



**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**

**Second periodic reports of States Parties due in 1998**

**RWANDA\***

[27 June 2002]

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\* For the initial report submitted by Rwanda, see document CRC/C/8/Add.1; for its consideration by the Committee see documents CRC/C/SR.97 and 98/Add.1 and for the preliminary observations see document CRC/C/15/Add.12.

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### Acronyms and abbreviations

CPLS	Prefectoral Anti-AIDS Commission
CLC	Centre for Lone Children
EVP	Expanded Vaccination Programme
FASG	Fund for Assistance to Survivors of Genocide
GDP	Gross Domestic Product
GNP	Gross National Product
HHIS	Hygiene and Health Improvement in Schools
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HC	Health Centre
ISS	International Social Service
MIFOTRA	Ministry of the Civil Service and Works
MIGEFASO	Ministry for Gender Issues, the Family and Social Affairs
MIGEPROFE	Ministry for Gender Issues and the Advancement of Women
MJESPOC	Ministry for Youth, Sport and Culture
MINADEF	Ministry of Defence
MINAFFET	Ministry for Foreign Affairs and Regional Cooperation
MINAGRI	Ministry of Agriculture, Animal Husbandry and Forestry
MINALOC	Ministry of Local Administration and Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MINEDUC	Ministry of Education
MINERENA	Ministry of Energy, Water and Natural Resources
MINIJUST	Ministry of Justice and Institutional Relations
MININTER	Ministry of the Interior and Security
MINISANTÉ	Ministry of Health
MINITERE	Ministry of Land, Resettlement and Environment
NAAC	National anti-AIDS Campaign
NAP	National Action Plan
NCCA	National Commission to Combat AIDS
NCYR	National Council of Youth in Rwanda
NHRC	National Human Rights Commission
NPC	National Programme for Children

NRPPD	Network of Rwandan Parliamentarians for Population and Development
NTC	National Trauma Centre
PEAC	Pre-school Experimental Activities Centre
PHC	Primary Health Care
RPF	Rwandese Patriotic Front
RTCA	Rwandan Trauma Counsellors' Association
TNA	Transitional National Assembly
UNICEF	United Nations Children's Fund
WI	Women's Institute

## INTRODUCTION

### A. General situation in Rwanda

#### 1. Geographical situation

1. Rwanda is situated in the eastern part of Central Africa. It covers an area of 26,338 km<sup>2</sup>, between latitudes 1° 04' and 2°51'S and longitudes 28° 53' and 30° 53'E. It is bordered to the north by Uganda, to the east by the United Republic of Tanzania, to the south by Burundi and to the west by the Democratic Republic of the Congo. Rwanda is a landlocked country, the nearest port being Mombasa, Kenya, 1,700 km away. Almost all of the country is at an altitude of between 1,400 and 1,700m, with some peaks above 4 000m (Kalisimbi – 4,507m). Because of its situation on the continent and its high altitude, the country enjoys a mild and temperate climate, with two rainy and two dry seasons. Average low temperatures range from 10 to 21°C. The average temperature for the country as a whole is 18°C. Annual rainfall is between 800 and 900 mm in the areas at low and moderate altitudes and between 1,400 and 12,800 mm in the mountainous areas. Tourism benefits from the presence of rare mountain gorillas, and extremely varied flora and fauna.

#### 2. Historical overview

2. Rwanda is a geopolitical entity that originally consisted of several micro-States and then emerged around the eleventh century as a monarchy with a “sovereign”, the king, and an “umugabekazi”, the queen mother. In 1885 the Berlin Conference designated Rwanda-Burundi as a German protectorate. After the second World War, Rwanda-Urundi became a territory under United Nations mandate and was handed over to Belgium. From 1959 to 1961 Rwanda experienced a violent transition from a monarchy to an independent republic, and the bloody events of that period forced thousands of Rwandans into exile in neighbouring countries. The country regained its independence on 1 July 1962 in an atmosphere of ethnic-based turmoil, which had been fomented by the colonizing Power through its policy of “divide and reign”. In 1973 a military coup overthrew the first civilian regime and set up a dictatorial second republic, which remained in undivided power up to the genocide of 1994. The war which broke out on 1 October 1990 between the regime then in power and the Rwandan Patriotic Front (RPF) eventually led the belligerents to negotiate the Arusha Peace Agreement between the Rwandan Government and the RPF, signed on 4 August 1993. Unfortunately, the Agreement was concluded at a time when preparations were also being made for genocide, and as this was fully under way from 7 April 1994 it was not possible to implement the Arusha Agreement in full. The RPF forces stopped the genocide and the massacres and a Government of National Unity was established on 19 July 1994.

3. Rwanda experienced a brutal historical collapse with the war of 1990, the genocide of 1994 and the domestic and external migrations that took place: basic facilities were destroyed, the country's public administration and social services were badly affected by the loss of qualified staff and a great many files and archives disappeared. Economic and statistical data for the period before 1994, therefore, cannot be relied on. Furthermore, data gathered since 1994 are rapidly becoming obsolete because of national reconstruction and recovery. For this reason, the numerical data used in this report must be regarded as approximate.



### 3. Demographical situation

4. Of the total area of 26 338 km<sup>2</sup>, only 18 724 km<sup>2</sup>, or 71 %, can be used. This causes problems of population pressure on arable land, because of the high population density of 337 inhabitants per km<sup>2</sup> and a rapid population growth rate estimated at 2.9 % per annum. This demographic pressure has long existed in Rwanda: from 1 million inhabitants at the beginning of the twentieth century, the population grew to 2 million about 1950, 3,572,550 in 1970, 4,831,527 in 1978, 5,661,553 in 1983 and 7,157,551 in 1991, reaching 8,343,000 in the year 2000. The total population at the end of 2002 is estimated at 8,810,000.

5. The population of Rwanda is extremely young: 50 % of Rwandans are under 15 years of age. The high growth is sustained by a fertility index of 5.8 in a population that is 90 % rural, 46.5 % being men and 53.5 % women.

6. There have been significant changes in the demographic situation following the conflicts and genocide of 1994. According to the report prepared by the Ministry of Local Administration and Social Affairs (MINALOC) on the number of victims of genocide, a minimum of 1,074,000 persons died, more than 3 million were displaced inside and outside the country during that time, and more than 800,000 persons who had fled the persecution in 1959 returned to the country from exile in 1994. In November 1996 there was a massive return of refugees from the Democratic Republic of the Congo, the United Republic of Tanzania, and the Office of the United Nations High Commissioner for Refugees registered 1,385,213 returns between November 1996 and June 1997.

### 4. Social structure

7. Family and community traditionally play a central role in the life of Rwandans. Social relations are based on the nuclear family, the expanded family and neighbourhood, but person-to-person relationships are becoming increasingly important with the development of the modern world. The family structure is traditionally patrilinear and succession is solely through male family members, although new laws based on equality between the sexes have now come into force. The man is head of the family, and children are never really emancipated from their parents, to whom they owe obedience and respect. The Basic Law, and especially article 25 of the Constitution of 10 June 1991, allows only one wife, but in fact polygamy is still practiced, especially in rural areas.

8. The foundations of social relations have been severely affected by the tragedies of recent years. Massacres sometimes occurred among members of an extended family, causing fear and mistrust at the very heart of this basic community, and mostly leading to a decline in confidence in relations with the neighbouring community.

9. At the social level, the genocide and resulting population movements (domestic displacement, exile, disappearances) fundamentally altered the profile of the Rwandan population. Households lost many family members, their property was destroyed and social behaviour changed.

10. In this context of war and genocide, several hundred thousand Rwandan children lost their parents or were separated from them. Almost all children went through traumatic experiences during the war, some of them being themselves either injured or threatened, or else

forced or trained to kill and torture. Women and young girls were raped, leading to trauma, unwanted pregnancies, exposure to sexually transmitted diseases and to human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), while others were participants in the genocide and massacres.

11. Rwanda is one of the few African countries with a single national mother tongue, Kinyarwanda, which is spoken by the entire population and has long been taught in schools. It is one of the three official languages, the others being English and French. Christianity is predominant, especially Catholicism, which is practiced by almost 60 % of the population.

#### 5. Administrative structure

12. Rwanda has an extensive administrative structure. Law No. 47/2000 of 19 December 2000, and others that followed it, introduced changes in the manner of government and structure of decentralized administrative units. The territory of the Republic of Rwanda is now divided into 11 provinces (formerly called prefectures) comprising 14 towns and the capital, Kigali, and 92 districts (art.6). The districts (formerly called municipalities) are subdivided into sectors (currently 1,545) themselves consisting of the smallest administrative unit, the cell (9,169 throughout the country). Provinces are headed by a Co-ordination Committee chaired by a Prefect, while the activities of districts and other towns are planned by a District Council and managed by an Executive Committee headed by a mayor. The membership of these three bodies is elected by the people.

#### 6. Political programme

13. In July 1994, when the Rwandan Patriotic Front ended the genocide and massacres, the political forces that had not taken part in the genocide set up a Government of National Unity and other institutions, for a transitional period that was to last for five years.

14. The mandate of the Government of National Unity of 19 July 1994 was to implement an eight-point programme: (i) to restore security and peace in the country; (ii) to restructure local administration at the central and peripheral levels; (iii) restore the unity of the Rwandan people; (iv) to repatriate the refugees and rehabilitate the victims of war and genocide; (v) to improve the people's living conditions and, in particular, to rehabilitate vulnerable groups, especially those who had survived the war and the genocide: orphans, widows and the disabled; (vi) to revive the national economy; (vii) to reshape Rwanda's foreign policy; and (viii) to strengthen democracy.

15. As the transition neared its end, it became apparent that, despite very positive results in several areas, particularly security, many challenges remained. This meant that the transition had to be extended for an additional period of four years. The updated programme gave priority to the following areas:

(a) Rehabilitation of the victims of the war, massacres and subsequent migrations, with special attention to children in difficult circumstances;

(b) Increasing the people's welfare; and

(c) Strengthening unity and reconciliation among Rwandan, democracy and good governance.

## 7. Legal system

16. Rwanda uses the Romano-Germanic legal system, which influenced Belgian law as introduced into Rwanda during Belgian colonization. In recent times, however, some elements of Anglo-Saxon law have been incorporated into the Rwandan system.

17. The supreme law of Rwanda is the Basic Law. It consists of the Constitution of 10 June 1991, the Arusha Peace Agreement signed on 4 August 1993 between the Government of the Republic of Rwanda and the Rwandan Patriotic Front (RPF), the RPF Declaration of 17 July 1994 and the Convention of political parties of the same year. The Basic Law enshrines the rights and freedoms of all people. It also stipulates that, where public freedom and human rights are concerned, the principles set out in the Universal Declaration of Human Rights of 10 December 1948 take precedence over the corresponding principles in the Rwandan Constitution of 10 June 1991 (art. 17, protocol on various matters). The Rwandan Civil Code places custom after legislation as a source of law. While recognizing that legislation governs all matters relating to civil law, the Code specifies that, in the absence of any applicable legal provision, the judge should hand down his verdict on the basis of customary law or, in the absence of any custom, in accordance with rules which he would have established had he been a legislator (art. 3).

18. Rwandan justice is today faced with the problem of prisoners accused of taking part in the genocide: their number is estimated at about 120 000, held in the country's prisons and cachots (communal cells). With 2 000 judgements having been handed down over a period of three years, the Government has realized that the process would last too long at this pace. With a view to eradicating the culture of impunity while at the same time seeking national reconciliation, and in the belief that it is important for sentences to enable those convicted to mend their ways and to promote their reintegration into Rwandan society without adversely affecting the normal life of the population, the authorities have established the participatory gacaca justice system, which is governed by Organic Law No. 40/2000 of 26 January 2001 providing for the organization of "gacaca courts" and of trials for the offences constituting the crime of genocide or crimes against humanity committed between 1 October 1990 and 31 December 1994.

19. The gacaca courts constitute one of the six sections of the Supreme Court of Rwanda. They operate at each level of the usual administrative structure – the cell, the sector, the district and the province (art. 4). Each one is made up of a General Assembly, a Headquarters and a Coordination Committee (art.5). The General Assembly of a cell gacaca court is made up of all the inhabitants of the cell aged over 18 (art. 6). The General Assembly of the gacaca court of a sector, district or province is made up of at least 50 persons of integrity, nominated by the gacaca courts within its jurisdiction immediately below it (art. 7).

8. Rwanda's commitment to international human rights instruments

20. Rwanda is a signatory to most international instruments for the protection of human rights. These are:

- (a) The Universal Declaration of Human Rights;
- (b) The International Covenant on Civil and Political Rights;
- (c) The International Convention on the Elimination of All Forms of Racial Discrimination;
- (d) The International Convention for the Prevention and Punishment of the Crime of Genocide;
- (e) The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
- (f) The Convention on the Elimination of All Forms of Discrimination against Women;
- (g) The OAU Convention governing the Specific Aspects of Refugee Problems in Africa;
- (h) The Convention on the Rights of the Child;
- (i) The African Charter on the Rights and Welfare of the Child.

21. The ratification process has already started for the following instruments:

- (a) The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- (b) The Optional Protocol to the International Covenant on Civil and Political Rights;
- (c) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- (d) The Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court of Human and Peoples' Rights.

22. It is important to stress that, in accordance with the Arusha Peace Agreement, the Rwandan Government, under the protocol of agreement on the rule of law, established a National Human Rights Commission (NHRC), which is governed by Law No. 04/99 of 12 March 1999 and has been operating since 24 May 1999. NHRC is made up of 7 commissioners elected by Parliament from 10 candidates proposed by the Government. The triple mission of NHRC is to consider violations of human rights, to raise people's awareness of, and train them in, human rights, and where appropriate to initiate legal proceedings.

23. In this connection, it should be stressed that in April 2001, noting the satisfactory achievements in the field of human rights in Rwanda, the Commission on Human Rights decided not to send a special observer mission to the country any longer. It should also be noted in this area of legislation and the law that, under the Arusha Peace Agreement, a Legal and Constitutional Commission was established by Law No. 23/99 of 24 December 1999. Its mandate is to prepare the new constitution and revise the country's other laws.

#### 9. Economic context

24. The most important sector of the Rwandan economy is agriculture. It accounts for about 41 % of GDP, and more than 90 % of the active population work in the sector. The main export crops are coffee and tea, accounting in 2000 for 34 % and 37 % of export income respectively. The agricultural production system is based on small farms that consume 80 % of their production.

25. In 2000, agriculture accounted for 41 % of GDP, industry for 19 % and services for 40 %. In terms of expenditure, 90.4 % of GDP was spent on private consumption in 1999, 8.6 % on public consumption, 17.3 % on gross investment, 4.8 % on exports, with imports accounting for 12.7 % of GDP. Private consumption continues to be supported by external aid flows.

26. On any view, poverty is widespread in Rwanda. With regard to income, it is estimated that 65.4 % of the population were living below the poverty line in 1999, life expectancy being 49 years and the infant mortality rate 123 per 1 000 live births. A National Poverty Reduction Programme was launched by the Government of National Unity in 2000.

**Table 1**  
**Summary table of relevant data**

<i>Description</i>	<i>Data</i>	<i>Year</i>
Population	8 300 000	2000
Area	26 338 km <sup>2</sup>	2001
Population density (inhabitants/km <sup>2</sup> )	337	1999
Per capita GNP	US\$ 250	1999
Average annual growth	2.9 %	2001
Population aged between 0 and 4	50%	2001
Life expectancy at birth (years)	49	2001
- Women	50	2001
- Men	48	2001
Infant mortality rate	130‰	2001
Maternal mortality rate/100 000 live births	787	2001
Adult mortality (per 1000 persons aged between 15 and 60)		
- Women	566	2001
- Men	604	2001
Incidence of HIV in adults from 15 to 49 (per cent)	13.7%	1999
Population infected by HIV/AIDS	400 000	2000
Access to drinking water (percentage of the population)	41%	2000
Adult literacy rate	48.3%	1999
- Women	45.0%	1999
- Men	52.0%	1999
Primary school enrolment rate (gross)	97.1%	1999/2000
Primary school enrolment rate (net)	75%	2000/2001
Rate of transition to secondary education	38.1%	1999/2000
Teacher qualification rate	54.7%	1999/2000
Primary school (years 1 to 6) dropout rate	12.6%	1999/2000
Human development index (HDI)(value)	0.382	1999
Human poverty index (per cent)	51.4	1999
Consumer price index (general index)	341.2	1999
Ratio of expenditure on education to current expenditure	30.2%	2000
Ratio of current expenditure on health to current expenditure	3.1%	2000
Current expenditure on education (percentage of GDP)	3.5%	2000
Current expenditure on health (percentage of GDP)	0.6%	2000
Inhabitants per doctor	55 705	2000
Average size of rural households	4.8	1999
Average size of urban households	4.5	1999
Ratio of men to women in the population	46.5/53.5	1999
Households below the poverty line	65%	1999
Percentage of girls in primary school	50%	2001
Fertility rate per woman	6	2000
Percentage of births occurring in hospital	26%	2000

*Source* : MINECOFIN, *Indicateurs de développement du Rwanda*, July 2001.

## **B. Preparation of the report**

### **1. Initial report of Rwanda**

27. The Convention on the Rights of the Child was adopted by the General Assembly on 20 November 1989 and entered into force on 2 September 1990. It was ratified by Rwanda on 19 September 1990 by Presidential Order No. 773/16 of the same date. On 30 September 1992, Rwanda submitted its initial report on the implementation of the Convention under article 44 (CRC/C/8/Add1). The report was considered by the Committee on the Rights of the Child on 5 October 1993, at its 97th and 98th sessions and, because of numerous gaps, could not be approved. The Committee put forward its recommendations on 18 October 1993.

28. In its preliminary observations on the report, the Committee recommended that a new report should be submitted within a year. It also recommended that the new initial report should be fuller and should conform to the guidelines laid down by the Committee in accordance with a detailed list of items to be dealt with.

29. Because of the troubles which were prevalent in the country at the time, and especially the genocide of 1994, the Rwandan Government was unable to prepare a report in accordance with the Committee's recommendations.

30. The Government of National Unity established on 19 July 1994 had to face many challenges after the genocide. Confronted with many urgent problems, it preferred to give priority to meeting the needs of its devastated population for survival. In a context of political, administrative and social reorganization of the entire State system, and with inadequate resources, the Rwandan Government was not able for the time being to fulfil all its commitments to the international community, including that with respect to the Committee on the Rights of the Child. In March 1997, the Council of Ministers therefore decided to establish the National Programme for Children (NPC) as a State structure responsible for coordinating all activities in support of children. One of the NPC's tasks was to consider ways and means of implementing the recommendations of the Committee on the Rights of the Child. The protection, reunification and care of about 500 000 children separated from their parents was a matter of extreme urgency for the Government of National Unity.

### **2. Preparation of the present report**

31. Preparation of the present report started during the year 2000, as part of the end-of-decade review of the implementation of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action relating to it, adopted by the World Summit for Children. Persons from all walks of life took part in the work. Every Ministry carrying out activities relating to children, together with the non-governmental organizations within its field of competence, was invited to assess the activities of the decade, to identify the constraints encountered and to highlight the lessons learned, with the aim of achieving the objectives of the World Summit for Children. These workshops prepared the ground for the great National Conference on the Rights of the Child, held from 14 to 18 August 2000.

32. With the technical support of UNICEF, a preparatory committee for the two activities was established with the following membership:

(a) Representatives of the Office of the President of the Republic, the National Assembly and the Prime Minister's office;

(b) Focal points within the following ministries: MIGEPROFE, MINISANTÉ, MINEDUC, MIJESPOC, MINECOFIN, MIFOTRA, MINERENA, MINAFFET and MINIJUST, under the chairmanship of MINALOC.

33. In addition, a great many seminars and workshops have been held in the past five years. They were attended by many participants from the world of children, including children and young people themselves and civil society. All these activities maintained a continuous and critical discussion of many aspects of the protection of the rights of the child in Rwanda, in the particular context of the country since 1914. For instance, in 1998 the Parliament organized a debate between children and deputies on the rights of the child.

34. The following organizations were involved in the preparation of the present report:

(a) Public institutions: Office of the President, MINALOC, MINISANTÉ, MIFOTRA, MINERENA, MININTER, MINITERE, MINAFFET, MINADEF, MINECOFIN, MINIJUST, MINEDUC, MIJESPOC, MIGEPROFE, MINAGRI, NHRC, Legal and Constitutional Commission;

(b) United Nations system: United Nations Children's Fund, Office of the High Commissioner for Refugees, United Nations Educational, Scientific and Cultural Organization;

(c) Non-governmental organizations working for children: Association for the Defence of the Rights of Women and Children (Haguraka), Association Foundation Barakabaho, Collective of Rwandan Organizations for the Education of Orphans (Ihuriro Collective), Collective of Organizations for the Advancement of Women (Profemmes Twese Hamwe), Rwandan Women's Solidarity Association (ASSOFERWA), International Committee of the Red Cross (ICRC), International Social Service (ISS), North-South Action, Save the Children Fund (SCF, United Kingdom), International Rescue Committee (IRC), Rwandan Red Cross (RRC), Tumurere Foundation for children;

(d) Organization set up to prepare the initial report:

(i) Body responsible for final approval: Government Council;

(ii) Steering institution: MINALOC;

(iii) Coordination and monitoring body: multisectoral committee made up of the above-mentioned institutions;

(iv) Permanent secretariat: National Programme for Children (NPC);

(v) Technical assistance, advice and financial support: UNICEF;

(vi) Drafting: MINALOC and an independent consultant;



- (vii) A project group consisting of members of the Prime Minister's office, MINALOC, UNICEF, MINIJUST, Barakabaho, ASSOFERWA and Haguruka regularly followed the work of the consultant.

35. The report was adopted after the following stages:

- (a) Designation by the Prime Minister of the lead institution, MINALOC;
- (b) Establishment by MINALOC of the Coordination and Monitoring Committee;
- (c) Establishment by the Coordination Committee of the programme of consultation and information gathering;
- (d) Workshops to consider the preliminary versions: 20 February 2001, 20 April 2001, 24 July 2001, 27 July 2001 and 1 August 2001.
- (e) Workshop to approve the report, 10 August 2001;
- (f) Consideration and adoption of the report by the Government Council, 27 February 2002.

## I. GENERAL MEASURES OF IMPLEMENTATION

### A. Measures taken to harmonize Rwanda's laws and policies with the provisions of the Convention on the Rights of the Child

#### 1. Ratification of the Convention

36. Rwanda's ratification of the Convention on the Rights of the Child on 19 September 1990 (*Journal officiel*, no. 21 of 1 November 1990) was the first measure which the country adopted to incorporate the provisions of the Convention into national legislation. This was in addition to the fact that the principles set out in international law to which Rwanda subscribes take precedence over Rwandan law. Another important point is that no reservations were attached to Rwanda's adoption and ratification of the Convention.

#### 2. Measures to disseminate the Convention

37. Campaigns to promote awareness of the Convention are conducted throughout the country. Booklets have been translated into Kinyarwanda and widely distributed. The Convention is publicized at seminars, conferences and workshops of child support workers. The organizations chiefly involved are UNICEF, national and international organizations and human rights associations, including the Haguruka Association, which promotes the interests of women and children.

38. There are training and proficiency courses for social workers working with or for children. In this context, the non-governmental organization Trocaire, in cooperation with University College Cork, Ireland, carried out a training programme for more than 200 social workers from the Ministry for Foreign Affairs and local non-governmental associations, and

Save the Children Fund of the United Kingdom has trained social assistants working in centres for lone children (CLCs) (see below, chapter V, para. 218). The Convention has also been disseminated through public and private newspapers and national radio and television broadcasts.

### 3. Dissemination of the report

39. The present report was discussed by an enlarged committee of 30 members representing both ministerial institutions and non-governmental organizations specializing in children's issues. It was later considered by the Council of Ministers before being submitted to the Committee on the Rights of the Child. A translation into Kinyarwanda is planned following completion of the English version. MINALOC also intends to organize a dissemination seminar attended by representatives of the Government, United Nations institutions, various religious groups and civil society. There will also be a radio and television broadcast reaching a large audience, which will participate actively by giving its views and asking questions.

### 4. Effectiveness of the national system for implementing the Convention

40. The various workshops and conferences have shown that the current system for implementing the Convention needs to be strengthened and made more effective. Efforts are currently being directed as a priority to:

- (a) The system of information on the mother and child;
- (b) Mechanisms of cooperation, coordination, monitoring and assessment;
- (c) Policy setting and implementation;
- (d) Strengthening the legislative and statutory framework, especially with regard to implementation measures.

41. In this context, various measures have recently been taken, including:

- (a) Law No. 22/99 of 12 November 1999 supplementing the first book of the Civil Code and promulgating the fifth part relating to the provisions governing matrimony, gifts and succession;
- (b) Law No. 27/2001 of 28 April 2001 concerning the rights of the child and protection of children against all forms of abuse;
- (c) Establishment of the Legal and Constitutional Commission set up by Law No. 23/99, amended by Law No. 26/2000 of 3 November 2000;
- (d) The National Programme for Children;
- (e) The law containing the Labour Code, currently being promulgated;
- (f) Consultations currently taking place for the establishment of a Children's Code;

(g) Consultations currently taking place for the creation of a vice squad and a police force for juveniles.

#### 5. Budget allocations

42. The tables below set out the budgets for the social sectors for the years 1996 to 1999, with estimates for 2000 and forecasts for 2001 and 2002.

**Table 2**  
**Current expenditure by sector (as a percentage of the total), 1996-2002**

<i>Sector</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
Total expenditure	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Social services	19.5	26.8	30.3	35.8	39.2	42.2	44.6
- Education	16.3	21.8	18.6	22.7	25.7	27.7	29.3
- Health	2.1	2.5	3.0	4.1	5.9	7.5	9.0
- Other social services	1.1	2.4	8.7	9.0	7.6	7.0	6.3
Defence	43.1	36.7	35.3	30.9	29.6	27.2	25.2
Administration	13.9	15.3	14.6	15.3	16.3	16.1	16.0
Justice	2.7	3.9	4.5	4.2	5.5	5.8	5.9
Other administrative services	0.0	0.0	10.1	11.1	10.87	10.3	10.1
Debt servicing							
- Interest on domestic debt	5.8	4.7	3.1	2.1	1.64	1.46	1.30
- Interest on foreign debt	6.4	6.0	5.1	3.5	5.13	4.84	4.56
Economic services	11.4	10.6	11.5	12.5	12.9	12.9	12.6

*Source:* MINECOFIN, quoted in UNICEF, *Analysis of the situation of Women and Children*, 2000.

**Table 3**  
**Current expenditure by sector (as a percentage of GDP), 1996-2002**

<i>Sector</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
Total expenditure	12.2	11.3	11.9	12.2	11.6	11.6	11.9
Social services	2.4	3.0	3.6	4.4	4.6	4.9	5.3
- Education	2.0	2.5	2.2	2.8	3.0	3.2	3.5
- Health	0.3	0.3	0.4	0.5	0.7	0.9	1.1
- Other social services	0.1	0.2	1.0	1.1	0.9	0.8	0.75
Defence	5.3	4.1	4.2	3.8	3.4	3.2	3.0
Administration	1.7	1.7	1.7	1.9	1.9	1.9	1.9
- Justice	0.3	0.4	0.5	0.5	0.64	0.7	0.7
- Other administrative services	1.4	1.3	1.2	1.4	1.25	1.2	1.2
Economic services	1.3	1.2	1.4	1.5	1.5	1.5	1.5
Debt servicing	1.5	1.2	1.0	0.7	0.8	0.7	0.7
- Interest on domestic debt	0.7	0.5	0.4	0.3	0.2	0.17	0.16
- Interest on foreign debt	0.8	0.7	0.6	0.4	0.6	0.56	0.54

*Source:* MINECOFIN, quoted in UNICEF, *Analysis of the situation of Women and Children*, 2000.

#### 6. Institutional capacity of contributing agencies

43. Over the past four years, many workshops and conferences have been organized for various contributing agencies in the sphere of the rights of the child in Rwanda. UNICEF and a large number of national and international non-governmental organizations have played a major role in this area. It must be acknowledged that efforts need to be intensified in order to strengthen the staff capacity of public and private services working with or for children (education, health, justice, police, social services).

#### **B. Mechanisms for coordinating action for children**

44. In order to create favourable conditions for implementing the Convention on the Rights of the Child, the Rwandan Government has since October 1997 set up an ad hoc structure responsible for all issues relating to children: the National Programme for Children (NPC).

##### 1. National Programme for Children (NPC)

45. The NPC is overseen by the Ministry responsible for social affairs, currently the Ministry of Local Administration and Social Affairs.

46. The NPC was established for two reasons. Firstly, Rwanda had undertaken before the community of nations to draw up and implement a plan of action for children, a commitment that was confirmed by the ratification of the Convention on the Rights of the Child. To fulfil this commitment a structure needed to be created that would ensure coherence and continuity

in activities for children. Secondly, the diversity of the areas covered by these rights and the great number of agencies involved necessitated an integrated and coordinated approach for such activities.

47. Against this background, the NPC's role is as follows:

(a) On the one hand, to give the child a central place in national programmes and projects, and to promote maximum synergy in activities to further the interests of children;

(b) To enlighten and inspire policies, planning systems and programmes for children and their implementation in all sectors of national life and at all levels (family, communities, public institutions and non-governmental organizations);

(c) To coordinate activities for children and to evaluate their situation and the implementation of the Convention on the Rights of the Child.

48. To carry out its task, the NPC recommends the following strategies:

(a) Full awareness of the data and factors relating to the welfare of the child, including those upstream from the child: mother, family, community.

(b) Elaboration and promotion of an integrated approach to children's needs and problems;

(c) Provision of regular information to and consultation with the various agencies, and continuous advocacy of children's interests.

49. The NPC's specific actions since its establishment in 1997 have been:

(a) Participation in the preparation of the draft law containing the provisions governing matrimony, gifts and succession;

(b) Participation in the establishment of the national policy for street children;

(c) Analysis and monitoring of the files pertaining to Rwandan children evacuated to France and Italy during the genocide;

(d) Analysis and processing of files pertaining to intercountry adoptions;

(e) Chairmanship of the topic group responsible, firstly, for analyzing problems relating to children and, secondly, for disseminating information among agencies working in with or for children.

(f) Cooperation in the preparation of framework operation plans for a programme of cooperation between Rwanda and UNICEF, for the periods 1998-2000 and 2001-2006;

(g) Organization of basic training courses on the rights of the child for the authorities;

- (h) Organization of sectoral workshops on the rights of the child (July 2000);
- (i) Organization of the National Conference on the Rights of the Child, held in August 2000;
- (j) Preparation of the report on the implementation of the Plan of Action for the Survival, Protection and Development of the Child in the 1990s;
- (k) Preparation of the national policy for children and the National Plan of Action for the decade 2001-2010 (ongoing).

50. There is standing cooperation between the NPC and all the various agencies involved in the protection and promotion of the rights of the child in Rwanda. They include the office of the President, the office of the Prime Minister, various ministerial departments and public bodies, various institutions in the United Nations system, national and international non-governmental organizations and charitable organizations. There are plans to restructure the NPC so that it is no longer dependent on a single Ministry but comes under the aegis of a higher body. In any event, the NPC remains the chief entity promoting the implementation of the Convention in Rwanda and coordinating everything relating to the obligations of the Rwandan Government to the Committee on the Rights of the Child.

51. As well as the NPC, other bodies also work for children, even if their main task does not relate to the child in particular. These are:

- (a) National Council of Youth in Rwanda (NCYR);
- (b) Women's Institutes (WIs);
- (c) National Human Rights Commission (NHRC);
- (d) National police;
- (e) Fund for Assistance to Survivors of Genocide (FASG);
- (f) National Examinations Council;
- (g) Legal and Constitutional Commission;
- (h) Demobilization Commission;
- (i) National anti-AIDS Commission;
- (j) Division for children in difficult circumstances of MINALOC;
- (k) Maternal health division of MINISANTÉ.

52. There are also the initiatives of the Transitional National Assembly (TNA) relating to protection of the rights of the child. The Assembly in particular and its specialized bodies in particular make a significant contribution to the implementation of the Convention. These

bodies are the Social Commission, the National Unity and Human Rights Commission and the Scientific, Cultural and Youth Commission:

(a) The Social Commission is responsible in particular for specific problems relating to the welfare of orphans, widows and widowers, as well as matters relating to social security and mutual benefit societies in general. This Commission is a privileged partner of UNICEF in promoting the rights of the child, a striking example being implementation of the right of the child to participate in decisions affecting him. Thus, a Children's Assembly is held every year at the Parliament Palace. At the 1998 Assembly, the children themselves said that they wanted a law protecting them against sexual abuse and under-age and forced marriage. TNA therefore put forward a draft law entitled "law on the rights of the child and protection of children against abuse", which was passed on 25 January 2001. The Children's Assembly was not held in 1999 or 2000, since parliamentarians preferred to meet children in their respective provinces, so as to ascertain whether the children who had represented their peers in the 1998 Assembly had been able to report to them, and also to give them an opportunity to discuss the scourge of AIDS with parliamentarians and other local decision-makers;

(b) Other bodies have been created within the National Assembly with the aim, inter alia, of promoting and protecting the rights of women and children. These are the Forum of Women Parliamentarians, the Network of Rwandan Parliamentarians for Population and Development (NRPPD) and Amani, an organization of parliamentarians concerned with conflict resolution. One of the aims of NRPPD is to promote the rights of the child from conception to adolescence, to provide an opportunity for children to flourish and develop their talents, and to enable them to acquire social skills very early and the ability to learn before they reach school age. To this end, in August 2001 NRPPD organized a national competition on the subject of the campaign against HIV/AIDS to promote the talents of schoolchildren from 10 to 16 years of age: dances, poetry, sketches and comic strips to condemn the scourge of AIDS.

## 2. National Council of Youth in Rwanda (NCYR)

53. The National Youth Council was formed in 1998. As an organization of civil society, it was intended to defend the specific interests of young people. It is the spokesman for and representative of young people from 15 to 35 years of age. It is thus concerned with some children aged from 15 to 18. Its structure and bodies exist at all levels of local administration and two members represent it in Parliament.

54. NCYR represents young people in bodies of local administration and community development committees. It has committees in secondary schools and colleges, in addition to those that exist at every administrative level. It maintains privileged cooperation with the Ministry of Youth, Sports and Culture, which is acting as its parent organization and providing the necessary support until it reaches maturity.

55. NCYR is involved in the implementation of the Convention on the Rights of the Child through its various constituent bodies. The Juniors Commission, for instance, ensures that the rights of children are protected up to the age of 15. To this end, NCYR cooperates closely with agencies working with and for street children for their social and economic integration. These include the Urban Social Bureau, part of the catholic episcopate through the catholic charity Caritas, and the Gatenga Youth Centre, which is run by the Salesian Fathers. NCYR's Education Commission is responsible, inter alia, for ensuring that all children attend primary

school. At each level the commissioners are also responsible for planning cultural activities for young people within their competence. The Gender Commission ensures that girls have the same rights and duties as boys and works with other partners to promote girls' education.

56. NCYR's other activities are:

- (a) Youth training;
- (b) Promotion of the associative movement and mutual aid funds for young people;
- (c) Implementation of a strategic plan to combat HIV/AIDS among young people;
- (d) Promotion of universal basic education and vocational training for young dropouts and young people not enrolled in schools;
- (e) Promotion of sports and leisure activities for young people;
- (f) Cooperation with the National Assembly in the organization of the Children's Assembly held every year at the Parliament Palace;
- (g) Cooperation with all youth movements and associations.

### 3. Women's Institute (WI)

57. Ever since its establishment, the Government of National Unity, has endeavoured, through the Ministry responsible for "gender" issues, to promote awareness among Rwandan girls and women and continuously to mobilize them. Women's Institutes were set up after a long consultation, information and mobilization campaign among women conducted since 1995 by successive Ministries responsible for "gender" issues. During 1997 and 1998 Rwandan girls and women elected an executive body at each level of administration, from the elementary level through the cell to the national level. At each level the committee consists of 10 members, always chosen for a two-year renewable term in elections. WIs are represented in Parliament by two members (chairman and vice-chairman).

58. The aim of WIs is to be an ad hoc instrument of Rwandan girls and women for:

- (a) Their better participation in the decision-making process;
- (b) Promoting awareness among women and mobilizing them for the defence of their rights;
- (c) The social and economic advancement of women, especially for education, literacy and income-generating activities;
- (d) Information, education and communication on all important subjects, such as health, including the prevention of sexually transmitted diseases and HIV/AIDS, good governance and political responsibility, and national unity and reconciliation;
- (e) Advocacy of the rights of women and in particular girls.



59. WIs work to promote girls' education and maternal health. In so doing they also contribute to the implementation of the Convention on the Rights of the Child. Despite some weaknesses due to the youth of the organization and the inadequacy of Human and material resources, WIs have recorded some striking achievements, such as:

(a) Right to representation in bodies of local administration: a WI has an *ex-officio* seat on the sector and district advisory committees and on the community development committee.

(b) Women's fund management covering virtually all districts in the country;

(c) Management of a Bank Guarantee Fund for businesswomen (small and medium-sized enterprises).

60. The Ministry of Gender and the Advancement of Women has for some months been drafting a regulation to formalize and detail the nature of the WI. WIs will shortly be converted into a National Women's Council.

#### 4. National Human Rights Commission (NHRC)

61. In pursuance of the Arusha Peace Agreement, in its protocol of agreement on the rule of law (art. 15), the Government of National Unity established NHRC (Law No. 04/99 of 12 March 1999), which has been functioning since 24 May 1999. The Commission consists of seven commissioners elected by Parliament from 10 candidates submitted by the Government. The main tasks of NHRC are:

(a) To consider violations of human rights;

(b) To raise awareness among people of, and train them on, human rights issues;

(c) To initiate legal proceedings if necessary.

62. NCHR has several sections, including one to defend the rights of specific groups. These include children, as well as the elderly, the disabled and other vulnerable categories. The Commission is therefore one of the organizations responsible for putting the provisions of the Convention into practice, since respect for the rights of the child is one of the responsibilities of the Commissioner for Human Rights in the spheres of the economy, social affairs, culture and development. The report on the activities of NHRC in 2000, published in 2001, shows that the campaigns to raise awareness of the promotion and protection of the rights of the child need to be intensified to ensure actual respect for these rights. The complaints processed by the Commission have shown, in particular, that the rights of some orphans are being infringed, especially with respect to their property, and that they are often denied the solutions to their problems by the very people who should be providing them: host families and guardians claiming family ties with the children and thereby having a right of care of the children and their property.

63. The report also stresses that in its forecasts for 2001 NHRC undertook to cooperate closely with other Government bodies, civil society and UNICEF to achieve greater respect for

the rights of children, in this case orphans. Moreover, the Commission plans to strengthen its ties with the Ministry of National Education in order jointly to prepare school programmes including human rights at all levels of education.

#### 5. National police

64. Similarly, to ensure that the rights of the child are respected, the national police has set up two bodies to promote implementation of the Convention. One is responsible for the rights of the child, while the other is concerned with children in conflict with the law. In addition, police training also includes special courses on the rights of the child. Consideration of a police force for juveniles is also well advanced in seminars and workshops on the rights of the child.

#### 6. Fund for Assistance to Survivors of Genocide (FASG)

65. The Fund for Assistance to Survivors of Genocide (FASG) was established by Law No. 02/98 of 22 January 1998 with the objective of assisting disadvantaged survivors. To achieve this objective, FASG receives from the State 5 % of income from the regular annual budget. Children in school and children who are heads of household are among beneficiaries of the Fund. FASG works more particularly in the fields of the education and health of disadvantaged survivors, thus furthering the implementation of the Convention, which acknowledges the right of all children to education, survival and health without any kind of discrimination.

#### 7. National Examinations Council

66. The National Examinations Council for official examinations at the primary and secondary levels was established by Law No. 19/2001 of 13 March 2001 and ensures respect for the right of every child to education. Among the purposes of the organization, as set out in article 4 of the Law establishing it, are the organization and administration of examinations in full transparency and fairness, the issuance of certificates and diplomas to successful candidates and directing outstanding students to various schools or institutes and appropriate sections or faculties, depending on their abilities. The Council enables primary and secondary school leavers to work in the same conditions and to have the same opportunities to move up to the next level, the sole criterion being performance, in contrast to the policy of quotas and regional and ethnic equilibrium that was long prevalent in Rwanda.

#### 8. Legal and Constitutional Commission

67. This Commission was established under the Arusha Peace Agreement by Law No 23/99 of 24 December 1999, amended and supplemented by Law No. 26/2000 of 3 November 2000. As the body responsible for drafting the new Constitution and amending other laws, the Commission will also bring Rwandan legislation into line with the various international instruments to which Rwanda has acceded, including the Convention on the Rights of the Child. The Commission has already prepared a short-term and medium-term plan for the teaching of constitutional and civil rights affairs to fourth-year, fifth-year and sixth-year pupils throughout the country. This will be done through comic strips. Contacts with other partners are under way, and the plan will be submitted to UNICEF for funding. In addition, in their campaigns to raise public awareness, the members and staff of the Commission inform the public of the contents of certain conventions, including in this context the Convention on the

Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

9. National Commission to Combat AIDS (NCCA)

68. NCCA was set up by Presidential Order No. 02/01 of 16 March 2001 and operates under the auspices of the Office of the President. As part of its functions for the coordination of the national policy to combat HIV/AIDS, NCCA also defends the rights of the child, since focusing on children is one of the priorities of the policy.

10. Division for assistance to, and the protection of, children in difficult circumstances

69. The Division responsible for assistance to and protection of children has been in existence since 1992, when the Ministry for the Family and the Advancement of Women was set up. At present, it is under the aegis of the Department for Social Welfare and Protection of Vulnerable Groups of MINALOC and is responsible for drawing up policies and strategies for all children living in difficult circumstances. This is one of the key departments for the defence of children's rights, especially for the protection of those whose basic rights have been or may be flouted.

11. Maternal Health Division of MINISANTÉ

70. The adoption of primary health care (PHC) strategies, as set out in 1978 at the International Conference on Primary Health Care held at Alma-Ata, has been a reality in Rwanda since 1991. One of the eight components of PHC, maternal and infant protection, has been entrusted to the Department of Health Care and used to be managed by the Division of Maternal and Infant Health and Family Planning, which became the Division of Reproductive Health after the International Conference on Population and Development, held in Cairo in 1994.

(a) Infant health services are organized in all health centres (HCs) and managed at the central and intermediate levels;

(b) Prenuptial services consist mainly of guidance for couples wishing to take an HIV test before marriage;

(c) Prenatal services are systematic and available in all HCs. By contrast, post-natal services are uneven.

(d) Although post-natal services for mothers are not systematic, systematic care of children starts immediately after birth at the HC level:

(i) Care of newborn babies, including identification and treatment of anomalies. Regrettably, however, 80 % of births take place at home, without the basic care provided by hospitals.

(ii) Monitoring of children's growth;

- (iii) Vaccinations against the major children's diseases in accordance with the national schedule of vaccinations. At the national level, the Expanded Vaccination Programme, established in 1987, seeks to immunize 100 % of children.

71. Maternal health is a Government priority. However, various constraints, particularly the inadequacy and uneven distribution of health facilities and the insufficient use made of available facilities and services, have resulted in rather poor results (an infant mortality rate of 121 ‰ and a maternal mortality rate of 787 deaths per 100 000 live births in 2000).

## **II. DEFINITION OF THE CHILD**

72. Under article 1 of the Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier".

### **A. Ages of majority**

73. Under the Rwandan Civil Code, a minor is a person of either sex who has not yet attained the age of 21 (Civil Code, book 1, art. 360).

74. Article 431 confirms that civil majority is attained at 21 years of age and stipulates that a person is capable at that age of except for those determined by law. Under article 426 of the Civil Code, a minor is automatically emancipated by marriage.

75. Articles 427 and 428 give the father, or in the absence of one, the mother or guardianship council, the right to emancipate an unmarried minor at 18 years of age, on personal request. An emancipated minor may perform all acts of civil life without prejudice to the provisions of article 171, which prohibit marriage between a man and a woman under 18 unless special permission has been obtained from the Ministry of Justice on serious grounds.

76. So far as official documents are concerned, article 5 of Decree-Law No. 01/81 of 16 January 1981, confirmed by Law No. 01/82 of 26 January 1982, states that it is compulsory for all Rwandans over the age of 16 to carry an identity card. This article also states that the father, or failing that the mother or guardian, are required to request an identity card for children under 16 obliged to live alone.

77. In the context of elections, Law No. 42/2000 of 15 December 2000 on the organization of elections in Rwanda at basic administrative levels states that a person must be over 18 to be an elector and over 21 to be eligible for election.

### **B. Consulting a lawyer**

78. Rwandan legislation lays down the manner of administration for personal evidence without drawing any distinction of age. For instance, article 61 of the Code of Civil and Commercial Procedure stipulates that all witnesses that are helpful for the solution of a dispute shall be heard, without the need for the court to exclude a valid witness or the parties to raise an objection to him. If a child deems it necessary he may consult a lawyer, attorney or

representative for legal advice or representation. Whether a minor or not, a child has the right to legal representation without the prior consent of his parents. A child's evidence is therefore not excluded under the law.

79. In addition, article 194 of the Code stipulates that a judge is empowered to order the personal appearance of incapable persons, their helpers or their legal representatives. A child therefore has every possibility of being heard, either directly or through his representative, in all judicial or administrative proceedings relating to him.

### **C. Consulting a doctor**

80. Everyone has the right to health without distinction of age. Rwandan law is not explicit on the minimum age at which a child may consult a doctor without the prior consent of his parents. In practice, children seek health care with or without their parents.

### **D. Compulsory education**

81. Article 27 of the Constitution of 10 June 1991 upholds the right to compulsory and free primary education. Article 38 of Law No. 14/1985 of 29 June 1985 states that primary education is compulsory for all children from the age of seven. They may, however, be enrolled in school at the age of six in circumstances governed by the General Regulations.

### **E. Minimum age for access to employment**

82. Articles 24, 120 and 126 (para.2) of the Labour Code of 28 February 1967 state that it is prohibited, firstly, to employ a person under the age of 18 without the express authorization of the person exercising paternal authority over him and, secondly, to employ him at night in industrial enterprises or their outbuildings. In labour law, no child under the age of 14 may be given a job, even as an apprentice, except where the Minister responsible for labour has pronounced a derogation for special circumstance (art. 125). Article 66 of the new Law containing the Labour Code, which is being promulgated, has taken a step forward by setting the minimum age for access to employment at 16.

83. The Code also specifies that minors may not be kept in a job known to be beyond their strength or harmful to their health and must be given suitable work.

### **F. Part-time, full-time and hazardous work**

84. It should be noted that, by Presidential Order No. 39bis/01 of 30 September 1999, Rwanda has already ratified the 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

85. Current Rwandan legislation, however, makes no clear distinction between part-time and full-time work. With respect to night work, article 120 of the Labour Code of 28 February 1967 states that it is prohibited to employ children or adolescents under the age of 18 at night in industrial establishments or their outbuildings. The Code also states that, for work considered not to be harmful, detrimental or dangerous, children under 18 may be employed at night provided they have at least 12 consecutive hours of rest between shifts. At this particular level, the new Law containing the Labour Code now being promulgated has lowered the

minimum age for nighttime, unhealthy, hard, harmful and dangerous work from 18 to 16. This is justified by the fact that, because of the genocide and the war, a large number of minors are obliged to live alone or are even responsible for other younger children. These minors assume adult responsibilities early and do all kinds of work to survive.

86. In order to safeguard the security of working minors, the Inspector of Labour may require minors to be examined by an approved physician to verify whether or not the work which they are doing is beyond their strength or harmful to their health (art. 126 of the former Code and art. 67 of the new law).

### **G. Consent to sexual relations**

87. The law does not specify the age of consent to sexual relations. However, articles 358ff. of the Penal Code, concerning indecent assault and rape, increase the sentence when the victim is a child under 16. Prison sentences range from one to 15 years for indecent assault without violence, subterfuge or threats against a child under 16, and from six months to five years against a person over 16. The sentence is increased to between 5 and 20 years' imprisonment when the assault is committed with violence. In article 360, paragraph 3, the Penal Code provides for 10 to 20 years' imprisonment for rape of a child under 16 and for the death penalty if the rape caused the victim's death.

### **H. Consent to marriage**

88. Article 171 of Law No. 42/1988 of 27 October 1998 stipulates that a man and a woman under 21 may not enter into marriage. It does, however, lay down an exception: for serious grounds, the Minister of Justice or his representative may grant special permission to marry younger.

### **I. Voluntary enlistment in the armed forces**

89. Although voluntary enlistment in the armed forces is subject by law to a minimum age of 16, the law that was recently passed on the rights of the child and protection of children against violence states in article 19 that military service is prohibited for children under 18.

### **J. Conscription**

90. The minimum age for conscription is not specified in Rwandan legislation, especially since service in the armed forces has always been voluntary.

### **K. Evidence freely given in court**

91. By law, the minimum age for evidence freely given in court is 21, the age of majority at which every individual may perform the acts of civil life.

### **L. Criminal liability**

92. The Rwandan Penal Code establishes penal majority at 14. However, in the best interests of the child, lesser penalties are laid down for offenders under 18. In this connection, article 77 of the Penal Code states:

“ When the perpetrator or accomplice of a crime or an offence was over 14 and less than 18 years of age at the time of the offence, the penalties shall be as follows if he is liable to a criminal sentence:

- If liable to the death sentence or life imprisonment, he shall be sentenced to between 15 and 20 years’ imprisonment;
- If liable to imprisonment or a fine, the sentences handed down may not be more than half those which he would have been given if he had been 18 years of age.”

### **M. Deprivation of liberty**

93. Only children above the age of 14 may be deprived of their liberty on the grounds laid down by law. However, the Civil Code (book 1, art. 351) authorizes fathers and mothers who have areas of serious dissatisfaction with the conduct of a minor child (of whatever age) to indicate the relevant facts to the legal authority, which may where appropriate order the internment of the child in a re-education establishment for a period of between 1 and 12 months.

### **N. Imprisonment**

94. It follows from the implicit interpretation of the above-mentioned article 77 of the Penal Code that a minor under the age of 14 cannot be imprisoned, since he is not criminally liable.

### **O. Drugs and alcohol consumption**

95. Article 274 of the Penal Code lists the punishments for persons who have helped others to use drugs, whether for payment or not. If “minors under the age of 18 have been caused to use or been supplied with these substances, the prison sentence may be increased to 10 years”, the sentence in the case of adults being 3 to 5 years.

96. In addition, the Decree-Law of 19 November 1973 on the moral protection of young people lays down prison sentences ranging from two to 18 months for an owner or operator of a bar or drinking establishment who permits a minor under the age of 18 to enter his establishment without his parents, guardian or carer.

### **P. Critical appraisal**

97. The basic principles are clearly set out in Rwanda’s laws and regulations. This is a strength and a springboard for enforcing the rights of the child.

98. In Rwandan legislation, a child is an individual who has not yet reached the age of 21 (Civil Code, book 1, art. 360). This child enjoys all rights but may exercise them only through his representative, legal administrator or guardian.

99. Nevertheless, the age of majority is not uniform in Rwandan legislation. There is an internal contradiction with respect to civil majority: whereas this is 21 in the Civil Code, it is lowered to 18 in the Nationality Code. Eighteen is deemed to be the age of electoral majority and the age at which it is legal to enter drinking establishments and bars and go to the cinema. The age of majority for acquiring one's own identity documents is 16.

100. In the case of the age for access to employment, the spirit and letter of the law are far from being respected in reality. Many minors under the age of 18 perform badly-paid domestic work, and families sometimes prefer to employ young girls under 14 years of age, who are regarded as being particularly suited for playing with young children.

101. In conclusion, efforts are required to harmonize the legislation, both internally and to bring it into line with the Convention on the Rights of the Child. MINALOC has already made a start in this direction in its plan of action.

### **III. GENERAL PRINCIPLES**

#### **A. Non-discrimination**

102. The Constitution of 10 June 1991 prohibits discrimination of any kind. Article 16 reads:

“All citizens shall be equal in the eyes of the law, without any discrimination, especially with respect to race, colour, origin, ethnic background, clan, sex, opinion, religion or social status.”

103. This provision is very important, since it contradicts in straightforward terms the customary practices which favoured male children over female children.

104. The law relating to the rights of the child and protection against child abuse confirms this principle of non-discrimination. Chapter V, article 100, states:

“All aliens shall enjoy the protection afforded to persons and property, as well as the civil rights enshrined in the Constitution, with the exceptions provided for by law.”

This article thus guarantees non-discrimination for alien children also.

105. Although the Basic Law, and especially the Constitution of 10 June 1991, recognize only monogamous marriage (art. 25), Law No.42/1988 of 27 October 1988 promulgating the introduction to book 1 of the Civil Code recognizes the right of all children to have a father and a mother. Articles 323, 326 and 331 specify that legitimated children, recognized children and children whose paternity or maternity has been established have the same rights and obligations as children born in wedlock. The earlier law (art. 206 of the decree of 4 May 1985) drew a distinction between children born out of wedlock, known as children born of adultery,



and children born in wedlock. That law stipulated that a child born of adultery did not have the right to be recognized by his parent.

106. Among specific achievements resulting from this non-discrimination, mention should be made of the abolition of quotas for admission to educational establishments, as set out in the Arusha Peace Agreement (article 3 of the protocol of agreement on the rule of law) and implemented since July 1994, with the advent of the Government of National Unity. A National Examinations Council for official examinations at the primary and secondary levels was set up by Law No. 19/2001 of 12 March 2001 to meet needs relating, inter alia, to examinations and the issuance of certificates and diplomas.

107. Another advance in this area relates to the reintegration of disabled children in schools to enable them to continue their studies with other children. The secondary school at Gahini, in the province of Umutara, is a good example: blind pupils using Braille study and live with the other students, without any special arrangements. Their examination results do not differ significantly from those of the sighted pupils.

108. Other efforts are being made by non-governmental organizations to reintegrate lone mentally handicapped children in ordinary centres for lone children (CLCs) so that they can live there with other lone children, rather than in a special CLC. The successful orphanage at Nyundo is an eloquent example.

109. Law No. 22/99 of 12 November 1999 supplementing book 1 of the Civil Code and promulgating the fifth part relating to the provisions governing matrimony, gifts and succession, gives male and female children equal rights of succession and inheritance (arts. 43 and 50). Before the adoption of that Law, girls were subject to discrimination strongly rooted in custom. It should be noted that the political and administrative authorities, non-governmental organizations and human rights associations joined forces to increase awareness, particularly among men, that the Law was just. Awareness campaigns have been conducted throughout the country, but some women and girls in rural areas nevertheless continue to suffer the burden of tradition when it comes to succeeding a dead husband or father. In these cases, disputes are settled “amicably” by some local authorities not yet familiar with the new law.

110. To confront these cases of abuse, a gender policy has been developed and allocated to the Ministry for Gender Issues and the Advancement of Women (MIGEPROFE). Among the obstacles identified by MIGEPROFE are women’s unequal rights and opportunities, whether in the family environment, in the workplace or in social, economic and political life. This situation affects female children, especially in education. In these circumstances, it is essential to tackle the causes, which have chiefly been customs and laws, on the one hand, and poverty and ignorance, on the other.

111. MIGEPROFE’s priority objectives for children are:

(a) To promote the education of girls and support organizations working in this sphere;

(b) To cooperate with the Ministry of Education (MINEDUC) and other institutions to develop all measures likely to increase the number of female staff in all branches and school years up to university;

(c) To offer prizes and scholarships to girls obtaining excellent marks at the end of the school year;

112. It must be noted that a vast amount of work remains in achieving total respect for the law, since there are clear gaps between the legal provisions and their implementation. For example, children who are reintegrated or placed in families have no recognized legal status, are not included in the official documents of the foster parents and do not have the right of succession to them.

113. There are also discrepancies in access to primary services (health care, education, drinking water, etc.), depending on the child's environment and social status. Other disparities can be seen in the pastoral care of children living in CLCs compared with those living in families. For this reason, the Government of National Unity has encouraged the policy of "one child, one family" since 1995. Currently, 80 % of children are with foster families.

### **B. Best interests of the child**

114. The best interests of the child are a clear concern in Rwandan legislation.

115. The age of penal majority is set at 14 in the Penal Code (art. 77). However, in case of infringement, the Code accords favourable treatment to the child because of his minority, substantially reducing penalties when the offender is under 18 years of age. Similarly, a child aged under 14 is not criminally liable.

116. The best interests of the child are evident in the thinking behind the laws against discrimination and in Law No. 22/99 of 12 November 1999 supplementing the first book of the Civil Code and promulgating the fifth part relating to the provisions governing matrimony, gifts and succession. Before the adoption of this Law, a child whose mother had been driven out of the home lost his rights of succession to the father, or else remained in the paternal family and lost his right to be brought up by a mother who was still alive.

117. In divorce cases the President of the court of first instance is in any event empowered to take provisional measures concerning the person and property of the parties and of their children (art. 248). During the divorce hearings, the President of the court of first instance, in the best interests of the children, places them in the provisional care of one or other of the spouses or a third person (art. 249).

118. Decisions taken under the preceding provisions are "provisionally enforceable, notwithstanding any appeal and without surety, but respecting the best interests of the child" (art. 245).

119. In cases of divorce by mutual consent, the spouses also have to record, in a notarized document, their joint agreement to the person in whose care the children born to or adopted by them are to be placed, either during the procedure or after the divorce is pronounced (art. 260).

120. Great importance is attached to the best interests of the child in articles 283 to 286, concerning the effects of divorce. For example, although under article 283 custody of children

is granted to the spouse who has obtained the divorce, the court may decide otherwise for the greater benefit of children, either on its own initiative or at the request of the other spouse or the public attorney's office.

121. Similarly, article 284 stipulates that the father and the mother retain the right to supervise the upbringing and education of their children, and are required to contribute to them to the extent of their ability.

122. Under article 285, the effects of divorce in no way extend to the children's existing interests or benefits. Lastly, still in the context of parental divorce, article 286 provides that, in cases of divorce by mutual consent, half ownership of the assets of each spouse shall be automatically acquired by the children of their marriage, from the date of their first declaration.

123. Under article 339, adopted children have the same rights and duties as the children of the adoptive parent, except as specified in that article.

124. Article 359 stipulates that the court may, at the request of any interested person or the public attorney's office, temporarily or permanently deprive the father and mother of parental authority over the child, particularly in the following cases:

- (a) When the father or mother abuse parental authority or ill-treat the child;
- (b) When the father or mother proves unworthy of parental authority through notorious bad behaviour or serious incapacity.

125. The law on the rights of the child and protection against child abuse clearly states in article 10 that the child's interest must be paramount in all decisions concerning him.

### **C. Life, survival and development**

126. The Constitution of 10 June 1991 clearly specifies that the human person shall be sacred. A conceived child enjoys rights, provided that the birth is live. A conceived child is deemed to have been born whenever his interests require it (Civil Code, book 1, art. 16). A child is deemed to have been conceived between the 300th and 180th day before his birth. No evidence is permitted to disprove this presumption, subject to the provisions of the current law concerning the date of conception in paternity cases (art. 17).

127. Abortion is punishable under Decree-Law No. 21/77 of 18 August 1977 promulgating the Rwandan Penal Code (arts. 325 to 328), except where two doctors decide, after examination and discussion, that to continue the pregnancy would endanger the woman's health.

128. The Penal Code (art. 314) defines infanticide as murder or homicide of a child at the time of his birth or immediately afterwards. It is considered as murder or homicide depending on the circumstances.

129. Spouses together assume, by the very fact of marriage, the obligation to ensure the upbringing and education of their children. If one of the spouses does not fulfil this obligation, the other may legally compel him or her to do so, as may the public attorney's office (art. 197).

Under the provisions of article 200, paragraph 1, parents have an obligation to feed their children.

130. Under article 4 of the law on the rights of the child and protection of children against violence, every child has an inherent right to life from the time of conception. Voluntary abortion is prohibited, except on the grounds and in the circumstances prescribed by law. Articles 29, 30 and 31 of that law lay down penalties for anyone undergoing, attempting or facilitating an abortion.

131. Article 7 of that law stipulates that children have the right to know their parents and be brought up by them. When it is not possible to live with them, they have the right to the basic care of their parents and to visit them whenever they wish, as long as that does not violate their security or that of the country. The same article states that “until a child has reached the age of six he must live with his mother, provided that is not against his interests”.

132. The law also states that a parentless child must be placed in the care of a guardian, adopted or placed in a suitable establishment in the care of the State. A child without a guardian or adoptive parent is the responsibility of the State.

133. An environmental protection policy has been laid down to provide better conditions of life, survival and development for Rwandan children. It is supervised by the Ministry of Land, Resettlement and the Environment (MINITERE).

134. Vulnerable groups, and particularly children in difficult circumstances, are a priority in the MINITERE resettlement programme. For example, orphans and lone children have housing priority in the villages collectively known as “Imidugudu”. In addition, child heads of household are given additional assistance for their survival.

135. With regard to land, MINITERE plans to carry out a systematic census of land left by parents of orphaned minors so as to ensure that the latter acquire ownership of those lands and benefit from their proper management.

136. MINITERE also runs various information and education programmes aimed both at the quality of the habitat and protection of the environment. This applies, for example, to programmes to promote and raise awareness of home improvements as a means of economizing on domestic fuels, and to rainwater collection through gutters fitted on house roofs. These methods reduce the drudgery of fetching firewood and water, which is the traditional lot of children and women.

137. Lastly, MINITERE is conducting an educational campaign on environmental protection, mainly through posters and guides for children and primary and secondary school teachers.

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

138. Rwandan legislation lays down the manner of administration for personal evidence without drawing any distinction of age.

139. Thus, article 61 of the Code of Civil and Commercial Procedure stipulates that all witnesses that are helpful for the solution of a dispute shall be heard, without the need for the

court to exclude a valid witness or the parties to raise an objection to him. It follows from the very definition of giving evidence, which is the statement by a person in court of what he or she saw or heard in relation to the subject of the hearing, that children are not excluded as witnesses.

140. With respect to adoption procedures, article 340 of Law No. 42/1988 of 27 October 1988 containing the introduction and book 1 of the Civil Code states that adoption requires the consent of the adopted person and the adopter. If, however, the child has not yet reached the age of discernment, his parents consent on his behalf.

141. Lastly, the child has the ability to be heard through his representative in all judicial or legal administrative procedures relating to him (art. 84 of the law of 15 July 1964 containing the Code of Civil and Commercial Procedure). Since these principles form part of Rwandan legislation there is no obstacle to their being applied in the courts.

142. In practice, in the sphere of education for example, children completing the common core syllabus in secondary school (first three-year cycle after primary school) decide themselves which subject combination they will study in their second cycle. These decisions are usually respected if the subject combination requested is available in the pupil's area.

143. Article 45 of Law No. 42/2000 on the organization of elections to authorities at the basic levels of administration in Rwanda stipulates that the representatives of young people are elected in the proportion of one-third of the number of councillors elected to represent sectors in district and urban advisory councils. This third of seats is reserved for young people's representatives at the level of executive committees of cells, sectors, districts and towns. Those elected represent young people from 15 to 34 years of age and also cover the category of children from 15 to 18, in accordance with the provisions of the Convention on the Rights of the Child.

144. Article 9 of the law on the rights of the child and protection against child abuse states that a child has the right freely to express his view on any matter concerning him. He must be heard in any judicial or administrative procedure concerning him, either directly or through his representative.

145. The views of the child are also respected in the anti-AIDS clubs that are now operational in almost all secondary schools in the country. Children and young members of these clubs themselves organize and carry out various activities to combat AIDS, and their ideas are listened to by the various national educational and administrative authorities.

146. The participation of children and young people is also evident in clubs for the defence of human rights, which operate in almost all secondary schools.

147. Another area in which this provision of the Convention is implemented is the active participation of children in conferences, seminars and meetings held on the subject of children. The experience of the first National Conference on the Rights of the Child, organized in August 2000 under the high patronage of Rwanda's First Lady, is the most recent striking example. The Conference, which lasted one week in the capital, Kigali, was chaired by the First Lady and attended by Ministers, parliamentarians, representatives of the United Nations system and the diplomatic corps accredited to Kigali, non-governmental organizations, political

and religious authorities, workers for and with children and representatives of street children and children with HIV/AIDS. These children took part in all sessions of the Conference and made their voice heard by giving accounts of their living conditions and putting questions to the various participants.

148. Rwandan children have participated and continue to participate in international forums such as the Global Ministerial Environment Forum, held at Nairobi in February 2001, and the Pan-African Forum for Children, held at Cairo in May 2001. Rwanda will also be represented by two participants in the Special Session of the General Assembly on Children to be held in New York from 8 to 10 May 2002.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality**

149. Article 117 of the Civil Code, book 1, provides that births must be declared within 15 days, on presentation where possible of the medical birth certificate.

150. Article 118 reads as follows:

“The birth certificate shall set out:

1. The year, month, day and place of birth, and the sex, ethnicity, surname and forenames of the child;
2. The surnames, forenames, ages, professions, ethnicity, residence and domicile of the father and mother and, where appropriate, of the declarer;
3. The surname and forenames of the person signing the medical certificate produced;

If the father and mother of the child are unknown, that fact shall be stated on the register.”

151. It is important to state that the Basic Law (Arusha Peace Agreement, art. 16, “Other matters and final provisions”) has henceforth prohibited mention of ethnicity in all official documents.

152. Everyone has his own surname and may have one or more forenames (art.57, para. 1). The surname and any forenames are given to the child within 15 days after birth (art. 59).

153. It should be noted that, because of the massive population displacement caused by the war of 1990 and the genocide of April-July 1994, a great many children found themselves alone. As a result, some small children were given different names by social workers in centres for lone children (CLCs) or by those who had taken them in and thus lost the names given to them by their own parents who had died or disappeared.

155. The number of mothers who abandon their babies after birth is also rising. The exact reasons for this are not known, but workers in the field suggest social and economic factors such as destitution, HIV infection of unwanted pregnancies.

156. The giving of a name in a Rwandan community is the occasion for an important ceremony attended by the expanded family and friends of the child's parents. Nevertheless, there are often delays in the procedures for official registration of births and the right to a name and an identity, especially in rural areas.

#### *On nationality*

157. The law of 28 September 1963 containing the Rwandan Nationality Code, as amended by the decree-laws of 19 July 1974 and No. 28/81 of 13 November 1981, determines the conditions governing acquisition of Rwandan nationality.

158. Every legitimate or natural child automatically acquires Rwandan nationality through filiation (art. 3). Any newborn child found in Rwanda whose parents are unknown is Rwandan. He ceases to be so if, as a minor, his filiation is established with respect to a foreign national and if, under the national law of that person, he has the latter's nationality (art. 5).

159. A child born of a Rwandan mother and a foreign father has to choose his nationality. However, the new law on the rights of the child and protection of the child against violence stipulates that a child born of a Rwandan mother and a foreign father automatically acquires Rwandan nationality (art. 6).

160. Article 23 of the Nationality Code of 28 September 1963 specifies that revocation of a parent's nationality may not be extended to his minor children.

#### **B. Preservation of identity**

161. Except in the cases of change of name or forenames set out in article 65 of the Civil Code, book 1, which stipulates that such a change may be authorized by the Minister of Justice at the request of the person bearing the name or forenames if there are valid grounds, a Rwandan child has the right to keep his name and his identity. Even in the case of adoption, article 337 of the Civil Code states that "the adopted child retains his birth name and forenames".

162. Nevertheless, because of the situation that swept the country during the genocide of 1994, some children were not able to preserve their identity, name and family relationships, a right recognized by Rwandan legislation and international law. This applies to certain children who were evacuated to Europe, Africa and the United States and to others who were taken in at a young age by families in countries accepting Rwandan refugees, chiefly the Democratic Republic of the Congo and the United Republic of Tanzania. Some of these children have returned, but others have been adopted illegally by foreign families, as in the case of 41 children adopted at Brescia, Italy. So far, the complaints lodged by the Rwandan Government and the families of the children concerned at Brescia have not received a favourable reply from the Italian Government.

163. In an effort to re-establish the identity of more than 14 000 children in 86 CLCs after the genocide of 1994 as speedily as possible, the Rwandan Government, supported by the United Nations and non-governmental organizations, established family reunification and tracing programmes. Many children have been able to find their families again and, at the end of 2001, only 3 500 lone children were still being housed in 26 CLCs. These are chiefly small children, collectively known as “no known address”, whose age prevents identification. The technique of photo tracing developed jointly by UNICEF and the International Committee of the Red Cross has had some success in seeking the families of the “no known address” children. In addition, each CLC has identification files for every child.

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

164. Article 18 of the Constitution of 10 June 1991 guarantees every individual the freedom to express his opinions on any subject. Nothing specific in favour of children, however, is referred to in this respect in Rwandan legislation. To remedy this shortcoming, programmes promoting children’s expression have been established. The project entitled “Bourgmestre, defender of the rights of the child”, jointly supported by UNICEF and the Ministry of Local Administration and Social Affairs (MINALOC), endeavours to give prominence to artistic productions, songs, poems, sketches and speeches composed and publicly presented by children.

#### *The voice of the child in the family*

165. In general, the culture, habits and practices of society with respect to the child’s place and voice in decision-making in the family are tentative. No only is the dialogue between parent and children weak, but in addition children traditionally submit to parental authority, especially that of the father. The child takes little part in decisions concerning him, although it must be said that the situation, happily, has already begun to change.

166. Fortunately, article 11 of the law on the rights of the child and protection against child abuse states that “subject to the laws and culture of the country and taking into account his age and maturity, the child has the right freely to express his ideas. The Rwandan State and community have an obligation to sustain and support the production and dissemination of children’s books, newspapers and broadcasts”.

### **D. Access to information**

167. National radio and television, and the public and private written and spoken press, regularly organize broadcasts and produce publications for children. The public information services monitor the quality of these products to ensure that they have no harmful effects on children or society in general.

168. Children’s newspapers and magazines exist in Rwanda, the striking example being the monthly magazine *Hobe*, which has been published since well before independence in 1962 and is read by most of the country’s schoolchildren. Another periodical, *Editions Bakame*, has been appearing since 1997 and is also distributed in schools. The public weekly *Imvaho Nshya* devotes an entire page of every issue to human rights, including the rights of the child. Another initiative is the Sara clubs, which was originally launched by UNICEF for East Africa and Southern Africa. The material was adapted and translated into Kinyarwanda by UNICEF in



cooperation with its local partners. Sara clubs are for boys and girls aged 10 to 14 and focus mainly on strengthening these youngsters' ability to participate and exercise their rights, more especially in preventing HIV/AIDS. The Sara material is one of the key strategies of the UNICEF framework programme for the period 2001-2006. It should also be noted that children from towns and cities can have easier access to information by reading foreign magazines and reviews and even visiting libraries and bookshops.

169. Young people under the age of 18 have also benefited from the emergence of the Internet and mobile phones. Some secondary schools have received support from benefactors to obtain modern computer facilities with access to the Internet. Young people also go to Internet cafés to surf the Internet, the only entry requirement being the normal payment. It should be emphasized that, as Internet cafés are concerned principally with making money, there is inadequate control of the exploitation of sites harmful to the welfare of children.

170. So far as the right of the child to information is concerned, it has to be admitted that achievements are still modest, particularly for children in rural areas, who do not have the necessary audiovisual facilities and have to content themselves with a few rare radio broadcasts, since they usually do not have access to television and specialized reviews.

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

171. This right is guaranteed to all Rwandan in the Constitution of 10 June 1991. Article 18 stipulates that "Freedom of religion and the public exercise thereof, liberty of conscience, and freedom to express one's opinion about any subject, shall be guaranteed, except for the punishment of infractions committed during the exercise thereof". This right is applicable to all Rwandan without distinction.

172. Provisions relating to the child appear in the law on the rights of the child and protection against child abuse. Article 13 states that a child has the right, depending on its age and maturity, to freedom of thought, conscience and religion.

173. In practice, children's freedom of thought is apparent in cultural events, in which young artists express their ideas without any prior censorship by adults. Before the age of discernment, parents provide guidance for their children, especially with respect to freedom of conscience and religion. This is set out in Presidential Order No. 509/13 of 10 October 1985 setting out the General Regulations governing primary, integrated rural and vocational, and secondary education. Article 8 of the Order states that parents have the right to choose for their children the course in religion or morals that corresponds to their beliefs. It also states that the head of an educational establishment must ensure that no one feels aggrieved by the teaching and practice of religion or morals (art. 7). Circular No. 08.02/03/9860 of 8 August 1996 issued by the Ministry of Education placed special emphasis on respect for freedom of religion in all primary and secondary educational establishments in the country. A joint programme for religious studies was prepared and is being taught in all schools. Every child has the right to practise his own religion in his free time, without being forced to follow the religion of the school's owner, as was the case in the past.

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

174. Articles 19 and 20 of the Constitution of 10 June 1991 guarantee all citizens freedom of association and assembly in peaceful meetings. Article 10 of the Labour Code provides that minors authorized to work may join professional organizations unless their father, mother or guardian objects.

175. The law on the rights of the child and protection against child abuse states, in article 12, that a child has the right to free association and peaceful meetings.

176. In practice, children choose youth associations, in schools and elsewhere, through their own initiative. Many young people are members of youth movements such as the Boy Scouts/Girl Guides, the Xavéri movement, Christian Working Youth (JOC), Female Christian Working Youth (JOCF), Saint-Vincent-de-Paul, Young Men's Christian Alliance (YMCA), Legio Mariae, Christian Students Youth (JEC), etc. There also many flourishing cooperatives and associations in rural areas.

### **G. Protection of privacy**

177. Although Rwandan legislation does not specifically provide for protection of the private life of children, the right to privacy is guaranteed for all citizens by the Constitution of 10 June 1991, article 22 of which states: "The private lives of individuals shall not be infringed upon in any way. The privacy of correspondence and communications by post, telegraph, telephone or any other means shall be guaranteed without any restriction save that determined by law. No house search may take place except in the cases and manner prescribed by law". Article 23 sets out the inviolability of individual or collective private property.

### **H. Torture or cruel, inhuman or degrading treatment or punishment**

178. Rwandan legislation punishes anyone who has voluntarily struck, caused injuries to or committed any other serious violence against, another individual. Article 323, paragraph 1, of the Penal Code provides specific penalties if the individual struck or injured is a child under 14 or a person who is unable to defend himself because of his physical or mental condition. Anyone who has voluntarily struck or injured a child under 14 is punishable by imprisonment of one to five years, or a fine not exceeding 20 000 Rwandan francs, or only one of these penalties. If the blows or injuries caused death, the sentence is life imprisonment or capital punishment, depending on whether or not there was any intent to kill (art. 324).

179. Article 20 of the law on the rights of the child and protection of children against violence stipulates that a child may not be subjected to torture or cruel, inhuman or degrading treatment or punishment. Article 32 of the same law provide for imprisonment of from four months to three years and a fine of 50 000 Rwandan francs for anyone who inflicts cruel treatment, suffering or inhuman or degrading punishment on a child. Nevertheless, in practice a number of parents and educators continue to subject children to corporal punishment, often in the belief that this is an effective way to educate them.

## V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### A. Parental guidance

180. By Rwandan custom and habit, parents gradually introduce their children to good manners, politeness, and their role in the family and in society in general. Article 347 of Law No. 42/1988 of 27 October 1988, containing the introduction and book 1 of the Civil Code, specifies that the father and mother have a right of correction over a minor child.

181. The law on the rights of the child and protection against child abuse is clear on this matter. Article 13, paragraph 2, states that the parents or guardian of a child must give him advice and guide him in good ways so that he may exercise his rights in conformity with his interests.

182. In practice, however, most Rwandan parents do not talk to their children about the rights guaranteed to them under the Convention. Major efforts are being undertaken to publicize the Convention and ensure that parents fulfil their responsibilities in meeting their paramount duty to put it into practice by first making their children familiar with it.

### B. Joint responsibility of parents and the State

183. Article 24 of the Constitution of 10 June 1991 reads as follows: "The family, which is the natural base of Rwandan society, shall be protected by the State. Parents shall have the right and duty to raise their children".

184. Article 350 of the Civil Code stipulates that "the right of care entails the obligation for fathers and mothers to support and educate their children in accordance with their condition and form".

185. Under the provisions of article 128 of the law of 27 February 1967, amended by Law No. 21/1989 of 13 November 1989 promulgating the Labour Code, mothers are entitled to maternity leave of 12 consecutive weeks, at least six of which are taken after delivery. In the case of the father, there has been a reduction in the length of paternity leave, from four days under Presidential Order No. 442/06 of 10 May 1990 to two working days under article 1 of Presidential Order No. 06/01 of 6 March 1996, governing the types and duration of leave.

186. The current legislation is not explicit on the subject of the right of parents to be granted leave if their child is ill. However, this is in fact tolerated and negotiations are in progress to formalize the practice. Remuneration of parents during their leave is provided for in three texts:

(a) The Labour Code, article 128 of which sets remuneration during maternity leave at two-thirds of normal wages;

(b) Presidential Order No. 06/01 of 6 March 1996, amending Presidential Order No. 442/06 of 10 May 1990;

(c) Presidential Order no. 69/03/2 containing the statutes for officials of the central administration, which provides for leave on full pay.

187. To enable working parents to care for their children as well as carrying out their professional activity, article 128 of the Labour Code provides for two half-hour rest periods for mothers breast-feeding their children.

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

188. Children may only be separated from their parents in their best interests. Under article 249 of the Civil Code, “during divorce proceedings, the President of the court shall, in the best interests of children, grant provisional custody of them to one or other of the spouses or to a third person”. Article 248 specifies that, irrespective of who obtains custody of the child, the father and mother retain the right to supervise the upkeep and education of their children.

189. In the prison system, women live with their infants and are separated from them only when they reach the age of 3, under directives of the Ministry of Justice and Institutional Relations (MINIJUST) and the Ministry of the Interior and Security (MININTER).

190. The national policy is that every child must live in a family. Where, however, the father or mother abuses parental authority, ill-treats the child or shows himself or herself to be unworthy of parental authority, article 359 of the Civil Code stipulates that, in the best interests of the child, the court may deprive the parent temporarily or permanently of his or her authority. In such a case, the State takes the decision to separate the child from his parents and transfer him to a suitable institution. The most recent case is that of a baby born in the province of Butare in 1999 to an unknown father and a mentally ill mother. The local authorities transferred the child to the nearest CLC. Another recent case concerns four malnourished and abandoned children whose father was in prison and whose mother was seriously ill and who were also sent to a CLC in Kigali.

191. It should be noted that in practice children whose parents are in custody have the right to visit them twice a month.

192. So far as street children living in rehabilitation institutions are concerned, contacts with their families are given priority, especially as they will ultimately have to be reintegrated into the family after re-education and learning a trade.

### **D. Family reunification**

193. Article 10 of the Convention relates to the right of the child to maintain personal relations and regular direct contacts and, if necessary, to be reunited with his parents living in different States. In Rwanda, the right to enter and leave the country is granted to anyone requesting it. Article 21 of the Constitution of 10 June 1991 states that every citizen shall have the right to move and settle freely on the national territory, and to leave it or return to it. The immigration and emigration department issues passports to citizens without any discrimination, and visas are issued to foreigners wishing to enter the country. It is, however, not easy to identify the exact reasons for all movements of Rwandans outside the country.

194. It should be noted that Rwanda has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

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

195. Rwandan legislation is explicit on this subject. The Civil Code (arts. 197, 198, 200 and ff.) stipulates that the obligation to provide sustenance exists between spouses; it also exists between parents and their children. The Code provides that, by the very fact of marriage, spouses jointly contract the obligation to sustain and educate their children. If one of the spouses fails to fulfil this obligation, the other spouse may compel him or her to do so. The obligation to provide sustenance may be met in cash or in kind. Under article 204 of the Code, sustenance is provided only in proportion to the needs of the recipient and the resources of the provider.

### **F. Children deprived of a family environment**

196. The war situation that Rwanda experienced in 1990, the genocide of 1994 and the resulting internal and external migrations had disastrous consequences in both material and human terms, and many children were separated from their families.

197. The Government has developed a family tracing and reunification programme. Its implementation has been supported by UNICEF, the International Committee of the Red Cross (ICRC) and national and international non-governmental organizations, and it has been possible to reunite most lone children with their parents. According to a study carried out by MINALOC, UNICEF and Save the Children, which quotes ICRC, 67 119 children had been reunited with their families in May 2000, and 3 658 had been spontaneously reintegrated into foster families. In principle, no effort is spared to reunite the child with the members of his extended family, or to place him in another volunteer family (family reintegration). Although these cases of family reintegration are not legalized by any law, the Government has drawn up an official document setting out the conditions and procedures for such cases that protects the rights of reintegrated children. The selection criteria for host families are very specific, the best candidates being determined by social committees at the local level. Among non-governmental organizations, International Social Service (ISS) was able to place 800 children in host families between 1996 and 2000, while Concern placed 322 children between 1994 and 1999. It should be emphasized that social officers of the non-governmental organizations concerned and of the Ministry responsible for social affairs supervise the entire process and are responsible for its monitoring.

198. There have been many cases of spontaneous reintegration without the participation of any agency or ministerial institution. Unfortunately, recent studies on the situation of orphans and reintegration have shown that the monitoring phase is not properly carried out, hence the risk that the rights of some reintegrated children may be violated.

199. Children whose families have not been found and who have not been reintegrated in foster families continue to live in CLCs. The amount allocated to CLCs by MINALOC from the regular budget in the budget year 2001 is about 42 million Rwandan francs. In 1996, 86 CLCs housing some 14 000 children were in operation. At the end of 2001 only 26 CLCs housing about 3 500 lone children, made up of orphans and children separated from their families, remained.

200. The decline in the number of CLCs since 1996 is the consequence of the implementation of the national policy for lone children, based on the principle "One child, one

family”, and the national mobilization to promote fostering of children in CLCs. This principle stems from the central theme chosen at the fourth Day of the African Child, celebrated on 16 June 1995. Efforts are continuing in this direction as much as they are in the area of family tracing and reunification.

201. Most of the children still living in CLCs are what are generally known as “residual cases” and social or economic cases, including children infected or affected by HIV/AIDS and children of destitute families incapable of supporting them.

202. In accordance with article 406 of the Civil Code, the Rwandan State continues to allocate resources to the education and upkeep of these lone children. The bodies responsible for the procedures for distributing these allocations are the Fund for Assistance to Survivors of Genocide (FASG) and the MINALOC vulnerable groups department.

### **G. Adoption**

203. In the sphere of adoption, Rwandan legislation has laid down a solid set of provisions to guarantee effective protection for the child. Rwanda, however, has not yet ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, but the procedure is already under way.

204. Chapter IV, section 1, of the Civil Code lays down the conditions for adoption, while section 2 sets out the procedure.

205. Article 332 proclaims at the outset the guiding principle for adoption: “Adoption is permitted when it is based on just grounds and if it is advantageous for the child”. The article also states that adoption is subject to specific conditions and takes place in accordance with prescribed procedures.

#### **1. Conditions for adoption**

206. Adoption is governed by the following rules:

(a) Article 333 states that the adopter must be at least 15 years older than the person whom he wishes to adopt. Other conditions are also laid down depending on whether the adoption is being sought by an unmarried person, a married person or both;

(b) Article 334 specifies that no one may be adopted by several persons unless they are two spouses;

(c) Article 335 also clearly states that “if the person to be adopted is a minor and still has a father and mother they must both consent to the adoption [...]”. Paragraph 4 of that article provides that if the minor no longer has a father or mother, or if they are unable to state their wishes or are absent, the consent shall be given by the guardianship council or person who is taking care of the child;

(d) Article 336 provides that the adopted person shall maintain his ties with his natural family and retains all his rights and obligations in it. The adopter is nevertheless the sole person with the rights of parental authority over the adopted person. In addition, the

relationship arising out of the adoption extends to the adopted person's descendants. However, that person retains the name and forenames he acquired at birth.

## 2. Adoption procedure

207. Adoption is subject to the consent of the adoptee and of the adopter. It is attested to by an adoption certificate prepared by an official of the registry office. The parents' consent is required if the child is under the age of 18. The consent required from the guardianship council or person taking care of the child must be approved by the court with jurisdiction over the adoptee.

208. An adoption may be legally revoked at the request of the adopter if, through ingratitude, the adoptee proves unworthy of the benefit bestowed upon him. It may also be revoked, on serious grounds, at the request of the adoptee or the public attorney's office. The legal decision revoking the adoption is entered in the register at the registry office of the adoptee's domicile and in the margin of the adoption certificate and the birth certificates of the adoptee and his descendants.

209. It should be stressed that, although Rwanda has not yet ratified the Hague Convention, cases of intercountry adoption are becoming frequent. Thus, from January to December 2001 MINALOC registered nine cases of Rwandan children being adopted by foreigners living abroad. Regrettably, there have been some cases of Rwandan children evacuated to Europe and elsewhere who have been adopted without the legal procedures being followed. For instance, 41 Rwandan children were adopted in this manner in the Italian town of Brescia.

210. The law on the rights of the child and protection against child abuse states that adoption must take place in the interests of the child (art. 16).

## **H. Illicit transfer and non-return**

211. Rwanda has not yet ratified the Convention on the Civil Aspects of International Child Abduction, signed at The Hague on 25 October 1980, but the procedure is in progress. This does not, however, prevent Rwanda from undertaking to respect the right of the child to live in his country, in the best interests of the child. It is against this background that every effort is being made to repatriate Rwandan children evacuated abroad during the genocide of 1994, especially those who still have their parents or very close family members. Some have already returned, but others, such as the 41 children in Brescia, have been "illegally adopted" by foreign families. This case has been handed over to a representative of the Rwandan Government and a lawyer who have already established contact with the Rwandan parents or families who wish their children to return.

## **I. Protection against all forms of child abuse**

212. Of the relevant international instruments, Rwanda has ratified the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), the Convention concerning Minimum Age for Admission to Employment (No. 138) and the Convention concerning Forced or Compulsory Labour (No. 29).

213. Rwandan civil law makes it obligatory for parents to support and educate their children and for the State to support the family to this end. Decree-Law No. 21/77 of 18 August 1977 promulgating the Penal Code refers to and provides for the punishment of various offences committed against children or lays down more severe penalties when certain serious offences are committed against children. The cases covered by the Penal Code include:

- (a) Infanticide (art. 314);
- (b) Abortion (arts. 325-328);
- (c) Indecent assault and rape (arts. 358-362);
- (d) Incitation, exploitation and provision of facilities for the purpose of prostitution (arts. 374, para. 1, and 375, para. 2);
- (e) Publicizing abortion facilities (art. 379);
- (f) Abandonment, neglect or exposure of a child (arts. 380-387);
- (g) Infringement of individual freedom (art. 388).

214. The fundamental law of 30 August 1996 on the organization of trials for offences constituting the crime of genocide or crimes against humanity provides severe punishment for anyone guilty of sexual abuse against women or girls. Under article 2, persons committing acts of sexual torture also fall within the law's first category and incur the death penalty in the same way as those who plan genocide.

215. A phenomenon of violence against children, especially girls, including in the family environment, has emerged in recent years. The public authorities and civil society have been roused to action. The widespread nature of the phenomenon led to the drafting of a law which increases the penalties for this type of offence. Thus, article 22 of the law on the rights of the child and protection against child abuse states that "Appropriate administrative, legal, social and educational measures shall be adopted to strengthen the protection of every child against all forms of violence, assault or physical or mental brutality, abandonment or negligence, stress or being used for profit".

216. It has to be acknowledged that tradition continues to weigh heavily where child-beating is concerned. Many parents, including some social workers caring for vulnerable children in institutions, defend beating as a normal measure of correctional discipline, arguing that only its exaggeration should be prohibited.

## **J. Periodic review of placement**

217. The MINALOC directives refer to the monitoring of children placed in foster families and CLCs but do not make specific mention of a periodic review. So far as placement in institutions is concerned, they have to provide periodic reports to the competent authorities and inspection visits are organized. A preliminary draft law governing placement institutions is being finalized, and MINALOC hopes that the relevant law will be passed before the end of 2001.



### **K. Functions of social workers in relation to the rights of the child**

218. Activities to provide social workers with training on the rights of the child remain sporadic and modest. There are, however, some achievements in this sphere:

(a) From 1996 to 2000 the Child Studies Unit of University College Cork in Ireland, in cooperation with the non-governmental organization Trocaire, and with the support of the Department for International Development (DID) and UNICEF, ran a participative training course for social officers and supervisory training staff of the Ministry responsible for social affairs and non-governmental organizations. On the basis of the topics discussed during the training sessions, a trainer's manual (in French) and a social worker's manual (translated into Kinyarwanda) were prepared and distributed to participants. The rights of the child was one of the training topics and was the subject of one of the chapters of these manuals. The social workers of the 154 communes in the country (now districts) and 20 sectors of the city of Kigali took part in the two-week sessions. In addition, 24 social officers from non-governmental organizations working with children in difficult circumstances also received similar training for six months;

(b) At the request of the Ministry for Gender, the Family and Social Affairs, Save the Children organized a training programme for staff of Centres for Lone Children (CLCs). In 1999, 132 persons working in the Gitarama CLC received training in the rights of the child, family reunification and management of a CLC. During 2000 the programme was extended to 24 persons working in the province of Gisenyi, but in addition to the topics listed above it included HIV/AIDS and traumatism.

## **VI. HEALTH AND WELFARE**

219. It is of prime importance to stress that that the health sector in Rwanda is one in which the legislative framework needs to be modernized and strengthened. The laws governing medicine date from the colonial period (before 1962) and professionals in the sector are guided more by directives and practice than by the law. Currently, a Medical Code is being drafted and the laws governing medicine are being updated.

### **A. Survival and development**

220. Article 12 of the Constitution of 10 June 1991 clearly states that the human being shall be sacred. Efforts have been made to reduce infant and juvenile mortality rates by building, refurbishing and equipping health centres (HCs). Nevertheless, the infant mortality rate remains high in Rwanda. In 2000, for 1 000 live births about 117 children died before reaching the age of one. With respect to infanto-juvenile mortality, 198 children died before the age of five.

221. Since voluntary abortion is not legal in Rwanda but is practised secretly, it is extremely difficult to obtain reliable statistical data.

222. To prevent early maternity and unwanted pregnancies in adolescents, reproductive health programmes for young people have been started by various ministerial departments, with the financial and technical support of partners such as UNICEF, the United Nations

Population Fund (UNFPA) and the United States Agency for International Development (USAID). However, these programmes are encountering difficulties relating to the lack of information, the absence of specialized services for reproductive health and sexual education specific to the problems of adolescents, and an increase in sexually transmitted diseases and in the incidence of HIV/AIDS.

223. It should also be noted that child suicide is not widespread in Rwanda. There is therefore no department specifically responsible for the notification and registration of suicides.

### **B. Disabled children**

224. Physically and mentally disabled persons are to be found in Rwandan society, some of them being orphans who are victims of the 1994 genocide, the subsequent migrations or natural causes.

225. Article 24 of the Constitution of 10 June 1991 stipulates: "The family, which is the natural base of Rwandan society, shall be protected by the State. Parents shall have the right and duty to raise their children". Article 350 of the Civil Code adds: "The right of custody entails the obligation for fathers and mothers to support and educate their children in accordance with their condition and form".

226. Although general, the law is nevertheless clear and unequivocal on the rights of the disabled child. In reality, it is regrettable that these children do not receive the special attention and protection they deserve.

227. Fortunately, there have always been specialized institutions, usually religious ones, to take care of these children. The most illustrious case is that of the Gatagara Centre for the Disabled, in the province of Gitarama, established on the initiative of the late abbé Fraipont Dagijimana. Other units are embryonic and need strengthening. This applies to the Butare and Gahini centres, which are unfortunately unable to meet the massive needs of the disabled. The services available, in terms of facilities, specialized care, special education and socio-economic promotion, remain modest.

228. The State contributes equipment and financial resources to the efforts of private institutions, through the Ministry responsible for social affairs, with the aim of ensuring that disabled children receive the necessary care and special education.

229. Article 15 of the law on the rights of the child and protection against child abuse states that disabled children must be afforded special protection with respect to their medical care, education and social welfare. Paragraph 2 of that article provides that such protection is the responsibility of the child's parents, his guardian or the Ministry responsible for social affairs.

### **C. Health and health services**

230. Under Law No. 14/1986 of 6 June 1986 concerning medical care in public and approved health establishments, there is generally a charge for medical care provided in national health establishments (art. 1, para. 1). However, article 2, paragraph 1, of the Law stipulates that the treatment of social diseases, collective vaccinations and vaccination of persons sent abroad by

the country, as well as the care provided during an epidemic requiring a campaign of prevention and hospitalization, are free of charge.

231. The overall aim of the Ministry of Health (MINISANTÉ) is to protect and develop people's health, with their participation. Among the Ministry's specific objectives, reference should be made to improving access to primary health care through the achievement of a standard figure of 24 000 to 30 000 persons treated per health centre.

232. Many strategies for attaining these objectives have been proposed. With respect to children in particular, mention should be made of the development of primary health care in accordance with the recommendations of the International Conference on Primary Health Care, held at Alma-Ata in 1978, and cooperation with other public institutions, particularly in the areas of drinking and sanitation water, food, popular education, teaching and scientific research, and the mobilization of financial resources.

233. The results expected by the end of 2002 are as follows:

- (a) Ninety % of children under 5 vaccinated against the six target illnesses of the Expanded Vaccination Programme;
- (b) Reduction of 20 % in malaria incidence;
- (c) Eradication of poliomyelitis and tetanus;
- (d) Introduction of health insurance;
- (e) Establishment of a health information system;
- (f) Establishment of a system to monitor health services;
- (g) One health centre per 30 000 inhabitants and one hospital per 150 000 inhabitants;
- (h) One doctor per 25 000 inhabitants and one nurse per 8 000 inhabitants;
- (i) Establishment of a financial management system in health centres;
- (j) Signing of agreements with all partners involved in health services.

234. The problems identified include the persistence of the major causes of morbidity and mortality. These are illnesses such as malaria, HIV/AIDS and other sexually transmitted diseases, diarrhoea, acute respiratory infections and deficiency diseases. Other factors are the inadequacy and uneven distribution of health training in the country, the lack of human resources (one doctor per 55 705 inhabitants and one nurse per 6 365 inhabitants in 2000), inadequacies in certain specialities, including gynaecology and obstetrics, anaesthesia and dentistry, the insufficient availability and high cost of medicines, and the insufficiency of public resources for the operation of health centres.

235. Article 14 of the law on the rights of the child and protection against child abuse reads: “Depending on their means, the parents, guardian or any other person in charge of a child shall guarantee him the right to welfare, the best possible state of health, and medical care and education for his physical, mental, spiritual, moral and social development”. That article also states that the Ministry responsible for social affairs shall ensure the exercise of those rights. It shall prepare a programme of material assistance in support of children of destitute parents.

#### 1. Primary health care and infant health

236. Infant health services, both curative and preventive, have been established in all HCs with the aim of reducing maternal and infant mortality.

237. The adoption of primary health care strategies, as recommended by the Alma-Ata Conference, has been a reality since 1991. One of the eight components of primary health care, maternal and infant protection, has been entrusted to the Department of Health Care and used to be managed by the Division of Maternal and Infant Health and Family Planning, which became the Division of Reproductive Health after the International Conference on Population and Development, held at Cairo in 1994. Thus:

(a) Infant health services are organized in all health centres (HCs) and managed at the central and intermediate levels;

(b) Prenuptial services consist mainly of guidance for couples wishing to take an HIV test before marriage;

(c) Prenatal services are systematic and available in all HCs. By contrast, post-natal services are uneven.

238. Although post-natal services for mothers are not systematic, systematic care of children starts immediately after birth at the HC level:

(a) Care of newborn babies, including identification and treatment of anomalies. Regrettably, however, 80 % of births take place at home;

(b) Monitoring of children’s growth;

(c) Vaccinations against the major children’s diseases in accordance with the national schedule of vaccinations. At the national level, the Expanded Vaccination Programme (EVP), established in 1987, seeks to immunize 100 % of children.

#### 2. Monitoring the growth of children from birth to 5 years

239. At the national level, the Nutrition Division of the Ministry of Health is responsible for the prescriptive aspects relating to nutritional activities. These consist of nutritional studies and surveys, monitoring of the activities of nutritional departments, regular supplies of nutritional therapy products to nutritional departments, promotion of the production and consumption of food rich in micronutrients, the use of iodised salt throughout the country to combat goitre, establishment of nine consultant nutritional therapy centres, involvement of the community through the establishment of a community-based programme for the promotion of growth

monitoring, and supplying HCs with micronutrients, especially vitamin A capsules and iron tablets. Nutritional activities are currently being carried out at 295 nutritional centres, the aim being to establish a nutritional service in the country's 300 health centres.

### 3. Combating children's diseases

240. Rwanda has an integrated service for children's diseases, which was converted into a division following the merger of the Expanded Vaccination Programme and the Programme to Combat Diarrhoeal Illnesses and Acute Respiratory Infections. Since the merger, care of patients with diarrhoea and acute respiratory infections is structured around three main areas:

(a) Epidemiological monitoring of these illnesses in accordance with the standards recommended by the World Health Organization;

(b) Regular supply to all health centres of equipment for the treatment of diarrhoea by oral rehydration and medicines;

(c) In-house training on care of patients suffering from diarrhoea and acute respiratory infections for district health supervisors and health training officers.

241. Nevertheless, the persistent causes of maternal and child morbidity and mortality are:

#### Morbidity

1.	Fever of unknown origin	33.2%
2.	Acute respiratory infections	15.2%
3.	Confirmed malaria	14.5%

#### Mortality

1.	Malaria	31.1%
2.	Fever of unknown origin	18.6%
3.	HIV/AIDS	3.5%
4.	Physical trauma	2.8%
5.	Tuberculosis	2.5%

242. The health authorities are very aware of the situation and remedial programmes are being prepared. The main constraint is the inadequacy of budgetary resources for the establishment of new facilities and the recruitment of sufficient numbers of qualified personnel. Significant progress has, however, been made in vaccination.

### 4. Reproductive health

243. Six priority components were identified for Rwanda at the round table held at Gisenyi in September 2000 and attended by specialist from several fields. Infant health and adolescent reproductive health are prominent among them. The aim of the round table was to lay the groundwork for a national reproductive health policy. The six components deemed to be a priority for Rwanda are: (i) lower-risk maternity; (ii) infant health; (iii) family planning;

(iv) genital infections, sexually transmitted diseases and HIV/AIDS; (v) reproductive health and tackling sexual abuse; (vi) social changes to increase women's power of decision.

244. With a view to protecting children's right to life and health, a pilot project has been set up to prevent transmission of HIV/AIDS from mother to child. The project is based at Kigali and covers pregnant HIV-positive women. The results have been encouraging and the programme has been extended to six further HCs in the country. Nevertheless, efforts to distribute medicines needed by mothers after childbirth to keep them healthy, thereby enabling them to care for their children for longer, should be stressed. The project's other constraint is related to the resistance of many husbands to the voluntary HIV test.

(a) Adolescent reproductive health

245. The following indicators, taken from *Indicateurs de développement au Rwanda, 2001*, show that the situation is unsatisfactory:

- (i) Synthetic fertility index: 6.5;
- (ii) Adolescent fertility rate (births per 1 000 women aged 15 to 19): 54;
- (iii) Unintended conception among married women aged 15 to 49, percentage: 37;
- (iv) Overall contraception prevalence index (women aged 15 to 49): 13.2
- (v) Number of births assisted by qualified staff: 14;
- (vi) Maternal mortality rate per 100 000 live births: 810.

246. Although adolescents are taught about reproductive health in Rwanda, teaching must be strengthened and systematized. The same applies to information, education and communication services for sexual health and family planning.

(b) Other problems among adolescents

247. Alcoholism, drug abuse, delinquency and criminality exist but have not yet reach alarming proportions. By contrast, prostitution among the young and even the very young (12 years of age) is constantly on the increase, chiefly due to poverty and the decline of traditional values, influenced by negative external factors. These phenomena are being taken seriously by the authorities responsible and integrated measures to combat them are being studied in various sectors, particularly in the Ministry of Local Administration and Social Affairs, the Ministry of Justice and the Ministry of Public Security (the national police).

## 5. Water and environmental sanitation

248. In implementation of the provisions of article 24 of the Convention, Rwanda has set itself various objectives to ensure the full exercise of the right of the child to safe drinking water and hygienic means for the evacuation of waste water.

249. Following the tragic events of 1994, Rwanda for many years faced major challenges. Until recently, the country was taking essentially emergency action. In 1997, Rwanda undertook progressive development programmes, including in the sector of water and environmental sanitation. Recognizing that water is an extremely important resource upon which the well-being of the population in general and of the child in particular depends, Rwanda in 1997 drew up a policy aimed at increasing the availability of drinking water and sanitation facilities and at the rational use of water resources.

250. The current policy is centred round:

- (a) Integration of a sanitation component in all drinking-water supply projects;
- (b) Preparation of a sanitation code, currently being submitted to the National Assembly for adoption.

251. The draft law provides for regulation of environmental waste and proposes rules of criminal procedure applicable to offenders. It is motivated by concern for the health of the citizen, and to that end provides that waste must be properly treated before being discharged, and that discharge requires the prior authorization of the appropriate departments. Specific conditions are laid down for all new industrial or similar establishments and certain projects.

252. The water and sanitation sector is the responsibility of the Ministry of Energy, Water and Natural Resources (MINERENA), whose task is to increase the availability of drinking water and sanitation and to develop the rational use of water resources.

(a) Objectives

253. The objectives in this sphere are:

- (i) To provide drinking water that is accessible to all and available in sufficient quantities;
- (ii) To facilitate access for all families to a proper sanitation system;
- (iii) To encourage community participation and management in all activities in the sector;
- (iv) To ensure the protection, conservation, rehabilitation and exploitation of all water resources and catchment basins;
- (v) To follow a procedure in carrying out all development activities in the sector that gives priority to projects based on strong community participation and proposes viable financial and technological options for lasting development in the sector.

254. The following criteria are applied in assessing the degree of coverage and level of service to the population:

- (i) Amount consumed set at between 15 and 20 litres per person per day;

- (ii) Quality of water supply in accordance with World Health Organization standards;
- (iii) Regularity and permanence of water in systems;
- (iv) Number of persons not exceeding 200 at the water point;
- (v) Distance to be covered to the withdrawal point not to exceed about 250 metres.

255. These standards, especially those relating to the population served by a water point and the distance to be covered to obtain water, are intended to lighten the burden of children, since they usually have to perform this task. When a child has to travel very far to draw water, this has harmful consequences on his health, his school attendance and his hygiene. He may in fact end up by no longer going to school or arriving there tired, and when he returns home he no longer has the strength to do his homework and has no leisure time. This situation may even expose him to corporal punishment by teachers who care little for his rights. In any event, his results at school suffer and his chances of going on to secondary education and beyond are compromised. Moreover, the obsessive fear of drudgery drives the child to use as little water as possible for his bodily hygiene. It should be emphasized that in many regions of the country the standards set are far from being met because of a lack of adequate resources.

(b) Specific children's programmes

256. The Plan of Operation agreed between the Government and UNICEF for the period 2001-2006 provides for a Water and Environmental Sanitation programme aimed at increasing access to drinking water by 30 % and improving sanitation facilities, and also changing the behaviour in the school through hygiene education. Cleanliness and sanitation conditions in schools are mediocre. In rural areas, it is rare for schools to have proper latrines with running water.

257. To assess the means of combating these problems, MINERENA, with the support of UNICEF, has just carried out a pilot programme of hygiene and sanitation in the school environment (HAMS). The HAMS project is intended to launch, develop and support a culture of hygiene and sanitation in schoolchildren, with consequent effect in the community leading to a general change in behaviour. In this respect, it should be mentioned that HAMS committees, consisting of water and sanitation officials in prefectures, school district inspectors and health area medical officers have been established throughout the country since 2000.

258. The project, which is to last five years, will comprise the following activities:

- (i) Evaluation of infrastructures and sanitation facilities in schools;
- (ii) Training of teachers and school and administrative authorities in techniques for mobilizing the population regarding hygiene and sanitation practices;
- (iii) Support for local communities in the establishment of water and sanitation facilities in schools, building of reservoirs to collect rainwater and installation of improved latrines.



#### **D. Social security and child care services and facilities**

259. The Decree-Law of 22 August 1974 on the organization of social security establishes a system of social security for workers governed by the Labour Code. In article 27 it emphasizes that in case of a fatal accident in the workplace those entitled to it shall receive a survivor's pension and a grant for funeral expenses. Article 33, as amended and supplemented by Law No. 32/1988 of 12 October 1988, states that surviving children entitled to receive the pension of their late parent must be under 18 years of age or under 25 if studying; there is no age limit if they are unable to undertake paid work through physical or mental incapacity.

260. Public and private institutions operate in the sphere of social security: the Social Fund was established by the decree-law of 22 August 1974 and its members, until 31 December 1999, comprised 10 275 affiliated employers from the public and private sectors. The Fund of course benefits both adults and children with entitlement.

261. So far as social insurance is concerned, the Rwandan health insurance system (RAMA), established in 2000, covers the health costs of all civil servants and their dependent spouses and children. Mention should also be made of the mutual health insurance schemes, operating under a prepayment system, that have been set up by MINISANTÉ through health centres since 1998. These schemes had 128,556 members at the end of 2000, the vast majority of them being families with children.

262. Insurance companies have recently set up health insurance, life insurance and education fees insurance policies that benefit primarily children. These include SORAS and SONARWA.

263. It should be stated, however, that there are no specific instructions in favour of children in this area.

264. MINALOC intends to establish a policy of popular mobilization for savings, social security, insurance, mutual health insurance and social solidarity, with a view to protecting the future of children.

265. So far as child care services and facilities for children with working parents are concerned, in July 2001 there were five crèches in Rwanda, all of them, private – two in Kigali, two in Butare and only one in Ruhengeri. In the school year 2000/2001 there were also 257 nursery schools in the country, only three of them being public, with an enrolment of 18,399 children, of whom 9,315 were boys and 9,264 girls.

#### **E. Standard of living**

266. The responsibility of parents to provide their children with an adequate standard of living is recognized in Rwandan legislation. Spouses assume, by the very fact of marriage, the obligation to ensure the upbringing and education of their children. If one of the spouses does not fulfil this obligation, the other may legally compel him or her to do so, as may the public attorney's office (Civil Code, book 1, art. 197).

267. Similarly, with a view to ensuring that families enjoy the living conditions necessary for children's upbringing and education, current legislation provides that the State shall establish

minimum wages for each professional category, minimum rates for overtime, night work and work on holidays, and allowances for length of service.

268. To complete the present system, the law incorporating the Labour Code recently adopted by the Transitional National Assembly provides for a guaranteed minimum wage. However, as 65 % of Rwandans live below the poverty line the standard of living of most Rwandan children is compromised.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance**

269. In accordance with article 28 of the Convention, Rwandan legislation provides that primary education is compulsory and free of charge. Under article 27 of the Constitution of 10 June 1991, "Subject to the enforcement of article 24, paragraph 2, primary education shall be compulsory and free of charge, in accordance with the procedures established by law". Article 24, however, stipulates that parents have the right and duty to raise their children.

270. This principle of the right to education, as set out in the Constitution, is given explicit expression in Law No. 14/1985 of 29 June 1985, amended by Law No. 48/91 of 25 October 1991 concerning the organization of primary, integrated rural and vocational, and secondary education. Article 2 of that Law provides that "Subject to the special provisions of the present law, primary education shall be free of charge and compulsory for all children domiciled in Rwandan territory without any discrimination, especially with respect to race, origin, clan, ethnic background, sex, colour, opinion, religion or social status". Paragraph 2 of that article states that free education means free instruction and the teaching materials strictly necessary to carry out the educational programme. Paragraph 3 stipulates that the Minister may approve fee-paying primary schools when a physical or legal person so requests. Articles 3 and 4 cover the participation of parents in expenses for integrated rural and vocational and secondary education. Article 40 specifies that the duration of primary education shall be six years.

271. The National Conference on Educational Planning and Policies in Rwanda, held at Kigali from 24 to 27 April 1995, noted shortcomings in various aspects of educational legislation. As a result, and in accordance with the recommendations of the Conference, the adoption of a new organic law and other legal and statutory texts to replace Law No. 14/85 of 29 June 1985, which remains the document of reference, is urgently needed.

272. In addition, the law on the rights of the child and protection of children against violence specifies that the child has the right to education (art. 10). That article also states that primary education is compulsory and free of charge in accordance with the procedures prescribed by law. The Ministries responsible for education and social affairs determine the modalities of secondary and higher education for the children of destitute parents. The law gives district councils the responsibility for monitoring the implementation of its provisions concerning compulsory and free education.

273. The purpose of the Government's educational policy is to provide citizens with quality education that is in accordance with the country's needs, without discrimination of any kind.

Special attention is being devoted to promoting a culture of peace, justice, defence of human rights and tolerance through civic education.

274. Among post-war achievements, mention should be made of the political will to make universal compulsory and free primary education a reality, and the establishment in MINEDUC of a department responsible for pre-school education. During the 1999/2000 school year, the gross rate of primary school enrolment was 97.1 %, while the net rate was 72 %, rising to 75 % the following year (*Report on Industrial Development, 2001*) – rather a high average compared with the sub-Saharan average. One of the great attainments of the educational system since July 1994 is the total absence of discrimination of any kind whatsoever.

275. However, there are plenty of challenges:

(a) The principle of compulsory, universal and free primary education is not yet being applied, despite the constitutional commitment;

(b) Facilities and teaching materials are inadequate. In 1999, for example, only 22 % of books were available in primary schools;

(c) Staffing is inadequate and teachers' qualifications are poor. An example is the school year 1999/2000, when only 54.7 % of primary school teachers were qualified, resulting in a ratio of 54 pupils per qualified teacher (IDS, 2001);

(d) Pre-school education is poorly developed, private, too costly and concentrated in urban areas;

(e) Legal texts, suitable programmes and qualified pre-school teachers are all lacking;

(f) The majority of people are unaware of the importance of sending young children to school.

### 1. Structure of the educational system

267. The educational system consists of formal and informal education. Formal education comprises several kinds and levels of instruction, from pre-school education to higher education. Informal education encompasses literacy and apprenticeship activities.

(a) Formal education

(i) Pre-school education

277. This takes place in nursery schools for children aged 3 to 6 and lasts for three years. The aims of pre-school education are to promote school enrolment and awaken the child's senses by offering him the chance to live and play with other children and to practice numerous physical, rhythmic and manual activities. A Division of Pre-school Education has been set up in the Ministry of Education. Its functions include:

- (a) Studying strategies aimed at the promotion of pre-school education;
- (b) Monitoring the organization of pre-school education;
- (c) Teacher training.
- (ii) Primary or basic education

278. This is for children aged 7 to 12 and lasts for six years. Its aims are to provide children with civic, moral, intellectual and physical education and to give them the basic knowledge which they need for practical life and for secondary and vocational education. New measures have been adopted to take account of the consequences of the genocide of 1994, particularly for primary education. It should be remembered that many Rwandans have long lived in countries using French or English as the official language and language of instruction. Consequently, special emphasis is placed, firstly, on teaching in the national language, Kinyarwanda, while from the second cycle instruction is given in French or English so that all children can follow whatever their provenance.

- (iii) Secondary education

279. This has the aim of providing a general grounding in preparation for higher education or vocational training. Until recently, two quite separate paths were available from the first year of secondary school: a six-year general-education cycle and a short cycle of four years. This system has been fundamentally restructured. Secondary education now lasts six years and consists of two three-year cycles, the first being the common core syllabus for all pupils and the second a specialized cycle. With respect to languages, the aim is for every secondary school graduate to be able to express himself in the country's three official languages – French, Kinyarwanda and English. There are currently three branches:

- (a) General secondary education, with two sub-branches: scientific and literary.
- (b) Teacher training for primary school teachers;
- (c) Technical and vocational education.

280. As a rule, school fees are payable. However, in view of the consequences of the war and genocide of 1994, many pupils are unable to pay them. The State therefore bears the cost, through FASG and the Ministry of Local Administration and Social Affairs, with an appreciable contribution from civil society.

**Table 4**  
**Educational development indicators, 1994-2001**

	School year							
	1993/1994	1994/1995	1995/1996	1996/1997	1997/1998	1998/1999	1999/2000	2000/2001
<b>1. Primary education</b>								
<b>1.1 Number of pupils</b>	<b>820 232</b>	<b>941 012</b>	<b>1 039 657</b>	<b>1 154 768</b>	<b>1 270 733</b>	<b>1 288 663</b>	<b>1 431 692</b>	<b>1 476 272</b>
1.2 Percentage increase		14.7 %	10.5 %	11.1 %	10.0 %	1.4 %	11.1 %	3.1 %
1.3 Number of girls				580 126	634 187	644 187	709 811	737 833
1.4 Percentage increase, girls					9.3 %	1.6 %	10.2 %	3.9 %
<b>1.5 Gross enrolment rate</b>						<b>87.9 %</b>	<b>97.1 %</b>	<b>99.9 %</b>
<b>1.6 Net enrolment rate</b>						<b>69.9 %</b>	<b>72.1 %</b>	<b>73.3 %</b>
1.7 Rate of graduation to secondary education				18 %	21 %	38 %	42 %	
1.8 Promotion rate				66.5 %	56.2 %	50.5 %	49.8 %	
1.9 Class repetition rate				28 %	32.1 %	38.1 %	37.6 %	
1.10 Dropout rate				5.5 %	11.7 %	11.4 %	12.6 %	
<b>1.11 Number of teachers</b>	<b>16 825</b>	<b>17 705</b>	<b>18 394</b>	<b>20 232</b>	<b>22 435</b>	<b>23 730</b>	<b>26 187</b>	<b>28 698</b>
1.7 Percentage increase		5.2 %	3.9 %	10.0 %	10.9 %	5.8 %	10.4 %	9.6 %
1.12 Percentage of qualified teachers	45.6 %	39.0 %	40.2 %	32.5 %	46.6 %	49.2 %	53.2 %	63.0 %
<b>1.13 Number of schools</b>	<b>1 283</b>	<b>1 882</b>	<b>1 845</b>	<b>1 918</b>	<b>1 940</b>	<b>2 021</b>	<b>2 093</b>	<b>2 142</b>
1.14 Percentage increase		47 %	-2 %	4 %	1 %	4.2 %	3.6 %	2.3 %
<b>2. Secondary education</b>								
<b>2.0 Number of pupils</b>			<b>50 000</b>	<b>82 224</b>	<b>90 840</b>	<b>105 292</b>	<b>125 567</b>	<b>141 163</b>
2.1 Pupils in public and free subsidized schools	3 077	20 533	26 333	48 926	45 054	60 556	68 842	79 699
2.2 Percentage increase			28.2 %	85.8 %	-7.9 %	34.4 %	13.7 %	15.8 %
2.3 Pupils in private schools			23 667	33 298	45 786	44 736	56 725	61 464
2.4 Percentage increase				40.7 %	37.5 %	-2.3 %	26.8 %	8.4 %
<b>2.5 Total number of teachers</b>				<b>3 886</b>	<b>4 274</b>	<b>4 679</b>	<b>5 557</b>	<b>6 499</b>
2.6 Teachers in public and free subsidized schools	307	1 711	1 739	2 374	2 611	2 875	3 220	4 020
2.7 Percentage increase				37.0 %	10.0 %	10.1 %	12.0 %	24.8 %
2.8 Teachers in private schools				1 512	1 663	1 804	2 337	2 479
2.9 Percentage increase					10.0 %	8.5 %	29.5 %	6.1 %
2.10 Percentage of qualified teachers				33.6 %	34.0 %	34.9 %	43.0 %	
<b>2.11 Total number of schools</b>		<b>150</b>	<b>210</b>	<b>247</b>	<b>260</b>	<b>322</b>	<b>363</b>	<b>378</b>
2.12 Public and free subsidized		85	111	124	132	167	177	183
2.13 Percentage increase			30.6 %	11.7 %	6.5 %	26.5 %	6.0 %	3.4 %
2.14 Private		65	99	123	128	155	186	195
2.15 Percentage increase			52.3 %	24.2 %	4.1 %	21.1 %	20.0 %	4.8 %
<b>3. Higher education</b>								
<b>3.1 Number of students</b>		<b>2 821</b>	<b>4 196</b>	<b>4 440</b>	<b>4 548</b>	<b>5 943</b>	<b>7 224</b>	
3.2 Percentage increase			48.7 %	5.8 %	2.4 %	30.7 %	21.6 %	
<b>3.3 Number of teachers</b>		<b>126</b>	<b>179</b>	<b>234</b>	<b>333</b>	<b>485</b>	<b>909</b>	
3.4 Percentage increase			42.1 %	30.7 %	42.3 %	45.6 %	87.4 %	
3.5 Number of establishments		1	2	3	5	6	6	

*Source:* Annual reports of the Ministry of Education: *Study of the Education Sector in Rwanda*, November 1997.

(iv) Higher education

281. The aim of higher education is to train senior managers able to meet the needs of the country, on the one hand, and to promote scientific research, on the other. There are now 12 institutes of higher education:

- (a) National University of Rwanda;
- (b) Kigali Institute of Science, Technology and Management (KIST);
- (c) Higher Institute of Education;
- (d) Kigali Health Institute;
- (e) Higher Institute of Public Finance;
- (f) Higher Institute of Agronomy and Animal Husbandry;
- (g) Free University of Kigali;
- (h) Adventist University of Central Africa;
- (i) Lay Adventist University of Kigali;
- (j) Gitwe Higher Institute of Nursing Sciences;
- (k) Nyakibanda Grand Seminary (Catholic);
- (l) Butare faculty of theology (Protestant).

The first six of these are public, and the last six private.

282. Rwanda provides many Rwandans with higher education abroad through bilateral and multilateral cooperation. Ninety per cent of students at public higher education establishments are paid for directly by the State.

(v) Distance learning and adult education

283. Distance education and adult education are a necessity of the modern world and Rwanda's present state of development. They would enable certain categories of the population that are excluded from the traditional educational system to have access to education and thereby increase the pool of qualified human resources. For this reason, a structure for the promotion of adult education is now being set up. Efforts are being made to promote distance learning, especially with the help of the National University of Rwanda and the African Virtual University, a department of KIST.

(vi) Special education

284. Under article 9 of Organic Law No.1/1985 on national education in the Republic of Rwanda, special education is arranged for persons who, because of a physical infirmity or mental deficiency, cannot attend ordinary classes. This type of education is managed by the division of the same name in the Ministry of Education. Its aim is the educational integration of pupils with physical or mental disabilities. Pupils are taught in centres such as the Centres for deaf-mutes at Nyamirambo (city of Kigali) and Butare, for the physically handicapped and blind at Gatagara and for the mentally disabled at Gikondo in the city of Kigali. Unfortunately, these centres are unable to meet the massive requirements of disabled persons (see above, chapter VI, paras. 224 to 229).

(b) Informal education

285. The aim of this subsector is to recover dropout children; it is the responsibility of two Ministries, the Ministry of Youth, Sport and Culture (MIJESPOC) for vocational training, and the Ministry of Local Administration and Social Affairs (MINALOC) for popular education and literacy.

286. Among MIJESPOC's objectives with respect to vocational training and guidance, mention should be made of the elaboration of strategies to provide young people who are not attending, or have dropped out of, school with appropriate training to encourage self-help, and the reform and strengthening of the training system to benefit these groups.

287. The Ministry of Education plans to establish an accelerated system for the recovery of children who are not attending, or have dropped out of, school and, where appropriate, to reintegrate them into the formal education system after upgrading.

(c) Literacy

288. There is a Literacy Division in the Family and Popular Education Department of MINALOC. It is preparing an update of figures on the number of illiterates in the country by age and sex. These data will be available for International Literacy Day on 8 September 2001. It should, however, be emphasized that no special activities are planned for those under 18. Literacy activities take place in literacy centres administered by MINALOC, religious bodies or non-governmental organizations, and cover all illiterate persons without any age or sex discrimination.

289. The results of a study carried out by the United Nations Development Programme and the Profemmes Collective in April 2001 showed a serious lack of facilities; of the few operational literacy centres, many are in a state of dilapidation, with a voluntary staff, mostly unqualified, and no specific programme or teaching materials. The study also revealed that males (young people and adults) attended illiteracy centres less often than females because of an inferiority complex and a wish not to show their ignorance in public.

## **B. Aims of education**

290. Organic Law No.1/1985 on national education in the Republic of Rwanda is quite clear on the aims of education. Article 2 provides that the aim of national education is to help to develop a moral sense and the intellectual and physical capabilities of the beneficiary and to prepare him for his role as an adult and a citizen. Other articles set out the objectives of the country's various forms of education. Thus, the Law states that primary education must provide schoolchildren with civic, moral, intellectual and physical education and give them the basic knowledge they will need in practical life, for rural, vocational and integrated education and for secondary education (art. 11). The aim of pre-school education is to promote the child's socialization and the awakening of his senses, particularly by giving him the opportunity to live and play with other children, and to practise numerous physical, rhythmic and manual activities (art. 10). Through its Family and Popular Education Division, MINALOC also seeks to reduce illiteracy rates substantially through functional literacy programmes and activities.

291. In addition, the objectives in the sphere of school access and improving the quality of education and vocational training in all sectors are set out in the educational policy. The principal strategic directions are:

- (a) Promotion of pre-school education in rural and urban areas through greater awareness and mobilization of parents;
- (b) Attainment of a net school attendance rate in primary education of 95 % in 2005 and 100 % in 2010, through:
  - (i) Increase in teaching staff;
  - (ii) Mobilization of internal resources;
  - (iii) Making parents aware of the importance of the school and of improving internal performance;
- (c) Attainment of a rate of graduation from primary to secondary education of 40 % in 2005, through:
  - (i) Promotion of parents' participation in educational funding;
  - (ii) Improved educational quality and performance;
  - (iii) Helping to make technical and vocational training appropriate for the needs of the country;
- (d) Raising the number of students in higher education through an increase in the number of places available, taking into account the needs and capacity of the economy and the labour market;
- (e) Strengthening of special education centres for disabled children;



(f) Provision of a functional basic education to young people who are not attending, or have dropped out of, school by:

- (i) Increasing the number of trade paths to 15 times the 1998 level;
- (ii) Establishing at least one vocational centre in each of the country's prefectures;
- (iii) Increasing the number of qualified teachers for vocational training centres;
- (iv) Setting up mechanisms to encourage parents to participate in the establishment of vocational training centres;
- (v) Promoting professional associations of young people leaving vocational centres.

292. As part of good governance, the Minister of Education has decentralized several bodies. Parents' committees have been established for each primary and secondary school. These committees have a say in the school's financial, educational and administrative management. Pupils' committees have also been set up, chiefly at the secondary cycle level. A national youth unit has been created and is present in each secondary and higher educational establishment. Lastly, local education committees have been set up in the basic administrative units, up to the elementary level of administrative cell.

293. To make provision for the future development of education, the period of the Plan of Action has been used to:

- (a) Strengthen the educational sector's capacity for data collection and processing, planning, programming and management;
- (b) Prepare a long-term educational development plan.

294. The criteria essential for understanding educational policy are, on the one hand, meeting educational needs and, on the other, the economy's requirement for human resources. The Rwandan Government is strongly engaged in a process of overhauling its educational system, thereby making it possible to lay the foundations for integral development while averting possible tensions.

### **C. Leisure, recreation and cultural activities**

295. The task assigned to the Ministry of Youth, Sport and Culture (MIJESPOC) in the sphere of leisure and culture has four important aspects: development of artistic and cultural activities among young people, promotion of the cultural and historical heritage, promotion of the positive values of Rwandan culture and promotion of sports and leisure activities. This task is being progressively carried out by the Ministry's three Departments, the Department of Sport, the Department of Youth and the Department of Culture.

296. Among the objectives assigned to MIJESPOC furthering the implementation of article 31 of the Convention, the following should be singled out:

- (a) Harnessing the energy and abilities of young people for the development of Rwanda;
- (b) Promoting physical, moral and intellectual health and the culture of peace, including through sport;
- (c) Developing artistic and cultural activities among young people;
- (d) Promoting the cultural and historical heritage.

297. In its plan of action, MIJESPOC provides inter alia for the following activities:

- (a) An increase in the number of vocational training paths;
- (b) The preparation of a common vocational training programme applicable in all centres;
- (c) Renovation and equipment of at least 20 vocational centres and allocation of sufficient qualified teachers to all of them;
- (d) Equipment of at least 30 centres having production cooperatives for trained young people.

298. The new law on the rights of the child and protection against child abuse stipulates that the child has the right to rest and to engage in play and leisure appropriate to his age (art. 17). Paragraph 2 of the law states that the Ministry responsible for sport shall ensure that districts, towns and establishments caring for children have sufficient sports facilities.

299. The current situation is marked by rudimentary sports fields, the meagre amount of which does not encourage varied and safe sporting activity, especially in view of the absence of areas for sport and leisure in the country's districts and towns, and the lack of playing fields and stadiums in some provinces. The problem concerns both adults and children, but the latter are doubly penalized by the fact that priority is accorded to adults in making use of the few existing facilities.

300. For this reason, MIJESPOC's priorities include the establishment of programmes to set up nurseries and sporting and recreational areas open to all, and in the long term the construction in every province of a functioning sports complex for the practice of a wide variety of sports. It should be noted that physical education and sports courses exist at all levels of education, from nursery school to the end of secondary education. Inter-school tournaments in various disciplines, with teams competing from educational establishments throughout the country, are also organized every year. MIJESPOC also organizes annual festivals featuring musicians, folkloric groups and dancers from Rwanda and neighbouring countries.

## **D. Difficulties and measures for implementing the Convention**

### **1. Pre-school teaching**

301. The problems that arise include the following:

- (a) The very small number of facilities and lack of qualified teachers;
- (b) The ignorance shown by most people of the importance of very young children attending school;
- (c) The virtual non-existence of pre-school establishments in rural areas.

### **2. Primary education**

302. The following should be mentioned among problems encountered in this sector:

- (a) Lack of motivation on the part of teachers;
- (b) Insufficient textbooks and teaching materials;
- (c) Very limited involvement of parents;
- (d) Great dispersal of settlements over the national territory, compelling children to travel long distances. Regrouping of settlements will be one response to this problem;
- (e) Inadequate nutrition and poor state of health of many pupils, causing them to drop out.

303. So far as the qualification of pre-school and primary school teachers is concerned, retraining and training sessions, given by educational trainers for each sectoral educational authority (district and urban), are organized during the holidays. At the pre-school level, a division has been established in MINEDUC under the Department of Pre-school, Primary and Secondary Education.

### **3. Secondary education**

304. Secondary education faces the following problems:

- (a) The problem of training teaching and managerial staff. It should be stressed that graduates of the country's various higher educational establishments, particularly the Higher Institute of Education, will assist in resolving this problem;
- (b) The absence of teachers' qualifications;
- (c) The low level of salaries paid to teachers.
- (d) Differences in technical education objectives and programmes. The MINEDUC project, carried out in cooperation with the German Technical Cooperation Agency (GTZ), is

currently aimed at the harmonization of programmes and assistance to the country's various technical colleges;

(e) Insufficient places, unevenly distributed over the national territory, in the first year of secondary education. One of the strategies employed to rectify this situation is the policy of communal colleges, which currently exist in all districts.

305. The quality of the primary and secondary educational system thus suffers from shortcomings resulting from a combination of internal and external factors. The internal factors are the low level of available places and the poor quality of teaching. The external factors are mainly the poverty of Rwandan families, tradition, which tends to disadvantage girls, and the dispersed pattern of settlement. This results in many children of primary or secondary school age not having the opportunity to go to school, and there is a high dropout rate, especially among girls who are unable to have access to secondary education.

306. However, the classic procedures for assessing the quality of education (including inspection, competitions, internal assessment, educational councils) do exist and are being used. On the basis of the conclusions of these assessments, educators acknowledge that much progress needs to be made. Innovative techniques, participative methods and peer teaching are not much in evidence, mainly because of the low level of resources allocated to education.

307. In addition, imbalances between urban and rural areas are apparent, to the detriment of the latter. These imbalances are not deliberate, but are rather inherited from past political regimes and administrations, which drew up a regional list of schools without any consideration for fairness.

#### 4. Education of girls

308. Legally, there is no impediment to the education of girls. The obstacles, which relate to dropping out rather than access, are historical and cultural remnants and are gradually receding. Girls were destined for a role in the home and excluded from public activities. The extremely important role of Women's Institutes in making the Rwandan community aware of the problem, and the establishment of the FAWE (Forum for African Women Educationalists) school at Gisozi, in the city of Kigali, should be stressed. The majority of primary school teachers are women. Female students and pupils in rural areas have total security, and can go to school with complete peace of mind.

#### 5. School curricula, human rights and active life

309. Secondary school curricula currently include a civic education programme covering various aspects relating to the rights of the individual, as applied and adapted to the Rwandan context: national peace and reconciliation, tolerance, justice, peaceful settlement of disputes, patriotism and democracy. Programmes to include sexual education in the school curriculum (end of primary school and secondary education) have been introduced as an experiment since 1999. There is no specific programme on the rights of the child. The same applies to preparation for active life. However, the National Human Rights Commission and CCJ plan to cooperate with MINEDUC to include human rights in school curricula.

6. Teachers' qualification in human rights

310. So far, educators have not received suitable training in human rights in general, and the rights of the child in particular. In this respect, it is regrettable that humiliating forms of corporal punishment are still being used in schools today. Nevertheless, the new organic law now in preparation provides for sanctions against teachers who inflict corporal punishment on children.

**VIII. SPECIAL CHILD PROTECTION MEASURES**

311. There are very many children needing special protection in Rwanda and, seven years after the tragedy of 1994, MINALOC is aware that it has not yet been possible to identify them all. They are thought to number between 400 000 and 500 000. In addition, there is the growing number of AIDS orphans, whether or not they are infected by HIV/AIDS. Several ministerial departments are responsible for child protection measures, but these measures are supervised by the Department for Social Welfare and Protection of Vulnerable Groups of MINALOC. The children concerned are:

- (a) Children affected by armed conflict (refugee children, ex-combatants);
- (b) Child heads of household, including orphans of the genocide;
- (c) Children and young people living or working in the streets;
- (d) Lone children, whether or not living in CLCs;
- (e) Juveniles in conflict with the law;
- (f) Working children;
- (g) Child victims of violence, especially sexual violence, abuse and negligence;
- (h) Juvenile victims of sexual exploitation;
- (i) Children infected with or affected by HIV/AIDS;
- (j) Disabled children;
- (k) Infants living with their mothers in prison.

312. The vulnerability of these children increased substantially with the war, genocide and massacres that afflicted Rwanda from 1990 to 1994 and the subsequent population movements, as well as the destitution and poverty in which most Rwandan families live.

## **A. Children in emergency situations**

### **1. Refugee children**

313. As of 30 June 2001, Rwanda had a population of 31,380 refugees, including 30,857 Congolese and 527 Burundians. More than 40 % of these refugees were under the age of 18. The Rwandan Government is cooperating closely with United Nations bodies, in this case the Office of the High Commissioner for Refugees and UNICEF, and with non-governmental organizations in order to meet their needs, to the extent of its resources. Refugee children enjoy the same rights as Rwandan children with respect to health, education and nutritional assistance. For example, their integration or reintegration into the educational system, both formal (nursery, primary and secondary) and informal (literacy and vocational training), has been facilitated.

314. It should be emphasized that Rwanda has ratified the following relevant international instruments:

(a) The Convention relating to the Status of Refugees of 28 July 1951, ratified on 22 October 1979 by Decree-Law No. 29/79;

(b) The International Covenant on Civil and Political Rights of 19 December 1966, ratified on 12 February 1975 by Decree-Law No. 8/75;

(c) The Protocol relating to the Status of Refugees of 31 January 1967, ratified on 22 October 1979 by Decree-Law No. 29/79, confirmed by Law No. 01/82 of 26 January 1982;

(d) The OAU Convention governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969, ratified on 22 October 1979 by Decree-Law No. 30/79, also confirmed by Law No. 01/82 of 26 January 1982.

315. Data on lone Rwandan children living abroad provided by the International Committee of the Red Cross on 30 July 2000 listed 1 184 children in 16 African and European countries and the United States of America.

316. A draft law protecting foreign refugees in Rwanda, including children, has just been approved by the Government Council. The draft is presently under consideration and will soon be adopted by the National Assembly.

### **2. Children affected by armed conflicts**

317. Some children under the age of 18 were enrolled in the armed forces during the war and genocide of 1994. Immediately after the war, all these children were demobilized and a programme of rehabilitation and school reintegration was implemented with the support of international sponsors, as suggested by the spirit of Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which has been ratified by the Rwandan Government.

318. Other children serving with the armed bands of infiltrators from the Democratic Republic of the Congo are often captured by the Rwandan army and sent to solidarity camps

for re-education and reintegration into society. As of 30 July 2001, the Mudende solidarity camp housed 273 ex-combatant minors, aged from 12 to 18. A programme of assistance to these minors has been drawn up and MINALOC, in cooperation with UNICEF, the World Food programme and Assoferwa, has, starting on 11 August 2001, transferred these children to the Gitagata centre so that they can be cared for, re-educated and taught a trade.

(b) Children living in households headed by minors

319. The number of children collectively known as “child heads of household” is estimated at more than 160 000. The Rwandan Government, in cooperation with UNICEF and local and international non-governmental organizations, helps these children, in particular by integrating them into the educational and health systems and by promoting their integration into the social and economic system through vocational guidance. However, efforts to this end need to be strengthened, including through an increase in resources allocated to assistance to these children and their socio-economic advancement. One of the many challenges to be faced is the strengthening of income-generating activities for these children.

320. A national policy for children living in households headed by minors is being drawn up. It is based on the principle of the best interests of the child.

3. Children and young people living or working in the streets

321. The phenomenon of children and young people living or working in the streets has constantly grown for a number of years, especially following the war, genocide and subsequent migrations. This street population has not yet been systematically counted, but it is estimated at between 6 000 and 7 000 young people throughout the country’s urban centres. Research and surveys have been carried out in some sample areas to identify the immediate, underlying and fundamental causes, but usable data remain limited.

322. Three categories have been identified among this group of street children and youth: (i) children domiciled in the street – living and working there; (ii) children who work in the street but return to their families in the evening; (iii) children at serious risk of becoming street children.

323. MINALOC, supported by UNICEF and various non-governmental organizations, is intensifying its action aimed at the social and economic integration of these children. The main activities in this area are tracing and family reunification, as well as placement in specialized centres together with schooling and vocational training.

324. These activities have so far had limited success, for various reasons, the main ones being:

- (a) Children becoming used to living in the street;
- (b) Low level of available resources;
- (c) Great poverty of households;

(d) Ignorance of the deep-rooted causes and absence of any rigorous and documented typology for this group of children;

(e) Application of inadequate methods and mechanisms for recovery and rehabilitation;

(f) Irresponsibility of some parents who do not hesitate to exploit their children by sending them out into the street to work, beg or steal in order to meet the family's needs.

325. A national policy to combat the phenomenon of street children and young people is being drawn up under the aegis of the Ministry of Local Administration and Social Affairs. It will revolve around three major aspects:

(a) A better understanding of the phenomenon and its causes;

(b) Surveillance;

(c) An integrated and decentralized campaign to combat the phenomenon, giving priority to programmes for the prevention, rehabilitation and advancement of victims, for the punishment of parents who exploit their children in this way and for the study of children who go back to the street after being integrated into the care and advancement system.

326. It should be pointed out that a large-scale awareness campaign on the phenomenon of street children is planned for the end of July 2001.

#### 4. Lone children living abroad

327. Following the genocide and massacres of 1994, many children went to various foreign countries. The Rwandan Government continues to repatriate them. Data gathered between 1 January 200 and 30 June 2001 showed 30 874 repatriated persons who had not passed through the MINALOC transit centres, of which 15 603 were children accompanied by their parents and 571 were lone minors. The lone minors were immediately sent to CLCs and are being identified and registered for family tracing.

328. Some countries whose citizens took in or adopted Rwandan children have been hesitant to allow them to return to Rwanda. Diplomatic efforts between Rwanda and these countries are continuing, so as to make it possible for all the children to be repatriated.

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

329. These are children who commit offences or violations before the age of criminal liability (14 years). Three Ministries have the right of inspection over these children: the Ministry of Justice and Institutional Relations (MINIJUST), the Ministry of the Interior and Security (MININTER), which is responsible for the administration of prisons and cachots, and MINALOC, which is responsible for vulnerable groups.



1. Administration of juvenile justice

(a) “Children in conflict with the law” project

330. It is important to note that, since 1996 and with the support of UNICEF, MINIJUST has had a specialized department for protection of the rights of the child, the “Children in conflict with the law” project, the main aims of which are to:

- (i) Protect juveniles in detention, and to release those who were under 14 at the time of the offence;
- (ii) Accelerate the preparation of files for those who were aged between 14 and 18 at the time of the offence;
- (iii) Monitor cases of rape by making available criminal investigation officers specially assigned to investigate cases of juveniles;
- (iv) Establish the necessary contacts with courts to speed up hearings involving juveniles;
- (v) Make lawyers available to juveniles to defend them in the courts;
- (vi) Conduct large-scale awareness campaigns aimed at promoting respect for children.

(b) Achievements

331. The achievements with respect to juvenile justice are as follows:

- (i) After obtaining the release of 511 young people at the end of 2000, the above-mentioned project is endeavouring to do the same for another group of 452 young people thought to have been born in 1980, although the precise date of birth is not known, by applying the classic principle of giving the benefit of the doubt to the defendant;
- (ii) Regular meetings are organized with young people aged between 14 and 18 at the time of the offence to prepare their files so as to speed up the hearings;
- (iii) As a result of the project, files on cases of juvenile rape have been given priority by Rwandan courts, and of 424 files held by the prosecutors during 2000, 91 hearings were instituted. Similarly, of 229 juveniles accused of raping other juveniles, 220 have already appeared in court;
- (iv) Training courses in the sphere of the rights of the child and on respect for international norms relating to human rights have been organized for professionals working in judicial cases involving juveniles, but they remain inadequate. In this context, 25 criminal investigation officers and 12 officials of the government procurator’s office assigned to the preparation of juveniles’ files and all judges of the specialized courts have received training on the rights of the

child and the preparation of files for juveniles in conflict with the law. At the end of 1998, of the 4,572 juveniles detained, about 982 files had been completed by criminal investigation officers and 269 by officials of the government procurator's office, and 2 099 files, 1 916 of them with criminal investigation officers and 183 with officials of the government procurator's office, were still being prepared. In 1998, 33 cases involving juveniles were completed, or 3.3 % of the total number of verdicts handed down during the year. Further training courses for legal officers are organized to improve capability and exchanges of experience. In addition, training for defence lawyers has been organized and a training manual entitled *Justice for juveniles* has been written.

332. With respect to court representation, MINIJUST signed a contract in September 1998 with three lawyers who now represent all children in conflict with the law in courts. In this context, Law No. 27/2001 of 28 April 2001 on the rights of the child and protection against child abuse states in article 21 that "the State shall provide legal aid for a child without a guardian who appears in court. In case of imprisonment, children shall be separated from adults". However, improvements still have to be made to increase protection of children in conflict with the law.

(c) Future prospects

333. The action plan of the "Children in conflict with the law" project provides for the following activities in the near future:

- (i) Preparation of a Children's Code, bringing current legislation into line with the Convention;
- (ii) Acceptance also of common law juvenile cases, except those involving the genocide;
- (iii) Campaigns to increase awareness of the rights of the child in the participatory gacaca courts.

(d) Constraints and challenges

334. The great difficulty lies in the fact that the needs are far greater than the project's material, human and financial resources. Another extremely complex problem is that the birth date of most Rwandan does not mention all the elements (day and month), leading to confusion in the case of children born, for instance, in 1980, for whom it cannot without further details be determined whether they were under 14 in April 1994.

2. Treatment of children deprived of their liberty

335. Article 3 of the law on the rights of the child and protection of children against violence provides that establishments or institutions having children in their care must meet criteria ensuring the welfare of the children with respect to safety, health and the number and competence of their staff.

(a) Protection of vulnerable groups

(i) Infants and pregnant women

336. In cooperation with the non-governmental organization Assoferwa, MINIJUST has assigned a social assistant to each prison to deal with the problems of infants and pregnant women and monitor the general care of juveniles. Food supplements are also distributed to infants and pregnant women.

337. For the 358 infants kept with their detained mothers, care is centred round recreational activities. Assoferwa also undertakes tracing to facilitate reintegration into foster families: it seeks to trace foster families and families of close relatives of children above the age of 2. A total of 104 children were reintegrated into foster families in 1998. In June 2001, Assoferwa also took care of 118 infants and six pregnant women. In the reunification programme, 27 weaned children (above or below the age of 2) were reunited with their families and 39 new ones were registered.

(ii) Constraints and difficulties

338. The lack of qualified staff is one of the major obstacles preventing the appropriate authorities from carrying out their work properly. There are also other difficulties related to the lack of equipment and infrastructures that characterizes almost all State institutions.

(b) Juveniles under the age of 14

339. With the support of the Government and in cooperation with UNICEF, MININTER and MINALOC, Assoferwa assists juveniles under 14, the age of criminal majority, who are imprisoned for offences. A rehabilitation and vocational training centre for this category has opened at Gitagata, in the province of Kigali-Rural. As part of the "Protect me" project, this centre provides psychosocial activities for juveniles in detention. These include literacy, language and vocational teaching and educational talks on hygiene and national reconciliation. These juveniles are gradually being reintegrated into their families, after a process of awareness-raising and preparation of families and the community in general. The most recent expansion took place in 2000, after which the children took part in a solidarity camp organized for them by MINIJUST, in conjunction with MINALOC and the National Commission for Unity and Reconciliation and with the support of UNICEF. As part of the follow-up of juveniles reintegrated into their families, visits were made to 480 of the 512 juveniles reintegrated on 22 December 2000. They face difficulties of all kinds. Firstly, seven years after the genocide, these children have grown so much that it is becoming difficult to make people understand that they are not criminally liable, and in fact seven of them have again been arrested and taken back to prison. Secondly, the long stay in prison is a severe hindrance to their reintegration into school and society.

3. Sentences given to juveniles

340. These are juveniles with criminal liability but benefiting from their minority, since they were over 14 but under 18 years of age at the time of the offence. The Penal Code sets criminal majority at 14, but a child between 14 and 18 who commits an offence benefits from his minority (art. 77). This means that he may receive only a reduced sentence. On this point,

article 74, paragraph 1, of Organic Law No. 40/2000 of 26 January 2001 establishing “gacaca courts” and setting out the arrangements for prosecuting offences constituting the crime of genocide or crimes against humanity committed between 1 October 1990 and 31 December 1994 stipulates that children convicted of the crime of genocide or crimes against humanity who, at the time of the offence, were aged between 14 and 18 shall be sentenced to:

- (a) A reduced prison term of from 10 to 20 years if they belong to the first category;
- (b) A reduced prison term equal to half that provided for in the organic law for adults in the same category, if they belong to the second or third categories.

341. Article 74, paragraph 2, states that juveniles under the age of 14 at the time of the offences of which they are accused may not be prosecuted, but they may be sent to re-education centres. Only children over 14 year of age may be deprived of their liberty for the reasons determined by law. However, the Civil Code (art. 351) authorizes a father and mother who have causes for serious dissatisfaction with the behaviour of their minor child to report the relevant facts to the judicial authority, which may, where appropriate, order the internment of the child in a re-education establishment for a period of one to twelve months.

342. On this particular point, the Assoferwa report of June 2001 lists 4,220 juveniles, of which 4,075 were boys and 145 girls, covered by the project in the country’s various prisons. Of these, 1,436 children are learning languages, 383 are attending literacy course and 398 are receiving vocational training. These juveniles also attend educational talks on a variety of subjects such as national reconciliation, human rights, gacaca courts, HIV/AIDS and sexually transmitted diseases, and respect for the property of others. The project also facilitates visits by family members, with a view to renewing family relations, and 678 juveniles have received such visits. One of the major problems referred to in the report is that, because of lack of space, juveniles are compelled to live with adults in some prisons, with all the resulting consequences, including the influence of adults on these children’s trials. In addition, the project faces a lack of classrooms for children’s courses.

#### 4. Physical and psychological rehabilitation and social reintegration

343. The political will is for all categories of vulnerable groups, in this case children, to be rehabilitated and reintegrated into Rwandan society. However, the measures taken encounter difficulties due to the lack of qualified personnel and very limited material and financial resources.

344. Data are not systematically collected regarding child abuse, maltreatment, negligence or violence and, consequently, the mechanisms for rehabilitation and protection are not very operational. However, the Government in 1995 established the National Trauma Centre (NTC), which has been working for the psychosocial rehabilitation of persons traumatized by the genocide of April-July 1994. Since 1998, the structure of NTC has changed and it has become the Psychosocial Consultation Department, under the aegis of the Ministry of Health’s mental health programme. It cares for adults and children’s needing guidance. In addition to this centre, mention should be made of other initiatives of civil society in this sphere. They include the Rwandan Association of Trauma Counsellors (RATC), whose trained counsellors work in eight non-governmental organizations and local associations, two secondary schools and

54 district hospitals and health centres. About 1,500 adolescents aged between 12 and 18, mainly from schools, are among the clients helped by these 72 counsellors.

### **C. Children in situations of exploitation**

#### **1. Child labour**

345. Rwandan legislation protects the child against any work that is dangerous, that might compromise his education, or that could harm his health or physical, mental, spiritual, moral or social development.

346. The desire to protect the child in this area is explicitly reflected in Rwandan legislation. For example, the 1973 Convention concerning Minimum Age for Admission to Employment (No. 138), the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), and the Convention concerning Forced or Compulsory Labour (No. 29) have been ratified by Presidential Orders No. 416/06 of 7 November 1980, No. 39*bis*/01 of 30 September 1999 and No. 26.01 of 10 November 2000 respectively. In addition, article 126 of the Labour Code of 28 February 1967 provides that children may not perform work that is known to be beyond his strength.

347. Article 24 of the Labour Code prohibits the employment of a person under the age of 18 without the express permission of the person exercising paternal authority over him. However, the Minister responsible for labour may authorize the exceptional and temporary employment of children under 14, in the light of circumstances particular to the profession or situation of the persons concerned. Article 61 of the Labour Code stipulates that no one may be taken on as an apprentice if his age is below that at which compulsory education ends or above that of legal majority, except with the express authorization of the Labour Office. However, Rwandan legislation is not explicit regarding the age at which compulsory education ends.

348. Whereas article 125 of the former Labour Code set the minimum age for access to employment at 14, the new Law of 1999 containing the Labour Code provides that children under the age of 16 may in no case work in an enterprise, even as apprentices. This law does, however, give the Minister in charge of labour the power to authorize the exceptional and temporary employment of children under 14, in the light of circumstances particular to the profession or situation of the persons concerned.

349. The law on the rights of the child and protection of children against violence states that the work performed by a child must not involve risks that might compromise his education or harm his health or development (art. 118).

350. Currently, no legal text or regulation specifies the kinds of employment or work to which the legal minimum working age applies. However, the new law recently adopted by the National Assembly on revision of the Labour Code provides for determination of the kind of work and categories of enterprise prohibited to juveniles.

351. There are no specific provisions limited exceptions, particularly for:

(a) The circumstances in which children are authorized to work in schools or other establishments for general, vocational or technical education;

(b) The circumstances in which children under 14 would be authorized to be part of the staff of an establishment for general or vocational education (in accordance with the conditions laid down in article 6 of ILO Convention No.138);

(c) In addition, the Rwandan legislator has not yet defined the worst forms of child labour or the light work which adolescents from 13 to 15 years of age are authorized to do;

(d) Another major challenge lies in the fact that children work mostly in the informal sector, which is difficult for the appropriate services to monitor.

### Regulation of access to employment

352. As has been emphasized above in this chapter, Rwandan labour legislation provides reasonable protection for the child against under-age labour and the worst forms of labour. However, legal exceptions tend to weaken this protection. For instance, the legislator has even specified exceptions to the minimum age of access to labour which conflict with the normal age at which compulsory education ends. Worse still, child labour in various sectors is a daily reality, and the departments responsible for applying the relevant provisions of the law do not have sufficient resources to counter this situation. In other words, there is a discrepancy between the rights recognized by law and practice. This is not due to any disregard of the rights of the child, but rather to the pressure of circumstances. In fact, what is at stake in almost all cases is the very survival of children and their disadvantaged families.

## 2. Drug abuse

353. Consumption of drugs is severely punished by Rwandan law in general and, with particular reference to children, the law on the rights of the child and protection of children against violence, now being promulgated, lays down a sentence of 15 to 20 years' imprisonment and a fine of 100,000 to 200,000 Rwandan francs for anyone who encourages a child to take drugs, or has used or availed himself of the child for trafficking in drugs or arms or for fraud (art. 42).

354. Under article 1 of the Decree-Law of 19 November 1973 concerning the moral preservation of youth, unmarried juveniles under the age of 18 are not allowed in drinking establishments or bars unless they are accompanied by their father, mother, guardian or other person entrusted with their care. Other provisions of this decree-law lay down penalties for the manager or operator, these penalties being doubled if the offence is repeated. Punishments are also set out for anyone who directly or indirectly causes, contributes to or helps to contribute to the presence of an unmarried juvenile under the age of 18 in drinking establishments or bars. Article 8 of the decree-law stipulates in addition that the manager or operator of the drinking establishment shall post at the entrance to the establishment, in full view, the text of the decree-law and a notice bearing the words: "Access prohibited to unmarried juveniles under the age of 18", and lays down appropriate measures against a juvenile who disregards the prohibition.

### 3. Sexual exploitation and sexual abuse

355. Articles 363, 364, 365, 369, 372, 373 and 380 of Decree-Law No. 21/77 of 18 August 1977 promulgating the Penal Code prescribe a fine and imprisonment for offenders exploiting child prostitution. The Law of 28 February 1967 containing the Labour Code states, in article 57, that a young female apprentice may leave her employer without notice if the female head of the firm leaves.

356. Article 33 of the law on the rights of the child and protection of the child against violence defines as the rape of a child any sexual relations or sex-based practice with a child in whatever form and using whatever means. The law also provides for more severe penalties (up to capital punishment) than those laid down in previous laws (arts. 34-37). It should also be noted that ILO Convention No. 182 and specific provisions of the Penal Code, the Labour Code and the Civil Code guarantee legal conditions of protection.

357. The law on the rights of the child and protection of the child against violence is very clear on incitement of a child to sexual activity or prostitution. Articles 38 to 40 set out the penalties for anyone financing a children's brothel or receiving monies from child prostitution or using or availing himself of children to exploit them for the purpose of producing shows intended for prostitution or pornographic material. Articles 47 to 50 of the law punish under-age and forced marriage. Under-age marriage is defined as any cohabitation between man and woman in which one or other of the partners has not yet reached the age required by the Civil Code, book 1 (i.e. 21, except with the consent of the Minister of Justice or his representative).

358. A forced marriage is one in which one of the partners has not yet reached the age of 21 and has not given his or her consent. Under this law, any cohabitation or attempted cohabitation of a man and a woman with a child under the age of 18 constitutes juvenile rape.

359. Studies and surveys in this area are rare. However, a study on child prostitution carried out by the Ministry of the Civil Service and Labour in 2000 showed that the phenomenon was widespread and concerned chiefly, but not exclusively, orphans and children of destitute parents. The study made it possible to identify the deep-rooted causes of this evil and to profile the victims and the perpetrators. It also led to the preparation of a strategic plan to combat the problem.

360. Efforts are being made to care for the victims of sexual abuse; they consist mainly of providing legal assistance to children and families with a view to punishing the perpetrators and obtaining redress for the harm suffered. They also include integrated care by the health services.

361. To this end, it is important the Government should implement the 1996 Stockholm Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children. The same is true of the Plan of Action of the Centre for Human Rights concerning the sale of children, child prostitution and child pornography.

#### 4. Other forms of exploitation

362. Rwandan legislation also punishes child neglect and exposure. Thus, articles 43 to 45 of the, currently being promulgated, provide for imprisonment and fines for parents or guardians who expose a foundling or cause him to be exposed, or neglect him or cause him to be neglected. The sentence is capital punishment if the neglect or exposure of the child led to his death.

363. Article 46 of that law lays down punishments for a parent, guardian or director of an establishment with children in its care who is guilty of failing to meet his obligation to educate the child and protect him against abuse. Paragraph 2 of that article punishes parents, guardians or directors of establishments with children in their care who lead a child into vagrancy, or knowingly receive funds or share in earnings arising from the child's begging.

#### 5. Sale, trafficking and abduction of children

364. Article 41 of the law on the rights of the child and protection against child abuse provides for imprisonment of from five years to life for anyone guilty of the abduction, sale or trafficking of a child.

365. It is interesting to note that cases of sale or trafficking of children are rare. The known forms of abduction relate to forced and under-age marriage in some parts of the country, but they are disappearing as a result of the combined efforts of workers defending the rights of women and children, religious groups and the administrative and police authorities.

#### **D. Children belonging to a minority or an indigenous group**

366. Because of the social, cultural and political situation in Rwanda, there are no persons belonging to a minority or indigenous group.

#### **E. Social information system and monitoring of children in difficult circumstances**

367. It is in this area that the most serious national problem for the implementation and monitoring of the Convention arises. In general, the social information system is seriously defective and should be strengthened significantly. There is some weakness in the numerical data and the statistics are unreliable. Reporting is based, rather, on estimates that are usually scattered and partial, if not contradictory, and this does not facilitate the compilation of specific well-researched results and performance indicators. The problem is partially due to the growing number of vulnerable groups and the fact that there has been no precise population census, especially since the genocide that disrupted the country's entire social and administrative system. However, MINALOC is currently establishing a system for data collection and incorporation in a database that will be updated regularly. Moreover, a general census of the Rwandan population is expected in August 2002, and reliance is being placed on the Social Information System project, to be carried out jointly by UNICEF and the Rwandan Government in the period 2001-2006. Although there are many categories of children in difficult circumstances, there is no regularly updated database. Studies have been carried out and monographs written, but there is no compilation, analysis or synthesis.



368. This situation is serious. No reliable objective data are available to support appropriate policies, action plans and all other activities in defence of human rights. The institutions responsible for vulnerable children's groups have no convincing data on the basis of which to determine needs and obtain the necessary allocations from partners and State budget officials.

369. So far as the monitoring of children placed in host families or reunited with the members of their expanded family is concerned, this process is in principle the responsibility of the social officers of the non-governmental organizations involved in the process and the Ministry responsible for social affairs. Nevertheless, difficulties are encountered in practice relating, mainly, to the imbalance between the number of children requiring monitoring and the available human and logistical resources.

370. Other major obstacles must be overcome in monitoring these cases of family re-integration or placement. Official guidelines have been issued by MIGEFASO, but there is no legal provision governing this area. A recent study carried out by UNICEF, MINALOC and the Save the Children International Alliance showed that many cases of spontaneous re-integration are ignored by the local authorities, which are nevertheless responsible for the well-being of these children.

## CONCLUSION

371. The report has set out the legislative, administrative, judicial and operational measures taken by Rwanda to guarantee the exercise of children's rights. It also provides a brief critical appraisal of the situation in each of the areas considered.

372. At the end of this process it is quite clear that the Rwandan legislative system has some effective ways of ensuring that children enjoy the full range of their rights, as recognized by the Convention on the Rights of the Child and other international instruments that Rwanda has already ratified. It is, however, undeniable that legal principles would remain a dead letter if texts and measures for their implementation requiring human and technical resources were not adopted. This has been shown in almost all the areas discussed, but more especially in relation to protection of children in difficult circumstances and the monitoring of action to assist them.

373. From the legal standpoint, Rwanda has some strong points, but the shortcomings that exist must be overcome and provisions supplemented where necessary (as compared with instruments that have been ratified and still remain to be ratified). It is essential to raise awareness among the political and administrative authorities and the population in general in order to make the legal texts reality. The Children's Code now being prepared will in the near future provide solutions to legal problems.

374. At the operational level, it is imperative that the national system for the application of the rights of the child in accordance with the provisions of the Convention be strengthened. The reality in the various sectors must be more clearly visible. This will make it easier to draw up rational and viable policies for all categories of children, whether in normal or in difficult circumstances. Lastly, a more structured system will lead to better coordination of action to help children. In this context, a step in the right direction has already been taken with the establishment of the National Programme for Children and through the preparation of a children's policy, currently being drawn up. The restructuring, independence and strengthening

of this structure will allow for better coordination of the various activities and harmonization of the information system.

375. Other forms of action to improve the situation of the rights of the child are necessary. They need to deal with constraints of two kinds: firstly, customs and traditions detrimental to women and children and, secondly, poverty and the consequences of the war and genocide of 1994 and the subsequent population movements. Some progress has certainly been made in these areas, but vigorous action for the development of mentalities and a determined and methodical campaign against poverty are essential. The battle has already begun on these two fronts.

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