measure of the quality of education is the progress that children make through school, the time they take to achieve a given standard. This is a better measure of systems performance than the gross completion rate. The net primary completion rate in 2006 was just 5% and is estimated to be between 28 and 50% by 2020.

GOAL 4: REDUCE CHILD MORTALITY

Target 4.A: Reduce by Two Thirds the Mortality Rate among Children Under Five Years

Child protection indicators: • Under-five mortality rate
• Infant mortality rate.
• Proportion of 1-year-old children vaccinated against measles.

Status at a glance: Potential to achieve with support to accelerate progress.

Status and Trend

Infant mortality stood at 62 per 1000 live births (28 per 1000 between birth and 1 month, 34 per 1000 between 1 month and 12 months) in 2008. Of every 1000 babies born in Rwanda in 2008, 62 died before their first birthday. The infant mortality rate (IMR) declined from 85 in 2005 to 62 in 2008. The most recent data from the Health Management Information System (HMIS) suggests that the rate may already have fallen to 32 per 1,000 live births. If these data are verified, they support the view that the MDG Target of an IMR of 28 deaths per 1000 live births can be achieved.
Risk

The under-five mortality rate is high, at 103 deaths per 1000 live births. In other words, of every 1000 babies born alive in 2008, 103 will not survive to their fifth birthday. Of every 1000 children who survive to one year, 43 will not survive to their fifth birthday.

GOAL 5: IMPROVE MATERNAL HEALTH

Target 5.A: Reduce by three quarters the maternal mortality ratio

Child protections indicators:

- Maternal mortality rate.
- Proportion of birth attended by a skilled health professional.
- Contraception prevalence rate (condom utilization 15-24 year olds).
- Adolescent birth rate.
- Antenatal care coverage.
- Unmet need for family planning.

Target 5.B: Achieve universal access to reproductive health

Child protections indicators:

- Maternal mortality rate.
- Proportion of birth attended by a skilled health professional.
- Contraception prevalence rate (condom utilisation 15-24 year olds).

Status at a glance: Off track

Status and Trend

There has been a significant decrease in the maternal mortality ratio, with Rwanda making good progress by reducing the rate from 1,300 per 1000,000 live births in 1990 to 750 in 2005. Ministry of Health figures for 2010 indicates the following:

- Infant mortality rate infant mortality stands at 50/1000
- Under 5 Mortality stands at 76/1000
- Maternal mortality stands at 383/ 100,000

---

35 Interim report of Demographic Health Survey 2010
36 Ibid
37 Ibid

Page 36 of 132
• Assisted deliveries stands at 62% in 2009 & 55% in 2010

GOAL 6: COMBAT HIV/AIDS, MALARIA AND OTHER DISEASES

Target 6.A: Halted and begin to reverse the spread of HIV/AIDS and provide universal access to treatment for HIV/AIDS for all those who need it

Protection indicators

• HIV prevalence among population aged 15-24 years.
• Condom use at last high-risk sex.
• Proportion of population aged 15-24 years with comprehensive correct knowledge of HIV/AIDS.
• Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14 years.
• Proportion of population with advanced HIV infection with access to antiretroviral drugs.

Target 6.B: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it

Protection indicators:

• HIV prevalence among population aged 15-24 years.
• Condom use at last high-risk sex.
• Proportion of population aged 15-24 years with comprehensive correct knowledge of HIV/AIDS.
• Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14 years.

Status at a glance: On track.

Status and Trend

The latest survey on HIV prevalence in Rwanda is one of 2005 where the prevalence rate was 3% (DHS 2005). There is some evidence from the monitoring of pregnant women that the HIV rate may be stabilizing (National AIDS Control Commission 2010). The most recent sentinel

37 Minisante estimates of 2009

38 Data for Health Management Information Systems:
surveillance of pregnant women attending antenatal clinics (2007) found that 4.3 per cent (confidence interval 3.8 – 4.5) of pregnant women were HIV positive. HIV prevalence surveillance has been carried out in antenatal clinics since 1998. The data suggest that there was a decrease between 2003 and 2005 but that the rate remained stable between 2005 and 2007 (National AIDS Control Commission 2010).

The status is very good progress in HIV prevention and treatment and the prevalence is lower than in many other sub-Saharan countries despite being the main killer of those over five years of age and comes after only malaria as the cause of death for children under five years. There are an estimated 1.35 million orphans and vulnerable children in Rwanda between the ages of naught and 17 years. It is estimated that AIDS accounts for nearly a fifth of these (National AIDS Control Commission 2010, P 15).

**Target 6.C:** Have halted and begun to reverse the incidence of malaria and other major diseases

**Protection indicators:**

- HIV prevalence among population aged 15-24 years.
- Condom use at last high-risk sex.
- Proportion of population aged 15-24 years with comprehensive correct knowledge of HIV/AIDS.
- Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14 years.

**Status at a glance:** On track.

**Status and Trend**

Ministry of Health figures indicate progress in halting incidences of Malaria and TB cases as shown below\(^40\):

- In 2007, there were 8,014 cases of TB in the country where 60% of HIV patients were diagnosed with TB
- Malaria admission cases in hospitals fell from 36.8% in 2006 to 3.5% in 2010
- Cases of U5 sleeping under LLIN was at 60% in 2007\(^40\)

---


\(^40\) Management Health Information Systems, 2007
• Malaria prevalence in children U5 was at 2.4% in 2007\textsuperscript{41}

Target 7.C: \textit{Improve Sustainable Access to Safe Drinking Water and Basic Sanitation}

Protection indicator:

• \textit{Proportion of the population using an improved drinking water source.}
• \textit{Proportion of the population using an improved sanitation facility.}

Status at a glance: Potential to be achieved with support to accelerate progress.

Status and trends:

There are conflicting sources on the government progress towards this target. The findings from EICV1 and 2 (NISR 2007a, P61) confirmed by Ministry of Health report (IDHS 2007-8) indicate that there was no improvement in access to safe water between 2000 and 2006, a Twenty-two per cent of households consume water that is either questionable or unsafe in urban areas and 34\% in rural areas. On the other hand, the Ministry of Infrastructure sources (\textit{Water supply and Sanitation services Policy 2010}) suggest that by 2008 access to improved sources of drinking water has reached about 71\% in rural and 88\% in urban.

The average, households – women and children – spend 29 minutes per day on fetching water in rural areas (9 minutes in urban areas) at daily per capita consumption of 6 to 8 in rural areas out of recommendable 20 liters per day. In sanitation, the Ministry indicates that sanitation coverage is estimated at 44 in rural and 54\% on urban by 2008 records. Given the two conflicting sources of authority, relying on this data could be misleading.

\textsuperscript{41} Ibid
RESEARCH FINDINGS

Child protection policies in Rwanda

In this chapter, we shall assess present national key national policies identified and assessed to be impacting either directly or indirectly on child protection in Rwanda. At the end of the discussion of each policy, we shall present a brief of policy intervention programs and related legal framework in force on national level. However, we shall have independent chapters on programs and legal framework presenting a summary of the programs and legal framework. This way, we believe that it shall be easy for the reader to understand the extent of child protection is offered by the policy in a comprehensive manner (from policy, program and legal framework). We take policies and programs as preventive measures to child protection issues while legal framework and institutions have been taken as responding measures and structures to child protection issues. However, in some case, you will find that institutions are both part of preventive measures which respond to child protection concerns. The table below illustrates examples of measures and structures for child protection.

<table>
<thead>
<tr>
<th>PREVENTIVE MEASURES</th>
<th>PREVENTIVE STRUCTURES</th>
<th>RESPONDING MEASURES</th>
<th>RESPONDING STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies</td>
<td>Central Government/policy making institutions</td>
<td>Public Administrative measures and procedures</td>
<td>Responding Institutions eg:</td>
</tr>
<tr>
<td>Strategic Plans</td>
<td>Government implementing agencies</td>
<td>Legal measures and procedures</td>
<td>- Police</td>
</tr>
<tr>
<td>Programs</td>
<td>Implementing partners (CSOs)</td>
<td>Partners’ measures and procedures</td>
<td>- Local authorities</td>
</tr>
<tr>
<td>Activities</td>
<td></td>
<td></td>
<td>- Hotlines in case of incidence</td>
</tr>
<tr>
<td>Legal framework</td>
<td></td>
<td></td>
<td>Post incidence recovery centers</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Judicial institutions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Correctional centers</td>
</tr>
</tbody>
</table>
Child protection is crosscutting issue and a cycle. It begins from central government where child protection policies are discussed and adopted. Any program, activity or plan of action taken by public, private, CBOs and NGOs should ideally derive their validity from the overall national policy on child protection adopted at national level. However, in absence of a national policy, advocates of child protection will always work out their own policies and programs based on CRC and any other international child rights instruments and shall formulate activities for implementation which are tailored to local situations. This has been the Rwandan case until 2003 when there was the first OVCs national policy designed by MINALOC implementation of child are made as shown below.
Protection policies

The research found that prior to November 2011, there were a number of child protection thematic polices designed and implemented by different government bodies within their institutional mandate. Noting that child protection work is a specialized sector within the broader context of child protection very closely with other sectors and while there are numerous policies, programs and laws related to child rights and protection in wider context, in this study, we shall in addition to policies, put much emphasis on mechanism place designed to prevent and respond to various forms of child abuse as seen above.

During our research, we were able to find information about various child protection polices at national level which are directly or indirectly contributing to child protection in Rwanda. However, due non-responsiveness of some key partners in child protection for interview and provision of data on child protection, we cannot conclude that those policies found to be in place are the only ones operational in Rwanda. As such, we shall proceed to assess their effectiveness, identify any gaps and thereafter propose some recommendations to remedy/improve the current protection situation. The following are the identified national policies operational in Rwanda but the list is not exhaustive.

The List of Key National Policies directly impacting child protection

<table>
<thead>
<tr>
<th>No.</th>
<th>Policy name</th>
<th>Institution</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>National Integrated Child Rights Policy</td>
<td>MIGERPROF</td>
<td>2011</td>
</tr>
<tr>
<td>02</td>
<td>National Policy against Gender Based Violence</td>
<td>MIGERPROF</td>
<td>2011</td>
</tr>
<tr>
<td>03</td>
<td>National Policy For Family Promotion</td>
<td>MIGERPROF</td>
<td>2005</td>
</tr>
<tr>
<td>04</td>
<td>National Policy for Orphans and other Vulnerable Children (OVC)</td>
<td>MINALOC</td>
<td>200</td>
</tr>
<tr>
<td>05</td>
<td>National Social Protection Strategy</td>
<td>MINALOC</td>
<td>2011</td>
</tr>
<tr>
<td>06</td>
<td>National Health Sector Policy</td>
<td>MINISANTE</td>
<td>2005</td>
</tr>
<tr>
<td>07</td>
<td>National Health Insurance Policy</td>
<td>MINISANTE</td>
<td>2010</td>
</tr>
<tr>
<td>08</td>
<td>National Nutritional policy</td>
<td>MINISANTE</td>
<td>2005</td>
</tr>
<tr>
<td>09</td>
<td>National Policy on Condoms</td>
<td>MINISANTE</td>
<td>2006</td>
</tr>
<tr>
<td>10</td>
<td>National HIV/AIDS policy</td>
<td>MINISANTE</td>
<td>2005</td>
</tr>
<tr>
<td>11</td>
<td>National Education Policy</td>
<td>MINEDUC</td>
<td>2003</td>
</tr>
<tr>
<td>12</td>
<td>Special needs education policy</td>
<td>MINEDUC</td>
<td>2007</td>
</tr>
<tr>
<td>13</td>
<td>Girls Education Policy</td>
<td>MINEDUC</td>
<td>2008</td>
</tr>
<tr>
<td>14</td>
<td>National Policy on water and Sanitation Services</td>
<td>MINIFRA</td>
<td>2010</td>
</tr>
<tr>
<td>15</td>
<td>National Social Security Policy</td>
<td>MINECOFIN</td>
<td>2009</td>
</tr>
<tr>
<td>16</td>
<td>National Internal Security Policy</td>
<td>MININTER</td>
<td>2008</td>
</tr>
</tbody>
</table>
As you read, you will find that major child protection policies fall in broad themes education, Social, Health, safety and security, Legal/Justice and water and sanitation sector.
This is the first national child policy of its kind which is very comprehensive in covering all aspects of child protections and drawing up protection strategies. MIGEPROF acknowledges that prior to the design of this policy, different Ministries has designed their own policies with different visions for the specific target group they address (for instance, MIGEPROF has developed the OVC Policy for its target group, Ministry of Education has developed a policy for Primary Education for one of its target groups, MINALOC has developed the policy on Social Protection with specific vision for their target groups, etc). A single comprehensive policy (vision for all children), across all thematic areas of concern had not been developed yet and a need for the national policy to serve as national reference for children in Rwanda would serve as a basis or give direction for different policies/programs.

Policy outputs

This is a new policy which is just two months old and it is possible that its implementation is not yet operational. However, on the paper, the policy aims at addressing ten key protection issues and each have its strategic policy where are detailed in the policy strategic plan. The addressed protection issues are:

1) Identity and Nationality

Every child has the right to identity and nationality. All children born in Rwanda, of one or both Rwandan parents have the right to Rwandan nationality. Children who find themselves in Rwanda without parents and without known nationality of parents also have the right to Rwandan nationality. All children born in Rwanda will be registered within 15 days after birth and will be provided with birth registration certificate.

Policy strategies:

- **Research:** A Comprehensive research on birth registration in Rwanda, including analysis of reasons why some children are not registered, review of procedures and requirements to understand how children left out of registration will be undertaken. Also a comprehensive assessment of systems and procedures for national identification cards, including assessment of how they may be made more accessible for specific categories of children who are left out.

- **Community mobilization:** There shall be intensive efforts to educate communities about the importance of birth registration. Community based social workers, existing community based
health workers will be given the responsibility to identify children who are not registered and for mobilizing their families/caregivers to register them.

- Government will provide all children with National Identification Cards when they turn 16 or earlier if required.

- All children in Rwanda who are without parents and who do not know the nationality of their parents will be assisted to trace their parents. Those who will have failed to trace their parents will be registered by the appointed local administrative officer as Rwandans at the earliest and provided with a national identification card when they turn 16 years or earlier if required.

- The Government will make an effort to identify paternity for children born out of wedlock and the identified fathers will be obligated to accept the responsibilities for the upbringing and care for these children.

2) **Children in armed conflict**

The policy prohibits child recruitment into armed and/or defense forces in the country, including Local Defense Forces, and National Police.

*The policy strategy*

The Government will undertake specific preventive measures in this regard and continue efforts to demobilize, rehabilitate and reintegrate all Rwandan Children involved in the armed forces in the surrounding sub region.

3) **Child labor:**

The policy prohibits all forms of child labor for those under the age of 16, unless they are performed by children after school hours and involve light work as prescribed by law. In addition, it is prohibited to employ any person under the age of 18 years in worst forms of labor.

*The policy strategy*

- The Government will enforce the implementation of ministerial decree on worst forms of labor for children. Specific time bound programs will be rolled out for rehabilitating children engaged in the worst forms of child labor as priority and extend to other forms of labor;
• undertake specific preventive interventions and social protection measures, including intense mobilization for enrolment and retention of working children into schools and support to them/their families as a compensation for their loss of income;
• Employers will be held accountable and penalized for contravention of this policy and related laws
• undertake specific rescue and rehabilitation programs for removing the need for children from work, especially in the case of children without parents or child headed households,

➢ Special attention on child labor:

Studies have revealed that child labor is very rampant in Rwanda. Save the Children reported that in 3 districts of survey, at least 40% of targeted children reported child labor as a serious issue affecting them. Children are often exposed to forced labor, especially boys above 12 living in rural areas\(^\text{42}\). Also an independent Midterm Evaluation of Combating Exploitive Child Labor through Education in Kenya, Uganda, Rwanda, and Ethiopia Together Project (2007) indicated that at least 373 children had dropped out of school for child labor. According to the national study on child labor in 2008 carried out by the National Institute of Statistics and commissioned by the Ministry of Public Service and Labor indicated that children in child labor aged between 5-17 years are \(\text{55,485}\) in self employment and \(\text{8,946}\) in paid hired employment\(^\text{43}\). Several of the stakeholders in child protection interviewed during this study, said that child labor in Rwanda was very high since world economic recession and exact data is not known. They said that many children are working in tea and coffee plantations as well as in sugar plantations. The above study also revealed that, 6, 6% of Rwandan children aged 5 to 17 years were child laborers in 2008 (190 395). Compared to all children in employment, the proportion is nearly 6 children out of 10 (58.6%)\(^\text{44}\).

➢ Feminization of child labor with most appalling facts

At province level, in terms of relative and absolute figures, the phenomenon is more stressed in Eastern Province than in Western Province, where almost one child out of ten aged 5 – 17 years is compelled to carry out child labour. In Kigali, most of children in employment (83.1%) carry out child labour. Moreover, it is noted a kind of feminization of the phenomenon: in fact, the proportion of girls engaged in child labour is higher than that of boys in concerned age group (6.7% against 4.6%), contrary to the trends prevailing in Provinces\(^\text{45}\).

\(^\text{42}\) Baseline study children’s perceptions of child protection measures existing at community level in Rwanda page 3
\(^\text{43}\), Rwanda National Child Labor Survey -2008, page 31
\(^\text{44}\) Ibid page 33
\(^\text{45}\) Ibid
4) Street children

Children on streets are a manifestation of failures in parenting systems, poverty and quite often child abuse. Street children situation should be eradicated. Parenting is a multi-institutional dimension if an impact has to be significant. MIGEPROF, MINIYOUTH, MINISANTE, MINEDUC and MINALOC are leading national institutions to campaign for proper parenting and to provide child parenting guidelines. MINISANTE embarks on infant and child health during pre-natal and post delivery child care which greatly contributes to the child development and behavior. MINALOC campaigns for child nutritional feeding during monthly umuganda programs, SMS, and proper parenting is one of the elements constituting performance contracts at district a and sector levels. MINEDUC through its curriculum designs guidelines and campaigns for the best teacher-parenting roles towards a child at schools. MINIYOUTH & POLICE embarks on educating children, parents and teachers to fight drug abuse. URUNANA DEVELOPMENT COMMUNICATION is a civil society NGO which through radio media communications, has also championed proper parenting with much emphasis on the rights of a child in gender equality context, family planning, pre-natal and post delivery mother child upbringing, etc. Where there is a failure between family units and institutional chain roles, we will see some and even more children on the streets.

Policy strategy:

- Develop a comprehensive strategy for preventing and eradicating the phenomenon of street children by addressing its root causes and for providing care and support services, including but not limited to provision of child friendly safe centers where they can receive basic services and care.

- Provide training and awareness to law enforcing agencies to ensure that street and working children are not treated as offenders simply on account of their status of living and working on the streets.

- Make maximum efforts for reunification of street children with their families and/or placing them in appropriate alternative care. Specific measures will be undertaken to ensure that they receive medical and social intervention for any abuse, including substance abuse (including glue, cannabis, etc).
5) Child trafficking.

Domestic and or international child trafficking is prohibited and any kind of sale/trading of children is prohibited by law.

Policy strategy

The Government will:

- Undertake specific measures for the prevention of trafficking, including community based awareness programs.
- Develop specific programs and mechanisms for the rescue and rehabilitation of victims of trafficking.
- Initiate and sign appropriate bilateral agreements will be developed with neighboring countries to prevent and prohibit cross border trafficking of children.
- Bringing to justice child traffickers and their accomplices.

6) Sexual abuse.

All forms of sexual abuse of children, including pornography and prostitution are prohibited and penalized by law. Any sexual offense against a child will be treated in accordance with laws related to rape of children and will be severely punished.

Policy strategic

The government will:

- Undertake specific measures for prevention of and response to sexual abuse through community based support mechanisms (such as the GBV/ Child Protection Committees) that are appropriately linked to medical, legal and social support. Parents, guardians and caregivers have the obligation of protecting their children against all forms of abuse and whoever doesn’t fulfill his/her obligation, will be brought to justice.
- Undertake extensive community based awareness programs to generate awareness about children’s rights and inform children/ communities about available support.
- Prosecute perpetrators of abuse against children.
• Develop specific measures for dealing with child offenders committing sexual abuse of other children.

**Policy strategy**

The Government will undertake:

• Measures to prevent physical abuse of children by raising awareness and prosecuting offenders.
• Measures for promoting positive discipline, including training and awareness programs.

7) **Marriages:** Forced marriage and under 21 marriages are prohibited.

**Policy strategic**

The Government will:

•Prosecute those conducting/forcing marriages of persons below the legal marriage age of 21 years.

• Undertake awareness and community mobilization campaigns to discourage under age marriage.

8) **Refugee protection:**

All refugee children in Rwanda, accompanied or unaccompanied by adult family members will have all the rights stipulated in this policy.

**Policy strategy**

The Government will:

• Will make special efforts to ensure that refugee children receive all basic services, including education, health care and protection.

• Endeavour maximum efforts at tracing and reuniting unaccompanied refugee children with their biological parents/ families and in the meantime provide for appropriate alternative care arrangements.
• Provide for appropriate services to refugee children in alternative care such that they are able to fend for themselves after the age of 18 when they are removed from alternative care.

• All Rwandan children who live as refugees outside Rwanda will have the right to return to Rwanda and all rights and provisions stipulated under this policy.

• Make special efforts to ensure that returnee children receive all basic services, including education, health care and protection.

• Endeavour maximum efforts at tracing and reuniting unaccompanied returnee children with their biological parents/ families and in the meantime provide for appropriate alternative care arrangements.

• Provide for appropriate services to returnee children in alternative care such that they are able to fend for themselves after the age of 18 when they are removed from alternative care.

• Ensure that children are given priority in disaster and emergency preparedness plans, rescue and relief operations and in the rehabilitation plans.

9) Discrimination:

Discrimination and stigmatization against children on account of their gender, socio-economic status, disability or on account of their HIV status is prohibited by the law.

Policy strategy

Government will undertake specific measures to prevent discrimination and stigmatization against children on account of their gender, socio-economic status, disability or on account of their HIV status.

10) Alternative Care

Plan of Action to strengthen families and ensure care for children without parental care through social support and establishment of systems for good quality alternative care shall have the following strategies:

• A community based program for promoting child care shall be operationalized.
- Supporting 18,000 families/households/children without family receive direct and ongoing social support
- A comprehensive system for alternative care shall be established.
- A law governing alternative care shall be enacted.
- Standards and rules for alternative care shall be established.
- 25% children in need of alternative care and protection are placed in appropriate setting.
- **Research:** Conducting a comprehensive research on needs and situation assessment for alternative care in the country to serve as baseline against which interventions will be planned and measured for outcomes and impact.
- **System development:** Develop a comprehensive system for alternative care covering the continuum of alternative care - from placement of children in extended families, to placement in foster care, domestic adoption, international adoption and institutional care.
- **Community mobilization – Prevention:** Prevention is at the heart of ensuring care for children within their own families and under non-biological families.
- **Social Protection:** Social cash transfers shall be provided to serve as incentive to encourage families to care for children other than their own.

### 11) Survival, Health

**Plan of action to ensure universal access and coverage for health services for children through innovative schemes the following strategies will be applied:**

- Improved uptake of services by children under 5 year of age.
- 30% increase in the number of children receiving medical attention within 24 hours of fever or diarrhoea.
- 30% increase in use of health services (health posts/hospitals) by children from poor families and children without parental care.
- 30% increase in the number of children under 3 years of age receiving integrated childhood services (feeding and care).
- Research to identify children under 5 and pregnant and lactating mothers from poor families who are unable to afford user fees and premiums for health insurance will be carried out.
- Strengthen MoH efforts and their team of health care workers, specifically Community Health Workers will be strengthened by information dissemination and community/family education on family planning, nutrition, reproductive health, hygiene, etc by community based social workers. These social workers will specifically focus on children and their access and linkages with service providers.
• Develop age appropriate IEC materials for children on reproductive and sexual health for dissemination to adolescence, their caregivers and schools. Work in partnership with MINEDUC for promoting adolescent health education in schools and with MoH in expanding adolescent health and information centers. Work with MoH and MINEDUC to develop a specific program for addressing reproductive and sexual health needs of adolescents.

12) Education

Plan of action to increase access to education among poor and out of school vulnerable children through innovative and inclusive approaches is in place. It takes into account the following actions:

a. Improving enrolment and retention in pre-primary, primary and lower secondary schools among poor and vulnerable children by contributing to the ongoing assessment by MINEDUC on barriers to education, specifically focusing on assessment of hidden and opportunity costs to education.

b. Conducting a specific study on good practices in innovative social protection measures to improve enrolment and retention, specifically for poor and vulnerable children.

c. Establish 1 model Early Child Development (ECD) centre in each sector, starting in the second year of the Strategic Plan, such that by end of 5 years 416 model ECD centers are established in the country.

d. Develop models for flexible and accessible alternative education to bridge older out of school children with the basic education program. This would include street and working children who have been unable to attend regular school who are now too old to join school at lower grades.

e. In social protection, the ministry shall explore models for the establishment of a private sector and citizen funded scholarship grant scheme for poor and vulnerable children.

f. Mobilize private sector and public of Rwanda in contributing to this fund.

g. Expansion of school feeding program. This activity falls under both the thematic areas of health and education.

13) Protection

Plan of action to improve prevention and redress of abuse, exploitation and violence against children and to put in place a comprehensive national child protection system the following strategies will be applied.
a. National child protections systems will be reviewed and develop a strategy and a plan to streamline the national child protection system.

b. Scale up one-stop centers for children in need of protection and care. Establish at least 1 one-stop centre per province in 5 years.

c. Create awareness among communities on child protection rights, laws and services available through campaigns and user-friendly IEC materials for communities and schools.

d. Pilot testing of streamlined system in 5 selected Districts (one per Province and Kigali City) where already some work has been done in this area by GoR and civil society organizations.

e. Strengthen demobilization: Review existing demobilization strategy for effectiveness and improve efforts for reunifying children with families or their placement in well monitored alternative care arrangements.

f. Comprehensive intervention to eliminate child labor:

g. Scale up one-stop centers for children in need of protection and care.

h. Establish at least 1 one-stop centre per province in 5 years.

i. Create awareness among communities on child protection rights, laws and services available through campaigns and user-friendly IEC materials for communities and schools.

j. Use findings from surveys on child labor to plan time bound elimination programs, including interventions related to catch-up education, provision of vocational training and social protection for child laborers and or their families (direct support to child laborers without families). Support MIFOTRA in implementing National Action Plan on Child Labor.

k. Based on data from National Council for Refugees (2010), Situation of the refugees and the repatriated in Rwanda,

l. Strengthen National Task Force on Child Labor. Review roles and terms of reference for task force, assess and fill gaps in efficiency and effectiveness of the task force, including provisions of training and support structures for its functioning.

m. Conduct a study on the street children phenomenon Develop reintegration programs for street children in cooperation with stakeholders and decentralized authorities.

n. Develop minimum standards for the care and protection of children in street children centers

o. Develop a program and training packages including IEC materials for promoting ‘positive masculinity’ and engaging with men and boys in the communities to address gender based violence.

p. Develop training packages for adult men in communities, young boys in schools and train relevant officials, trainers, CHWs/ community based social workers in engaging with men and boys to eliminate GBV. All community based workers
should be trained in this by the end of 5 years, a group of 20 men and boys in at least 100 villages will be provided with training on positive masculinity.

14) Juvenile Justice

Plan of action to improve access to justice for children and to operationalise a national Juvenile Justice Act the following strategies will be applied.

(a) Develop a comprehensive policy and framework for Juvenile Justice, A Juvenile Justice Act that adheres to various international conventions and norms for the same.

(b) Improvement of legal aid for children: The comprehensive framework for juvenile justice will be marked by the three pillars of ‘diversion’ (directing children away from judicial proceedings and towards community solutions); ‘restorative justice’ (promoting reconciliation, restitution and responsibility through the involvement of the child, family members, victims and communities) and ‘alternatives to custodial sentencing’ (counseling, probation and community service).

(c) A review of existing framework and gaps and lessons learned will be conducted to inform the new framework. Good practices from the region and internationally, will be reviewed for adaptations to the Rwandan context. A consultative process involving legal experts, children’s organizations, NGOs and other technical experts will guide the development of this framework.

(d) One focal person on Gender Based Violence /Child Protection will be appointed at each of the 30 Bureau of Access to Justice (MAJ). These focal persons will be trained on children’s rights, existing laws, and comprehensive juvenile justice system and on child friendly administration of justice for children. They will be linked with the structure for child protection at various levels, including the GBV/CP committees, through exposure visits and joint meetings.

(e) Advocate with the law chamber for allowing every qualified law graduate to provide legal assistance / serve as lawyer for children at the sector levels so that the dependence on pro bono limited services of the BAR association maybe reduced. This way, legal assistance will become more accessible to children in their own communities, cells or sectors.

(f) A legal aid fund for children will be established to finance costs incurred by children in accessing justice. This fund will be financed through various options including an annual fees levied on every commercial practicing lawyer/ firm except those providing
pro bono legal aid to a set number of children per year. This fund would be disbursed through the MAJ.

(g) To organize a one-week for juvenile justice with free legal assistance to deal with outstanding caseload

(h) Establish at least 2 new rehabilitation centers for juvenile offenders within 5 years of this strategic plan. Improvement of the quality of care standards at the rehabilitation centre for juvenile offenders at Nyagatare.

(i) Provision of training to care givers and managers/ supervisors at the centre to make it child friendly and meet standards of care for children in institutions (as developed under the comprehensive policy/ guidelines/ standards on alternate care and as per provisions in new comprehensive framework for juvenile justice. This will improve and take care of the existing concerns about the type of care given to children in centers. Among the centres visited, each has its own care manual which are essentially child protection manuals developed by donors from abroad and some managers have confessed that the manuals are not tailored to local context. If MIGEPROF designs a comprehensive policy with guidelines on alternate care, it will improve the situation of care.

15) Child participation

Plan of action to empower children to participate in the development processes at various levels, the following strategies will be applied:

- Mainstream child participation in development processes by developing child guidelines for participation at all levels of decision making.
- Establish a centre for children, in each District, that is equipped with library, playground, space for conducting meetings, etc.
- Radio/ TV programs that specifically address children’s issues, will be promoted in partnership with radio stations and various TV channels and service providers
- Annual National Summits will continue to be organized every year.
- Develop a training package for government representatives, civil society organizations and others on promoting children’s participation and implementation of the guidelines
- Train all government officials at the province (5) districts (30) and sectors (416) in promoting children’s participation in development planning processes. Refresher trainings would be organized every 2 years.
• District level Children’s Forums will be established in all 30 districts in a phase wise manner.
• A mapping study of stakeholders facilitating children’s participation in Rwanda will be undertaken.

NATIONAL POLICY FOR ORPHANS AND VULNERABLE CHILDREN (MINALOC 2003)

The national policy National Policy for Orphans and Other Vulnerable Children is an old policy of 2003. While it is not explicit in the National Integrated Child Rights Policy (ICRP), it appears that those objectives and strategies stipulated in the MINALOC OVCs policy seem to have been wholesomely incorporated in the recent MIGEPROF’s ICRP developed by MIGEPROF in November 2011. The OVCs policy was designed by Ministry of local affairs in 2003 and its vision is to assist Orphans and other vulnerable children to reach their full potential and have the same opportunities as all other children to active and valued participation in home and community life. This would be done through implementation of laws, policies and programs to ensure that children in difficult circumstances are integrated in a socially, economically sustainable community. The policy objectives and strategies have been fully updated and incorporated in the national integrated child rights policy mentioned above. Tackling them in this assessment would be a repetitive action with no value added to the quality assessment.

NATIONAL POLICY FOR FAMILY PROMOTION (MIGEPROF 2005)

This is a 2005 child focused policy and its main vision is to enhance the welfare of all population through a change of socio-economic conditions, thereby leading to the promotion of the welfare of the family, including gender parity while focusing on the welfare and protection of children. Its main mission as its title reads is to promote the Rwandan family as a natural and cultural basis of our society. The policy has six specific objectives and two of them are child specific; to protect the children in general and to protect vulnerable groups46.

The above objectives of protecting children and vulnerable groups are implemented through several strategies including strengthening family relations so that a sense of duty and responsibility within all members of the family can be created. Protecting children envisaged three program actions:

• Defining the role of the child in the family and in the Rwandan society and developing

---

46 Migeprof: National Policy for Family Promotion, 2005 page 12
related strategies and action programs;
- Raising the parents’ awareness of their responsibility in the education and social management of their children;
- Educating the child, preparing him for taking charge of his destiny in society.

Protecting Vulnerable Groups calls for two main program actions

- Promoting programs of social security in order to help the family members suffering from chronic and incurable diseases, old people, disabled people and destitute families;
- Developing appropriate strategies to solve the problems of families in vulnerable and crisis situations (child-headed households, single parent households, etc.).

The policy at the time of its inception acknowledged that children faced several challenges which included childhood high mortality, frequency of diseases, poverty of parents (children of single mothers, children of prostitutes, children of prisoners, children of HIV/AIDS infected people, etc.), orphan child-headed households, HIV/AIDS infected children, street children and limited universal access to education, loss of parental authority due to the absence or breach of parental duties towards children47.

NATIONAL POLICY AGAINST GENDER-BASED VIOLENCE
(MIGEPROF JULY 2011)

The policy defines gender-based violence as physical, sexual, emotional or social harm or abuse directed against a person because of his or her gender role in a given society, while Gender-based violence is defined in the Law on Prevention and Punishment of Gender-based Violence as48.

“[Any] act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male. Such act results in the deprivation of freedom and negative consequences. This violence may be exercised within or outside the household.”

GBV policy is not directly a child protection related policy but indirectly affects the child if gender abuses are inflicted upon the any parents providing parental care to the child. The child is in process of abuse of any of the parent emotionally/psychologically affected and in most case the abuse is reflected in Non-organic failure to thrive. Therefore the prevention and response to

47 Ibid page 17
48 MIGEPROF: National Policy against Gender-Based Violence, 2011 page 5
Gender-based abuse and violence will significantly contribute to child protection. About 60 street children housed in child centers in three provinces we visited during this research cited domestic violence/gender based abuse and violence as their major causes of their present street life. As such, the GBV policy is equally important document of assessment in this study. The table below indicates the gravity of GBV cases and looking at the figures on murder cases one can imagine how many children are orphaned each year.

### Types of gender based violence cases reported to the Police in 2009 and 2010

<table>
<thead>
<tr>
<th>Types of violence</th>
<th>Year 2009</th>
<th>Year 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women battered by husbands</td>
<td>388</td>
<td>430</td>
</tr>
<tr>
<td>Men battered by their wives</td>
<td>84</td>
<td>94</td>
</tr>
<tr>
<td>Women murdered by their men</td>
<td>38</td>
<td>83</td>
</tr>
<tr>
<td>Men murdered by their wives</td>
<td>31</td>
<td>60</td>
</tr>
<tr>
<td>Women who committed suicide because of their husbands</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>Men who committed suicide because of their wives</td>
<td>18</td>
<td>31</td>
</tr>
</tbody>
</table>

The GBV policy visions a Rwandan society that is GBV-free and, in the interim, to have a Rwandan society that can effectively and efficiently prevent and respond to GBV. Its policy is to contribute to the socio-economic development and promotion of human rights in Rwanda through the prevention of and response to gender-based violence. It specifies three broad objectives of a) fostering prevention-focused environment where gender-based violence is not tolerated and reducing vulnerability of groups most at risk to GBV, b) responding by providing comprehensive services to victims of gender-based violence and improving accountability and elimination of impunity for gender-based violence; and c) build coordination and monitoring systems and expand the data available on GBV.

Prevention strategies include massive education and campaigns as well as mobilization of communities, public and private entities on the need and heinous impact of GBV to families and children, putting in place mechanisms at national, district and local levels to identify groups and individuals at high risk of GBV, promote links between actors who can help to identify those at risk, develop programs to increase the capacity of vulnerable groups to protect themselves from GBV and reinforcing programs for economic empowerment of vulnerable groups. Reinforcing system for coordinating implementation of the National Policy against GBV at all levels would enhance effective combat of GBV.

---

49 Nyampinga in Huye, FIDESCO in Kicukiro in Gasabo and SACCA in Kayonza District

50 The table is exacted from National Policy against Gender-Based Violence (Migeprof July 2011)
At institutional level, there are statutory institutions which are directly contributing to the combating gender-based violence and they include:

- The Ministry of Gender and Family Promotion,
- The Gender Monitoring Office and
- The National Women’s Council.
- National Police

**HEALTH POLICIES**

A good number of health policies have been identified which have greatly contributed to child protection issues of survival and good health of children. With those policies, lives of children have been greatly improved infant and maternal mortality rates. Child survival and development is a means of realizing the inherent right to life of a child as per Article 6 of CRC. There are specific health polices identified to have contributed to child survival goals in Vision 2020 and EDPRS and these include but not limited the following:

**National Health Sector Policy (2005)**

The global vision of the Government of Rwanda set out in Vision 2020 is to guarantee the well being of the population by increasing production and reducing poverty within an environment of good governance. As part of this vision, the Government seeks to overcome the illnesses linked with poverty and ignorance, and to develop a proactive and well performing health system capable of anticipating and appropriately responding to the health needs of the population. Within this context, the mission of the Ministry of Health is to ensure and promote the health status of the population of Rwanda. This mission will be achieved by providing quality preventative, curative, rehabilitative and promotional services. The policy objectives include:

1. To improve the availability of human resources;
2. To improve the availability of quality drugs, vaccines and consumables;
3. To expand geographical accessibility to health services;
4. To improve the financial accessibility to health services;
5. To improve the quality and demand for services in the control of disease;
6. To strengthen national referral hospitals and research and treatment;
7. To reinforce institutional capacity.
The fulfillment of this mission assumes that a certain number of conditions are met: the mobilization, equitable distribution and efficient management of resources; and the reduction in the dependency of the health system on external finance through an increase in the Government contribution to the health sector. Individuals and communities will have to be convinced of the role that they play in safeguarding their status of health as well as in the management and financing of health services.

In order to reach and deliver the above ambitious health sector mission, the following major policy objectives were laid down: (i) to improve the availability of human resources, (ii) to improve the availability of quality drugs, vaccines and consumables, (iii) to expand geographical accessibility to health services, (iv) to improve the financial accessibility to health services, (v) to improve the quality of and demand for services in the control of disease, (vi) to strengthen national referral hospitals and research and treatment institutions, and (vii) to reinforce institutional capacity. The policy has an implementation strategic plans which lay down milestones of delivering policy objectives in a given period. The success of all health policies discussed here can be referred to MDG goals progress glance presented above which contains the lasted data on country’s health status.

**National Health Insurance Policy (2010)**

The policy’s vision is the access to essential health care and be protected from impoverishment due to health care expenditures by 2020 by everyone. This shall be done by building a financially and institutionally sustainable health insurance system that can guarantee the coverage of all Rwanda’s citizen with health insurance. The policy interventions below positively contribute to social security of a child which is a protection issue in accordance with Article 26 of CRC. Policy intervention areas include:

1. **Community-Based Health Insurance** targeting 10% of the total population which is uninsured
2. **Social Health Insurance** target Population workers employed in the formal sector of the economy and their families.
3. **Private Health Insurance** targeting private enterprises and their employees or to individual Rwandans.
4. **National Solidarity Fund** targeting to finance low-income households and the poorest and vulnerable groups being supported by a third party
National Nutritional policy (2005)

The policy vision is to ensure good nutrition for all Rwandese by providing a favorable environment for the effective implementation of nutrition interventions that guarantee the nutritional well-being of the entire population for the sustainable development of Rwanda. Specific policy objectives are to:

- Promote practices favorable to the improvement of the nutritional status,
- Reduce the prevalence of diseases linked to nutritional deficiencies and excesses,
- Prevent mother-to-child transmission of HIV through appropriate breastfeeding and infant and young child feeding practices,
- Assure adequate treatment of malnutrition due to nutritional deficiencies and excesses,
- Provide nutritional care and support for people living with HIV/AIDS

While the policy looks general, it had child protection issues to address and this include:

- Baby Friendly Hospitals Initiatives (BFHI) for the promotion of breastfeeding and optimal young child feeding.
- Growth Monitoring of children and weight-gain monitoring of for pregnant women
- Vitamin A and iron Supplementation.
- Nutrition activities in schools support project for primary school focusing on girls, which started in September 2001 in regions
- Protocol and guidelines for the rehabilitation of malnourished children.
- Nutrition and HIV/AIDS. The government adopted Guidelines for nutritional care and support of PLWHA that can be used by service providers/personnel responsible for HIV/AIDS management including the ART and PMTCT programs.


The policy vision is to ensure that all sexually active individuals and couples recognize their risk of HIV/STI transmission as well as unwanted pregnancies and take measures to avoid risk exposure for themselves and their partners. Measures envisaged strategies are information and education, with the goal of improving a common understanding of sex, sexuality, sexual health and reproductive health so that correct and consistent condom use among those at highest risk for HIV/AIDS, STIs and unwanted pregnancies, with a special focus on Rwandan youth increased. In special way, the policy targets high risk groups of the Rwandan population which include vulnerable group of children and young people in and out of school that are at risk of being HIV infected or re-infected, acquiring STIs or becoming involuntarily pregnant.
EDUCATIONAL POLICIES

Education policy (2003)

The key child protection relevant policy objectives are to ensure that education is available and accessible to all Rwandese people and to inculcate in children and sensitize them to the importance of environment, hygiene and health and protection against HIV/AIDS. Access to education includes strategies if of providing Universal Primary Education to children by 2010. The education policy has led to the development of girls’ education policy, special needs education policy and early childhood care and development policy. Of these, girl’s education and special need education for children with learning disabilities are national polices responding to the provisions of Articles 28 and 2 of CRC which provides that educations hall be provided to all children without discrimination as to disability of children.

Girls’ Education (2008)

This is a gender-child education policy. It does not restrict itself to girls only although it the emphasis. It was designed to combat inequality that existed between the sexes as the level of education went higher. Girls’ enrollment in primary education was higher than boys but went down in higher education. In addition, there were recorded discrepancies between the performance of boys and girls at both primary and secondary levels. Girls performed less well in end-of-primary exams, and hence are enrolled in greater numbers in private secondary schools where the entrance criteria are lower than the public secondary schools and universities. To combat the types of discrepancies (enrollment and performance) special policy for girl child became necessary and a special girl’s education policy was designed in April 2008 with the overall objective of guiding and promoting sustainable action aimed at progressive elimination of gender disparities in education and training. These policy strategies as enshrined in education policy include:

- Strategies to closely monitor girls and other vulnerable groups' performance and achievement at all levels and take necessary corrective measures.
- Encourages girls and other vulnerable groups' participation in science and technology related fields.
- Give special attention to female and other vulnerable groups' participation in education, especially popular and functional literacy for women in rural areas.
- Sensitize parents, teachers and communities to monitor girls and other vulnerable groups' participation and performance in education.
- Take affirmative action for girls to study science and technology related subjects.
Special needs education policy (2007)

The number of children in Rwanda having special educational needs comprises a much larger proportion and they include disabled, orphans, street children and child heads of families. They represent vulnerable groups for whom special provision is needed either within the ordinary school system or in special facilities. Some of the children in these categories have been mainstreamed in ordinary school facilities, while others attend the three existing special schools in Gatagara, Butare and Nyamirambo. This policy was designed to provide guidelines and implementation strategies towards ensuring the rights of those children with learning disabilities are met in education. In 2007, there were over 175,000 children with learning disabilities in primary schools representing 10% which require special education and learning facilities. Designing a policy and strategies is thus a requirement and fulfillment of a CRC obligation.

NATIONAL POLICY ON WATER AND SANITATION SERVICES (2010)

Children have inherent right to enjoy to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. One of the measures in CRC to realizing this international obligation is to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution (Article 24 CRC).

To fully implement the above, the government has designed a national policy on water and sanitation services with global objective of ensuring sustainable and affordable access to safe water supply, sanitation and waste management services for all Rwandans in view of poverty reduction, public health, economic development and environmental protection. The policy strategic objectives are very ambitious and once achieve, they would indirectly contribute to the fulfillment of child rights as stated in Article 24 of the CRC. The strategic objectives of the policy include:

51 MINIFRA: National Policy on water and Sanitation Services (2010), page 14

51 MINIFRA: National Policy on water and Sanitation Services (2010), page 14

a) Clean water supply

- Rural – coverage: Raise rural water supply coverage to 85% by 2012 and to 100% by 2020 by assisting the Districts to plan, design, finance and implement infrastructure projects
• **Rural – functionality**: Ensure sustainable functionality of rural water supply infrastructure by developing effective management structures and well-regulated public-private partnership (PPP) arrangements.

• **Urban**: Ensure safe, reliable and affordable urban water supply services for all (100% service coverage by 2012) while strengthening the financial viability of the Utility.

**b) Sanitation**

• **Individual sanitation**: Raise household sanitation coverage to 65% by 2012 and 100% by 2020, and promote hygiene behavior change.

• **Institutional Sanitation**: Implement improved sanitation for schools, health facilities and other public institutions and locations.

• **Collective sanitation**: Develop safe, well-regulated and affordable off-site sanitation services (sewerage and sludge collection, treatment and reuse/disposal) for densely populated areas.

• **Storm water drainage**: Enhance storm water management to mitigate impacts on properties, infrastructure, human health and the environment.

• **Solid waste Management**: Implement integrated solid waste management in ways that are protective to human health and the environment.

**NATIONAL SOCIAL SECURITY POLICY (2009)**

Article 26 of CRC imposes an obligation to the party States to recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. In addition Article 22 of the Universal Declaration of Human Rights of 1948 stipulates that “Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” Article 25, the same declaration stipulates that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the
right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

From above legal justifications, social security is a child protection as presented in the three international instruments. It is thus a duty of the Rwandan government to formulate and implement social security measures of prevention and response which are either direct or indirect to child protection. In 2009, the government designed a social security policy designed to ensure protection of everyone and by narrowing any existing gaps and eliminating them over time as economic circumstances permit.

The National Social Security Policy addresses all aspects of social protection, but focuses most extensively on pensions and healthcare. It is consistent with and supports the long-run goals of Vision 2020, the National Poverty Reduction Policy (2001), and the corresponding policy statements previously adopted by the Rwandan Government, including the Government’s Vision 2020 statement, National Investment Strategy (NIS, 2002), Economic Development and Poverty Reduction Strategy (EDPRS, September 2007), and National Employment Policy (NEP, December 2007). It also reflects values expressed in the Constitution of the Republic of Rwanda and the Universal Human Rights Declaration to which Rwanda has subscribed. While the policy is not directed to issues of children, children are direct beneficiaries’ of the policy because by nature, they are dependants to the beneficiaries of the social security benefits.

NATIONAL INTERNAL SECURITY POLICY

Article 19 of CRC, provides that States Parties to the Convention shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Articles 33-38 of the same Convention guarantees protection of children from all forms of abuse and exploitation and the State has the primary responsibility to ensure such protection. In Rwanda, Ministry of internal security is national mandated to ensure public safety and security against all forms of abuse and threat. It supervises national police, an organ mandated to prevent and respond to issues of public insecurity.

It is the responsibility of the National Police to ensure the security of people and their property. It executes its duties guided by the principle of safeguarding the fundamental rights guaranteed by the Constitution - and the Law. It ensures compliance with the Law, Pre-empts, detect and investigates crimes and in due course, rescuing any person in danger. A gender-based violence unit is established at national head office and this unit is decentralized to every regional and district police offices. The GBV desk is also charged with child protection from all forms of
abuse. It receives complaints of child abuse, conducts investigations and forwards the completed dossier to prosecution authority for prosecution.

**LEGAL AID POLICY**

The government has had no legal aid policy as of the time of this report. However, the Justice Sector Secretariat has commissioned a consultancy exercise to develop a national legal policy which shall guide the government for the next five years and is expected to be in place by end of June 2012. In the law establishing the Rwanda Bar Association, it is provided that the government through the Ministry of Justice would finance the Bar Association to provide legal aid to minors and Pro Bono Services to indigent people. But since 1997 when the law establishing the bar Association was passed, no formal policy has been in place yet.

While there was no policy in place, various efforts to provide legal aid has been in place and a remarkable progress has been recorded. Justice sector has had action plans of supporting indigent people and has used those annual action plans to solicit for financing from Development partners. Many DPs supporting Justice Sector have provided their financing through sector budget support framework and with this support the government has been able to establish at least one legal clinic in each district staffed with two legal specialists to provide free legal services to indigent people.

In an interview with officials from Justice Secretariat\(^5\), it was confirmed to me that DPs have an agreement with MINECOFIN that at least 5% of the total sector budget support should be expended on legal aid services. The Bar Association receives approximately 90 million Rwandan francs annually from Ministry of Justice to provide legal Aid to indigent persons with legal issues. According to the Bar Association president, the budget is not very limited and it its largest share is spent to providing pro Bono legal services to minors at conflict with the law in criminal matters. UNICEF is another significant stakeholder in legal aid and it has been supporting financially annual legal aid week and recently it has financed one staff per legal aid clinic (MAJ) in charge of children and Gender Based Violence in each district. It is hoped that once the design of legal Aid policy is completed, it is expected that legal aid services will be streamlined to benefit the very people in need.

\(^5\) Interview with Mugabe Victor, Justice Sector Secretariat Coordinator
PROGRAMS FOR CHILD PROTECTION

In this chapter wish shall present the existing programs which prevent and or respond to different issues of child protection. These programs shall be emanating from the policies we have noted above. Each policy has its own strategic plan of implementation and each plan in complementary deliver to child protection issues.

Protection issues programs

i. Birth registration and Identity

Currently, child births registration is done at sector by a professional in charge of civil matters within each administrative sector; s/he is the one who keeps births registration, a decentralization that greatly facilitates birth and death declaration by the population who no longer have to walk long distances. This was facilitated by local government reform in 2006 which created several decentralized sector levels in order to have services accessible by the population easily.

ii. Child soldiers

There is National Commission for Demobilization and Reintegration of ex-combatants including child soldiers. This commission has contributed to the stop the use of children as soldiers, demobilize all combatants aged under eighteen and develop and implement programs for their rehabilitation and reintegration. The commission conducts activities of physical and psychological rehabilitation, cultural and sports activities, initiation into manual work, etc. In addition, it reunifies children with their families and provides basic needs kit (blanket, tableware, jerry-can, hoes, etc.). Reintegration that consists in allows the child to choose from different types of support offered by the government of formal school, vocational training or income generation activity. Today, an estimated number of 677 of child soldiers have been disarmed and repatriated to Rwanda from Democratic Republic of Congo.

iii. Child labor

A consultative committee on child labor composed of the representatives of social ministries and unions meets quarterly to assess the status of the situation. A five-year Plan of action on child labor has been submitted to the Cabinet for adoption; a National Policy against the Worst Forms of Child Labor is still under development. There are 30 labor inspectors, one for each of its 30 districts, in 12 regional offices who oversee labor issues including child labor. There is
established National Advisory Committee on Child Labor comprised of various government ministries, the National Human Rights Commission, the Rwandan National Police, trade unions, and NGOs which meets regularly to provide guidance and technical assistance to the government on child labor issues. In addition, MIGEPROF reported in 2010 that there is National Policy to fight against Child Labor and its Strategic Plan and a Steering Committee for the fight against child labor in MIFOTRA

iv. Alternative care

a) Long-term institutional care approach

This approach is based on keeping a child in a childcare centre for a long period that may reach 10 years. The criterion for the child discharge is his capability to take care of himself, given that he will have completed secondary education or received vocational training. Some centers have been hosting children for many years on and work only with them. Others take in children that were rounded up across the streets and forcibly committed there.

The advantages of this approach are of course moving immediately the children from the streets and stopping at least a part of their vulnerability. Their rights to food, housing, and protection against abuse and, to some extent, to health are respected. Its disadvantages are first associated with the dependence of the child as well as of the family and community on the centre. When children are forcibly committed to an institution, the latter is considered by them as a prison and education intended for them suffers from this perception. Moreover, children who want to escape from round-ups become more suspicious of adults, increasing thereby their vulnerability on the street.

b) Reintegration approach

This approach is based on returning the child to his family or a substitute family when it proves impossible to trace his natural family. This reintegration approach comprises two distinct and complementary phases:

i. Child education aimed at knowing him and preparing the return to his family or home community.

---

53 Questionnaire of African union on progress made by Rwanda in the implementation of the plan of action of the African charter on the rights and welfare of the child: ‘Africa fit for children’ page 46

54 Street Children Strategic Plan (MIGEPROF) 2005, page 11
ii. **Return to his family or community.**

The child education in the course of which psychosocial investigation is conducted is a relevant moment for exploring his individual and family situation to adapt the reintegration plan. During this process, the educator explores with the child the immediate and root causes of his presence on the street, his will as well as his capacity to return home. Through the child views and visits to the family identified within the child home community, s/he makes an assessment of the family capacity and will to take in the child. The following step of reintegration will depend on it. This education is provided either in the open or in a transit centre.

c) **Prevention approach**

This approach is designed to put an end to the stream of children taking to the streets. It attempts to address the problem at its root handling the deep causes rather than its sensitive manifestations. This approach is the least commonly known within care practices in Rwanda. Its advantages however are by far important:

- Protects other children who could have taken to the street;
- Finds solutions to other associated complications (for instance physical or sexual abuse of the youth);

However, there are few associated disadvantages associated with this approach:

- Applied alone, it does not take into account the rights of street children that are daily violated;
- It is a long-term approach requiring sustained efforts without any immediate results.

In 2009, the Ministry of Gender and Family Promotion has issued a National guide document on a minimum package of services for orphans and other vulnerable children (OVC). It details minimum package of services, vulnerability criteria, and access to services among orphans and other vulnerable. National commission for children was established in 2011 to oversee the protection and implementation of the rights of a child. It is an independent body under the supervision of MIGEPROF

Currently the government of Rwanda has only one child centre at Gitagata in Bugesera District and recently its administration was passed on to the district of Bugesera. The funding of this centre is fully born by the government. The other centers in the country were established by NGOs and faith-based churches. The government through MIGREPROF provides some financial support to these private organized centers. In addition the government provides policy guidelines and foster care which we have discussed above.
v. **Child trafficking**

No known yet previous program on child trafficking identified in Rwanda despite the fact that Rwanda is considered as both source and destination country.

vi. **Sexual abuse/violence**

There is Medical examination and treatment of children victims of sexual violence which is free of charge. It is operated by Rwanda National Police Hospital. There are also Child Rights Protection Committees at village level to district level. At village level, the committee is composed of seven people, nine member committee at cell level, 11 member committee at sector level, and 12 members committee at district level. These committees are on national level supervised by MIGEPROF assisted by Child Rights Observatories and Community Policing by the National Police. There are also child forums at all local levels of administration where children meet and discuss issues affecting them. There is child desk at every police station and there is a 3512 free national help line to help report child abuse to police.

Advocacy through media (Radio, TV), print mobile phone short messages (SMS) media and internet, conferences and workshops, briefings during Umuganda are other key programs embarked by the government to fight child abuse and there are very effective to communicate the message.

vii. **Physical abuse** (torture and cruelty against children and corporal punishment of children is prohibited in all settings)

The programs for this issue are the same as in the preceding issue (sexual abuse)

viii. **Early marriages**

Educational policy programs particularly girls’ education, educational financial and material support to vulnerable children offered by the government and other stakeholders has among others contributed to decrease in early marriages. Advocacy programs through media (Radio and TV), print media, and community discussions during umuganda, workshops and conferences have been held and are the only known initiatives to stop early marriages.

ix. **Refugee protection**

Refugee children enjoy the same protection and humanitarian assistance as Rwanda children. There are protection and educational programs in refugee camps for children provided by the Government of Rwanda in partnership with UNHCR, Save the Children UK, Jesuit Refugee Services and AVSI, all partner to ensure child protection and basic education (primary education
plus 3 year secondary school) and follow the national curriculum in camps so that they can be channeled toward public schools outside the camps.

There are special protection and access to humanitarian aid and programs for refugee children to traumatized children, internally displaced children and children in post-conflict situations. The Ministry of Disaster Management and Relief was created and took over the responsibilities of the National Council to oversee refugee protection.

x. Discrimination

National programs to fight discrimination against a child have often been advocacy against discrimination against girl child while taking decisions in the best interest of the child. Historically, traditional Rwandan culture preferred a boy child to further education and sometimes to participate in certain family decisions.

A national campaign against discrimination against girl child was seen more than campaigns in discrimination against a child based on age in general. Company programs include: Advocacy programs through media (Radio and TV), print media, and community discussions during umuganda, workshops and conferences have been held and are the only known initiatives to encourage child participation.

A tender for consultancy to develop National child guidelines for child participation has been issued as part of implementing National Integrated Child Rights Policy Strategy. Several NGOs such Save the Children, Plan International, Care International, Right to play and World Vision are engaged in programs towards realizing child participation.

Disability access. On disability access, the Rwanda housing authority has put regulations to for the public buildings to comply to facilities with persons with disabilities.

xi. Child survival/health

- Promotion of the accessibility to, quality of and demand for FP/MCH/RH/Nutrition services by strengthening integrated management of neonatal and childhood illnesses in all health facilities and to promote good nutrition practices, including under fives, school children, pregnant and breastfeeding women Promotion of exclusive breast-feeding for 0-6 months.

---

55 http://www.rha.gov.rw/ (accessed on 02/02/2012)
• **Drugs, vaccines and consumables**: Expanded access to vaccines (catch-up campaigns, new vaccines). Outreach services for immunization is another component of the program and this shall be enabled by the strengthened systems related to the procurement, storage, distribution and accountability of drugs and commodities have been strengthened in the past five years and by the end of 2012 all health facilities will be storing and distributing commodities (including drugs) according to established procedures. To this end warehouses will be rehabilitated, active distribution of pharmaceuticals will be encouraged, procurement procedures for pharmaceuticals will be standardized and the drug pricing policy will be finalized. Local production of basic drugs and commodities will be strengthened. Decentralized units of the Pharmacy Regulation Authority will be fully operational.

• **Geographic accessibility**: Since 2005 construction and rehabilitation of three new district hospitals and 14 new health centers has been underway. In further efforts to decrease the geographic barrier to health care, the government plans to create more health posts. The decentralization process included the creation of new administrative structures some of which have no or few health facilities. The present target of the MoH is for everyone to have access to a health facility within one hour (walking). To improve geographical accessibility emphasis is now placed on referral transportation mechanisms, and strengthening the community health workers initiative as well as building many more facilities (PER 2006-2007). Transport capacity has already improved as 71 ambulances and 570 motorcycles have been distributed to the health facilities.

• **Institutional capacity**: The government recognizes the importance of sufficient and highly equipped health services providers with necessary capacities to deliver quality services including child survival.

• **Human resources for health**: Human resources development is another important prerequisite for quality service delivery in child survival programs. Specialization in public health with bias in child survival is what the government envisages in its programs to deliver child health protection programs.

• **Health sector financing**: There has been little increase in internal revenue raised by district and referral hospitals, while the internal revenues of health centers increased 7-fold since 2002 (PER 2006-2007). Every effort will be made to increase the amount of non-earmarked financial resources available to the health sector, by increasing the share of GoR expenditures on health to 15% of the total GoR budget, by piloting a progressive CBHI contribution scheme and by convincing more development partners to put (part of) their support to the health sector through sector budget support.
a) Child Education programs

i. Universal primary education

Article 28 (a) of CRC states that States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular make primary education compulsory and available free to all. A national program for free education for all at primary level has been implemented and is in full swing. Education is further noted in other CRC Articles as preventive measure to all forms of child abuse and as a right fulfillment of several child rights.

MIGEPFROF has had as its output 4 of its OVCs strategic plan which is ending this year of 2012 to ensure access to essential services for OVCs including shelter, education, health and nutrition, social protection, water and sanitation and birth registration including development of linkages and referral across services. The government initiated girls’ education policy and special needs education policy as efforts to have inclusive education. However, progress is more noted in girls’ education policy than in special needs education. In special needs education policy, the government does not commit itself to financially supporting children with special education needs. It rather limits itself to policy supervision and providing short term technical assistance56.

ii. Educating the public

In education, there other various education channels employed by the government to educate the public on the children’s right to education and even the disability rights. MIGEPROF had as its output in OVCs strategic plan to create a supportive environment for OVCs through increased awareness on all matters concerning OVCs addressing children, parents, caretakers, service providers, decision makers and the general population and as an activity to train 50 media representatives on positive reporting on OVC issues including, prevention of abuse, violence and exploitation, safer sexual practices, birth registration, access to health and education, especially for girls, stigma and discrimination, participation of OVCs and family planning57.

56 See special needs education policy.

57 MIGEPROF: OVCs 2007-2012 strategic plan outputs 4 & 1.3
iii.  **Attention on special needs education**

Domestic law on the protection of disabled persons in general of 2007, provides that a disabled person has the right to appropriate education in respect of the nature of his or her disability. Rwanda has also adopted and implemented inclusive education of people with learning disabilities. A special needs policy is in place and implementing it is a progressive exercise. There are few focused educational institutions for children with learning disabilities (around 34) but efforts are being made to implement the policy to its fullest capacity. According to UNESCO 2009 report on education for Disabled People in Rwanda and Ethiopia, there is a statistical problem and any facts presented in government documents are mere estimates. The report states that by 2004, disabled children in Rwanda were estimated at 4.7% (322965) of the total number of children which is estimated at 6,871,598 and disabled children. The table below indicates segregated data by age of disabled children. However, according to Rwandan Education Sector Strategic Plan (ESSP) 2006–2010, the number has increased to 10% but it includes all OVCs. The number of physically disabled children stated in the policy is 175,205 who are in education and only 1,713 disabled pupils are “known to be cared for in schools or rehabilitation centers. There is increase in the number of special schools/centers in the last few years up to around 34 in total.

### Estimated numbers of disabled children in Rwanda

<table>
<thead>
<tr>
<th>Age</th>
<th>Total number of children</th>
<th>Estimated number of disabled children if 4.7% is applied</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-19 years</td>
<td>4,635,334</td>
<td>217,861</td>
</tr>
<tr>
<td>5-14 years</td>
<td>2,236,264</td>
<td>105,104</td>
</tr>
</tbody>
</table>

After various educational policies particularly special needs education, the numbers of children with some disabilities have accessed education. The table indicates number of disabled children enrolled in 19 mainstream primary schools, 6 districts, Rwanda, 2009 academic year.

<table>
<thead>
<tr>
<th>Type of disability</th>
<th>Number of girls enrolled</th>
<th>Number of boys enrolled</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visually impaired students</td>
<td>38</td>
<td>57</td>
<td>91</td>
</tr>
<tr>
<td>Hearing impaired students</td>
<td>24</td>
<td>27</td>
<td>51</td>
</tr>
<tr>
<td>Physically impaired students</td>
<td>74</td>
<td>87</td>
<td>161</td>
</tr>
</tbody>
</table>

---

58 *Article 11 of the law n° 01/2007 of 20/01/2007 relating to protection of disabled persons in general*

59 *According to UNESCO 2009 report on education for Disabled People in Rwanda and Ethiopia page 13*
The report further argues that disabled children are never in schools or forced out of schools due to discrimination in society, intentional exclusion and marginalization from and within education\textsuperscript{60}. The country has to do more on the right to education of disabled children as national and international State obligation.

The Ministry of Education envisages further from its policy to contribute to child education by increasing access to education among poor and out of school vulnerable children through innovative and inclusive approaches is in place. It takes into account the following actions:

\begin{itemize}
\item[a.] Improving enrolment and retention in pre-primary, primary and lower secondary schools among poor and vulnerable children by contributing to the ongoing assessment by MINEDUC on barriers to education, specifically focusing on assessment of hidden and opportunity costs to education

\item[b.] Conducting a specific study on good practices in innovative social protection measures to improve enrolment and retention, specifically for poor and vulnerable children.

\item[c.] Establish 1 model Early Child Development (ECD) centre in each sector, starting in the second year of the Strategic Plan, such that by end of 5 years 416 model ECD centers are established in the country

\item[d.] Develop models for flexible and accessible alternative education to bridge older out of school children with the basic education program. This would include street and working children who have been unable to attend regular school who are now too old to join school at lower grades.

\item[e.] In social protection, the ministry shall explore models for the establishment of a private sector and citizen funded scholarship grant scheme for poor and vulnerable children.

\item[f.] Mobilize private sector and public of Rwanda in contributing to this fund.

\item[g.] Expansion of school feeding program. This activity falls under both the thematic areas of health and education.
\end{itemize}

\textbf{a) Girls’ Education (2008)}

As noted above, this is a gender-child education policy. It is a comprehensive policy of child education as it even covers child boys. It was designed to combat inequality that existed between

\textsuperscript{60} UNESCO 2009 report on education for Disabled People in Rwanda and Ethiopia page 15
the sexes as the level of education went higher. Girls’ enrollment in primary education was higher than boys but went down in higher education. To combat the types of discrepancies (enrollment and performance) special policy for girl child became necessary and a special girl’s education policy was designed in April 2008 with the overall objective of guiding and promoting sustainable action aimed at progressive elimination of gender disparities in education and training. These policy strategies as enshrined in education policy include:

- Strategies to closely monitor girls and other vulnerable groups' performance and achievement at all levels and take necessary corrective measures.
- Encourages girls and other vulnerable groups' participation in science and technology related fields.
- Give special attention to female and other vulnerable groups' participation in education, especially popular and functional literacy for women in rural areas.
- Sensitise parents, teachers and communities to monitor girls and other vulnerable groups' participation and performance in education.
- Take affirmative action for girls to study science and technology related subjects.

b) Special needs education policy (2007)

The number of children in Rwanda having special educational needs comprises a much larger proportion and they include disabled, orphans, street children and child heads of families. They represent vulnerable groups for whom special provision is needed either within the ordinary school system or in special facilities. Some of the children in these categories have been mainstreamed in ordinary school facilities, while others attend the three existing special schools in Gatagara, Butare and Nyamirambo. This policy was designed to provide guidelines and implementation strategies towards ensuring the rights of those children with learning disabilities are met in education. In 2007, there were over 175,000 children with learning disabilities in primary schools representing 10% which require special education and learning facilities. Designing a policy and strategies is thus a requirement and fulfillment of a CRC obligation.

b) Child health programs

The government of Rwanda has done tremendous efforts in protecting and ensuring child rights related to health. As noted above in MDG goals country progress report authored by UNDP in 2011, infant mortality rate and maternal mortality rate has decreased and the report says that the government is on track to achieve the MDG goal related to child health by 2015. For further details on the child health status, refer to the section above on a brief look at Rwanda’s progress towards achieving MDGs related to child protection, goals 1, 2 4 & 5. Also
The Ministry of health is the line ministry responsible for delivering child health protection and as we saw above, various policies and strategic plans have been initiated and designed (refer to the table above on The List of Key National Policies directly impacting child protection). According to the 2007 Rwanda Services Providers Assessment report which conducted assessment on the availability of three basic child health services: outpatient curative care for sick children, routine childhood immunization services under Expanded Program on Immunization (EPI), and routine growth monitoring services reported that integrated child health services were offered mostly at the first level of the referral system, which is the health center. About 53 percent of facilities offer all three basic child health services as a package; that includes 71 percent of health centers and polyclinics. Childhood immunization is provided in 75 percent of facilities, growth monitoring in 55 percent, and outpatient curative care for sick children is available in 95 percent of facilities. Health centers and polyclinics, and government assisted facilities are more likely than other types of facilities to provide all three basic services.

However, despite numerous child health protection policies, the assessment report found out that only about half of facilities offer all three basic child health services, including outpatient curative care for sick children, childhood immunization, and growth monitoring. The growth monitoring services are the least available among the three. Outpatient curative care for sick children is available in almost all facilities, while growth monitoring and childhood immunization services are less available. Childhood immunization and growth monitoring services are less available in facilities in Kigali City than in other provinces and are more available in health centers and polyclinics and among government and government-assisted facilities.

---

CHILD PROTECTION SERVICES

Responding Mechanisms

Child protection in Rwanda is a novel political agenda compared to that of women and youths. Due to the novelty of the political policy to protect children, even sufficient and effective mechanisms to respond to child protection issues can be found in Rwanda. The Convention on the Rights of Child and African Charter on the Rights and Welfare of the Child were ratified by Rwanda in 1990 and 2001 respectively but it has take the government 21 years to put in place child focused body (National Commission for Children) charged with ensuring the promotion and protection of the rights of a Child. Until now, the following are national institutions which respond to child protection issues:

Rwanda National Police

The law establishing Rwanda National Police N° 09/2000 of 16/06/200 and was revised by the law No. Law N° 46/2010 of 14/12/2010). Its major responsibilities are:

- a) Ensuring compliance with the law;
- b) Maintaining public order inside the country;
- c) Ensuring safety and security of people and property;
- d) Assisting any person in danger;
- e) Immediately intervening in case of calamities, disasters or accidents;
- f) Ensuring respect of laws relating to airspace, borders and waters;
- g) Combating terrorism;
- h) Participating in international peacekeeping missions, humanitarian assistance and training.

Within the police, there is a gender desk charged with receiving complaints of child abuse. It is not a specialist office with some a departmental structure in National Police.

National Public Prosecution Authority

This is a body provide for in the National Constitution charged with prosecuting offenders in courts of law for crimes committed against the public. It exercises its prosecutorial functions in the public interests. It was established Organic Law N°15/2006 OF 24/03/2006 as part of the reform process of judiciary.
**Judiciary**

These are ordinary and regular constituted courts charged with rendering justice in Rwanda. In Child issues (criminal) are heard and tied in higher instance courts in specialized chambers for children. Other civil and labor child issues are heard in ordinary courts and are tried in accordance with ordinary law on procedure. However, specialized child chambers are only not provided for in military tribunals and courts. According to the law of Jurisdiction and Competence of military courts and tribunals, anyone including a child who participates with a soldier in criminal acts, will be tried in military courts.

**National Commission for Children**

The Commission was established in July 2011 by the law N°22/2011 of 28/06/2011 establishing the national commission for children and determining its mission, organization and functioning, the Commission has the following mission:

**a)** to promote and ensure child education that enables the child to be a worthy and patriotic citizen;

**b)** to develop a national partnership and coordination framework aimed at promoting a child rights;

**c)** to serve as a Central Authority in charge of implementing the Hague Convention on the protection of Children and cooperation in respect of inter-country adoption;

**d)** to participate in the development of child protection policy and follow up to ensure “child” dimension is mainstreamed in national policies, planning and budgeting at all levels;

**e)** to establish a common monitoring and evaluation framework for all interventions in favor of the child especially children with special protection needs, based on a data collection and reporting system by all stakeholders at all levels;

**f)** to integrate an ill-treated child in a family or any place where he/she can receive good education;

**g)** to collect, analyze, disseminate information relating to promotion of best practices and research in the field of the child’s rights;

**h)** to identify gaps in different laws and propose amendments thereto with the view to ensure protection and promotion of the child;
i) to collect and analyze children’s views and suggestions made at all levels and ensure that they are mainstreamed in the development and implementation of policies and programs in favor of the child;

j) to prepare and provide suggestions to the reports on the implementation of international instruments related to children ratified by Rwanda;

k) to develop any tools that can be used for social mobilization campaign on the welfare and rights of the child;

l) to mobilize resources and monitor their utilization;

m) collaborate with other regional or international bodies with similar mission;

n) to perform any other necessary activities and any other assignments in order to achieve its mission.

Rwanda National Human Rights Commission

The Commission was established in 1999 by the Law N° 04/99 of 12/03/1999 to handle complaints of human rights abuses against individuals and in particular, against children. The commission is charged with:

- Receiving Complaints that have been lodged with the competent organs but have not been resolved or were not resolved within the legal deadline.
- Complaints related to judicial decisions where human rights principles were not respected.
- Complaints resolved by competent organs but where those decisions have not been implemented.
- Complaints against companies when the complainant wishes to pursue mediation via the Commission before any recourse to other competent bodies.

The commission carries out investigation upon receipt of the complaint and the following are dispute mechanisms for resolution:

  i. Mediation
  ii. Conciliation
  iii. Hearings (public or in camera)
  iv. Enquiries on individual cases
  v. Enquiries at the national level
  vi. Criminal cases are forwarded to the Public Prosecutor.
LOWER CHAMBER Committee on Social Affairs

The Committee on Social Affairs is responsible for issues relating to:

a) Welfare, demographics, hygiene and health of the population;

b) Welfare of children, orphans, widows, disabled, aged and other vulnerable groups;

c) AIDS and other epidemic diseases;

d) Issues relating to social security and mutual health insurance;

e) Issues relating to employees and employment;

f) Issues relating to violence, vagrancy and begging;

g) Consideration of the report of the Public Service Commission and preparation of draft recommendations within six (6) months of the date of submission of such report to the Plenary Assembly

SENATE Committee on Social affairs, Human Rights and Petitions

The commission on Social affairs and Human Rights deals with legal affairs and issues related to:

i. Social affairs, family, health and the fight against aids and other pandemics;

ii. education, research, technology, culture and sports;

iii. Workers, employment and social security

iv. Human rights and National Unity;

v. fighting against the ideology of genocide and all its forms and all forms of sectarianism;

vi. Examining the report of the National Commission on Human Rights, the report program of the Office of Ombudsman;

vii. Human rights organizations;

viii. Penal legislation, legislation in connection with the organization and competence of Courts and tribunals as well as the legislation related to penal procedures;

ix. Examining the petitions referred to the Senate by the population;

x. Amendments of articles of laws examined by the commission and approved by the Supreme Court to be contrary to the constitution;

xi. Authentic interpretation of laws that are within the commission's objectives
MINISTRY FOR DISASTER MANAGEMENT AND RELIEF to oversee refugee protection issues and the country’s compliance to refuge law commitments.

LOCAL GOVERNMENT-DECENTRALISED ENTITIES

The ministry of local government has decentralized its administration into districts, sectors, cells and villages. A village is the closest local authority to the people. Its power bearers are volunteers who normally receive complaints of civil matters. Save for child neglect, other child issues are outside their mandate due to the gravity of the offence. However, they act as whistle blowers to Police in case of a child abuse incidence are spotted. They form part of child protection committees at their respective levels of authority (Village, cell, sector and district)

NATIONAL COMMITTEES ON THE FIGHT GENDER –BASED VIOLENCE AGAINST CHILDREN AND TO PROTECT CHILDREN’S RIGHTS

These are child protection committees established without a law but as part of implementation strategies for child protection and government’s efforts to widen child protection mechanisms from community level to national level. They have clear terms of reference and membership scope. The duties of all committees at different levels are the following:

a) Sensitization: Through regular and systematic reunions, Sensitize the population on gender-based violence, violence against children and the protection of the rights of the child
b) Denunciation: Identify the victims of such violations within the Umudugudu while safeguarding the principle of confidentiality
c) Rescue: Assist, call to rescue, lend a hand to the victims of violence and rights violations and inform all the members of the Committee
d) Advocacy: Advocacy about services to the victims of violence and rights violations

e) Referrals: Refer the abuser(s) to the appropriate authorities
f) Home visits: Organize home visits where GBV or/and rights violations occur & help change behavior
g) Awareness building: Teach/remind parents about their duties and obligations towards their children’s education
h) Reporting to upper levels
i) Keep database of complaints and offenders
j) Ensure capacity building for Imidugudu Committees’
k) Hold regular quarterly meetings - and ad hoc
l) Facilitate victims’ access to rescue services using an emergency fund
m) Performance contracts: Include child protection in Performance contracts
n) M&E: Receive and analyze reports on child rights violations
o) Others: Reward best performing imidugudus

The following are child protection committees established from the lowest local authority level to the national level:

1. **Umudugudu/Village committee:** This is composed of:
   
i. The Chief of Umudugudu
   ii. The person in charge of the welfare
   iii. The Representative of Women
   iv. The Person in charge of security
   v. A boy and a girl representing children
   vi. A man and a woman selected for their exemplary integrity in the community
   vii. The person in charge of information

2. **Cell level committee:** This is composed of:
   
i. The Executive Secretary
   ii. The person in charge of the welfare
   iii. The Representative of the National Women’s Council
   iv. A member of the Community Policing
   v. A boy and a girl from the Children’s Forum
   vi. A Representative of caregivers-volunteers-Nkundabana (if existing) or of NGOs
   vii. A Representative of the National Youth Council
   viii. A Representative of Religious Leaders
   ix. A representative of the school teachers

3. **Sector level committee.** The sector level committee is composed of:
   
i. The Executive Secretary
   ii. The Officer in charge of Welfare
   iii. A Representative of Health facilities (Hospitals or Health centres)
   iv. A Representative of the National Women’s Council
   v. The representative of the (Child Rights Observatory ) the NCHRC
   vi. Representatives (2) of the Gender desks (Police and Army)
   vii. A boy and a girl from the Children’s Forum
   viii. A Representative of NGOs
   ix. A Representative of the National Youth Council
x. A Representative of Religious Leaders

xi. A representative of the school teachers

4. District level committee. This is composed of:

   a. Vice Mayor in charge of Welfare
   b. The Officer in charge gender and child protection
   c. A Representative of the National Women’s Council
   d. The representative of the (Child Rights Observatory) the NCHRC
   e. Representatives of the Police and of the Army
   f. A Representative of the Prosecutor’s Office
   g. A boy and a girl from the Children’s Forum
   h. A Representative of Religious Leaders
   i. A Representative of NGOs
   j. A Representative of the National Youth Council
   k. A Representative of Religious Leaders
   l. The Officer in charge of Education

5. National Level committee: This committee is composed of stakeholders in child protection at national and international level and they include:

   a. MIGEPROF (CHAIR)
   b. MINALOC
   c. POLICE
   d. NCHR
   e. PROSECUTOR’S OFFICE
   f. UNICEF,
   g. NGO FORUM,
   h. MINISANTE,
   i. MINJUST,
   j. MINEDUC,
   k. NISR

CENTRE FOR REHABILITATION OF STREET CHILDREN OF GITAGATA

Gitagata is the only Government owned centre for former street children. It is located in Musenyi Sector in Bugesera District. The centre, whose main mandate is to rehabilitate and reintegrate street children houses over 700 boys, aged 7-19, although the Center has a capacity for 800 boys. The centre provides education to children and some other recreational activities for their development.
LEGAL FRAMEWORK FOR CHILD PROTECTION IN RWANDA

The following is the identified legal framework each and every protection issue we have presented above.

1) On child birth registration and identity/nationality

- Law n° 14/2008 of 4/6/2008 relating to the registration of the population and identity cards (Article 8) and
- Law n° 42/1988 of 27/10/1988, Civil Code First Book – Concerning people and family (Article 117) obliges parents or foster care parents to register a child within first 15 days from birth.

2) Child solders

- Child law No. 27/2001 of 28/04/2001 (Article 19),
- Presidential Order n° 72/01 of 08/07/2002 establishing Army General Statutes, in its article 15, prohibits child inscription into the army for conscription into Rwanda Defence Forces (RDF)
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, all prohibit inscription of child into the military.

3) Child labor

- Domestically, there is labor law of 2009 which proscribes child labor. Minimum age for employment is 16 years but under some favorable working conditions particularly to do with health and safety conditions and nature of work. The Ministerial order N°. 06 of 13/07/2010 determining the list of worst forms of child labor, their nature, categories of institutions that are not allowed to employ them, and their prevention mechanisms. This order identified five forms of child labor as those that should be considered as the "worst forms of child labor," including domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in brickyards and sand extraction quarries; crushing stones; and prostitution.

- There labor law provides for labor inspectors at least one per district and one of their attributions is to monitor child labor.

Page 85 of 132
• Internationally, the GoR has ratified or acceded to the following but not exhaustive international instruments proscribing child labor:

  ➢ The International Labor Organization Conventions 138 and 182;
  ➢ The United Nations Convention on the Rights of the Child (CRC)

4) Alternative care

CRC and CRWC are international and regional instruments to which Rwanda is a signatory to. Article 24 of the CRC states that “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services” Article 15 of the Rwandan child law also stresses the fact. The Minister of Gender and family Promotion issues instructions governing systems of placing children in foster families.

There are no known Statutes of law which governs and determines organization and functions of foster care homes in Rwanda. However, the Ministry of Gender and Family promotion passed national guidelines on a minimum package of services for orphans and other vulnerable children (OVCs) as a technical input to help stakeholders provide quality services to OVC and to support the GoR in its role of ensuring that child rights are not violated. Public institutions, the civil society, the community in general and international organizations are required to adhere to those guidelines.

5) Child trafficking

Rwanda is signatory to several International Conventions related to child trafficking and they include:

i. Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others;

ii. Additional Protocol to the UN Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
iii. **Final Protocol to the Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others**

iv. **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery**

v. **Slavery Convention of 1926 amended by the Protocol of 07/12/1953**

vi. **ILO Convention n° 29 Concerning Forced Labor**

**6) Sexual abuse**

- International instruments against Child trafficking applicable to Rwanda include CRC,
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- ACRWC explicitly proscribe sexual abuse against a child.
- Child law of 2001 and penal code of 1977 also impose severe punishment to child sexual abuse.
- GBV Law N°59/2008 of 10/09/2008 prohibits sexual slavery, indecent assaults and sexual torture which carries life imprisonment
- **Due process:** There are specialized juvenile chambers in competent courts and administrative rules which ensures due process and speedy trial of perpetrators of crimes against children. In case a child is in conflict with the law, the law guarantees him/her a defense counsel free of charge. However, this is only applicable in criminal matters. It should be understood that this legal advantage of ca child applies at all instances seen above and others that we shall see in this assessment.

**7) Physical abuse**

- Article 15 of the Constitution of the Republic of Rwanda prohibits torture and its all forms.
- Rwanda is a signatory to the Convention against Torture and Other Punishment, Cruel, Inhuman or Degrading Treatment. Also CRC and ACRWC proscribe physical abuse. Due process and legal aid, is the same as above and constant.
- Rwandan Child law and penal code also proscribe and punishes for such acts of child physical abuse.
neglect on basis of his/her sex and it carries a prison sentence from 6 months to 2 years. Article 23 prohibits sexual slavery with prison sentence of 10 to 15 years.

8) **Under age marriage**

- The child law of 2001 particularly in its Articles 47-50 explicitly proscribes under 18 marriages made to both boys and girls. Harsh sentences of minimum 20 years of prison sentence are spelt out for those involved in under 18 marriages. A light sentence of maximum of two years is determined for adults luring into marriage children between 18-21 years. The law punishes even those convicted of aiding and abetting in under age marriages.

- Labor law which sets 16 years minimum for employment also allows children to seek employment and to engage themselves in economic activities including commercial. Such engagements keep children under children under 18 and 21 occupied and have less time for redundancy to think and be lured into early marriages. Redundancy has been considered by many interviewed stakeholders as one of the contributing factors to child marriages. Employment and engagement into economic activities reduces poverty which has largely been counted as dominating factor of forced and early marriages.

- African Charter on the Rights and Welfare of the Child (Article 21) prohibits marriages under 18 and Rwanda as noted above, is a signatory. It is also a signatory to the International Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

9) **Child refugee protection**

- Rwandan Constitution (Article 25) recognizes the right to asylum Rwanda.
- The country is also a signatory to various refugee and stateless persons Conventions which include:
  - Geneva Convention on Refugees,
  - Protocol to Geneva Convention Relating to the Status of Refugees (UN),
  - OAU Convention Governing the Specific Aspects of Refugees Problems in Africa,
  - Draft law relating to relating to the rights and the protection of the child in its Article 49 provides that “Any child who seeks to obtain refugee status or who is considered as a
refugee in accordance with applicable laws, whether alone or accompanied by his/her parents or any other person, receives protection and humanitarian assistance in order to allow him/her to enjoy the rights that are recognized to him or her”. Article 49 of the same draft law provides for foster care to child refugees.

10) Discrimination

- Rwandan Constitution (article 11) prohibits discrimination of any form inter alia; ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination. However, as it can be seen in this Article, discrimination does not include discrimination criteria of age to cater for children.

- Law n° 47/2001 of 18/12/2001 instituting punishment for offences of discrimination and sectarianism does not cover age. It defines discrimination in its Article 1 as any speech, writing, or actions based on ethnicity, region or country of origin, the color of the skin, physical features, sex, language, religion or ideas aimed at depriving a person or group of persons of their rights as provided by Rwandan law and by International Conventions to which Rwanda is party;

- Law N° 01/2007 of 20/01/2007 relating to protection of disabled persons in general in its Article 18 states that “No discrimination of any form shall be subjected upon a disabled person in matters related to employment” Article 27 provides sanctions to the perpetrators of discrimination against disabled persons as follows: Any person who exercises any form of discrimination or any form of violence against a disabled person, shall be punished with the heaviest penalty among the penalties provided by the Criminal Code and those of the special laws relating to such a crime.
GAPS AND RECOMMENDATIONS

We have seen above in this document several policies related to child protection which are either direct or indirect to issues of child protection. The general fact deduced from the facts obtained during this research do suggest that the country Rwanda has made and continues to make remarkable progress not only in child protection but also in other areas of human development despite its economic and human destruction in 1994. The new integrated child right policy is very comprehensive document on child protection but will need to some time to see its programs implemented.

When were presenting policies and programs as well as the legal framework, we notes some areas where there are some gaps. In addition, some stakeholders who participated during this study made some comments on areas which require improvement. In this section, we highlight identified policy and programs gaps as well as legal framework required for child protection. For easy understanding, save for exception areas, like legal aid, where there is no policy, it is sometimes true that there are no programs and legal framework in place.

POLICY AND PROGRAM GAPS

i. Child labor

Work is not necessarily bad for children. Children can help their parents in the home or in the family farm or business, as long as the work is not dangerous and does not interfere with school attendance and other normal childhood activities. This is often referred to as ‘light work’. The term ‘child labor’ refers only to forms of employment or unpaid work that violate the rights of children and should be prohibited. The ‘worst forms of child labor’, a term used in International Labor Organization Convention No. 182, include grave forms of exploitation that violate the rights of any person regardless of age, such as slavery, trafficking and forced labor, as well as certain forms of exploitation specifically prohibited by the Convention on the Rights of the Child. These include sexual exploitation, the use of children in the production and trafficking of illegal drugs and forced recruitment into armed forces.

There are two main types of child labor: under-age employment and hazardous employment.

a) Underage employment:

The main purpose of minimum age for employment is to protect the rights of children to obtain education. The relationship between education and child labor is an oppositional one. Many
children leave school or are unable to meet the demands of the school system because of the need to work. Education encourages the intellectual and social development of children, and enhances their ability to earn a decent living. It is also a vital component of national development. It helps the individual become a better parent, an informed citizen and an active participant in civil society. In addition, it has a beneficial impact on problems such as delinquency and domestic violence. Other children become child laborers because no schools are available, because they cannot afford the cost of school attendance, because the education offered is of poor quality or perceived as irrelevant, or because the school environment is hostile. While some children are deprived of their right to an education because of premature entry into the labor market, others enter the labor market prematurely because their right to obtain an education is not effectively guaranteed. For example, a child in underage employment misses education is exploited economically, his normal trend of health may be distorted due to poor working environment and hard labor and his future in a competitive market is uncertain without education.

Other children become child laborers because no schools are available, because they cannot afford the cost of school attendance, because the education offered is of poor quality or perceived as irrelevant, or because the school environment is hostile. While some children are deprived of their right to an education because of premature entry into the labor market, others enter the labor market prematurely because their right to obtain an education is not effectively guaranteed.

b) Hazardous employment

Hazardous work is work that is likely to prejudice the development of the child concerned in any of the areas of living conditions that are suitable to his or her physical, mental, spiritual, moral and social development. Work may be hazardous due to the nature of the activity itself, the tools or materials used in the workplace, or the hours or conditions of work. Certain types of labor, such as agriculture, fishing and mining, have long been recognized as dangerous for children, but other types of labor may also be hazardous depending on the circumstances, including the age, health and sex of the child.

Since the year 2000, various reports have reported that child labor in Rwanda was very rampant until 2008 when the ministry public service of labor itself carried out the survey on child labor and found out disturbing facts of child labor. Since then, we have not seen tangible enforcement of the labor law. Stakeholders in child protection said that the mechanism of labor inspectorate is very weak and ineffective because child labor remains prevalent and no report of any employer who have been prosecuted or his industry dealt with in accordance with the labor and other relevant child protection laws. Article 8 of the labor law provides that the labor inspector can request for the examination of the children by a recognized doctor, in order to verify if the work with which they are entrusted is either beyond their strengths and or harmful to their health. Also
this examination may be requested for by all those parties interested in the matter. Where it is established that the provisions of article 6 of this law are not complied with, the child’s employment contract shall be terminated and notice allowance be paid to the child.

Children working in domestic homes have not been addressed in any policy and they are not considered as vulnerable groups of children who require special attention and intervention of the government. The 15 categories of vulnerable groups determined in the national policy for OVCs does not take into consideration of domestic workers but rather treats them in general as working children. These working children need a special protection mechanism. The employers of domestic workers are not generally governed by the labor law in practice although it does not exclude the domestic employers.

ii. Legal Aid:

In the first instance, we saw that there is no national policy on legal aid despite some programs in place and the commissioned assignment to develop the policy. We can only count on it once it is has been approved by the Cabinet. In absence of the policy the government cannot commit itself financially to provide legal aid services to the very poor people who need it.

iii. Child trafficking:

The new integrated child rights policy does not have an independent program and mechanisms to fight child trafficking. The policy treats the issue of child trafficking as part of vulnerable group and addresses it within the programs of orphans, street children, orphans, etc yet to us, it should have an independent program with its own and activities.

iv. Special needs education

There is still a gap in the government intervention to provide special needs education for disabled children and children with learning disabilities. Currently, few private establishments or disabled children are available. There is a need for government invests in special needs education to uplift the lives and hope of the disabled children.

v. Education for all

Education is still a shortfall to many children. While primary education is free, there are no mechanisms put forward by the government to ensure that every child attends education. We still see children on streets, communities, child labor during school hours. More mechanisms for enforcing the policy for primary education for all should be developed and enforced by local leaders.


vi. Child survival

Child survival is still a challenge to children. The government has to put much emphasis to ensure that children at school are fed but this is a part of and more privileged class of children.

vii. Street children

In the past year 2011 and even today, there are hundreds of children on streets in cities and many more in rural areas who are not in schools and they end up in towns and cities streets. The government needs to have more child centers to add up to one in Bugesera district so that they can accommodate street children who are on streets for any one reason or the other. Street children policy and strategic plan needs to be beefed up in terms of enforcement mechanism.

viii. Cultural norms and values

Other gaps are related to social norms and values. In Rwanda reporting child abuse particularly against child girls is not reported due to cultural social stigma against a child. This makes it quite difficult to implement the child law due to prejudices, stereotypes and practices that are deeply rooted in local cultures and norms.

Many strong actors in child protection in Rwanda are international NGOs. Local NGOs are not that strong or fluent to advocate for child protection in Rwanda. There is thus a need to empower domestic NGOs to have strong voice and to build their capacities in child protection so that once international actors decide to close their activities in Rwanda, domestic NGOs can be able to confine with the responsibilities to be the voice of the children in Rwanda.

LEGAL FRAMEWORK GAPS

i. There is no clear, comprehensive and focused legal framework to combat child labor and domestic workers labor exploitation. Child labor is prohibited in Article 72 of the labor code but the framework of enforcing the provisions is not available. It is left to criminal enforcement procedures like any other criminal offence punishable for a minimum of 6 months to 20 years of prison sentence and or a fine of minimum of 500,000Rwf to 5 million Rwandan francs. Because labor contract is a private contract, police is more engaged in other criminal offences provided in penal code than in labor code. Home child
labor is not covered by the labor code and this means that a child is exposed to domestic child labor perpetrated by parents and any custodian parents.\textsuperscript{62}

\textbf{vii.} While Rwanda has is a signatory to the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others; and additional Protocol to the UN Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, there is a need to expand Article 41 of the Child law in Rwanda in terms of definitions, elements and scope to ensure that the protection envisaged in the above Conventions and Protocols benefits effectively children in Rwanda.

Furthermore, the general understanding of child trafficking is that of cross border only and internal trafficking is not taken a serious offence against children. Article 28 of the law on gender-based violence prohibits gender-based human trafficking but does not define what constitutes the crime and thus it would be difficult to enforce this legal provision of the law. Trafficking of children includes recruiting, harboring, obtaining, and transporting children by use of force or fraud for the purpose of subjecting them to involuntary acts, such as commercial sexual exploitation (including prostitution) or involuntary labor, i.e., enslavement.

\textbf{ii.} No specialized courts for children but rather there are only specialized chambers for children in criminal matters only.

Children born out of wedlock are barred by the law to inherit their parents (Article 50 of the law Law/n° 22/99 of 12/11/1999 to supplement book one of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions) However, an illegitimate child is legitimizied by the parent either by recognition/registration of a child at the Civil Status officer or through parental search through court process. After these processes, a child born out of illegitimate marriage will enjoy equal rights as those for legitimate children.

\textbf{iii.} The law of evidence in child related crimes and the means of its production is very limited. A medical examination certificate is the only conclusive evidence in courts of law to prove that a child was sexually abused. This evidence covers only the cases of physical penetration but attempts to sexually abuse a child can only be proven by other means such as testimonies and these have limited weight of evidence in courts of law.

\textsuperscript{62} Article 3 of the labor law (op cite)m defines the scope of the labor code
iv. The age of a child is not uniform. Different laws provide different child age and this unharmonized definition of a child age exposes a child to abuse and exploitation. For example, in civil code and for purposes of marriage, a child is one under 21 years while in employment a child is one under age of 16 years of age.

v. Child pornography is downplayed in the Rwandan Child law. It does not provide a comprehensive definition as it is defined in the optional protocol to the convention on the rights of a child but rather limits acts of child pornography to those for publicity and this gap alone exposes a legal loophole to child offenders. This gap needs to be bridged through child protection law reforms for effective protection of children from child pornography crimes.

vi. The Rwandan child law lacks essential elements of child protection such definitions of several offences against children and this gives a room to child offenders Examples of such definitions include:

- Dehumanizing acts (Article 37)
- Slavery (Article 41)
- Child neglect has a very shallow definition (Articles 43-46)
- Child exploitation does not cover child labor (Articles 39-42)

vii. There is no law which denounces recruitment of children in non-formal armed groups. Article 20 of the child law prohibits recruitment of a child in military service (which is a formal organization) but does not cover rebel groups etc.

viii. There are good preventive laws for children but they lack institutional and legal enforcement mechanisms

ix. Harmful traditional practices committed against children are not proscribed by the child law yet are proscribed by African Charter on the Rights and Welfare of a Child prohibits such (Article 21) These include child sacrifice, witchcraft, female genital mutilation-FGM, early or arranged marriages, elopement, etc.

x. There is no legal framework which punishes a parent or child custodians for depriving them basic rights such as education, etc but rather the GBV law denounces deprivation of child rights on basis of their children.

---

63 Article 18 of the GBV law (op cite) provides that any person who does not care for his/her child or exercise harassment on him/her because of whether the latter is a boy or a girl or exercise harassment on his/her spouse shall be liable to imprisonment of six (6) months to three (3) years.
xi. There are very limited regional and extradition treaties which Rwanda has signed with other states to extradite criminals suspected to have committed crimes against children in Rwanda.

RECOMMENDATIONS

The first section of this chapter (Gaps and Recommendations) we presented identified gaps in policies, programs and legal framework and in this second section of the chapter, we present recommendations based on the gaps presented above. It is important therefore that these recommendations be read with a mind of the gaps on each theme as presented in the first section of this chapter.

Policy recommendations

1) A comprehensive policy regarding child delinquency prevention should be elaborated, in consultation with civil society and in conformity with the following general principles recognized by the Riyadh Guidelines:

- Since the family is the central unit responsible for the primary socialization of children, governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued. The society has a responsibility to assist the family in providing care and protection and in ensuring the physical and mental well-being of children.

- Government agencies should give high priority to plans and programs for children and should provide sufficient funds and other resources for the effective delivery of services, facilities and staff for adequate medical and mental health care, nutrition, housing and other relevant services, including drug and alcohol abuse prevention and treatment, ensuring that such resources reach and actually benefit young persons.64

64 Child protection handbook for parliamentarians (Op cite) page 137
2) Rehabilitation programs

Specialized programs should be developed or strengthened, as necessary, to provide medical and psychological rehabilitation to child victims of the most serious types of violence, neglect and exploitation.

The creation of health services specifically designed to meet the needs of children is an important way of encouraging those who have been victims of violence, abuse and exploitation to seek assistance. Peer-counseling is a valuable means of providing victim-friendly assistance to the child victims of certain types of violations, such as prostitution. In countries where whole communities or large sectors of the population have suffered trauma, in particular due to armed conflict, programs involving community-based paraprofessionals may be useful. In many countries, national and international non-governmental organizations and international agencies such as the International Committee of the Red Cross can play a crucial role in providing technical and material support for rehabilitation programs.

3) Social reintegration

Programs should be developed and implemented to provide child victims who have become separated from their families with such assistance as may be necessary in returning to their families, if possible, or to the community. They should include:

- Temporary shelter and assistance in reestablishing contact with the child’s family, where necessary
- Reinsertion into the school system, where possible, or enrolment in other programs designed to provide literacy and life skills and enhance self-esteem
- Alternative income-generating activities, apprenticeships or livelihood training
- Programs to change the attitudes of families and the public towards child victims should be designed and implemented, in particular for victims of sexual abuse and exploitation, “since the stigmatization of such children is a serious obstacle to their rehabilitation and reintegration in Rwandan context.
4) **Training and awareness**

Programs such as interviewing and confidence-building techniques for communicating with child victims designed to increase awareness of the impact of violations of the rights of children on the victims, as well as the rights and psychosocial needs of the victims and appropriate procedures and practices for respecting and protecting their rights, should be organized for:

- Law enforcement officials, including customs and immigration officials and border police
- Judges and prosecutors
- Medical personnel
- Social workers
- Journalists

5) Child policy should consider policy strategies and programs which include establishing specialized courts rather than specialized chambers for the handling of cases involving juvenile offenders. All judges responsible for cases involving juvenile offenders should receive adequate interdisciplinary training in the rights of the child, child psychology and related areas.

6) The Ministry of Internal Security should develop a capacity building policy to benefit child law enforcement personnel regularly involved in handling cases involving children so that they can receive appropriate training in child development and the rights of the child. Effective, independent mechanisms should be established to investigate complaints against law enforcement agencies or officials alleging violations of the rights of the child.

7) Built capacities will partly ensure when the State organs have to intervene in offences committed by children, it should make substantial efforts to ensure their rehabilitation so that hope and optimism for good future can be regained and feel that they socially fit in the society they once offended. The practice of incarcerating children in conflict with the law should also be accompanied with an understanding that the child committed the offence simply because he was abandoned by society and as such he/she was at risk and whatever he committed was in his/her protection of their fundamental rights such as the right to food.

8) Police have been reported by children as perpetrators in child abuse. There is a need for Ministry concerned to put in place policies with clear and explicit policy strategies and programs to care for child victims of police abuse.
9) There is a need to have Police surgeons trained and specialized to carry out quick medical examination of the child victims of sexual abuse. These should be deployed around the county beginning with where statistics indicate high prevalence of child sexual abuse. Currently, there are about six police surgeons countrywide.

10) To many states, it is a recognized fact that dealing with children and ensuring their justice is a very challenging duty and demand for tougher responses, including custodial sentencing, to children in conflict with the law is not a solution at all. Public opinion leaders, such as parliamentarians and the media, should promote more appropriate approaches to juvenile justice, including community service and other traditional non-custodial methods. The system for the rehabilitation of juvenile offenders should be reviewed to ensure the following:

I. Non-residential programs are available, including guidance and supervision, probation, community service, compensation and restitution to the victim and group counseling.

II. Residential facilities are small enough to facilitate individual treatment, and decentralized so as to permit juveniles to receive treatment near their community.

III. Residential facilities offer rehabilitation programs involving education, counseling, vocational training and recreation, adapted to the needs of the different types of offenders, in cooperation with community-based services and programs when possible.

IV. Isolation from the community should be no greater than necessary and contact between the residents and their families should be encouraged and facilitated, unless it would be contrary to the interests of the child.

V. Disciplinary rules and procedures should comply with the UN Rules for the Protection of Juveniles Deprived of Liberty.

VI. Personnel should be carefully selected and trained, and adequately compensated.

VII. Independent bodies should monitor conditions in residential facilities, and residents should have access to complaints procedures.

11) There is a great need to have employment policy reforms that will treat and provide policy guidelines to child labor and do much on public awareness and education on
combating child labor. Suggestions and best practices for reference include the following:\footnote{A future without child labor ILO, 2002 Para 352}

\begin{enumerate}
\item \textbf{Offering educational opportunities}

A comprehensive program for improving school systems should be implemented to reduce school drop-out, as well as to encourage and facilitate the integration or reintegration of child laborers into the school system. Experiences in different parts of the world indicate that the following measures can be valuable components of such a program:

\begin{itemize}
\item Primary education should be made free and obligatory, and action should be taken to reduce or eliminate informal fees or indirect costs that are an obstacle to the enrolment of children from the most disadvantaged sectors of the society.
\item Teachers should be well-trained and motivated. Their salaries should be adequate and paid on a regular basis.
\item School curricula should be reviewed to ensure that they are relevant to children.
\item Vocational training programs should be reviewed to ensure that they are adapted to the demands of the local labor market and the circumstances of the students.
\item Schools should be made ‘child-friendly’. In particular, steps should be taken to eliminate discrimination against girls and ensure their safety. Flexible school schedules should be adopted where necessary, in particular in agricultural areas, to minimize the conflict between school attendance and part-time or seasonal work of children.
\item Non-formal education programs should be put into place to facilitate the transition of children laborers into the school system
\end{itemize}

\textbf{The Brazilian experience of economic incentives}

In Brazil, there is a successful family stipend/school scholarship initiative that provides a minimum monthly salary to poor families that agree to keep all their 7-14-year-olds enrolled in and recording per cent attendance in school. Unemployed adult family members have to be enrolled in the national employment system. At the same time, a School Savings Program was implemented as an additional incentive. These two initiatives have reduced school drop-out rate and Rwanda can start thinking about similar initiatives but locally tailored because these schemes can alleviate poverty in the short term as well as increase a family’s assets in the long term.
b) Community-based social support systems

Child laborers surface up in response to a sudden events that affects the family income or expenses such as illness, death or the loss of employment by an adult wage-earner, community-based programs designed to help families surmount such crises make a valuable contribution to comprehensive programs to reduce child labor. Similarly, community-based programs designed to enhance the earning power of adult family members in sectors and communities where child labor is most prevalent, such as through providing access to credit and training, can be effective. A best practice that can be borrowed is the community-based program in Pakistan in Bunyad Literacy Community Council in Punjab, which patterned with Pakistan Carpet Manufacturers’ and Exporters’ Association, to set up training and education for carpet-weaving children as a community-based rehabilitation and prevention program. This encouraged awareness and participation of community members in a range of project activities aimed at improving the situation of child carpet-weavers, including counseling, non-formal education, recreation and health and safety services. Once the program had gradually gained acceptance in the community, social workers were able to advise families on a whole range of issues related to work and child development. This best practice can be borrowed by Rwandan Tea and coffee commercial farmers in partnership with the districts to combat child labor. The MINALOC Ubudehe and Vision 2020 Umurenge programs are geared to supporting very poor households in terms if direct financial support as well as bringing basic infrastructures to the poor communities. While those programs indirectly benefit children, there are not child focused and parents are not essentially accountable to the children for proper management of program benefits in the interests of the children. To make it happen, such programs goals and objectives should be child protection centered if they have to benefit children

c) Cultural change and community ownership

Comprehensive efforts are needed to eliminate cultural values that encourage child labor, including attitudes that discriminate against girls. Such efforts should be made at community and national levels. At the community level, they are most effective when linked to programs designed to provide alternatives to families that rely on the income of child laborers or are at risk. Experience in many countries confirms that non-governmental organizations can play a vital role in such activities, especially through the use of participatory approaches that foster a sense of community ownership, which is essential for the sustainability of programs against child labor. The active participation of children, including former child laborers, enhances the effectiveness of such activities. At the national level, politicians and other public figures can play a key role in changing attitudes towards child labor. The participation of trade unions, employers associations and the media also greatly enhances the effectiveness of efforts to reduce child labor.
d) Enforcement against child labor

Enforcement by labor inspectors or any appointed agency is an important part of comprehensive efforts to reduce child labor and this must be complimented by other approaches and reinforced by the participation of other actors. In Kenya\textsuperscript{66}, the Kenyan Tripartite Labor Inspection Project concentrated on strengthening the organization and management of the Labor Inspectorate, upgrading its operations and raising the numbers and quality of inspections. Inspection emphasized the importance of cooperating with worker representatives, of holistic monitoring that ‘mainstreamed’ child labor issues in labor inspection reports and of determined follow-up. Meetings were held with employers to discuss infringements, prioritizing the most important ones. The numbers of inspection visits vastly increased during the project and have since been sustained. In spite of external funds no longer being available, the Kenya Labor Department is still undertaking some 20,000 inspections annually. Success factors included full publicity of activities and results within and outside the service, tripartite project management structures, participation and empowerment of all inspection staff, and extensive training programs. Some of the measures to enhance the effectiveness of enforcement include:

- The participation of labor inspectors in research on child labor and in peer training
- Non-traditional activities, such as assisting employers’ associations to self-inspect and participation in community awareness activities
- The adoption of local ordinances or regulations that serve as a basis for monitoring and enforcement by local authorities
- Mobile inspection units
- Partnerships with trade unions and non-governmental organizations

12) Government policy to increase from one child centre in the country is required to take care of street children and those forced into domestic child labor. Iwawa Youth Centre has reduced risks of idol youth in communities. A similar rehabilitation centre for victim children can protect and ensure comprehensive child protection.

13) There is a need to redefine definition of vulnerable children and conduct an updated survey on vulnerable children in Rwanda so that programming should be based on these figures and mechanisms of monitoring increase in these figures should be put in place and made effectively functional.

\textsuperscript{66} Future without child labor box 4.11
14) The Government should expedite the design of legal aid policy and operationalize it to start benefitting indigent children whose private law rights are being severely abused.

15) A national policy on prevention of child trafficking should be developed and suggest ways of combating child trafficking (domestic and international).

16) A reform of special needs education should be made to commit the government to allocate budget to establish more educational institutions for children with special needs of education.

17) Universal primary education is free but the policy needs to be revised to ensure that mechanisms of enforcing universal education is made comprehensive to ensure that street children and those in child labor as well as other vulnerable children benefit from this universal policy. The policy should look into increased government spending to cover 100% of all educational cost to those children.

18) A national child survival policy should be designed to provide mechanisms of ensuring child survival in Rwanda. Child Survival is a call to action to save the lives of children under 5 and promote healthy and productive families and communities. In Rwanda there are child survival strategies which are drawn from global health sector policy but they need specific child survival centered policy to guide several players in child rights protection programs.

19) There is a need for the government to develop a special parenting policy and programs on what would benefit parents and child foster care managers through training on the best family and institutional best parenting practices and child rights awareness.

20) Certain good policies and legal framework are in place but their implementation is another thing. This largely attributed to lack of financial commitment by the government devoted to children and for the implementation of existing policies not because the Government is financially incapable but rather lack of proper planning for child protections programs and activities. Sometimes, Ministry of Finance and Economic Planning has reported lack of budget absorption capacity in some government institutions and the budget is returned to the State Treasury.

21) Capacity building to child protection committees particularly the local committees (village, cell and sector committees) in understanding child protection issues, how to investigate and do analysis and reporting.
22) Mainstreaming child protection issues in all public and private policies would help and increase wider understanding and participation in child protection.

23) There is a need for child-based programming and budgeting in every wider implementation of child policies and legal framework.

24) There is also a need for effective programs that help children in conflict with the law overcome their problems, to the extent possible, and assist them in preparing for life as law-abiding members of society. Exposing them to further violations of their rights when they come into conflict with the law is always both wrong and counter-productive.

LEGAL FRAMEWORK RECOMMENDATIONS

1) On Juvenile Justice

a) Legislation concerning juvenile justice should be reviewed to ensure that:

- Juveniles are not treated as offenders for behavior that does not constitute a criminal offence
- Juveniles accused of an offence are entitled to all the guarantees of due process listed in Article 40.2 of the Convention on the Rights of the Child
- Juveniles accused of an offence have the right to legal assistance
- The confidentiality of all stages of proceedings is legally recognized

b) Legislation concerning juvenile justice should also be reviewed, where necessary, with a view to ensuring compatibility with the following recommendations of the Committee on the Rights of the Child:

- The minimum age for adjudication as a juvenile offender should be the age of 15 or as close as possible to that age.
- Alternatives to adjudication should be recognized, and appropriate standards concerning recourse to adjudication should be incorporated into the law.
- All persons under the age of 18 accused of an offence should be treated as juveniles.

c) Legislation concerning the detention of juveniles should be reviewed to ensure that:
• The ‘last resort’ principle is incorporated into the relevant provisions of national law
• The duty to notify parents or guardians is recognized
• The detention of juveniles with adults is prohibited, except where such detention would be in the best interests of the juvenile

d) Legislation concerning the sentencing of children convicted of an offence should be reviewed with a view to ensuring that:

• The ‘last resort’ and ‘shortest appropriate period’ principles are expressly recognized
• Corporal punishment is not even tacitly authorized.

e) Consideration should also be given to incorporating the UN Rules for the Protection of Juveniles Deprived of Liberty into national law, as suggested by Rule No.7.

f) In addition, legislation should be reviewed to ensure that violations of the rights of children by law enforcement, judicial and correctional personnel are prohibited and punishable by appropriate sanctions.

g) A special Law on rehabilitation of children should be enacted and enforced as soon as possible. Rule 12 of UN Rules for the Protection of Juveniles Deprived of their Liberty provides that “Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programs which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society” The UN Rules for the Protection of Juveniles Deprived of their Liberty set forth a comprehensive approach to the rehabilitation of juvenile offenders, inspired by the Convention on the Rights of the Child. Some of the main principles are:

• Facilities should be decentralized, to prevent juveniles from being detained far from their families and communities and small enough to allow for individualized attention.
• The system should include open or semi-open facilities, to meet the needs of children who require a residential setting but do not pose a serious danger to the community.
• Treatment should begin with an evaluation of the needs of the individual, and should include appropriate forms of education, work, spiritual and
psychosocial counseling, recreation and care of medical problems, including drug or alcohol dependency.

- Respect for the rights of the child is essential to rehabilitation, because it encourages respect for the rights of others.

2) On the rights of victims

International legal instruments impose obligations to State Parties to ensure victims’ rights are guaranteed. The Convention contains two articles concerning the rights of victims. Article 39 addresses the rights of victims of particularly serious violations. It provides:

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 8, which recognizes the child’s right to identity, also contains a paragraph regarding children whose right to identity has been violated. It provides:

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity. Several other instruments contain more detailed standards concerning the rights of victims. The most relevant are summarized below.

To ensure the rights of the child victims are ensured and effective, the following are recommendations for law reform:

a) Legislation should be reviewed to ensure that:

- Children involved in practices such as child prostitution, begging, international trafficking or illegal recruitment into armed groups are not subject to prosecution for participation in activities in which they are victims
- All children who have suffered physical or psychological injury or trauma as a result of any form of violence, neglect or exploitation have a legally recognized right to appropriate physical and psychological rehabilitation and assistance in social reintegration
• The right of child victims to privacy is fully recognized and sanctions for violations of this right, by the media or public servants such as social workers or police, are sufficient to effectively deter them.
• The right to identity is legally recognized, and procedures for restoring the identity of children who have been deprived of one or more elements of this right are effective, rapid and inexpensive.

b) Legislation concerning legal proceedings in which children are parties or witnesses should be reviewed to ensure that:

• The confidentiality of the identity of the child is adequately protected
• The child has a right to appropriate legal and social counseling and to information about the nature and course of the proceedings
• Children are protected, to the extent possible, from direct confrontation with persons accused of violating their rights and from hostile, insensitive or repetitive questioning or interrogation.

c) Legislation concerning the right to a remedy should be reviewed with a view to:

• Ensuring that children whose rights have been violated have the right to pursue a remedy through procedures that are expeditious, fair, inexpensive and accessible
• Determining which type of legal or administrative procedure is most appropriate for ensuring this right, depending on the nature of the violation and the identity of the parties responsible
• Ensuring that procedural norms concerning the representation of children in such proceedings, and safeguards concerning the use and control of compensation awarded to children, protect the best interests of the child.

1) Specific legal framework recommendations:

A) An integrated child protection law and child protection enforcement legal framework which derives their authority from international legal instruments and standards are required in Rwanda if child protection have to have meaning and effective to benefit children and society as whole. In particular, the following child related protection laws should be initiated, discussed and passed by parliament:

i. A law which denounces and punishes child trafficking in Rwanda.

ii. Law establishing specialized courts for minors. A child accused of an offence is entitled to the same minimum due process rights as any other person. This does not mean that they should be treated like adults, however, for they also have the
right to special protection. Ideally they should be tried by specialized courts, because it would be difficult for an ordinary criminal court to adequately protect this right.

iii. A Law revising the child law No. Law No. 27/2001 relating to rights and protection of the child against violence is required to explicitly proscribe corporal punishment particularly Article 32 and provide definition and scope of a disproportional punishment. It would be difficult and exposing a child to abuse if a parent or a teacher would be left to him to appreciate what is the appropriate punishment. The use of corporal punishment is prohibited by other provisions of the Convention on the Rights of the Child, according to the Committee on the Rights of the Child. The Human Rights Committee considers corporal punishment ‘cruel, inhuman or degrading treatment’, prohibited for children and adults alike by the International Covenant on Civil and Political Rights.

iv. A Law revising penal code and code of criminal procedure to set a uniform/standard minimum age of a child is not uniform below which children shall be presumed not to have the capacity to infringe the penal law.

The Committee on the Rights of the Child has suggested that it considers the age of 15 to be appropriate, and that behavior by younger children that is punishable by law should instead be dealt with by child welfare or child protection authorities and procedures. Article 37(b) of the Convention on the Rights of the Child states that: “No child shall be deprived of his or her liberty unlawfully or arbitrarily”. It adds that “The arrest, detention or imprisonment of a child…shall be used only as a measure of last resort and for the shortest appropriate period of time”. This applies to all phases of proceedings, from investigation to sentencing.

v. Comprehensive legal mechanism for monitoring child employment and mechanisms for enforcement of labor law child protections should be enacted and made effective because child poverty exposes them to great danger of economic and sexual exploitation.

vi. Law recognizing and proscribing child slavery in Rwanda in the context of economic exploitation should be enacted. Employment of a destitute child for work which is un proportional to him and at inequitable price is in substance a child slavery. Several children are domestic workers and receive less than 50$ a month which approximately 1.5 $ a day. While addressing the issues of child
protection, the government should look into the issue holistically to have the law and other measures

vii. Law proscribing and punishing recruitment of children in non-formal armed groups is urgently required. Article 20 of the child law prohibits recruitment of a child in military service (*which is a formal organization*) but does not cover rebel groups etc. While such crimes are proscribed and punishable under international humanitarian law, there is still a need to domesticate the Geneva Conventions to provide a clear legal framework to fully enforce the same Conventions locally.

viii. Legal framework which punishes parents or child custodians for depriving them basic rights such as education, etc is equivalently required for effective child protection. Families are the central units responsible for the primary protection of a child

B) There are very limited regional and extradition treaties which Rwanda has signed with other states to extradite criminals suspected to have committed crimes against children in Rwanda.

C) There are good preventive laws for children but they lack institutional and legal enforcement mechanisms. However, with the Draft Bill of penal being under discussion in the parliament, great expectations for a comprehensive legal framework for enforcement shall bridge the gap if endorsed for publication.

D) *Borrowing best practices for Juvenile Justice*

i. Rwanda child protection national institutions and agencies should consider borrowing best practices adopted by other countries to ensure the provision and guarantee of child protection. Examples given in this section indicate approaches and legal framework adopted by some other countries in the interest of the children and to comply with the Convention on the Rights of the Child and related international standards. In Latin America, in order to avoid the detention of children in police stations, the Dominican Republic’s Child Protection Code provides that:

---

Any child picked up by the police shall be taken immediately to the office of the children’s legal defender, brought before a court within 24 hours and released, unless accused of a serious crime. Other Codes provide specific guidelines as to the duty of the police to take arrested juveniles to the appropriate juvenile authorities or facilities, often specifying a deadline for doing so and in some cases specifying the sanction for noncompliance.

ii. The authors cited above further writes that legislation adopted by several of Latin American countries adopted diversion procedures, to allow less serious cases to be handled without formal adjudication. In some instances, their laws allow the prosecutor to decide not to proceed to trial, in exchange for agreement by the adolescent to participate in a community-based, non-custodial program. In Rwanda, a prosecutor is empowered to decide not to take the case to court on grounds of insufficiency evidence or imposes a fine to the perpetrator if the office is a non-felony but cannot offer another form of punishment such as community service as in the case of Dominican Republic as seen above.

iii. Legislation adopted by other countries provides for pre-trial conciliation between the accused and the victim. If they reach an agreement, proceedings can be suspended. If the agreement is carried out within the prescribed time, the suspension becomes permanent. Other laws provide that the competent authorities can halt proceedings on grounds such as the nature of the injury suffered by the victim, efforts made by the adolescent to repair the damage or the fact that the perpetrator and victim are members of the same family. In order to stop children coming before courts on vague charges such as vagrancy, the new legislation adopted by several countries expressly provides that they may not be brought before the courts unless they are charged with a recognized offence defined in the criminal law.

iv. Different approaches have been adopted in incorporating the ‘last resort’ and ‘shortest appropriate time’ principles into legislation concerning the detention of children prior to trial. The legislatures of some countries have simply incorporated them into the national law. In some countries, specific limits for the duration of pre-trial detention have been enacted. In one, the legislature enacted a provision, based on the Beijing Rules, which bars detention of juveniles unless they are charged with a crime of violence or have a record of prior serious offences.

v. The legislatures of many countries have also incorporated the ‘last resort’ principle into legislation concerning the sentencing of juvenile offenders. The Codes of some countries provide that juvenile offenders may not be detained in closed facilities, unless no other means of rehabilitating them exists. In others, legislation has been adopted incorporated
this principle together with some of the specific standards contained in the Beijing Rules, such as the rule that juveniles shall not be sentenced to closed facilities unless convicted of a crime of violence or unless they are repeat offenders. Another new law provides that the failure to respond to non-custodial sentence on a prior occasion may justify a sentence to a closed facility. The ‘shortest appropriate period of time’ principle has been incorporated into the juvenile justice legislation of some countries in the form of provisions establishing the maximum length of a sentences to closed facilities for juvenile offenders, ranging from 2 to 4 years.

RECOMMENDATIONS OF CHILDREN FROM 7th ANNUAL CHILDREN’ SUMMIT

1) Turasaba Leta gushyiraho itsinda rigenzura ko ibikorwa n’ingengo y’imari byateganyirijwe abana bibageraho koko
2) Turasaba Leta gushyiraho ibihano bikomeye ku babyeyi batererana abana babo.
3) Turasaba gukangurira Ababyeyi ko umwana arererwa mu muryango aho abona urukundo, bakirinda ingreso y’ubuharike.
4) Turasaba ababyeyi kutubonera umwanya wo kutuganiriza.
5) Turasaba gukangurira imiryango ko umwana ufite ubumuga agombe kwitabwaho nkabandi.
6) Turasaba Komisiyo y’Igihugu ishinzwe Abana kuzageza ku babyeyi bose imyanzuro iva mu nama z’Abana.
7) Turasaba ko hakwihutishwa gahunda yo gukemura ibibazo bisigaye by’Abana b’imfubyi bambuwe imitungo yabo.
8) Turasaba ko abana b Lafayette ubumuga bahagararirwa mu nzego z’abana ku nzego zose.
9) Turasaba ko abana bakuze baba mu bigo by’imfubyi bakubakirwa amazu, abaranji amashuli yisumbuye bagakurikiranwa.
10) Turasaba ubuyobozi bw’ibanze gushyira mu mihigo uburyo bwo gukumira kw’ abana bashyirwa mu bigo by’imfubyi.
11) Turasaba ko VUP Umurenge yashyira muri gahunda zayo ibibazo by’abana
12) Turasaba Leta gushyiraho gahunda n’ubushobozi byo gukurikirana abana bavanywe mu bigo by’ imfubyi, bagashyirwa mu miryango.

UBUZIMA

1) Turasaba ko mu mwaka w’2013 nta mwana ukwiye kuba akirwaye bwaki.
2) Turasaba ubuyobozi bw’ibanze guha imbaraga gahunda y’agakono n’agakoko k’umwana kandi hagasubizwaho gahunda y’igikoni cy’umudugudu aho ababyeyi bigira guteka indyo yuzuye.

3) Turasaba abantu bakuru guhindura imyumvire mu guha abana amazi asukuye yo kunywa mu miryango no ku mashuri.

4) Turasaba ko abana baba mu nkambi z’impunzi bakorerwa ubuvugizi kugira ngo bahabwe indyo ihagije kandi yuzuye.

5) Turifuza ko EDPRS 2 yasiga amavuriro ahagije n’umubare w’abaganga bavura abana ukiyongera.

6) Turasaba Ababyeyi kugira uruhare rw’ibanze mu kwashyurira mutuelle abana babo bose batarebye nguyu ni mukuru cyangwa ni muto. 7. Turasaba ko muri 2013 abana b’abahungu bakuru n’impinja baba basiramuye kuri 80 % kandi bigakorwa ku buntu.

7) Turasaba Leta, ababyeyi n’abaterankunga guha abana babvukanye ubumuga cyangwa babutewe n’impanuka kubaha insimbura ngingo no kuzihindura igihe zishaje cyangwa bazirenze.

8) Turasaba Leta gushyiraho ingamba zihanitse mu kurwanya ihohoterwa rikorerwa abamugaye mu miryango n’ahandi.

9) Turasaba ko abaganga bahabwa amahugurwa y’amarenga kugirango bashobore gufasha abana babagana batumva kandi ntibavuge.

10) Turasaba ko ababyeyi bahabwa amahugurwa yabafasha kurinda abana babo ibiyobyabwenge n’inzoga.

UBUREZI N’UBURERE

1) Turasaba Leta gushyira ingufu mu gukangurira ababyeyi gahunda yo kuboneza urubyaro kuko hamaze kugaragara ko hari abana bananirwa kwiga kubera ko ari benshi iwabo mu muryango.

2) Turasaba Leta gukwirakwiza gahunda ya one Laptop per child n’amashanyarazi bikagera mu mashi yose n’ayo mu cyaro.

3) Turasaba Leta kongera abarimu bita kubana bafite ubumuga butandukanye no ku babonera ibikoresho bibafasha mu myigire muri gahunda y’uburezi kuri bose.

4) Turasaba ko amashuri n’izindi nyubako zose zubakwa hazirikanwa abana bafite ubumuga, n’inyubako zishobora gukosorwa zigakosorwa hakurikije aya mabwiriza.

5) Turasaba ko nta mwana wa kwirukanwa kubera kubera ibikoresho by’ishuri cyangwa agahimbaza musyi ka mwarimu.

6) Turasaba Leta kwongera umubare w’amashuri y’abana bincuke no guhugura abarimu bayo.

7) Turasaba Leta gushyiraho gahunda zigisha imirire mu mashuri.

8) Turasaba Leta gufasha abarimu kubaka hafi y’amashuri.

9) Turasaba leta kwongera ahakorerwa siporo n’imyidagaduro by’abana.
INDI IMYANZURO

1) Turasaba Uturere twose gushyira mu mihigo yatwo gahunda yo guteza imbere amahuriri y’abana ku nzego zose z’ibanze.
2) Abana twiyemeje kurwanya ibiyobyabwenge, kugaragaza ba sugar daddy na sugar mammy.
3) Abana twiyemeje kugaragaza abanyereza inkunga zigenewe abana bugarijwe n’ibibazo.
4) Turasaba Leta gushyiraho ibihano kikomeye ku bakoresha abana batarageza ku myaka y’ubukure.
5) Turasaba Leta binyuze ku nzego z’ibanze kubakira abana bakuze bari mu bigo by’imfubyi.
6) Turasaba ubuyobozi bw’inzego z’ibanze gufasha abana bafite ibibazo byo mu mutwe kubageza ku mavurira afite ubushobozi bwo kubitaho (psychosocial centers) no kubafasha gusubizwa mu miryango bakomokamo.
7) Turasaba Leta gishyiraho gahunda ya “GIRINSHUTI” izatuma habaho ubufatanye hagati y’imiryango ikennye n’imiryango ikize hagamijwe kugabanaya ubukene, nk’uko hashyizweho gahunda ya Girinka
8) Turasaba Leta guha ingufu inzego zifite abana mu nshingano cyane cyane izita ku bana bugarijwe n’ibibazo.
9) Turasaba Leta kudushyiriraho urubuga rwa internet dutangiraho ibitekerezo byacu.
10) Turasaba Leta ko yakongera ingufu muri gahunda yo gufasha abana baba mu bigo by’imfubyi kubona imiryango barererwamo.
11) Abana twiyemeje gufasha ababyeyi bacu kurwanya imirire mibi twifashije ibiribwa biboneka iwacu.
12) Turasaba Leta gushyira amashuri y’imyuga hafi y’inkambi z’impunzi ziri mu Rwanda, mu rwego rwo gufasha abana b’impunzi batabashije kujya mu mashuli yisumbuye kubona umwuga wabafasha kwibeshaho.
13) Abana twiyemeje kwisuzuma mu rwego rwo gufasha ababyeyi mu burere byacu
14) Umuryango ugomba kuba igicumbi cyo kwirinda indwara zica abana 15. Abana twiyemeje kujya tugirana imihigo n’ababyeyi bacu
15) Turasaba Leta ko hashyirwaho itsinda risesengura neza ikibazo cy’abana bafite ubumuga
16) Turasaba abayobozi batandukanye babajijwe ibibazo byihariye by’abana kubishakira ibisubizo vuba kandi bakabitangira raporo.
17) Abana twiyemeje gufasha bagenzi bacu batumvira kwikosora
18) Abana twiyemeje nyuma y’iyi nama guhita tugeza kuri bagenzi bacu imyanzuro y’iyi nama
BIBLIOGRAPHY

POLICIES, STRATEGIC PLANS, RESEARCH REPORTS AND PAPERS

1) Integrated early childhood development strategic plan 2011/12 – 2015/16, Ministry of Education

2) Report on the achievements with regard to the African common position - “Africa fit for children”


4) Early Childhood Development Policy, 2011

5) Building the Foundation for access to Justice in Rwanda, a report of the legal aid baseline and needs analysis survey 2007, the steering committee of the legal aid forum


7) Save the Children Sweden Khartoum Office: A study on children’s protection mechanisms


9) UNICEF: The status of child protection in St. Kitts/Nevis: The need for a national reporting protocol,

10) TEAR FUND: Children in residential care and alternatives children at risk guidelines Vol. 5


13) United Kingdom: Clackmannanshire Child Protection Committee Annual Report 2009/10

14) UNICEF & Inter-Parliamentary Union: Handbook for child protection for parliamentarians n° 7, 2004

15) JOSHUA LUBANDI: The neglected African children: protection, recovery and reintegration of sexually abused and exploited children in Uganda: a study conducted by Africa cinema and culture Co Ltd, December 2008, researcher,


17) UNICEF: Child Friendly Schools Manual

18) An Introduction to Child Protection Legislation In The UK, 2001

19) The Convention On Jurisdiction, Applicable Law, Recognition, Enforcement And Co-Operation In Respect Of Parental Responsibility And Measures For The Protection Of Children (Concluded 19 October 1996)

20) 18 Candles The Convention On The Rights Of The Child Reaches Majority


22) UNICEF: Promoting synergies between child protection and social protection west and central Africa, conducted by ODI, 2009

23) EAC/RWANDA: Gender and community development analysis in Rwanda 2009

24) Early marriage as a barrier to girl’s education: A developmental challenge in Africa by Jeannette Bayisenge assistant lecturer in department of social sciences National University of Rwanda
25) EICV: Poverty analysis for Rwanda’s economic development and poverty reduction strategy 2007

26) Education Sector Policy: Ministry of education, science, technology and scientific research, 2003

27) Roundtable Session Inter-Sectorial Collaboration: Sexual Exploitation in and around Schools in Africa


30) The Danish Institute For Human Rights: Report on Legal Aid in Rwanda, 2004

31) MDG 6 Status For Children And HIV in Rwanda: A rapid assessment: 5th national pediatric conference on children and HIV Nov 16-18th, 2009, Kigali

32) MINEDUC: Girls Education policy; 2008

33) UN Office For Drug Control And Crime Prevention: Handbook for Justice for victims, 1999

34) Handicap International: Disability in Development: experiences in inclusive practices, 2006

35) Handicap International and Save the Children: Out from the shadows sexual violence against children with disabilities; 2001

36) Handicap International: Supporting Persons Living with Trauma by rebuilding Social and Community Links: Example of a Community-Based Mental Health Approach after the Rwandan Genocide of The Tutsis: Lessons From Experience 2009

37) Human Rights Watch Report 2012

38) GAMUCHIRAI TAGWIREYI: Comprehensive legal approaches to combat child pornography: An international and regional perspective by of the international centre for missing and exploited children, 2011

40) International and regional instruments relating to human rights in Rwanda 1st edition Kigali, July 2010

41) Internal Security Policy approved by cabinet, in its session of 09 July 2008

42) Legal Aid Forum: Report of the survey on paralegals in Rwanda, September 2009

43) MOU between the government of Rwanda and United Nations Development Program for Justice Sector Support Program 2008-2012 program to access to justice for all, the foundation for good governance and poverty reduction

44) Jean-Claude Legrand: Lessons learned from UNICEF field programs for the prevention of recruitment, demobilization and reintegration of child soldiers by, October 1999

45) MIGEPROF: Monitoring and evaluation system for strategic plan of action for orphans and other vulnerable children, May 2009

46) MOH: Rwanda maternal, neonatal and child health assessment 2006

47) MIGEPRF: Report on the MIGEPROF- partners retreat Kigali 14th & 15th January 2010

48) MOH: Human resources for health strategic plan 2011-2016

49) MOH: National Reproductive Health Policy, 2003

50) MOH: National community health policy, 2008

51) MOH: Rwanda national health insurance policy, 2010

52) MINEDUC: Nine years basic education implementation fast track strategies November 2008

53) MIGEPROF: National policy for family promotion, 2005
54) MOH: Rwanda national policy on condoms 2005

55) MINIFRA: National policy & strategy for water supply and sanitation services 2010

56) MINALOC: National social protection strategy 2011

57) MINECOFIN: National Social Security Policy, 2009

58) HIV/AIDS Control Policy (NUR)

59) MINEDUC: Special needs education, 2007

60) Coalition To Stop The Use Of Child Soldiers: Democratic Republic of the Congo priorities for children associated with armed forces and groups presented to the working group of the security council on children and armed conflict July 2007

61) UNICEF: Promoting children’s participation in democratic decision-making

62) Rwanda national report submitted in accordance with paragraph 15(a) of the annex to the human rights council resolution 5/1 in the framework of the universal periodic review 2010

63) Dr. Agnes Binagwaho: Report on adolescents’ health and HIV services in Rwanda, in the context of their human rights assessment done by ministry of health, Rwanda in the context of Phd-research August 2009

64) UNICEF: The role of civil society in implementing the general measures of the convention on the rights of the child 2010

65) Institute Of Research And Dialogue For Peace: The Rule of Law in Rwanda, 2005

66) MIGEPROF: Strategic Plan for the integrated child rights policy, 2011

67) UN Secretary-General report on the Status of the Convention on the Rights of the Child, August 2010

68) MINALOC: Vision 2020 Umurenge Program Annual report 2009-2010

70) MOH: Health Sector strategic Plan July 2009 – June 2012

71) Rwanda National Human Rights Commission report on conference of national human rights commissions in EAC held in Kigali on 27-28 October 2010

72) BASICS III : Improving child health in Rwanda

73) Justice, reconciliation, law & order sector strategy and budgeting framework January 2009 – June 2012

74) MOH: Health sector policy government of Rwanda 2005

75) MOH: National nutrition policy 2005

76) MOH: Rwanda Health service provision assessment survey 2007

77) MIFOTRA & NISR: Rwanda national child labour survey -2008 (RNCLS-2008)

78) NISR: Rwanda Demographic and Health survey 2010 preliminary report

79) MOH: Health sector strategic plan July 2009 – June 2012

80) Save the Children’s definition on child protection

81) Save the Children: Children’s perceptions of child protection measures existing at community level in Rwanda final report 2010
82) Save the Children: Child protection; Taking action against all forms of abuse, neglect, violence and exploitation, 2010

83) Save the Children: Global submission by the international save the children alliance un study on violence against children 10 essential learning points: listen and speak out against sexual abuse of girls and boys

84) Save the Children: Child protection initiative building rights-based national child protection systems: a concept paper to support save the children’s work

85) Rwanda: Status of submission of Rwanda’s periodic reports to international and regional treaty monitoring bodies edition no. 1 December 2010

86) Strategic plan for orphans and other vulnerable children 2007-2011


88) Professor Eileen Munro: The Munro Review of child protection part one: A systems analysis

89) UK Immigration & Nationality Directorate, Home Office: Rwanda country assessment October 2003


91) UNICEF: Reaching the marginalized education for disabled people in Ethiopia and Rwanda, 2009: background paper prepared for the education for all global monitoring report 2010

92) UN Rwanda, GoR and UNFPA country assessment on violence against women Rwanda
93) UNICEF; Violence against children in and around schools in Rwanda through the eyes of children and young people 2005

94) Vision 2020 Umurenge Program (VUP) - baseline survey - final report – 2008

95) UNICEF definition of child protection child protection information sheet

96) MIKE WESSELLS : An inter-agency review of the evidence on community-based child protection mechanisms in humanitarian and development settings, 2009

**LAWS, ORDERS, REGULATIONS AND BILLS**

97) UN Convention on the Rights of a Child


99) Law No. 27/2001 Relating to Rights and Protection of the Child Against Violence

100) Penal Code of Rwanda of 1977


102) Organic law n0. 30/2008 of 25/07/2008 relating to Rwandan nationality

103) Law N°22/2011 of 28/06/2011 law establishing the national commission for children and determining its mission, organization and functioning

104) Law n° 47/2001 of 18/12/2001 instituting punishment for offences of discrimination and sectarianism.

105) Law N° 22/99 of 12/11/1999 law to supplement book one of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions
106) Law N°38/2006 of 25/09/2006 law establishing and determining the organization of the national prisons service

107) Law n°. 29/2006 of 20/07/2006 modifying and complementing law n°. 34/2001 of 05/07/2001 relating to refugees

108) Law N0. 34/2001 of 05/07/2001 relating to refugees

109) Convention for the suppression of the traffic in persons and the exploitation of the prostitution of others;

110) Additional protocol to the un convention against transnational organized crime to prevent, suppress and punish trafficking in persons, especially women and children

111) Final protocol to the convention for the suppression of traffic in persons and the exploitation of the prostitution of others

112) Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery

113) Slavery Convention of 1926 amended by the protocol of 07/12/1953

114) ILO Convention n° 29 concerning forced labour

115) Protocol to Geneva convention relating to the status of refugees

116) OAU Convention governing the specific aspects of refugees problems in Africa,

117) Convention on the reduction of statelessness and convention relating to the status of stateless persons.

118) Draft law relating to relating to the rights and the protection of the child
119) Draft guidelines on the setting up of committees to fight against gender-based violence and for the protection of child’s rights, from umudugudu to district levels

120) National guide on a minimum package of services for orphans and other vulnerable children (OVC) 2009

121) MIGEPROF’s Ministerial instructions governing the systems of placing children in foster care

122) Code of criminal procedure of 2004 as amended to date

123) Code of civil, commercial, labor and administrative procedure

124) Labor code and its Ministerial decrees

125) Queensland child protection (International Measures) Act 2003 act no. 57 of 2003
## ANNEX 1: GUIDE QUESTIONNAIRE FOR STAKEHOLDERS

<table>
<thead>
<tr>
<th>Rights protection programs from:</th>
<th>Policies</th>
<th>Programs</th>
<th>legal framework (laws, regulations) government and NGOs run institutions</th>
<th>What are the gaps (policies, programs and legal framework)</th>
<th>Government commitment as indicated by established systems and budget</th>
<th>Donor commitment indicated by funded programs and budget</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual abuse</td>
<td>Is there a policy?</td>
<td>Is there a program?</td>
<td>Is there a legal framework? if so is it comprehensive?</td>
<td>What policies, programs and legal, you think are missing? Those that should have been in place?</td>
<td>What national child protection systems in place? What is level of government budget support to other stakeholders in child protection programs?</td>
<td>What are the Donor child protection programs in place? What is level of Donor budget support to other stakeholders in child protection programs?</td>
<td>Do you have any specific comments? A crucial point that was not discussed in here?</td>
<td>Please recommend a national policy a program, action, legal framework you think could better improve or facilitate child protection in Rwanda</td>
</tr>
<tr>
<td>Prostitution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pornography</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child trafficking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parental physical abuse and neglect/Child maltreatment in families</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical fear and insecurity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State neglect</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emotional and stress support programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Prevention programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health treatment programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hunger &amp; Poverty prevention and intervention programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access systems for disabled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education for the children with learning disabilities &amp; handicapped</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drugs and alcoholic abuse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street children/Shelter</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child refugee protection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child burying in schools</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic workers abuse to children</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child home alone issues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child headed families</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child protection systems in orphanage, transit centre and street children homes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children defence and representation in civil &amp; criminal matters</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any national/NGO s systems available to provide post child abuse healing support to children?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedures of supervision, complaints, reporting and public actions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Etc</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ANNEX 2: SUMMARY OF THE RELEVANT CHILD PROTECTION PROVISIONS IN THE CONVENTION ON THE RIGHTS OF A CHILD AND IN THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

<table>
<thead>
<tr>
<th>CONVENTION ON THE RIGHTS OF THE CHILD</th>
<th>AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART I: PROTECTED RIGHTS</strong></td>
<td><strong>PART 1: PROTECTED RIGHTS</strong></td>
</tr>
<tr>
<td><strong>Article 2: Non-Discrimination</strong></td>
<td><strong>Article 3: Non-Discrimination</strong></td>
</tr>
<tr>
<td>- Ensuring rights without discrimination</td>
<td>- Protection without discrimination</td>
</tr>
<tr>
<td>- Protection without discrimination.</td>
<td></td>
</tr>
<tr>
<td><strong>Article 3: In the best interests of the child</strong></td>
<td><strong>Articles 4 &amp; 30: In the best interests of the child</strong></td>
</tr>
<tr>
<td>- Acting in the best interest of the child</td>
<td>In the interest of the child:</td>
</tr>
<tr>
<td>- Protection and care for his or her well-being</td>
<td>- expectant mothers and to mothers of infants and young children who have been accused shall not receive special treatment such as non-custodial sentence</td>
</tr>
<tr>
<td>- Care or protection to conform to the standards established by competent authorities.</td>
<td>- Establish special alternative institutions for holding such mothers,</td>
</tr>
<tr>
<td></td>
<td>- Ensure that a mother shall not be imprisoned with her child;</td>
</tr>
<tr>
<td></td>
<td>- Ensure that a death sentence shall not be imposed on such mothers.</td>
</tr>
<tr>
<td><strong>Article 6: Survival &amp; Development</strong></td>
<td><strong>Article 5: Survival and Development</strong></td>
</tr>
<tr>
<td>- Right to life</td>
<td>- Right to life</td>
</tr>
<tr>
<td>- survival &amp; Development</td>
<td>- No death penalty</td>
</tr>
<tr>
<td></td>
<td>- survival &amp; Development</td>
</tr>
<tr>
<td><strong>Article 7: Right to name and nationality</strong></td>
<td><strong>Article 6: Right to name and nationality</strong></td>
</tr>
<tr>
<td></td>
<td>- Right to name</td>
</tr>
<tr>
<td></td>
<td>- Right to be registered immediately after birth.</td>
</tr>
<tr>
<td></td>
<td>- Right to acquire a nationality.</td>
</tr>
<tr>
<td>Article 11: Child transfer or return abroad</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Articles 12 &amp; 13: Child consultations and participation in public life</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Child participation in matters affecting the child</td>
</tr>
<tr>
<td>• Due process and right of representation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 16: Right to privacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>• No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</td>
</tr>
<tr>
<td>• The child has the right to the protection of the law against such interference or attacks.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 19: Protection from all forms of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Physical or mental violence,</td>
</tr>
<tr>
<td>• Injury or abuse,</td>
</tr>
<tr>
<td>• neglect or negligent treatment,</td>
</tr>
<tr>
<td>• Maltreatment or exploitation, including sexual abuse.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 20: Parent Care and Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Special protection and assistance by the State to children deprived of family environment.</td>
</tr>
<tr>
<td>• State provision of alternative care</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 21: Adoption systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Right to adoption is guaranteed and the</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Articles 7, 8, 9: Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Freedom of Expression</td>
</tr>
<tr>
<td>• Freedom of Association</td>
</tr>
<tr>
<td>• Freedom of thought,</td>
</tr>
<tr>
<td>• Freedom of Conscience</td>
</tr>
<tr>
<td>• Freedom of Religion</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 10: Protection of privacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Protection from arbitrary or unlawful interference to child privacy,</td>
</tr>
<tr>
<td>• family home</td>
</tr>
<tr>
<td>• correspondence,</td>
</tr>
<tr>
<td>• attacks upon his honour</td>
</tr>
<tr>
<td>• reputation,</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 16: Protection Against Child Abuse and Torture</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Protection from:</td>
</tr>
<tr>
<td>• All forms of torture, inhuman or degrading treatment</td>
</tr>
<tr>
<td>• Physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 19: Parent Care and Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Right to maintain personal relations and direct contact with both parents on a regular basis in cases of separation from parents.</td>
</tr>
<tr>
<td>• care and protection</td>
</tr>
<tr>
<td>• Right not to be separated from his parents against his will,</td>
</tr>
<tr>
<td>• Right to information about his parents.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 24: Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Right to adoption</td>
</tr>
<tr>
<td>• Right to enjoy safeguards and standards equivalent to those existing in the case of national adoption in case of inter-country adoption;</td>
</tr>
</tbody>
</table>
system and process are protected to safeguard interests of the child from abuse.

- Protect a child from trafficking or improper financial gain for those who try to adopt a child.

**Article 22: Right to asylum and refuge protection**
- The right to asylum, protection and reunification with his family

**Article 23: Disability rights**
- Disability rights are guaranteed to children with disabilities

**Article 24: Health protection**
- Right to enjoy the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health

**Article 26: Social security protection**

**Article 27: Right to development**
- Physical, mental, spiritual, moral and social

**Article 28: Right to education**
- Right to education
- Make primary education compulsory and available free to all;
<table>
<thead>
<tr>
<th>Article 30: Rights of indigenous children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 31: Right to rest and leisure</td>
</tr>
<tr>
<td>• Right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.</td>
</tr>
<tr>
<td>Article: 32: Exploitation</td>
</tr>
<tr>
<td>• protection from economic exploitation</td>
</tr>
<tr>
<td>• Protection from harmful work</td>
</tr>
<tr>
<td>Article 33: Protection from drug abuse</td>
</tr>
<tr>
<td>• to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances</td>
</tr>
<tr>
<td>Article 34: Sexual Exploitation</td>
</tr>
<tr>
<td>• protection from sexual exploitation and from sexual abuse</td>
</tr>
<tr>
<td>Article 35: Child trafficking</td>
</tr>
<tr>
<td>Protection from</td>
</tr>
<tr>
<td>• abduction</td>
</tr>
<tr>
<td>• Sale of children</td>
</tr>
<tr>
<td>• Child trafficking</td>
</tr>
<tr>
<td>Article 36: Protection from all forms of exploitation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 12: Leisure, Recreation and Cultural Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Right to rest and leisure,</td>
</tr>
<tr>
<td>• Right to engage in play and recreational activities</td>
</tr>
<tr>
<td>• Right to participate freely in cultural life and the arts.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 15: Child Labour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection from:</td>
</tr>
<tr>
<td>• all forms of economic exploitation</td>
</tr>
<tr>
<td>• Performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 28: Drug Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Protection from use of narcotics and illicit use of psychotropic substances and to prevent the use of children in the production and trafficking of such substances.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 27: Sexual Exploitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Protection from all forms of sexual exploitation and sexual abuse</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 29: Sale, Trafficking and Abduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection from</td>
</tr>
<tr>
<td>• abduction</td>
</tr>
<tr>
<td>• Sale of,</td>
</tr>
<tr>
<td>• Trafficking</td>
</tr>
<tr>
<td>• Use of children in all forms of begging.</td>
</tr>
</tbody>
</table>
Article 37: Protection Against all forms of abuse and torture

Protection from:

- torture or other cruel, inhuman or degrading treatment or punishment.
- Protection from capital punishment
- life imprisonment
- Protection from unlawful deprivation of liberty.
- Protection from arrest, detention or imprisonment as first resort

Article 38: Armed conflicts

- protection from war and armed conflict
- Protection from direct participation in hostilities
- protection from recruitment of child soldiers
- Protection and care of children affected by armed conflict

Article 39: Rehabilitation and reintegration of child victim of:

- Any form of neglect,
- exploitation, or abuse;
- torture or any other form of cruel, inhuman or degrading treatment or punishment;
- armed conflicts

Article 40: Due process and presumption of innocence

Article 16: Protection Against Child Abuse and Torture

Protection from:

- All forms of torture, inhuman or degrading treatment
- Physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child

Article 22: Armed Conflicts

- To receive protection from rules of international humanitarian law applicable in armed conflicts
- No child shall take a direct part in hostilities
- No recruiting any child in armed conflict
- Protection and care of children who are affected by armed conflicts and in situations of internal armed conflicts, tension and strife.

Article 17: Administration of Juvenile Justice

- Right to be presumed innocent until duly recognized guilty;

Article 18: Protection of the Family

- Equality of rights and responsibilities of spouses with regard to children during
• Protection of a child after dissolution of marriage
• Right to maintenance regardless of the parents' marital status.

**Article 21: Protection against Harmful Social and Cultural Practices**

Protection from:
- customs and practices prejudicial to the health or life of the child; and
- Customs and practices discriminatory to the child on the grounds of sex or other status.
- Child marriage and the betrothal

**Article 26: Protection Against Apartheid and Discrimination**

- Protection from Apartheid and military destabilization by the Apartheid regime.

**Article 30: Children of Imprisoned Mothers**

In the interest of the child:
- expectant mothers and to mothers of infants and young children who have been accused shall not receive special treatment such as non-custodial sentence
- Establish special alternative institutions for holding such mothers,
- Ensure that a mother shall not be imprisoned with her child;
- ensure that a death sentence shall not be imposed on such mothers.