

**ALTERNATIVE REPORT TO THE COMMITTEE ON THE RIGHTS OF THE
CHILD TO THE 3RD AND 4TH REPORT OF THE REPUBLIC OF RWANDA.**

Prepared and Submitted by the Rwanda Civil Society Child Rights Coalition
“Umwana ku Isonga”

2012

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EXECUTIVE SUMMARY

The Rwanda Civil Society Child Rights Coalition “Umwana ku Isonga”, herein referred to as “the coalition *Umwana ku Isonga* ” was created on the 11th November 2010 for the purposes of networking and alliance building with a mandate to ‘monitor and report on the implementation of the United Nations Child Rights Convention (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) on the one hand, and coordinating all activities carried out by individual member organisations within the parameters of implementing and reporting on international and regional treaties, especially the CRC & ACRWC, by both the State and Civil Society Organisations (CSOs) on the other hand.

The Coalition *Umwana Ku Isonga* also aims at undertaking advocacy around the implementation of the aforementioned child rights instruments in order to improve the situation of the rights of a child in Rwanda. The Coalition *Umwana ku Isonga* is composed of 28 national and international organizations operating in the area of child rights.

This Alternative Report to the Third and Fourth Report of Rwanda to the Committee on the Rights of the Child is a contribution by the Coalition *Umwana Ku Isonga*.

The major objective of this document is to provide the opinion of the Coalition *Umwana ku Isonga* on the implementation of the Convention on the Rights of the Child in view of the concluding observations and recommendations made by the UN Committee on the Rights of the Child reference number CRC/C/15/Add.234 of 1 July 2004, the subsequent third and fourth periodic report by the Government of Rwanda of December 2009 and the committee’s analysis and declaration made in January 2011 on the governments report submitted by the Government of Rwanda in December 2009. This report also lays the groundwork for the policies and actions of the government directed toward Children.

The participatory methodology translated the concentrated efforts of the Coalition members into the drafting of the present report. The drafting of the report was based on data from studies, research, recommendations from the 7th National Children Summit and

from national documents, with special attention given to responses obtained through the survey findings.

The process of collective construction in the drafting of the Alternative Report was marked by dialogue between members of the Coalition *Umwana Ku Isonga* through a workshop and subsequent consultative meetings for discussion, refinement and final approval of the document.

The alternative report is divided into five major parts in respect of the five thematic clusters of child rights namely: Civil Rights and Freedoms; Health and Welfare; Family and alternative care; Education, Leisure and Cultural Rights and Special Protection measures.

Under each of the above five components of this document, the Report commends progress made by the Government of Rwanda in the implementation of the Convention on the Rights of the Child and raises concerns and lastly where applicable recommends the Committee the next step to take when engaging with the Government of Rwanda.

1. CIVIL RIGHTS AND FREEDOMS

1.1 Name and nationality (article 7 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for enacting the Law n° 14/2008 of 4 June 2008 relating to the registration of the population and issuance of the national identity card which provides for birth registration (article 8). This law is very crucial because through registration, a child is given a name (officially) and moreover it is one of the evidence of his or her nationality. In addition, the Coalition *Umwana ku Isonga* commends the Government of Rwanda for adopting the Law N°54/2011 of 14/12/2011 relating to the rights and the protection of the child which provides for the right to name and nationality respectively under articles 13 and 14.

The Coalition *Umwana Ku Isonga* is concerned with the phenomenon of unregistered children who ultimately do not have the right to nationality.

The coalition *Umwana ku Isonga* recommends to the Committee to call upon the Government of Rwanda to:

- Strengthen its effort to ensure that all children are provided with new birth certificates and hence have the right to nationality.

1.2 Preservation of identity (article 8 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for enacting the Law n° 14/2008 of 4 June 2008 relating to the registration of the population and issuance of the national identity card which provides for birth registration (article 8); registration for young children in another location (article 7); issuance of Identity Card for people aged from 16 years old as well as replacement of an Identity Card in case of loss or deterioration (article 10 and 11). This step is very crucial since the right to have a legal identity can be obtained through birth registration. Being registered at birth is an important precondition

to accessing other rights, such as access to education and healthcare, or prevention from employment in hazardous labour conditions.

The coalition *Umwana ku Isonga* commends the government of Rwanda for prohibiting under article 12 (3) of the law n°54/2011 of 14/12/2011 relating to the rights and the protection of the child, any falsification, dissimulation or illegal modification of the child identity.

The Coalition *Umwana ku Isonga* is concerned for the identity crisis faced by children born as a result of rape during the Genocide as well as children born from sex workers “prostitutes” and children from single female parent. According to the findings of the research carried out by Faith Victory Association, a Rwandan Non-Governmental Organisation, 35, 5% of children born from sex workers are not recognised by their “biological fathers.”¹ These children not only face stigma, but also their fathers cannot easily be traced. HAGURUKA, a Rwandan NGO working for the rights of women and children, recorded 29,054 cases of paternity recognition related complaints between the year 2006 and June 2011, and only 0.65 % of the recorded paternity recognition related cases were completed.²

The Coalition *Umwana ku Isonga* is concerned with the penalties imposed on individuals who fail to register children within the period of thirty days (article 12 of the Law n° 14/2008 of 4 June 2008 relating to the registration of the population and issuance of the national identity card). Though this can be one of ways to ensure birth registration, it could also prevent parents or guardians from registering children when they know that that they will be fined for late registration.

The Coalition *Umwana ku Isonga* recommends to the Committee to call upon the Government of Rwanda to:

¹ Faith Victory Association , Female Sex Workers Mapping and Needs Assessment on Health ,Wellbeing , Gender Based Violence and Human Rights in Rwanda (2012)

² Rapport de HAGURUKA sur l'Assistance Juridique 2009 –Juin 2011

- Speed up and provide for free DNA testing when requested by children who want to know their fathers as well as carrying out research on the rights of the children born from sex workers and single female parents at the country level.
- Encourage /sensitize the population on birth registration and in the best interest of the child carry out a nationwide of children registration. Decentralize the issuance of birth registration by shifting this exercise from the Sector Level to Cell Level
- Ensure coordination /synchronization of information related to new born children through the existing community based channels.
- Ensure that the legal aspect in implementation of the Convention on the Rights of the Child is provided with sufficient budget and human resources to support a big number of children in need.

1.3 Freedom of expression (article 13 of the Convention on the Rights of the Child).

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for guaranteeing the freedom of expression under article 17 of the Law N°54/2011 of 14/12/2011 relating to the rights and the protection of the child which provides that depending on the age and level of understanding of the child.

In addition, the Coalition *Umwana ku Isonga* commends the Government of Rwanda for institutionalizing the National Children’s Summit, held once in a year, whereby Children freely express their opinions.

The Coalition *Umwana Ku Isonga* is concerned with the lack of freedom of expression in family settings and lack of representation of the most vulnerable children in particular children from the historically marginalized group and children with disabilities in children’s fora established by the Government from the village level to district level. The Coalition *Umwana ku Isonga* is further concerned with the unclear criterion for children selection to attend the National Children’s Summit.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Continue educating the population with the ultimate goal of ensuring that children enjoy their freedom of expression
- Ensure that most vulnerable children including children with disabilities and children from the historically marginalized groups are empowered so that they can enjoy their freedom of expression.
- Establish a defined and clear criterion for the selection related children attendance to the National Children’s Summit.
- Ensure that child -led associations /initiatives are supported to facilitate the expression of member children and children they advocate for.

1.4 Freedom of thought, conscience and religion (article 14 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for providing under the Consitution of 2003 for freedom of thought, conscience and religion (article 33). In addition, The Coalition Umwana ku Isonga commends the Governement for guaranteing the frredom of thought , conscience and religion under article 17 of the Law N° 54 /2011 of 14/12/2011 relating to the rights and the protection of the child which states : “ Depending on his /her age and level of understanding , the child has right to freedom of expression”

The Coalition *Umwana ku Isonga* recommends to the Committe to call upon the Government of Rwanda to :

- Carry out a case study on the enjoyment of the freedom of religion including the right to choose one’s religion without prior consent of parents or guardians as they tend to put pressure on who opt to be in a different religion.

1.5 Access to appropriate information (article 17 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for prohibiting publication of inappropriate information for the children and youth (article 71 of the law n°22/2009 of 12/08/2009 on media) and also the prohibition of pornographic screening in

internet cafes and imposes on adults the obligation to protect children from access to pornographic screening at home (article 57 of the law n°22/2009 of 12/08/2009 on media). The Coalition *Umwana ku Isonga* further commends the Government of Rwanda for providing for the right to information under article 20 of the Law N° 54 /2011 of 14/12/2011 relating to the rights and the protection of the child.

Lastly, the Coalition *Umwana ku Isonga* commends the Government of Rwanda for developing guidelines on reproductive health which explain on how parents can talk to their children on reproductive health.

The Coalition *Umwana ku Isonga* is concerned with the inadequate implementation of the provisions prohibiting screening pornographic as some children already have access to such screening through their mobile phones and also that not all internet cafes restrict access to pornographic websites. Though the project One Laptop per Child is a good initiative, the Coalition *Umwana ku Isonga* is concerned with its likely negative impact since children might have access to pornographic websites.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Put much effort in sensitising the public on monitoring of children access to internet.
- Ensure that both the proposed draft bill on the media guarantee the right of children's access to appropriate information.
- Ensure that all cyber cafes comply with the law (prohibition of pornographic websites in cyber cafes where children have access to).
- Ensure that children with disabilities in particular those with vision impairment have access to information

1.6 The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (article 37 subparagraph a of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for ratifying the Convention Against Torture subsequent to the Concluding Observations made by the Committee.

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for enacting the Organic Law N° 01/2012 of 02/05/2012 instituting the penal code which criminalizes torture under article 176 and inflicting severe suffering on a child, harassing or imposing severe punishments on him under article 218.

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for criminalising corporal punishment under article 152 of the Organic Law N° 01/2012 of 02/05/2012 instituting the Penal Code.

The Coalition *Umwana ku Isonga* commends also the Government of Rwanda for adopting the National Integrated Child Rights Policy (2011) which prohibits corporal punishment.

However, the Coalition *Umwana ku Isonga* is concerned with the lack of mechanisms for the rehabilitation of victims of torture, inhuman and degrading treatment.

The Coalition *Umwana ku Isonga* is concerned with the persistence of corporal punishments within family settings.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to :

- Establish mechanisms for rehabilitation of victims of torture as well as reparations for victims of torture.
- Increase the awareness campaigns on the eradication of corporal punishment

2. HEALTH AND WELFARE OF THE CHILD

2.1 Survival and development of the child (article 6.2 of the Convention on the Rights of the Child)

The Coalition *Umwana Ku Isonga* commends the Government of Rwanda for adopting the Early Childhood Policy (the policy was developed in 2011 by the Ministry of Education) that aims to ensure all Rwandan children achieve their potential, are healthy, well-nourished and safe, and their mothers, fathers and communities become nurturing caregivers through receiving integrated early childhood development services.

In addition, the Coalition *Umwana ku Isonga* commends the Government of Rwanda for defining under the Law N° 13/2009 of 27/05/2009 regulating Labour in Rwanda the worst form of child labour under its article 73 and hence prohibits such practice (article 72) and subsequently provides for imprisonment between six months and twenty years and a fine between five hundred thousand Rwandan francs and five million Rwandan francs or one of the sentences (article 168). The previous labour code did not define the worst forms of child labour. The Coalition *Umwana ku Isonga* further commends the Government of Rwanda for defining the worst forms of child labour under article 3 of the Law N° 54 /2011 of 14 /12 /2011 relating to the rights and protection of the child. Indeed, the worst forms of child labour hinder both the survival and development of the child.

In addition, the Coalition *Umwana ku Isonga* commends the Government of Rwanda for adopting the **National Policy for Orphans and Vulnerable Children** (developed in 2003 by the Ministry of Social Affairs). The main objectives of the national policy are to protect the rights of the child and to ensure the physical and psychosocial long-term development of orphans and other vulnerable children is achieved.

The Coalition *Umwana Ku Isonga* is concerned with the higher number of children involved in hazardous work. According to the findings of the Rwanda National Child Labour Survey (carried out in 2008 by the National Institute of Statistics of Rwanda), 190,395 children

aged 5-17 years are engaged in child labour, representing 6.6% of all children in this age group and moreover 65,628 carry out hazardous work, representing 20.2% of all children in employment.

The Coalition *Umwana ku Isonga* recommends to the Committee to call upon the Government of Rwanda:

- To increase efforts in eradication of worst forms of child labour through awareness campaigns
- To address root causes of child labour

2.2 Children with disabilities (article 23 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for providing that children with a special physical and mental disability shall be placed in a special institution for care and treatment under article 42 of the N°54/2011 of 14/12/2011 relating to the rights and the protection of the child.

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for enacting the Law N° 01/2007 of 20/01/2007 relating to protection of disabled persons. This law protects both adults and children with disabilities. The Coalition *Umwana ku Isonga* commends also the Government of Rwanda for adopting **the Special Needs Education Policy** (adopted by the Ministry of Education in 2007). This policy relates to learners who are considered to have special educational needs such as those with disabilities or with other educational needs. The Coalition *Umwana ku Isonga* further commends the Government of Rwanda for providing sign language during the news at the National Television.

The Coalition *Umwana ku Isonga* is concerned with the lack of experts and facilities for the therapy and education of children with mental disability.

The Coalition *Umwana ku Isonga* is further concerned with the lack of assisting devices for children with disabilities. The Coalition *Umwana ku Isonga* is lastly concerned with the lack of a strategic plan for the implementation of the Special Needs Educations Policy and also by the fact that mental disability lags behind the priorities in addressing other related disabilities issues.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Train more teachers /trainers with a focus on the needs of children with disabilities
- Upgrade school facilities to accommodate / meet special needs of children with disabilities and also ensure transportation of children with disabilities from home to schools.
- Avail assisting devices for children with disabilities
- Adopt a strategic plan for the Special Needs Education
- Establish and support centres for children with disabilities
- Train therapists of mental disabilities and other child development troubles.

2.3 Right to health (article 24 of the Convention on the Rights of the Child)

The Coalition *Umwana Ku Isonga* commends the Government of Rwanda for providing for the right to health under its Constitution of 2003 (article 41). In addition, the Coalition *Umwana ku Isonga* commends the Government of Rwanda for obliging the State to provide medical insurance to orphans and vulnerable children under article 41 of the Law N° 54 /2011 of 14/12/2011 relating to the rights and the protection of the child.

The Coalition *Umwana ku Isonga* commends the Government efforts in improving the health through various programmes, strategies, policies and laws. The Coalition *Umwana ku Isonga* further commends the Government of Rwanda for the following achievements according to the Demographic Health Survey (conducted in 2010 by the National Institute of Statistics of Rwanda) namely Ninety percent of Rwandan children aged between 12–23 months have received all recommended vaccines; Anemia has decreased from 52 percent

of children in the 2005 to 38 percent of children in 2010; decrease in childhood mortality from 73 /1,000 to 50/1,000.

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for organizing annual paediatric conference known as Conference on HIV /AIDS and Children which aims at addressing HIV and AIDS.

The Coalition *Umwana ku Isonga* is concerned with the decrease of maternity leave as provided under article 66 of the Law N° 13/2009 of 27/05/2009 regulating Labour in Rwanda which states that “The mother with no maternity insurance coverage shall, during the first six (6) weeks of her maternity leave, have the right to her entire salary. During the last six (6) weeks of her maternity leave, this mother may resume service and receive her full salary or else, have the right to twenty per cent (20%) of her salary...” The previous labour code of 2002 (now repealed) did not have such provision. This provision negatively affects the health of the woman but subsequently has negative repercussions of the health of the infant.

The Coalition *Umwana ku Isonga* is concerned with the number of children who fell sick as a result of child labour. According to the findings of the Rwanda National Child Labour Survey (carried out in 2008 by the National Institute of Statistics of Rwanda), 31,000 child laborers aged 5-17 years (representing 16.3%) became ill or injured as a result of their employment and half of those children were engaged in full time employment while the remaining proportion of such children combined work and school. Boys represent 62.7% of those children who became ill or injured.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Address root causes of child labour
- Amend the Labour Code provision on maternal leave in ensuring that women continue to be paid three months maternity leave

2.4 Social security (article 26 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for adopting the National Social Protection Strategy (developed by the Ministry of Local Government in 2011) a strategy that provides a policy framework for “reducing vulnerability in general and the vulnerability of the poor and marginalized people in particular, and to promote a sustainable economic and social development centered on good social risk management and good coordination of savings actions and protection of vulnerable groups.” Orphans and other vulnerable children are identified in the policy as categories of the vulnerable requiring support.

The Coalition *Umwana ku Isonga* is concerned with the selection criterion in addressing vulnerability since it only focuses on the economic aspect.

The Coalition *Umwana Ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Ensure that the selection criterion in addressing vulnerability goes beyond the economic indicator.

2.5 Standard of living (article 27 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for adopting in 2005 The National Nutrition Policy. This policy aims at providing a conducive environment for the effective implementation of nutrition interventions that guarantee the nutritional well-being of the entire population for the sustainable development of Rwanda. In addition, the Coalition *Umwana ku Isonga* commends the Government of Rwanda of developing initiatives which can improve the standard of living of children such as “*Inkongoro yu mwana*” (literally meaning a “cup of milk per child ”), a joint partnership initiative of the Ministry of Education and the Ministry of Agriculture and Livestock, through which children are given milk in public primary schools ; *Girinka* (literally meaning “have a cow”) a program that aims at enabling every poor household to own and manage an improved

dairy cow which would help the family to better their livelihood through increased milk and meat production and to improve soil fertility of their land for their crops using the available manure. This will not only improve the nutrition, but also increase the earnings of beneficiaries from milk, milk products, meat and sale of manure, *akarima k'Igikoni* (literally meaning “kitchen family”) an initiative which encourages the people of Rwanda to have a garden within their compound.

The Coalition *Umwana ku Isonga* is concerned with the high rate of children malnutrition. According to the findings of the Comprehensive Food Security and Vulnerability Analysis and Nutrition Survey carried out in July 2009 by the National Institute of Statistics of Rwanda in partnership with the World Food Programme, malnutrition among children from 6 to 59 months of age is 52% stunting, 4.6% wasting and 15.8% underweight.

The Coalition *Umwana ku Isonga* recommends to the Committee to call upon the Government of Rwanda to:

- Step up efforts in the eradication of child malnutrition
- To expand the initiative of “*Inkongoro yu mwana*” to young children (from poor families) who have not yet enrolled primary schools.

3. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

3.1 Right to education (article 28 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the State for making primary education free and compulsory a constitutional right (article 40 of the Constitution of 2003) and also the adoption of various policies.

The Coalition *Umwana ku Isonga* also commends the Government of Rwanda for providing for free primary education under 47 article of the Law No 54/2011 of 14/12/2011 relating to the rights and the protection of the child.

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for adopting the Nine Year Basic Education Policy (developed by the Ministry of Education in 2008) a policy that aims at ensuring that all children enroll for primary education and half of secondary education in order to enable everyone to with life with minimum skills. It has been acknowledged that there has been an increase in terms of enrolments in primary school in the last couple of years in Rwanda.

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for the increase enrolment in schools as illustrated by the Statistics from the Ministry of Education which indicate that the number of pupils in primary schools increased from **2,150,430** in the year 2007 to **2,341,146** in the Year 2011 (with 49.1% for boys and 50.1% for girls; the number of schools also increased from **2,370** in the year 2007 to **2,543** in the year 2011 and the decrease in Pupil Teacher ratio from **69** in the Year 2007 to **58** in the year 2011 ; the Overall Completion rate increased from **52.0%** in the year 2007 to **78.6%** in the year 2011.³ Lastly, the Coalition *Umwana ku Isonga* commends the Government of Rwanda as well as Non- Government Organisations for their role in promoting girls leadership skills through initiative such as “Tuseme “(FAWE) and “Girl Leadership “(Imbutu Foundation).

The Coalition *Umwana ku Isonga* is concerned with the lack of disaggregated data in terms of enrolment rate of children with disabilities and orphans as well in both primary and secondary schools. The Coalition *Umwana ku Isonga* is concerned with the decrease in the enrolment rate for boys from **52.4%** in the year 2007 to **48.5%** in the year 2011.⁴

Though primary education is free, the Coalition *Umwana ku Isonga* is concerned with other costs related to education which preclude children from poor families from fully enjoying the right to free education.

³ Information available at
<http://www.mineduc.gov.rw/new/IMG/pdf/2011_EDUCATION_STATISTICS_Jan_2012.pdf> Accessed on 28/06/201

⁴ Education Statistics from the Ministry of Education. These statistics were released in January 2012.

The Coalition *Umwana ku Isonga* is also concerned with the low implementation of the Early Childhood Development Policy.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

Provide disaggregated figures indicating either the increase or decrease in the rate of enrolment of children with disabilities and orphans.

Step up efforts to ensure the increase of the enrolment rate of boys in secondary schools.

Step up efforts to ensure that other education related costs are covered to poor families which cannot afford them.

Extend access to Vocational Training to children who have not completed primary schools.

Scale up the implementation of the Early Childhood Education policy and programmes across the whole country.

Increase catch up programmes for children who have dropped out schools.

3.2 Leisure, recreation and cultural activities (article 31 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for guaranteeing the right to leisure under article 20 of the Law N° 54/2011 of 14/12/2011 relating to the rights and the protection of the child.

The Coalition *Umwana ku Isonga* commends the Government of Rwanda and Non-Governmental Organisations roles in ensuring that children enjoy their right to leisure, recreation and cultural activities through different initiatives such as “ *Inteko Izirikana* “ which aims at promoting culture ; inter school games organised jointly by the Ministry of Sports and the Ministry of Education.

The Coalition *Umwana ku Isonga* is concerned with the limitation to the enjoyment of the right to leisure, recreation and cultural activities for children from the historically marginalised group as well as other children from poor families endure because of poverty as well as stigma. In addition, the Coalition *Umwana ku Isonga* is concerned with the

decrease of recreational space for children's leisure as a result of planting of trees and gardens in particular in schools.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

Step up efforts in addressing root causes which prevent most vulnerable children from enjoying their right to leisure, recreation and cultural activities.

Ensure that children are given enough space and facilities for leisure and sports in and out of schools.

4. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

4.1 Parental responsibility (article 5 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for adopting policies and laws which provide for parental responsibility such as the National Policy on Family promotion (adopted in 2004) and the Law N° 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code.

The Coalition *Umwana ku Isonga* is concerned with the criminalization of child abandonment because it hinders efforts of tracing parents or guardians for family reunion purpose. The criminalization of child abandonment is provided under article 231 of the Organic Law N° 01/2012 of 02/05/2012 instituting the penal code.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Decriminalise child abandonment but rather consider child abandonment as a civil case in order to facilitate the process of family reunification.
- Step out efforts in addressing root causes of child abandonment.

4.2 Children deprived of their family setting (article 9 of the Convention on the Rights of the Child)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for putting in place legislative and administrative measures to address the phenomenon of children deprived of family environment. A National Strategy for Child care reform was approved by the cabinet on 16th March 2012. It is expected that the strategy will transform Rwanda's current child care and protection system into a family-based, family strengthening system whose resources (both human and financial) are primarily targeted at supporting vulnerable families to remain together. In addition, the Ministry of Gender and Family in partnership with Hope and Homes for Children ,an International Non-Governmental Organization conducted in 2012 a National Survey on the situation of children living in Institutions and has now started awareness raising and intervention programmes for reintegrating children living in institutions with their families and other alternative family based care.

The Coalition *Umwana ku Isonga* is concerned with the implementation timeframe of 24 months being too short to integrate all the 3,323 children living in 33 children institutions in family based care.

The Coalition *Umwana Ku Isonga* is concerned with the weak monitoring and evaluation mechanisms for assessing and addressing the outcomes of reintegrated children under family foster care.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Strengthen the monitoring and evaluation mechanisms for assessment and addressing the outcomes of reintegrated children under family and alternative family based care in ensuring the best interests of the Child.
- Ensure that more time is given in order to allow for proper child preparation and placement in the implementation of the National Strategy for Child Care Reform.

5. SPECIAL PROTECTION MEASURES

5.1 Children in situations of emergency (arts. 22, 38 and 39)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for working in partnership with relief organizations and United Nations Agencies in providing humanitarian assistance to refugee children.

The Coalition *Umwana ku Isonga* is concerned with the lack and to some extent limited psychological support and protection from sexual exploitation in refugee camps. In addition, the Coalition *Umwana ku Isonga* is concerned with the lack of transition period for refugee children which can enable them to adapt to the education system of Rwanda.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Provide both social and psychological support to all refugee children.
- Ensure that mechanisms are put in place which protect refugee children from sexual exploitation
- Ensure there is a transitional phase for the refugee children for their adaptation to the national education system of Rwanda.

5.2 Children in conflict with the law (arts. 37, 39 and 40)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for establishing specialized chambers for juvenile offenders at the Intermediate Court Level. The Coalition *Umwana ku Isonga* also commends the Government of Rwanda for providing under the law for the separation of children from adults in detention centres (prison).

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for enacting a new penal code which provides under article 72 for reduced sentences for children when found guilty.

The Coalition *Umwana ku Isonga* is concerned with the lack of specialized juvenile chambers at the High Court and the Supreme Court which are higher than the Intermediate Court. In the same line, the Coalition *Umwana ku Isonga* is concerned with the lack of psychological support before, during and after criminal proceedings for children in conflict with the law.

Lastly, the Coalition *Umwana ku Isonga* is concerned with the discrepancies in the Law in terms of the age of criminal liability. Indeed, the newly enacted penal code sets criminal liability at the age of 14 (article 100 of the Organic Law N° 01/2012 of 02/05/2012 instituting the Penal Code) whereas article 9 of the Law N°18 /2008 of 23/07/2008 relating to the punishment of the crime of genocide ideology provides with regard to sentences:

“In case a child under twelve years (12) of age is found guilty of a crime of genocide ideology, he or she shall be taken to a rehabilitation centre for a period not exceeding twelve (12) months.

In case a child who is found guilty of the crime of genocide ideology is between twelve (12) and eighteen (18) years, he or she shall be sentenced to a half of the penalty referred to in article 4 of this Law, without prejudice to the possibility that a part or whole of the sentence may be served in the rehabilitation centre. “

The Coalition *Umwana ku Isonga* is further concerned with article 184 the Law N° 13/2004 of 17 May 2004 relating to Code of Criminal Procedure 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.” The Coalition *Umwana ku Isonga* notes that article 31 (2) of the Law No 34 /2010 of 12/11/2010 on the

establishment, functioning and organization of Rwanda Correctional Service provides that people incarcerated between the age of 14 years and 18 years should be detained separately from adults and supervised by competent employees.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda to:

- Harmonize the age of criminal liability for all offences as already provided under the Penal Code (14 years)
- Establish specialized Juvenile chambers at both the High Court and the Supreme Court
- Ensure psychological support for children in the conflict with the law in criminal proceedings.
- Ensure legal representation for minor in conflict with the law as stipulated in the Law N° 13/2004 of 17 May 2004 relating to Code of Criminal Procedure

5.3 Children in situations of exploitation, including physical and psychological recovery and Social reintegration

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for criminalizing exploitation of children for prostitution purpose (article 211 of the Organic Law N° 01/2012 of 02/05/2012 instituting the Penal Code) and also the criminalization of the exploitation of children in engaging them into armed conflict (article 221 of the Penal Code) ; Engaging a child in narcotic drugs and arms trafficking or in the trade of other illegal products (article 220 of the Organic Law N° 01/2012 of 02/05/2012 instituting the Penal Code)

The Coalition *Umwana ku Isonga* commends the Government of Rwanda for setting up the *Isange One Stop Centre* at the National Police Hospital in Kigali. The One Stop Centre

provides psychological and health related services to victims of sexual violence and thus prevents them from HIV and Sexually transmitted diseases.

The Coalition *Umwana Ku Isonga* is also concerned with the increasing number of incidences of violence, abuse, neglect, and maltreatment of children. In addition, the Coalition *Umwana ku Isonga* is concerned with the limited number of rehabilitation centres for the victims of sexual violence.

The Coalition *Umwana ku Isonga* recommends the Committee to call upon the Government of Rwanda:

- To increase the number of rehabilitation centres for the victims of sexual violence across the country.
- Operationalize a toll free child line

General Recommendations

The Committee shall recommend the Government of Rwanda to:

1. Ratify the Optional Protocol to the Convention on the Rights of the Child on communications procedure.
2. Ensure priority is given, in budgetary allocation and implementation, to the realization of children's rights and his wellbeing.
3. Establish a formal community based structure focusing on children rights similar to the existing structure on community health structure.
4. The government to put in place a monitoring system to ensure the effective use of the national budget earmarked for child promotion and protection (**recommendation made by the children during the 7th National Children's Summit**).
5. The government should strengthen institutions in charge of child protection especially those dealing with OVCs (**recommendation made by the children during the 7th National Children's Summit**).
6. The government should set up programme and support to monitor children fostered into families (**recommendation made by the children during the 7th National Children's Summit**).
7. One Laptop per Child and electrification programmes should be extended to all schools even those in rural areas (**from the recommendations by the children during the 7th National Children's Summit**).
8. The government to build vocational schools near the refugee camps in Rwanda, in order to support children/youth in refugee camps who did not attend secondary education to have a profession (**recommendation made by the children during the 7th National Children's Summit**).
9. Advocacy should be done to children living in Refugee Camps to get enough foods and balanced meals (**recommendation made by the children during the 7th National Children's Summit**).

REFERENCES

A. LAWS

1. The Constitution of the Republic of Rwanda (04/09/2003) as amended to date
2. The Organic Law N° 01/2012/OL of 02/05/2012 instituting the penal code
3. Law N°18/2008 of 23/07/2008 relating to the punishment of the crime of genocide ideology (Official Gazette n°20 of the 20th October 2008).
4. Law N° 13/2009 of 27/05/2009 regulating Labour in Rwanda.
5. Law N° 01/2007 of 20/01/2007 relating to protection of disabled persons in general.
6. Law No. 42/1988 of 27 October 1988 instituting the Preliminary Title and the First Book of the Civil Code (Official Gazette No.1 of 1 January 1989)
7. Law N°54/2011 of 14/12/2011 relating to the rights and the protection of the child
8. Law N°14/2008 OF 04/6/2008 governing registration of the population and issuance of the national identity card (Official Gazette Special Number of 16/07/2008)
9. Law N° 51/2008 OF 09/09/2008 determining the organisation, functioning and jurisdiction of courts (Official Gazette Special Number of 10 /09/2008)
10. Law No 34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correctional Service
11. Law N° 13/2004 of 17 May 2004 relating to Code of Criminal Procedure
12. Law N°22/2009 of 12/08/2009 on Media

B. POLICIES AND STRATEGIES

1. The National Integrated Child Rights Policy (2011)
2. Ministry of Education ,Early Childhood Policy (2011)
3. Ministry of Social Affairs ,National Policy on Orphans and Vulnerable Children(2003)
4. Ministry of Education , Special Needs Education Policy (2007)
5. Ministry of Local Government, National Social Protection Strategy (2011)
6. Ministry of Health ,National Nutrition Policy (2005)
7. National Strategy for Child Care
8. Ministry of Education , Nine Year Basic Education Policy (2008)

C. REPORTS (SURVEYS)

1. National Institute of Statistics of Rwanda ,Demographic Health Survey (2010)
2. National Institute of Statistics of Rwanda ,Rwanda National Child Labour Survey (2008)
3. National Institute of Statistics of Rwanda and the World Food Programme, Comprehensive Food Security and Vulnerability Analysis and Nutrition Survey (2009)
4. HAGURUKA, Rapport sur l'assistance juridique 2009-Juin 2011
5. National Institute of Statistics of Rwanda , Demographic Health Survey (2010)
6. Faith Victory Association , Female Sex Workers Mapping and Needs Assessment on Health ,Wellbeing , Gender Based Violence and Human Rights in Rwanda (2012)