



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 44 of the Convention

#### Consolidated third and fourth periodic reports of States parties due in 2008

#### Rwanda\*

[21 January 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Acronyms and abbreviations .....		3
I. Executive Summary .....	1-18	6
II. Introduction .....	19-29	9
III. General implementation measures .....	30-91	10
IV. Definition of the child .....	92-97	22
V. General principles .....	98-137	24
VI. Civil rights and freedoms .....	138-164	30
VII. Family environment and alternative care .....	165-198	34
VIII. Health and welfare .....	199-262	39
IX. Education, leisure and cultural activities .....	263-299	55
X. Special protection measures .....	300-404	65
XI. Optional Protocols to the Convention on the Rights of the Child .....	405-408	87
<b>Annexes</b>		
I. Statistical information .....		89
II. Main reference documents .....		103

## Acronyms and abbreviations

AIDS	Acquired Immune Deficiency Syndrome
ARV	Antiretroviral therapy
ASF	Avocats Sans Frontières
BCC	Behaviour Change Communication
CAMERWA	Centrale d'Achat des Médicaments Essentiels, Consommables et Equipements Médicaux au Rwanda
CHUK	University Teaching Hospital of Kigali
CNLS	National AIDS' Control Commission
DL	Decree Law
DRC	Democratic Republic of Congo
EABC	Education, Abstinence, Be faithful and Condoms
EDPRS	Economic Development for Poverty Reduction Strategy
EPI	Expanded Programme of Immunization
ESSP	Education Sector Strategic Plan
FARG	Fund for Assistance to Survivors of Genocide of Tutsi
FOSA	Health Formation
FP	Family Planning
GCPHR	General Census of Population and Housing of Rwanda
HBM	Home -Based Management
HIV	Human Immune Deficiency Virus
HLCS	Household Living Conditions Survey
ICRC	International Committee of the Red Cross
ICT	Information, Communication, Technology
ILDPA	Institute of Legal Practice and Development
ILO	International Labour Organization
IMCI	Integrated Management of Childhood Illnesses
IPEC	International Program for Elimination of Child Labour
KURET	Kenya, Uganda, Rwanda, Ethiopia, Kenya
LDF	Local Defence Force
MAP	Multisectoral AIDS Project
MDGs	Millennium Development Goals
MIFOTRA	Ministry of Public Service, Skills Development, and Labour

MIGEPROF	Minister in the Prime Minister’s Office in charge of Family and Gender Promotion
MINALOC	Ministry of Local Government, Good Governance, Community Development and Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MINEDUC	Ministry of Education, Science, Technology, and Research
MINIJUST	Ministry of Justice
MINISANTE	Ministry of Health
NCHR	National Commission for Human Rights
NCS	National Census Service
ND	Non-determined
NGO	Non-Governmental Organization
NISR	National Institute of Statistics of Rwanda
NURC	National Unity and Reconciliation Commission
OG	Official Gazette
OPM	Oxford Programme Management
OVC	Orphans and other Vulnerable Children
PACFA	Protection and Care of Families against HIV/SIDA
PEPFAR	Presidential Emergency Plan For Aids Relief
PLWHA	People Living With HIV/AIDS
PMTCT	Prevention of Mother-To-Child Transmission (of HIV)
PNBC	Programme de Nutrition à Base Communautaire
PNILP	Programme National Intégré de Lutte contre le Paludisme
PO	Presidential Order
PTSD	Post Traumatic Stresses Disorders
RDF	Rwanda Defence Forces
RDRC	Rwanda Demobilization and Reintegration Commission
RSSF	Rwanda Social Security Fund
STD	Sexually Transmitted Diseases
STD	Sexually Transmitted Diseases
TAF	Treatment Access Form
TRAC	Treatment and Research Aids Centre
TVE	Technical and Vocational Education
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund

USAID	United States Agency for International Development
VCT	Voluntary Counselling and Testing
WFC	World Fit for Children
WHO	World Health Organization

## I. Executive summary

### Introduction

1. Drafting the third and fourth periodic reports of Rwanda on the implementation of the Convention on the Rights of the Child is in pursuance of article 44 of this Convention. In fact, this article provides that States parties undertake to submit their initial reports within two years of the entry into force of the Convention and thereafter every five years.
2. The third and fourth periodic reports of Rwanda, which are consolidated in one document, follow the initial report of Rwanda<sup>1</sup>, whose drafting process was completed in 2002 and was considered by the Committee on the Rights of the Child on 21 May 2004.
3. While drafting the report, emphasis was mainly placed on the recommendations of the Committee on the Rights of the Child made during the consideration of the previous reports.
4. The report is also focused on the eight parts of the Convention.

### General implementation measures

5. As regards the general measures of implementation (arts. 4, 42 and 44, para. 6), of the Convention, in respect of the legislation conformity with the principles of the Convention (recommendation No. 6 of the Committee on the Rights of the Child (CRC/C/15/Add.234)), in its preamble, the Constitution of 4 June 2003 refers to the Convention on the Rights of the Child, Law N° 2003/27 of 28 April 2001 relating to the rights and protection of the child against violence is under review and a number of legal texts have been enacted or revised, especially the Nationality Code (art. 7 of the Convention), the Criminal Procedure Code (art. 40 of the Convention), Law N° 40/38 of 25 September 2006 establishing and determining the organization of the National Prisons Service, Law N° 19/2002 of 17 May 2002 establishing the Rwanda Defence Forces, and Law N° 2002/25 of 19 November 2004 establishing and determining the organization and functioning of the local service in charge of assisting in maintenance of security referred to as "Local Defence Force".
6. In compliance with the Committee's recommendation No. 8 regarding coordination mechanisms, i.e. to "ensure the stability and strengthen the capacity of the ministry principally in charge of the coordination of the implementation of the Convention at the local and national levels", placing MIGEPROF in the Prime Minister's Office in 2005 solved the problem of cyclical transfer of child issues from one Ministry to another.
7. In pursuance of the Committee's recommendation 12(b) related to independent monitoring structures, a new law governing the National Commission for Human Rights was established, namely Law N°30/2007 of 6 July 2007 determining the organization and functioning of the National Commission for Human Rights.
8. The provisions of domestic legislation are more conducive to the realization of the rights of the child and these include law N° 27/2001 of 28 April 2001 (art. 19), Law N° 25/2004 of 19 November 2004 establishing and determining the organization and

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<sup>1</sup> This document, though named initial report, contained also data in the second periodic report that should have been submitted in 1997, as Rwanda adhered to the Convention in September 1990.

functioning of the local service in charge of assisting in maintenance of security referred to as “Local Defence Force” (art. 8), the Presidential Order N° 155/01 of 31 December 2002 establishing the Statutes of the National Police (art. 5), the Presidential Order N° 72/01 of 8 July 2002 establishing the Army General Statutes (art. 5). All these laws provide that persons below eighteen years cannot be recruited into the army, the local service in charge of assisting in maintenance of security referred to as “Local Defence Force” and into the National Police, the minimum age set by article 38 of the Convention being 15 years.

9. Concerning the dissemination of the principles and provisions of the Convention, of the periodic report and observations of the Committee, dissemination and awareness campaigns on the Convention, mentioned in the previous report, continued at the level of all Districts and Sectors of the country. For the drafting of the third and fourth periodic reports, not only various stakeholders dealing with children’s rights were involved, but children and the general public were also involved. Field visits were conducted for gathering information on and advocacy of the Convention, and on the process of preparing the report. Upon the completion of the report, various consulted groups were targeted for feedback.

10. Regarding cooperation with civil society (observation No. 17 and recommendation No. 18 of the Committee), this consolidated report highlights various interventions of various entities of Rwandan civil society in implementing the Convention, as well as how civil society was involved in drafting this report.

#### **Definition of the child**

11. Regarding the definition of the child (art.1) (observation No. 21 and recommendation No. 22 of the Committee), there are still discrepancies in law but even though the minimum age for performing an act may vary depending on the type of the action, the ongoing legislative reform will address all existing contradictions and harmonize the minimum age.

#### **General principles**

12. As regards general principles, non-discrimination (observation No 23 and recommendations Nos. 24 and 25 of the Committee) is reflected in all laws and even though the interviewed groups reported isolated cases of children who are vulnerable to discrimination from their social environment, all institutions are working to address such cases of discrimination. Other principles, especially the best interests of the child (observation No. 26 and recommendation No. 27), the right to life, survival and development and respect for the views of the child (observation No. 27 and recommendation No. 28) are enshrined in the Constitution and reflected in all the laws dealing with the rights of the child. They are also translated into reality as described in detail in the body of the report.

#### **Freedoms and civil rights**

13. Regarding freedoms and civil rights, there should be pointed out the enactment of Law N° 30/2003 of 29 August 2003 modifying and supplementing the Decree law n° 01/81 of 16 January 1981 relating to census, identity card, domicile and residence of Rwandans (name and nationality). Other civil rights and freedoms, notably the preservation of identity, freedom of expression, freedom of thought, conscience and religion, freedom of association and of peaceful assembly, protection of privacy, access to appropriate information, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment,

including corporal punishment, are enshrined in the Constitution and other laws on the rights of the child. The areas that contain gaps due to a lack of specific regulation will also be addressed.

#### **Family environment and alternative care**

14. As regards family environment and alternative care, the key measure, subsequent to the Committee's recommendation N° 43 o, is Rwanda's accession to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

#### **Health and welfare of the child**

15. In the area of child health and welfare, Rwanda has strongly committed itself to achieving holistic realization of children's rights by developing strategies aimed at reducing maternal and infant morbidity and mortality, controlling the population growth, improving the nutritional status of children and mothers, access to health care and drinking water and ensuring the protection of the rights and welfare of children. Moreover, a law for the protection of disabled persons has been enacted, Law N° 01/2007 of 20 January 2007 relating to Protection of Disabled Persons in general. This law contains provisions that protect children with disabilities. It is in this area of child health and welfare that many interventions of civil society are found.

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

16. Regarding education, leisure and cultural activities, there was established new education programmes focused on human resource development through literacy and basic education for all, scientific, technological, managerial and vocational training. The Government of Rwanda would like not only to build knowledge-based and technology-driven economy, but also to strengthen educational system providing girls and boys with skills and values needed for them to be good citizens. Efforts are made for such education to go hand in hand with leisure, recreation and cultural activities.

#### **Special protection measures**

17. With regard to special protection measures, laws, policies, strategies and programmes have been established to protect the categories of vulnerable children, namely refugee children, children affected by armed conflicts, children in conflict with the law, children in situations of exploitation, children belonging to a minority or an indigenous group and children living or working in the streets.

#### **Optional Protocols**

18. Having mentioned other conventions and instruments to which the State is a party, the report concludes with an overview of the initial reports on the two Optional Protocols to the Convention on the Rights of the Child, namely the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

## II. Introduction

19. According to article 44 of the Convention on the Rights of the Child ratified by Rwanda in September 1990<sup>2</sup>, States parties shall submit to the United Nations Committee on the Rights of the Child reports on the measures adopted to give effect to the rights recognized in the Convention and on the progress made in this regard.

20. The States parties submit their reports within two years of the entry into force of the Convention and thereafter every five years. In this regard, Rwanda presented its initial report on 30 September 1992. The report was considered by the Committee on the Rights of the Child on 5 October 1993 at its 97th and 98th meetings, but it was not approved because it contained gaps that made the Committee recommend that a new report be submitted within one year. Rwanda was unable to meet that deadline because of the troubles prevailing in the country at the time, which culminated in the 1994 Genocide of Tutsis.

21. For these various reasons, Rwanda finished drafting its initial report in 2002 and still with reference to article 44 of the Convention, it was agreed that the 2002 report should combine the initial and second periodic reports that should have been established five years after, i.e. in 1997. The consolidated report was considered by the Committee on the Rights of the Child on 21 May 2004.

22. The Committee on the Rights of the Child considered and approved this initial report on 21 May 2004 (CRC/C/70/Add.22) at its 953rd and 954th meetings (see CRC/C/SR.953 and 954). At its 971st meeting, it made observations and recommendations (see CRC/C/SR.971), which have been taken into account during the drafting process of this consolidated report.

23. The third report was also due in 2002 and the fourth in 2007 and that is why both periodic reports, whose due dates have passed, will be consolidated in one document. The delay is mainly due to the absence of a formal structure for the preparation of reports on the implementation of conventions to which the country is party and to the lack of technical staff in this regard. However, the lack of technical staff is compensated by the establishment within the Ministry of Foreign Affairs of a Treaty Reporting Task Force conducting a thorough review of reports prior to their adoption by the Cabinet and their submission to relevant bodies.

24. This consolidated third and fourth periodic report covers the period from the date of submission of the previous report in June 2002 until the finalization of this report.

25. During the preparation of this report, all the concerns that were expressed in the Committee's concluding observations (CRC/C/15/Add.234) have been considered by setting forth the endeavours made by the Government of Rwanda to address them.

26. This report was prepared at the request of the Minister in the Prime Minister's Office in charge of Gender and Family Promotion. The factual information contained herein has been provided by public institutions, United Nations organizations, diplomatic and consular representations, international NGOs, national NGOs, religious denominations and Media and other development partners.

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<sup>2</sup> The ratification act is the Presidential Order N° 773/16 of 19 September 1990 (O.G. N° 21 of 1 November 1990, p.1160).

27. During the period covered by this report, Rwanda has continued to build a State based on democratic values and commitment to the principles of human rights as defined by the Charter of the United Nations of 26 June 1945, the African Charter on Human and Peoples' Rights of 27 June 1981 and by the Convention on the Rights of the Child of 20 November 1989 or other international conventions, treaties and resolutions to which Rwanda is a party.

28. The Government of Rwanda is strongly committed to ensuring better promotion and protection of human rights and fundamental freedoms, including the rights of the child. Within this framework, policies and programmes have been developed and implemented.

29. In accordance with general guidelines for periodic reports, the purpose of this new report is not to repeat the detailed information already provided, but to present changes in domestic law and practice that have occurred since the initial report and update the previously submitted data. Furthermore, the report contains information on the follow-up to the observations made by the Committee on 30 June 2004.

### **III. General implementation measures**

30. In pursuance of the Convention on the Rights of the Child, Rwanda has taken general measures of implementation regarding independent monitoring structures, new legislation, strengthening the coordination structure, existing policies and programmes and active participation of civil society.

#### **A. Conformity of the legislation with the principles of the Convention**

31. Although the initial report of Rwanda in 2002 does not mention the Constitution of 4 June 2003, it was in force when the report was presented to the Committee on the Rights of the Child in 2004. Additional information provided to the Committee mentioned the new Constitution.

32. In its preamble, the Constitution of 4 June 2003 as amended to date refers to the Convention on the Rights of the Child.

33. Apart from this reference to the Convention on the Rights of the Child, the Constitution of the Republic of Rwanda contains the provisions regarding the protection of the rights of the child, especially in its articles 27 and 28.

34. Since the adoption of the Constitution of 4 June 2003, Rwanda has embarked on a legislative reform to ensure that domestic law conforms to the new Constitution and to the principles and provisions of the Convention. In this regard, the following laws have been revised.

35. We should first point out the revision of Law N° 27/2001 of 28 April 2001 relating to Rights and Protection of the Child against Violence. Though the new law has not yet been published, the process is almost at an end because the bill of the new law is in the Parliament. The new law will bring in innovations in relation to the previous one. This law shall not only refer to the Convention on the Rights of the Child and its two Optional Protocols, but it will practically reaffirm all the rights enshrined in the Convention and Protocols, while setting forth mechanisms for implementing those rights. This revision of Law N° 27/2001 will obviously ensure the implementation of the Convention.

36. Under bills and draft laws, it is also needed to mention the draft law on prevention, prosecution and punishment of trafficking in persons. The bill which has already been passed by the Chamber of Deputies contains many provisions for the prevention and punishment of the sale, trafficking and abduction of children. The revision of the Penal Code is also advanced because the draft of the new law is in the Parliament.

37. The following laws have been enacted or revised:

### **Nationality Code**

38. Organic Law n° 30/2008 of 25 July 2008 relating to Rwandan nationality contains provisions that ensure the right of the child to nationality and it should be noted that regarding the acquisition of Rwandan nationality by birth, article 6 stipulates that “shall be Rwandan any person whose one of the parents is Rwandan “”.

Regarding the Rwandan nationality by birth, “” (art. 6)

39. In respect of acquisition of Rwandan nationality, the following provisions should be mentioned:

(a) “Any child born in Rwanda from unknown or stateless parents or who cannot acquire the nationality of one of his or her parents shall be Rwandan.” (art. 9)

(b) Article 12 specifies that “Shall automatically become Rwandan any child who has foreign nationality or who is stateless, who has not yet attained majority age or who has never been emancipated if she/he is adopted by a Rwandan.”

(c) Under the terms of article 17 “A minor who is not emancipated shall automatically be Rwandan like his/her parents if his/her birth is legally recognized in Rwanda and his/her father or mother has acquired Rwandan nationality.”

(d) The provisions of the Rwandan nationality Code ensure the protection of the right of the children to keep the acquired Rwandan nationality in case of divorce of their parents or deprivation of Rwandan nationality against their parents.

(e) In this regard, article 11, paragraph 2 specifies that “Dissolution of marriage after the acquisition of Rwandan nationality cannot have adverse effect on the nationality acquired in good faith by the spouse and the children born of that marriage”.

(f) Moreover, article 21 provides that the deprivation of Rwandan nationality cannot have adverse effects on the deprived person’s spouse and children if they subsequently acquired it, except if the person acquired or recovered Rwandan nationality in accordance with the law but through manoeuvres, false statement, falsified or erroneous documents, fraud, corruption of one among those who had a role in the relevant procedures or any other fraudulent act.

(g) Under Organic Law n° 30/2008 of 25 July 2008 relating to Rwandan nationality, majority age is 18 years of age. (art. 4)

(h) Finally, the new organic law permits dual nationality (art. 3).

**Code determining the organization, functioning and jurisdiction of Courts**

40. Organic Law n° 51/2008 determines the organization, functioning and jurisdiction of courts<sup>3</sup>.

41. Article 9 specifies that each Intermediate Court shall be comprised of a Juvenile Chamber. Article 75 specifies also that “Minors accused of any offence shall be tried on the first instance only by a specialized Juvenile Chamber of Intermediate Court», when article 76 stipulates that “The juvenile chamber shall, in addition to passed sentence, ensure appropriate safety supervision and education measures.”

**Code of Criminal Procedure**

42. A new law relating to the code of criminal procedure has also been enacted. It is Law n° 13/2004<sup>4</sup> of 17 May 2004 that, unlike the law of 1963 February that was aimed at the same purpose, contains specific procedure provisions for children, namely:

(a) Article 184 which provides that a “minor who is below the age of twelve (12) years cannot be detained in the custody”. However, for exceptional reasons, a child who is aged between ten (10) and twelve (12) years against whom there are undoubted reasons to suspect that she/he has committed an offence can, for the purposes of investigation, be detained by a judicial police officer for a period which cannot exceed forty-eight (48) hours, but only when the offence she/he is suspected to have committed is punishable with at least five (5) years of imprisonment. It is needed to recall that the age of criminal majority in Rwanda is 14 years (art. 77 of Decree-Law N° 21/77 of 18 August 1977 establishing the Penal Code).

(b) Article 185 according to which “a minor who is under prosecution must be defended by a counsel. If the minor or his/her guardians cannot choose one, the Prosecution can ask the President of the Bar Association to appoint one automatically”.

(c) Article 186, paragraph 3 specifies that the Judicial Police Officer or the Public Prosecutor in charge of the case will, through investigation, gather all the evidence concerning the economic and moral status of the family, the status of the life of the minor, his/her education and school life and the manner in which she/he lived or was brought up. She/he shall order for a medical examination and, when relevant, a psychological examination. She/he shall decide, where applicable, to put the minor in a setting where she/he can be easily monitored.

(d) According to article 188, the court chamber that is competent to try children is the one located in the area where the offence was committed, where the child resides or where parents or guardians reside, where the child was found or where she/he was sent by a judge.

(e) As to article 189, it provides that the juvenile chamber shall decide on a case after hearing from the child, witnesses, parents, guardians, the Prosecution and his/her

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<sup>3</sup> Rwanda did not wait until 2008 to incorporate in its Act determining the organization, functioning and jurisdiction of courts provisions that are conducive to the realization of the rights of the child because Organic Law n°07/2004 of 25 April 2004 determining the organization, functioning and jurisdiction of courts modified and supplemented by Organic Law n° 20/2006 of 22 April 2006, contained such provisions (arts. 74 and 75) repeated in the new law.

<sup>4</sup> This law was modified and supplemented by the Law n° 20/2006 of 22 April 2006, but no modification or supplement was made to articles related to the prosecution of juvenile offenders.

defence counsel. It can also hear from the child's co-accused or accomplices who have reached the majority age.

(f) Article 190 stipulates that the juvenile chamber shall, depending on the case before it, order appropriate measures for protection, assistance, supervision and education.

(g) Finally, article 192 specifies that the children, who are above the age of 12 years and below the age of 18 years, shall be tried by a juvenile chamber in accordance with the procedure laid down by ordinary law.

#### **Law establishing and determining the organization of the National Prisons Service**

43. Law n°38/2006 of 25 September 2006 establishing and determining the organization of the National Prisons Service provides for special protection measures for imprisoned children, namely:

(a) Article 24, paragraph 2: Incarcerated persons aged between 14 and 18 years shall be particularly supervised by competent employees.

(b) Article 25, paragraph 2: Any incarcerated pregnant or lactating woman shall be accorded special care. A child under breastfeeding shall be entitled to adequate nutritional food as required for infants and shall be given to his/her family at three years of age. In case of no family to receive such a child, the State shall provide a place where she/he shall be catered for.

(c) Article 51: A Presidential Order shall institute special rehabilitation centres to receive minors who committed offences. A Ministerial Order shall determine the organization and functioning of the rehabilitation centres<sup>5</sup>.

#### **Presidential Order establishing the Army General Statutes**

44. The Presidential Order n° 72/01 of 8 July 2002 establishing the Army General Statutes established in pursuance of Law n° 19/2002 of 17 May 2002 establishing the Rwanda Defence Forces provides for 18 years as the minimum age of recruitment into the Rwanda Defence Forces (RDF) (art. 5), the minimum age provided for by article 38 of the Convention being 15 years.

#### **Law establishing and determining the organization and functioning of the local service in charge of assisting in maintenance of security referred to as "Local Defence Force"**

45. A new law on local defence forces has been established, i.e. Law n° 25/2004 of 19 November 2004 establishing and determining the organization and functioning of the local service in charge of assisting in maintenance of security referred to as "Local Defence Force". In its article 9, this law provides that the person selected (by the Cell Council as set forth under article 8 of the same law) to be a member of Local Defence shall be at least of 18 years of age.

46. In its article 5, the Presidential Order n° 155/01 of 31 December 2002 establishing the Statutes of the National Police provides also that for acceptance into the National Police, it is needed to be at least 18 years of age.

<sup>5</sup> It is the Minister having prisons in his attributions, i.e. The Minister for Internal Affairs.

47. Regarding the incompatibility of the custom with the principles of the Convention, article 201, paragraph 3 of the Constitution of 4 June 2003 as amended to date provides that “Unwritten customary law remains applicable as long as it has not been replaced by written laws, is not inconsistent with the Constitution, laws and regulations, and does not violate human rights, prejudice public order or offend public decency and morals”. Furthermore, the population is aware of the need to change customary behaviours that are detrimental to human rights and to the rights of the child in particular.

**Law N° 59/2008 of 10 September 2008 on the Prevention and Punishment of Gender-based Violence.**

**B. Provisions of domestic legislation, which are conducive to the realization of the rights of the child**

48. Among the provisions of domestic legislation, which are conducive to the realization of the rights of the child, the following laws should be pointed out:

(a) Law N° 27/2001 of 28 April 2001 (art. 19);

(b) Law N° 25/2004 of 19 November 2004 establishing and determining the organization and functioning of the local service in charge of assisting in maintenance of security referred to as “Local Defence Force” (art. 8);

(c) Presidential Order N° 155/01 of 31 December 2002 establishing the Statutes of the National Police (art. 5);

(d) Presidential Order n° 72/01 of 8 July 2002 establishing the Army General Statutes (art. 5).

49. All the foregoing laws provide that persons below eighteen years cannot be recruited into the army, the local service in charge of assisting in maintenance of security referred to as “Local Defence Force” and into the National Police, the minimum age set by article 38 of the Convention being 15 years.

50. Even if they are enshrined in no law, in Rwanda there are better practices that are very conducive to the realization of the rights of the child, including the freedom of opinion and expression.

51. Each year, Rwanda organizes a Children’s Summit at national level at which children who represent their peers meet to discuss and express their views and make recommendations to the Government in respect of the realization of their rights. So far, four summits have been organized in 2004, 2006, 2007 and 2008. The country attaches much importance to these summits because they demonstrate the commitment towards children made by the highest authorities of the country, including the President of the Republic. Discussions per se are of course conducted by the children themselves and broadcast live on national radio and television.

52. Another practice has also been established, i.e. the fact that at each end of the year, the President of the Republic, surrounded by his close associates, receives children to wish them a merry Christmas and a happy New Year.

53. Likewise, it is also worth pointing out the establishment of a National Commission for Children whose process is almost at an end. The related draft organic law is already available. It has been passed by various stakeholders dealing with children’s rights and it is

to be adopted by the Cabinet before being submitted to the Parliament. The National Commission for Children shall mainly ensure that children enjoy their rights without discrimination and that their problems are mainstreamed in all development programmes.

### **C. Remedies available in cases of violation of the rights recognized by the Convention**

54. The remedies available for children in case of violation of their rights are those that are generally accorded to other persons when their rights are violated, of course depending on the type of violated rights.

55. In this connection, the violations of the rights of the child constituting crimes such as sexual violence are lodged before criminal courts. Children themselves can file complaints but when they are very young, parents, guardians or other persons in charge of them can do it on their behalf. When the violations of rights are within the jurisdiction of the civil courts, the action is taken by the person in charge of the child because the latter has not yet reached the majority age of 21 years.

56. There are mechanisms that enable children to seek redress in case of violations of their rights:

(a) The Police have a specific interview room to interview child witnesses or victims of violence;

(b) At the level of each administrative sector, there is a Police officer trained in the field of child rights, techniques of interviewing children and preparing files. She/he is responsible for security in general but specifically for ensuring that violence against children and women is prevented and that the reported perpetrators are prosecuted;

(c) There are also telephone numbers (3512 for the National Police and 3430 for the National Commission for Human Rights), including a mobile phone with free call for any person willing to report abuse, violence, especially children and women who suffer the most from such violence, their representatives or members of the community in general. The prosecutor office has also a toll-free number and a service for the protection of witnesses.

57. Here, we should also recall the work of the Observatory on the Rights of the Child within the National Commission for Human Rights. At Sector level, the responsibilities of the Monitoring Committee include identifying and gathering the cases of violations of child rights and the fact that four children are members on this committee facilitates this task carried out in collaboration with MIGEPROF.

58. There are also private initiatives in this regard. A case in point is HAGURUKA; a national NGO specialized in defending the rights of women and children which set up in secondary schools clubs on the Rights of the Child. These clubs can offer legal advice principally to child victims of violence<sup>6</sup>.

59. As regards mechanisms for coordinating policies relevant to children and for monitoring progress achieved in respect of the Convention, related information was provided pursuant to the Committee's recommendation No.° 8 of (see above).

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<sup>6</sup> The total number of clubs is 75 clubs in the Districts of Huye, Nyamagabe and Rusizi. Such clubs are run by teachers and they provide a framework for discussions between children and pupils.

## D. Coordination of the implementation of the Convention

60. Since 2003, the Ministry of Gender and Family Promotion has been mandated to develop policies and programmes for children and ensure their implementation.

61. As the area of the promotion, protection of the rights and welfare of the child is a cross-cutting sector; MIGEPROF therefore coordinates various activities implemented by various partners including representatives of government and parastatal departments, civil society, private sector, United Nations agencies, other international development partners, decentralized structures and children themselves<sup>7</sup>.

62. To assess the progress made, monitoring and evaluation mechanisms have been established:

(a) Establishment within MINECOFIN, in 2002, of a Unit in charge of Poverty Reduction Strategy, which developed a five-year national programme for poverty reduction basing on consultations with all groups of the population, including children and young people, and whose annual assessments show progress made in meeting WFC goals and MDGs;

(b) Establishment by MIGEPROF, in 2003, of a platform: the Stakeholders' Forum (technical government departments, UN agencies, national and international NGOs and civil society) from which an OVC Technical Working Group is formed to conduct monitoring and evaluation of undertaken activities;

(c) Establishment, in 2005, of a National Institute of Statistics of Rwanda (NISR), in charge of conducting nationwide data collection operations. NISR conducted the 3rd Demographic and Health Survey (DHS) in 2005 and the 2nd Household Living Conditions Survey in 2005 that provide reliable data needed for monitoring and evaluation of WFC goals and MDGs. The mini-DHS conducted in 2007 provides new information on the progress made in reducing child mortality;

(d) Annual reviews of different programmes of cooperation between Rwanda and development partners that assess especially progress made for children;

(e) Sector surveys and studies mainly conducted by technical government departments (MIGEPROF, MINISANTE, MINEDUC, MIFOTRA) with the technical and financial support from development partners including UNICEF, within the four main areas of the rights of the child: Health, education, protection and fight against HIV/AIDS.

63. In pursuance of the recommendation No. 8 of the Committee of "ensuring the stability and strengthening the capacity of the ministry principally in charge of the coordination of the implementation of the Convention at the local and national levels", placing MIGEPROF in the Prime Minister's Office in 2005 solved the problem of cyclical transfer of child issues from one Ministry to another.

64. This new status that transferred MIGEPROF from sectoral level in the Prime Minister's Office strengthened its capacity for coordination and supervision of the activities of other ministries and institutions with issues of children in their attributions.

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<sup>7</sup> MIGEPROF (2006), Draft law establishing the National Commission for Children, Kigali, November 2006.

## **E. Independent monitoring structures**

### **National Commission for Human Rights**

65. As mentioned in the initial report, Rwanda has a National Commission for Human Rights (NCHR). Initially the Commission was established by Law N° 04/99 of 12 March 1999, which was subsequently modified and supplemented by Law N° 37/2002 of 31 December 2002. Provided for by article 178 of the Constitution of 4 June 2003 as amended to date, the National Commission for Human Rights is currently governed by the new Law N° 30/2007 of 6 July 2007. The National Commission for Human Rights is independent and permanent (art. 3 of Law N° 30/2007).

66. As regards the process of appointing commissioners, they are appointed by a Presidential Order upon approval by the Senate (art. 12). There are seven commissioners (art. 11) and at least thirty per cent (30 per cent) of them shall be women (art. 12). The term of office of the commissioners is four years renewed only once. In such a term of office, commissioners are employed on a permanent basis (art. 12).

67. The NCHR funding comes from the State budget for staff costs and operating expenses on the one hand, and from funds provided by bilateral and multilateral donors to support projects operating within the Commission on the other hand.

### **Observatory on the Rights of the Child**

68. In pursuance of the recommendation 12(b) of the Committee on the Rights of the Child on independent monitoring structures, an observatory on the rights of the child was established in 2006 within the National Commission for Human Rights. The rationale for the observatory is set forth under article 24 of Law N° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence, which stipulates that the National Commission for Human Rights should set up specifications on how to follow up the protection of the rights of the child.

69. The observatory on the Rights of the Child has the following objectives:

- (a) Ensure compliance with the rights of the child;
- (b) Establish data on the status of the rights of the child;
- (c) Prevent, deter violations of the rights of the child;
- (d) Advocacy for the rights of the child.

70. The Observatory on the Rights of the Child has committees working at three administrative levels: Sector, District and National. Children are represented at each level and work with other people from various public and private institutions.

### **Office of the Ombudsman**

71. Still in respect of independent monitoring structures, we will mention here the Office of the Ombudsman. Even the office does not have a special service dealing with child issues; it gives priority to complaints filed by children given their vulnerability<sup>8</sup>.

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<sup>8</sup> Information collected from the service in charge of preventing injustice, corruption and other related crimes within the Office of the Ombudsman.

72. Within the framework of fighting against genocide ideology among children, the National Unity and Reconciliation Commission (NURC) set up clubs for unity and reconciliation in schools and it has supported associations of children for the promotion of unity and reconciliation since 2003. It has also organized solidarity camps for child heads of households and training for directors of primary schools in Provinces, since 2005<sup>9</sup>.

## F. Budget resources allocated to programmes for children

73. The resources allocated to various programmes come from two major funding sources, namely national budget on the one hand and development budget on the other hand.

### The part of the national budget by funding mode from 2004 to 2008

Table 3.1

#### Evolution of national budget (Rwf thousands) by component from 2004 to 2008

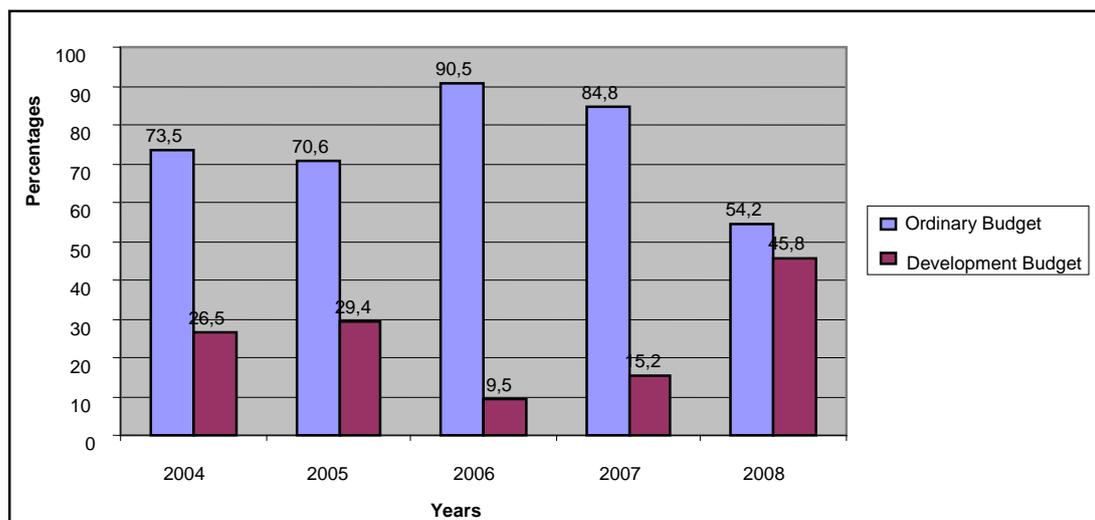
Component	2004	2005	2006	2007	2008
	Budget	Budget	Budget	Budget	Budget
Ordinary Budget	241 705	264 381	283 552	343 909	338 004
% Ordinary Budget	73,5%	70,6%	90,5%	84,8%	54,2%
Development Budget	87 200	109 943	29 641	61 493	285 222
% Development Budget	26,5%	29,4%	9,5%	15,2%	45,8%
<b>NATIONAL BUDGET</b>	<b>328 905</b>	<b>374 324</b>	<b>313 192</b>	<b>405 402</b>	<b>623 226</b>

Source: Law on State Finances 2004, 2005, 2006, 2007 and 2008

74. From table 3.1, it can be seen that the State ordinary budget has increased from year to year, whereas the development budget has decreased. Indeed, the ordinary budget has increased from 242 billion to 338 billion Rwandan francs between 2004 and 2008, while the development budget has decreased from 87 billion to 64 billion between 2004 and 2007, to increase significantly in 2008 and reach 285 billion.

<sup>9</sup> MIGEPROF, Draft law establishing the National Commission for Children, Kigali, November 2006.

Figure 3.1  
Evolution of national budget (in %) by component from 2004 to 2008



75. The evolution of the national budget between 2004 and 2008 is displayed in figure 3.1 above, with considerable differences between the national budget and development budget in 2004 (73.5 per cent against 26.5 per cent) and 2005 (70.6 per cent against 29.4 per cent), with very pronounced differences in 2006 (90.5 per cent against 9.5 per cent) and 2007 (84.8 per cent against 15.2 per cent), while in 2008 the part of ordinary budget is not very different from the development budget (51.2 per cent against 45.8 per cent). The year 2008 marks the beginning of the implementation of EDPRS (National Strategy for Economic Development and Poverty Reduction) with a significant contribution of partners to the national budget.

#### The part of the national budget allocated to health and education sectors from 2004 to 2008

Table 3.2

#### Evolution of national budget (Rwf thousands) allocated to health and education from 2004 to 2008

Sector	2004	2005	2006	2007	2008
	Budget	Budget	Budget	Budget	Budget
OB Health	8 212	10 536	11 954	14 007	15 010
DB Health	7 473	17 910	855	1 023	30 300
S/Total Health	15 685	28 446	12 809	15 030	45 310
%	4,8%	7,6%	4,1%	3,7%	7,3%
OB Education	20 417	25 985	34 685	37 517	41 424
DB Education	8 852	8 273	3 508	12 957	18 648
S/Total Education	29 269	34 258	38 193	50 474	60 072
%	8,9%	9,2%	12,2%	12,5%	9,6%

	2004	2005	2006	2007	2008
<i>Sector</i>	Budget	Budget	Budget	Budget	Budget
Total Health + Education	44 954	62 704	51 002	65 504	105 382
%	13, 7%	16,8%	16,3%	16,2%	16,9%

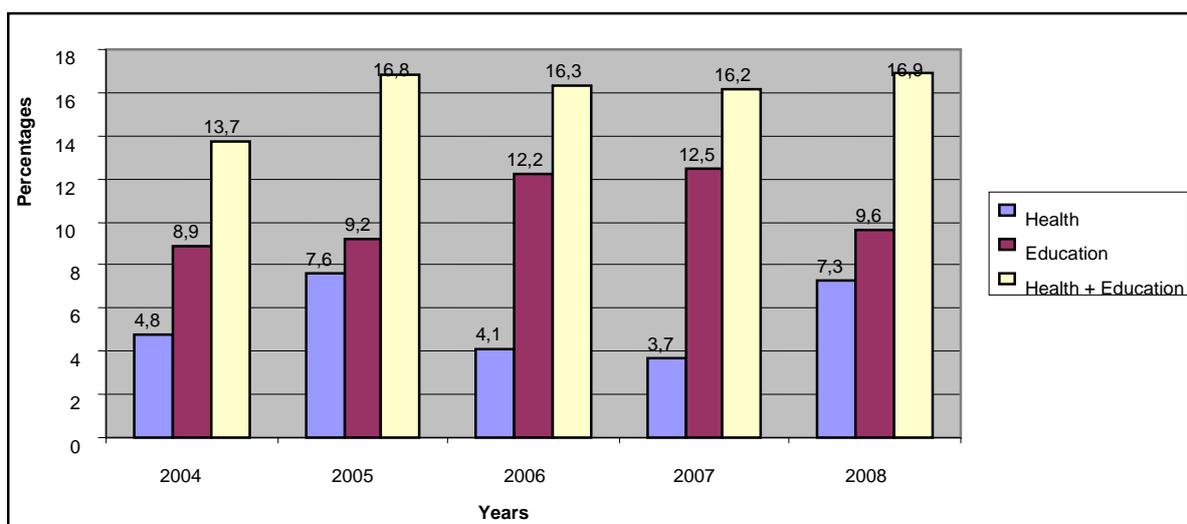
Source: Law on State Finances 2004, 2005, 2006, 2007 and 2008  
 OB = Ordinary Budget; DB = Development Budget.

76. Overall, the part of the national budget allocated to key sectors of child survival and development, namely health and education has sharply increased from 45 billion to 105 billion, i.e. 13.7 per cent to 16.9 per cent of the national budget between 2004 and 2008.

77. However, the trend has not been the same for both sectors. Indeed, the budget allocated to health has experienced uneven development, while the budget allocated to education has developed steadily between 2004 and 2008. Indeed, the health budget rose from 16 billion in 2004 and rose to 28 billion in 2005 before declining to 13 billion in 2006 and then rose to 15 billion in 2007 and reached 45 billion by 2008. On the other hand, education sector funding has increased steadily from 29 billion in 2004 to 60 billion in 2008.

Figure 3.2

**Evolution of national budget (in %) allocated to health and education from 2004 to 2008**



78. Figure 3.2 above shows well different trends of the evolution of funding for health and education sectors. Indeed, the percentage of the budget allocated to health sector increased from 4.8 per cent of the national budget in 2004, to rise up to 7.6 per cent in 2005 and then fall down to 3.7 per cent in 2007 before rising to 7.3 per cent of the national budget in 2008.

## **G. Data collection**

79. Despite the lack of a systematic and comprehensive collection of data covering all areas covered by the Convention and related to all groups of children, we should commend the conduct in 2000 of a national IMCI survey, covering many areas addressed under the Convention. We should also note that the conduct of the 3rd General Census of Population and Housing in 2002 provided data on several analysis themes including a special analysis volume on children. Moreover, Rwanda conducted the Comprehensive Household Living Conditions Survey in 2005 and Demographic and Health Survey (DHS) in 2005 and 2007. These operations provide data on progress made in the implementation of the Convention on the Rights of the Child.

80. Furthermore, since 2002, Rwanda has conducted several specific studies with the principal support of UNICEF in various areas covered by the Convention (health, nutrition, water, sanitation and hygiene, HIV and AIDS, education, protection, gender-based violence, and others) and on different groups of children, including orphans, child-headed households, ex-child soldiers, violence against children, etc.

81. It is on the basis of the indicators from these studies that the monitoring and evaluation exercise has been undertaken to assess the progress made and the impact of policies adopted in respect of children. They also provide the data used by planning officers to develop new policies and programmes for effective implementation of the Convention.

## **H. Dissemination of the principles and provisions of the Convention**

82. The dissemination and awareness campaigns on the Convention, mentioned in the previous report, continued in all Districts and Sectors of the country. The booklets translated into Kinyarwanda (national language), have been widely distributed, and seminars, conferences and workshops have been conducted for the stakeholders dealing with the rights of the child. Journalists have been trained to disseminate the Convention.

83. The stakeholders mainly involved in this action are MIGEPROF and UNICEF, national and international NGOs and human rights associations and other child protection networks such as the National Commission for Human Rights (NCHR), the National Unity and Reconciliation Commission (NURC), and the services of the Ombudsman as the bodies responsible for protecting and promoting human rights and disseminating the principles of human rights including the Convention on the Rights of the Child.

84. The initial report was written in English, translated into the national language, i.e. Kinyarwanda, and into French, and distributed to all Districts of the country and national and international NGOs. However, it should be recognized that the report and the concluding observations of Committee, which were not translated, were not widely disseminated.

85. For the drafting of the third and fourth periodic reports, not only various stakeholders dealing with children's rights were involved, but children and the general public were also involved. Field visits were conducted for gathering information on and advocacy of the Convention and for the process of preparing the report. Once the report is completed, various consulted groups will be targeted for feedback.

86. As regards sensitization and training of professional groups working for and with children on the provisions of the Convention, ad hoc training sessions have been organized,

especially by NCHR and HAGURUKA NGO. Training activities are detailed under paragraphs 401 and 402 below.

## **I. Cooperation with the civil society**

87. In the implementation of the Convention aspects, the Government of Rwanda cooperates with various entities of civil society, namely international NGOs, national NGOs, religious denominations, youth and women associations, and media. The interventions of civil society are mainly carried out at the level of decentralized entities (Districts, Sectors). These interventions are mentioned in the report under appropriate sections with information and data provided according to the guidelines for periodic reports. We should also note the fact that NGOs support the administration at all levels in the design of policies, programmes and strategies.

## **J. Drafting process of the report**

88. The drafting of the consolidated report containing the third and fourth periodic reports of Rwanda on the implementation of the Convention on the Rights of the Child began in December 2007.

89. With the collaboration of the Minister in the Prime Minister's Office in charge of Family and Gender Promotion and UNICEF, a team of three consultants was set up. The team composed of a lawyer, a sociologist and a representative of civil society was mainly mandated to facilitate the process of preparing the consolidated report in order to:

- (a) Make an assessment of the status of children, positive and negative aspects in respect of the Convention on the Rights of the Child;
- (b) Highlight measures taken pursuant to the observations and recommendations of the United Nations Committee on the Rights of the Child with respect to the State party;
- (c) Identify the way forward and measures to improve the state of children.

90. The team of consultants which worked under the supervision of a Steering Committee was composed of the following ministries and institutions: MIGEPROF, NCHR, MINEDUC, MINISANTE, MINIJUST, MINALOC, MINECOFIN, MIFOTRA, UNICEF, NISR and two representatives of civil society.

91. The preparation of the consolidated report involved public institutions, United Nations organizations, the diplomatic and consular representations, international NGOs, national NGOs, religious denominations and Media.

## **IV. Definition of the child**

92. Under the Convention, "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (art. 1).

93. The domestic legislation virtually repeats the same definition as Law N° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence also defines a child as anybody aged below eighteen years with the exception of what is provided for in other laws.

94. Law N° 13/2009 of 27 May 2009 regulating labour in Rwanda also defines a child as any human being below the age of 18 years and specifies in its article 4, paragraph 1 that t It is prohibited to employ a child in any company, even as apprentice, before the age of 16.

95. Primary education is compulsory (art. 40 of the Constitution). The age of primary school enrolment is seven years. Since the school year 2009, Rwanda has introduced a cycle of 9 years so that children who normally follow this cycle complete it at 16 years. It is therefore clear that these are the very children who are of compulsory school age who cannot be employed in any company.

96. Other laws do not provide a definition of the child, but provide for a minimum age of majority, criminal liability, and access to employment, subsequently:

(a) Under Organic Law n° 30/2008 relating to Rwandan nationality, majority age is 18 years of age (art. 4).

(b) Under article 171, marriage between a man and a woman under twenty-one years of age is prohibited. However, under twenty-one years, on serious grounds, a waiver of age can be granted by the Minister of Justice or his/her representative, provided the person involved is 18 years old.

(c) Law n° 19/2002 of 17 May 2002 establishing the Rwanda Defence Forces provides that any Rwandan citizen may voluntarily be recruited into the Rwanda Defence Forces on condition that she/he meets the requirements as per specific statutes governing the Defence Forces without any discrimination, and pursuant to this law, the Presidential Order n° 72/01 of 8 July 2002 establishing the Army General Statutes lays down the requirements for recruitment into Rwanda Defence Forces, among others, the fact of being voluntary and being at least of 18 years of age ( art. 5). Article 19 of Law N° 27/2001 of 28 April 2001 relating to Rights and Protection of the Child against Violence prohibits military service for children under 18 years.

(d) The minimum age for criminal liability is over 14 years (art. 77 of the Penal Code).

(e) In order for a person to be a member of a cooperative organization, she/he shall be at least 16 years old or be an emancipated child (art. 29 of Law N° 50/2007 of 18 September 2007 providing for the establishment, organization and functioning of cooperative organizations in Rwanda).

(f) The same article provides that an emancipated child can also be a member of a cooperative organization. The age of access to bars and drinking establishments was set at 18 years, except being accompanied by one's father, mother, guardian or other person entrusted with their care (Decree Law of 19 November 1973 concerning the moral preservation of youth).

97. It should be noted that no distinction is made between boys and girls as regards the implementation of various provisions on minimum age.

## V. General principles

### A. Non-discrimination

98. In respect of legislation, there is no law that establishes any form of discrimination between children and the Government of Rwanda is working hard to prevent discrimination in families and schools.

99. Regarding the traditional division of roles and preference given to boys in schooling, parents and the general public are aware of the fact that all children have equal rights irrespective of sex. At present, gender parity in primary school is almost 51/49 for girls and boys respectively.

100. To completely eradicate this gender-based preference and encourage girls' schooling in primary and secondary school, each school year, the Office of the First Lady rewards girl pupils who were the first in national examinations.

101. On 1 March 2007, the First Lady officially launched a five-year plan on promoting girls' education. The plan was jointly developed by PACFA (the current IMBUTO FOUNDATION) and MINEDUC. For each year, a theme is selected and the theme for 2007 was "Help the girl to finish school stages and promote knowledge."

102. It should be noted that in general, Rwanda is now working diligently to eliminate all forms of gender-based discrimination. Rwanda ratified the Convention on the Elimination of All Forms of Discrimination against Women<sup>10</sup>. The principles on which the Government agenda for women's development is focused include the revision of all discriminatory provisions and the elimination of all traditional practices that are not conducive to women's integral promotion.

103. To this end, legislative reforms are underway and are based on the principle of equality and non-discrimination, women's rights being increasingly strengthened in various areas of public and private life. Various institutions are in place to reduce the gaps between men and women and to better involve them in decision-making.

104. All these endeavours undertaken by Rwanda have subsequently been fruitful because the current participation of Rwandan women in national life differs markedly from the way it was some ten years ago and women's situation was characterized by institutionalized marginalization because it was even pervasive in the country's domestic legislation. Some laws still contain discriminatory provisions, but they are included in the laws that are to be reviewed.

105. To contribute to this task of legislative reform, early 2007, MIGEPROF, in collaboration with UNFPA, drafted a "collection of gender discriminatory laws and proposed changes". This collection may be used as a reference document in the revision of laws, the objective being that no Rwandan law should contain discriminatory provisions towards either sex.

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<sup>10</sup> This Convention was ratified on 10 November 1980 (P.O. n° 431/16 of 10 November 1980, O.G. n° 4 of 15 February 1981 p.132).

## B. Best interests of the child

106. In the initial report, there were mentioned laws reflecting the principle of the best interests of the child and worth recalling here Law N° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence, the Penal Code, Law N° 22/99 of 12 November 1999 to supplement Book one of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions, Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code.

107. In its preamble, the Constitution refers to the Convention on the Rights of the Child and contains provisions in which the principle of the best interests of the child is reflected. Article 27 provides that both parents have the right and duty to bring up their children. The State shall put in place appropriate legislation and institutions for the protection of the family and the mother and child in particular in order to ensure that the family flourishes. As to article 28, it specifies that every child is entitled to special measures of protection by his/her family, society and the State that are necessary, depending on the status of the child, under national and international law.

108. Law N° 27/2001 of 28 April 20042001 relating to Rights and Protection of the Child against Violence is a special law in this regard and it is worded very clearly in its article that provides that the best interest of the child must be taken into account before any decision concerning him/her.

109. Other laws that show the importance attached to the principle of the best interests of the child were enacted after the preparation and presentation of the initial report. Worth recalling here the laws mentioned in the information related to guideline 11, namely:

- (a) Organic Law n° 30/2008 of 25 July 2008 relating to Rwandan nationality,
- (b) Organic Law n° 51/2008 of 9 September 2008 determining the organization, functioning and jurisdiction of courts,
- (c) Law n° 13/2004 of 17 May 2004<sup>11</sup> relating to the criminal procedure code, and
- (d) Law N° 38/2006 of 25 September 2006 establishing and determining the organization of the National Prisons Service.

110. The children themselves are aware of this principle as reflected in some of the recommendations from their third national summit of 30 to 31 July 2007:

- (a) Protecting children whose mothers are in prison (providing them with a healthy diet and accelerating cases of their mothers);
- (b) Establishing committees at the level of grassroots institutions, from the Village (*umudugudu*), in charge of fighting against the worst forms of child labour;
- (c) Taking stringent measures against persons using children in the worst forms of labour;
- (d) No child in primary school or junior secondary should be expelled for lacking school fees;

<sup>11</sup> This Law has been modified and supplemented by the Law n° 20/2006 of 22 April 2006, but no modification or supplement was made on articles related to the prosecution of juvenile offenders.

- (e) Inflicting tough punishments on any parent who prevents a child from going to school;
- (f) Accelerating the enactment of a law punishing parents who engage children in prostitution or premature marriage<sup>12</sup>.

### C. Right to life, survival and development

111. Article 12 of the Constitution specifies that every person has the right to life and that no person shall be arbitrarily deprived of life. This principle is specifically recalled under article 4 of Law n° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence.

112. In the initial report, reference was made to other laws that reflect the respect for this fundamental principle in particular the Penal Code and Law n° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence that provides for and punishes abortion, except therapeutic abortion, Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code that provides for the obligation of parents to ensure the upbringing and education of their children and provides for custody as a mechanism for protecting the rights of children bereft of their parents.

113. In Rwanda, the right to life is strictly observed, death penalty having been abolished by the country through Organic Law n° 24/2007 of 27 June 2007 relating to the abolition of death penalty. However, it should be pointed out that even before the adoption of the measure, capital punishment was not imposed on under-18 persons because article 77 of the Penal Code provided for minority excuse, which entailed that when a person over 14 and less than 18 years of age at the time of the offence was liable to capital punishment or life imprisonment, she/he should be sentenced to 20 years' imprisonment. Furthermore, capital punishment against a pregnant woman before delivery was prohibited by the Penal Code of Rwanda (art. 31). Rwanda ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, abolishing the death penalty<sup>13</sup>.

114. The right to life was also at the heart of the concerns of the 2007 national children's summit because the recommendations from this summit include establishing committees at the level of grassroots institutions, from the Village (*umudugudu*), in charge of prosecuting cases of abortion and the perpetrators of various forms of violence against children, persons found guilty having to incur serious penalties.

115. In the area of the right of the child to life, survival and development, since 2003, Rwanda has embarked determinedly on holistic realisation of the rights of the child by implementing several strategies in the area of health, fight against HIV/AIDS, education and protection of the child. For instance, the 2007 report on MDGs in Rwanda highlights the sustained efforts to reduce infant and under-5 mortality and progress made in primary school, gender equality, malaria and fight against HIV/AIDS. There is obvious progress in health: according to data from Demographic and Health Surveys conducted respectively

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<sup>12</sup> Though children made this recommendation, the Law n° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence punishes engaging a child in fornication or prostitution (art. 38), as well as premature and forced marriage (arts. 47 to 50).

<sup>13</sup> Presidential Order N° 52/01 of 5 September 2008 ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, abolishing the death penalty (O.G. N°19 of 1 October 2008).

between 2000 and 2005, infant mortality decreased by 19.6 per cent, under-five mortality by 22.4 per cent and maternal mortality by 29.9 per cent. But substantial progress is needed to reduce malnutrition among children that is up to 45 per cent. The number of children on ARVs increased from 2 757 in 2006 to 3 788 in 2007. Access to and use of health services have improved since 77 per cent of users of health centre services and 74 per cent of users of hospital services said they were satisfied with the services offered. 95 per cent of children are enrolled in primary education and 4/5 of households say that they are satisfied with the educational services. However, social protection, nutrition, access to drinking water and sanitation deserve major investments from the State and partners.

116. In health, the implementation of the strategy of Integrated Management of Childhood Illnesses (IMCI) which, applied both at the level of health facilities and at family and community level, helped to reduce the morbidity and mortality caused by malaria, acute respiratory infections and diarrhoea. The impact of diseases on children was reduced through the improvement of clinical care provided to sick children in health facilities and promotion of appropriate family and community practices through the implementation of three components: (1) strengthening skills of health personnel for effective case management (2) strengthening the health system to support the provision of quality service and (3) the promotion of appropriate family and community practices<sup>14</sup>.

#### **D. Respect for the views of the child**

117. As a reminder, it should be noted that the freedom of thought, opinion, conscience, religion, worship is set forth under article 33 of the Constitution. The right for the child to express his/her opinion freely is also set forth under articles 9 and 11 of Law N° 27/2001 of 28 April 2001 relating to rights and protection of the child against violence.

118. This freedom of opinion is not restricted to legal provisions; it is translated into reality because children express freely their opinions that are taken into account in decision-making. The most conspicuous example is related to the national children's summits at which children representing their peers meet to discuss and express their views and make recommendations to the Government in respect of the realization of their rights.

119. The organization of the National Children's Summits is an idea of children themselves, expressed at their first national summit held in April 2004. During the preparations of national summits all children have an opportunity to express their views that they submit to their elected representatives from the smallest administrative entity, i.e. Village (*Umudugudu*), up to the level of Sectors. Later on, elected representatives have an opportunity to feedback other children on the summit proceedings through debriefing sessions. These sessions used to be held at Sector level, but it is planned to go down to the level of "*Imidugudu*."

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<sup>14</sup> These practices are: exclusive breastfeeding, supplemental food at 6 months; micronutrient supplementation, immunization, hygiene in family (water, sanitation and hygiene), the use of insecticide-treated bednets; HIV prevention; provide sick children with more food and liquids; prevent and manage injuries and accidents involving children; prevent child abuse; involvement of men in child care and reproductive health; know how to seek care from health personnel in time, follow the advice of health worker regarding treatment, monitoring and referral; participate in antenatal consultation appropriately; appropriate birth spacing for better health of the mother and child; and basic preventive care for the newborn.

120. The 2006 National Children's Summit was used to encourage participation and views of children in the development of the 2008-2012 Economic Development and Poverty Reduction Strategy (EDPRS). Children's views and contribution were reflected in the EDPRS final paper.

121. Regarding the right of the child to be heard in judicial and administrative proceedings affecting him/her, the right actually results from the right to defence for every person accused of a crime (art. 19 of the Constitution).

122. More specifically, in its article 185, Law n° 13/2004 of 17 May 2004 relating to the criminal procedure code as modified and supplemented by Law n°20/2006 of 22 April 2006 stipulates that "A minor who is being prosecuted must be defended by a counsel. If the minor or his/her guardians cannot choose one, the Prosecution can ask the President of the Bar Association to appoint one automatically".

123. In its article 63, Law n° 15/2004 of 12 June 2004 relating to evidence and its production provides that; "Children with fourteen (14) years and below as well as adult persons with incapacity are allowed to testify in court without being under oath and give an account of the events but that their testimony must be corroborated by other evidence."

124. As noted by the Committee in its concluding observation N0.° 27, it should be noticed that owing to traditional attitudes, respect for the views of the child remains limited within the family and in schools. But significant changes are being achieved. During the field visits conducted in order to interview groups of children and adults, there are children who asserted that they had always enjoyed the freedom of opinion in family decisions.

125. Schools are provided with suggestion boxes: children can express their views in writing, after some time the sheets of paper are collected and discussions are held on the ideas expressed at the meetings bringing together children and heads of schools.

126. Children can also put their views expressed in writing in suggestion boxes found at the level of local administration entities such as Sectors and Cells. Children participate in meetings of the local administration entities at which they express their opinions and present their problems.

127. In Rwanda, the rights enshrined in the Convention on the Rights of the Child are applied to all children with no discrimination whatsoever. However, because of the Genocide of Tutsis, HIV/AIDS, poverty and other factors, some children cannot fully enjoy these rights. That is why it should be recalled here that in order to enable these children to enjoy their rights also, Rwanda developed a National Policy for Orphans and other Vulnerable Children in January 2003. This policy includes response strategies and measures for different situations of child vulnerability.

128. Having defined a vulnerable child as "a person under 18 years exposed to conditions, which do not permit him/her to fulfil her/his fundamental rights for her/his harmonious development" and an orphan as "a child who has lost one or both parents", the National Policy for Orphans and other Vulnerable Children undertakes mainly to protect the rights of the child and ensure long-term physical and psychosocial development of orphans and other vulnerable children, especially by ensuring that children enjoy their rights and are protected from all forms of abuse and exploitation.

129. To facilitate interventions regarding protection, the National Policy for Orphans and other Vulnerable Children identifies 15 categories of vulnerable children, namely:

- (a) Children living in child-headed households;

- (b) Children in foster care;
- (c) Street children;
- (d) Children living in centres;
- (e) Children in conflict with the law;
- (f) Children with disabilities;
- (g) Children affected by armed conflict;
- (h) Sexually exploited and/or abused children;
- (i) Working children;
- (j) HIV/AIDS affected/infected children;
- (k) Infants with their mothers in prison;
- (l) Children in very poor households;
- (m) Refugee and displaced children;
- (n) Children of single mothers;
- (o) Girls married before their majority.

130. For each of these categories, the National Policy for Orphans and other Vulnerable Children defines specific objectives and adopts appropriate strategies. Moreover, MIGEPROF defined criteria for vulnerability that do not replace those of the National Policy for Orphans and Vulnerable Children, but they clarify them and identify children who are the most in need of assistance.

131. Despite the experience of the 1994 Genocide of Tutsi in Rwanda, Rwandans are not xenophobic because since childhood, Rwandans are trained to welcome visitors and foreigners. However, Rwanda has learnt lessons from the extreme intolerance practices that led to war and the 1994 Genocide of Tutsis. Indeed, the country is now working diligently to fight such practices. In this connection, there is a law for punishing the crime of genocide ideology, i.e. Law N° 18/2008 of 23 July 2008 relating to the punishment of the crime of genocide ideology.

132. The National Unity and Reconciliation Commission undertakes to fight genocide ideology among children. In this regard, NURC organized training for the principals of primary schools in Northern and Southern Provinces in 2005 and 2006.

133. In 2006 and 2007, NURC organized special training for orphan heads of households from all over the country. The training was attended by 485 children in 2006 and 781 children in 2007.

134. Clubs for unity and reconciliation were also set up in schools. In the Southern Province, these clubs are referred to as SCUR (Student Clubs for Unity and Reconciliation). This activity, which began in 2003, still goes on and subsequently 172 clubs have been set up in 178 schools.

135. As stated in paragraphs 113 and 337, Rwanda abolished the death penalty through Organic Law n° 24/2007 of 27 June 2007 relating to the abolition of death penalty. Being inapplicable even against adult offenders, it goes without saying that juvenile delinquents should not be sentenced to death penalty.

136. It should also be recalled here that even before the entry into force of Law n° 24/2007; death penalty was not imposed on under-18 persons because the Penal Code provided for minority excuse under article 77.

137. In respect of survival of children at all ages, particularly in adolescence, the Government of Rwanda has taken several steps in this regard, including mainly:

(a) Availability of modern contraceptive methods in 80 per cent of health facilities in the country, mainly with funding from USAID and UNFPA<sup>15</sup>, which allows teens to avoid unwanted births, sexually transmitted infections (STIs ) and HIV/AIDS, prevention of risk maternity and abortions, and prevention and management of sexual violence against children,

(b) Availability and free provision of voluntary counselling and testing services for the public in general, the prospective spouses, and the youth in particular, in 80 per cent of health facilities in the country, i.e. 312 out of 392<sup>16</sup>,

## VI. Civil rights and freedoms

### A. Name and nationality

138. The provisions of laws mentioned in the initial report are worth noting:

#### **The First Book of the Civil Code:**

(a) Article 59 provides that the surname and possibly the first names are given to the child within fifteen days after birth;

(b) Article 60 provides that a child cannot be given the first name of his father or mother or that of one of his brothers or sisters who are alive. He shall rather have another first name that distinguishes him from them;

(c) Article 61 provides that the competent registrar is informed of the surname and first names of the child by the person who declares his birth. These surnames or first names should not undermine morality and good manners.

139. Law N° 27/2001 of 28 April 2001 relating to rights and protection of the child against violence provides in its article 5 that; “Every new born child must be given a name and registered according to the provisions of the law”.

140. Concerning nationality, refer to the information contained in paragraphs 38 and 39 above, especially in respect of the new Nationality Code established through Organic Law n° 30/2008 of 25 July 2008 whose provisions are designed in such a way that no child born in Rwanda is stateless.

### B. Preservation of identity

141. In line with raising awareness of the community of respect for the rights of the child, national and international organizations work with local authorities for the effective

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<sup>15</sup> MINISANTE (2006), Annual Report 2006, p.100.

<sup>16</sup> CNLS (2007), Annual Report, 2007, p.22.

implementation of the Convention on the Rights of the Child. In respect with the preservation of the identity of the child, this awareness-raising campaign is conducted especially for the recognition of children born out of wedlock, birth registration by the registrar and the legalization of free unions.

142. In its article 8, paragraph 1, Law n° 14/2008 of 4 June 2008 relating to the registration of the population and issuance of the national identity card provides that: “Everyone is required to declare the birth of their child within thirty (30) days from birth...” The last paragraph of this article stipulates that “the adoptive parent or guardian must declare the birth of children in their care within thirty (30) days from the day they acquired custody”.

143. This law also provides for appropriate penalties in its article 12 which provides for imprisonment of one to seven days and a fine of five thousand Rwandan francs (RWF 5,000) to fifty thousand Rwandan francs (RWF 50,000) or either of these penalties against anyone who fails to comply with their obligations pursuant to article 8.

144. Registration of births and deaths that used to be ensured by the Districts is currently performed at Sector level since early 2006. Within each administrative sector, a professional in charge of official records has been recruited to facilitate the registration of the deeds related to official records. Thus, the records of birth and death are kept by that Sector official. This decentralization will also undoubtedly facilitate the birth and death declarations because it reduces the long distances that could discourage most of concerned persons.

145. Still in respect of the preservation of identity, the Civil Code, Book One, provides that in matters of adoption, even if the adopter is, towards the adopted child, the only vested with the rights of parental authority including notably the right to emancipate the adopted child, to give him permission to do business and manage his property during his minority, the adopted child keeps his ties with his natural family and retains all his rights and duties (art. 336). Furthermore, the adopted child retains his birth surname and first names (art. 337).

146. Following the war and the 1994 Genocide of Tutsis, there are children who have been separated from their families. The efforts made by Rwanda to reunify these children with their families have been mentioned in the initial report. The process of reuniting children with their families continues in collaboration with the International Committee of the Red Cross (ICRC). In this connection, announcements related to children in search of their families are regularly broadcast on national radio station. In these announcements, anyone who recognizes a child among those whose names are mentioned on radio is requested to notify ICRC that takes steps to reunite the child with his family.

147. ICRC works also with Rwanda Demobilisation and Reintegration Commission in tracing the families of Rwandan children involved in armed conflicts in DRC returning to their country.

### **C. Freedom of expression**

148. In its article 34, the Constitution provides that freedom of the press and freedom of information are recognized and guaranteed by the State. However, “Freedom of speech and freedom of information shall not prejudice public order and good morals, the protection of the youth and minors, as well as the right of every citizen to honour, good reputation and the privacy of personal and family life”. (art. 34, para. 2).

149. The child has the right to express his/her opinion on any matter regarding him/her. It is necessary to hear from the child prior to making any decision concerning him/her regarding administrative and judiciary matters whether directly or indirectly through his/her representative (art. 9 of Law N° 27/2001 of 28 April 2001 relating to Rights and Protection of the Child against Violence).

150. Subject to laws and culture of the country and depending on his/her age, level of understanding, the child has a right to freedom of thinking. Government and Rwandan society should encourage and support production and dissemination of books and journals including news programmes for children (art. 10 of the same law).

151. It should be recalled and stressed that the freedom of expression is seen through the national children's summits which are a framework where they can express themselves freely on various areas of national life, but especially about their rights. The clubs of children in schools also allow them to express themselves on matters affecting them.

#### **D. Freedom of thought, conscience and religion**

152. As a reminder, it should be noted that the freedom of thought, opinion, conscience, religion, worship is set forth under article 33 of the Constitution. The right for the child to express his/her opinion freely is also set forth under articles 9 and 11 of Law N° 27/2001 of 28 April 2001 relating to rights and protection of the child against violence which specifies that depending on his/her age, level of understanding, the child has the right to freedom of thinking, conscience and religion and the child has the right to freedom of thought, conscience and religion and the parents or guardian of the child shall advise and guide him in good ways to enjoy these rights in accordance with his interest.

#### **E. Freedom of association and peaceful assembly**

153. These freedoms are provided for under Articles 35 and 36 of the Constitution and article 12 of Law N° 27/2001 of 28 April 2001 relating to Rights and Protection of the Child against Violence. Article 35 of the Constitution provides that the freedom of association is guaranteed and shall not require prior authorization, whereas according to article 36 paragraph 1, the freedom of peaceful assembly without arms is guaranteed if it is not inconsistent with the law. As to article 12 of Law N° 27/2001 of 28 April 2001 relating to Rights and Protection of the Child against Violence, it specifies that the child has the right to the freedom of peaceful assembly. We will also recall that there are clubs in schools in which children can meet and discuss various topics related especially to their rights, the fight against genocide ideology, the fight against HIV/AIDS, environment protection.

#### **F. Protection of privacy**

154. The privacy of every person in general is protected by the Constitution in its article 24 that reads as follows: "The private life, family, home or correspondence of a person shall not be subjected to arbitrary interference; his/her honour and good reputation shall be respected. A person's home is inviolable. No search of or entry into a home may be carried out without the consent of the owner, except in circumstances and in accordance with procedures determined by law." Confidentiality of correspondence and communication shall not be subject to waiver except in circumstances and in accordance with procedures

determined by law.” The Penal Code (art. 215) provides for sanctions against those who violate the confidentiality of letters.

## **G. Access to appropriate information**

155. As stated in information relating to freedom of expression, freedom of the press and freedom of information are recognized and guaranteed by the State (art. 34 of the Constitution) but these freedoms shall not prejudice public order and good morals, the protection of the youth and minors, as well as the right of every citizen to honour, good reputation and the privacy of personal and family life.

156. Depending on his/her age, level of understanding, and in harmony with laws and culture of the country, the child has a right to freedom of thinking. Government and Rwandan society should encourage and support child-oriented media, as well as writing and publishing books and journals for children (art. 11 Law N° 27/2001 of 28 April 2001 relating to Rights and Protection of the Child against Violence).

157. Law N° 18/2002 of 15 May 2002 governing the press provides for press publications intended for children or teenagers (art. 51). Article 52 specifies that the publications meant for the youth shall contain no illustration, story, opinion, likely to defend crime, lies, theft, laziness, hatred, delinquency or any other acts qualified as crimes or offences or liable to demoralize youngsters or the youth or to inspire or incite ethnic prejudices.

158. As part of the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights on 8 December 2008, the National Commission for Human Rights organized with the press a day of reflection on the rights of the child and the press. One of the recommendations of this meeting was the establishment of a journalists' association for the promotion of rights of the child. The association was directly created and a steering committee was elected.

## **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment**

159. Article 15 of the Constitution provides that: “Every person has the right to physical and mental integrity. No person shall be subjected to torture, physical abuse or cruel, inhuman or degrading treatment. No one shall be subjected to experimentation without his/her informed consent. The modalities of such consent and experiment are determined by law.”

160. The Penal Code (arts. 318 to 332) provides for and punishes in general and voluntary physical injuries. More specifically, Law N° 27/2001 relating to rights and protection of the child against violence provides for imprisonment of between four months and three years and a fine of between fifty thousand and two hundred thousand francs against any person who has inflicted sadistic torture, ill-treatment and inhuman or degrading punishment on a child (art. 32).

161. There is a draft ministerial decree on general regulation of preschool, primary and secondary education that is to be adopted by the Cabinet before entering into force. Article 73 of the Draft provides that punishment shall be commensurate with the age of the child, the severity of the misconduct and designed for better education of the student. These punishments are decided by the Discipline Board of the School. The misconduct of a

student shall not be punished by insults, expulsion, beating or other ill-treatment of any kind.

162. In the awareness campaigns on the rights of the child; special emphasis is placed on the prevention of violence against children, including punishment.

163. In schools, corporal punishment has been replaced by other punishments such as asking a child to work in the school garden for a while.

164. Pursuant to the Committee's recommendation No° 37, Rwanda adhered to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted in New York on 10 December 1984<sup>17</sup>.

## **VII. Family environment and alternative care**

### **A. Parental guidance**

165. The provisions in connection with parental guidance have been indicated in the initial report and they are mainly set forth in Law n° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence (art. 13) and Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code (art. 197).

166. The provisions that reaffirm the principle of the respect for the responsibilities, rights and duties of parents or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention are still topical.

### **B. Parental responsibilities**

167. It is worth recalling here that:

(a) The family, which is the natural foundation of Rwandan society, is protected by the State.

(b) Both parents have the right and duty to bring up their children.

(c) The State shall put in place appropriate legislation and institutions for the protection of the family and the mother and child in particular in order to ensure that the family flourishes (art. 27 of the Constitution).

168. Every child is entitled to special measures of protection by his/her family, society and the State that are necessary, depending on the status of the child, under national and international law (art. 28 of the Constitution).

169. Other laws mentioned in the initial report contain provisions in connection with parental guidance, namely Law n° 27/2001 of 28 April 2001 Relating to Rights and

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<sup>17</sup> Law N° 002/2008 of 14/01/2008 authorising the accession to the Convention against torture and other cruel, inhuman or degrading treatments or punishments, adopted in New York on 10 December 1984, O.G. n°7 of 1 April 2008, p. 11.

Protection of the Child against Violence and Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code.

170. In 2004, a “National Policy for Family Promotion” was established. The policy has the following objectives:

- (a) Strengthening family relations;
- (b) Safeguarding the culture and positive traditional values;
- (c) Ensuring peace and security within the family;
- (d) Protecting the child;
- (e) Protecting vulnerable groups;
- (f) Promoting family education.

171. The specific objectives on the protection of the child and promotion of family education include:

- (a) Raising the parents’ awareness of their responsibility in the education and social management of their children;
- (b) Educating the child, preparing him/her for taking charge of his/her destiny in society;
- (c) Promoting parents’ participation in issues relating to their children education.

### **C. Separation from parents**

172. Article 7 of Law No 27/2001 of 28 April 2001 relating to rights and protection of the child against violence provides that the child has a right to know his/her parents and be brought up by them. When it is not possible to live with his/her parents, the child has a right to obtain necessary assistance from them for his/her welfare, and to visit his/her parents wherever he/she wishes to in case this does threaten his/her security or the security of the country. As long as the child is under six years old, he/she must be in his/her mother's care as long as the child's interests are not threatened.

173. Under the terms of article 8, every orphan must have a guardian, an adoptive parent or be under the care of a specialized institution. The State is responsible for any child having neither a guardian nor an adoptive parent. The conditions to be fulfilled by child care institutions are determined by a Decree issued by the Minister having the Social Affairs in his/her attributions.

174. Apart from the information provided in the initial report, it is needed to add the case of separation due to the detention of parents. In this regard, article 25, paragraph 2 of Law N° 38/2006 of 25 September 2006 establishing and determining the organization of the National Prisons Service provides that any infant whose mother is incarcerated shall be entitled to adequate nutritional food as required for infants and shall be given to his/her family at three years of age. In case of no family to receive such a child, the State shall provide a place where s/he shall be catered for.

175. As regards article 28, it specifies that without prejudice to public order, every prisoner has the right to be visited by his/her family members and friends on time and days set and shall publicly communicate with them in speech before the prison guard or any other competent prison staff. All correspondences shall be approved by the Prison Director

before they are forwarded to the addressees. The detainee shall be entitled to the right of being visited by his/her lawyer during working hours and they shall be allowed to communicate in speech or in writing with no hindrance. Pursuant to this provision, children whose parents are detained can visit them and a child held in detention has a right to be visited by his/her parents.

#### **D. Recovery of maintenance for the child**

176. The recovery of maintenance is governed by Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code whose provisions were mentioned in the initial report. It should be noted here that after the Genocide of Tutsis that led, inter alia, to an increase in the number of orphans and single mothers, trials in connection with the recovery of maintenance also increased.

177. In the best interests of the child, testimony that was virtually not considered by courts trying family cases since the queen of evidence was different certificates issued by the registrar, has been accepted and in many cases it was enough to establish the identity of persons or their marital status, most documents that could be used as a reference having disappeared during the Genocide of Tutsis. The children of concubines were also able to be entitled to the right of succession basing on statements made by people who witnessed the cohabitation with their partners.

#### **E. Children deprived of their family setting**

178. Rwandan children have been deprived of family setting due to various factors including the war and the 1994 Genocide of Tutsis. As mentioned in the initial report, there are children who were evacuated to different countries during and just after the Genocide of Tutsis. Most of these children have been repatriated and reunited with their families, and others have been regularly adopted or fostered by families.

179. A ministerial decree determines the procedures for international adoption and a ministerial instruction governs the requirements for opening and procedures for running care centres for orphans and other vulnerable children. However, the preferred solution is that of adoption or foster family, the watchword being: one child, one family.

#### **F. Adoption**

180. As mentioned in the initial report, the adoption in Rwanda is governed by Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code. In the adoption process provided for by this Law, the best interests of the child and respect for his/her views are observed (arts. 332, 335, 336).

181. The Committee was concerned that “informal adoptions, which are generally not monitored with respect to the best interests of the child, are more widely accepted and practised within the State party”.

182. In Rwanda, there are no "unofficial" adoptions, all adoption proceedings are formal and conducted a manner provided for by law. The guidelines for international adoption are as follows<sup>18</sup>

183. The orphanages allowed to present children for international adoption are designated by the Minister of Gender and Family Promotion. They must have the documents containing the following information on children to be adopted:

- (a) Identification (name, date and place of birth, parents' names if known);
- (b) A recent photograph of the child;
- (c) History (timeline with dates and reasons);
- (d) Family history (biological parents);
- (e) Medical history (health);
- (f) Emotional and intellectual status;
- (g) Current environmental situation (company, conduct, clothing, in the orphanage);
- (h) Opinion of the child given his age and level of understanding.

184. Other children adopted from the community will be determined by the authorities of Sectors in collaboration with Districts and MIGEPROF. The information on these children will be collected and stored according to the above details.

185. Prospective adoptive parents (PAPs) write an application letter to the Ministry of Gender and Family Promotion by stating their names, date and place of birth, nationality and residence, by giving the reason that has led them to adopt a child from Rwanda and by describing the desired child.

186. The prospective adoptive parents shall enclose the following information:

- (a) Marital status (married or single or divorced with a copy of marriage certificate);
- (b) Family composition, their own children and their age;
- (c) Copy of the criminal record;
- (d) Copy of birth certificate;
- (e) Copies of other papers;
- (f) Proof of income;
- (g) Consent of the spouse;
- (h) Consent of the adult children;
- (i) Medical certificate (not older than three months);
- (j) Home study by a public official or an approved agency.

187. If applicants come from a country that ratified the Hague Convention, they will have to submit an approval of adoption from the central government of their country, as well as.

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<sup>18</sup> Guidelines on international adoption, MIGEPROF, 23 April 2009.

(a) A letter of recommendation from the Embassy of Rwanda accredited to their country;

(b) A letter of consent from a person who would take care of the child in case of the death of his adoptive parents

188. All the foregoing documents should be authenticated by the Notary of the applicant's home country and certified by Rwanda Embassy to that country.

189. After reviewing the application and in case of approval by MIGEPROF, the latter shall give the prospective adoptive parents a letter of "no objection" (LNO). MIGEPROF department in charge of adoption issues makes contact with approved orphanages and submit to them the PAPA's approved applications for the selection of children to be adopted basing on their criteria. Then, the same department sends the applications to the persons who carried out the "home study" to help the parents choose the child to be adopted.

190. The prospective adoptive parents inform MIGEPROF of their choice in writing. MIGEPROF department in charge of adoption issues facilitates contact between the child and his prospective adoptive parents. The Sector of residence of the child shall, upon request of the prospective adoptive parents, issue the "adoption deed."

191. After the adoption procedure provided for by Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code, especially in articles 340 and 341, MIGEPROF issues a document entitled "To Whom It May Concern". The document includes the following details:

- (a) The name of the adopted child
- (b) The names of the adopted child parents (if known)
- (c) The name of the Sector where adoption took place and the date
- (d) The name of the court which approved the adoption
- (e) The date of approval of the adoption
- (f) The names of adoptive parents
- (g) The adoptive parents' country (host country)

192. The agency which conducted the home study reports to MIGEPROF on the situation of the child after six months and a consolidated report after the first two years. The adoption is facilitated by the Central (MIGEPROF) and local (Sector) Government. No local or international adoption agency is authorized to operate in Rwanda.

193. The "informal adoptions" about which the Committee expressed concern should actually be related to families which fostered children orphaned by the Genocide of Tutsis. As a result of the emergency situation in the wake of the Genocide of Tutsis, families fostered children in the absence of any system stipulating fostering and follow-up requirements.

194. Today, fostering children is subject to regulation. A ministerial decree governing the family foster care system is already available and it is only to be considered by the Cabinet.

195. Pursuant to the Committee's recommendation No. 43, Rwanda is already party to The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, 1993. The law authorizing the accession to this convention is in force, i.e. Law N° 001/2008 of 14 January 2008 authorising the Accession to the

Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, adopted at The Hague in Netherlands on 29 May 1993.

## **G. Transfer and non-return**

196. As the phenomenon of illicit transfer and non-return of children abroad is almost not known in Rwanda, the measures taken are rather aimed at prevention. It is in this regard that a law on prevention, prosecution and punishment of trafficking in persons has been established. This law contains specific provisions for the prevention and punishment of the sale, trafficking and abduction of children.

197. The Penal Code (art. 388) provides for and punishes the abduction of persons and considers as an aggravating circumstance when the abducted person is under eighteen years.

198. Rwanda is a party to the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others and to the additional Protocol supplementing the Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children<sup>19</sup>.

## **VIII. Health and welfare**

### **A. Survival and development of the child**

199. With a view to implementing the Convention in respect of health, Rwanda has strongly committed itself to achieving holistic realization of children's rights by developing and adopting policies and programmes aimed at controlling the population growth, reducing maternal and infant morbidity and mortality, improving the nutritional status, access to health care and drinking water, and ensuring the protection of the rights and welfare of children. They are the following policies and programmes:

(a) Policy and standards of health services in Rwanda (2009). The policy defines the role of health in Rwanda, describes the priority health services, identifies the beneficiaries, providers and responsibilities for the provision of quality services, the standards specify the types of provided services, the minimum acceptable performance requirements and qualifications required for each provided service, while the policy documents and standards of health services are primarily intended for policy makers, service managers, supervisors, heads of NGOs and associations involved in public, parastatal and private sector to allow them to better define and organize their interventions in priority health services at different levels<sup>20</sup>;

(b) A Community Health Programme (2008) whose overall objective is to provide clear guidance to provide the population with holistic and sustainable health care services with the full participation of the same population to achieve the conditions needed

<sup>19</sup> A.P. n° 163/01 du 31/12/2002, J.O. n° 12 ter du 15/06/2003 p.28.

<sup>20</sup> MINISANTE (2009), Politique et Normes de services de santé, Volume 1, Kigali, p.12.

for the attainment of better health for the entire population to enable them to contribute to sustainable development of Rwanda<sup>21</sup>;

(c) A Strategic Plan of Expanded Programme of Immunization (2008-2012) whose main objectives are: the establishment of an effective vaccine management system within all health facilities by 2012 and achieve the objective of polio eradication by 2012<sup>22</sup>;

(d) A Strategic Plan against Malaria in Rwanda (2005-2010), focused among others on reducing under-five morbidity and mortality through appropriate home-based treatment and provision of insecticide-treated bednets<sup>23</sup>, in accordance with article 24 of the Convention on “diminishing infant and child mortality”;

(e) A National Plan for HIV/AIDS Prevention (2005-2009) that proposes specific activities to strengthen measures for preventing HIV/AIDS prevention (EABC, condom, sexual responsibility, cultural values) through adequate coverage of national needs in respect of BCC (Behaviour Change Communication), VCT, PMTCT and STDs, secure blood products, post-exposure prophylaxis and other affordable prevention measures for all, with a special emphasis on vulnerable groups<sup>24</sup>, in accordance with article of the Convention on “developing preventive health care, guidance for parents and family planning education and services” ;

(f) A Multi-sector Strategic Plan Against HIV/AIDS (2005-2009) ensures an operationalization plan through which all interventions for combating HIV/AIDS in Rwanda find their place<sup>25</sup>, in accordance with article 24 of the Convention on “undertaking to promote and encourage international co-operation with a view to achieving progressively the full realization of the right of the child to the enjoyment of the highest attainable standard of health”;

(g) A National Behaviour Change Communication Policy (2006) that plays a key role in reducing transmission of diseases, controlling related vectors, enhancing hygiene and health conditions, and it boosts the demand of provision of services allowing the population to have better health.<sup>26</sup>

(h) A National Guide for PLWHA’s food and nutritional support in Rwanda (2006) aimed at presenting actions needed by service providers to provide quality care and nutritional support to PLWHA at different contact points<sup>27</sup>, in accordance with article 24 of the Convention on combating malnutrition, through, inter alia, the application of readily available technology;

(i) A Health Sector Policy (2005) focused especially on access to health care for all through a mutual health insurance schemes system, as well as the reduction in infant mortality through Integrated Management of Childhood Illnesses (IMCI) and Expanded Programme of Immunization (EPI)<sup>28</sup>, in accordance with article 24 of the Convention on

<sup>21</sup> MINISANTE (2008), National Community Health Policy, Kigali, p.19-21.

<sup>22</sup> MINISANTE (2007), Expanded Program on Immunisation Strategic Plan (2008-2012), p.21.

<sup>23</sup> MINISANTE (2005), Strategic Plan against Malaria in Rwanda, Kigali

<sup>24</sup> CNLS (2005), National Plan for HIV/AIDS Prevention (2005-2009), Kigali, p.5.

<sup>25</sup> CNLS (2005), National Multi-sector Strategic Plan Against HIV/AIDS (2005-2009), Kigali, p.17.

<sup>26</sup> MINISANTE (2006), Politique nationale de Communication pour le Changement de Comportements du Secteur de la Santé, Kigali (Rwanda), p.2.

<sup>27</sup> MINISANTE (2006), National Guide for PLWHA’s food and nutritional support in Rwanda, Kigali, p.8.

<sup>28</sup> MINISANTE (2005), Health Sector Policy, Kigali, p.14.

“the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health”;

(j) A National Policy Against HIV/AIDS (2005) that allows to give the Government orientations in order to control the spread of HIV/AIDS, reduce its impact on Rwandan community and establish appropriate coordination mechanisms in a multi-sector, multidiscipline, decentralized and community-based approach<sup>29</sup>, in accordance with article 24 of the Convention in respect of “developing preventive health care”;

(k) A National Policy on Condoms (2005) aimed at strengthening the correct and regular use of condoms in general, and especially among people who are at high risk of being infected by HIV/AIDS, STDs and of undesired pregnancies and that with a special emphasis on young people<sup>30</sup>, in accordance with article 24 of the Convention to “develop preventive health care, guidance for parents and family planning education and services”;

(l) A National Nutrition Policy (2005) mainly aimed at enhancing the nutritional status of the population, in general, and of the child and mother in particular, increasing access to drinking water and promoting education in respect of hygiene in schools and in the community<sup>31</sup>, in accordance with article 24 of the Convention on “child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation”;

(m) A Mutual Health insurance Policy (2004) aimed at promoting people’s financial accessibility to basic health care and reinforcing social inclusion of vulnerable people in health system<sup>32</sup>, in accordance with article 24 of the Convention to “ensure that no child is deprived of his/her right of access to such health care services”;

(n) A National Reproductive Health Policy (2003) aimed at promoting the use of contraception for avoiding undesired births and STDs/AIDS, preventing risk pregnancies and abortions, and for prevention and management of sexual violence against children, in accordance with article 24 of the Convention on developing “preventive health care, guidance for parents and family planning education and services”;

(o) A policy on environmental health which contains a section on contains sections on school sanitation and hygiene

## **B. Health strategies**

200. To implement the foregoing policies and programmes, the following strategies have been applied:

(a) Integrated Management of Childhood Illnesses (IMCI) which, applied both at the level of health facilities and at family and community level, helped to reduce the morbidity and mortality caused by malaria, acute respiratory infections, diarrhoea, and to malnutrition<sup>33</sup>;

<sup>29</sup> CNLS (2005), National Policy Against HIV/AIDS, Kigali.

<sup>30</sup> CNLS (2005), National Policy on Condoms, Kigali, p.12.

<sup>31</sup> MINISANTE (2007), National Nutrition Policy, Kigali

<sup>32</sup> MINISANTE (2004), Mutual Health insurance Policy in Rwanda, Kigali, p.11.

<sup>33</sup> MINISANTE (2005), Health Sector Policy.

(b) The EPI strategy increased the immunization coverage rates, to the extent that the performance registered over 2005 and 2006 allowed EPI to be given awards at international level<sup>34</sup>;

(c) The annual conduct of an integrated campaign of measles vaccination, coupled with vitamin A supplements, mebendazole de-worming and distribution of insecticide-treated bednets (ITNs) to children aged between 6 and 59 months<sup>35</sup>;

(d) Training for community health workers on community-based prevention and management of HIV/AIDS, malaria, hygiene and illnesses and health issues of children and mothers, as well as education of the population on adherence to mutual health insurance schemes<sup>36</sup>;

(e) In 2007, every health centre in the country had a mutual health insurance section. With national subsidies to the adherence of the poor, mutual health insurance coverage rose from 7 per cent to 75 per cent between 2003 and 2007<sup>37</sup>;

(f) Modern contraception methods are available in 80 per cent of the country's health facilities, with the main funding from USAID and UNFPA<sup>38</sup>;

(g) So as to increase the percentage of under-5 children treated within 24 hours following the symptoms of fever/malaria, PNILP extended the HBM<sup>39</sup> strategy to 6 Districts with endemic malaria;<sup>40</sup>

(h) So as to combat malnutrition among under-5 children, a community-based nutrition programme (PNBC) was established for monitoring growth and Vitamin A supplement and mebendazole de-worming.

### **C. Survival and development of the child**

201. See paragraphs 111 to 116 above.

### **D. Disabled children**

202. According to MINEDUC, the number of disabled pupils in primary school was estimated in 2006 at 10 per cent of all learners (2,019,991 pupils), which indicates that about 210,200 pupils suffered from some form of disability<sup>41</sup>.

203. According to the 3rd 2002 General Census of Population and Housing of Rwanda (GCPHR), there were an estimated 93,299 disabled children. For Rwanda, such a number of disabled children is very big given its implications. Indeed, it is known that people with disabilities are placed in the group of vulnerable people who require special attention.

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<sup>34</sup> EPI (2007), EPI Epidemiology Newsletter, March 2007, n°2.

<sup>35</sup> MINISANTE (2006), Annual Report 2006, p.82.

<sup>36</sup> MINISANTE (2006), op.cit, p.16.

<sup>37</sup> MINISANTE (2006), op.cit, p.32.

<sup>38</sup> MINISANTE (2006), op.cit, p.100.

<sup>39</sup> HBM = Home Based management

<sup>40</sup> MINISANTE (2006), op.cit, pp.37-38.

<sup>41</sup> MINEDUC, Policy Special Needs Education, 2007, p.8.

204. According to the causes of disability, not considering non-declared (ND) causes, it will be noticed that the largest proportion of causes is that of diseases, followed by congenital causes and, by far, by accident, as indicated in the table below.

Table 8.1

**Number of disabled children per disability cause according to type of disability**

<i>Disability cause</i>	<i>Blind</i>	<i>Deaf/dumb</i>	<i>Lower limb disabled</i>	<i>Upper limb disabled</i>	<i>Mental retardation</i>	<i>Trauma</i>	<i>Other disability</i>	<i>ND</i>	<i>Overall</i>
Overall	3 323	7 446	13 684	10 808	2 206	934	14 345	40 553	<b>93 299</b>
Proportions	3,6	8,0	14,7	11,6	2,4	1,0	15,4	43,5	<b>100,0</b>
Congenital	949	2 650	3 619	2 372	464	62	3 255	1 910	<b>15 281</b>
Disease	977	2 924	4 929	3 445	857	105	6 425	812	<b>20 474</b>
Accident	105	223	1 906	1 896	54	33	628	235	<b>5 080</b>
War	51	84	496	710	42	265	260	120	<b>2 028</b>
Genocide	9	55	163	432	21	282	165	21	<b>1 148</b>
Mine	9	15	176	128	3	4	37	16	<b>388</b>
Other	28	81	347	220	115	37	821	46	<b>1 695</b>
Do not know	50	167	370	271	276	40	1 240	69	<b>2 483</b>
Non-determined	1 145	1 247	1 678	1 334	374	106	1 514	37 324	<b>44 722</b>

*Source:* Situation of children according to the 2002 General Census of Population and Housing of Rwanda (GCPHR), p.101

205. Moreover, apart from the types of non-determined disabilities (43.5 per cent) and other disabilities (15.4 per cent), identified disabilities are: lower limb disabled (14.7 per cent), limb disabled upper (11.6 per cent), deaf/dumb (8.0 per cent), blind (3.6 per cent), mental retardation (2.4 per cent) and trauma (1.0 per cent).

206. In its new programme to encourage parents to send children to school, Rwanda has adopted since the beginning of this decade a programme of special education for disabled children, but there is still a shortage of resources.

207. Education of children with special needs in Rwanda has, in the past, been centred in special schools run by charitable organizations with the government providing limited support in terms of resources and teacher salary. However, in line with MDGs, to attain education for all by 2015, the Government of Rwanda recognizes that special needs education is now a priority and is therefore focusing on strengthening education for pupils with special needs<sup>42</sup>.

208. Overall, Rwanda is concerned about the situation of disabled persons so that they can also participate, depending on their capabilities, in building the nation. It is in this development that the disabled persons have associations at different levels, from Sector up to national level. The Constitution provides for a seat for the Federation of the Associations of the Disabled Persons in the Chamber of Deputies (art. 76, 4°).

<sup>42</sup> MINEDUC (2008), Special Education, [www.mineduc.gov.rw](http://www.mineduc.gov.rw).

209. In the election of Rwandan members in the East African Community Parliament, the country ensured that the list includes one person from the Federation of Associations of the Disabled Persons.

210. Rwanda has established a law to protect disabled persons, i.e. Law N° 01/2007 of 20 January 2007 relating to Protection of Disabled Persons in general. This Law contains provisions which, although not specifically designed for children, are also supposed to protect them and the following should be mentioned here:

211. Article 5 provides that a disabled person has the right to live in the family in the same conditions as others. An orphan disabled person and who is unable to live on his/her own shall have a guardian or an adopter or a centre or an association that caters for him/her. An order of the Minister in charge of Social Affairs shall determine the modalities of how the State shall assist a disabled person who has no person to cater for him/her.

212. Under the terms of article 6, to be a guardian of a related or non-related disabled person; or for a centre to cater for disabled persons, shall be done in the interest of the disabled person and not on any other interests of the guardian. An order by the Minister in charge of Social Affairs shall institute modalities of regular monitoring of actions of guardians and centres catering for disabled persons.

213. As regards article 11, it provides the disabled person has the right to appropriate education in respect of the nature of his/her disability. The Government or centres which cater for disabled persons who are not able to study with others, shall provide them with modalities to study in a specialized school and shall have qualified and trained teachers and appropriate equipment. The Minister in charge of Education shall, basing on basic categories of disability determined by the Minister in charge of Health, determine modalities of facilitating the needy disabled persons in ordinary schools and in specialized schools in case of failure to study with others.

214. In its article 12, the Law provides that a student with disabilities that do not enable him/her to sit exams with fellow schoolmates or in the same manner as others is entitled to the right of sitting for exams in a special manner.

215. Article 13 stipulates that the Minister in charge of Education shall determine modalities of facilitating the needy disabled persons in pursuing their studies.

216. Article 21 provides that the centres that cater for the disabled persons and educational institutions in general are required to have special grounds meant for culture, entertainment and sports and trained coaches for disabled persons.

217. Articles 22 and 23 respectively specify that disabled persons are entitled to the right of joining specialized associations related to sports, culture and entertainment and that a disabled person shall be facilitated in matters related to participation in sports, films, drama and other entertainment.

218. In its article 24, the Law provides that an order by the Minister in charge of Sports shall determine the modalities of facilitating the disabled persons in matters related to participation in activities of culture, entertainment and sports.

219. To discourage any form of discrimination and violence against disabled persons, article 27 provides that; “Any person found guilty of any form of discrimination or any form of violence against a disabled person, shall be punished with the heaviest penalty among the penalties provided for by the Criminal Code and special laws relating to such a crime.”

220. The law relating to protection of disabled persons in general provides for many implementation orders including the Ministerial Order instituting instructions that govern federations, associations and centres that cater for disabled persons. This order has been issued under the number 010/07.01 of 12 October 2007 but most of the other orders have not yet been established. The establishment of these orders will be accelerated for the law to produce all the expected effects for disabled persons, including children.

221. In line with caring for disabled children, the *Centre de rééducation pour les jeunes handicapés* du Rwanda: *Home de la Vierge des Pauvres* (HVP) is open to all Rwandan children. Each year, children come to the centre for care and spend there varied time in terms of services to be received: education and training, remedial care and mental hygiene.

222. As regards education of children, out of 1078 children educated in HVP, 683 need special education, i.e. education that is “unusual” to provide them with this basic need of “education for all” as shown in the table below.

Table 8.2

**Number of disabled children per HVP school centre**

<i>Care Centre / Received training</i>	<i>Disabled</i>	<i>Not disabled</i>	<i>Total</i>
Gatagara			
Nursery and primary	280	206	<b>486</b>
Butare			
Secondary and vocational	251	189	<b>440</b>
Rwamagana	152		
Primary	90	-	
Cut/dressmaking	46	-	
Massage/physiotherapy	16	-	
<b>Total</b>	<b>683</b>	<b>395</b>	<b>1078</b>

223. The distribution of disabled children is as follows according to the centre and the type of disability:

- (a) Gatagara: 248 physically disabled children, 12 blind, and 20 deaf/dumb;
- (b) Butare: 231 physically disabled children, 9 blind, 11 deaf/dumb;
- (c) Rwamagana: 90 primary blind children, 46 physically disabled in cut/dressmaking, 16 blind in massage/physiotherapy.

## **E. Health and medical services**

224. In health, Rwanda has strongly committed itself to achieving the holistic realization of children’s rights by developing strategies aimed at (1) reducing maternal and infant morbidity and mortality, (2) controlling the population growth, (3) improving the nutritional status of children and mothers, access to health care and drinking water, and (4) ensuring the protection of the rights and welfare of children. These strategies are:

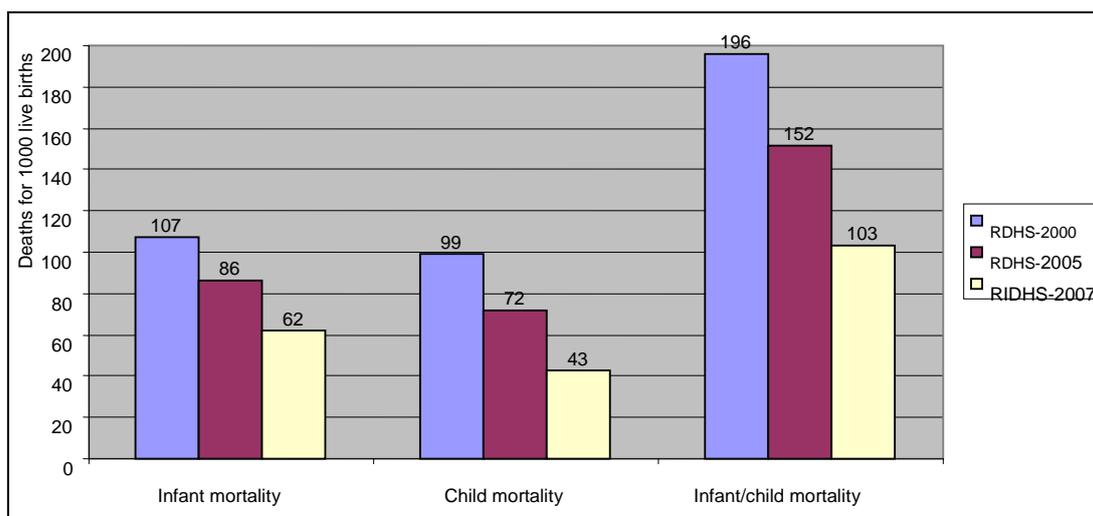
### Reducing maternal and infant morbidity and mortality

225. IMCI that is applied both at the level of health facilities and at family and community level, helped to reduce the morbidity and mortality caused by malaria, acute respiratory infections, diarrhoea, and malnutrition<sup>43</sup>.

226. Indeed, in respect of reducing infant mortality and child mortality, Rwanda has made significant progress, since the infant mortality rate fell from 107 to 62 for 1000 live births (i.e. a reduction of 45 per cent), while the rate of infant mortality fell from 196 to 103 for 1000 live births (i.e. a reduction of 47 per cent), between 2000 and 2007<sup>44</sup>.

Figure 8.1

#### Trends of infant and child mortality from 2000 to 2007



*Source:* Rwanda Demographic and Health Surveys- 2000 and 2005, and Rwanda Interim Demographic and Health Survey-2007

227. Over 2000-2005, maternal mortality rate decreased by 30 per cent falling from 1071 to 750 for 100,000 live births<sup>45</sup>. The ratio of pregnant women with access to antenatal care is still low. In fact, 39 per cent of pregnant women had at least 3 antenatal visits in 2003 against 44 per cent in 2006. While 31 per cent of births were attended by skilled personnel in 2006, this ratio is 52 per cent in 2007<sup>46</sup>.

228. As for the population life expectancy at birth, it was estimated at 51.2 years in 2002 and 52.5 years in 2007 for the whole population, according to the results of the 3rd General Census of Population and Housing of Rwanda (GCPHR) conducted in 2002<sup>47</sup>.

<sup>43</sup> MINISANTE (2005), Health Sector Policy, p. 14.

<sup>44</sup> INSR (2007), Rapport préliminaire de l'Enquête Intermédiaire Démographique et de Santé 2007-2008, Kigali (Rwanda).

<sup>45</sup> NISR (2006), 2005 Demographic and Health Survey, Kigali (Rwanda), p.191.

<sup>46</sup> MINISANTE (2006), Rapport annuel 2006, p.84 et INSR (2007), Résultats provisoires de l'Enquête Démographique et de Santé Intérimaire 2007, Kigali (Rwanda).

<sup>47</sup> SNR, Perspectives et Prospectives démographiques 2002-2022, d'après les données du 3ème RGPH, Kigali, Février 2005, p. 35.

### **Expanded Programme of Immunization Strategy (EPI)**

229. The EPI strategy increased the immunization coverage rates, to the extent that the performance registered over 2005 and 2006 allowed EPI to be given awards at international level<sup>48</sup>.

230. Furthermore, the annual conduct of an integrated campaign of measles vaccination, coupled with vitamin A supplements, mebendazole de-worming and distribution of insecticide-treated bednets (ITNs) to children aged between 6 and 59 months, has had positive effects on the survival and development of under-5 children, and reduced maternal morbidity<sup>49</sup>.

231. In respect of performance achieved in immunization, between 2003 and 2006, the percentage of under-1 children fully immunized increased from 88 per cent to 98 per cent against tuberculosis, from 95 per cent to 99 per cent against diphtheria, tetanus and pertussis, from 51 per cent to 61 per cent against tetanus, from 95 per cent to 99 per cent against polio, and from 89 per cent to 94 per cent against measles<sup>50</sup>.

### **Community health development**

232. Community health workers were trained on community-based prevention and management of HIV/AIDS, malaria, hygiene and illnesses and health issues of children and mothers, as well as education of the population on adherence to mutual health insurance schemes<sup>51</sup>.

### **Development of mutual health insurance schemes**

233. Since 2006, every health centre in the country has had a mutual health insurance section. With national subsidies to the adherence of the poor, mutual health insurance coverage rose from 7 per cent to 85 per cent between 2003 and 2008<sup>52</sup>.

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<sup>48</sup> EPI (2007), EPI Epidemiology Newsletter, March 2007, n°2.

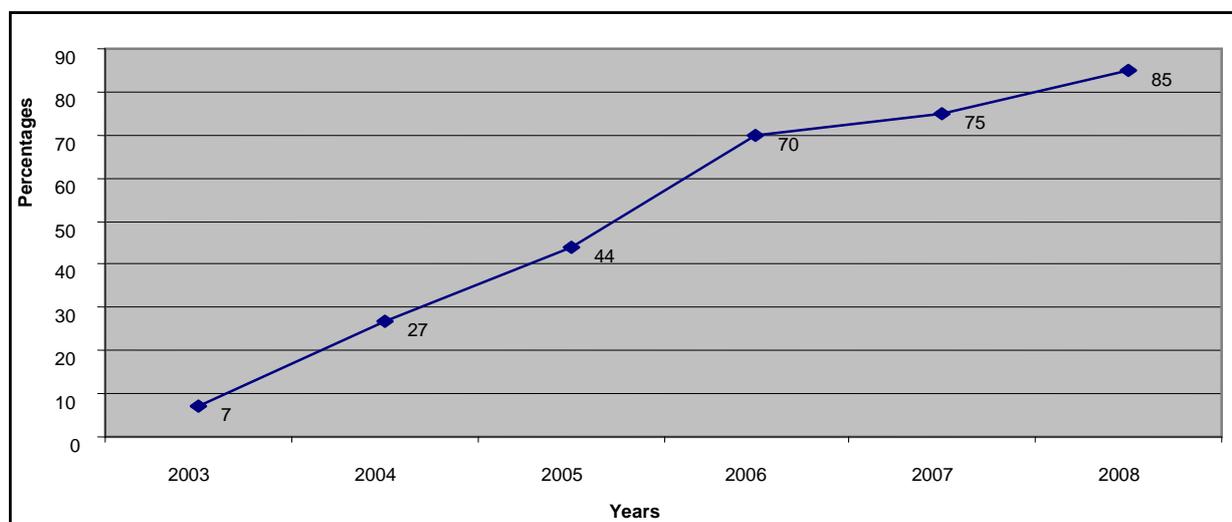
<sup>49</sup> MINISANTE (2006), Annual Report 2006, p.82.

<sup>50</sup> MINISANTE (2006), Annual Report 2006, p.81.

<sup>51</sup> MINISANTE (2006), op.cit., p.16.

<sup>52</sup> MINISANTE (2007), op.cit., p.33.

Figure 8.2  
**Evolution of the rate of adherence to mutual health insurance schemes from 2003 to 2008**



### **Fight against malaria**

234. So as to increase the percentage of under-5 children treated within 24 hours following the symptoms of fever/malaria, PNILP extended the HBM<sup>53</sup> strategy to six Districts with endemic malaria<sup>54</sup>.

235. The percentage of deaths caused by malaria that occurred in health districts and hospitals fell from 7.9 per cent in 2002 to 4.7 per cent in 2006, as shown below.

236. In 2003, acute malaria caused 41 per cent of deaths among under-5 children in 2003, against 46 per cent in 2006<sup>55</sup>. The malaria deadliness rate (i.e. morbidity due to malaria) within the health facilities of the country decreased from 7.7 per cent in 2002 to 4.4 per cent in 2007 through improved care quality and malaria management training for health staff, increased rate of adherence to mutual health insurance (that increased from 7 per cent in 2003 to 75 per cent in 2007) and increased use of insecticide-treated bednets<sup>56</sup>. According to provisional results of Preliminary DHS that has just been conducted by NISR, the ratio of children aged between 6 and 59 months having had fever over 2 weeks prior to the survey is 2 per cent in 2007 against 27 per cent in 2005 to 2 per cent in 2007<sup>57</sup>.

### **Combating malnutrition**

237. To combat malnutrition among under-5 children, a community-based nutrition programme (PNBC) was established for monitoring growth and Vitamin A supplement and mebendazole de-worming.

<sup>53</sup> HBM = Home-based Management

<sup>54</sup> MINISANTE (2006), op.cit., pp.37-38.

<sup>55</sup> MINISANTE, op.cit., p.24

<sup>56</sup> MINISANTE, op.cit., p.25.

<sup>57</sup> NISR (2007), Interim Demographic and Health Survey 2007-2008.

238. However, it should be noted that in Rwanda, malnutrition among under-5 children is a serious problem, since the situation has not improved since 2000. In fact, between 2000 and 2005, growth retardation increased from 42 per cent to 45 per cent, underweight from 24 per cent to 23 per cent and emaciation from 7 per cent to 4 per cent. Here efforts made with the PNBC implementation should be scaled up to rise to the challenge in order to achieve the Millennium Development Goals in nutrition<sup>58</sup>.

239. As part of combating malnutrition in Rwanda, WFP has pursued, since 1991, its food supplement programme to improve the nutritional and health status of children and pregnant and lactating women with moderate malnutrition in poor areas characterized by food insecurity. These food supplements are given along with nutrition counselling and training in health care and hygiene.

240. In addition, the Ministry of Health, with the support of its partners, is also implementing its therapeutic feeding programme that allows restoring the nutritional status of under-5 children suffering from severe malnutrition by providing nutritious food and medical treatment.

241. As to water and sanitation within households, 93 per cent of households in 2005 against 92 per cent in 2000 had latrines, including only 29 per cent of households with covered latrines. Regarding water supply, 64 per cent of households had access to safe drinking water in 2005 against 54 per cent in 2000<sup>59</sup>.

242. Efforts are still needed for improving the quality of latrines, and in water supply to further reduce the number of households still using unsafe drinking water.

### **Combating HIV/AIDS**

243. Since 2000, the Government of Rwanda has left no stone unturned to prevent and combat HIV/AIDS pandemic. This political will was translated into the following concrete strategies:

(a) Campaign against prostitution, as a factor in the spread of HIV/AIDS, which was aimed at strengthening girls' capacity to say no in case of forced sexuality and at mobilizing resources for income generation activities;<sup>60</sup>

(b) Free VCT services available for the population in general, and for prospective spouses and young people in particular, within 65 per cent of the country health facilities, i.e. 313 out of 392;<sup>61</sup>

(c) For the past four years, CNLS has been organizing a nationwide two-month campaign for preparing the World HIV/AIDS Day by mobilizing all the country on the year theme: in 2003 ; "Fight against stigmatization and discrimination against children and youth infected and affected by HIV/AIDS", in 2004 ; "Let's have a voluntary HIV test since antiretroviral drugs are now available", in 2005 ; "Responsibility of the population in the fight against HIV/AIDS", in 2006 ; "The family responsibility in the fight against

<sup>58</sup> NISR (2005), 2005 Demographic and Health Survey, Kigali.

<sup>59</sup> NISR (2006), Household Living Conditions Survey, Preliminary Report, Kigali.

<sup>60</sup> CNLS (2006), 2006 CNLS Annual Activity Report.

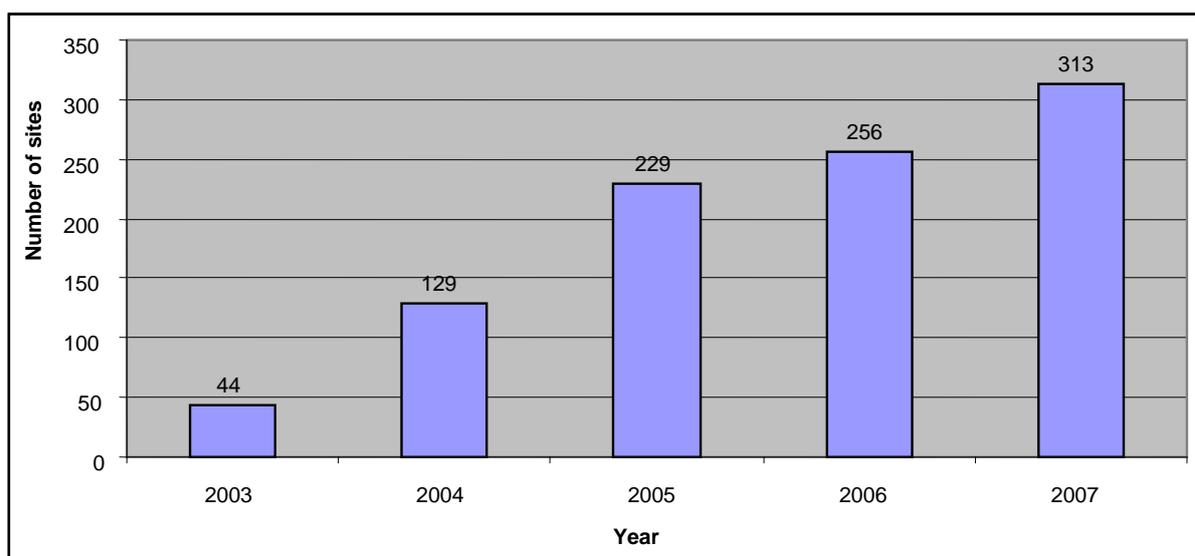
<sup>61</sup> TRAC (2007), Global access to prevention, treatment, care and support in line with combating HIV/AIDS

AIDS”, and in 2007 ; “The responsibility of the family towards the children in the fight against AIDS”,<sup>62</sup>

(d) Integrating PMTCT services in health facilities based on the following strategies: (1) primary prevention of HIV/AIDS among young people and adults of reproductive age and their partners, (2) promotion of VCT services for pregnant women and their partners (3) prevention of Mother-To-Child Transmission of HIV during labour and breastfeeding, (4) follow-up and care for HIV positive mothers and their children;<sup>63</sup>

Figure 8.3

**Evolution of health facilities providing VCT services related to HIV from 2003 to 2007**



(e) The 2006 2nd National Paediatric Conference on Care for HIV/AIDS infected and/or affected children indicated that significant achievements were registered in respect of enhancing the status of children, especially vulnerable children. They include especially setting up decentralized structures in charge of child protection, developing a National Plan of Action for OVCs, establishing guidelines on the Minimum Service Package and developing strategic guidelines for street children;<sup>64</sup>

(f) Social assistance and medical care for HIV/AIDS infected/affected children. TRAC report in May 2007 indicated that 3,252 children were on ARV treatment;<sup>65</sup>

(g) ARVs available for patients, thanks to mechanisms established by CAMERWA<sup>66</sup> and donors, and they are free for any person with less than RWF 50,000

<sup>62</sup> CNLS (2007), Terms of reference for preparing national campaign and World Day against HIV/AIDS in 2007.

<sup>63</sup> TRAC (2006), Protocol for Prevention of Mother-To-Child Transmission of HIV in Rwanda.

<sup>64</sup> CNLS/UNICEF (2006), National Paediatric Conferences on care for HIV/AIDS infected and/or affected children.

<sup>65</sup> TRAC (2007), TRAC report for Rwanda, May 2007, p. 1.

<sup>66</sup> CAMERWA = Rwanda Drug, Consumables and Equipment Central Procurement Agency.

monthly income (equal to US \$ 100)<sup>67</sup>. TRAC r report in May 2007 indicated that 36,257 adults were under ARV treatment, including 12,915 men and 23,342 women (ARV);<sup>68</sup>

(h) Incorporating modules and courses on HIV/AIDS in national curriculum and setting up anti-AIDS clubs in all schools countrywide;

(i) The strategy of educating the population against all discrimination against PLWHA;

(j) Building the capacity of structures for preventing and combating HIV/AIDS, especially umbrella associations, designing tools of coordination and monitoring of activities in line with CNLS Plan of Action.

244. Today, HIV prevalence among young people and women aged between 15 and 24 is estimated at 1 per cent. It varies from 1.5 per cent among women to 0.4 per cent among men<sup>69</sup>.

245. Since 2002, the Government of Rwanda has left no stone unturned to involve each and everybody, especially civil society, in fighting against HIV/AIDS, such as religious denominations, women's organizations (such as Pro-femmes/Twese Hamwe, National Women's Council, etc.), youth organizations (such as Rwanda National Youth Council), PLWHA associations (such as Rwanda NGOs Forum on HIV/AIDS, Rwanda Network of People Living with HIV/AIDS), etc.

#### **Adolescent health**

246. The National Health Policy recognizes that the services of reproductive health positively contribute to improving the health of all household members in general, and the health of adolescents in particular. This is what underlies the adoption by the Government of Rwanda of the National Policy on Reproductive Health.

247. Modern contraception methods are available in 80 per cent of the country's health facilities, with the main funding from USAID and UNFPA<sup>70</sup>. The percentage of women of reproductive age (15-49 years) using modern contraceptive methods rose from 4.7 per cent in 2003 to 10.3 per cent in 2006 and to 27 per cent in 2008<sup>71</sup>.

248. Regarding use of condom among adolescents aged between 15 and 19 years, 24.8 per cent of girls against 23 per cent of boys used a condom at least once in life; 18.1 per cent of girls against 14.0 per cent of boys used a condom when they had sex for the first time, while 24.4 per cent of girls against 40.9 per cent of boys used a condom the last time they had sex over the last 12 months<sup>72</sup>.

249. To meet the specific needs of adolescents in respect of health in general and reproductive health in particular, youth friendly centres expected to make available to

<sup>67</sup> Information collected from VCT and PMTCT coordination within TRAC.

<sup>68</sup> TRAC (2007), *ibid*.

<sup>69</sup> NISR (2005), Demographic and Health Survey.

<sup>70</sup> MINISANTE (2006), *op.cit.*, p.100.

<sup>71</sup> INSR (2005), Enquête Démographique et de Santé, *op.cit.* et INSR (2007), Rapport préliminaire de l'Enquête Intermédiaire Démographique et de Santé 2007-2008 .

<sup>72</sup> Stratégie de Réduction de la Pauvreté, Rapport d'évaluation (2002-2005), Kigali, 2006, pp.28-29.

adolescents programmes and counselling services are operational, but they are not enough. There are currently nine centres providing such programmes and services<sup>73</sup>.

250. In line with EDPRS, the Government of Rwanda and its development partners have agreed that within five years (2008-2012) each District of the country will be provided with a youth friendly centre to increase the active participation of youth in Rwanda's development.

251. The minimum package of activities in support of these centres will consist of:

- (a) Promoting the rights to reproductive health;
- (b) Training young people in income generation activities;
- (c) Training young people in Information and Communication Technology (ICT);
- (d) Educating young people on HIV and AIDS voluntary counselling and testing;
- (e) Sports, cultural and recreational activities<sup>74</sup>.

### **Human and financial resources**

252. The Ministry of Health has set an overall objective of ensuring public welfare. To meet this goal, efforts are made to improve the availability of skilled health professionals across the country, especially in rural areas. To ensure this availability, Rwanda has updated and adopted a plan for human resource development based on strengthening basic training for medical and paramedical staff, for instance through KHI and ongoing on-the-job training for the staff<sup>75</sup>, thanks to increased funding through mechanisms such as the Global Fund.

253. The year 2007 was marked by strengthening the payment system based on performance at national level. Staff motivation is a fundamental principle of the Contractual Approach: funding based on performance (funding results or outputs) is itself a source of motivation as the individual remuneration resulting from it is directly proportional to the obtained results. It is also a means of retaining medical staff.

254. In addition, it has developed incentive structures encouraging in-service health professionals on the job to improve their capabilities and qualifications, but also to make increased efforts at work. The Government of RWANDA will also encourage the certification of health staff and promotion of associations of health professionals.

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<sup>73</sup> MINICYOUTH (2009), Mainstreaming of Youth in Development Programmes and Implementation Strategies in Rwanda, p.15.

<sup>74</sup> MINECOFIN (2007), Economic Development and Poverty Reduction Strategy 2008-2012 (version française), September 2007, p.114.

<sup>75</sup> MINISANTE (2007), Annual Report, 2007, p.20,30.

Table 8.3  
**Evolution of health sector funding from 2004 to 2008 (in Rwf millions)**

Sector	2004	2005	2006	2007	2008
	Budget	Budget	Budget	Budget	Budget
OB Health	8 212	10 536	11 954	14 007	15 010
DB Health	7 473	17 910	855	1 023	30 300
S/Total Health	15 685	28 446	12 809	15 030	45 310
%	4,8%	7,6%	4,1%	3,7%	7,3%

*Source:* Law on State Finances 2004, 2005, 2006, 2007 and 2008  
 OB = Ordinary Budget; DB = Development Budget.

255. As we noted under paragraphs 74 and 75 above, the health sector funding developed unevenly between 2004 and 2008. It is largely influenced by the development budget. In fact, it is in 2004 that the sector showed a continuous increase in financial contributions both at national and international levels. External aid is used to finance in particular the fight against HIV/AIDS and STDs, as well as reproductive health. Note also that the health sector has benefited from other ordinary budget funding under the decentralization of health sector budgets from the central level down to Provinces since 2002<sup>76</sup>.

## **F. Social security and child-care services and facilities**

256. The mission of the National Social Protection Policy is, in the short term, to strengthen measures to protect vulnerable groups and most disadvantaged people, and contribute to poverty and vulnerability alleviation through effective management of social risk.

257. In the medium term, it will establish a coordination system for social protection interventions, and in the long term, it would promote the welfare and social security for all groups of society and vulnerable groups in particular, while promoting equity and social justice through socio-economic integration and equal opportunities for all in respect of development opportunities<sup>77</sup>.

258. In health more specifically, the social security system established by the Government of Rwanda consisted in setting up mutual health insurance schemes to address the weakness of health care affordability for the majority of the population.

259. With the adoption of the Mutual Health Insurance Policy in Rwanda, in 2004, the availability and affordability of mutual health insurance for the populations have been increased, thanks to the existence of a mutual health insurance section at each health centre of the country. Furthermore, the national subsidy to mutual health insurance membership for poor people enabled to extend the coverage of mutual health insurance from 27 per cent to 75 per cent between 2004 and 2006, thanks to the involvement of political administrative authorities, health facilities, religious organizations, and intensive education through radio spots and testimonies<sup>78</sup>.

<sup>76</sup> MINISANTE, 2006 Annual Report, Kigali, March 2007.

<sup>77</sup> MINALOC (2005), Politique nationale de sécurité sociale au Rwanda, p.10.

<sup>78</sup> MINISANTE (2007), Annual Report, 2007.

## **G. Standard of living**

260. The ratio of poor households fell from 60.4 per cent to 56.9 per cent between 2000-2001 and 2005-2006<sup>79</sup>, implying that more than half of the Rwandan population lives below poverty line. The results of the second Household Living Conditions Survey (EICV-2005) indicate that the level of inequality between the rich and poor increased, with the Gini coefficient that increased from 0.47 in 2000-2001 to 0.51 in 2005-2006<sup>80</sup>, affecting mainly the most vulnerable households; which for children is reflected in the lack of basic needs such as food, clothing and housing, access to health care, education, drinking water and better quality hygiene.

## **H. Health constraints**

261. In its efforts to improve maternal and child health, the Government of Rwanda is faced with the following constraints:

(a) Low use of modern family planning (FP) methods (10 per cent) and women's FP needs unmet (34 per cent), hindering enhancement of maternal and infant health;

(b) Nutrition of under-five children has not improved in Rwanda since 2000 (see page 45: combating malnutrition). Here, considerable efforts should be made in order to rise to the challenge to meet MDGs in nutrition;

(c) Attendance of maternal and infant health services is still low given that 70 per cent of women give birth at home and 71 per cent have no postnatal visit.

## **I. Way forward**

262. In order to reduce infant and maternal mortality and enhance infant and maternal health, Rwanda intends to:

(a) Strengthen family planning services to enable families to space and/or control the number of children according to their wishes;

(b) Promote dialogue between parents and children on specific issues of reproductive health and sexual health in order to enable them to understand their sexuality and protect themselves against premature or undesired pregnancies, STDs and HIV/AIDS;

(c) Implement community-based health strategy that enables to empower the grassroots level communities (health committees and development committees, supported by community health workers) in preventing infectious diseases, malnutrition, and other health issues in order to enhance with less cost the health status of the population, especially vulnerable people (under-five children, pregnant women, etc.).

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<sup>79</sup> OPM, EICV Poverty analysis for Rwanda's economic development and poverty reduction strategy, Final Report (edited version), Kigali, May 2007, p. 47.

<sup>80</sup> OPM, EICV Poverty analysis for Rwanda's economic development and poverty reduction strategy, Final Report (edited version), Kigali, May 2007, p. 47.

## IX. Education, leisure and cultural activities

### A. Education policies and programmes

263. Since the beginning of the decade, Rwanda has put in place new education programmes based on human resources development through literacy and basic education for all, scientific, technological, vocational and managerial training. The Government of Rwanda would like not only to build knowledge-based and technology-driven economy, but also to strengthen educational system providing girls and boys with skills and values needed for them to be good citizens.

264. This system includes formal education (from preschool to higher education) and informal education (literacy activities) presented as follows:

(a) Education Sector Strategic Plan (2008-2012) whose main objectives are access to education for all, education quality, equity at all levels, education system effectiveness and efficiency, strengthening science, technology and ICT teaching, without forgetting culture, peace, unity and reconciliation<sup>81</sup>;

(b) Education Sector Strategic Plan (2003-2008) whose priority objectives are especially : increasing access to secondary education by sensitizing local communities to build District non-boarding schools ; reinforcing girls' retention in school system and their performance, especially in science and maths ; developing a motivation system with excellence awards for girls having completed their studies with performance, and encouraging private sector to expand their educational activities<sup>82</sup>, in accordance with article 28 of the Convention "by encouraging the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child";

(c) Education Sector Policy (2003) whose objectives includes ensuring availability and accessibility of education for all Rwandans<sup>83</sup>, in accordance with the provisions of article 28 of the Convention to "Make primary education compulsory and free for all".

265. In respect of legislation, laws and regulations governing education in Rwanda comply with the country context and take account of international programmes including "Education For All" and "Millennium Development Goals<sup>84</sup>". Those laws and regulations are as follows:

(a) Organic Law N° 20/2003 of 3 August 2003 organising education in Rwanda and stipulates in its Article 35 that primary education is compulsory and that it is free in public schools and in government subsidized schools;

(b) Law n° 29/2003 of 30 August 2003 establishing the organization and the functioning of nursery, primary and secondary schools;

<sup>81</sup> MINEDUC (2008), Education Sector Strategic Plan (2008-2012), Kigali, p.9.

<sup>82</sup> MINEDUC (2004), Rapport national sur le développement de l'éducation au Rwanda (2000-2004), Kigali, p.6.

<sup>83</sup> MINEDUC (2003), Education Sector Policy, Kigali.

<sup>84</sup> MINEDUC (2004), Rapport national sur le développement de l'éducation au Rwanda (2000-2004), Kigali (Rwanda), p.2.

(c) The new agreement between the Government of Rwanda and its partners in education sector;

(d) The special status of government subsidized schools, whose management is governed by an agreement between the Government and the partner, which is either a religious or private organization.

266. This new legislation strengthens the role of parents (through parent committees) in transparent management of (primary and secondary) schools and it provides a legal framework for the decentralization of education.

## **B. Education strategies**

267. As for the implementation of education policies and programmes, the following strategies have been applied:

(a) Parents built nurseries at community (Village) level with the main goal of developing the schooling of children aged between 3 and 6 years, awakening of their senses by enabling them to live and play with other children and practise several physical, rhythmic and manual activities<sup>85</sup>;

(b) Primary or basic education is free and compulsory in public and government subsidized schools, and it is aimed at ensuring to a 7-12 year children civic, moral, intellectual and physical education and provide them with basic skills needed for real life, secondary and vocational education<sup>86</sup>;

(c) Awareness-raising campaigns for teachers and parents are conducted to encourage girls to study subjects such as science and technology, which would raise their position in society<sup>87</sup>;

(d) Special education system (catch-up programme) has been developed to meet the needs of out-of-school and non-schooled children, and children with special needs in ordinary school life (children with physical or mental disabilities)<sup>88</sup>;

(e) Technical and vocational education (TVE) was put in place to meet the country's needs of qualified professional and technical staff through the transformation of some vocational training centres (short cycle) into technical vocational schools (long cycle)<sup>89</sup>;

(f) ICT and science development is implemented through incremental furnishing of all the country primary and secondary schools with computer equipment and training a big number of ICT teachers, as well as through providing lab equipment to science sections in secondary schools according to available resources<sup>90</sup>; In this regard a "one laptop per child policy" has been launched to provide all learners with laptops.

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<sup>85</sup> MINEDUC (2002), Rapport initial sur la mise en œuvre de la convention relative aux droits de l'enfant, Kigali (Rwanda), p.57.

<sup>86</sup> Idem.

<sup>87</sup> MINEDUC/PACFA/FAWE (2006), Campagne scolaire : « Faire la différence pour les filles », Kigali (Rwanda), p.1.

<sup>88</sup> MINEDUC (2002), op.cit., p.24.

<sup>89</sup> MINEDUC (2006), Education Sector Strategic Plan (2006-2010), Kigali (Rwanda), p.15.

<sup>90</sup> MINEDUC (2003), La politique sectorielle de l'éducation, Kigali (Rwanda), p.21.

(g) Distance learning programme was established to enhance the qualification level of teachers in secondary schools<sup>91</sup>;

(h) Literacy programme is implemented by the Government in collaboration with its key partners, i.e. NGOs, religious denominations, associations and clubs and it is mainly aimed at reducing illiteracy, considered as an obstacle to the population sustainable development, especially in the category of the population aged between 10 and 40 years<sup>92</sup>.

### C. Education, including vocational training and guidance

268. Since the beginning of the decade, Rwanda has put in place new education programmes based on human resources development through literacy and basic education for all, scientific, technological, vocational and managerial training. The Government of Rwanda would like not only to build knowledge-based and technology-driven economy, but also to strengthen educational system providing girls and boys with skills and values needed for them to be good citizens.

269. This system includes formal education (from preschool to higher education) and informal education (literacy activities) presented as follows:

#### Formal education

270. In line with formal education, the major goal of children's education is implemented through the following programmes:

(1) Parents built nurseries at community (Village) level with the main goal of developing the schooling of children aged between 3 and 6 years, awakening of their senses by enabling them to live and play with other children and practise several physical, rhythmic and manual activities<sup>93</sup>; Note that the development of early childhood policy is only embryonic<sup>94</sup>;

(2) Rwanda is now providing 7-16 year children with nine-year basic education. This basic education, which is free, intends to raise the general level of education, knowledge and skills in the population, to reduce the level of poverty and improve economic growth in the future. The nine-year basic education policy adopted by the Cabinet in February 2006, will help achieve education for all, both in respect of enrolment and completion of primary education, and reduce repeat and drop-out rates, while increasing significantly the number of pupils in the first three years of junior secondary;

The goals of this nine year basic education policy are to increase the rates as follows:

(a) Completion rate for primary education: from 52 per cent in 2006 to 112 per cent in 2015<sup>95</sup>

<sup>91</sup> MINEDUC (2002), *op.cit.*, p. 7.

<sup>92</sup> *Idem*, p.61.

<sup>93</sup> MINEDUC (2002), *Rapport initial sur la mise en œuvre de la convention relative aux droits de l'enfant*, Kigali (Rwanda), p.57.

<sup>94</sup> MINEDUC (2007), *Joint Review Education Strategy, Session on Early Childhood Policy*, Kigali, p.1.

<sup>95</sup> The completion rate exceeds 100 per cent because of the large number of students who are beyond school age (7-13 years), which means that the gross enrolment ratio is also above 100 per cent.

(b) Reduction of dropout rate: from 15 per cent in 2006 to 5 per cent in 2010 and 2 per cent in 2015

(c) Reduction of repeat rate: from 16 per cent in 2006 to 8 per cent in 2010 and 3 per cent in 2015

(d) Reduction of double shifting of teachers from 31 per cent in 2004 to 6 per cent in 2015

(e) Reduction of pupil/teacher ratio from 70.1 in 2006 to 45.1 in 2015

(f) Gross enrolment rate in junior secondary from 24 per cent in 2006 to 69 per cent in 2015

(g) Transition rate in junior secondary from 75 per cent in 2015.<sup>96</sup>

(3) Awareness-raising campaigns for teachers and parents are conducted to encourage girls to study subjects such as science and technology, which would raise their position in society<sup>97</sup>;

(4) The Government of Rwanda has embarked on education of disadvantaged learners, and developed a special education system (catch-up programme) to meet the needs of out-of-school and non-schooled children, and children with special needs in ordinary school life (children with physical or mental disabilities)<sup>98</sup>. Today, MINEDUC is in the process of finalizing its policy on disadvantaged learners in respect of education. One of the key questions for the Government is to know direct beneficiaries of its policy on special education needs. For the time being, there is no reliable data on the number of children who are disadvantaged in terms of education<sup>99</sup>.

(5) Technical and vocational education (TVE) was put in place to meet the country's needs of qualified professional and technical staff through the transformation of some vocational training centres (short cycle) into technical vocational schools (long cycle)<sup>100</sup>. In this regard, MINEDUC established a technical and vocational education policy to: (1) develop vocational and social skills among people to increase employment capacity; (2) provide companies with very skilled labour to increase productivity and; (3) ensure that TVE is part of a long-term practice constantly initiating workers into taking part in production processes, and self-employment<sup>101</sup>;

(6) ICT and science development is implemented through incremental furnishing of all the country primary and secondary schools with computer equipment and training a big number of ICT teachers, as well as through providing lab equipment to science sections in secondary schools according to available resources<sup>102</sup>;

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<sup>96</sup> MINEDUC (2008), Education Strategic Plan ESSP 2008-2012, Kigali (Rwanda), July 2008, p.10.

<sup>97</sup> MINEDUC/PACFA/FAWE (2006), Campagne scolaire : « Faire la différence pour les filles », Kigali (Rwanda), p.1.

<sup>98</sup> MINEDUC (2002), op.cit., p.24.

<sup>99</sup> MINEDUC (2007), Joint Review Education Strategy, Session on Special Education Needs, Kigali, p.1.

<sup>100</sup> MINEDUC (2006), Education Sector Strategic Plan (2006-2010), Kigali (Rwanda), p.15.

<sup>101</sup> MINEDUC (2008), Technical and Vocational Education and Training (TVET) Policy in Rwanda.

<sup>102</sup> MINEDUC (2003), La politique sectorielle de l'éducation, Kigali (Rwanda), p.21.

### **Informal education**

271. As regards informal education, Rwanda put in place the following programmes:

(1) Distance learning programme for in service teachers was established to enhance the qualification level of teachers in secondary schools by enabling them to attend degree training<sup>103</sup>;

(2) Literacy programme is implemented by the Government in collaboration with its key partners, i.e. NGOs, religious denominations, associations and clubs and it is mainly aimed at reducing illiteracy, considered as an obstacle to the population sustainable development, especially in the category of the population aged between 10 and 40 years<sup>104</sup>.

## **D. Aims of education, including quality of education**

### **Aims of education**

272. The mission of education in Rwanda consists of fighting ignorance and illiteracy and providing the human resources needed for Rwanda's socio-economic development through an education system aimed at access to equitable and efficient education for all Rwandans<sup>105</sup>.

273. To achieve this mission, the following aims<sup>106</sup> are assigned to education:

(a) Educate a free citizen freed from any form of discrimination, including discrimination based on sex, exclusion and favouritism;

(b) Contribute to the promotion of a culture of peace and insist on the Rwandan and universal values of justice, peace, tolerance, respect for human rights, gender equality, solidarity and democracy;

(c) Provide full moral, social, physical and vocational education by promoting individual skills and abilities for national reconstruction and sustainable development of the country;

(d) Promote teaching science and technology with special attention to Information and Communication Technology (ICT);

(e) Develop among the Rwandan citizens freethinking, the spirit of patriotism, civic sense, love of well-done work and openness to the world;

(f) Transform the Rwandan population into human capital by providing them with skills for their own development;

(g) Eliminate all obstacles and causes that lead to disparities in education, whether related to sex, all forms of disability, region and social origin.

274. The following specific objectives are derived from these aims<sup>107</sup>:

<sup>103</sup> MINEDUC (2002), *op.cit.*, p. 7.

<sup>104</sup> *Idem*, p.61.

<sup>105</sup> MINEDUC (2008), *Rapport annuel sur le développement de l'éducation au Rwanda, présenté à la 48ème Session de la Conférence Internationale de l'Education, Genève, Novembre 2008*, p.6.

<sup>106</sup> MINEDUC (2008), *idem*, p.7.

<sup>107</sup> MINEDUC (2003), *Education Sector Strategic Plan (2004-2008)*, Kigali

- (a) Ensure that education services are available and accessible to all Rwandan people;
- (b) Improve the quality and relevance of education;
- (c) Promote teaching science, technology and ICT;
- (d) Promote full education oriented towards respect for human rights and adapted to the country situation;
- (e) Teach children the importance of environment, hygiene and health, sensitize them to issues related to HIV/AIDS;
- (f) Improve education planning, management and administration capacity;
- (g) Promote research as a factor in national development mobilization and harmonize research programme.

275. During the 2006 school year, 2 150 new nursery schools were set in Rwanda; this was possible thanks to the new structure from the recent administrative decentralization of the country, which is now comprised of four Provinces and Kigali City, 30 Districts, 416 Sectors and 2 150 Cells.

276. Thus, the performance contract, signed between each District Mayor and the President of the Republic in 2006, includes starting at least one nursery school in each administrative Cell of the country, an administrative entity which is comprised of more or less 4 150 people.

277. At the debriefing meeting on these performance contracts at the end of 2006, it was noticed that all these nursery schools are operational throughout the country, albeit with some gaps here and there. However, it should be admitted that a huge project cannot start perfectly, but it at least it has allowed children to be occupied from an early age and, above all, has enabled parents to deal with their daily work.

278. In this programme, the administrative authority responsible for local education was not left alone, she received the support of a range of partners working in the area, the most important being the parents of these children themselves. Where there were the classrooms, the local authority made them available to teachers, while where the classrooms were not available, parents and other partners contributed to building new classrooms required for a nursery school.

279. The greatest difficulty encountered in this endeavour is the lack of teacher training at preschool level. Subsequently, since October 2006, MINEDUC has organized training workshops for trainers of these nursery schools whose major objective is the harmonization of activities at this level of schooling. The training conducted in 2006 involved 180 teachers in terms of six persons per District. During this training session, the aim was to: (1) identify encountered difficulties to provide remedies for them, (2) find a structure that needs to be adapted to such schools, and (3) establish a common methodology to be applied everywhere.

280. Regarding the girl child campaign, girls' education in Rwanda is still faced with multiple obstacles. Almost the same number of girls and boys are in primary and secondary school, but at both levels girls have a higher rate of dropouts and do not succeed like boys. For instance, in junior secondary less than a third of those who passed their examinations in 2007 were girls (26 per cent) against 74 per cent for boys. Girls also tend to shun subjects that could raise their position in society, such as science and technology. For instance, less

than 7 per cent of students who choose electricity in secondary school are girls against 93 per cent for the boys<sup>108</sup>.

281. These problems are related to three main factors, namely poverty, cultural expectations and school environment. Thus, MINEDUC, in collaboration with the Forum for African Women Educationalists (FAWE) and Protection and Care of Families Against HIV-AIDS (PACFA, now referred to as IMBUTO FOUNDATION) launched in 2006 a school campaign; 'Making a difference for girls'. It is a five-year Strategic Plan and each year will be devoted to a theme. The focus of this year is "increase the retention of girls and their performance in primary and secondary education".

282. This campaign had three main objectives :

- (a) Increase retention, performance and success in primary and secondary education, especially for girls,
- (b) Increase retention, performance and completion at all levels of education system,
- (c) Integrate the promotion of girls' education in the school culture.

283. This campaign launched a national competition among all primary and secondary schools in the country. It is designed to promote the development of school governance, care and support systems, school and classroom environment, as well as the development of associations of teachers and parents. Each school must show its ability to meet these essential quality criteria. At the end of the year, the top three schools at District level and national level will be rewarded. Up to 10 schools will be recognized for excellence in every District. Prizes will vary from building facilities such as playgrounds or science laboratories, to school equipment such as textbooks.

284. For the success of this campaign, all the key officers of the education sector should work in partnership. The Ministry will provide strategic guidance for the campaign but the most important role will be the one of Directors of Education in Districts who should use their partnership at local levels with NGOs, faith-based organizations (FBOs) and civil society to ensure that the campaign goals and objectives are achieved.

285. The Rwandan Government has prioritized girls' education, thereby considering gender development as a key component in improving economic and social welfare. The Government is therefore full aware that investing in girls' education contributes to the achievement of critical social objectives such as decreased fertility and infant mortality, increased child health and improved productivity that lie behind gender disparities<sup>109</sup>.

286. We should point out a few cases among the categories of particularly vulnerable children, namely child heads of households, HIV/AIDS infected or affected children, children from poor families, disabled children and Pygmy children suffering from inequalities in the enjoyment of their rights. Indeed, access to education is not fully ensured either because of lack of funding, discrimination, ignorance or lack of awareness among some parents.

287. With a view to achieving inclusive education for all Rwandan children and achieving the goals set for education in general, including that of eliminating all causes and

<sup>108</sup> MIGEPROF (2009), Profil du Genre 2005-2007 au Rwanda, Kigali, pp.70 and 72.

<sup>109</sup> MINEDUC (2008), Education et Genre, [www.mineduc.gov.rw](http://www.mineduc.gov.rw).

barriers that lead to education disparities based on disability, sex, etc. the Government of Rwanda has established a National Policy on Special Education.

288. The purpose of this National Special Needs Education is to promote quality education for all children through the eradication of barriers resulting from the lack of equity in education, provided that the barriers that prevent some children (including disabled children) from entering, staying and succeeding in school are against the rights of the child in education<sup>110</sup>.

### **Education quality**

289. During the period (2002-2008), Rwanda has continued to make every effort to improve the quality of education. This can be seen through the following achievements, through a training programme for teachers that has been established, with:

- (a) Technical Training Schools (TTC) per Province;
- (b) Kigali Institute of Education (KIE) with "distance learning" for (unskilled) secondary teachers;
- (c) Development of quality standards (minimum package of standards) by the General Inspectorate of Education;
- (d) Establishment of the National Examinations Council (which received the United Nations award "The United Nations Public Service Award 2006 for outstanding achievement and excellence in improving transparency, accountability and responsiveness " in New York);
- (e) Training for the principals of primary and secondary schools in school management;
- (f) National Curriculum Development Centre (NCDC): curricula and teaching material;
- (g) Encouragement of teachers (review of pay scales, but especially the establishment of a financial structure for teachers "Umwalimu SACCO", allowing them to have access to loan;
- (h) Health insurance scheme, on-the-job qualifying training;
- (i) Teacher Service Commission for managing the development of the teaching career;
- (j) National Presidential Award for Excellence in Science;
- (k) Provision of computer equipment in schools, Internet, solar energy, and even in primary schools with the program "one laptop per child".<sup>111</sup>

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<sup>110</sup> MINEDUC (2007), Special Needs Education Policy, July 2007, p.13.

<sup>111</sup> UNESCO (2006), Rapport sur les progrès réalisés par le Rwanda vers la réalisation des buts de l'Education pour tous (EPT) depuis Dakar (2000), Nairobi, p.3.

**Education sector funding**

Table 9.1

**Evolution of national budget (Rwf thousands) allocated to health and education from 2004 to 2008**

	2004	2005	2006	2007	2008
<i>Sector</i>	Budget	Budget	Budget	Budget	Budget
OB Education	20 417	25 985	34 685	37 517	41 424
DB Education	8 852	8 273	3 508	12 957	18 648
S/Total Education	29 269	34 258	38 193	50 474	60 072
%	8,9%	9,2%	12,2%	12,5%	9,6%
Total Health + Education	44 954	62 704	51 002	65 504	105 382
%	13,7%	16,8%	16,3%	16,2%	16,9%

*Source:* Law on State Finances 2004, 2005, 2006, 2007 and 2008

OB = Ordinary Budget; DB = Development Budget.

290. As pointed out in figure 3.2 in chapter III (F) above, the national budget line allocated to education increased from 8.9 per cent to 12.5 per cent of the total budget between 2004 and 2007 and fell down to 9.6 per cent in 2008.

**E. Leisure, recreation and cultural activities**

291. Article 17 of Law N° 27/2001 stipulates that; “A child has a right to rest, enjoyment of sports and of recreational activities that correspond to his/her age.”

292. Specifically, leisure and recreation and cultural activities are scarce for most children, both at school and in their neighbourhoods. Indeed, given the paucity of educational concessions, density of population and the low living conditions of the majority of the population, many schools and residential areas lack adequate playgrounds and equipment to do some sports.<sup>112</sup>

293. Given this situation, the Government of Rwanda through the Ministry of Sports and Culture has found in “Right to Play”<sup>113</sup> a partner in the field of sport and recreation. In Rwanda since 2003, this NGO, initiated by athletes, uses sports and game as vectors of development, health and peace, on the premise that the game nurtures health and friendship, it helps teamwork and building stronger and more peaceful communities that can work together.

294. “Right To Play Rwanda”, is involved in three areas: the overall development of the child, health promotion and health education, building the capacity of partners in the implementation of children’s support activities.

<sup>112</sup> In Rwanda, about 60 per cent of households live below the poverty line.

<sup>113</sup> [www.righttoplay.com](http://www.righttoplay.com)

295. With a view to achieving its objectives, “Right to Play” has partnered with CNLS in the Street Children’s Training Project, with UNFPA in youth training in line with the Youth Reproductive Health Project, with UNICEF for the implementation of Sport for Development Programme within child-friendly schools.

296. The Right to play programmes are implemented by primary and secondary school teachers, and by community sector organizations trained on the modules for promoting the overall development of the child, and health promotion and education to health. These programmes are inclusive and allow all children (boys, girls, disabled children, street children, HIV / AIDS affected children, etc.) to enjoy and participate in innovative educational system on the overall development of the child.

297. Other sports and recreational facilities have been set up in Rwanda to enable children and youth to increase their skills in sports and recreational activities. For instance, we can state the Kigali national football academy, the Rwandan youth participation in the African Nations Cup Junior, the participation of Rwandan in the Special Olympic China Games and Kimisagara Youth Centre.

## **F. Constraints in education**

298. Despite significant progress made by the Government of Rwanda in education, there are still some constraints including mainly the following:

(a) Despite the Government will to ensure education for all, the funding capacity of the State is still low, 20 per cent of the total budget being allocated to all levels of education;

(b) The outcomes of awareness-raising among the parents of children with special needs in ordinary school life (children with physical or mental disabilities) are still low;

(c) School facilities that do not allow easy access for children with disability;

(d) The quality of education remains low because of overcrowded classrooms, inadequate textbooks, especially for primary school pupils, and inadequate number and qualification of teachers;

(e) The low level of absorption of vocational training centres faced with an increasing number of youth coupled with a high rate of school drop-out.

## **G. Way forward**

299. In its obvious commitment to human resource development as a factor in economic and social development of its people, Rwanda would like to:

(a) Support the initiative of parents to build nurseries at community level in order to create an enabling environment for playing and learning that give the child the opportunity to develop at all levels in company with other children;

(b) Promote teaching science and technology to develop the qualification of young people and boost a new tempo of growth thanks to qualified jobs.

## X. Special protection measures

### A. Policies and programmes regarding protection of the rights of the child

300. In respect of protection of the rights of the child, the following policies and programmes were established by the Government of Rwanda:

(a) National Policy for Orphans and Other Vulnerable Children (2003) aimed at assisting OVCs to reach their full potential and have the same opportunities as all other children for their active and valued participation in home and community life;<sup>114</sup>

(b) National Social Protection Policy (2005) that provides orientations for reducing vulnerability, promoting social risk management, coordination of proactive actions and protection of vulnerable groups;<sup>115</sup>

(c) Strategic Plan for Street Children (2005) is based on three main axes, namely (1) protection of street children against dangers to which they are exposed, (2) reintegration into their families or into the community, and (3) prevention of street children phenomenon;<sup>116</sup>

(d) Training programme on peace and reconciliation developed by the National Unity and Reconciliation Commission for children and young people (NURC), for bringing together especially young people in forums known as solidarity camps (Ingando) aimed at political, military, decorum, know-how, speaking and life skills sessions.<sup>117</sup>

(e) 2007-2011 Strategic Plan for Orphans and Other Vulnerable Children envisions (1) raising awareness on all matters concerning OVCs by targeting children, parents, caretakers, service providers and the population, (2) conducting information campaigns on HIV/AIDS and reproductive health, (3) undertaking research and identification of OVCs for the development of appropriate programmes and interventions, (4) developing legislation, procedures and regulations for the implementation of programmes based on the rights of OVCs, (5) establishing community-based support structures for OVCs protection, follow-up and service provision, (6) strengthening the capacity of stakeholders involved in service provision to OVCs, (7) establishing co-ordination mechanisms for structures involved in matters pertaining to OVCs, and (8) facilitating the access to basic services for OVCs, such as education, health, nutrition, housing, income generation activities, credit, etc.);<sup>118</sup>

(f) National Five-year Plan of Action on Child Labour (2007) aimed at the elimination of child labour in general and combating the worst forms of child labour in particular as set forth in the ILO Convention No. 182 (1999), under MIFOTRA coordination, and whose implementation is ensured by a consultation committee on child labour composed of representatives of social government departments and unions,

<sup>114</sup> MIGEPROF (2003), National Policy for Orphans and Other Vulnerable Children, Kigali (Rwanda).

<sup>115</sup> MINALOC (2005), National Social Protection Policy in Rwanda, Kigali (Rwanda).

<sup>116</sup> MIGEPROF (2005), Strategic Plan for Street Children, Kigali (Rwanda), p.18.

<sup>117</sup> CNUR (2007), [www.nurc.gov.rw](http://www.nurc.gov.rw)

<sup>118</sup> MIGEPROF (2006), Strategic Plan for Orphans and Other Vulnerable Children (2007-2011), Kigali (Rwanda), p.15.

representatives of the National Commissions (demobilization, human rights), Private Sector Federation (employers), the National Police, UNICEF, ILO, World Vision/KURET;<sup>119</sup>

(g) Law N° 02/98 of 22 January 1998 Establishing the Fund for Assistance to Survivors of Genocide (FARG);

(h) Law N° 13/2009 of 27 May 2009 regulating labour in Rwanda

(i) Law N° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence. It is an overarching law that enshrines the rights of the child and that, for protecting them, lays down specific penalties against persons found guilty of their violation;

(j) Presidential Order n° 72/01 of 8 July 2002 establishing the Army General Statutes. Article 15 sets the minimum age of recruitment into the Rwanda Defence Forces (RDF) at 18 years.

## **B. Strategies in respect of protection of the rights of the child**

301. To implement the foregoing policies and programmes for protection of the rights of the child, the following strategies have been applied:

(a) The establishment of a Government Department in charge of children's issues (MIGEPROF) that ensures the coordination of all programmes pertaining to the protection of the rights of the child;

(b) The establishment, by MIGEPROF, of a Stakeholders' Forum from which an OVC Technical Group is derived to coordinate activities undertaken for OVCs, in order to avoid waste of resources and duplication of interventions;

(c) The programme for demobilization of child soldiers disarmed and repatriated from the Democratic Republic of Congo (DCR), which consists in their physical and psychological rehabilitation, their reunification with their families, and their reintegration either into formal education or vocational training, or even into income generation activities<sup>120</sup>;

(d) Measures taken, since 2003, against illicit traffic of small arms and light weapons, such as the destruction of weapons in 2005 and 2006;

(e) In line with combating genocide ideology among children, the National Unity and Reconciliation Commission organizes (1) training for the principals of primary schools in Provinces since 2005 ; (2) camps for orphan-headed households; and (3) establishment of unity and reconciliation clubs in schools, since 2003;

(f) A Ministerial Instruction was elaborated and submitted to all health facilities regarding care for victims of gender-based violence<sup>121</sup>;

<sup>119</sup> MIFOTRA (2007), National Five-year Plan of Action on Child Labour, Kigali (Rwanda), p.2.

<sup>120</sup> RDRC (2007), Information collected from Child Protection Department within Rwanda Demobilization and Reintegration Commission (RDRC).

<sup>121</sup> MINISANTE (2006), 2006 Annual Report.

(g) A national survey on child labour, organized by NISR in collaboration with MIFOTRA funded by UNICEF and ILO, is underway in order to measure the extent of the phenomenon in the country;

(h) The protection of the rights of refugee children as other Rwandan children;

(i) Laws were promulgated and others are under review or preparation, to be adapted to current realities and harmonized with international conventions to which Rwanda is a party.

## C. Children in situations of emergency

### Refugee children

302. The children of refugees are given protection and humanitarian assistance as Rwandan children. For example, child protection and education programmes in refugee camps are run by UNHCR partners: Save the Children UK and the “Service des Jésuites pour les Réfugiés”. Refugee children attend basic education (primary plus three years in junior secondary school) and follow the national curriculum in the camps, to be oriented to public schools outside the camps<sup>122</sup>.

303. At the end of 2008, the number of refugees in Rwanda was 55.894 living in the refugee camps of Kiziba, Gihembe, Nyagatare Transit Centre, Nkamira Transit Centre, Nyabiheke, Kigeme and Kigali City.<sup>123</sup>

304. With the collaboration between the Government of Rwanda and UNHCR, WFP, the refugees are given humanitarian assistance, especially in nutrition, health, education, drinking water, firewood, hygiene, small income generation activities. In 2008, education assistance was provided to 17.287 refugee pupils and students<sup>124</sup>.

### Children in armed conflicts, including physical and psychological recovery and social reintegration

305. Having noticed that Law N° 27/2001 relating to Rights and Protection of the Child against Violence prohibits military service for children under 18 (art. 19), the Committee remained deeply concerned that this Law does not apply for the Local Defence Forces (LDF).

306. A new law on local defence forces has been established, i.e. Law n° 25/2004 of 19 November 2004 establishing and determining the organization and functioning of the local service in charge of assisting in maintenance of security referred to as “Local Defence Force”. In its article 9, this Law provides that the person selected (by the Cell Council as set forth under article 8 of the same Law) to be a member of Local Defence Force shall be at least of 18 years of age.

307. Here, it should be recalled that for acceptance into the Rwanda Defence Forces or into the National Police, it is required to be at least of eighteen (18) years of age (art. 5 of the Presidential Order n° 72/01 of 8 July 2002 establishing the Army General Statutes and

<sup>122</sup> Information from UNHCR Kigali.

<sup>123</sup> National Commission for Human Rights, Report 2008.

<sup>124</sup> Figures from the National Commission for Human Rights, Report 2008.

article 5 of the Presidential Order n° 155/01 of 31 December 2002 establishing the Statutes of the National Police).

308. Rwanda has left no stone unturned to ensure the demobilization and reintegration of child soldiers or former child soldiers in their respective communities and ensure favourable conditions for their psychological recovery and social reintegration, with special attention to girls.

**Measures adopted with regard to disarmament, demobilization**

309. In this area, there was set up a Rwanda Demobilization and Reintegration Commission established by the Presidential Order N° 37/01 of 9 April 2002.

310. Initially, the Commission was established to meet the pressing need to demobilize and reintegrate into civilian life soldiers in general; including children who had taken refuge in RPA fleeing from the 1994 Genocide of Tutsis. All these children whose number was 2364 according to data from Rwanda Demobilization and Reintegration Commission were sent to the Kadogo School (child soldier school) in Butare that was just established with the support of UNICEF to provide these children with basic education. Children received formal basic education and were therefore able to have access to secondary and higher education.

311. As the under-18 are no longer accepted into the army and civil defence pursuant to Rwandan legislation, the current role of the Commission for Children is to participate in the process of disarmament, demobilization, repatriation, rehabilitation and reintegration of Rwandan children involved in armed conflicts in neighbouring countries, mainly in DRC. Former child soldiers from armed groups in DRC stay in a transit demobilization camp where they are given assistance and training in various fields in order to facilitate their social reintegration.

312. Initially, children were received with adults in the demobilization camp in Ruhengeri<sup>125</sup> and were given separate tents, but since 2002, there has been a demobilization camp especially developed for them in MUHAZI, some fifty kilometres away from Kigali.

**Assistance given for physical and psychological recovery and social reintegration of children**

313. Upon arrival in the demobilization camp, children are given basic necessities and basic care. The centre is therefore provided with a clinic. There is also psycho-social support.

314. For better health care, there is an agreement between Rwanda Demobilisation and Reintegration Commission, Ruhengeri Hospital, University Teaching Hospital of Kigali (CHUK in its French acronym), and Military Hospital of Kanombe to provide care to former child soldiers during the demobilization and reintegration process. The Commission is responsible for the cost of medical treatment for children with serious illnesses requiring follow-up after reintegration, and this for a period of 12 months at most.

315. Children are provided with a balanced diet. They have three meals a day. They learn how to read, write and count and this prepares the youngest children for returning to formal

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<sup>125</sup> Before a separate Province, Ruhengeri is currently located in the Northern Province according to Organic Law n°29/2005 of 23 December 2005 determining the administrative entities of the Republic of Rwanda, O.G. special of 23 December 2005.

education once reintegrated in society. They also have other lessons including civic education. These school activities begin immediately upon arrival at the camp where children will each receive a uniform identical to that of primary schoolchildren. The centre has one permanent teacher; others are external teachers and are provided by the decentralized institutions in terms of lessons to be given.

316. Moreover, children can play, sing, dance and watch movies, etc. The centre is equipped with soccer fields and volleyball courts, two playrooms, a TV set and VCR.

317. Furthermore, the centre is open to the public who can also benefit from its social activities and on that occasion children become familiar with the environment to which they are preparing to return.

318. Concurrent with these activities in the demobilization camp, there are conducted family tracing activities, i.e. tracing children's own families or close families, as the centre is only a transit place, the watchword in Rwanda being: one child, one family. The family tracing programme is conducted in collaboration with ICRC which has always to get the views of the child.

319. The child soldier who has just been demobilized can return to civilian life through various options:

- (a) Return the child to his/her parents (father and mother) or a survivor of one of them (best option);
- (b) Place the child in a foster family (Fostering);
- (c) Group homes consisting in grouping a limited number of children (3, 4, or 5) into one family;
- (d) Independent life (the child has his/her own household);
- (e) Institutionalization, i.e. placing the child in a foster centre for orphans and other vulnerable children.

320. Of all the foregoing options, reintegrated former child soldiers have been so far received by their families (nuclear or extended family). For children with traced families, there is a family reunification ceremony attended by local authorities and neighbouring community.

321. When there are several children to be reunited with their families, the ceremony is held in the demobilization centre at the expense of the Commission. Beer is shared according to the custom, children dance, recite poems, etc.

322. In case of a limited number of children to be reintegrated, the ceremony is held in family. The members of the Commission accompany the children to their places and provide for the organization of the ceremony. In any case, there is always a handover between the Commission and the family.

323. Various measures have also been adopted to facilitate the social reintegration of former child soldiers:

- (a) When they are discharged from the demobilisation camps, children are given a take-home kit containing clothes, a pair of sheets, soap, saucepans, plates, cups, a hoe, a mosquito net, a jerry can and a basin.

(b) Children undergo a medical examination and those found with diseases needing a regular follow-up are given a Treatment Access Form (TAF) that allows them access to care in the above mentioned hospitals at the expense of RDRC.

(c) Still within the demobilization centre, the Commission, the child, his/her parents and local authorities discuss what the child will do upon reintegration, depending notably on his/her age, sex, and skills and on the environment potential.

324. Choices are much more oriented towards:

(a) Crafts. There is an agreement between the Commission and Gacuriro craft centre where children can be taught various crafts.

(b) Formal education for the youngest children.

(c) Income generation activities (IGA). This orientation is taken by the oldest children. The main activities practised by them are agriculture and animal husbandry and small business.

325. Regarding functional rehabilitation of disabled children, some NGOs are working to ensure that the Rwandan health system, and in particular the public sector, is in a position to offer quality, long-term functional rehabilitation (physiotherapy and orthopaedic materials) services that meet the needs of people with disabilities. This is the case for instance of Handicap International, HVP Gatagara, etc.

326. As regards children's psychological recovery, several public and private organizations are working jointly to improve the mental health of a population deeply affected by the atrocities witnessed during the war and the 1994 genocide of Tutsis. The concern of all these organizations is being available locally, listening, and providing psychosocial monitoring and assistance for children and teenagers suffering from psychic disorders or from psychological weaknesses<sup>126</sup>.

327. In addition to these interventions for the children mentioned above, since January 2008, Handicap International has initiated a programme for fighting epilepsy to help 120,000 children of school age with the disease to gain access to quality health care, live a normal life within their families and communities, and go to school like any other child<sup>127</sup>.

### **Specific situation of girls**

328. As to RDRC, it does not distinguish between child beneficiaries and despite the fact that there is not practically a girl demobilized following the official process designed within the framework of this programme, there are facilities especially set up for them within the demobilization centres (dormitories and bathroom installations separated from those of boys, a female social worker). The two girls were repatriated in August 2001<sup>128</sup> prior to the establishment of Muhazi demobilization centre. They were given a take-home kit including blankets, saucepans and hoes.

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<sup>126</sup> Handicap International, Our actions, <http://www.handicap-international.fr/en>.

<sup>127</sup> Handicap International, *idem*.

<sup>128</sup> The Demobilisation and Reintegration of Rwandan Boys and Girls Associated with Armed Groups in the Democratic Republic of Congo. Save the Children, July 2004, p.9.

## D. Children in conflict with the law

### The administration of juvenile justice

329. It is worth pointing out here laws that were enacted after the presentation of the initial report, namely:

(a) Organic Law n° 51/2008 of 9 September 2008 determining the organization, functioning and jurisdiction of courts.

(b) Law n° 13/2004 of 17 May 2004 relating to the criminal procedure code that was also modified and supplemented by Law n° 20/2006 of 22 April 2006.

330. Also in respect of juvenile justice, it should be pointed out that children receive legal assistance, and that, in this context, and under the auspices of the Ministry of Justice, the lawyers of the Bar of Kigali, with the support from Belgian Technical Cooperation, opened subsidiary offices across the country (12) to assist children and poor persons in courts.

331. Likewise, on 29 January 2007, a partnership agreement was signed between Avocats Sans Frontières (ASF) and the Bar of Kigali for the implementation of the project; “Appui à un meilleur accès à la justice des personnes vulnérables au Rwanda”.

332. Kigali Bar Association initiated hearing sessions on a permanent basis for cases of poor people and their follow-up within the framework of legal assistance. Timetables for these sessions are submitted to various authorities including the Minister responsible for children’s issues.

333. Civil society is also involved in children’s assistance, for example HAGURUKA NGO provides legal assistance to child victims of violence or to their families.

334. Legal assistance is provided in various areas:

(a) In civil matters, the assistance is related to establishment of paternity, maintenance, right to property, succession, management of assets, guardianship, emancipation, enforcement of judgment or ruling, allowances of Social Security Fund of Rwanda, various duties, absence and registration of death, damages, credit and loans, custody of children, cancellation of sale.

(b) In criminal matters, assistance is related, among others, to genocide, rape, road accidents, grievous bodily harm, theft, illegal detention, murder, assassination attempt, damaging slanders and charges, abortion, fraud, breach of trust, abandonment of family, child abduction, and various orientations.

(c) Within the framework of legal assistance, 31,650 children were assisted in 2006.<sup>129</sup>

### Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

335. Law n°38/2006 of 25 September 2006 establishing and determining the organization of the National Prisons Service provides for special protection measures for imprisoned children, namely:

<sup>129</sup> Association pour la Défense des Droits de la Femme et de l’Enfant « HAGURUKA a.s.b.l. », Rapport d’activités annuel 2006.op.cit.

(a) Article 24, paragraph 2: Incarcerated persons aged between 14 and 18 years shall be particularly supervised by competent employees;

(b) Article 25, paragraph 2: Any incarcerated pregnant or lactating woman shall be accorded special care. A child under breastfeeding shall be entitled to adequate nutritional food as required for infants and shall be given to his/her family at three years of age. In case of no family to receive such a child, the State shall provide a place where she/he shall be catered for;

(c) Article 51: A Presidential Order shall institute special rehabilitation centres to receive minors who committed offences;

(d) A Ministerial Order shall determine the organization and functioning of the rehabilitation centres<sup>130</sup>.

336. The prison Nyagatare was transformed into a special rehabilitation centre for minors who have committed crimes.

### **Sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment**

337. In Rwanda, capital punishment was abolished through Organic Law n° 24/2007 of 27 June 2007 relating to the abolition of death penalty. Being inapplicable even against adult offenders, it goes without saying that juvenile delinquents should not be sentenced to capital punishment.

338. However, it should be pointed out that even before the adoption of the measure, capital punishment was not imposed on under-18 persons because article 77 of the Penal Code provided for minority excuse, which entailed that when a person over 14 and less than 18 years of age at the time of the offence was liable to capital punishment or life imprisonment, she/he should be sentenced to 20 years' imprisonment. Furthermore, capital punishment against a pregnant woman before delivery was prohibited by the Penal Code of Rwanda (art. 31).

339. Regarding the measures to put an end within six months all pending legal proceedings against individuals suspected of having committed war crimes who were under 18 at the time of crimes (recommendation 71), the Communiqué of the President's Office of 1 January 2003 ordered the release of children held in prisons. The trials which were still pending before the courts were examined; the children enjoyed the excuse of minority to the extent that at the time of the preparation of this report, there was no Rwandan child detained for the crime of Genocide of Tutsis.

340. As regards to the reform of relevant legislation and the administration of juvenile justice in line with the provisions of the Convention (recommendations 73 and 74), we will refer to what has just been stated above in this section.

<sup>130</sup> It is the Minister having prisons in his attributions, i.e. The Minister for Internal Affairs.

## E. Children in situations of exploitation, including physical and psychological recovery and social reintegration

### Economic exploitation of children, including child labour

341. In order to harmonize the provisions of the Labour Code with the conventions of the International Labour Organization (ILO) to which Rwanda is party, including the Convention No.° 138 (1973) concerning Minimum Age for Admission to Employment and Convention No.° 182 (1999) concerning the Worst Forms of Child Labour, the Republic of Rwanda has developed a new labour code. Law N° 13/2009 of 27 May 2009 regulating labour in Rwanda specifies in its article 4, paragraph 1 that it is prohibited to employ a child in any company, even as apprentice, before the age of 16.

342. In Part 3 relating to fundamental rights, the first chapter deals with the prohibition of child labour, fixing 16 years as the minimum age for child employment, in accordance with the ILO Convention No. 138 (1973). Furthermore, Part 4 of the new Labour Code is related to the worst forms of child labour according to the ILO Convention No. 182 (1999).

343. In respect of prevention and fight against child labour, the Government of Rwanda developed, under MIFOTRA coordination, a National Five-year Plan of Action on Child Labour (2007) aimed at the elimination of child labour in general and fight against the worst forms of child labour in particular as set forth in the ILO Convention No. 182 (1999), and whose implementation is ensured by a consultation committee on child labour composed of representatives of social government departments and unions<sup>131</sup>. The labour inspectorates have been decentralized and are now operational in all Districts. These inspectors are trained twice a year in fighting against child labour.

344. ILO/IPEC funded a 2004-2006 project for prevention and reintegration of former child soldiers, and a Draft National Policy on Child Labour was adopted by the Cabinet. There is also a steering committee responsible for the fight against child labour.

345. According to the latest census of 2002, among 2,643,403 children aged between 6 and 17 years of age, child labour is related to 352,550 children who declared that they are employed, including 166,245 boys, i.e. 47.2 per cent and 186,305 girls, i.e. 52.8 per cent<sup>132</sup>.

Table 10.1

#### Distribution of employed children by sector of activity according to sex

Sector of activity	Male		Female		Overall	
	Number	%	Number	%	Number	%
Total	1666 245	47.2	186 305	52.8	352 550	100.0
Primary sector	136 838	46.6	156 685	53.4	293 523	100.0
Secondary sector	2 369	68.1	1 111	31.9	3 480	100.0
Tertiary sector	27 038	48.7	28 509	51.3	55 547	100.0

Source: National Census Service, 3rd General Census of Population and Housing, 2002

346. The table below provides some insights into the level of child labour in Rwanda.

<sup>131</sup> MIFOTRA (2007), National Five-year Plan of Action on Child Labour in Rwanda, Kigali (Rwanda), p.2.

Table 10.2

**Distribution of employed children by sector of activity according to age group and residence area**

<i>Employment status</i>	<i>Residence area</i>				<i>Residence area</i>		
	6-9 %	10-14 %	15-17 %	Overall %	Urban %	Rural %	Overall %
TOTAL	6,7	26,7	66,6	100,0	12,2	87,8	100,0
Self-employed	2,7	12,2	33,4	48,3	4,1	44,3	48,3
Employers	0,0	0,0	0,1	0,1	0,1	0,0	0,1
Casual employees	0,1	1,7	4,0	5,8	2,4	3,4	5,8
Permanent employees	0,1	1,3	3,2	4,6	2,9	1,6	4,6
Apprentices	0,1	0,2	0,3	0,7	0,1	0,6	0,7
Domestic workers	3,3	10,2	23,8	37,2	1,9	35,3	37,2
Non-determined	0,4	1,0	1,9	3,3	0,7	2,6	3,3

*Source:* National Census Service, 3rd General Census of Population and Housing, 2002

347. The tables above show that on the one hand boys are more used in secondary sector (68.1 per cent), while girls are more used in primary sector (subsistence agriculture: 53.4 per cent); and that on the other hand over 33 per cent of these children are under 15 years, and live for more than 87 per cent in rural areas.

348. The Ministry of Civil Service and Labour (MIFOTRA) estimated that 175,185 children were engaged in the worst forms of child labour (several working hours, outside the family circle and in conditions that may prejudice their health and education). Moreover, according to MIFOTRA, in 2000, 2,140 children were involved in prostitution.<sup>133</sup>

349. In order to have updated data on the number of children involved in the worst forms of child labour, MIFOTRA in collaboration with ILO and UNICEF undertook a national survey on child labour for updated data on the magnitude of the phenomenon both at national and decentralized levels. After data collection and processing, the data is being analysed.

350. As regards participation in the rehabilitation and reintegration of children in situations of economic exploitation, several civil society organizations are involved in activities aimed at helping children working in mines and plantations, child domestic workers, former child soldiers and sexually abused children. Those stakeholders include especially:

<sup>132</sup> NCS, Situation of Children, 3rd 2002 General Census of Population and Housing, p.83.

<sup>133</sup> MIFOTRA, National Five-year Plan of Action on Child Labour in Rwanda, Kigali, 2007, p.8.

### **Drug abuse**

351. As mentioned in the initial report, Law N° 27/2001 relating to Rights and Protection of the Child against Violence provides for penalties against whoever gives illicit drugs to a child or uses him/her in illicit drugs or arms trafficking or in fraudulent practices.

352. As it is difficult to apprehend drug consumers, especially because they do not take them in public, the fight against drug abuse is conducted upstream, by arresting drug traffickers and taking them to court. These arrests are made known to general public through radio and television, and on this occasion, awareness-raising about the evils of drug abuse is conducted.

353. Note for example that in 2006 the Ndera neuro-psychiatric centre in Kigali admitted 442 people, more than the double of the previous year, most of them being affected by drugs, especially young boys. Their number continues to increase. The same year, the police caught more than 200 tons of hemp, 10 000 tons of Kanyanga beer, an adulterated beer from Uganda or Tanzania.

354. In its report on the situation and monitoring of drugs among young people released in November 2008, the Senate stressed the urgent need to make every effort to eradicate this scourge.

355. Today, all public and private organizations working with children combine their efforts to curb drug abuse within the population in general and among children and young people in particular.

356. The first example is Narconon Project Rwanda, which was launched in Rwanda to deal with drug addict rehabilitation and drug prevention to eliminate drug addiction and remedy the devastation it brings to families and society, it also organizes training conferences on the dangers of drugs to help the youth discover the facts about drug use, which enables them to decide being well-informed.

357. The second example is that of the awareness-raising campaign for the youth on the evils of drugs, organized in May 2009 by the Ministry of Youth. "To better eradicate this scourge, we will establish a steering committee comprising stakeholders in training and education for young people from the grassroots level to find stocks and dismantle the consumption sites for these drugs", stated the Minister of Youth.

### **Sexual exploitation and sexual abuse**

358. Sexually exploited and /or abused children are included in the 8th category of the fifteen categories of vulnerable children set forth in the National Policy for Orphans and Other Vulnerable Children.

359. As mentioned in the initial report and according to a study on child prostitution conducted by the Ministry of Public Service and Labour in 2000, the problem of child sexual abuse and prostitution exists; orphans and children from the poor areas being particularly exposed. Another study showed that sex played a key role in the strategies for the survival of orphans and other vulnerable children<sup>134</sup>. The children who are the most

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<sup>134</sup> MINALOC / UNICEF, *Struggling To Survive: Orphan and Community Dependent Children in Rwanda*, Kigali, 2001, p.95.

exposed to prostitution are child domestic workers, street children and child heads of households<sup>135</sup>.

360. The National Policy for Orphans and Other Vulnerable Children sets specific objectives to protect sexually exploited and /or abused children, namely:

- (a) Develop prevention mechanisms for child sexual exploitation and abuse;
- (b) Ensure the enforcement of laws protecting sexually exploited and /or abused children;
- (c) Provide support services for sexually exploited and /or abused children.

361. In respect of strategies, there are:

- (a) Awareness-raising among different actors (public sector, private sector, NGOs, communities, children);
- (b) Reinforce the application of the law protecting children from sexual abuse and exploitation;
- (c) Conduct a countrywide and in-depth study on the problem of sexual exploitation and abuse;
- (d) Provide medical, social and legal assistance to affected children;
- (e) Establish prevention and reporting mechanisms.

362. In 2008, a law on the prevention and punishment of all forms of gender-based violence<sup>136</sup> was enacted. It is Law n° 59/2008 of 10 September 2008, published in the Official Gazette N°14 of 6 April 2009.

363. In its article 7, this Law stipulates that “the parent, trustee or any other person responsible for a child shall protect the latter against any gender-based violence and it is forbidden not to cater for child under one’s trusteeship just because of whether the child is male or female.”<sup>137</sup>

364. In case of violence, article 10 specifies that a Prime Minister’s Order shall determine modalities in which government institutions prevent gender based-violence. It also determines the modalities for receiving, relieving, defending, medicating and assisting the victim for the purpose of rehabilitating his/her health.

365. Article 16 provides that “any person who is found guilty of rape<sup>138</sup> shall be liable to imprisonment of ten (10) years to fifteen (15) years. Where rape has resulted in a bodily or a mental illness, the person guilty with rape shall be liable to imprisonment of fifteen (15) years to twenty (20) years and medical care fees for the person raped shall be borne by

<sup>135</sup> REPUBLIC OF RWANDA, MINISTERE DE LA FONCTION PUBLIQUE ET DU TRAVAIL & UNICEF, Etude sur la prostitution des enfants, mars 2000, p. 23.

<sup>136</sup> Under the terms of the law, gender-based violence refers to any act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male. Such act results in the deprivation of freedom and negative consequences. This violence may be exercised within or outside households (Law, p.89).

<sup>137</sup> Law N°59/2008 of 10/09/2008 on Prevention and Punishment of Gender- Based Violence, published in the Official Gazette N° 14 of 06/04/2009, p.92.

<sup>138</sup> Under the terms of the law, rape: the fact that a person is involved into sexual intercourse without consent, by force, intimidation, trickery and others (Law, p.90).

him/her. Where rape has resulted in a terminal illness or death, the guilty person shall be liable to life imprisonment.”<sup>139</sup>

### **Other forms of exploitation**

#### **Child domestic workers**

366. As stated above, most of these children are particularly likely to become sex workers:

- (a) Either due to an undesired pregnancy;
- (b) Either due to dismissal from work, they want to fend for themselves and remain at all costs in the City;
- (c) When in despair, in case of night dismissal or being unable to return to the village, they are taken in and cared for by sex workers or other ill-intentioned persons.

367. Child domestic workers are mainly employed in towns and trade centres. An NGO, “Action pour le Développement et la Paix en Afrique”, ADPA in short, is involved in conducting campaigns countrywide to reveal the real conditions of domestic labour and demystify this work, especially for children. Counselling points have been established countrywide for all children in despair by focusing especially on child domestic workers and street children.

368. This NGO has been working in collaboration with the Ministry of Public Service and Labour with the support of UNICEF since 2001. Its aim is to remove children from domestic work by teaching them a promising craft, by targeting the community, parents, employees and children themselves. It is worth mentioning here that in a broader context, a national policy against the worst forms of child labour is under development.

#### **Sale and abduction of and trafficking in children (art. 35)**

369. In addition to the information contained in the initial report, the Parliament of Rwanda, Chamber of Deputies passed a Law on suppressing, prosecuting and punishing trafficking in persons<sup>140</sup>. This law should first be passed by the Senate before being subject to judicial review, sanctioned, promulgated and published in the Official Gazette.

370. However, it should be mentioned that this law contains several provisions for prevention and punishment of child sale, trafficking and abduction as set forth in the draft law submitted to the Government including the following chapters focused exclusively on the issue:

- (a) Trafficking in children (Chapter III);
- (b) Sale of pornographic products (Chapter IV);
- (c) Involving a Child in Armed Conflicts and Dangerous Sports (Chapter V);
- (d) Illegal Adoption (Chapter VI);
- (e) Premature Marriage (Chapter VII);

<sup>139</sup> Official Gazette N° 14 of 6 April /2009, p.96.

<sup>140</sup> Law on suppressing, prosecuting and punishing trafficking in persons was passed by the Chamber of Deputies on 20 May, 2008.

- (f) Child Exploitation through Beggary (Chapter VIII);
- (g) Engaging a Child in Illicit Trafficking (Chapter IX).

371. All these chapters, contained in the second title of the draft law that deals with crimes and penalties, are comprised of 32 articles out of 54 articles comprising the draft law.

## **F. Children living or working on the streets**

372. The Government has set up a special body for street children's issues. Many components of civil society work with decentralized administrative entities to prevent the phenomenon of street children and for social reintegration of former street children. For example, the following should be mentioned: the one of the Gisenyi counselling point and the one of Kigali Street School.

373. The Point D'ecoute à Gisenyi: Local association catering for children in great difficulty (AIDS orphans and street children) ensuring their training and focusing on their family and social reintegration.

374. In 2007, 95 children were identified in the region of Gisenyi. It was noticed that the presence of these children in the street is caused by several factors, including:

- (a) Economically difficult living conditions of families;
- (b) Poor supervision of children in family (polygamy);
- (c) Family conflicts;
- (d) Large families;
- (e) Bad company;
- (f) Forced economic independence of children;
- (g) Absence of parents.

375. The family reintegration of street children is one of the key activities undertaken by "The Point d'Ecoute". In 2007, 50 children returned to their respective families. This achievement resulted from the active participation of children in meetings, interviews and regular exchanges between educators and children, but also from mediation sessions with families.

376. It should also be noted that this success is due to awareness-raising among the families by the parents of former street children, who became parent educators appointed in each Sector and grouped in association called Sauver les Enfants (Save the Children). It should be recalled that children who are reintegrated in families receive clothing, support equipment and their card of membership in the Mutual health insurance.

377. In 2007, "The Point d'Ecoute" sent to primary school and followed up 364 street children and vulnerable children, including 152 girls. 28 dropouts were recorded, for various reasons such as the age of children that was too advanced, their levels that were too low because of the life in the street or the inability to pursue studies. Overall, school performance is satisfactory and there are 18 children who were admitted to secondary school in 2008.

378. For young people beyond school age and those who are unable to resume or pursue their studies, we propose to undertake vocational training. As the Point d'Ecoute has no training workshop, after the youth have chosen the training they wish to follow, it signs an agreement with private workshops. They provide young people with training at the expense of the *Point d'Ecoute*.

379. Weekly meetings are held every Tuesday, and in general, street children are faithful to these appointments. These meetings with street children are one of strategies used by the *Point d'écoute* with two main objectives:

(a) Make children talk to know their problems and the reasons that pushed them to leave their family,

(b) Foster a dialogue to get them to help find a solution to their problems.

380. In respect of health and hygiene, each child cared for by the Point d'écoute is provided with the subscription to the pre-paid health insurance scheme. The Tuesday's meetings are an opportunity to educate street children on hygiene and health issues. On that day, they receive soap and then they wash and do laundry in Lake Kivu under the supervision of educators.

381. In addition, they are sensitized on important issues relating to hygiene and health, specifically about HIV and AIDS, with the organization video sessions to show children the evils of HIV and get them to change their behaviour.

382. Reintegration is a long process which, in order to be successful, requires the commitment of several stakeholders including children themselves and their parents not forgetting their neighbourhood. If children are in the street, this results more often from poor education of children by parents rather than from poverty, the cause often cited first by laymen in this area.

383. To address this problem, "The Point d'Ecoute" grouped the parents of former street children into an association called "Sauver les enfants" and, through this association, it provides them with support and training in various fields. This training is primarily aimed at imparting to parents new knowledge that can help restore family harmony on the one hand and increase the family income on the other hand. In this regard, some 80 small income generation projects that were submitted have been approved and supported under micro-credit.

384. The Minister of Gender and Women Promotion accompanied by the Minister of Youth, Culture and Sports, the Executive Secretary of CNLS, the representative of Mod'Africa, various partners and before an audience of journalists, officially launched the "Street School" project on Thursday, 27 June 2007 in the "Centre de Pastoral Saint Paul de Kigali".

385. Rwanda has about 7000 street children. Many attempts have been made to reintegrate these children into normal society and it is in this development that the "Street School project" has been designed.

386. The main objective of this project is to address the problem of street children through training aimed at providing them with craft skills and by raising their awareness about HIV/AIDS prevention. It is in this regard that great singers, fashion designers, African actors will serve as models and teachers for 600 street children in the upcoming months.

387. In total, four pilot centres will soon start the project activities. They are the FIDESCO Centre, the ABADACOGORA Centre (Diocesan Caritas of Kigali), CPEAJ and the Maison des Jeunes de Kacyiru-Kigali. A fashion show was held in Kigali in 2006 by Mod'Africa to mobilize start-up funds for this Street School project. Other partners such as WFP, UNICEF, contributed to this initiative.

388. The approach followed to address the problem of street children: identify each street child, try to know where she/he comes from, why she/he came to live in the street, whether she/he has parents who are still alive, etc.

389. A steering committee was established to monitor this project. It is composed of MIJESPOC, MIGEPROF, CNLS (CNLS/UNDP/ADB Project), PACFA, RIGHT TO PLAY, UNICEF, WFP, NYC, NWC, Caritas, AROENA, MASHIRIKA Artistic Group, Rwanda rw'Ubu-Huye, Point d'Ecoute-Rubavu, street children centres Forum and the Chamber of Trades, Arts and Crafts. The Steering Committee is co-chaired by MIJESPOC and CNLS that is also in charge of the secretariat, while "Right To Play" acts as an implementer.

390. In May 2008, MIGEPROF organized training for street children. The training that took place in Rwamagana District brought together 227 street children. It focused on unity and reconciliation, the evils of drug abuse, HIV/AIDS and prevention of the genocide ideology.

391. After the training, children chose activities to be undertaken for their social reintegration, including primary education, craft teaching and catch-up programme. At the end of the training closed by the Minister in the Prime Minister's Office in charge of Gender and Family Promotion on 20 May 2008, on their return from Rwamagana, children marched through Kigali City to show that they had resolved for good to quit street life.

392. In her closing remarks, the Minister in the Prime Minister's Office in charge of Gender and Family Promotion stressed that the emphasis should be placed on prevention so that there is no more child returning to the street.

## **G. Child-headed households**

393. The number of child-headed households was estimated at 15 052 by the General Census of Population and Housing- 2002. The National Policy for Orphans and other Vulnerable Children places children living in child-headed households in the first category of vulnerable children and provides for this category specific objectives, namely:

- (a) Ensure that livelihoods in child-headed households are maintained;
- (b) Establish a system of community-based care and protection for child-headed households, which will ensure their protection from abuse, their access to heritage;

394. As regards strategies for implementing these objectives, they are initiating mentor systems and providing socio-economic support to involved households.

## **H. Conventions and other international instruments to which Rwanda is party**

395. In respect of the conventions and other relevant international instruments to which Rwanda is a party, especially regarding the international refugee law, Rwanda is a party to

the Geneva Convention relating to the Status of Refugees and the Protocol Relating to the Status of Refugees ratified on 22 October 1979 (Decree-Law N° 29/79 of 22 October 1979; O.G. N° 22 of 15 November 1979, p.666) and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa ratified on 22 October 1979 (Decree-Law N° 30/79 of 22 October 1979 O.G. N° 22 of 15 November 1979, p.667).

396. In respect of the International Labour Organization, Rwanda is a party to:

(a) ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment was ratified on 7 November 1980 (P.O. N° 416/06 of 7 November 1980, O.G. N° 24 of 15 December 1980, p.817)

(b) ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour was ratified on 25 May 2000 (P.O. N° 32/1 of 26/02/2002, O.G. Special of 26 July 2002, p.27)

(c) ILO Convention No. 123 (1965) on Minimum Age (Underground Work) ratified on 28 October 1968 (P.O. N° 95/12 of 28/10/1968, O.G. N° 23 of 1 December 1968, p.313)

(d) ILO Convention N° 132 (1970) concerning Annual Holiday with Pay (revised) ratified on 9 November 1987 (P.O. N° 627/06 of 09/11/1987, O.G. N° 24, 15 December 1987, p.1780)

(e) ILO Convention No. 81 (1947) concerning Labour Inspection in Industry and Commerce) ratified on 10 October 1980 (P.O. N° 349/06 of 10 October 1980, O.G. N° 21, 1 November 1980, p.694)

397. The following ILO Conventions were ratified on 18 September 1962 by letter N° 222/278/772 of 9 July 1962:

- Convention No. 17 (1925) concerning Workmen's Compensation for Accidents
- Convention No. 89 concerning Night Work of Women (revised), 1948
- Convention No. 14 (1921) concerning the Application of the Weekly Rest in Industrial Undertakings
- Convention No. 18 (1925) concerning Workmen's Compensation for Occupational Diseases
- Convention No. 42 concerning Workmen's Compensation Occupational Diseases (revised), 1934
- Convention No. 131 (1971) concerning Minimum Wage Fixing
- Convention No. 50 (1936) concerning the Regulation of Certain Special Systems of Recruiting Workers
- Convention No. 62 (1937) concerning Safety Provisions in the Building Industry
- Convention No. 64 (1939) concerning the Regulation of Written Contracts of Employment of Indigenous Workers
- Convention No. 94 (1949) concerning Labour Clauses in Public Contracts
- Convention No. 11 (1921) concerning the Rights of Association and Combination of Agricultural Workers

398. The General Convention on Social Security signed in Gisenyi between the Republic of Rwanda, the Republic of Burundi and the Republic of Zaire was ratified on 9 October 1979 (P.O. n° 472/06 of 9 October 1979 O.G., 1979, p.674).

399. ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise was ratified on 3 December 1985 (P.O. n° 625/06 of 3 December 1985 O.G. n° 3 of 1 February 1986, p.10).

400. ILO Convention No. 135 (1971) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking was ratified on 3 December 1985 (P.O. n° 623/06 of 3 December 1985 O.G. n° 3 of 1 February 1986 p.105).

## **I. Training activities**

401. Regarding training activities relating the provisions of the Convention and other relevant international instruments applied in juvenile justice (point 40 of the guidelines), that were designed for all professionals involved in the juvenile justice system, namely judges and magistrates, prosecutors, lawyers, representatives of public order, the officers of immigration services and social workers , it is worth mentioning the work done by the National Commission for Human Rights in this regard. Each year, the activities of NCHR include public education about human rights. The table below shows training provided by NCHR from 2003 to 2007<sup>141</sup>.

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<sup>141</sup> Source: Annual Reports of the National Commission for Human Rights:2003, 2004, 2005, 2006 and 2007.

Table 10.3

**Training activities on the provisions of the Convention according to the type of beneficiaries**

<i>Period</i>	<i>Beneficiaries</i>	<i>Themes</i>
2003	Members of administrative organs	-The rights of the child in Rwandan law and their current status.
	Members of the judiciary	-The rights of the child and women and the role of the judiciary in their protection.
	The youth	-The rights of the child in the international conventions and in Rwandan law
	Members of farmers' associations	-The rights of the child and women in the international conventions and in Rwandan law
	Representatives of religious denominations (Cyangugu Province)	-The rights of the child and women in the Constitution and in national law
	Members of security organs	-Basic needs of the child at each phase of his development -Consequences of conflicts on children and on the Great Lakes Region -Genocide ideology and its consequences on the children in the Great Lakes Region -Mitigation of conflict consequences on children
	National Police officers	-Rights of women and children in Rwanda and the role of police officers in the protection of these rights.
2004	Members of administrative organs	-The rights of the child and laws for their protection, the Commission's activities in the protection and promotion of rights of the child.
	Members of various associations <sup>142</sup>	-The rights of the child and women in Rwandan law
2005	Members of Sector advisory councils	The rights of the child and the laws that govern them

<sup>142</sup> The Commission trained the members of ASTRASI, consisting of informal sector workers and some members of SENJOUSMEL union including teachers, journalists, nurses, owners of printing houses and private workers.

<i>Period</i>	<i>Beneficiaries</i>	<i>Themes</i>
2006	Volunteers in human rights	The rights of the child and the legal provisions that protect them
	Members of District Committees of the Imbaraga Federation in the Northern and Eastern Provinces	The rights of the child and the legal provisions that protect them
	The officers of the Rwandan Army, teachers in military academies regarding the promotion and protection of the rights of the child before, during and after the period of conflict	<ul style="list-style-type: none"> <li>-The specific problems of child protection in the Great Lakes Region</li> <li>-AIDS as one of the specific consequences of war for children</li> <li>-The role and mission of the National Commission for Human Rights in the promotion and protection of the rights of the child</li> <li>-The laws that protect the child</li> <li>-Ensure monitoring and surveillance of the rights of the child</li> <li>-How to help a child who had problems before, during and after the period of armed conflict</li> <li>-The role of soldiers in the protection of children and in the reduction of the effects of war</li> <li>-The consequences of the ideology of genocide on children in Rwanda and the Great Lakes Region</li> </ul>
	The associations “Cœur Joyeux”, FGLP (Fondation Générale de Lutte Contre la Pauvreté) of Kicukiro District and “Scout Movement” (schooled and non-schooled young people of Nyarugunga Sector)	The rights of the child and the legal provisions that protect them
	Members of the Youth Committees of District Nyarugenge	<ul style="list-style-type: none"> <li>The rights of the child in the international conventions and in the provisions of Rwandan law</li> <li>The right to education and related duties</li> </ul>
	The artists gathered in the “Forum of civilian and soldier artists” FOJAR (Forum des Jeunes Artistes Rwandais)	The rights of the child in the international conventions and in the provisions of Rwandan law
	Association of Human Rights	The rights of the child in the international

<i>Period</i>	<i>Beneficiaries</i>	<i>Themes</i>
	“Jijuka” working in Rutsiro District in the Western Province	conventions and in the provisions of Rwandan law
	The youth, men and women representing the Cells of the Catholic Church in Kansi Parish, Gisagara District, Southern Province	The rights of the child in the international conventions and in the provisions of Rwandan law
	Dockers of Lake Kivu	The protecting principles for the rights of the child
2007	People living with HIV/AIDS (training for trainers)	The rights of the child and the legal provisions that protect them
	Volunteers in human rights	The rights of the child and the legal provisions that protect them
	Members of Sector and District Committees responsible for monitoring compliance with the rights of the child	National and international provisions on the rights of the child and their implementation
	The youth grouped in RUYAAC-Kadogo Association (Rwanda Youth Affected by Armed Conflicts)	The rights of the child and the legal provisions that protect them
	Members of the forum of people living with HIV/AIDS	The rights of the child and the legal provisions that protect them
	Members of Ibuka Association in Musanze, Burera and Gakenke Districts	The rights of the child and the legal provisions that protect them
	Journalists from Burundi, DRC and Rwanda	The rights of the child
	Various associations for the promotion and protection of the rights of the child	The rights of the child in the international conventions and in the provisions of Rwandan law
	Members of religious denominations	The rights of the child in the international conventions and in Rwandan law
2008	Pupils, students, teachers and lecturers	The rights of the child in the international conventions and in Rwandan law
	Focal points in charge of fighting violence against women and	The rights of the child in the international conventions and in the provisions of

<i>Period</i>	<i>Beneficiaries</i>	<i>Themes</i>
	children in Kigali City	Rwandan law  Bodies put in place and strategies adopted to ensure compliance with human rights in general, and with the rights of the child and women in particular.  The special role of the National Commission for Human Rights in fighting against violence against children and women.
	Members of the committees of the Observatory of the Rights of the Child at Sector and District level.	The role of NCHR in general and its role in particular in the protection of the child  Organization and role of the observatory of the rights of the child
	Human Rights Club of the Kigali Baptist Institute	The rights of the child in the international conventions and in the provisions of Rwandan law
	Civic education teachers	The rights of the child in the international conventions and in the provisions of Rwandan law
	Religious denominations	The rights of the child in the international conventions and in the provisions of Rwandan law
	Historically disadvantaged people	The rights of the child in Rwandan law.

402. It should be noted that, in addition to these training activities, each year NCHR conducts public awareness-raising campaigns on human rights, including the rights of the child. From 2003 to 2008, the following categories were especially targeted by these campaigns:

- (a) Prisoners released following the communiqué of the Office of the President of the Republic of 1 January, 2003;
- (b) Teachers, pupils and students in secondary schools and higher teaching institutions;
- (c) Members of administrative organs;
- (d) Security services;
- (e) Members of religious denominations;
- (f) Members of associations;
- (g) Youth organs;
- (h) Children;

- (i) Pupils admitted in universities and higher teaching institutes;
- (j) People who dissociated themselves from “infiltrators”;
- (k) Prisoners;
- (l) Magistrates and officers of the Public Prosecutor’s Office;
- (m) Trainers;
- (n) The population in general.

## **J. Child protection constraints**

403. Though Rwanda has undertaken significant actions for orphans and other vulnerable children in respect of the promotion and protection of their rights, there are still some constraints. These constraints are as follows:

- (a) Though 82 per cent of under-five children were registered, non-registration of children at birth is an obstacle to the protection and respect for the fundamental rights of the child;
- (b) Violence against women and children that is still experienced due to social and cultural hindrances such as the male domination and the culture of silence;
- (c) Despite the ratification of the Convention No. 182 (1999) and the Convention No. 138 (1973) by Rwanda, and the Government's efforts to ensure the full enjoyment of rights and freedoms to all children, children are still exploited in domestic labour, quarries and mines; tea, rice and sugar cane plantations, and in prostitution<sup>143</sup>.

## **K. Way forward**

404. In order to ensure the protection of the rights of the child, the Government of Rwanda intends to:

- (a) Review national laws relating to the protection of the rights of the child to harmonize them with international conventions to which the country is a party, namely those related to child labour;
- (b) Undertake incremental suppression of orphanages/fostering in institutions prioritizing their reintegration into families;
- (c) Encourage children to report all forms of violence and discrimination against them in households, communities or in other institutions.

## **XI. Optional Protocols to the Convention on the Rights of the Child**

405. Rwanda ratified both optional protocols to the Convention on the Rights of the Child, namely:

<sup>143</sup> MIFOTRA (2007) National Five-year Plan of Action on Child Labour in Rwanda: Kigali, p 7.

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

406. Both protocols that provide that the initial reports on their implementation should be presented within two years of the entry into force with respect to the State Party were ratified on 26 February 2002 through the Presidential Orders N° 31/01 and N° 32/01 of 26 February 2002 respectively.

407. However, Rwanda has not yet submitted to the Committee on the Rights of the Child the initial reports on the implementation of these protocols. This delay is due to the fact that after the 1994 Genocide, during the emergency period in the wake of the genocide and during which the Government first dealt with the country's reconstruction, priority was given to drafting the initial report on the implementation of the Convention on the Rights of the Child, as well as to a similar report on the implementation of the African Charter on the Rights and Welfare of the Child.

408. The initial reports on the Optional Protocols were submitted to the Committee on the Rights of the Child early in 2010.

## Annexes

### Annex I. Statistical information

#### Data regarding chapter IV- Definition of the child (art. 1)

Data disaggregated in terms of the number and proportion of under-18 children living in the State party.

Table 4.1

**Distribution of the under-18 population per individual age according to residence area and sex in 2002**

Age	<i>Number of the under-18 population</i>								
	Urban			Rural			Overall		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Overall	298		609	1 784	1 829	3 614	2 082	2 140	4 223
	151	311	120	271	509	746	255	660	866
0				138		278	161		325
	23 496	23 472	46 968	157	140 096	253	653	163 568	221
1				107		216	126		254
	18 768	18 615	37 383	744	109 174	918	512	127 789	301
2				120		243	141		285
	20 425	20 646	41 071	724	123 209	933	149	143 855	004
3						196	114		231
	17 398	17 297	34 695	97 550	99 202	752	948	116 499	447
4						190	110		224
	17 030	16 904	33 934	93 798	96 526	324	828	113 430	258
5				107		218	125		253
	17 585	17 904	35 489	782	110 524	306	367	128 428	795
6				108		220	126		256
	17 772	17 983	35 755	957	111 672	629	729	129 655	384
7						191	110		222
	15 310	15 378	30 688	95 229	96 354	583	539	111 732	271
8						183	104		212
	14 165	14 689	28 854	90 080	93 485	565	245	108 174	419
9						169			196
	12 816	13 407	26 223	83 655	86 292	947	96 471	99 699	170
10						181	102		208
	13 454	13 659	27 113	89 311	92 267	578	765	105 926	691
11						174			201
	13 076	13 683	26 759	86 378	88 250	628	99 454	101 933	387
12						201	115		233
	15 529	16 445	31 974	99 511	102 413	924	040	118 858	898
13						188	106	112 294	218

Age	Number of the under-18 population								
	Urban			Rural			Overall		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
						481	430		724
14						198	113		232
	15 651	18 047	33 698	97 536	101 291	827	187	119 338	525
15						192	111		227
	16 358	18 691	35 049	95 402	97 382	784	760	116 073	833
16						<b>188</b>	110		<b>224</b>
	17 169	19 282	<b>36 451</b>	93 231	95 028	<b>259</b>	400	114 310	<b>710</b>
17						<b>177</b>	105		<b>214</b>
	17 912	19 012	<b>36 924</b>	87 271	90 293	<b>564</b>	183	109 305	<b>488</b>
<b>Total</b>	<b>727</b>		<b>1 372</b>	<b>3 152</b>	<b>3 603</b>	<b>6 755</b>	<b>3 879</b>	<b>4 249</b>	<b>8 128</b>
<b>Population</b>	<b>172</b>	<b>645 432</b>	<b>604</b>	<b>276</b>	<b>673</b>	<b>949</b>	<b>448</b>	<b>105</b>	<b>553</b>

Source: Service National de Recensement, *Situation des enfants au Rwanda*, d'après le 3<sup>ème</sup> Recensement Général de la Population et de l'Habitat du Rwanda 2002, Kiigali, 2005.

## Data regarding chapter VIII - Health and welfare

### Disabled children (art. 23)

#### The number and percentage of disabled children disaggregated according to disability nature

Table 8.1

#### Distribution of children per age group and according to type of disability

Age group	Type of disability								Total
	Blind	Deaf/dumb	Lower limb disabled	Upper limb disabled	Mental retardation	Trauma	Other disability	Non-determined	
Total	3 323	7 446	13 684	10 808	2 206	934	14 345	40 553	<b>93 299</b>
00-04	804	989	2 354	1 499	167	37	2 225	14 380	<b>22 455</b>
05-09	857	2 485	3 222	2 692	528	176	3 906	10 089	<b>23 955</b>
10-14	1 037	2 636	4 507	3 782	829	411	4 776	9 825	<b>27 803</b>
15-17	625	1 336	3 601	2 835	682	310	3 438	6 259	<b>19 086</b>

Source: Service National de Recensement, *Situation des enfants au Rwanda*, d'après le 3<sup>ème</sup> Recensement Général de la Population et de l'Habitat du Rwanda 2002, Kiigali, 2005.

## Health and health services (art. 24)

### Infant and child mortality

#### Data disaggregated in terms of infant death rate and under-five children's death rate

Table 8.2

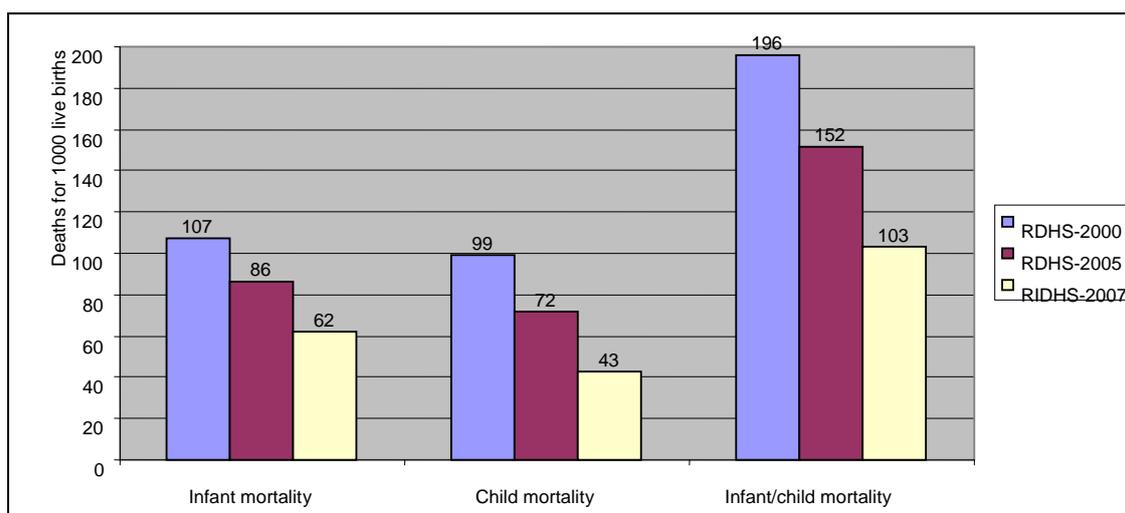
#### Under-five children's death rate

Numbers in the years prior to the survey	Neonatal Mortality (NN) <sup>144</sup>		Post-Neonatal Mortality (PNN)		Infant Mortality (1q0)		Child Mortality (4q1)		Infant/Child Mortality (5q0)	
	RIDHS	RIDHS	RIDHS	RIDHS	RIDHS	RIDHS	RIDHS	RIDHS	RDHS	RIDHS
	2005	2007	2005	2007	2005	2007	2005	2007	2005	2007
0-4	37	28	49	34	86	62	72	43	152	103
5-9	52	36	69	59	121	95	109	86	217	173
10-14	56	39	62	56	118	95	91	92	198	178

Source: NISR, Rwanda Demographic and Health Surveys (RDHS)- 2005, 2006; and Rwanda Interim Demographic and Health Survey(RIDHS)-2007-2008, 2008

Figure 8.3

#### Trends of infant and child mortality from 2000 to 2007



Source: NISR, Rwanda Demographic and Health Surveys- 2005, 2006; and Rwanda Interim Demographic and Health Survey-2007-2008, 2008

<sup>144</sup> Neonatal mortality rate (NN) measures, at birth, the likelihood of dying before reaching one month ; Post-neonatal mortality rate (PNN) measures among children of less than one month exactly, the likelihood of dying before reaching the twelfth month; Infant mortality rate (1q0) measures, at birth, the likelihood of dying before reaching one year; Child mortality rate (4q1) measures, among one-year children, the likelihood of dying before reaching five years ; Infant/child mortality rate (5q0) measures, at birth, the likelihood of dying before five years.

**Nutritional status of children**

The proportion of children with moderate or severe underweight, emaciation or retardation;

Table 8.3

**Percentage of under-five children considered as malnourished according to three anthropometric indices of nutritional status**

<i>Socio-demographic characteristics</i>	<i>Height-for-age</i>		<i>Weight-for-height</i>		<i>Weight-for-age</i>	
	Below 3 ET	Below 2 ET	Below 3 ET	Below 2 ET	Below 3 ET	Below 2 ET
Age of the child in months						
< 6	1,4	8,4	0,7	2,3	0,0	2,3
6-9	5,1	20,6	1,1	5,4	1,8	17,0
10-11	11,3	34,0	0,7	6,6	6,3	26,9
12-23	25,3	54,9	1,6	8,6	7,4	35,4
24-35	23,0	50,7	0,9	3,2	6,0	27,0
36-47	21,8	52,7	0,0	1,2	2,3	17,5
48-59	22,2	52,2	0,7	2,1	3,9	19,4
Sex						
Male	19,7	46,3	1,1	4,2	4,8	22,9
Female	18,9	44,4	0,6	3,6	4,0	22,1
Residence area						
Urban	13,6	33,1	0,7	3,8	3,2	16,2
Rural	20,3	47,3	0,9	3,9	4,6	23,5
<b>Overall</b>	<b>19,3</b>	<b>45,3</b>	<b>0,9</b>	<b>3,9</b>	<b>4,4</b>	<b>22,5</b>

Source: NISR, Rwanda Demographic and Health Survey- 2005, 2006

**Children's immunization**

**The percentage of one-year old children, who are fully immunized against tuberculosis, diphtheria, pertussis, tetanus, polio and measles**

Table 8.4:

**Vaccinations according to sources of information**

Source of information	DTwP					Polio <sup>145</sup>			Measles	All vaccines <sup>146</sup>
	BCG	1	2	3	0	1	2	3		
Vaccination book	75,1	75,7	74,8	72,7	61,0	75,6	74,6	72,7	66,9	65,9
Declaration of the mother	21,3	21,1	18,6	14,3	13,0	20,9	18,4	11,6	18,7	9,3
Both sources	96,5	96,8	93,4	87,0	74,0	96,5	93,0	84,3	85,6	75,2
Immunized before the age of 12 months	96,4	96,5	93	86,4	74,0	96,2	92,6	83,7	79,4	69,3

Source: NISR, Rwanda Demographic and Health Survey- 2005, 2006

**Maternal mortality****Maternal mortality rate**

Table 8.5

**Direct estimation of maternal mortality**

Age group	Rates for maternal cause (‰)
15-19	0,11
20-24	1,18
25-29	1,43
30-34	2,5
35-39	1,59
40-44	2,4
45-49	1,01
15-49	1,29 <sup>147</sup>
Global Total Fertility Rate (GTFR ‰)	172
Maternal Mortality Rate (MMR) <sup>148</sup>	750

Source: NISR, Rwanda Demographic and Health Survey- 2005, 2006

<sup>145</sup> Polio 0 is polio vaccine given at birth.

<sup>146</sup> BCG, three doses of DTwP vaccine, three doses of polio vaccine (excluding polio vaccine dose given at birth) and measles vaccine.

<sup>147</sup> Age-standardized rates.

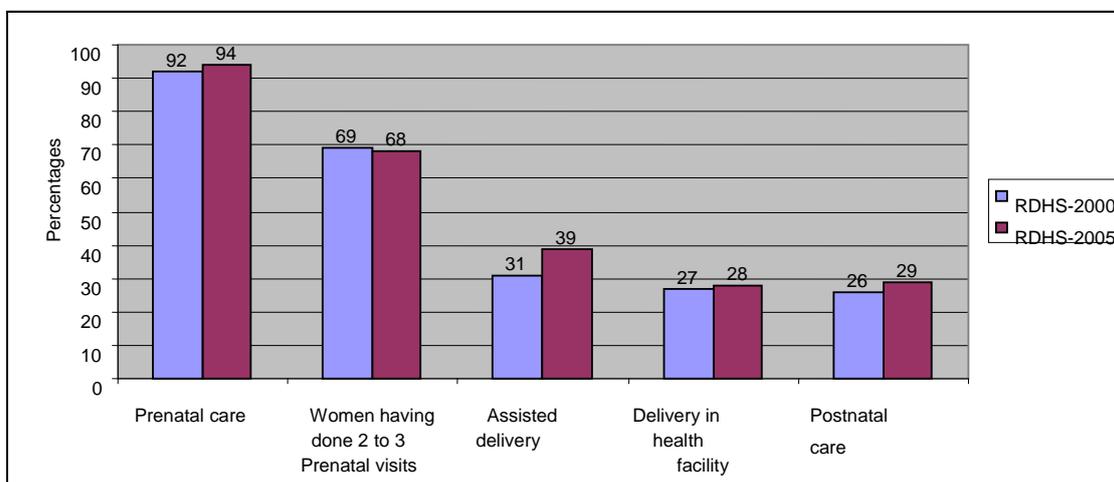
<sup>148</sup> For 100 000 births; calculated as follows: (maternal mortality ratio by cause)/ GTFR.

### Antenatal and postnatal care

The proportion of pregnant women who have access to antenatal and postnatal care and those who benefit from such care

Figure 8.2

Evolution of indicators of access to maternal health services from 2000 to 2005



Source: NISR, Rwanda Demographic and Health Survey- 2005

### Delivery place

The proportion of children born in hospital

Table 8.6

Proportion of pregnant women having access to prenatal and postnatal care, and the proportion of children born in health institutions

<i>Socio-demographic characteristics</i>	<i>Access to prenatal care by trained staff</i>	<i>Proportion of children born in health institutions</i>	<i>Access to postnatal care</i>
<b>Age of the child in months</b>			
< 20	92,3	40,2	3,1
20-34	95,2	29,5	4,6
35-49	92,8	20,3	4,6
<b>Residence area</b>			
Urban	92,8	54,9	6,2
Rural	94,7	23,8	4,1
<b>Overall</b>	<b>94,4</b>	<b>28,2</b>	<b>4,5</b>

Source: NISR, Rwanda Demographic and Health Survey- 2005, 2006

**Breast-feeding****Proportion of mothers who practise exclusive breast-feeding and its duration**

Table 8.7

**Type of breast-feeding by age of the child and median duration of breast-feeding (in months)**

<i>Ages in months</i>	<i>Exclusive breast-feeding</i>	<i>Socio-demographic characteristics</i>	<i>Exclusive Breast-feeding</i>
< 2	95,4	Sex :	
2-3	91,7	Male	5,7
4-5	79,7	Female	5,6
6-7	30,6		
8-9	6,7	Residence area:	
10-11	4,5	Urban	4,8
12-15	0,9	Rural	5,8
16-19	1,3		
20-23	0,5	<b>Overall</b>	<b>5,6</b>
24-27	0,2		
28-31	0,3		
32-35	0		
< 6	88,4		
6-9	18,6		

Source: NISR, Rwanda Demographic and Health Survey- 2005, 2006

**HIV and AIDS****The number and percentage of children infected by HIV and AIDS**

Table 8.8

**Summary data on HIV / AIDS in Rwanda (2003-2008)**

<i>Population HIV</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Total	169 605	162 768	156 600	151 504	150 347	149 173
Men	70 255	67 646	65 240	63 480	63 291	63 159
Women	99 350	95 122	91 360	88 024	87 057	86 015
Prevalence (15-49)	3,65	3,37	3,12	2,9	2,79	2,67

Source: National AIDS' Control Commission, *Annual Report 2007*.

Table 8.9  
**Estimated number of AIDS orphans (2008-2012)**

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Motherless</b>										
AIDS	210 074	206 295	204 167	195 494	184 673	169 948	153 905	138 343	123 970	110 900
Non-AIDS	340 531	345 309	350 868	356 970	363 802	370 762	378 068	385 578	393 179	400 787
Total	550 605	551 604	555 035	552 464	548 475	540 710	531 973	523 921	517 149	511 687
<b>Fatherless</b>										
AIDS	173 952	173 999	181 396	181 025	177 791	167 798	154 047	139 843	125 970	112 882
Non-AIDS	421 386	424 173	428 192	432 664	437 797	443 377	449 457	455 958	462 996	470 413
Total	595 338	598 172	609 588	613 689	615 588	611 175	603 504	595 802	588 966	583 295
<b>Orphans of 2 parents</b>										
AIDS	190 601	187 526	189 488	183 797	175 686	162 146	146 102	130 153	114 731	101 203
Non-AIDS	114 620	115 226	116 296	117 443	118 957	120 608	122 334	123 921	125 119	126 026
Total	305 221	302 752	305 784	301 239	294 643	282 754	268 436	254 074	239 851	227 229
Total of orphans	840 722	847 024	858 839	864 913	869 420	869 130	867 040	865 649	866 264	867 752
AIDS Orphans	227 110	225 663	228 906	224 288	216 713	203 088	186 565	170 044	154 695	139 770

Source: CNLS (2007), *CNL Annual Report: HIV Projections (2008-2012)* by CNLS, TRAC+ and NISR.

Table 8.10  
**New Adult and Child Patients on ARVs in the Year 2007**

<i>Periods</i>	<i>Adults</i>	<i>Children</i>	<i>Total</i>
January 2007	1 379	158	1 537
February 2007	1 108	126	1 234
March 2007	1 176	124	1 300
April 2007	1 125	119	1 244
May 2007	1 347	161	1 508
June 2007	1 285	135	1 420
July 2007	1 290	141	1 431
August 2007	1 240	134	1 374
September 2007	1 116	146	1 262
October 2007	1 120	187	1 307
November 2007	1 184	302	1 486
December 2007	1 182	223	1 405

Source: TRAC+ (2007), Annual Report TRACplus 2007

## Data regarding chapter IX- Education, leisure and cultural activities

### Education, including vocational training and guidance (art. 28)

#### Data disaggregated basing on the indicators of the Rwandan education system (Primary and Secondary)

Table 9.1

#### Indicators of Rwandan primary and secondary education system from 2002/2003 to 2008

	2002/03	2003/04	2005	2006	2007	2008
1.0. PUPILS						
1.1. Total number of pupils	1 636 563	1 752 588	1 857 841	2 019 991	2 150 430	2 190 270
1.2. Number of boys	810 585	862 156	912 207	984 272	1 058 026	1 076 159
1.3. % of boys	49,5%	49,2%	49,1%	48,7%	49,2%	49%
1.4. Number of girls	825 978	890 432	945 634	1 035 719	1 092 404	1 114 111
1.5. % of girls	50,5%	50,8%	50,9%	51,3%	50,8%	51%
1.6. Pupils of school age	1 162 955	1 246 634	1 265 205	1 320 134	1 356 461	1 613 055
1.6. School age boys	566 037	604 022	615 521	637 793	662 558	788 796
1.6. School age girls	596 918	642 612	649 684	682 341	693 921	824 259
1.7. School age children	1 274 836	1 339 845	1 353 482	1 389 790	1 415 930	1 712 432
1.7. School age boys	628 514	659 908	667 428	686 273	699 369	845 580
1.7. School age girls	646 322	679 937	686 054	703 517	716 561	866 852
1.8. Gross enrolment ratio (GSR)	128,4%	130,8%	137,3%	145,3%	151,9%	128%
1.9. GER Boys	129,0%	130,6%	136,7%	143,4%	151,3%	127%
1.10. GER Girls	127,8%	131,0%	137,8%	147,2%	152,5%	129%
1.11. Net Enrolment Ratio (NER)	91,2%	93,0%	93,5%	95,0%	95,8%	94%
1.12. NER Boys	90,1%	91,5%	92,2%	92,9%	94,7%	93%
1.13. NER Girls	92,4%	94,5%	94,7%	97,0%	96,8%	95%
1.14. Success rate	38,1%	44,9%	46,7%	51,7%	52,0%	53%
1.15a. Transition Rate	45,0%	60,8%	58,3%	59%	55%	
1.15a. Transition Rate/Boys			61,8%	62,0%	57%	
1.15a. Transition Rate/Girls			54,8%	55,3%	53%	
1.16. Promotion Rate	64,2%	67,2%	69,6%	67,6%	68%	
1.16. Repeat Rate	20,6%	18,8%	15,8%	18,1%	17,7%	
1.17. Drop-out rate	15,2%	14,0%	14,6%	14,3%	13,9%	

*Note:* Transition rates are calculated over two consecutive years, which is the reason why the 2008 data will only be calculated in 2009. *Source:* Ministry of Education, Statistical Data 2008.

## Average number of pupils per teacher

Table 9.2

## Indicators on the number, sex and qualification of teachers, and pupil/teacher ratio from 2002/2003 to 2008

	2002/03	2003/04	2005	2006	2007	2008
<b>2.0. TEACHERS</b>						
2.1. Teachers and Tenured Teachers	27 319	28 254	29 033	30 637	31 037	35 672
2.2. Number of tenured teachers	25 360	26 192	26 944	28 474	29 059	33 158
2.2. Tenured male teachers	12 219	12 490	12 330	12 835	13 067	15 790
2.3. % of male teachers	48,2%	47,7%	45,8%	45,1%	45,0%	47,6%
2.4. Tenured female teachers	13 141	13 702	14 614	15 639	15 992	17 916
2.5. % of female teachers	51,8%	52,3%	54,2%	54,9%	55,0%	54,0%
2.6. Qualified teachers	23 271	23 112	25 255	27 795	28 508	32 675
2.7. % of qualified teachers	85,2%	88,2%	93,7%	97,6%	98,1%	98,5%
2.8. Qualified male teachers	11 490	10 877	11 534	12 640	12 758	15 258
2.9. % of qualified male teachers	94,0%	87,1%	93,5%	98,5%	97,6%	96,6%
2.10. Qualified female teachers	11 781	12 235	13 721	15 155	15 750	17 417
2.11.% of qualified male teachers	89,7%	89,3%	93,9%	96,9%	98,5%	97,2%
<b>3.0. Pupils / Teacher</b>						
3.1. Pupils/Teacher Ratio	64,5	66,9	69,0	70,9	74,0	66
3.2. Qualified teachers	70,3	75,8	73,6	72,7	75,4	67
<b>4.0. Schools</b>						
4.1. Schools	2 203	2 262	2 295	2 323	2 370	2 432
4.2. Classrooms	28 806	29 385	29 748	30 434	30 737	30 989

Source: Ministry of Education, Statistical Data 2008.

## Data regarding chapter X- Special protection measures

### Economic exploitation of children, including child labour (art. 32)

Data disaggregated basing on child labour (basing on the results of the 3<sup>rd</sup> General Census of Population and Housing of Rwanda 2002)

Table 10.1

**Distribution of the resident population aged between 6 and 17 years by residence area and economic activity status by age group and sex**

Setting/ Situation in Activity	06-09			10-14			15-17			Total		
	Male	Female	Total									
Overall	437	448	886	534	557	1 092	325	339	664	1 297	1 345	2 643
	467	902	369	947	668	615	151	268	419	565	838	403
Working	12	12	24	44	50	94	110	125	235	167	187	355
	225	606	831	896	047	943	639	285	924	760	938	698
Non-working	324	333	657	465	482	948	204	204	408	994	1 020	2 015
	259	698	957	590	908	498	612	291	903	461	897	358
ND	100	102	203	24	24	49			19	135	137	272
	983	598	581	461	713	174	9 900	9 692	592	344	003	347
Urban												
Total	59	61	121	70	77	148	50	56	106	180	195	376
	735	265	000	823	437	260	109	730	839	667	432	099
Working						10	14	17	31	19	24	44
	868	885	1 753	4 243	6 082	325	760	170	930	871	137	008
Non-working	42	43	86	61	66	128	32	36	69	137	146	284
	542	872	414	958	373	331	925	751	676	425	996	421
ND	16	16	32							23	24	47
	325	508	833	4 622	4 982	9 604	2 424	2 809	5 233	371	299	670
Rural												
Total	377	387	765	464	480	944	275	282	557	1 116	1 150	2 267
	732	637	369	124	231	355	042	538	580	898	406	304
Working	11	11	23	40	43	84	95	108	203	147	163	311
	357	721	078	653	965	618	879	115	994	889	801	690
Non-working	281	289	571	403	416	820	171	167	339	857	873	1 730
	717	826	543	632	535	167	687	540	227	036	901	937
ND	84	86	170	19	19	39			14	111	112	224
	658	090	748	839	731	570	7 476	6 883	359	973	704	677

Source: Service National de Recensement, *Situation des enfants au Rwanda*, d'après le 3<sup>ème</sup> Recensement Général de la Population et de l'Habitat du Rwanda 2002, Kigali, 2005.

Table 10.2

**Distribution of the population of employed children aged between 6 and 17 years  
by economic activity line and sex**

<i>Activity line</i>	<i>Male</i>		<i>Female</i>		<i>Total</i>	
	Number	%	Number	%	Number	%
Total	166 245	47,2	186 305	52,8	352 550	100,0
Agriculture, Hunting and Forestry	136 441	46,6	156 660	53,4	293 101	83,1
Households employing domestic personnel	18 454	44,1	23 422	55,9	41 876	11,9
Trade and Repair	3 031	72,9	1 125	27,1	4 156	1,2
Manufacturing activities	1 426	61,8	880	38,2	2 306	0,7
Transport, storage and communication	1 050	86,1	169	13,9	1 219	0,3
Other activities of community services	654	71,2	264	28,8	918	0,3
Hotels and Restaurants	444	79,4	115	20,6	559	0,2
Building	675	90,0	75	10,0	750	0,2
Fishing, fish farming, aquaculture and related activities	397	94,1	25	5,9	422	0,1
Mining industries	254	62,4	153	37,6	407	0,1
Real estate, rental and service activities	202	52,1	186	47,9	388	0,1
Administration, Defence and Social Security	215	76,2	67	23,8	282	0,1
Production and electricity and water supply	14	82,4	3	17,6	17	0,0
Financial intermediation	10	62,5	6	37,5	16	0,0
Education	65	46,4	75	53,6	140	0,0
Health and social action	49	48,0	53	52,0	102	0,0
Extra-territorial organizations	7	53,8	6	46,2	13	0,0
Non-determined	2 857	48,6	3 021	51,4	5 878	1,7

*Source:* Service National de Recensement, *Situation des enfants au Rwanda*, d'après le 3<sup>ème</sup> Recensement Général de la Population et de l'Habitat du Rwanda 2002, Kigali, 2005.

Table 10.3

**Distribution of children per employment status according to residence area**

<i>Employment status</i>	<i>Urban</i>		<i>Rural</i>		<i>Overall</i>	
	Number	%	Number	%	Number	%
Total	42 957	100,0	309 593	100,0	352 550	100,0
Self-employed	14 332	33,4	156 104	50,4	170 436	48,3

<i>Employment status</i>	<i>Urban</i>		<i>Rural</i>		<i>Overall</i>	
	Number	%	Number	%	Number	%
Employer	185	0,4	84	0,0	269	0,1
Permanent employee	10 323	24,0	5 767	1,9	16 090	4,6
Casual employee	8 471	19,7	11 990	3,9	20 461	5,8
Apprentice	306	0,7	2 035	0,7	2 341	0,7
Homemaker	6 792	15,8	124 450	40,2	131 242	37,2
Other	211	0,5	757	0,2	968	0,3
Non-determined	2 337	5,4	8 406	2,7	10 743	3,0

*Source:* Service National de Recensement, *Situation des enfants au Rwanda*, d'après le 3<sup>ème</sup> Recensement Général de la Population et de l'Habitat du Rwanda 2002, Kigali, 2005.

Table 10.4  
**Distribution of children per employment status according to residence area**

<i>Employment status</i>	<i>06-09</i>		<i>10-14</i>		<i>15-17</i>		<i>Overall</i>	
	Number	%	Number	%	Number	%	Number	%
Total	23 730	6,7	93 980	26,7	234 840	66,6	352 550	100,0
Self-employed	9 529	5,6	42 984	25,2	117 923	69,2	170 436	100,0
Employer	7	2,6	71	26,4	191	71	269	100,0
Permanent employee	283	1,8	4 594	28,6	11 213	69,7	16 090	100,0
Casual employee	352	1,7	6 043	29,5	14 066	68,7	20 461	100,0
Apprentice	472	20,2	761	32,5	1 108	47,3	2 341	100,0
Homemaker	11 601	8,8	35 867	27,3	83 774	63,8	131 242	100,0
Other	89	9,2	270	27,9	609	62,9	968	100,0
Non-determined	1 397	13	3 390	31,6	5 956	55,4	10 743	100,0

*Source:* Service National de Recensement, *Situation des enfants au Rwanda*, d'après le 3<sup>ème</sup> Recensement Général de la Population et de l'Habitat du Rwanda 2002, Kigali, 2005.

Table 10.5  
**Distribution of children reintegrated into education system by KURET Project per sex**

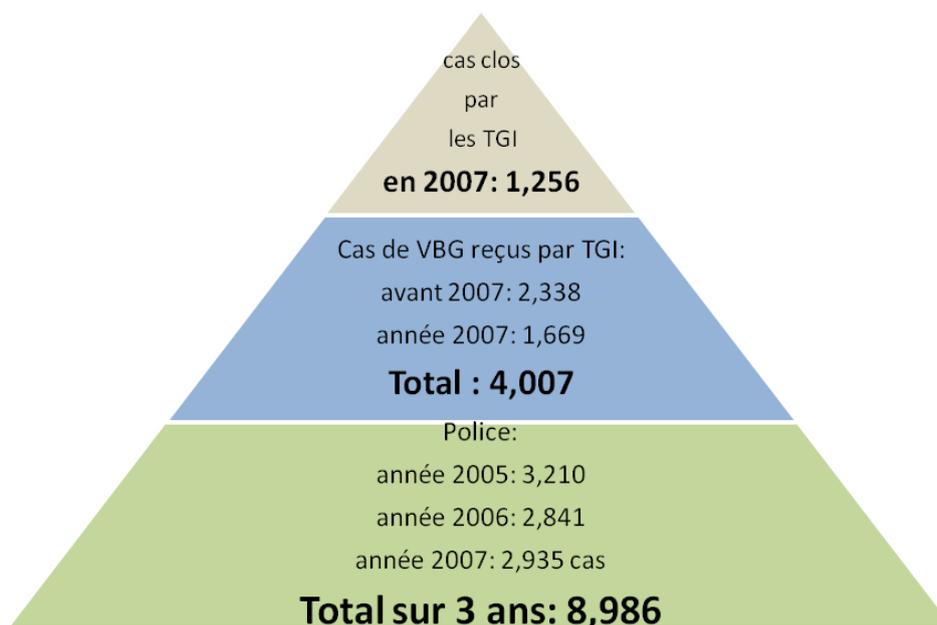
<i>Programme</i>	<i>Girls</i>	<i>Boys</i>	<i>Total</i>
Formal basic education	2609	2292	4901
Catch-up (crash courses)	853	647	1500
Vocational training	704	267	971
Total	4166	3206	7372

*Source:* KURET, Independent Final Evaluation, Combating Exploitative Child Labour through Education in Kenya, Uganda, Rwanda and Ethiopia Together (KURET): Rwanda, 2008.

**Sexual violence against girls and women**

Figure 10.1

**Pyramid of the Resolution Process for Gender-Based Violence (GBV)**



Source: UNFPA, *Mapping sur la Violence Basée sur le Genre: Rapport analytique*, 2008

VBG = Gender-based Violence (GBV)

TGI = High Instance Tribunal

Table 10.6

**Gender-based violence by age of the victim, from 2005 to 2007**

Crime	2005			2006			2007		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Homicide	0	19	19	0	34	34	0	-	-
Rape	0	2 380	2 380	0	2 033	2 033	0	2 421	2 421
Assault and battery	0	156	156	0	321	321	0	-	-
<b>Total</b>	<b>0</b>	<b>2 380</b>	<b>2 380</b>	<b>0</b>	<b>2 033</b>	<b>2 033</b>	<b>0</b>	<b>2 421</b>	<b>2 421</b>

Source: Statistical data of the National Police, 2007

## Annex II. Main reference documents

1. Accès universel pour la prévention, le traitement, la prise en compte et l'appui dans le cadre de la lutte contre le VIH/SIDA, 2007
2. Annual Reports of MINISANTE : 2002, 2003, 2004, 2005, 2006 and 2007
3. Annual Reports of CNLS, 2003 to 2007
4. Annual Reports of MINISANTE, 2002 to 2007
5. Annual Reports of the National Commission for Human Rights 2003, 2004, 2005, 2006, 2007 and 2008
6. Décret-loi n°21/77 du 18 août 1977 portant Code pénal
7. Demobilisation and Reintegration of Rwandan boys and girls associated with armed groups in the Democratic Republic of Congo (2004)
8. Demographic and Health Survey, 2006
9. Draft Law on the establishment of the National Commission for Children
10. Draft of the New of Labour Code (2009)
11. Economic Development and Poverty Reduction Strategy 2008-2012 (2007)
12. Education Sector Policy (2003)
13. Education Sector Policy (2005)
14. Education Sector Strategic Plan (2003-2008)
15. Education Sector Strategic Plan (2006-2010), 2006
16. Education Sector Strategic Plan 2008-2012, (2008)
17. Enquête Intégrale sur les Conditions de Vie des ménages, 2006
18. Expanded Program on Immunisation Strategic Plan 2008-2012 (2007)
19. Guide national pour le soutien alimentaire et nutritionnel pour les personnes vivant avec le VIH/SIDA au Rwanda (2006)
20. Guidelines on international adoption (2009)
21. Independent final evaluation : Combating exploitative child labour through education in Kenya, Uganda, Rwanda and Ethiopia Together – KURET – (2008)
22. Law N° 001/2008 of 14 January 2008 authorising the Accession to the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, adopted at The Hague in Netherlands on 29 May 1993
23. Law N° 002/2008 of 14 January 2008 authorising the Accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 10 December, 1984 in New York
24. Law N° 01/2007 of 2 January 2007 relating to Protection of Disabled Persons in general

25. Law N° 02/98 of 22 January 1998 Establishing the Fund for Assistance to Survivors of Genocide of Tutsis (FARG);
26. Law n° 13/2004 of 17 May 2004 relating to the criminal procedure code that was also modified and supplemented by Law n° 20/2006 of 22 April 2006
27. Law n° 14/2008 of 4 June 2008 relating to the registration of the population and issuance of the national identity card
28. Law N° 18/2008 of 23 July 2008 relating to the punishment of the crime of Genocide of Tutsis.
29. Law n° 19/2002 of 17 May 2002 establishing the Rwanda Defence Forces
30. Law N° 22/99 of 12 November 1999 to supplement Book one of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions
31. Law n° 25/2004 of 19 November 2004 establishing and determining the organization and functioning of the local service in charge of assisting in maintenance of security referred to as “Local Defence Force”
32. Law N° 27/2001 of 28 April 2001 Relating to Rights and Protection of the Child against Violence
33. Law N° 30/2007 of 6 July 2007 determining the organization and functioning of the National Commission for Human Rights
34. Law N° 38/2006 of 25 September 2006 establishing and determining the organization of the National Prisons Service
35. Law N° 50/2007 of 18 September 2007 providing for the establishment, organization and functioning of cooperative organizations in Rwanda
36. Law N° 59/2008 of 10 September 2008 on prevention and punishment of gender-based violence
37. Law N°55/2001 of 30 December 2001 Establishing the Labour Code
38. Law on State Finances, 2003 to 2007
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