

# **REPUBLIC OF RWANDA**



## **COMBINED FOURTH AND FIFTH PERIODIC REPORT OF THE REPUBLIC OF RWANDA ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**

**PERIOD COVERED BY THE REPORT: 2015-2018**

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## ACRONYMS AND ABBREVIATIONS

|          |                                                                     |
|----------|---------------------------------------------------------------------|
| ACRWC    | African Charter on the Rights and Welfare of the Child              |
| ACERWC   | African Committee of Experts on the Rights and Welfare of the Child |
| CHWs     | Community Health Workers                                            |
| CRO      | Child Rights Observatory                                            |
| DDPs     | District Development Plans                                          |
| EAC      | East African Community                                              |
| ECD      | Early-Childhood Development                                         |
| ESSP     | Education Sector Strategic Plan                                     |
| GoR      | Government of Rwanda                                                |
| JAPEM    | Joint Action Plan for the Elimination of Malnutrition               |
| MIGEPROF | Ministry of Gender and Family Promotion                             |
| MIDMAR   | Ministry of Disaster Management and Refugees                        |
| NCHR     | National Commission for Human Rights                                |
| NCC      | National Commission for Children                                    |
| NECDP    | National Early Childhood Development Program                        |
| NISR     | National Institute of Statistics of Rwanda                          |
| NRS      | National Rehabilitation Service                                     |
| NST      | National Strategy for Transformation                                |
| NGO      | Non-Governmental Organization                                       |
| NISR     | National Institute of Statistics of Rwanda                          |
| RDF      | Rwanda Defense Forces                                               |
| RDRC     | Rwanda Demobilization and Reintegration Commission                  |
| TMM      | <i>Tubarerere Mu Muryango</i> Program                               |
| TVET     | Technical and Vocational Education and Training                     |
| UNICEF   | United Nations Children's Fund                                      |
| VUP      | Vision 2020 Umurenge Program                                        |

## **INTRODUCTION**

1. The Government of Rwanda is pleased to present to the African Committee of experts on the Rights and Welfare of the Child (ACRWC), Rwanda's combined fourth and fifth periodic reports on the implementation of the African Charter on the Rights and Welfare of the Child. The report covers the period from April 2015 to May 2018.
2. This report has been drafted in accordance with the Committee's States Parties Reporting Guidelines adopted on 7<sup>th</sup> November 2013. The preparation followed a participatory and inclusive approach whereby public institutions, UN Agencies, international and local NGOs have been involved. It addresses the concerns raised by the Committee on Rwanda's previous report and provides updates on new developments achieved in implementation of the Charter.

### **I. GENERAL INFORMATION ABOUT THE STATE PARTY**

3. Rwanda ratified the African Charter on the Rights and Welfare of the Child (ACRWC) on May 30, 2001 by Presidential Order No. 11/01. Rwanda submitted its second and third periodic reports to the African Committee of Experts on the Rights and Welfare of the Child (ACRWC) in 2014. The Committee released its concluding observations in July 2015.
4. In May 2017, the Government of Rwanda received a follow up mission from the Committee that was monitoring the implementation of the above-mentioned recommendations. The Government appreciates the constructive dialogues held with the members of this mission which contributed to taking further its agenda of promoting and protecting child rights.
5. One of the key activities accomplished during the reporting period was the revision of the Constitution of the Republic of Rwanda conducted through a referendum in 2015. The revised Constitution reaffirms the strong will of the people of Rwanda for protection of child rights. It recalls the right and responsibility of parents to raise their children as well as the State's obligation to put in place appropriate legislation and organs for the protection of the family, particularly the child and mother.
6. Another important change was the adoption of a new 7-year Government Program in 2017/National Strategy for Transformation (NST1) that include a number of child rights interventions such as reducing malnutrition and stunting through provision of nutritious foods and milk under "One Cup of Milk Per Child" program, reducing maternal mortality ratio from 210 per 100,000 live births (LB) to 126/100,000 LB and infant mortality rate from 50/1,000 LB to 35/1000 LB. Other key interventions of NST 1 include continuing

vaccination for all children as well as increasing the rate of deliveries at health facilities at more than 90%.

## **II. GENERAL MEASURES OF IMPLEMENTATION (art. 1 (1))**

7. *The Committee appreciates the comprehensive law reform the State Party has embarked on and the establishment of the National Law Reform Commission to this end. The Committee encourages the State Party to speed-up the law reform process and to put a collective effort to implement the laws.*
8. During the reporting period, the Government of Rwanda enacted a number of laws aimed at protecting the rights of the child. First and foremost, the Constitution of the Republic of Rwanda of 2003 revised in 2015 entitles every child for special measures of protection by the family, society and Government.<sup>1</sup>
9. In 2016 the Government of Rwanda enacted Law N° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions which provides for equal inheritance rights between male and female children and prohibits discrimination of any kind in this regard.
10. The same law provides that where parents decide to donate property or patrimonial rights to their children, they must do it without any discrimination between girls and boys.
11. It is also worth mentioning that this law considerably limits the capacity of persons having children to make donations, whereby they cannot exceed one-fifth (1/5) of their property, the remaining four-fifths (4/5) being reserved for succession of their children and spouse.
12. In addition, Law N° 32/2016 of 28/08/2016 governing persons and family reaffirmed the obligation of parents to cater for and educate their children. If one of the spouses does not comply with this obligation, the other spouse or any interested person may file a lawsuit against him/her. This obligation survives even after nullification of marriage, irrespective of whether or not it was contracted in good faith.
13. As new developments, this law gives to children's rights organizations<sup>2</sup> the power to represent minors in legal proceedings. It also allows a minor having attained the age of sixteen (16) to personally institute an action in connection with his/her status, the exercise of parental authority or any other act of particular interest to him/her, after obtaining authorization from the president of the competent court.

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<sup>1</sup> See article 19.

<sup>2</sup> Children's rights organizations: public or private institutions or associations whose mission includes protecting the child and ensuring respect for his/her rights.

14. In case of divorce, the above stated law provides that children under the age of six (6) years must live with their mother unless their interests dictate otherwise.<sup>3</sup>
15. At regional level, the East African Community (EAC) of which Rwanda is a party enacted the Child Policy in 2016 providing a framework and suggesting a regional approach to realizing a vision where children's rights and wellbeing are guaranteed.
16. Regarding implementation, collective efforts have been invested by the Government of Rwanda and its stakeholders including civil society organizations, development partners and private sector to implement child rights laws. Some of the key achievements realized in this regard are highlighted in the report.
17. Moreover, a number of mechanisms have been designed to ensure coherence in implementation of child rights interventions. The mechanisms include the Gender and Family Cluster, a coordination mechanism that aims at supporting the Government of Rwanda (GoR) in promoting gender equality and family protection through utilizing partners' synergies to improve gender and family interventions and avoiding duplication. The Cluster has four (4) sub-clusters two (2) of which are particularly designed for child rights (i.e. the Early Childhood Development (ECD) sub-cluster chaired by the National Early Childhood Development Program (NECDP) and the child protection sub-cluster chaired by the National Commission for Children (NCC).
18. Another important mechanism is the "Gender Accountability Day", an event organized by Government institutions, civil society organizations and development partners to showcase achievements, experiences and lessons learnt in promoting gender equality and child protection, and raise awareness to increase efforts and synergies for addressing the persisting gaps and prevent violence against children. During the event of this kind organized in Rulindo District from 19<sup>th</sup> to 21<sup>st</sup> October 2017, various activities related to child protection were undertaken including birth registration, whereby a total of 334 children were registered as well as reporting of Gender-based violence (GBV) and child abuse cases, whereby 118 cases were registered.
19. In terms of policy framework, the Government revised the Early Childhood Development Policy in 2016 and adopted a new Strategic Plan (2016/2021) for the implementation of this Policy. The two documents provide for a strategic guidance for interventions aimed at supporting adequate early childhood development for children from their conception to six years of age.

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<sup>3</sup> See Article 243 of the Family Law.

20. As far as institutional framework is concerned, NECDP was established in 2017 to coordinate all interventions related to early childhood development (ECD) in the country. Specifically, NECDP is responsible for reducing malnutrition and stunting of children, promoting optimal child development, increasing children's preparedness to primary education, enhancing positive parenting and community participation in child protection, eliminating physical, moral, and psychological abuse of young children, and enhancing equal access to early childhood development services by children with special needs. The Program enjoys administrative and financial autonomy. During the fiscal year 2017/2018, NECDP was provided the total budget of 396,094,832 Frw to start its activities.
21. NCC continues to lead the implementation of activities related to the fulfilment of children's rights. In order to strengthen its capacity, 68 professional social workers and psychologists were recruited during the reporting period. They considerably supported in reunification of children from orphanages into their families or extended (foster) families and post placement follow-up. As of 2017, 3,044 children have been placed in family based care.
22. Moreover, 29,674 community-based child protection volunteers known as "Inshuti z'Umuryango" (friends of the family) were identified and trained all over the country to support the Commission in its role of ensuring protection of children. The ordinary budget allocated to NCC increased by more than 100% within a period of less than five (5) years, rising from 260,069,547 Rwandan Francs in 2013 to 533,149,718 Rwandan Francs in 2017.
23. *With regard to availability of statistics and data, the Committee notes that the statistics available is only until the year 2010. The Committee urges the State Party to collect data and provide disaggregated statistics on the rights of children in all sectors which will then direct the objectives of the policies and strategies that will be adopted.*
24. The Government of Rwanda continues its efforts to strengthen its data collection system under the coordination of the National Institute of Statistics of Rwanda (NISR) which include child disaggregated data. NISR continues producing various statistics that provide evidence to inform decision making process on matters of child rights. Among them, we can mention the Rwanda Population and Housing Census which provides demographic, economic and

social data, at a specified time, of the entire population. The census is conducted once every ten years and the recent one was published in 2014<sup>4</sup>.

25. There is also the Demographic and Health Survey (DHS) which collects information on a broad range of demographic, health, and social issues such as household characteristics, maternal and child health, breastfeeding practices, early childhood mortality, maternal mortality, nutritional status of women and young children, fertility levels, marriage, fertility preferences, awareness and use of family planning methods, sexual activity, and awareness and behavior regarding AIDS and other sexually transmitted infections.<sup>5</sup> DHS is conducted every five (5) years and the recent one was published in the fiscal year of 2014/2015<sup>6</sup>.

26. Worth mentioning also is the Integrated Household Living Condition Survey (EICV) which provides information on changes in the well-being of the population such as poverty, inequality, employment, living conditions, education, health and housing conditions, household consumption, among others. DHS is conducted every five (5) years and the recent one was published in the fiscal year of 2015.<sup>7</sup> Finally, there is also the Statistical Yearbook which serves as a compendium of statistical information, mostly coming from administrative systems dealing with a wide range of development pertinent topics (education, health and nutrition, gender, ...). It is published annually and the recent one was released in December 2017.<sup>8</sup>

27. *The Committee notes with appreciation the establishment of the National Human Rights Commission. The Committee encourages the State Party to provide technical and adequate*

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<sup>4</sup> NISR, *Population and Housing Census*, <http://www.statistics.gov.rw/survey/population-and-housing-census>, , accessed on 04/06/2018.

<sup>5</sup> NISR, *Demographic and Health Survey (DHS)*, <http://www.statistics.gov.rw/survey/demographic-and-health-survey-dhs>, accessed on 04/06/2018.

<sup>6</sup> NISR, *Demographic and Health Survey 2014/2015 - Final report*, <http://www.statistics.gov.rw/publication/demographic-and-health-survey-20142015-final-report>, accessed on 04/06/2018.

<sup>7</sup> NISR, *Integrated Household Living Conditions Survey 4 (EICV 4)*, <http://www.statistics.gov.rw/datasource/integrated-household-living-conditions-survey-4-eicv-4>, accessed on 04/06/2018.

<sup>8</sup> NISR, *Statistical YearBook 2017*, <http://www.statistics.gov.rw/publication/statistical-yearbook-2017>, accessed on 04/06/2018.

*budgetary support for its operation, particularly the Observatory of Children's Rights in the National Human Rights Commission.*

28. The National Commission for Human Rights (NCHR) continues playing a vital role in child rights protection. The 2013 law governing its functioning re-affirms its independence and autonomy in performing its duties.
29. The stated law requires the NCHR to present report of its activities only to the Parliament for consideration. The main source of finance used by the NCHR comes from the State budget. The budget of the NCHR depends on planned activities (including those related to child rights protection and promotion) for the related fiscal year.
30. Funding for the NCHR kept increasing since the submission of the last report, and enables it to accomplish its planned activities, in addition of paying staff salaries. The budget allocated to the NCHR increased from Frw 1,155,439,445 in fiscal year 2014/2015 to Frw 1,217,030,660 in the year 2016/2017 representing 9.5 %.
31. NCHR is also in charge of determining the organizational structure and recruiting employees of the Child Rights Observatory (CRO). As of January 2018, the Child Rights Observatory was composed of 3,122 volunteers countrywide.
32. The volunteers submit monthly reports to the NCHR and the latter organizes periodic meetings at the national level to discuss the issues raised by them. The CRO helped the NCHR to receive and handle cases of child rights violations: 283 child rights related cases were reported in 2013-2014, 587 cases in 2014-2015, 440 cases in 2015-2016 and 592 cases in 2016-2017. This makes a total of 1902 cases of child rights violations that have been handled between July 2013 and June 2017.
33. *The Committee commends the State Party for increasing the budget allocated for the implementation of the rights of children from 29.88% in 2010 to 31.73% in 2012. However, the Committee is concerned that this increment is insignificant compared with the population growth and the growing needs of children. Therefore, the Committee recommends that the State Party aligns its budget increment with the high rate of inflation, the growing needs of children and the population growth.*

34. The budget allocated to child protection activities continued to increase from year to year. For instance, the budget allocated to maternal and neonatal health, nutrition, vaccine preventable disease, elimination of mother to child HIV transmission, family planning and reproductive health & GBV, adolescent sexual reproductive health and community health, increased from USD 34,037,999 in 2013/2014 to USD 62,383,384 in 2015/2016, which means an increment of 83%.<sup>9</sup>
35. During the fiscal year 2017/2018, the health sector was allocated the budget of 193.6 billion Rwandan francs used in a number of interventions including the fight against malnutrition and stunting, construction of health facilities to increase the access to health services and deployment of qualified staff in hospitals and health centers in order to ensure quality and availability of human resources for health.<sup>10</sup>
36. Still in the same fiscal year, education sector was allocated 248.5 billion Rwandan francs used in different interventions including rehabilitation and construction of new classrooms, creating and equipping new TVET schools and increasing the quality of education through distribution of curricula and training of teachers. At the same time, the budget for water and sanitation sector was equivalent to 30.4 billion Rwandan francs used for different activities including construction of water pipelines and water supply systems in rural areas.<sup>11</sup>
37. In addition, child rights matters have been mainstreamed in national priorities provided in long term plans such as Vision 2020 and the newly adopted National Strategy for Transformation (NST) as well as Sector Strategic Plans (SSPs) and District Development Plans (DDPs). On top of that, gender equality and family promotion, which also includes child protection, are considered as cross cutting issues that have to be reflected in the budget of every institution. In this regard, under the guidance of MIGEPROF, NCC and the Ministry of Finance and Economic Planning (MINECOFIN), child related interventions are adequately mainstreamed in annual action plans, performance contracts and budgets for all Government institutions.

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<sup>9</sup>Ministry of Health, *Health resource tracking tool* (HRTT 2015/2016).

<sup>10</sup> MINECOFIN, *2017-18 Budget Speech*,

[http://www.minecofin.gov.rw/fileadmin/templates/documents/BUDget\\_Management\\_and\\_Reporting\\_Unit/Budget\\_Speeches/2017-18\\_Budget\\_Speech\\_-\\_Kinyarwanda\\_Version.pdf](http://www.minecofin.gov.rw/fileadmin/templates/documents/BUDget_Management_and_Reporting_Unit/Budget_Speeches/2017-18_Budget_Speech_-_Kinyarwanda_Version.pdf), accessed on 04/06/2018.

<sup>11</sup> *Ibidem*.

### III. DEFINITION OF A CHILD (art. 2)

38. *The Committee appreciates the underway development of the Family and Persons Law which is drafted following the Committee's recommendation which requested the State Party to harmonize its laws on the definition of the child as it is prescribed in the Charter. The Committee encourages the State Party to fast-track the adoption process of the Family and Persons Law and to vividly incorporate the definition of the child as it applies for all boys and girls who are under the age of 18 years without any exception.*
39. Rwandan legislation recognizes a child as any person below the age of 18.<sup>12</sup> The law governing Persons and Family was enacted on 12/09/2016 and reduced the age of civil majority from twenty-one (21) years to eighteen (18) years, except for matters specified by the law such as the minimum age for marriage. A person with 18 years is fully qualified for all acts involving civil life such as entering into contracts or owning properties. However, the parental duties to cater for and educate him/her remains up to the age of twenty- one (21). This applies to both girls and boys without any exception.
40. *The Committee commends that the minimum age of employment is 16 years; the minimum age for recruitment in the military is 18 years; and the minimum age of criminal responsibility is 14 years. However, during the constructive dialogue the Committee learned that even though the minimum age of marriage is 21 years, there are circumstances where a girl below the age of 18 could get married by a special waiver of the Ministry of Gender and Family Promotion. The Committee is of the view that this is against the best interest of the child.*
41. Pursuant to Article 168 of Law N° 32/2016 of 28/08/2016 governing Persons and Family, the minimum marriageable age remains 21. Prior to officiating a marriage, the civil registrar must request the intending spouses to provide their birth certificates.
42. The civil registrar must also inform the public of the marriage to be celebrated, by posting a notice at his/her office within at least twenty (20) days prior to the marriage. This notice must indicate the age of spouses among others.

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<sup>12</sup> The law no 54/2011 of 14/12/2011 on the rights and protection the child, article 3.

43. The purpose of the notice is to enable any interested person to oppose the celebration of marriage. According to article 193 of the aforementioned law, a marriage entered into when either spouse is under the age of twenty-one (21) is sanctioned by the absolute nullity.
44. The waiver of marriageable age stopped being granted in 2012 following the enactment of the Organic Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code criminalizing<sup>13</sup> the act of living together as husband or wife with a child or a person above 18 years but below 21 years. Currently, this waiver is no longer recognized by the Law N° 32/2016 of 28/08/2016 governing Persons and Family.

#### **IV. GENERAL PRINCIPLES (arts. 3, 4, 5, and 26)**

##### **Non-discrimination**

45. *The Committee makes a call upon the State to take practical and tangible measures to ensure children from minority groups and other vulnerable situations are not discriminated against by all sectors of society and all organs including the private sector.*
46. The GoR has put in place specific legislations and policies, independent institutions and programs to ensure that vulnerable children including children with disabilities, children affected by HIV and AIDS, children living in street situations, in poverty and in child-headed households have adequate access to justice, health, education, socio-economic opportunities without any form of discrimination.
47. The Constitution of the Republic of Rwanda of 2003 revised in 2015 prohibits any form of discrimination and emphasizes the principle of equality and non-discrimination to all citizen.<sup>14</sup>
48. With regards to education, the inclusion of children with disabilities in education is reflected in the Education Sector Strategic Plan (ESSP) 2013-2018.
49. One of the plan's priorities is increasing equitable access to education for students with special educational needs within schools. The government also revised the Early Childhood Development Policy in 2016 as a measure of prevention against all kinds of discrimination.
50. Additionally, the seven-year government program 2010-2017 included disability in its plans. For example, it ensured that new buildings were disability friendly, increased the capacity of the NCPD, increased efforts to train teachers of children with disabilities, and promoted the

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<sup>13</sup> See article 194 of the penal code.

<sup>14</sup> See article 16.

number of schools which can cater for their needs. The College of Education of the University of Rwanda established a school of inclusive and special needs education for master's programs.

51. All District Hospitals are provided with physiotherapy and mental health services that are oriented to respond adequately to health issues of people with disabilities in general and children in particular. The continuous government financial support to centers for children with disabilities provides them with more opportunities to benefit from the same basic care services as any other child in Rwanda and specific services related to their special needs.
52. The School Health Policy takes into consideration the inclusion of children affected by HIV/AIDS. The Ministry of Health has also put in place the Ministerial order n° 20/32 of 05/12/2013 determining programs and strategies to ensure protection and assistance to children infected or affected by HIV/AIDS.
53. The National Rehabilitation Service (NRS) has been put in place to deal with the issue of children living on the streets among other priorities and includes programs of reintegration, family strengthening and prevention. One of the NRS centers, Gitagata Rehabilitation Centre, located in Bugesera District is exclusively dedicated to former street children and provides them with rehabilitation services, including formal education and psychosocial therapy.
54. Various initiatives and advocacy measures to address the issues related to children with disabilities or other vulnerable children have been undertaken and addressed by the GoR.
55. Awareness campaigns to the population are organized at all levels targeting the community. Social categorization through Ubudehe was revised in 2014 to improve the targeting of most vulnerable population including children and families. VUP and other social protection schemes including education grants, continue to be implemented. Child sensitive social protection schemes have also contributed to an increased equitable access to services for children. These include the flagship Vision 2020 Umurenge Program (VUP) which comprises Direct Support and Public Works programs. These two core VUP programs increasingly benefit households with children: 67% and 89% of the households benefiting from Direct Support and Public Works, respectively, are households that have children<sup>15</sup>.
56. Mobilization campaigns are also conducted through TV & Radio programs to raise awareness and contribute to the implementation of relevant policies and strategic plans to combat stigma against children with disabilities and other categories of vulnerable children.

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<sup>15</sup> Equity analysis of EICV IV Data.

## **Best interests of the child**

57. *The Committee encourages the State to establish a systematic mechanism whereby the best interest of the child is given priority in all matters concerning children. Such measures may include giving training for the executive and judiciary to sensitize them about children's rights.*
58. All Government interventions are mainly based on national priorities provided in medium and long term plans such as Vision 2020, 7 year National Strategy for Transformation (NST), Sector Strategic Plans (SSPs) and District Development Plans (DDPs), Annual Action Plans and Performance Contracts. For this, the most effective way of ensuring that the best interest of the child is given priority in all matters was to mainstream child rights in those plans, and this has been achieved and continue being implemented as it was explained above.
59. Children matters are also discussed in national highest forums such as the National Leadership Retreat, which convenes top leaders to reflect on issues affecting their country and the National *Umushyikirano* Council, a forum that brings together the President of the Republic and citizens' representatives once (1) a year to debate issues relating to the state of the Nation and national unity. For instance, one of the resolutions adopted by the 13<sup>th</sup> National Leadership Retreat held in 2016 was to put greater efforts in implementing strategies for child rights protection, eliminate malnutrition in children, prevent causes of street children and school dropout, and eradicate human trafficking. Likewise, one of the resolutions of the 2017 National *Umushyikirano* Council was to sensitize parents about giving their children balanced diet, child development, cleanliness and promoting early childhood education.
60. In addition to the above, the Government of Rwanda continues to strengthen the capacity of the executive and the judiciary on child rights and child protection with the special focus on the principle of the "Best interest of the child" to ensure that this principle is taken into account during judicial and executive decision-making processes in all matters affecting children.
61. For instance, in partnership between the Supreme Court, USAID/Land Project and Haguruka NGO, a training of 22 primary court judges from the Eastern Province was organized in April

2016 to strengthen their capacity in protecting and promoting children rights in cases related to divorce, inheritance, succession and land.

62. In the same move, in February 2017, thirty (30) focal persons of MAJ in charge of Child Protection and Gender Based Violence from each administrative District of the country received a refresher training on child rights and on consideration and enforcement of the best interest of the child whenever they are representing children in court proceedings.
63. Also, in February 2018, a number of 7,051 local leaders from District to Village levels in 11 Districts received intensive training on child protection and the program will continue for the remaining Districts.
64. Furthermore, in 2017/2018, training on child protection, gender equality and GBV was conducted to 50 Chief Editors from media houses in Rwanda to contribute towards awareness raising of communities that do not know about child rights, gender equality and GBV. Effective reporting on child protection can amplify community's voice, work against myths, and stimulate dialogue and action.
65. Worth mentioning also are various stakeholders' meetings on child rights organized during the reporting period and attended by different people working on child rights promotion and protection including Members of Parliament, Religious leaders and members of the civil society organizations to share the best practices, analyze the existing challenges and propose the way forward for the betterment of the lives of children.

### **Right to life, survival and development**

66. *The Committee welcomes the various measures that the state Party is taking to ensure the right to life, survival and development of children including the abolishment of death penalty; effort to reduce infant and child mortality, and reduction of neonatal and postnatal deaths. The committee encourages the State to extensively promote, mainly through campaigns and media, exclusive breastfeeding at least for the first six months after birth to reduce child mortality.*
67. In 2013, the Government of Rwanda launched a national campaign to combat malnutrition and to improve the nutrition status of children under five years, pregnant and lactating mothers in the country. The campaign was named "1000 days" since it involved the 1000 days period, right from pregnancy through to the first two years of a child's life. This period is critical to a child's long-term mental and physical development.

68. It was conducted for one thousand days and it is ongoing targeting all households in the country. It emphasizes the need for families to understand the importance of good nutrition for newborns, appropriate care and feeding practices for children as well as pregnant women and lactating mothers. During this campaign, mothers are urged to practice exclusive breastfeeding, immediately after delivery until their babies are around 6 months old. After 6 months, mothers are recommended to start their baby on solid food and also continue breastfeeding until they are at least 1 year old.
69. This campaign has contributed to the improvement in exclusive breastfeeding practices in Rwanda. The Rwanda DHS 2014-2015 data show that exclusive breastfeeding during the first six months after birth is widely practiced in Rwanda. Currently, mothers exclusively breastfeed 87 percent of children younger than age 6 months. The median duration of exclusive breastfeeding among Rwandan children is five months, and the mean duration is six months.
70. The Government of Rwanda adopted in 2016 a law establishing and governing maternity leave benefits scheme, and a Ministerial Order relating to maternity leave benefits scheme. This law applies for all workers governed by the Law regulating labor in Rwanda regardless of nationality, type of contract, duration of the contract or the amount of wages, all employees governed by the general statutes for public service.<sup>16</sup>
71. In addition to the above, female employees who give birth continue enjoying breastfeeding breaks ranging between one (1) to two (2) hours both in private and public sector. This break is deducted from the work time and is paid.<sup>17</sup>

### **The views of the child**

72. *While applauding the State Party's engagement in relation to child participation, the Committee encourages the State to facilitate the participation of all children including those living in rural and remote areas; children with disabilities and marginalized children. Moreover, the Committee recommends for the State Party to give due consideration to the views of children in decision making processes.*

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<sup>16</sup> Law No 003/2016 of 30/03/2016 establishing and governing maternity leave benefits scheme; and Ministerial Order N° 007/16/10/TC du 28/10/2016 relating to maternity leave benefits scheme.

<sup>17</sup> Article 26 of the Law N° 86/2013 of 11/09/2013 establishing the general statutes for public service, *Official Gazette* n° 42 bis of 21/10/2013; Article 65 of the Law N° 13/2009 of 27/05/2009 regulating labour in Rwanda, *Official Gazette* No. special of 27/05/2009.

73. The National Children Summit that started in 2004, continues to take place every year and encourages children to interact with government officials and express their views. Every year 488 children representing others including 416 representing all the Sectors, 30 representing the Districts, 30 representing children with disability at District level, and 12 representing refugees attend the National Children's Summit. The Summit brings together children representatives and senior officials from Government and civil society is a platform that allows children not only to participate in matters that concern their lives but also to take part in the development of their country.
74. In the interest of ensuring equal participation of children both from rural and urban areas, children forum committees have been established in all 14,837 Villages, 2,148 Cells, 416 Sectors and 30 Districts across the country. These forum committees meet regularly during school holidays. They serve as platforms that enable children to express their views and opinions which are then incorporated into government plans of action and also considered during the development of various policies and programs. Children, including refugee children and children with disabilities, are represented and heard equally without discrimination.
75. Since 2016, children and youth participate in holiday's civic forums "*Intore mu Biruhuko*" and discuss on governance, hygiene, values, drug abuse, teenage pregnancy, GBV and human trafficking related issues. In 2017, 5,597, 168 youth and Children participated in the aforementioned forums.
76. The Government considers views of children and incorporates them in all decision-making processes; they are mainstreamed into government priorities and disseminated to all concerned organs for implementation. An evaluation of the implementation is regularly conducted and results are shared with children for further recommendations where needed. Children views and resolutions are collected from the various events such as Annual National Children's Summit, meetings of the Children's Forum Committees, International Day of the Girl Child, Remembrance of Children killed in the Genocide against the Tutsi, International Day of the African Child, just to name a few.
77. Views of children have also been of paramount importance during the de-institutionalization process where more than 2000 children have been placed in family environment from the institutional care. This process has been going on since 2013.
78. The views of children are also heard in judicial proceedings. According to the Rwandan Criminal procedure code, a minor aged under twelve (12) years shall give testimony without

taking an oath.<sup>18</sup> However, in such case the testimony given by the child is corroborated with other evidence.

## **V. CIVIL RIGHTS AND FREEDOMS (arts. 6-10 and 16)**

### **Right to name, nationality and birth registration**

79. *The Committee commends the State Party for adopting Law N°30/2008 of 25/07/2008 concerning Rwandan Nationality. The Committee also notes that Article 16 of the law on the rights and protection of the child states that a certificate shall be issued after registration of birth. However, there are indications that certificates are not issued immediately after registration. Furthermore, during the constructive dialogue, the Committee observed that there is a penalty imposed upon late registration; and that the State Party intends to adopt a new birth registration law which will lift the penalty. The Committee also learned that the State Party has the plan to establish a digital registration system in health care centers. Therefore the Committee recommends for the State Party to: a. expedite the adoption of the new birth registration law and remove the penalty imposed on late registration; b. fast-track the establishment of digital birth registration systems in health care centers; c. immediately issue birth certificates after registration; d. remove any kind of restriction and barrier to the registration of children born out of wedlock including the requirement of consent of the other parent where registration is sought by only one of the parents; and e. take measures to increase birth registration especially in rural and remote areas. The Committee also encourages the State Party to refer to and implement its General Comment No. 2 on Article 6 of the African Children's Charter in this regard.*

80. According to article 38 of law N° 32/2016 of 28/08/2016 governing persons and family, every child is entitled to have a name. His/her parent or any other person having parental authority over the child has a duty to freely choose a name for the child.

81. According to the organic law N° 30/2008 of 25/07/2008 relating to Rwandan nationality, parental descent is the prime condition of granting Rwandan nationality (Article 7). Thus, any person whose one of the parents is a Rwandan is entitled to the Rwandan nationality (Article 6). However, any foreigner born on Rwandan territory from alien parents residing in Rwanda may acquire Rwandan nationality provided he or she applies for it when she or he reaches the age of eighteen (Article 8). Any child born in Rwanda from unknown or stateless

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<sup>18</sup> Article 58 of the code of criminal procedure.

parents, or who cannot acquire the nationality of one of his or her parents shall be Rwandan (Article 9).

82. The State party has taken measures to ensure free and immediate birth registration. In this regard, legal reforms, strategies and countrywide campaigns have been taking place to raise awareness of citizens on the importance of birth registration.
83. Rwanda adopted in 2016 a new Law governing persons and family (N° 32/2016 of 28/8/2016), repealing the outdated 1988 Civil Code, which meets international principles of a comprehensive civil registration system such as Compulsoriness, Continuity, Universality and Permanence.
84. The duration for birth registration has been increased from 15 days to 30 days after birth.<sup>19</sup> Registration procedures have been simplified to allow the registration of a child by a single parent.
85. Furthermore, the Government is introducing e-birth registration in all health facilities so as to enhance straightforward electronic birth registration and data collection and production of vital statistics from health facilities through the Civil Registration and Vital Statistics (CRVS) web-based system. A mechanism to register children born as refugees has been established in all refugee camps in Rwanda.
86. Intensive training of Civil Registrars and officers in charge of civil registration on the new web-based e-registration system was organized and conducted in all 416 Sectors countrywide. In addition, capacity building has been conducted for data managers of health centers and good governance officers at district level on civil registration and specifically on the importance of birth registration. Further, extensive sensitization on child registration has been conducted from November 2016 to January 2017 allowing 621,862 children to be registered. Similar campaigns were conducted in refugee camps through which 7,801 and 11,212 children were registered in 2016 and 2017 respectively.

**Freedom of expression, access to appropriate information, freedom of thought, conscience and religion**

87. *The Committee notes with appreciation that the State Party's Constitution and the law on the rights and protection of the child incorporate provisions that ensure the child's rights to freedom of expression; freedom of thought, conscience and religion; and freedom of association and peaceful assembly. While commending the legislative framework and the*

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<sup>19</sup> Article 100, Law N°32/2016 of 28/08/2016 governing persons and family

*various forums available to exercise freedom of expression, the Committee encourages the State Party to sensitize the society about the positive values of child participation; and to empower children to exercise their rights by providing them with training and technical support. Furthermore, the Committee encourages the State Party to ensure the protection of the right to privacy of child victims and child witnesses.*

88. According to Law No. 54/2011 on the Rights and Protection of the Child, the child has the right to freedom of expression, thought, conscience and religion upon advice and guidance by his / her parents or guardian without any duress depending on his/her age and level of understanding.<sup>20</sup> Also, a child has the right to access suitable information, to rest and undertake leisure activities<sup>21</sup>
89. In the interest of ensuring equal participation of children both from rural and urban areas, children forum committees have been established as described above. Meaningful consultation with children during budgeting processes has also started in some districts such as Nyarugenge and Rutsiro and is being scaled up in all 30 districts. Children's participation resulted into an increased budget on key child rights including access to water, electricity, and education.
90. Other processes to promote children's meaningful and empowered participation are actively promoted by the Government. For example, a side event entitled 'reading data with children' was organized by the National Institute of Statistics and UNICEF during the African Statistics Day in November 2015 and 2016 respectively, aiming at acquainting children with the importance of statistics for planning and evaluation of social economic development.
91. Children's representatives discussed and presented recommendations in relation to indicators related to social-economic development. They emphasized several key issues which relate to children including more equitable access to primary and secondary education, safe water and sanitation for all, birth registration and family planning, mother and child health services and health insurance.

### **Protection against abuse and torture**

92. *The Committee notes with satisfaction the adoption of the Integrated Child Rights Policy which prohibits corporal punishment in all settings and Law N° 01/2012 of 02/05/2012 which penalizes the act of inflicting severe suffering on the child. However, the Committee is*

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<sup>20</sup> Article 17 of Law No 54/2011 on the Rights and Protection of the Child

<sup>21</sup> Article 20 of Law No 54/2011 on the Rights and Protection of the Child

*concerned that corporal punishment is still used to discipline children in schools and at home. Moreover, parents' right to correction of children that is included in the Civil Code has not been repealed yet. Thus, the Committee urges the State Party to fortify its efforts in sensitizing the society in eliminating corporal punishment as well as take measures to repeal all laws and practices that are in contradiction with the Integrated Child Rights Policy. During the Constructive dialogue, the Committee has observed that the State Party has started to adopt a ministerial decree on disciplining the child without corporal punishment. Therefore, the Committee calls upon the State Party to expedite the process and introduce alternative positive discipline mechanisms in schools and at home.*

93. In 2011, Rwanda adopted the Integrated Child Rights Policy (ICRP) which informs the development of child-related legislation. The ICRP prohibits any kind of physical abuse, torture, cruelty against children and corporal punishment in all settings including homes, schools and any other institution with children including detention facilities.
94. Article 218 of the penal code (2012) criminalizes and punishes any person who inflicts severe suffering on a child, harasses or imposes severe or degrading punishments on him or her.
95. Rwandan courts have interpreted article 218 to include corporal punishment and a number of persons have been prosecuted and punished for such acts. For example, in 2016/2017, 24 out of 25 cases of inflicting severe suffering on a child were decided by courts<sup>22</sup>. In addition, law n° 54/2011 related to child rights protection and promotion is under revision and it explicitly prohibits corporal punishment.
96. The newly adopted law governing Persons and Family repealed the provision on right of correction under the Law N° 42/1988 of 17 October 1988 instituting the Preliminary Title and Book one of the Civil Code.
97. The Ministry of Education passed a Ministerial Instructions in 2017, establishing guidelines to prohibit corporal punishment in all education settings including TVET, Nursery, Primary or Secondary School.<sup>23</sup>
98. Besides policy and legal frameworks, public education, awareness and community mobilization initiatives have been widely undertaken around the issue of physical and psychological effect of corporal punishment by the Government and different stakeholders

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<sup>22</sup> National Public Prosecution Authority, 2016-2017 Annual report.

<sup>23</sup> Ministerial Instructions No 001 of 10 May 2017 establishing guidelines for setting up general or TVET, Nursery, Primary or Secondary School's internal rules and regulations, article 26

including NGOs. Campaigns and mobilization efforts are planned to continue creating awareness and tackling social norms and practices that support corporal punishment in all settings.

## **VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS (arts. 11-12 and 14)**

### **Basic Health and Welfare**

99. *The Committee applauds the efforts of the Government of Rwanda in improving its health care services by taking various measures including the establishment of the Community Health Program, the Community Based Health Insurance and the Expanded Program of Immunization. The Committee also commends the State Party for increasing its budget for the health sector and becoming one of the few African Countries who have complied with the Abuja Declaration. Nevertheless, the Committee remains concerned about the high rate of chronic malnutrition of children which is 44% as provided in the State Party Report. Even though child mortality rate has declined in the past years, the rate is still high especially with regard to neonatal mortality. The Committee also learned that more than 25% of the population does not have access to improved drinking water. In addition, there are indications that primary health care centers are not physically accessible; the number of physicians and midwives is not proportional to the population's need; and the quality of health care provided is low.*

100. *Therefore, the Committee urges the State Party to put together collective efforts to fight malnutrition through promotion of improved feeding practice in the community; integrating nutrition objectives into agricultural programs; providing school feeding programs for the most vulnerable children; promoting exclusive breastfeeding for the first six months after birth; and improving the nutrient content of foods through regulatory frameworks. The State Party is also encouraged to train more physicians and midwives as well as ensure that health care centers are well equipped. Furthermore, the Committee recommends that the State Party continues its efforts to construct water reservoirs to increase the coverage of improved drinking water in rural areas of the country.*

101. *In line with different reforms undertaken to improve service delivery across all sectors in Rwanda, the health system continues to be strengthened to ensure equitable access to health care services. There is notable progress in the improvement of health infrastructures, the*

increment of trained health professionals, availing drugs and medical supplies, and in ensuring accessibility to the health insurance schemes.

102. Over the past five years, Rwanda continued to invest in the construction of new health facilities and in the decentralization healthcare services, with the aim to further improve geographic accessibility to medical care services in Rwanda. This allowed to increase the number of health centers from 465 in 2013 to 500 in 2017, and the number of health posts from 252 in 2013 to 501 in 2017. The objective is to have at least one health facility per each corresponding administrative entity by 2020, from national level to Cell level. Rwanda also maintained and strengthened community health workers system, with 3 Community Health Workers (CHWs) in each village. There are now 45,511 CHWs deployed in the community across the country.
103. All the above efforts resulted in the reduction of the average time to access the closest health facility by a Rwandan, from 61.4 minutes in 2011 to 56.5 minutes in 2015. For the next years, the goal is to build more health posts and continue cutting down the average time used to reach a health facility.
104. The Ministry of Health has been also investing in increasing the number of midwives in health facilities to support in the follow-up of pregnant women and newborns. Currently, the midwife per population ratio is at one (1) midwife per 4,064 women aged 15-45. The target is to reach one (1) midwife per 2500 women aged 15-45 in 2024.
105. In addition to improvements in accessibility to primary healthcare services, Rwanda has adopted different measures meant to also improve accessibility to specialized medical care services. The number of National Referral Hospitals increased from 5 in 2013 to 11 in 2018, and a new layer comprising of 4 provincial hospitals has been introduced in the Rwanda referral system to improve geographical accessibility to specialized medical services. The increment of these referral hospitals was commensurate with the number of medical specialists deployed equitably countrywide in public hospitals. This was made possible based on national human resources for health program whose objective is to train medical specialists in-country. There are now over 300 medical specialists working in private and public hospital and 290 other medical doctors are pursuing medical specialization in Rwanda.
106. Special medical outreach campaigns are also regularly organized every year to remote areas. Teams of medical specialists bring medical equipment to the community and treat patients locally. This strategy further decreases the burden for patients to seek care for specialized medical care at the national level.

107. Data from the RDHS 2014-2015 shows that stunting among children under five reduced from 44% in 2010 to 38% in 2015. Despite a six-point decrease in malnutrition during that period, the Government of Rwanda still considers malnutrition a challenge for Rwandan children, and the reduction of chronic malnutrition of children is a high priority of the country.
108. To reduce high rates of child malnutrition, the GoR established NECDP in 2017 to coordinate all activities aimed at fighting malnutrition and stunting, among other duties. NECDP now takes the lead on various projects undertaken by the Government in this domain, including the “one cup of milk per child” program as well as the distribution of fortified blended food (FBF).
109. The Government distributes to children below 2 years, pregnant and lactating women in the most vulnerable situation (classified in the *Ubudehe* 1 and 2 categories). Currently, around 80,000 children and 20,000 pregnant and lactating women receive these products.
110. Moreover, a multi-sectoral program to eradicate stunting was launched on May 17, 2018 in Nyabihu District. This program will play a key role in increasing coverage of high-impact health and nutrition interventions in 13 high burden stunting districts; improving coverage and quality of child caring, feeding and hygiene practices; introducing new gender and child sensitive models of expanded public works and nutrition sensitive direct support; strengthening food availability and dietary diversity.
111. The Government also adopted a holistic approach that bring together various ministries, development partners and other stakeholders involved in the social protection cluster. This move resulted in the development and implementation of the Rwanda Joint Action Plan for the Elimination of Malnutrition (JAPEM) with 5 strategic objectives: to reduce all forms of malnutrition; to improve household’s food and nutrition security; to ensure social protection for food and nutrition insecure households; to improve nutrition, water, sanitation and hygiene (WASH) in schools and to improve knowledge, attitudes and practices on optimal nutrition across the lifecycle.
112. JAPEM is implemented through an inter-sectoral approach and institutions play different roles in efforts to address child malnutrition.
113. The Ministry of Local Government ensures the coordination of the implementation (including sensitization of the population on nutrition and Hygiene) and monitoring and evaluation of the plan at central and district levels.

114. The Ministry of Health coordinates the implementation of nutrition activities related to prevention and treatment/ rehabilitation as well as technical support to other sectors.
115. The Ministry of Gender and Family Promotion, together with the National Women Council and the National ECD Program ensures the implementation of JAPEM at household level; focusing on supporting home production of nutritious foods, healthy preparation and monitoring of food intake for under five children and pregnant women.
116. The Ministry of Agriculture ensures food security and family production of nutritious foods through the establishment of programs such as kitchen gardens and small animal rearing in order to ensure sufficient foods at household level and with the help of farmer's promoters.
117. The Ministry of Education ensures sensitization of good nutrition at schools, focusing on school feeding and nutrition education in schools.
118. The Ministry of Disaster Management and Refugees ensures coordination and sensitization on nutritious food in the refugee camps.
119. On top of the JAPEM, the Government of Rwanda has launched a program of distributing Fortified Blended Food (FBF) to pregnant and lactating women and children aged 6 months to 2 years old from vulnerable families. Around 80,000 children and 20,000 pregnant and lactating women from poor households are currently receiving the product free of charge.
120. On top of the above efforts to address malnutrition among children, Rwanda continues to strengthen strategies to improve the management of newborns complications in hospital and to reduce neonatal mortality rates. Efforts above have helped Rwanda to reduce neonatal mortality from 27/1000 live births in 2010 to 20/1000 live births in 2015. Under the Fourth Health Sector Strategic Plan July 2018 – June 2024, Rwanda projects to have reduced neonatal death by 15.5/1000 live births in 2024.
121. Regarding job trainings on BEmONC and CEmONC were organized for healthcare providers from health centers and hospitals, including nurses, midwives and medical doctors. All hospitals have a functional CEmONC, and all Health Centers have a functional BEmONC.
122. To make Rwanda's Hospitals "Baby Friendly", the healthcare services packages for public health facilities have been revised in early 2017 to encompass all items recommended by the Baby-friendly Hospital Initiative.

123. With regard to the adoption and implementation of the Code on the Marketing of Breast Milk Substitutes with appropriate controls on the marketing of artificial infant formula, the Rwanda Food and Drugs Authority was created in 2017. It will ensure a proper regulation of food and drugs in the country, including the inspection of the compliance with the Code on the Marketing of Breast Milk Substitutes.
124. The Ministry of Health has put in place a national policy which guides reproductive health interventions for adolescents and young adults aged 10-24, whether in or out of schools. The National Family Planning Policy addresses the accessibility of family planning services and encourages its integration with services for HIV/AIDS, maternal health, child health, and other development initiatives. This policy further develops adolescent sexual and reproductive health programs to attract and retain the next generation of family planning users. For adolescents and young adults in schools, the Ministry of Education, in collaboration with Rwanda Education Board, has recently integrated the content on reproductive health into the new competency-based curricula primary and secondary education.
125. Under the Rwanda Biomedical Centre, a Division has been created with a special mandate to manage and coordinate Maternal and Child Health programs. This division is responsible for the planning, budgeting and implementation of all interventions and programs meant to improve maternal and child health.
126. With regards to access to clean drinking water, EICV4 (2014/2015) indicates that there has been a tangible leap in terms of access to clean drinking water in households from 87.1% in EICV 3 (2010/2011) to 90% in EICV4 in urban areas and from 71.9% in EICV 3 to 83.7% in EICV4 in rural areas. Efforts to ensure access to clean drinking water for all Rwandans are ongoing.
127. The aforementioned measures taken by Rwanda have contributed to the improvement of child health. Infant and child mortality rates have considerably declined. From 2010 to 2015, infant mortality rate dropped from 50/1000 live births (LB) to 32/1000 LB and child mortality rate decreased from 76/1000 LB to 50/1000 LB.
128. The proportion of births attended to in health facilities increased from 69% in 2010 to 91% in 2015; the percentage of pregnant women receiving 4 antenatal care standard visits increased from 35% in 2010 to 44% in 2015.

## **Education, leisure and cultural activities**

129. *The Committee notes with appreciation that the Government provides free and compulsory primary and secondary education. The Committee also commends the high enrolment rate in primary education, the gender parity therein as well as the budget allocated for the education sector. However, the Committee has concerns about the high dropout rate; the low rate of enrolment to secondary education; the quality of education; and the qualification of teachers. There are also indications that there are disparities in the urban and rural areas regarding access to and quality of education. Hence, the Committee recommends for the State Party to;*

- a) Identify and address causes of dropouts and the low level of enrolment in secondary education;*
- b) Take measures to support vulnerable students by providing sanitary materials in schools, by setting in place schools feeding programs; and providing teaching materials with a view to increasing school completion rate;*
- c) Train teachers, both at the primary and secondary schools, with a view of enhancing their capacity which in effect escalates the quality of education;*
- d) Fully implement the ECD policy and take measure to increase availability and accessibility of pre-primary education;*
- e) Ensure equity in education through enhancing accessibility of education for all with no distinction among children, this includes children with disabilities, children living in rural areas, and others who are especially vulnerable; and integrate an inclusive education system in the National Policy on Education.*

130. The study on dropout and repetition rate at Primary and secondary was commissioned and is under way.

131. The measures undertaken to support vulnerable children in schools include but not limited to: establishing “One cup of milk per child” program in pre-primary and primary schools. Currently (FY 2017/2018) a total of 76, 565 children from 115 schools and 15 districts countrywide are benefiting from one cup of milk per child program.

132. In addition, in the effort to retain children in school, among other initiatives, the school feeding program is being implemented in 9YBE schools.

133. Beneficiaries are selected from districts that have cases of severe malnutrition. The government of Rwanda through the Ministry of Education and the Ministry of Local

government continues to scale up the Girl's Room initiative '*Icyumba y'Umukobwa*'. Currently the room is established in all schools.

134. The girl's room offers a safe space for any girl who has unexpectedly gone into her period or any female with menstruation period related issues. The room is equipped with sanitary pads, towels, pain killers, a bed, water, soap etc. For the girls who cannot afford to buy sanitary pads, the respective school provides them for the duration of the period free of charge.
135. In terms of escalating the quality of Education, teachers have been trained on the new Competence Based Curriculum and the associated pedagogical methodology. Textbooks, teaching-learning materials aligned to the new curriculum have been issued to schools. Teaching materials are regularly provided by Rwanda Education Board (REB) with the aim to increase school completion rate.
136. During the fiscal year 2013/2014, the number of TVET trainees has increased from 83,893 to 93,024 countrywide. Seven hundred and twenty-nine (729) teachers around the country were trained during the fiscal year 2013/2014, with much emphasis on the competence based teaching.
137. The Government of Rwanda has prioritized trainings of teachers in English proficiency to improve their level of teaching whereby a total of 19,877 teachers were trained from 2013 to 2015. TVET trainers have been trained on pedagogical and ICT skills. The staff in charge of Education at District level (30) were trained on school management to smoothen the District's school inspection and coordination of school's activities.
138. The Government of Rwanda has also invested efforts to ensure that the Early Childhood Development (ECD) is prioritized. In this regard, the ECD Policy has been revised in 2016 by GoR and will continue to ensure a holistic, successive and uninterrupted interventions to make children healthy, physically developed, socially adapted, emotionally balanced and productive citizens.
139. It will also ensure that stakeholders and different partners are engaged to effectively participate in the successful implementation of the program. In the Pre-primary Education, 1,983,660 children have been enrolled in 2015 and 2,618 new pre-schools have been built. All children have equal rights to Education. The 2013-2018 Education Policy and its Strategic Plan do not discriminate school going children based on sex, religion and region (urban or rural).

140. Thanks to different efforts, a national strategy for inclusive education has been adopted, with a national committee on inclusive education established within the University of Rwanda. This made it possible to enroll and provide support to a total of 83,078 children with disabilities from pre-primary to secondary education.
141. The Government has also adopted a Ministerial Order No 007/2016 of 01/03/2016 determining modalities for special treatment of Persons with Disabilities in school.
142. The government of Rwanda upholds the right of all children including vulnerable children to full participation in leisure, recreational and cultural activities. In this regard, for example, all schools are required to have playgrounds for different sports. Schools organize inter-school competitions where children with disabilities are also involved. The same facilities are also available in communities.

## **VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts. 18-20 and 24)**

### **Parental guidance and parental responsibilities**

143. *The Committee notes that the State Party is in the process of developing a comprehensive family law for better protection of the family. Accordingly, the Committee encourages the State Party to expedite the process and adopt the new family law.*
144. The Government of Rwanda is pleased to report that a new comprehensive law Governing Persons and Family was adopted in August 2016,<sup>24</sup> which provides better protection of family in general and child in particular. The details about new developments brought by the law are found in relevant sections of the report such on birth registration.
145. The Government of Rwanda is determined to protect children from all forms of violence including corporal punishment and other acts that inflict physical suffering upon children. In this regard, the newly adopted law governing Persons and Family repealed the provision on right of correction which was recognized under the Law N° 42/1988 of 17 October 1988 instituting the Preliminary Title and Book one of the Civil Code.
146. Also, the law recognized the concept of the ‘best interest of the child’ as a key factor to be considered in all cases involving children to prevent any prejudice to child’s rights especially with respect to his/her care, education, culture, property and others towards the child’s protection.

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<sup>24</sup> The law No. 32/2016 of 28/08/2016 governing Persons and Family.

147. Lastly, the law repealed all the provisions in the old laws that treated women and men unequally. They head jointly their household and have equal rights and obligations towards their children according to respective capacity.
148. *The Committee notes with appreciation the legal obligations imposed upon parents with regard to ensuring the full development of the capacities of the child and the maintenance of the child as well as the legal sanctions attached to the failure to discharge these obligations. The Committee wishes to further encourage the State Party to provide assistance and support to the family unit in accordance with Article 18(1) and Article 20(2) of the African Children's Charter in order to ensure that parents are capable of protecting their children. In this regard, the Committee recommends for the State Party to fully implement the National Policy for Family Promotion and the Early Childhood Development (ECD) Policy.*
149. The Government of Rwanda has invested efforts to ensure that the Early Childhood Development (ECD) is prioritized. In this regard, the ECD Policy has been revised in 2016 by the GoR and continues to ensure a holistic, successive and uninterrupted interventions to make children healthy, physically developed, socially adapted, emotionally balanced for them to become productive citizens. It also ensures that stakeholders and different partners are engaged to effectively participate in the successful implementation of the program. In the Pre-primary Education, 1,983,660 children have been enrolled and 2,618 pre-schools have been built in 2015. The Net Enrolment Rate (NER) increased from 12.7% in 2012 to 18% in 2016 which means there is an increase of 5% with no difference in gender (Boys 17.1%, girls 17.9%).
150. The implementation of the revised ECD policy (2016) takes into consideration the 5 thematic areas namely Education, Health, Hygiene and Sanitation, Nutrition and Child protection that ultimately enhance physical, psycho-social, emotional and cognitive development needs of children.
151. The ECD program offers services in a holistic manner focusing on children from conception to 6 years of age. ECD services are provided through 3 approaches: ECD Model centers at district level that serves as reference for stakeholders willing to support GoR in scale up, community based centers established by local community leaders, and through home based child care interventions. In this regard, the ECD program focuses on equipping

parents with the capacity to perform their parental obligations by providing them with training to help their children on speech stimulation, learning through play, fundamental math and literacy skills, mental and sensory development and other cognitive skills. Rwanda has achieved improvements in the field of child care, reducing maternal and infant mortality, sanitation and nutrition as well as opportunities for early learning.

152. The Government and its partners have modelled 17 ECD Centers in every District by providing ECD Kits, outdoor equipment and financial support to improve infrastructure; making a total of 90 ECD model centers nationwide. In line with building the capacity of human resources on ECD program, training of caregivers on the use of ECD Kits was conducted. In the same perspective, training of ECD stakeholders (pre-school teachers and head teachers, heads of health centers, Sector Education officers, district Education Officers) on the Early Childhood Development Program was conducted.
153. In addition, the Government of Rwanda has established the National Early Childhood Development Program in October 2017 to specifically monitor the implementation of the ECD Policy strategic plan 2016-2021 and coordinate all ECD related interventions.
154. In the perspective of ensuring that the principle of child and family protection is owned by the community at grassroots levels, the Government of Rwanda in collaboration with UNICEF has initiated a system of volunteers known as “Inshuti z’Umuryango” (Friends of the Family) who are responsible for protecting children from violence, exploitation, neglect and prevent the occurrence of child protection risks notably through the sensitization of households on positive parenting and other child-friendly and child protection practices at community level.
155. Other homegrown initiatives such as parents’ evening forum (*Umugoroba w’ababyeyi*) and *Umuganda* (Community works) also provide platforms to mobilize and engage community members in family promotion and child protection. Loosely translated as “Parent’s evening”, the *Umugoroba w’Ababyeyi* is a parents’ evening forum that happens once a week in all villages across the country where men and women come to deliberate on various community issues, from security to socio-economic and cultural issues.
156. The GoR continues providing assistance and support to vulnerable families in order to help them raise their children. As it was above mentioned, majority of families that are benefiting from the two core VUP programs i.e. Direct Support and Public Works, are households with children (67% and 89% respectively). Moreover, other social protection programs like *Ubudehe* program, One Cow per poor family (*Girinka*) program, Community

Based Health Insurance, etc. have been also established and are implemented targeting vulnerable families, including those accommodating children.

## **Separation of Children and family reunification**

157. *The Committee commends the State Party for providing for the legal entitlement of the child to family environment. It is also notable that the Government takes alternative protection care measures where children are deprived of their family environment. The Committee recommends that the State Party gives priority to prevention of separation of children from their parents through identification of the causes of separation and by taking measures to rectify the causes. Further, the Committee strongly encourages the State Party to work towards family reunification and reintegration for separated children. Finally, the Committee recommends for the State Party to standardize and closely monitor foster care and social welfare institutions to ensure that children are provided with their basic needs as enshrined in the African Children's Charter.*
158. The main legislative measure pertaining to family reunification is stipulated by the Constitution of the Republic of Rwanda of 4<sup>th</sup> June 2003 revised in 2015<sup>25</sup> and Law No. 54/2011 of 14/12/2011 relating to the rights and the protection of the child.<sup>26</sup>
159. On administrative aspect, the Strategy for National Child Care Reform was adopted by the Cabinet in March 2012 and resulted in “Tubarerere Mu Muryango Program” (TMM) as well as “Inshuti z’Umuryango”<sup>27</sup>
160. The National Strategy for Child Care Reform recognizes that transformation of orphanages is an entry point to building sustainable child care and protection systems, and the review of its time frame was quite important for safely transitioning children from existing orphanages into families through the already existing *Tubarerere Mu Muryango* (Let’s raise children in families) Program for the sake of fast tracking the implementation of the strategy for National Child Care Reform. The program also focuses on preventing the separation of children from their parents and families by supporting vulnerable families to

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<sup>25</sup> Article 18 of the Constitution.

<sup>26</sup> Article 14 of the law No. 54/2011 n°54/2011 of 14/12/2011 relating to the rights and the protection of the child

<sup>27</sup> *Inshuti z’Umuryango* (Friends of the Family) is an established structure composed of volunteers in all villages who are responsible for preventive interventions of GBV and child Abuse, receiving reports of abuse and identifying children at risks. They sensitize communities on GBV prevention and educate parents on positive parenting and other child-friendly practices at community level.

remain together. 3,108 children have been placed in family- or community-based care, as of March 2018, under the TMM program.

161. The Government of Rwanda through the National Commission for Children recruited, trained and deployed 68 new professional social workers and psychologists to lead the process of placing children in loving and protective environment (in their biological family, kinship or foster care). TMM professional social workers provide advice and guidance to children and foster families before child placement and monitor children's integration into their new homes in collaboration with TMM volunteers.
162. For sustainability of the reintegration services for children previously living in orphanages and the prevention of child institutionalization-related services, the Government is in the process of integrating social workers and psychologists in all the Districts.
163. The education, health care, counselling and community based services are given to children through their families with the support of professional and paraprofessional social workers mentioned above. This include the social protection and the family strengthening programs.
164. The reunification of children deprived of their families starts with awareness raising at local level to ensure that the communities are fully aware of the process, engaged and provided opportunities to assist these children.
165. Using refined assessment instruments, and in partnership with the social welfare institutions managers, local authorities and professional social workers and psychologists carry out a comprehensive assessment of every child based on 9 pre-established steps<sup>28</sup>.
166. Regarding the functioning of institutions taking care of children, the Government of Rwanda financially supports those institutions through earmarked funds to Districts of location to ensure that no child accommodated in the institution lacks basic needs (Feeding,

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<sup>28</sup> (1) Initial assessment for each individual child; (2) Family tracing to explore all options, including if necessary foster care; (3) Family assessment to assess needs and risks prior to placement; (4) Placement decision to determine the right family that matches the best interest of the child; (5) Intensive child and family preparation to address needs and risks identified during the assessment phase; (6) Care plan developed where appropriate and in partnership with the caregiver and community partners to ensure that future monitoring and support needs can be measured and adjusted as needed – this includes the older adolescents and adults who will need specialized support such as legal support, psychosocial support, shelter, vocational training and employment; (7) Placement of the child into family alternative starting by birth family, extended family, foster family and/or adoption; (8) Post placement support/follow-up for monitoring and supporting the placement to ensure child protection is guaranteed and sustained and (9) Regular monitoring and reporting of children placed in families is nowadays carried out through physical home visits by professional social workers and psychologists and “Inshuti z’Umuryango” followed by paper based reporting but the ultimate vision is to use innovation and technology including rapid SMS linked with the “Umudugudu” (Village) to quickly support children reintegrated in their biological families or alternative care including adoptive children.

clothing, health insurance, medication, special services for children with Disabilities and education).

167. The same institutions report annually to the District of location on their achievements and on the usage of the financial support disbursed to them with a copy to the National Commission for Children for potential recommendations.

### **Alternative care and adoption**

168. *The ratification of the Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption by the State Party is praiseworthy. However, the Committee notes that inter-country adoptions are suspended until appropriate mechanisms are set in place. Though the Committee encourages the State Party to intensify its efforts to concentrate on and promote domestic adoptions as a priority, the Committee also calls upon the State Party to expedite the process of the development of appropriate implementation tools and mechanisms for inter-country adoptions. In addition, the Committee encourages the State Party to formulate mechanisms by which it monitors and evaluates adoption procedures and post-adoption situations for both international and domestic adoptions.*

169. The law governing Persons and Family determines the essential requirements for intercountry adoption and provides for an order of the Minister in charge of children determining other conditions to be considered in intercountry adoption and the procedure thereof.<sup>29</sup>

170. The Ministerial Order n° 001/MIGEPROF/2017 of 16/01/2017 determining conditions to be considered in intercountry adoption and the procedure thereof provides for the annual report from the adoptive parents which is an invincible monitoring tool that captures the information on how the adopted child is cared, the education of the adopted child, medical conditions of the adopted child and whether there are no acts of violence against the adopted child.<sup>30</sup>

171. The law governing Persons and Family mentions the conditions that determine the selection of the future adoptive parents basing on their integrity, stability, income, health status, identity and maturity. Also, the Ministerial order n° 001/MIGEPROF /2017 of 16/01/2017 in its article 8 gives others supplement to the mentioned conditions.

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<sup>29</sup> See article 318

<sup>30</sup> See article 15

172. The welfare of children under local adoption are regularly monitored by local social welfare officers that are supported by *Inshuti z'Umuryango*.
173. Post adoptive services for children and their families at international level are provided in collaboration with different organs such as the Ministry of Foreign Affairs, Cooperation and East African Community (MINAFFET), the embassies of Rwanda and the Central Authorities in charge of the implementation of The Hague Convention on protection of children and cooperation in respect of intercountry adoption in receiving states.

## **VIII. PROTECTION OF CHILDREN IN MOST VULNERABLE SITUATIONS (arts. 13, 22-23 and 25): SPECIAL PROTECTION MEASURES**

### **Refugee children**

174. *While appreciating the adoption of the National Refugee Policy and the collaboration of the Government with UN agencies and other CSOs, the Committee is concerned about the services provided for refugee children; sexual exploitation of children in refugee camps; early pregnancies in refugee camps; and the unacceptable standard of living conditions in the refugee camps. There are also indications that refugee children are not properly registered and provided with birth certificates.*
175. *Therefore, the Committee calls upon the State Party to take concrete steps to enroll refugee children in the local health care services. The State Party is encouraged to combat sexual exploitation and early pregnancies in refugee camps by prosecuting perpetrators of sexual abuse. The Committee also recommends that the State Party fortifies its efforts to register and issue birth certificate for refugee children. In addition, the State Party is encouraged to evaluate the conditions in place for the reunification of children with their parents and to ensure that these conditions do not result in multiple violations of the rights of children.*
176. The Government of Rwanda maintains its commitment to the protection of the rights of refugee children and unaccompanied refugee children in particular. As of end January 2018, refugee children totaled 79,905, including 39,589 females and 40,316 males, representing 49% of the total refugees' population in Rwanda.
177. Children refugees hosted in camps and outside have access to all services provided by the Government of Rwanda. A Community Integrated Approach has been adopted whereby

refugees are provided equal access to service facilities including health facilities, schools, and Isange One Stop Centers.<sup>31</sup>

178. Through the partnership of the Ministry of Disaster Management and Refugees with UNICEF, UNHCR and some NGOs, children in refugee camps are offered a comprehensive package of services that include medical care, services provided by Isange One stop centers (medical, psychological, legal, forensic), birth registration, primary and secondary education, Early Childhood Development (ECD), family tracing and reunification, participation in annual Children summit and others.
179. In 2017, a total of 9,735 refugee children were enrolled in ECD, 30,000 in primary and 11,134 in secondary schools.
180. A system to register children born in refugee camps is in place and implemented across all refugee camps in Rwanda. Extensive sensitization on child registration were conducted in refugee camps through which 7,801 and 11,212 children were registered in 2016 and 2017 respectively.
181. The Government has also adopted the Ministerial Order N° 01/MIDIMAR/13 of 03/12/2013, determining appropriate measures of tracing family members of unaccompanied refugee children for reunification through this program of reunified refugee children with their families. In this regard, 38 Burundians unaccompanied children were reunified. During the reporting period.
182. *Moreover, the Committee urges the State Party to take vigorous steps to prevent soil erosion and landslides in all refugee camps; to provide sufficient water in the camps; to provide sanitation and hygiene facilities; and to build latrines in refugee camps. To this end, the Committee urges the State Party to collaborate with UN agencies and other international as well as national organizations.*
183. In 2014, the Government of Rwanda through the Ministry of Disaster Management and Refugees (MIDIMAR) has developed a contingency plan with scenarios for the likely situation based on the risk and hazard profile and on rainfall forecasts. The rainfall forecast

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<sup>31</sup> The Rwandan Government has invested efforts in strengthening the capacity and financial resources of Isange One Stop Centers as they are currently operational in 44 District Hospitals, and refugees also benefit from IOSC services through medical centers established in refugee camps.

has revealed that most parts of the country currently receive normal to above normal rainfall between March to May and between October and December every year.

184. The Contingency Plan also draws on historical data and experiences of the occurrence of disasters of floods and landslides as a building block for coming up with planning assumptions and likely scenarios.
185. The overall objective of the Rwanda National Contingency Plan for floods and landslides is to support the timely, efficient, consistent and coordinated response to anticipate floods and landslides in the rainy season, thus effectively reducing the impacts on human population, livelihoods, lifelines, infrastructure and the environment. This in turn helps reduce the scale of humanitarian needs to the affected population.
186. This contingency plan is relevant to the whole population of Rwanda including the refugee camps settled on the Rwandese territory. As provided for in the 2014 contingency plan, the Government works with UNHCR, UNICEF and development partners to reduce mortality and morbidity cases due to WASH-related diseases through the provision of safe water and sanitation services to the affected population especially those in refugee camps. The Government in collaboration of partners manage their efforts to contain rain water to reduce risks of damaging houses of refugees and soil erosion in refugee camps.
187. Every year the Government of Rwanda signs partnership agreements with its partners to provide sufficient and clean water in all refugee camps<sup>32</sup>. The mechanisms were also put in place to collect rainwater for domestic use. Currently, the issue of water insufficiency in refugee camps has been completely settled.

### **Children in armed conflicts**

188. *The Committee commends the efforts that the Government has exerted for the physical and psychological rehabilitation as well as social reintegration of children affected by armed conflicts and ex-combatant children. Nevertheless, studies and reports show that military groups operating in neighboring countries, particularly in Democratic Republic of Congo, recruit children from Rwanda as soldiers. The Committee recommends that the State Party enters into bilateral and multilateral agreements to prevent recruitment of children by armed groups in other countries and facilitate the return of children who are already recruited. The Committee also encourages the State Party to strengthen its border security and its*

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<sup>32</sup> The Government of Rwanda signed partnership with OXFAM and GHDF to provide clean water in refugee camps

*immigration policy on travel with children. Finally, the Committee calls upon the State Party to introduce a proportionate sanction against those who recruit children in armed conflicts.*

189. The Government of Rwanda has no information on the alleged recruitment of children soldiers in Rwanda by armed groups in neighboring countries including the Democratic Republic of Congo.
190. The Government of Rwanda through Rwanda Demobilization and Reintegration Commission (RDRC) closely collaborates with MONUSCO which is in charge of Disarming members of armed groups (adults and children associated with armed groups) in the Democratic Republic of Congo. After the disarmament process, MONUSCO shares information with RDRC for the repatriation process of children withdrawn.
191. With collaboration from MONUSCO, sensitization sessions of the population closer to the border on prevention of recruitment of children in non-state armed groups are undertaken through media, documentary films and testimonies through skype.
192. Regarding the strengthening of the border to prevent any tendency to recruit Rwandan children in armed groups from neighboring countries, there are strong existing mechanisms in place. These include raising awareness of the population about the negative effects of recruiting children in armed groups in neighboring country, deployment of security agents at non-gazetted borders to record movements of people from Rwanda to neighboring countries and vice versa, joint operation between Rwanda National Police and the Directorate General of Immigration and Emigration for the identification and rescue of potential victims of human trafficking, daily control of movements at all borders and individual checking of every passenger to know his/her origin, destination and reason for travelling so as to ensure that there is no unaccompanied child who crosses the border.
193. As for the very few returnee children who have been conscripted into armed groups in neighboring countries, from 2009 to 2018, 295 children from armed group were received at the Centre for rehabilitation and reintegration. 279 were reintegrated in the community through the DDRR (Disarmament, Demobilization, Rehabilitation and Reintegration) process with provision of necessary means to start up a new life, generally through vocational training and a start-up kit at the end. Sometimes children reintegration into ordinary education is done based on a case by case assessment. During the reporting period 16 children were still in the center.

194. When children are at the demobilization Centre, they are protected against any form of exploitation because even if the Centre is open to the population, children follow a specific program whose objective is to facilitate their social reintegration. Children are not isolated since UNHCR and ICRC carry out their activities at the Centre, but any person with the intention of exploiting the children cannot have access to the Centre, in any case, it would not be possible to commit such an offence even if one could enter the Centre, since children are under permanent care by the personnel of the center.
195. An Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code<sup>33</sup> in Article 221 and 459 provides penalties for exploiting a child by involving him/her in armed conflicts or carrying out recruitments or inciting or making agreements with armed groups . In reviewing the Penal Code, it is proposed to increase the highest penalties to discourage the commission of this offence.

### **Children in conflict with the law**

196. *The Committee welcomes the various measures taken by the Government following its recommendations on the initial report; the measures include providing special proceedings and chambers for minors in conflict with the law; and providing free legal aid services for children in conflict with the law. However, despite the legal framework which entails the establishment of Juvenile Chamber in each Intermediate Court, the Committee regrets that the practice deviates from the law. The Committee also notes with dissatisfaction that the number of judges specialized in juvenile justice are very limited. Therefore, the Committee recommends that the State Party allocates sufficient budget to establish specialized juvenile chambers in all intermediate courts pursuant to Article 9 Law N° 51/2008. The Committee further recommends that the State Party trains more judges on juvenile justice and assign them in each specialized juvenile chamber. In relation to separation of children from adults in detention places, the Committee appreciates the initiatives taken to establish a rehabilitation center in Nyagatare district. However, the Committee is of the view that such centers should be established in all regions to ensure that children are not detained with adults. Furthermore, the Committee urges the State Party to comply with the U.N Rules for the Protection of Juvenile Deprived of their Liberty, and the UN Standard Minimum Rules for the Treatment of Prisoners with regard to the standards of detention of children and to take into account the Guidelines on Children in the Justice System in Africa.*

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<sup>33</sup> Article 221 of the Organic Law no 01/2012/OL of 02/05/2012 instituting the Penal Code.

197. The Government of Rwanda has done a lot with regard to strengthening the juvenile justice system mostly through putting in place the Justice for Children Policy and Legal Aid Policy of 2014, and the specific law N° 54/2011 of 14/12/2011 relating to the rights and the protection of the child<sup>34</sup> that comply with U.N Rules for the Protection of Juvenile Deprived of their Liberty, and the UN Standard Minimum Rules for the Treatment of Prisoners with regard to the standards of detention of children and to take into account the Guidelines on Children in the Justice System in Africa.
198. Specifically, the Justice for Children Policy reiterates that children shall benefit special procedures including a specialized chamber and from that point the judges in that Chamber receive periodic trainings on juvenile justice and the Government allocates appropriate budget for the running of the juvenile chambers.
199. Juvenile specialized chambers are established in all Intermediate Courts. Each intermediate court has 2 judges (President of the Court and V/President) who are entrusted to the cases of minors in conflict with the law. Those judges have been trained on Justice for Children.
200. There are other mechanisms in place to enable a friendly justice system that focuses on reconciliation as provided for by the Justice for Children Policy.

### **Children of imprisoned parents or caregivers**

201. *The Committee commends the establishment of ECD centers for children under three years of age whose mothers are imprisoned. The Committee however has strong concerns about children above the age of 3 years whose mothers or caregivers are imprisoned. Accordingly, the Committee urges the State Party to extend the protection accorded to children under the age of three to young children as enshrined in the Charter and also to children whose primary care- givers are found criminally liable. The Committee highly encourages the State Party to make reference to its General Comment No.1 on Article 30 of the African Children's Charter for detailed implementation strategies of the provision.*
202. The law n° 30/2013 of 24/5/2013 relating to the code of criminal procedure<sup>35</sup> provides for special detention facilities for women and minors. Children below the age of 3 years of imprisoned parents are protected and they get adequate services such as special diet,

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<sup>34</sup> Articles 60,61,62,63 and 64 of the law N° 54/2011 relating to the rights and the protection of the child.

<sup>35</sup> Law N° 30/2013 of 24/5/2013 relating to the code of criminal procedure, Article 230.

vaccination, medical treatment and recreational activities while benefiting from irreplaceable maternal care. Psychosocial services are provided to those children by professional social workers and psychologists from detention centers. At 3 years, all children living with their mothers who are incarcerated are reintegrated into their biological families or foster families.

203. With regard to the right to health, a child with the help of the prison administration, benefits from all immunization services for the children of the same age and benefits from medical treatments that other children of the same age receive from health care institutions.
204. On the right to be registered in civil status registry, every child born in the prison is registered in the manner and period provided for by the Law with the help of the prison administration.
205. Children above 3 years whose mothers or caregivers are imprisoned do benefit from the existing community-based social protection mechanisms in accordance to the vulnerability observed on the child.

#### **Children in situation of exploitation and abuse**

206. *On issues of child labor, the Committee appreciates the adoption of a new Labor Law No 13/2009 which defines the minimum age of employment as 16 years as well as the National Policy for the Elimination of Child Labor and the 5-year Action Plan to Combat Child Labor. It is also notable that there are labor inspectors in all districts and that a National Consultative Committee on Child Labor has been established.*
207. *Despite these measures, the Committee regrets that children are still forced to engage in agricultural works and worst forms of domestic labor; which leads to a high rate of child labor. Therefore the Committee recommends for accelerated complementary measures to be taken towards the implementation of the laws and policies in this regard. To this end, the Committee encourages the State Party to investigate and prosecute those who employ children below the age of 16.*
208. *The Committee also recommends that the State Party sensitizes the society about the negative consequences of worst forms of domestic labor and intensifies its support to financially disadvantaged families such as through 'one cow to one family program, program to provide small animals to poor families and fertilizer subsidies.*
209. *Moreover, the Committee encourages the State Party to give vocational training to poor parents and assist them to generate income to avert the use of their children as domestic workers to earn income.*

210. Rwanda as a signatory to the International Labor Convention N° 138 of 26th June 1973 concerning the Minimum Age for admission to Employment; and the International Labor Convention N° 182 of 17<sup>th</sup> June 1999 concerning Worst Forms of Child Labor, is committed to the elimination of child labor, particularly in its worst forms, by preventing, investigating and prosecuting such cases.
211. The Law N° 13/2009 under review proposes penalties for those engaging in the worst forms of child labor. However, in the meantime, there are administrative sanctions in place in the new Ministerial Instructions N° 01/2017 of 17/11/17 on the prevention and fight against child labor which is being implemented to fight against the worst forms of child labor and hazardous work. The Ministerial Instructions take into consideration domestic child labor for children under 18 years among prohibited worst forms of child labor, and are very useful to fight child labor mostly in the informal economic sector.
212. It is also worth noting that the human trafficking draft law and the law on the rights of the child are currently under revision and should provide further protection in the informal sector.
213. The existing legal framework also covers hazardous works and domestic child labor under the Ministerial order n° 06/2010 determining the list of worst forms of child labor. Domestic child labor as well as agricultural hazardous work are already on the list of hazardous work prohibited for children under 18 years old.
214. The Government of Rwanda put in place all necessary legal instruments helping to investigate and prosecute those who employ children below the age of 16. Inspections are conducted by labor inspectors in collaboration with the District steering committees. As a result, employers and parents found engaging children in the worst forms of child labor are punished. During the period 2015/2017, about 396 employers were punished while 8,383 children were withdrawn from child labor and reintegrated in their family and in schools.
215. Since 2015 the Government of Rwanda has allocated Frw 30,000,000<sup>36</sup> to facilitate the labor inspectors to investigate cases and raise awareness on the issue of child labor. The budget was increased from Frw 17,000,000 per year in 2014 representing 58%.
216. Concerning the recommendation to sensitize the society about negative consequences of worst forms of child labor; the Government of Rwanda took into consideration the awareness raising on the prevention and fight against child labor as one of the key strategy in combating worst forms of child labor including domestic work. This is effectively done through monthly

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<sup>36</sup> Approximately USD 35,000.

Community work (Umuganda). A strategic plan on the elimination of child labor as well as the reviewed document of Ministerial guidelines n° 01/2017 on the prevention and fight against child labor were sent to all concerned institutions both at central and decentralized level in order to be used as tools during the sensitization of local community.

217. The GoR is committed to protect children from any form of abuse and exploitation. Among the mechanisms put in place to prevent them include *Umugoroba w'ababyeyi*, anti GBV clubs in schools and *Inshuti z'Umuryango*, as well as Isange One Stop Centers, providing victims with shelter, medical treatment, psychosocial counselling, and medical-legal aid under one roof. During the reporting period, the Centers were increased from 7 to 44 (in 2017). Efforts to prosecute child abuse offences have been also increased. National Public Prosecution Authority (NPPA) won 1,109 out of 1,355 cases of child defilement decided by courts in 2016/2017, meaning the conviction rate of 81.85%.

218. The Government also provides to farmers and other people in the agricultural sector inputs (seeds and fertilizers) under its subsidy scheme to increase production of farm products. The program helps farmers to obtain fertilizers and improved seeds affordably and on a timely basis.

219. As it was above mentioned, various programs aimed at assisting poor parents and helping them to generate income have been established including the VUP program and one cow per poor family.

## **IX. HARMFUL PRACTICES (arts. 1(3) and 21)**

220. The Government of Rwanda is determined to prevent, fight and punish any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the Charter.

221. In accordance with the Rwandan legislation, the law takes precedence to the custom. The Constitution of the Republic of Rwanda of 2003 revised 2015 stipulates that any law, decision or act contrary to the Constitution is without effect. The Constitution, further provides that unwritten customary law remains applicable provided it has not been replaced

by written law, is not inconsistent with the Constitution, laws, and orders, and neither violates human rights nor prejudices public security or good morals.

222. Harmful practices such as female genital mutilation, female child infanticide and ritual homicide of people with albinism are not cultural practices in Rwanda. Moreover, the Government is pleased to report that during the reporting period there has been no incidences of the above harmful practices reported or identified within its jurisdiction. Particularly, there is no single case on the violence committed against children with albinism which was reported. There were also no cases of female genital mutilation or female infanticide as a cultural practice that was reported.
223. Male child preference is not recognized in Rwanda as the law guarantees equal protection to all children, boys and girls, without any discrimination.<sup>37</sup> More to this, tremendous efforts are being made by the Government to change the patriarchal mindset of some of its citizens through continued sensitization campaigns and trainings conducted in partnership with various stakeholders, including civil society organizations and religious leaders.
224. With regard to early marriages the domestic legislation strictly prohibits the practice. The Rwandan Constitution of 2003 revised in 2015 recognizes only a civil monogamous marriage between a man and a woman.<sup>38</sup>
225. To implement this Constitutional provision, the law governing Persons and Family sets the minimum age for marriage at 21<sup>39</sup> and only recognizes legal marriage as civil monogamous marriage contracted upon mutual consent before the public administration.<sup>40</sup>
226. Further, the penal code strictly criminalizes an act of living as spouses with a minor as child defilement.<sup>41</sup> The laws apply equally to the refugees on Rwandan soil.
227. Foreigners can celebrate marriage in Rwanda. While celebration of marriage is governed by Rwandan law; substantive requirements are governed by the national law of each of the spouses if it does not contravene public order and good morals of Rwandans.<sup>42</sup>
228. The Government acknowledges the current challenge of early pregnancies. The Government is investing efforts in combating the issue including raising public awareness on the issue, prioritizing investigation and prosecution of those involved. In this regard for

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<sup>37</sup> Article 3 of the Law N° 54/2011 of 14/12/2011 relating to the rights and the protection of the child, *Official Gazette* No. 26 of 25/06/2012.

<sup>38</sup> The Constitution of the Republic of Rwanda of 2003 revised in 2015, Article 17

<sup>39</sup> Law governing persons and family, Article 168

<sup>40</sup> Law governing persons and family, Article 166.

<sup>41</sup> Penal Code, Article 195.

<sup>42</sup> Law governing persons and family, Article 179

example, in 2014/2015 a total of 814 cases were pronounced by courts while 840 and 830 were pronounced in 2015/2016 and 2016/2017 respectively. The Government is determined to intensify efforts with the view of eradicating the issue.

## **X. CHILD JUSTICE (art. 17)**

229. Rwanda has put in place a specialized chamber to try cases involving juveniles.<sup>43</sup> There are other mechanisms in place to enable a friendly justice system that focuses on reconciliation as provided for by the Justice for Children Policy of 2014.
230. Justice for Children Policy together with the Legal Aid Policy of 2014 establish mechanisms to improve legal aid provision to minors in conflict with law.
231. The Government of Rwanda ensures that all juvenile accused of criminal offence are offered legal assistance and fair trial guarantees. Between 2013 and 2017, about 9,403 juvenile offenders were represented during investigation and trial levels under collaboration between Rwanda Bar Association (RBA) and the Ministry of Justice.
232. Convicted juvenile offenders are detained separately from adults. Juvenile offenders serve their terms in Rehabilitation Centers where they are provided with formal education and vocational training under the same conditions as other children in the community. They are allowed to sit for national exams just like other children. Between 2017 and 2018, thirty-four (34) juveniles who demonstrated high discipline and passed well national exams benefited from Presidential pardon.
233. The Government of Rwanda ensures the protection of all child victims and/or witnesses of crimes through adequate legal provisions and regulations that are in accordance with the Charter. Article 128 of the law on evidence states that witnesses of crimes will be provided adequate protection measures. Since children under twelve (12) years are qualified to testify according to article 58 of the criminal procedure, the National Public Prosecution Authority (NPPA), through a special unit protecting victims and witnesses, extends its protection to children.
234. The Government of Rwanda organizes training for law enforcement officials, Rwanda Correctional Services (RCS) Staff, Judicial Police Officers and Prosecutors on the rights of detained persons in general and the rights of vulnerable detainees and other specific groups of detainees including detained children. For instance, a total of 132 RCS staff were trained in 2015.

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<sup>43</sup> The specialized chambers to try cases involving juvenile are established under intermediate courts.

235. According to the Rwandan legislation, a minor aged below fourteen (14) years shall not be subject to prosecution.
236. The newly created Rwanda Investigation Bureau (RIB) has got a specific division in charge of children's matters, and is expected to boost the quality and professionalism in prevention, investigation and justice delivery for child rights violation cases.

## **XI. RESPONSIBILITIES OF THE CHILD (art. 31)**

237. *The Committee is pleased to learn from the State Party's report that responsibilities of the child are incorporated in its legislation and that the State Party recognizes the right to participation as a tool to make children responsible. The Committee would also like to encourage the State Party to sensitize the society as well as government organs that the responsibilities of the child is no way lead to violations of their rights. The Committee calls upon the State Party to adopt a right based implementation approach in this regard.*
238. Article 6 of the Law n° 54/2011 of 14/12/2011 relating to the rights and the protection of the child stipulates that in all judicial and administrative proceedings related to the child, the primary consideration shall be in the best interests of the child. Public or private social welfare institutions, schools, legal guardians or anybody or any other individual responsible for the child shall, in the process of taking any decision concerning the latter, always take into consideration the best interest of the child.
239. The Law n° 32/2016 of 28/08/2016 governing persons and family defines the best interest of the child as factors to be considered to prevent any prejudice to the child's rights especially with respect to his/her care, education, culture, property and others towards the child's protection.<sup>44</sup>
240. The children's forum committees at all levels and the National Children's Summit are strategic platforms for children to express their views regarding their rights, their duties and their expectations from the parents, Government and partners.
241. Responsibilities of children are never accepted as excuses for violations of their rights and a right based approach is used for their implementation, taking into consideration the age and the level of understanding of the child concerned. The Early Childhood Development (ECD) Policy revised in 2016 emphasizes positive parenting as a key driver for the appropriate education of children. In addition to this, a number of strategies were undertaken

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<sup>44</sup> Law governing persons and family, Article 2, (10).

to promote positive parenting including parents and caregivers training with the view of promoting positive discipline. Parents' evening forums (*Umugoroba w'Ababyeyi*) and community training sessions on “*Noza imibanire mu muryango wawe*” (live in harmony with your family members) are the other mechanisms used to further promote positive parenting.

## CONCLUSION

242. Rwanda has made tremendous progress in child rights promotion and protection and has been effectively implementing its regional and international commitments in this regard, including the ones contained in the African Charter on the Rights and Welfare of the Child (ACRWC). This has been possible due to high political will of the top leadership of the country.

243. Specifically, child rights matters have been mainstreamed in national strategic frameworks like Vision 2020 and NST 1. The Government of Rwanda is committed to continuously promote and protect child rights at all levels and improve the living conditions of the Rwandan children.

244. The Government of Rwanda will continue to cooperate and collaborate with all stakeholders working on child rights including Civil Society Organizations, Faith-based Organizations and development partners. The Government highly appreciates the role of the African Committee of Experts on the Rights and Welfare of the Child in advancing the principles of child rights and pledges its full collaboration in this regard.