



Global Initiative to
**End All Corporal Punishment
of Children**

BRIEFING ON RWANDA FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD, PRESESSIONAL WORKING GROUP – October 2012

From Peter Newell, Coordinator, Global Initiative

[*info@endcorporalpunishment.org*](mailto:info@endcorporalpunishment.org)

This briefing describes the legality of corporal punishment of children in Rwanda. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendation to Rwanda on the issue, the Government’s acceptance of the recommendation made during the UPR and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:

- **in its List of Issues for Rwanda, raise the issue of corporal punishment of children, in particular asking what measures have been taken to ensure that explicit prohibition of corporal punishment in the home and other settings is achieved as part of current law reform processes?**
- **in its concluding observations on Rwanda’s third/fourth periodic report, recommend that legislation is enacted to explicitly prohibit corporal punishment in all settings, including the home, as a matter of urgency, and that prohibition is enforced through appropriate awareness raising on the law, and public education and professional training on positive, participatory, non-violent forms of education and childrearing.**

1 Corporal punishment of children in Rwanda

1.1 In Rwanda, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited in the home, schools, penal institutions and alternative care settings.

1.2 With regard to the **home**, parents have a “right of correction” under article 347 of the Civil Code (1988). Provisions against violence and abuse in the Penal Code (1977), Law No. 27 Relating to Rights and Protection of the Child Against Violence (2001) and the Constitution (2003) are not interpreted as prohibiting all corporal punishment in childrearing. The National Integrated Child Rights Policy adopted by the Ministry of Gender and Family Promotion in August 2011 states that “physical abuse, including torture and cruelty against children and corporal punishment of children is prohibited in all settings” and defines all settings as including “homes, communities, schools, all centres and institutions that have children, prisons and detention centres, etc” (para. 5.5). This is policy rather than law but one objective of the policy is to serve as a guide for legislation (page 9).

1.3 There appears to be no explicit prohibition of corporal punishment in **schools**. In January 2011, a draft ministerial Decree was under discussion which reportedly stated that corporal punishment should not be used (third/fourth report to the CRC, para. 145) but there is no prohibition in legislation.

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime: there is no provision for judicial corporal punishment in criminal law. However, there is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions, though a number of laws prohibit cruel, inhuman or degrading treatment. Article 23 of the law establishing the National Prisons Service (No. 38/2006) states that “the prisoner must be treated with dignity and respect for human rights. He or she is especially protected against any sort of torture, cruel, inhuman or degrading treatment”. Article 15 of the law establishing the Local Defence Force (No. 25/2004) punishes the use of excessive force. Article 8 of the Instructions of the Minister of Internal Security relating to the conditions of detention, the provision of food and detainee visits (No. 09/2008) states that no prisoner should be subjected to torture or other abuse or cruel, inhuman or degrading treatment.

1.5 There is no explicit prohibition of corporal punishment in **alternative care settings**.

1.6 A 2012 study of men’s childhood experiences of violence in Brazil, Chile, Croatia, India, Mexico and Rwanda, which involved men aged 18-59 living in urban settings, found a high prevalence of corporal punishment in all six countries. In Rwanda, of the 2,204 men who participated, 60% reported having been spanked or slapped by a parent in the home during childhood, 23% threatened with physical punishment in the home and 29% humiliated by someone in their family in front of other people. The study found that men who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence, hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and

were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits when their partner is pregnant and/or take paternity leave.¹

2 Moves towards prohibition of all corporal punishment

2.1 A draft Law on the Rights and Protection of the Child is under discussion. As at August 2011, proposed provisions included physical punishment in the definition of violence (article 3), stated that discipline within the family should be administered with humanity and dignity and provided for the Minister to make an order regarding disciplinary measures in the home (article 25). The law would repeal all provisions contrary to it (article 69) but we have yet to confirm that this would include the “right of correction” in the Civil Code. The draft was debated in the Senate in August 2011 but we have no further information.

2.2 A new Penal Code has been passed by parliament and as at June 2012 was awaiting the signature of the President. The Code defines violence as “acts of physical force used against a person” (article 290) and punishes the wilful infliction of blows or injuries on a child under 16 (article 151) as well as older children and adults (articles 147-150), and assault (article 154). It is unclear whether or not this would prohibit all corporal punishment in childrearing as the Code also includes the offence of causing suffering to a child but includes in this only “disproportional” punishment, inhumane or degrading treatment (article 214).

3 Recommendations by human rights treaty bodies

3.1 In its concluding observations on the state party’s second report in 2004, the **Committee on the Rights of the Child** expressed concern at the legality and persistent use of corporal punishment in Rwanda and recommended that it be explicitly prohibited.²

3.2 In 2012, the **Committee Against Torture** recommended that corporal punishment be prohibited in all settings in Rwanda.³

3.3 Rwanda was examined in the first cycle of the **Universal Periodic Review** in 2011. The following recommendation was made and was accepted by the Government: “Introduce legislation explicitly prohibiting corporal punishment and promote alternative, non-violent forms of discipline (Azerbaijan).”⁴

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
July 2012

¹ Contreras, M. et al (2012), *Bridges to Adulthood: Understanding the Lifelong Influence of Men's Childhood Experiences of Violence, Analyzing Data from the International Men and Gender Equality Survey*, Washington DC: International Center for Research on Women (ICRW) and Rio de Janeiro: Instituto Promundo

² 1 July 2004, CRC/C/15/Add.234, Concluding observations on second report, paras. 34 and 35

³ [June 2012], Advance Unedited Version, Concluding observations on initial report, para. 16

⁴ 14 March 2011, A/HRC/17/4, Report of the Working Group, para. 78(9)