



ALTERNATIVE REPORT

to the combined fifth and sixth periodic report of the
republic of rwanda on the implementation status of the
united nations convention on the rights of the child (uncrc)



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ALTERNATIVE REPORT TO THE COMBINED FIFTH AND SIXTH
PERIODIC REPORT OF THE REPUBLIC OF RWANDA ON THE
IMPLEMENTATION STATUS OF THE UNITED NATIONS CONVENTION
ON THE RIGHTS OF THE CHILD (UNCRC)

PREPARED AND SUBMITTED

BY

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TABLE OF CONTENTS

ABOUT THE COALITION UMWANA KU ISONGA(CUI)	2
EXECUTIVE SUMMARY	3
2. CIVIL RIGHTS AND FREEDOMS.....	5
2. FAMILY AND ALTERNATIVE CARE	8
4. HEALTH AND WELFARE	9
5. EDUCATION, LEISURE AND CULTURAL ACTIVITIES	10
6. SPECIAL PROTECTION.....	12
7. GENERAL RECOMMENDATIONS	14

ABOUT THE "COALITION UMWANA KU ISONGA"(CUI)

The Coalition “*Umwana ku Isonga/child at the forefront*” (CUI) is a Rwandan Civil society organization governed by the Rwandan law governing NGOs in Rwanda and registered under the certificate n° 219/RGB/NGO/LP/04/2018 with the Rwanda Governance Board (RGB). It has been created with the purposes of networking and alliance building with a mandate to assess and report on the implementation of the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) on the one hand, and to coordinate all activities carried out by individual member organizations within the parameters of advocacy, implementing and reporting on mentioned treaty bodies on the other hand.

The Organization expects to get all the children, male and female, living in full enjoyment of their rights and fulfill all their duties without any hindrance, and exempted from any form of discrimination. The coalition fulfills its mission by coordinating and increasing the capacity among member organizations to defend and protect the rights of the child.

The Coalition “*Umwana ku Isonga*” started its activities in 2010 composed of both national and international organizations operating in the area of child rights in Rwanda. The Coalition “*Umwana ku Isonga* is currently composed of 19 national member organizations .

Since its creation, the Coalition “*Umwana ku Isonga* has made a lot of steps in advocacy at international, regional and national levels on child rights issues through different ways including the reporting process on the UN and AU treaty bodies(one alternative report to UNCRC, one UPR report focused on child rights issues and one alternative report to ACRWC). The Coalition *Umwana ku Isonga* trained its members on different laws and policies related to child rights and child protection, translated disseminated to CSOs the concluding observations of CRC and its optional protocols OPAC & OPSC.

The present report is elaborated as one of the major advocacy mechanisms of the Coalition *Umwana ku Isonga* to reach the aspirations of members for the needed positive changes in the area of child rights and child protection. It constitutes the contribution of the Coalition members to high level interaction towards the protection and welfare of children in Rwanda.

EXECUTIVE SUMMARY

1.1.Objective of the Report

The main objective of this report is to provide key findings on the status of implementation of the Convention on the Rights of the Child in view of the Concluding Observations and recommendations made by the Convention on the Rights of the Child Committee to the Government of Rwanda referenced as CRC/C/RWA/CO/3-4 in 2013. The report provides potential grounds for legal reforms, policy changes and other measures aimed at improving the rights situation of children in Rwanda.

1.2.Methodology

The drafting of this report was based on analysis of data collected from studies, national reports, national documents including; laws, policies and strategic plans. The report benefited from the participation of 61 children (37 girls and 24 boys) as they provided their inputs in consultative meeting held on 18 January 2018 in Kigali/Rwanda. These children represented different categories of children namely children living in rural and urban areas, children with disabilities and children of different ages.

The Report also benefited the inputs from the members of the Coalition *Umwana ku Isonga* in a series of consultative meetings. This report was validated by 14 organisation members of the Coalition *Umwana Ku Isonga* after fruitful deliberations and final inputs from members on 5th February 2019 in Kigali.

1.3.Key findings

With regard to the implementation of recommendations contained in the Concluding Observations issued in 2013, on one hand the report acknowledges positive steps taken by the Government of Rwanda in terms of the legal reforms with the adoption of the following **laws among others** which comply with the Convention on the Rights of the Child:

- Law No 32 /2016 governing persons and family,
- the Law No. 41/2016 establishing the Rwanda Forensic Laboratory
- Law No 08/2013 of 01/03/2013 relating to the control of Tobacco

- Law No 17/2017 establishing the National Rehabilitation Service) ;

The adoption of **Ministerial decrees**:

- Ministerial Order No 001/MIGEPROF/2017 of 16/01/2017 determining conditions to be considered in inter-country adoption and the procedure.
- Ministerial Order No 002/MIGEPROF/2017 of 16/01/2017 determining procedures for guardianship of minor by the State.
- Ministerial Order N° 20/32 of 05/12/2013 determining programs and strategies to ensure protection and assistance to children infected or affected by HIV/AIDS
- Ministerial Order No 001/2016, which imposes sanctions on parents who fail to send their children to school);

The adoption of the following **policies**:

- National Justice for Children Policy adopted in 2014
- Policy on the Elimination of Child Labor (adopted in 2013)
- National Food and Nutrition Policy (adopted in 2013)
- Early Childhood Development(ECD) Policy (2017),
- Anti delinquency policy

The adoption of **guidelines and strategies**:

- Minimum standards and norms for early childhood development services in Rwanda(adopted in 2016)
- Education Sector Strategic Plan (ESSP) 2013/14 -2017/18
- National Guidelines for inter-country adoption (adopted by the National Commission for Children in 2017
- National Guidelines for national adoption (adopted by the National Commission for Children in 2017).
- National Food and Nutrition Strategic Plan (2013-2018)

Despite all mentioned above, the report notes gaps to be fulfilled in the implementation of UNCRC such as the delay in legal reform (repeal of article 42 of Law No. 54/2011 with the aim

to ensure that the placement of children with disabilities in institutions is used only as a measure of last resort and review of the Law No 14/2008 of 04/06/2008 governing registration of the population and issuance of the national identity card; delay in the establishment of specialised juvenile chambers. The report notes also the increase of pregnancies among teenagers as highlighted in the Demographic Health Survey 2014/15.

1.4. Structure of the report

This report is divided into five major parts in respect of the five thematic clusters of child rights namely: Civil rights and freedoms; Health and welfare; Family and alternative care; Education, leisure and cultural rights and special protection measures. Besides the five thematic clusters of child rights, the report highlights other new developments, not related to the concluding observations, which could have an impact on the implementation of the Convention on the Rights of the Child in Rwanda.

Under each of the above five components of this document, the report takes note of progress made by the Government of Rwanda in the implementation of the Concluding Observations ,raises concerns and lastly where applicable proposes recommendations to the CRC Committee on the next steps to take when engaging with the Government of Rwanda.

2. CIVIL RIGHTS AND FREEDOMS

2.1. Birth registration (Article 7 paragraph1 of the Convention on the Rights of the Child)

The coalition welcomes the adoption of the Law No 32 /2016 governing persons and family which has expanded the period for birth registration from 15 to 30 days. The Coalition positively notes the expansion of birth registration to health facilities including health centres and hospitals as provided under article 101 of the Law No 32/2016 governing persons and family. The coalition takes note of various sensitization campaigns conducted by the Government of Rwanda to increase birth registration.

However, the Coalition is concerned with the fact that article 12 of the Law No 14/2008 of 04/06/2008 governing registration of the population and issuance of the national identity card

which provides punishment for late registration has not been repealed yet as recommended by the Committee's concluding observations (CRC/C/RWA/CO/3-4 on birth registration).

The Coalition calls upon the Committee to recommend the following to the Government of Rwanda:

1. Expedite the repeal of article 12 of the Law N° 14/2008 of 04/06/2008 governing registration of the population and issuance of the national identity card that provides punishment for late registration.

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

The Coalition welcomes the adoption of the Law No. 41/2016 establishing the Rwanda Forensic Laboratory. Taking and analyzing DNA test is among the Forensic Laboratory's responsibilities which are very important in establishing paternity. Prior to the establishment of the forensic laboratory, DNA Tests were sent overseas. The Rwanda Forensic Laboratory will save time in availing the DNA services related to paternity during a defilement investigation that are now provided free of charges.

Nevertheless, the Coalition is concerned that DNA testing services remains expensive for ordinary citizen and thus prevent children from bringing paternity suit (claim).

The Coalition calls upon the Committee to recommend to the Government:

- To provide DNA Testing services free of charge for children in case of paternity claim before the courts that has requested it.

1.3.Respect for the views of the Child (Article 12 of the Convention on the Rights of the Child)

The Coalition welcomes article 296 of the Law No 32/2016 governing persons and family that makes mandatory the consent of the child aged above 12 years unless he or she is unable to express his or her will for adoption purpose. The coalition welcomes the existing children forums as a mechanism in place to facilitate children to express their views. However, the Coalition is concerned that neither article 225 nor article 243 (1) of the Law No 32/2016 governing persons and family provide for the hearing of the views of the child in custody cases, during divorce

proceedings or after judgment on divorce respectively as recommended by the Committees' concluding observation (CRC/C/RWA/CO/3-4).

The Coalition is also concerned that in the case of simple adoption, the family law does not provide generally the opportunity to the child to be heard or give his or her views.

The Coalition is further concerned with insufficient resources for the established children forums. The children committee forums need the increased budget of their operations at different levels. The Coalition calls upon the Committee to recommend to the Government the following:

- To amend the Law No 32/2016 of 28/08/2016 governing persons and family with the view of ensuring that any the child who is capable of forming his or her own views, has the right to express those views freely during simple adoption procedures and divorce proceedings, in terms of his or her custody and the judge must give the views of the child weight in accordance with the age and maturity of the child.
- To put more efforts in terms of capacity building, financial resources for children forums to be more operational.

1.4. *Freedom from torture , inhuman ,cruel and degrading treatment* (article 37 of the Convention on the Rights of the Child)

The Coalition positively notes the adoption of law No 32/2016 governing persons and family does not provide for parents' right to correction as it was previously provided under article 347 of the 1988 Civil Code, which may lead to corporal punishment. This law has repealed the previous civil code which stipulated the parent's right to "correction" on their children.

However, the Coalition is concerned with the limited awareness rising of sustained public education, and social mobilization programs, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, as recommended by the Committee (CRC/C/RW/CO/3-4).

The Coalition calls upon the Committee to recommend to the Government:

- To expand the awareness rising and community mobilization for social mobilization programs, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice, and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment in the family, schools, alternative care and penal institutions

2. FAMILY AND ALTERNATIVE CARE

The Coalition takes positive note of the consideration of the best interest of the child as guaranteed during divorce proceeding under article 225 of the Law No 32/2016 governing persons and family.

The coalition welcomes the adoption of the Ministerial Order No 001/MIGEPROF/2017 of 16/01/2017 determining conditions to be considered in inter-country adoption and the procedure as this Ministerial Order gives consideration for the best interest of the child.

The Coalition welcomes the adoption of the Ministerial Order No 002/MIGEPROF/2017 of 16/01/2017 determining procedures for guardianship of minor by the State and the issuance of the National Guidelines for national adoption by the National Commission for Children in 2017.

The coalition welcomes the abrogation of the law No. 54/2011 relating to child rights and protection and the introduction of new law N°71/2018 of 31/08/2018.

However, the coalition is concerned with the reduction of number professional staff implementing child care reform from 68 to 30.

The coalition is concerned with insufficient follow up of the implementation of the Strategy for the Child Care Reform with clear indicators to measure the outcomes as recommended by the committee in its previous concluding observations(CRC/C/RW/CO/3-4).

The coalition is also concerned with the insufficiency of monitoring mechanism of Centres hosting children with disabilities while the National Commission for Children's report on national assessment of centres caring for children with disabilities in Rwanda revealed that there was insufficient mechanisms of

monitoring and supervision of the centres to ensure that the centres are providing the required minimum standards of care or are held accountable for use of any government funds they receive.¹

The Coalition calls upon to the Committee to recommend to the Government to:

- Strengthen the monitoring-evaluation mechanism with the view of regular inspection of the centres caring for children with disabilities.
- Increase the number of professionals implementing the child care reform for proper monitoring of children placed into family based care
- Develop and strengthen the sign language skills by staff at health care facilities, schools, media, private sectors as well as other institutions.
- Put in place the day care centres for caring children with disabilities.

4. HEALTH AND WELFARE

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

The Coalition commends the Government for adopting a Ministerial Order N° 20/32 of 05/12/2013 determining programs and strategies to ensure protection and assistance to children infected or affected by HIV/AIDS. Article 7 of this Ministerial Order allows the child to give his or her opinion on any decision on possible change in his /her follow-up and to know the consequences that he/she may face.

The Coalition welcomes the adoption of the Law No 08/2013 of 01/03/2013 relating to the control of Tobacco. One of the purposes of this law is to prevent persons under 18 years old from any contact with Tobacco and tobacco products. Article 10 of the Law No 08/2013 of 01/03/2013 relating to the control of Tobacco prohibits children to sell, buy or exchange tobacco.

The Coalition calls upon the committee to recommend to the Government to:

- Amend the law with the view of ensuring that each cigarette product contains a label that prohibits the sale of tobacco to children.
- Train staff at healthcare facilities on the use of sign language.

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

The Coalition commends the Government for progress made in improving access to clean drinking water as findings from the Fourth Integrated Household Survey showed that the population that use drinking water from an improved water sources has increased from 75% to 85%.²

The Coalition positively notes the adoption of the National Food and Nutrition Policy (2013). This policy identifies the reduction of child stunting, enhancement of household food security, prevention and management of all forms malnutrition and improvement of food and nutrition in schools among its strategic directions.

The Coalition welcomes the adoption of the National Food and Nutrition Strategic Plan (2013-2018) and various initiatives to reduce malnutrition.

Though the Coalition notes a decline in malnutrition among children but it remains however concerned with high rate of malnutrition among children aged less than 5 years as findings from the Demographic Health Survey 2014/2015 revealed that 38% of children under age 5 are short for their age or stunted.³

The Coalition calls upon to the Committee to recommend to the Government to: strengthen the strategies to reduce malnutrition among children

5. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

5.1. Right to education (Article 28 of the Convention on the Rights of the Child)

The Coalition welcomes the adoption of the Education Sector Strategic Plan (ESSP) 2013/14 - 2017/18. One of the goals of the Education Sector Strategic Plan is to significantly expand the secondary education system to meet the goals of EDPRS 2. Importantly, the ESSP clearly states that Secondary Education lasts for six years with the official age for this level being from 13 years to 18 years of age. Nevertheless, the Coalition recommends revision of the Education Sector Strategic Plan (ESSP) to meet children's needs currently. The Coalition positively notes the adoption of the National Early Childhood Development Policy Strategic Plan 2016-2021, which ensures inclusiveness of children with disabilities and special needs, integrated approach to service provision, non-discrimination, parents centered care and gender equality.

The Coalition appreciates the government for the adoption of law n°71/2018 of 31/08/2018 relating to the protection of the child. In its chapter II, article 8, parents and the State have the duty to provide the child with suitable information to his/her life and welfare and to ensure that he or she has sufficient adequate rest and leisure compatible with his/her age and within the limits of the means of the parents and that of the State. It also states in article 11 that in case a families are incapable to provide him/her with education following mental disability, there is placement of a child in the custody of a third party.

The Coalition commends the Government of Rwanda for issuing the Ministerial Order No 001/2016, which imposes sanctions on parents who fail to send their children to school. The Ministerial order fines individuals who employ children and prevent them from attending school or encourage children to drop out of school. The Coalition positively notes the adoption of school feeding program in public schools that aims to prevent school dropout. The Coalition welcomes the adoption by the Ministry of Gender and Family Promotion in 2016 of the minimum standards and norms for early childhood development services in Rwanda, including construction of ECD physical facilities at the sector level.

The coalition is concerned with the lack of adapted textbooks for students with visual impairments, especially with descriptions of diagrams and pictures as revealed in a survey conducted between 2014 and 2015.⁴ In addition, children in a consultative meeting organized by the Coalition noted that teachers in ordinary schools did not have skills in sign languages for children with disabilities.

The Coalition calls upon the Committee to recommend to the Government:

- Analyze the root causes of the gap and find a solution
- Avail textbooks for students with visual impairments, especially with descriptions of diagrams and pictures
- Train more teachers with an expertise on needs of children with disabilities including the use of language sign.

- Put in place the schools of children with mental disabilities and avail appropriate staff and equipment.
- Reach out to more children with disabilities held at home by families or in private centres, and provide them with ECD services
- Provide more recreational facilities for children in schools and in the communities, and improve the quality of extra curricula activities
- Decree a Ministerial Order that determines modalities for application of the provisions of article 8 of Law N°71/2018 Of 31/08/2018 Relating to the Protection of the Child

6. SPECIAL PROTECTION

6.1. Children in conflict with the law(articles 37, 39 and 40 of the Convention on the Rights of the Child)

The Coalition welcomes the adoption of the Law No 17/2017 establishing the National Rehabilitation Service that has the overall mission to eradicate all forms of deviant behaviors, by instilling positive behaviors, educating and providing professional skills.

The Coalition positively notes the adoption of the Justice for Children Policy in 2014 with the vision of having a child-friendly justice system that advances the best interest of the child. This policy suggested law reform to inter –alia in extending Abunzi jurisdiction to undertake re-integration in favour of child offenders, rehabilitation of victims of crime, and protection of children of imprisoned parents from stigma and discrimination; in the designation of space and personnel to implement special child and women protection units and the designation of courts specialized for children.

The Coalition welcomes initiatives taken by the Government in training judges on children rights.

However, the coalition is concerned with the fact that minors aged between 14 and 18 years found guilty for a crime punishable to life imprisonment are punished for an imprisonment between 10 and 15 years and for other crimes with fixed –term imprisonment are imprisoned for half of the prescribed term imprisonment (article 72 of the Organic Law No.01/2012/OL of

02/05/2012 instituting the Penal Code). The Penal code does not provide for options of judges to issue non-custodial sentence against a child in conflict with the law.

The Coalition is of view that sending automatically to jail children found guilty of crimes is contrary to the Convention on the Rights of the Child that provides that imprisonment shall be of the last resort (Article 37. b of the Convention on the Rights of the Child).

The Coalition is concerned with the delay in the establishment of specialized juvenile chambers at both the lower court and High Court levels as recommended in the Committee's concluding observations.

The Coalition is further concerned with the lack of the strategic implementation plan for children justice policy.

The Coalition calls upon the committee to recommend to the Government to:

- Amend the law with the view of giving judges the power to issue non-custodial sentences to children in conflict with the law.
- Adopt and avail resources for a new strategic plan for the implementation of the Justice for Children Policy.
- Establish without further delay specialized juvenile chambers at both lower court and High Court level and provide training for the judges of established chambers on juvenile justice.

6.2. Children in situation of exploitation

The Coalition commends the Government for adopting the Policy on the Elimination of Child Labour in 2013. The Coalition also commends the Government for taking initiatives such as campaigns and moreover establishing an inter-ministerial committee tasked to eliminate child labour.

The Coalition commends the Government for expanding *Isange One Stop* centre across the district hospitals with full package of services to victims of sexual violence.

Despite these positive developments, the coalition is concerned with child labour as findings from the Rwanda Labour Force Survey conducted in 2017, showed that there were 351,350 working children aged between 5 to 17 years old during the reference period, representing 9.3

percent of the total number of children in that age category. Only 0.3 percent of children aged between 5 to 12 years were working and the majority of them were working 20 hours or less per week. The corresponding rates for those aged 13 to 15 years old and 16 to 17 years old were 14.3 percent and 41.5 percent respectively. The major part of the working children was engaged in agriculture activities (75%), and working 20 hours or less per week (60 percent).⁵

The Coalition is further concerned with the findings from the Fourth Integrated Household Survey which showed that the majority of working children involved in agricultural activities amounted to 70%, followed by activities of households amounting to 14%.⁶ In addition, the Fourth Integrated Household Living Conditions Survey revealed that 74% of children worked for more than 41 hours a week.⁷

The Coalition is deeply concerned with the increase of pregnancies among children as revealed by the 2014/2015 Demographic Health Survey which showed that teenage pregnancy rates in Rwanda increased from 6.1 per cent in 2010 to 7.3 per cent in 2015⁸ and findings from a rapid assessment carried out in 52 sectors in 2016 by CLADHO, an umbrella of human rights organizations, revealed that 818 teenage girls got pregnant before the age of 18 years within a period of two years and that 75% of teenagers got pregnancy due to sexual violence.⁹

The Coalition calls upon the committee to recommend to the Government of Rwanda to:

- Increase more efforts in eliminating root causes of child labor and also reintegrate into vocational training schools former children who were involved in child labor
- Develop holistic strategies and programs to prevent, support and reintegrate teenage girls who had given birth into mainstream schools and vocational training schools.

7. GENERAL RECOMMENDATIONS

The Coalition calls upon the Committee to recommend to the Government to:

- Expedite the adoption and implementation of the 2019-2024 Strategic Plan for the Integrated Child Rights Policy (ICRP), which contributes to the creation of an environment in which “child’s development, survival, protection and participation are

ensured through a well-coordinated and multi sectoral approach where the welfare and dignity of children are ensured to reach their full potential and their responsibilities”.

- Adopt an action plan for the implementation of the next concluding observations.

¹National Commission for Children “*Report on national assessment of centres caring for children with disabilities*” – available at http://ncc.gov.rw/fileadmin/templates/document/National_Assessment_of_Centres_Caring_for_CWDs.pdf (Accessed on 12 April 2018)

²National Institute of Statistics of Rwanda *EICV4 - Environment and natural resources thematic Report*, March 2016.

³National Institute of Statistics of Rwanda and Ministry of Health *Rwanda Demographic Health Survey 2014/2015*

⁴UNICEF “A study on children with disabilities and their right to education: Republic of Rwanda” available at <https://www.unicef.org/esaro/Rwanda-children-with-disabilities-UNICEF-EDT-2016.pdf> (Accessed on 16 April 2018).

⁵National Institute of Statistics of Rwanda (NISR), *Labour Force Survey August 2017 report*, (April 2018)

⁶National Institute of Statistics of Rwanda (NISR), *Fourth Integrated Household Living Conditions Survey*(2016)

⁷National Institute of Statistics of Rwanda (NISR) *EICV4 - Economic activity thematic Report*, March 2016

⁸National Institute of Statistics of Rwanda (NISR), *Rwanda Demographic and Health Survey 2014/2015* (June 2015)

⁹CLADHO Report on early/unwanted pregnancy for under 18 years in 10 districts of RWANDA Available at http://www.cladho.org.rw/fileadmin/templates/document/REPORT_OF_THE_RAPID_ASSESSMENT_ON_TEE_NAGE_PREGNANCY.PDF (Accessed on 23 April 2018)

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