

Country factsheet for the Committee on the Rights of the Child

RWANDA

REPORT N°	Fifth and Sixth Periodic Report to the Committee on the Rights of the Child
PRE-SESSION/SESSION	<ul style="list-style-type: none"> ▪ Pre-session: 83rd (June 2019). ▪ Session: 83rd (January 2020).
LEGAL FRAMEWORK	<p>International and regional legal framework:</p> <ul style="list-style-type: none"> ▪ United Nations Convention on the Rights of the Child (1989): ratified 1991; ▪ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000): ratified 2005; ▪ Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993): ratified 2010; ▪ African Charter on the Rights and Welfare of the Child (1990): ratified 2001; ▪ Convention on the Rights of Persons with Disabilities: ratified 2008. <p>Domestic legislation:</p> <ul style="list-style-type: none"> ▪ The Constitution of Rwanda (June 2003, revised 2015). The Constitution clearly states that the family is the natural foundation for society and the raising of children. It clearly spells out different laws that promote family-based care for children. ▪ Law N°71/2018 of 31 August 2018 relating to the Protection of the Child. This law now includes new legal provisions relating to care, and repeals Law N°54/2011 related to the Rights and Protection of the Child. This new Law mentions the various care options, but further regulations and guidelines are necessary. ▪ A Law governing Persons and Family was enacted in 2016, which includes provisions on care and adoption, and Law N° 27 of 2001 relates to the rights and protection of the child against violence. However, Organic Law N° 01/2012/OL criminalises child abandonment in order to prevent and remedy child abuse and neglect. ▪ With regards to adoption, there are additional relevant instruments, including the Civil Code, the Presidential Order 24/01 of 2010 acceding to the 1993 Hague Convention for the Protection of Children and Cooperation in Respect of Intercountry Adoption, the Arrêté Ministériel determinant les conditions d'adoption internationale on intercountry adoption proceedings, the Communiqué sur les adoptions internationales (August 2017, see below), and a Communiqué sur les enfants adoptables au Rwanda (September 2017). ▪ Policy frameworks in place related to child care and protection include the National Integrated Child Rights Policy (ICRP, 2011). This provides an operational plan and guidelines for laws and policies related to children. The ICRP recognises and prioritises five alternative care options: kinship care, domestic adoption within the community/country; placement in foster care within the communities; intercountry adoption in accordance with international and national guidelines; and institutional care as a last resort, with continuous effort placed on finding a different option. ▪ A Strategy for national child care reform was also adopted in 2012. ▪ Other policies include the National Social Protection Strategy, 2011, which integrates the issue of OVCs in all other sectors, and the National Policy for Family Promotion, 2005. Rwanda also has a 'Justice for Children Policy' 2014, which protects the rights of children in conflict with the law.

**GENERAL SITUATION
OF CHILDREN
DEPRIVED OF THEIR
FAMILY**

Main reasons for family separation:

In 2015, 39 % of the population lived under the poverty line, which represented a considerable decrease over the previous decade, and over 44% of boys and girls were living in poverty in 2017.¹ Furthermore, it was estimated that, in 2012, 210,500 Rwandans had HIV, including 27,000 children². Rwanda does not have alternative care guidelines, however the country is in the process of developing Guidelines on foster care, national adoption, intercountry adoption and residential care (draft as of March 2015). To date, however, the lack of guidelines on child care is among the concerns raised by different child protection actors. The new Law N°71/2018 of 31 August 2018 relating to the protection of the child mentions the various care options, but further regulations and guidelines are necessary to ensure the implementation of the new legal provisions. Additionally, to fill the gap of lack of a comprehensive data on violence against children, a survey on 2,000 children conducted by Government and UNICEF showed a prevalence of abuse, neglect and exploitation amongst children; half of all girls and six out of ten boys under the study had experienced violence during their childhood.³

Profile and number of children without parental care:

According to a UNICEF document (2015), the child population is estimated at 5.3 million. Another source mentions a total number of orphans of 825,000. 15.4% were maternal orphans and 58.5% paternal orphans. 26.1% were 'double orphans' (in the UNICEF definition of a child who has lost both parents). In 2012, a study conducted on institutionalised children found that there were an estimated 33 institutions in the country accommodating 3,323 children⁴. As of June 2018, however, there were 892 children and young adults still living in 26 orphanages across the country⁵.

According to the national assessment of centres caring for children with disabilities in Rwanda, the total number of institutions for children with disabilities is 59. The number of children with disabilities living in institutions is 4,339⁶.

Family support:

Rwandan legislation establishes the right of every child to know his parents, to live with them and to benefit from their protection. Family and community-based care is at the heart of Rwanda's child protection and care initiatives and the country's President has been instrumental in prioritising and reinforcing family and community based care for children. He has been quoted as saying, "children belong in the family" and the government has emphasised community-based social-cultural way of caring for children without adequate parental care in families, through informal foster care and kinship care.

At macro level, the Government of Rwanda has improved its social protection system to address the problem of poverty. Unconditional cash transfer to the poorest families as well public works through the VUP programme were adopted to reduce poverty and ultimately prevent family separation for the targeted families. Embedded in the Social Protection Strategy 2012 is the *Vision 2020 Umurenge Program* – a major programme focussed on accelerating poverty eradication, rural growth and social protection through cash transfer. The programme primarily targets vulnerable families and communities. Family strengthening interventions are in place including '*mutuelle de santé*' – a health insurance scheme that extends to about 90% of the population⁵. Additionally, Rwanda has put in place a fund for Genocide Survivors, 'Genocide Survivors Support and Assistance Fund', which

¹ Rwanda Poverty Profile Report, EICV5 (2016/17).

² UNICEF, Statistics, http://www.unicef.org/infobycountry/rwanda_statistics.html.

³ Republic of Rwanda, Violence Against Children and Youth Survey, 2015-2016.

⁴ National Survey of Institutions for Children in Rwanda, 2012.

⁵ Report - progress made in implementation of the strategy for national child care reform in Rwanda, 2018 (unpublished).

⁶ Report on national assessment of centres caring for children with disabilities in Rwanda, 2016. Available at: http://ncc.gov.rw/fileadmin/templates/document/National_Assessment_of_Centres_Caring_for_CWDs.pdf.

	<p>makes up 5% of the national budget and supports more than 300,000 victims of the 1994 genocide. Through this fund, 49% of supported families have been self-sufficient, have had food security (20.3%), improved health (16 %) and acquired livestock (5.7 %).</p> <p>Finally, the National Integrated Child Rights Policy states that particular attention will be drawn to single parents and carers. However, Rwandan legislation criminalises child abandonment (Art. 231 of Organic Law 1/2012/OL).</p>
<p>ALTERNATIVE CARE OPTIONS</p>	<p>Kinship care/informal care:</p> <p>A regional comparison shows that Rwanda still retains an average double orphan rate and has a strong tradition of informal child-care practices.⁷ For instance, statistics have shown that since 2008, registered child-care facilities were only caring for approximately 0.5 % of all single and double orphans in the country, with the vast majority of orphans growing up in informal care settings. However, children living with elderly caregivers are some of the poorest and most vulnerable – their poverty rate is 7 % above the national average. Rwanda had one of the highest proportions of child-headed households in the world as a result of the 1994 genocide and HIV/AIDS.</p> <p>Foster care:</p> <p>Since 2012, Rwanda is implementing a comprehensive National Child Care Reform strategy putting at its heart family-based care based on a partnership between government and NGOs in these efforts. Besides the support from the President earlier mentioned, the First Lady has continuously supported and reinforced care reform efforts through a project called ‘<i>Malayika Mulinzi</i>’ (Guardian Angel). This project advocates for foster care for children without adequate parental care. Children are placed with foster parents in families and communities as opposed to institutions. Additionally, the government through <i>Tubarerere mu Muryango</i> (TMM) initiative which means "let's raise children in families" has continued to reintegrate children who have been living in institutions into families. A foster placement may be determined by the competent judicial authority based on an application by the administrative authority or the family wishing to care for the child. In order to promote foster care, the Rwandan government offers foster families a state subsidy for the care of the child, <i>for example</i>, health insurance, material aid and support from social workers. Besides the figures reported by NGOs involved in the placement of children in foster care through the de-institutionalisation process, such as Hope and Homes for Children and Global Communities, no official data regarding children in formal foster care exists.</p> <p>Residential care: Rwanda is no longer registering orphanages and through the care reform initiative robust steps have been taken to eliminate the institutionalisation of children. A number of residential care facilities, though reluctant at the beginning of the child care reform, embraced the de-institutionalisation process and re-allocated their funds to support family reintegration as well as family strengthening.</p> <ul style="list-style-type: none"> ▪ In 2012, a study conducted on institutionalised children found that there were an estimated 33 institutions in the country accommodating 3,323 children⁸, of which 3,151 were subsequently reintegrated into family care through the <i>Tubarerere mu Mutyango</i> programme (see below). As of June 2018, however, there were 892 children and young adults still living in 26 orphanages across the country⁹. According to the national assessment of centres caring for children with disabilities in Rwanda, the total number of institutions for children with disabilities is 59. The number of children with disabilities living in institutions is 4,339.

⁷ Better Care Network, Country Care Profile: Rwanda, March 2015.

⁸ National Survey of Institutions for Children in Rwanda, 2012

⁹ Report - progress made in implementation of the strategy for national child care reform in Rwanda, 2018 (unpublished)

	<ul style="list-style-type: none"> ▪ The <i>Tubarerere mu Muryango</i> (Let's Raise Children in the Family) project, launched in 2013, is based on a partnership with civil society, which strengthens the intervention of social workers and psychologists at local/community level to work with children and families, including for their reintegration, residential care reform, psychosocial and economic support to families and monitoring of situations. ▪ It is worth mentioning that, with the support of Hope and Homes for Children, 1,696 children left institutions between 2012 and 2015, and 16 institutions were closed. Some of the latter transitioned into a family- and community-based protection system, and thanks to HHC's <i>Mpore Pefa</i> project, their staff were trained to find employment in alternative care. Furthermore, between 2013 and 2018, 29,678 <i>Inshuti z'Umuryango</i> (family friends) were appointed to act as community family and child protection volunteers. However, it has been mentioned that the National Child Care Reform Strategy and the National Residential Care Institutions Survey, which informed it, did not cover the children in institutions with disabilities.
ADOPTION	<ul style="list-style-type: none"> ▪ Law No. 22/2011 of 28 June 2011 established the National Commission for Children and assigned it the role of Central Authority for inter-country adoptions, whilst Law No. 32/2016 of 28 August 2016 governing persons and family (arts. 287 - 318) and Ministerial Order No. 001/MIGEPROF/2017 of 16/01/2017 determine the conditions to be considered for intercountry adoption and the procedure thereof. There are also guidelines on intercountry adoption of 10 August 2018. ▪ There is no centralised data on the number of domestic adoptions in Rwanda. The formal domestic adoption has been processed at sector level: the local authorities approve the request of adoptive parents, and then the primary Court approves the final legal process. ▪ In September 2017, the government lifted the temporary suspension on intercountry adoption, in force since August 2010, one of the reasons highlighted was to enable Rwanda to align fully to the Hague Adoption Convention. Local adoptions have been ongoing. ▪ A statement issued following the resumption of intercountry adoption mentioned that no child was currently available for intercountry adoption. Between 2003-2011, 302 Rwandan children had been placed for inter-country adoption. ▪ Rwandan legislation includes some key positive provisions in terms of adoption, such as the respect for the principle of subsidiarity and the prohibition of private and independent adoptions¹⁰, but other essential aspects remain absent or insufficient, including the child's preparation and participation in the adoption process under the age of 12; the process of assessment of potential adoptive parents; the description of the matching process – under the responsibility of the National Commission for Children – and subsequent probationary period; or the adoptee's access to his or her origins. ▪ It is hoped that guidelines and regulations in this field will strengthen the intervention and role of accredited adoption bodies, to ensure their ethics, accountability and relevant in the intercountry adoption process. Likewise, the costs of intercountry adoption procedures in Rwanda should be made transparent. ▪ Article 23 of Law No. 51/2018 of 13/08/2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others, states that any person who, for the purpose of exploitation, adopts a child, fosters him/her, acts as his/her guardian or offers him/her to another person, commits an offence¹¹. <p>Rwanda requires the development of additional legal, institutional and practical instruments in order to fully comply with international principles and standards relating to intercountry adoption.</p>

¹⁰ HCCH Country Profile 2019.

¹¹ HCCH Country Profile 2019.

RECOMMENDATIONS

- Enhance child protection and care systems for effective identification of vulnerable and at-risk children. Improve the referral, support and gatekeeping mechanism and strengthen the link between social protection efforts and care reform, specifically in relation to targeting families at risk of separation and/or reunified families.
- Ensure a committed budget for *Inshuti z'Umuryango* aimed at the prevention of and effective response to issues affecting children.
- Continue the current effort towards a family and community-based care system which includes children with disabilities for them to grow up in a family environment, receive appropriate care, and prevent the need for their placement in residential care.
- Strengthen child protection systems by paying particular attention to increasing and building the capacity of the social workforce to sustain current care reform efforts, with a particular focus on the prevention of family separation and the promotion of family reintegration.
- Increase access and support to the *Tubarerere Mu Muryango* programme¹².
- Prioritise the deinstitutionalisation of children with disabilities.
- Strengthen evidence base on the status and well-being of children in kinship care.
- Strengthen kinship care as an alternative form of care for children who need to be placed back into families or children who require family-based care.
- Conduct an assessment on the status of reintegrated children and the outcomes of the deinstitutionalization process.
- Ensure proper and periodic registration, monitoring and supervision of residential care facilities in accordance with quality standards.
- Ensure accurate and up-to-date national data of children with disabilities in residential care facilities to inform care reform efforts towards family and community based care.
- Ensure the implementation and strengthening of the existing legal framework on care and adoption, aimed at ensuring less confusion and strong safeguards in these various forms of care and placements.
- Review the law on child abandonment and criminalisation of it and give priority to the prevention of abandonment in the first place.
- As limited data and the dispersed information has been noted, it is recommended that Rwanda urgently finalize the information management system as recommended by the CRC Committee in 2013.

¹² See: <https://bettercarenetwork.org/file/tubarerere-mu-muryango-tmm-reintegrating-children-from-institutions-into-families>.