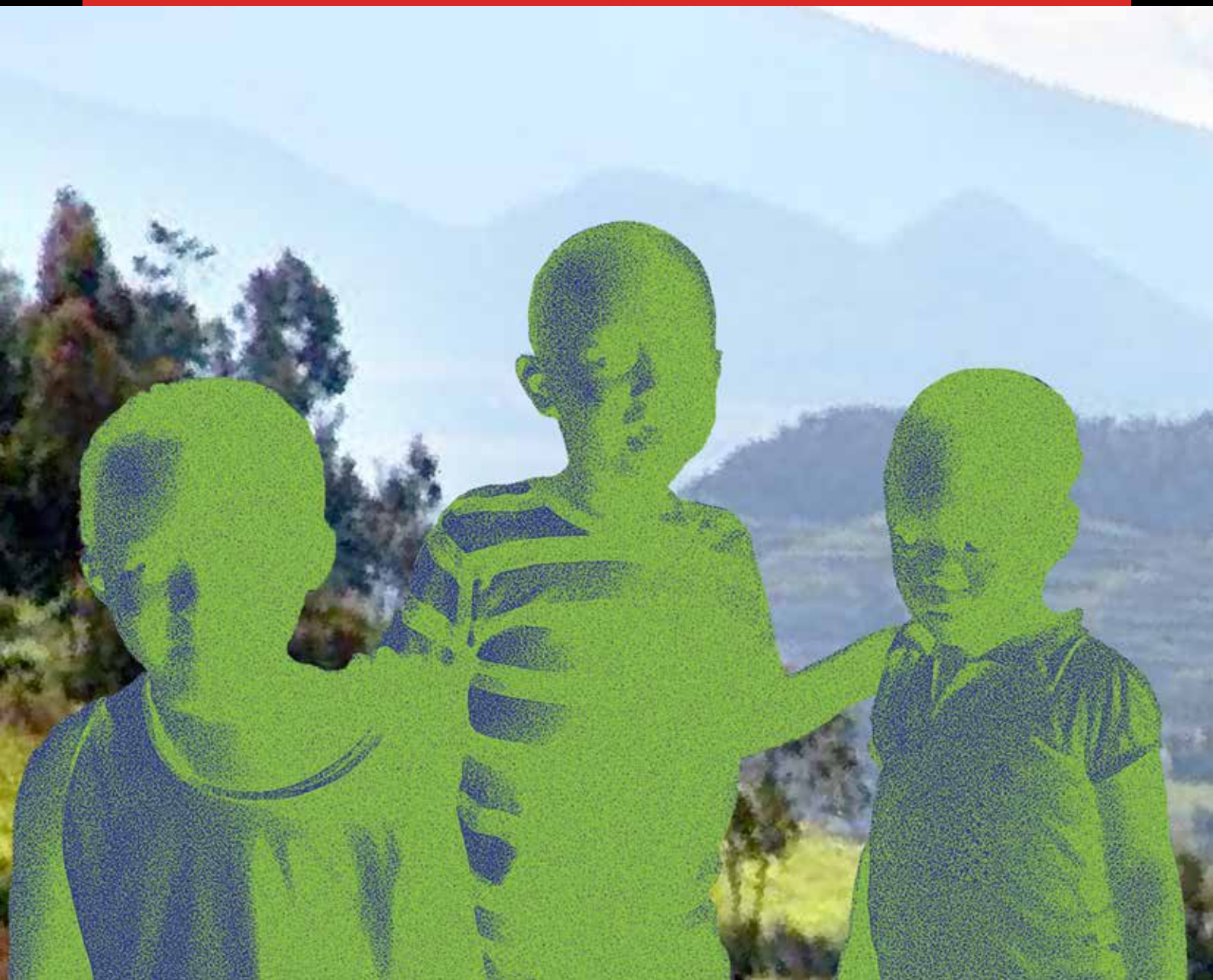


# Child Protection Policies and Programmes in Rwanda



Rwanda Civil Society Platform  
*and*  
Africa Platform For Social Protection





# Child Protection Policies and Programmes in Rwanda

## **CHILD PROTECTION POLICIES AND PROGRAMMES IN RWANDA**

The mission of the **Rwanda Civil Society Platform (RCSPF)** is to represent its members in the processes of facilitating citizens' participation in sustainable development efforts through constructive dialogue, debate and advocacy at the national and international levels.

Read about RCSPF's work on: [www.rcprwanda.org](http://www.rcprwanda.org)

**The Africa Platform for Social Protection (APSP)** exists to create partnerships with civil society and other organizations to engage with governments, regional and continental bodies and international development agencies to develop and implement innovative social protection policies, strategies and programmes in order to make a difference in people's lives in Africa.

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**Save the Children**

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## List of Abbreviations

ACRWC	African Charter on Rights and Welfare of the Child
AIDS	Acquired Immuno-Deficiency Syndrome
ART	Anti Retro-Viral Therapy
CBO	Community Based Organisation
CHW	Community Health Workers
CNLS	National AIDS Commission
CNDP	National Human Rights Commission
CNE	National Commission for Children
CRC	Convention on the Rights of the Child
DHS	Demographic and Health Survey
ECD	Early Childhood Development
EDPRS	Economic Development and Poverty Reduction Strategy
FBO	Faith Based Organization
GDP	Gross Domestic Product
GOR	Government of Rwanda
HIV	Human Immuno-Deficiency Virus
HMIS	Health Management Information System
HSSP	Health Sector Strategic Plan
IEC	Information, Education, Communication
IGA	Income Generating Activity
IMCI	Integrated Management of Childhood Illnesses
MDGs	Millennium Development Goals
MIFOTRA	Ministry of Public Service, Skills Development, and Labour
MIGEPROF	Minister in the Prime Minister's Office in charge of Gender and Family Promotion
MIJESPOC	Ministry of Youth, Sport
MINALOC	Ministry of Local Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MINEDUC	Ministry of Education, Science, Technology, and Research
MININTER	Ministry of Internal Affairs
MINISANTE	Ministry of Health
NCDC	National Curriculum Development Centre
NGO	Non-Governmental Organisation
NPA	National Plan of Action
OVCs	Orphans and other Vulnerable Children
PLWHA	People Living With HIV/AIDS
PMTCT	Prevention of Mother To Child Transmission (of HIV)
RAAAP	Rapid Assessment, Analysis and Action Plan
TWG	Technical Working Group
UNICEF	United Nations Children's Fund
UNAIDS	United Nations Joint Programme on HIV/AIDS
VCT	Voluntary Counselling and Testing
WFP	World Food Programme
WHO	World Health Organization

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## Executive Summary

This research was commissioned by the Africa Platform for Social Protection (APSP) and the Rwanda Civil Society Platform (RCSP) with the purpose of assessing child protection policies, programmes and interventions in Rwanda and to identify gaps with a view to creating awareness for the design of a policy engagement strategy. The research looked at the existing child protection systems and tried to highlight the gap between the strategic and policy commitments and the reality on the ground.

The findings indicate high government political will to protect children through the creation of a ministry charged with overseeing respect of child rights and the creation of the National Commission for Children; an independent organ to ensure child protection is respected and enforced. These national institutions are responding to the state's commitment to international and regional child protection standards. The Government of Rwanda has ratified several legal instruments such as the International Labour Organization Conventions 138 and 182; United Nations Convention on the Rights of the Child (CRC), CRC Optional Protocols on the Involvement of Children in Armed Conflict and on Child Trafficking, Child Prostitution, and Child Pornography, and the African Charter on the Rights and the Welfare of the Child.

The Government of Rwanda has developed a number of policies which is encouraging and imparts optimism among key players in child protection as it indicates a bright future of children of Rwanda *Ceteris paribus*. Policies related to child protection were found to be available in various ministries but most were found in the Ministries of Gender and Family Promotion, Education, Health, and Local Government. The Ministry of Gender has recently designed an integrated child rights policy and a strategic plan.

There is lack of harmonization of the policies across the various ministries and therefore a lack of central coordination for common focus and goals. Each ministry implemented its own policy in accordance with its priorities and this led to scattered energies and resources leading to a principal gap in programmes for child protection. The study found fewer programmes in child protection in comparison with programmes for women and youth emancipation and empowerment. This gap in programmes has led to minimal and ineffective enforcement mechanisms. The police force is the enforcement agency for the protection of rights of citizens of Rwanda but due to its limited budget their duty in the protection of children is supplemented by child protection committees organized from village/umudugudu level to national level.

While there is a manifested high government's political will to protect children, this remains at political level than at law. The few child protection laws were found scattered with only one child focused protection law of 2001 and then it is incomprehensive and does not specify civil damages for children who are victims of offences. The law is currently under review.

The findings indicate gaps in legal framework for child protection and an improvement is required. Detailed recommendations are presented towards the end of this report.



# The Background, Objectives, Methodology and Scope of The Study

## *Background of the study*

The Rwanda Civil Society Platform (RCSP) in partnership with the Africa Platform for Social Protection (APSP) commissioned the study as part of its obligations to fulfil their role for advocacy for children in Rwanda and Africa. The organizations are keen and determined to support the development and implementation of effective child protection policies and programmes in Rwanda. The study provides evidence required for advocacy for advancement of child protection in Rwanda.

Various independent reports have indicated that the Government of Rwanda has demonstrated through various policies, legislative and programme initiatives strong commitment towards meeting its international obligations towards realizing the rights of the children. Rwanda is signatory to numerous international conventions, declarations or treaties on human rights which independently or collectively impose binding obligations upon the government to commit itself to ensuring the rights of children. These include but not limited the African Charter on the Rights and Welfare of a Child, United Nations Convention of the Rights of the Child, its two Optional Protocols on children in armed conflict and on sale of children, child prostitution and child pornography. As part of its commitment to the UN CRC and to the six key MDGs related to child protection, the Government is obliged to undertake appropriate measures in pursuance of children's rights.

Domestically, the Constitution of the Republic of Rwanda (2003) as amended to date, reaffirms the adherence to the principles and commitments of the various international instruments and specifically invoking the CRC, entitles every child to special measures of protection by the family, society and Government. In a bid to domesticate the international commitments to which the government is a party to, it has enacted and developed various legislations, policies and programmes to address various needs and protect the rights of children by undertaking initiatives which are geared towards enhancing positive environment in the administration for policies to promote, protect and ensure children's rights.

However, the government acknowledges that until August 2011, there was no single and comprehensive child policy that covers all thematic areas of child protection to serve as national reference point for child protection in Rwanda for programming and coordination<sup>1</sup>. Because of this, the government has recently developed a National Integrated Child Rights Policy and a Strategic Plan in bid to bridge the gaps in streamlining child protection. Given the novelty of the National Integrated Child Rights Policy, one can objectively believe that the policy and strategic plan are not yet fully operational and thus a need for a critical assessment of child status in Rwanda is essential for advocacy leading to the improvement in child protection.

## *The study objectives*

The study aimed at conducting an assessment of the child protection system in Rwanda and to identify gaps in programme intervention and legal frameworks designed to deliver child protection and propose recommendations on how best child protection can be improved. The study looked at the existing child protection systems and services and highlighted the gaps between the strategic and policy commitments.

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<sup>1</sup> MIGEPROF: *National Integrated Child Rights Policy* Page 6, August 2011.

## ***Methodology***

The research was a qualitative study and a variety of methods of participatory approach were used for different segments of sources of information. The research approaches and tools employed included stakeholder analysis, participatory consultations and child-focused group discussions. Literature review was conducted to obtain relevant information in regards to policies and programme documents, child protection legal instruments and other legislative processes.

## ***The scope of the study***

As detailed in the terms of reference of this assignment, the assessment limited itself to policies, programmes/ interventions and legal framework concerning child protection in Rwanda. Where necessary and for comparative purposes, foreign policies, programmes and legal framework related to child protection are referenced.

# An Overview of Child Protection in Rwanda

Children comprise at least 65% of the population of Rwanda (children and youth under 25 years). It is estimated that 3 out of 10 of the children are either orphans or vulnerable children (OVCs), Kigali City housing at least 35%<sup>2</sup>. Various national and international reports on child and OVC<sup>3</sup> situation in Rwanda highlights that by 2002, Rwanda had at least 42,000 households headed by children,<sup>3</sup> and at least 175,000 children were involved in harmful or hazardous child labour in tea plantations, stone mining/crushing, smuggling, domestic work, agricultural work.<sup>4</sup>

Rwanda is home to 101,000 children who live in households by themselves. Child abuse, sexual exploitation, child labour are still child protection risks in Rwanda. Eleven per cent (11%) of children work, more than half of whom are employed in hazardous conditions, such as stone quarries. Violence against children is an area of growing concern. Sixty-five per cent (65%) of all cases of violence reported from one centre in the capital, involved children under the age of 18.<sup>5</sup>

Child neglect, abuse, and trafficking are some of the worst forms of child abuse and Rwanda has been highlighted by US State Department as a source and, to a lesser extent, a destination country for women and children subjected to forced labour and sex trafficking. Rwandan girls and, to an extent, boys are exploited in domestic servitude within the country; some of these children experience non-payment of wages or physical or sexual abuse within their employer's household. Older females offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep. The report further claims that Rwandan children are also recruited and transported to Kenya, Uganda, and Tanzania, where they are subjected to forced agricultural labour, domestic servitude, and child prostitution, sometimes after being recruited by peers. Small numbers of children from neighbouring countries are victimized in prostitution and forced labour after being lured to Rwanda.<sup>6</sup>

By international Standards, child and maternal mortality rates in Rwanda remain high. However, since 2008, there has been a remarkable record of decline in infant under five mortality rate from 196 death per 1000 live birth in 2000 to 103 in 2008<sup>7</sup>. Maternal mortality rate has decreased from 1070 death per 100,000 live births in 2000 to about 383 in 2008 but 154,000 children under age of five continue to die annually from diseases such as diarrhoea, respiratory infection and malaria.<sup>8</sup> Chronic malnutrition is a serious concern with 52% of children under the age of five stunted. A quarter of all Rwandans still lack access to an improved drinking water source and 42% cannot access sanitation facilities. Hygiene promotion also remains an issue.<sup>9</sup>

In education, primary school has been made free and a remarkable progress was recorded in meeting primary school enrolment and parity goals. Percentage of student in school now stand at 95.4% of students; more girls (96.5%) than boys (94.2%), but completion (76%), drop-out (12.2%) and repetition

2 *Demographic Health Survey 2005 as cited by the Save the Children in its May 2010 report on baseline study children's perceptions of child protection measures existing at community level in Rwanda, Page 6*

3 *UNICEF: Situation for children in Rwanda; <http://www.unicef.org/rwanda/children.html> (accessed on 25th Jan 2012)*

4 *Rwanda's National Plan of Action on Child Labour of 2005*

5 *UNICEF: Situation for children in Rwanda, Op Cite*

6 *United States Department of State, 2011 Trafficking in Persons Report - Rwanda, 27 June 2011, available at: <http://www.unhcr.org/refworld/docid/4e12ee4f37.htm>*

7 *UNICEF: Situation of children in Rwanda, Op cite.*

8 *Ibid*

9 *UNICEF: Situation of children in Rwanda, Op cite.*

rates (14%) for both boys and girls, remain key challenges, along with the high pupil-teacher ratio (63:1)<sup>10</sup>. This was partly due to a target-based education sector strategy and effective donor coordination through the establishment of Education Sector Wide Approach (SWAp).

In health, over 22,200 children under the age of 15 live with HIV. Thirty percent (30%) of HIV+ children who need treatment are still not on it and HIV prevalence amongst pregnant women ranges between 16% and 34%. The Rwandan government has made efforts to eliminate the transmission of HIV from mother to child by 2015 and remarkable progress in scaling up services for pregnant women has been recorded but the percentage of pregnant women accessing those services countrywide remains low.

The Ministry of Gender and Family Promotion has formulated key child protection policies including the National Policy on Orphans and Vulnerable Children (2003) which establishes objectives and proposes strategies to address issues regarding orphans and other vulnerable children. The National Plan of Action (2006-2011) which guides the implementation of the National Policy on OVCs, laws number 27/2001 on the prohibition of violence against children and number 22/1999 on property and inheritance and several child-focused guidelines have been adopted such as Monitoring and Evaluation Framework of the OVC Strategic Plan, guidelines on the Setting-up of Community-based Committees to fight Gender-Based Violence and protect Children's Rights, the International Adoption Regulations and the Guidelines on the minimum package for Orphans and Other Vulnerable Children. The latest government milestone in child protection policies and legal framework is the design of a National Integrated Children Policy, its strategic plan and a child law which if published shall repeal that of 2001.

Article 19 of CRC provides that states shall take all measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The national policy on internal security mandates Rwanda national police to ensure child protection from all forms of violence. Child protection units at all district police head offices are established country wide. Within the national police, there is a gender-based violence Monitoring Unit which oversees child protection as well. It has a specialized office (interview room) to receive cases of children witnesses or victims of violence and at each administrative sector there is a police agent who has been trained to deal with child's rights, to use specialized interview techniques, and to prepare case dossiers. He is in charge of the security in general but specifically to pay attention to the prevention of violence towards women and children and to ensure that the offenders are brought to justice. There is a police helpline and online services to report child abuse and violence.

However, past and current independent reports on child protection state that violence against children is still prevalent in Rwanda but with some remarkable progress. According to the study report **Violence against Children in and around Schools in Rwanda: Through the eyes of children and young People** (commissioned by UNICEF and national youth council in 2005) revealed that violence against children was prevalent in schools, communities and at home. This includes verbal and physical harassment by peers, the dangers in and around school in relation to sexual violence, and the ways that teachers punish students<sup>11</sup>. Save the Children reported in May 2010<sup>12</sup> that different forms of violence against children were prevalent in the country.

Among the perpetrators of abuse reported by children in the study by Save the Children, parents and foster parents is the biggest number in particular corporal punishment and child labour. The police force was also reported among the perpetrators in corporal punishment against children as follows:

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<sup>10</sup> *ibid*

<sup>11</sup> *Violence against Children in and around Schools in Rwanda: Through the eyes of children and young People.*

<sup>12</sup> *Baseline study children's perceptions of child protection measures existing at community level in Rwanda pages 4-5*

Perpetrators	Percentage
Parents and foster parents	69
Police	6
Teachers	13
Neighbours	10
Others	2

On sexual violence perpetrators, children reported high number as being parents at 28%, older men and women at 44% and police at 07%<sup>13</sup>.

A United Nations Study on Violence against Children conducted by Global Submission by the International Save the Children Alliance in 2005 indicates that girls in the age group 12 –14 and up to around 17–19 are most at risk. For the actual cases reported and gone to trial, the majority of the victims were between six and 14 years of age, closely followed by victims below the age of six<sup>14</sup>.

The Ministry of Gender and Family Promotion did not have in its OVCs Strategic Plan a programme focused to child protection from abuse and violence rather than education and advocacy but in its new Integrated Child Rights Policy and Strategic Plan intends “to improve prevention and redress of abuse, exploitation and violence against children and to put in place a comprehensive national child protection system.”<sup>15</sup> The Ministry of Gender and Family Promotion reported that child defilement was reducing since 2007 from 2421 cases to 714 in 2010<sup>16</sup>. The table below extracted from the report contains two types of child abuse; child sexual abuse presented as child defilement and abortion. You will note that abortion is considered a child abuse committed against unborn children.

#### Cases of Violence against women and girls reported to the Rwanda National Police and the National Public Prosecution Authority (2006-2010)<sup>17</sup>

Infractions	Period				
	2006	2007	2008	2009	Jan-June 2010
Child defilement	2033	2421	2051	1570	714
Rape against adult women	403	514	388	297	150
Women murdered by their husbands	35	22	27	16	14
Abortions	66	106	88	66	54

The above figures do not include 103 of unclassified cases of child abuse and 13 cases of child sexual abuse separately reported to the human rights commission in 2008.

According to UNICEF there is a growing evidence of sexual exploitation in children heading households especially girls who find themselves forced to perform sexual favours in exchange for money, basic goods or protection. It further states that sexual abuse within homes has increased since 1994 and that discriminatory attitudes towards girls and lack of adequate sanitary facilities prevent some adolescent girls from attending school. The agency adds that at least there are 7,000 street children, 1,000 children living

<sup>13</sup> *Ibid* page 22

<sup>14</sup> *UN Study on Violence against Children conducted by Global Submission by the International Save the Children Alliance*, page 40

<sup>15</sup> *MIGEPROF ICRP Strategic plan* page 29

<sup>16</sup> *Rwanda Country report on the implementation of 1325/2000 UN Resolution on Women, Peace and Security (December 2010)*, page 10

<sup>17</sup> *Rwanda Country report on the implementation of 1325/2000 UN Resolution on Women, Peace and Security*, Op cite

in conflict with the law, 120,000 working children, 300 infants living with their mothers in prison, 2500 children are affected by armed conflict.<sup>18</sup>

## **Definitions of a child and child protection**

Article 1 of the UN Convention on the Rights of the Child and Article 2 of the African Charter on the Rights and Welfare of the Child both define a child as every human being below the age of eighteen years. Rwandan laws adopted the same definition of a child<sup>19</sup> but went further to lower the age of child in some instances to 16 years for the purposes of according more rights and privileges to a child.<sup>20</sup>

UNICEF defines the term ‘child protection’ to refer to *preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage*<sup>21</sup>. Child Protection addresses every child’s right not to be subjected to harm and it complements other rights that, inter alia, ensure that children receive that which they need in order to survive, develop and thrive.<sup>22</sup>

## **Definitions of forms of child abuse**

The forms of child abuse we will define below are: **Abuse, neglect, exploitation and violence against children**. At the end of this small section, we shall have been understood the meaning of these terminologies so that as we analyze policies and programmes as well a legal framework for child protection, our minds shall be facilitated to critically assess whether the presented policies, programmes and legal framework in place do really provide protection of child from abuse, neglect, exploitation and violence. Below we present definitions as have been provided by Save the Children<sup>23</sup>.

- 1) **Child Abuse** is a deliberate act of ill treatment that can harm or is likely to cause harm to a child’s safety, well-being, dignity and development. It includes all forms of physical, sexual, psychological or emotional ill treatment.
- 2) **Neglect** is a deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical safety and development.
- 3) **Violence**: The UN Study on Violence Against Children (2006) definition of violence draws on Article 19 of the Convention on the Rights of the Child: “all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” as well as the definition used by WHO in the World Report on Violence and Health (2002): “the intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to the child’s health, survival, development or dignity.”
- 4) **Child exploitation** refers to the use of children for someone else’s advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. These activities are to the detriment of the child’s physical or mental health, education, moral or social-emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment. There are two main forms of child exploitation that are recognized; sexual and economic exploitation.

18 <http://www.unicef.org/infobycountry/23867.html>

19 Law NO. 27/2001 (revised) on Rights and Protection of the Child Against Violence and Article 3 (10) of the draft law the rights and the protection of the child.

20 Rights to employment, voting rights, acquisition of national Identity cards, conducting business reduce the minority age to 16 years.

21 UNICEF: Child protection information sheet/ [www.unicef.org/protection/index.htm](http://www.unicef.org/protection/index.htm)

22 Child protection A handbook for parliamentarians NO.7, 2004 page 8.

23 <http://sca.savethechildren.se/PageFiles/3189/child%20protection%20definition%20SC.pdf> (accessed on 27th Jan 2012)

## **Primary actors in ensuring child protection**

Talking about child rights, care and protection without mentioning those who hold primary legal obligation to ensure the child protection and care would be understood that all stakeholders have equal domestic roles, responsibilities and regional and international obligations towards child protection and care. While the issue of child protection is a duty of every adult-*Ufate umwana wese nk'uwawe*<sup>24</sup>, the International Convention on the Rights of a Child and other related Protocols and instruments impose primary responsibility of child protection to specific actors.

The fundamental objective of child protection is to ensure that all those with a duty to safeguard the protection of children recognize that duty, and are able to fulfil it. Given the ethical and legal imperatives, child protection is the business of everyone at every level of society in every function. It creates duties for presidents, prime ministers, judges, teachers, doctors, soldiers, parents and even children themselves. These duties may be reflected in the legal standards that a country puts in place. They may also be reflected in the choices a government makes, including its allocation of resources.

The most important actors in any child's life are often, and should most often be, his or her parents. As such, the family can be the single most important factor in determining whether or not a child is protected. Conversely, however, given the centrality of the family in the child's life, it can also be a frequent source of violence, abuse, discrimination and exploitation<sup>25</sup>.

The Convention places considerable emphasis on the role of the family in raising children and, like older human rights instruments, recognizes the right of the family to protection and support (Article 5) makes clear the responsibility of the State in protecting and respecting the role of the family.

According to the Convention, the primary responsibility for raising children rests with parents. When parents are unable to do so, the State has a duty to assist them. At the same time, however, Article 19 refers to the State's obligation to "protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."

In the most extreme cases, this obligation on the State might even entail removal of the child from his or her home. However, this should always be a last resort (Article 9).

Others who have the responsibility of child protection include but not limited to:

- 1) Lower Chamber Committee on Social Affairs -Welfare of children, orphans, widows, disabled, aged and other vulnerable groups;
- 2) Senate Committee on Social affairs, Human Rights and Petitions
- 3) National Commission for Refugees to oversee refugee protection issues and the country's compliance to refuge law commitment
- 4) Local government decentralized entities.
- 5) National committees on the fight against gender-based violence

These are child protection committees established without a law but as part of implementation strategies for child protection and government's efforts to widen child protection mechanisms from community level to national level. They have clear terms of reference and membership scope.

<sup>24</sup> *Child protection slogan adopted by Imbutu Foundation, Initiative of First lady of the Republic of Rwanda since 2009.*

<sup>25</sup> *UNICEF/Inter-Parliamentarians Union: Child Protection handbook for parliamentarians 2004 pp 15.*

# Child Protection Policies

In this chapter, we shall assess present national key national policies identified and assessed to be impacting either directly or indirectly to child protection in Rwanda. Policies and programmes are considered as preventive measures to child protection issues while legal framework and institutions have been taken as responding measures and structures to child protection issues. However, in some case, you will find that institutions are both part of preventive measures which respond to child protection concerns. The table below illustrates examples of measures and structures for child protection.

PREVENTIVE MEASURES	PREVENTIVE STRUCTURES	RESPONDING MEASURES	RESPONDING STRUCTURES
Policies	Central Government/policy making institutions	Public Administrative measures and procedures	Responding institutions, e.g: <ul style="list-style-type: none"> <li>• Police</li> <li>• Local authorities</li> <li>• Hotlines in case of incidence</li> </ul>
Strategic Plans			
Programs	Government implementing agencies	Legal measures and procedures	Post incidence recovery centers
Activities			
Legal framework	Implementing partners (CSOs)	Partners' measures and procedures	Judicial institutions

Child protection is crosscutting issue and a cycle. It begins from central government where child protection policies are discussed and adopted. Any programme, activity or plan of action taken by public, private, CBOs and NGOs should ideally derive their validity from the overall national policy on child protection adopted at national level. However, in absence of a national policy, advocates of child protection will always work out their own policies and programmes based on CRC and any other international child rights instruments and shall formulate activities for implementation which are tailored to local situations. This has been the Rwandan case until 2003 when there was the first OVCs national policy designed by MINALOC implementation of child are made as shown below.

## Child protection cycle





## **Protection policies**

Prior to November 2011, there were a number of child protection thematic policies designed and implemented by different government bodies within their institutional mandate. Child protection work is a specialized sector within the broader context of child protection very closely with other sectors and while there are numerous policies, programmes and laws related to child rights and protection in wider context. In the study, in addition to policies, emphasis was put on mechanisms designed to prevent and respond to various forms of child abuse as seen above.

The following are the identified national policies operational in Rwanda but the list may not be exhaustive.

### ***The List of Key National Policies directly impacting child protection***

<b>N0.</b>	<b>Policy name</b>	<b>Institution</b>	<b>Year</b>
01	National Integrated Child Rights Policy	MIGERPROF	2011
02	National Policy against Gender Based Violence	MIGERPROF	2011
03	National Policy For Family Promotion	MIGERPROF	2005
04	National Policy for Orphans and other Vulnerable Children (OVC)	MINALOC	2001
05	National Social Protection Strategy	MINALOC	2011
06	National Health Sector Policy	MINISANTE	2005
07	National Health Insurance Policy	MINISANTE	2010
08	National Nutritional policy	MINISANTE	2005
09	National Policy on Condoms	MINISANTE	2006
10	National HIV/AIDS policy	MINISANTE	2005
11	National Education Policy	MINEDUC	2003
12	Special needs education policy	MINEDUC	2007
13	Girls Education Policy	MINEDUC	2008
14	National Policy on water and Sanitation Services	MINIFRA	2010
15	National Social Security Policy	MINECOFIN	2009
16	National Internal Security Policy	MININTER	2008

### **National Integrated Child Rights Policy (*MIGERPROF Nov 2011*)**

This is the first national child policy of its kind which is very comprehensive in covering all aspects of child protections and drawing up protection strategies. A single comprehensive policy (vision for all children), across all thematic areas of concern had not been developed yet and a need for the national policy to serve as national reference for children in Rwanda would serve as a basis or give direction for different policies/programmes.

### **National Policy for Orphans and Vulnerable Children (*MINALOC 2003*)**

The national policy National Policy for Orphans and Other Vulnerable Children was adopted in 2003. While it is not explicit in the National Integrated Child Rights Policy (ICRP), it appears that those objectives and strategies stipulated in the MINALOC OVCs policy seem to have been wholesomely incorporated in the recent MIGERPROF's ICRP developed by MIGERPROF in November 2011. The OVCs policy was designed by Ministry of local affairs in 2003 and its vision is to assist Orphans and other vulnerable children reach their full potential and have the same opportunities as all other children to active and valued participation in home and community life. This would be done through implementation of laws, policies and programmes to ensure that children in difficult circumstances are integrated in a socially, economically sustainable community. The policy objectives and strategies have been fully updated and incorporated in the National Integrated Child Rights Policy mentioned above.

## National Policy for Family Promotion (*MIGEPROF 2005*)

This is a 2005 child focused policy and its main vision is to enhance the welfare of all population through a change of socio-economic conditions, thereby leading to the promotion of the welfare of the family, including gender parity while **focusing on the welfare and protection of children**. Its main mission is to promote the Rwandan family as a natural and cultural basis of our society. The policy has six specific objectives and two of them are child specific; to protect the children in general and to protect vulnerable groups.<sup>26</sup>

## National Policy Against Gender-Based Violence (*MIGEPROF July 2011*)

The policy defines gender-based violence as physical, sexual, emotional or social harm or abuse directed against a person because of his or her gender role in a given society.

The GBV policy is not directly a child protection related policy but indirectly affects the child if gender abuses are inflicted upon the any parents providing parental care to the child. The prevention and response to Gender-based abuse and violence will significantly contribute to child protection.

The table below indicates the gravity of GBV cases, and looking at the figures on murder cases one can imagine how many children are orphaned each year<sup>27</sup>.

### *Types of gender based violence cases reported to the Police in 2009 and 2010*

Types of violence	Year 2009	Year 2010
Women battered by husbands	388	430
Men battered by their wives	84	94
Women murdered by their men	38	83
Men murdered by their wives	31	60
Women who committed suicide because of their husbands	9	20
Men who committed suicide because of their wives	18	31

The GBV policy visions a Rwandan society that is GBV-free and, in the interim, to have a Rwandan society that can effectively and efficiently prevent and respond to GBV. Its policy is to contribute to the socio-economic development and promotion of human rights in Rwanda through the prevention of and response to gender-based violence.

## **Health Policies**

A good number of health policies have been identified which have greatly contributed to child protection issues of survival and good health of children. With those policies, lives of children have been greatly improved infant and maternal mortality rates. Child survival and development is a means of realizing the inherent right to life of a child as per Article 6 of CRC. There are specific health polices identified to have contributed to child survival goals in Vision 2020 and EDPRS and these include but not limited the following:

### **National Health Sector Policy (2005)**

The global vision of the Government of Rwanda set out in Vision 2020 is to guarantee the well being of the population by increasing production and reducing poverty within an environment of good governance. As part of this vision, the Government seeks to overcome the illnesses linked with poverty and ignorance, and to develop a proactive and well performing health system capable of anticipating

<sup>26</sup> *Migeprof: National Policy for Family Promotion, 2005 page 12*

<sup>27</sup> *The table is exacted from National Policy against Gender-Based Violence (Migeprof July 2011)*

and appropriately responding to the health needs of the population. Within this context, the mission of the Ministry of Health is to ensure and promote the health status of the population of Rwanda. This mission will be achieved by providing quality preventative, curative, rehabilitative and promotional services.

The fulfilment of this mission assumes that a certain number of conditions are met: the mobilisation, equitable distribution and efficient management of resources; and the reduction in the dependency of the health system on external finance through an increase in the Government contribution to the health sector. Individuals and communities will have to be convinced of the role that they play in safeguarding their status of health as well as in the management and financing of health services.

### **National Health Insurance Policy (2010)**

The policy's vision is the access to essential health care and protection from impoverishment. This shall be done by building a financially and institutionally sustainable health insurance system that can guarantee the coverage of all Rwanda's citizen with health insurance. The policy interventions positively contribute to social security of a child which is a protection issue in accordance with Article 26 of CRC. Policy intervention areas include community-based health insurance, social health insurance and the national solidarity fund which go a long way in providing health care to children.

### **National Nutritional policy (2005)**

The policy vision is to ensure good nutrition for all Rwandese by providing a favourable environment for the effective implementation of nutrition interventions that guarantee the nutritional well-being of the entire population for the sustainable development.

While the policy looks general, it had child protection issues to address and this include:

- Baby Friendly Hospitals Initiatives (BFHI) for the promotion of breastfeeding and optimal young child feeding.
- Growth Monitoring of children and weight-gain monitoring of for pregnant women
- Vitamin A and iron Supplementation.
- Nutrition activities in schools support project for primary school focusing on girls, which started in September 2001 in regions
- Protocol and guidelines for the rehabilitation of malnourished children.
- Nutrition and HIV/AIDS. The government adopted Guidelines for nutritional care and support of PLWHA that can be used by service providers/personnel responsible for HIV/AIDS management including the ART and PMTCT programmes.

### **National Policy on Condoms (2006)**

The policy vision is to ensure that all sexually active individuals and couples recognize their risk of HIV/STI transmission as well as unwanted pregnancies and take measures to avoid risk exposure for themselves and their partners. Measures envisaged strategies are information and education, with the goal of improving a common understanding of sex, sexuality, sexual health and reproductive health so that correct and consistent condom use among those at highest risk for HIV/AIDS, STIs and unwanted pregnancies, with a special focus on Rwandan youth increased. In special way, the policy targets high risk groups of the Rwandan population which include vulnerable group of children and young people in and out of school that are at risk of being HIV infected or re-infected, acquiring STIs or becoming involuntarily pregnant.

## ***Educational Policies***

### **Education Policy (2003)**

The key child protection relevant policy objectives are to ensure that education is available and accessible to all Rwandese people and to inculcate in children and sensitize them to the importance of environment, hygiene and health and protection against HIV/AIDS. Access to education includes strategies of providing Universal Primary Education to children by 2010. The education policy has led to the development of the Girls' Education Policy, Special Needs Education Policy and the Early Childhood Care and Development policy. Of these, the Girl's Education and Special Need Education for Children with Learning Disabilities are national policies responding to the provisions of Articles 28 and 2 of CRC which provides that educations shall be provided to all children without discrimination.

### **Girls' Education Policy (2008)**

This is a gender-child education policy. It does not restrict itself to girls only although it this is the emphasis. It was designed to combat inequality that existed between the sexes as the level of education went higher. In addition, there were recorded discrepancies between the performance of boys and girls at both primary and secondary levels. Girls performed less well in end-of-primary exams, and hence are enrolled in greater numbers in private secondary schools where the entrance criteria are lower than the public secondary schools and universities. To combat the types of discrepancies (enrolment and performance) special policy for girl child became necessary and a special girl's education policy was designed in April 2008 with the overall objective of guiding and promoting sustainable action aimed at progressive elimination of gender disparities in education and training.

### **Special Needs Education Policy (2007)**

The number of children in Rwanda having special educational needs comprises a much larger proportion and they include disabled, orphans, street children and child heads of families. They represent vulnerable groups for whom special provision is needed either within the ordinary school system or in special facilities. Some of the children in these categories have been mainstreamed in ordinary school facilities, while others attend the three existing special schools in Gatagara, Butare and Nyamirambo. This policy was designed to provide guidelines and implementation strategies towards ensuring the rights of children with learning disabilities. In 2007, there were over 175,000 children with learning disabilities in primary schools representing 10% which require special education and learning facilities. Designing a policy and strategies is thus a requirement and fulfilment of a CRC obligation.

### **National Policy On Water And Sanitation Services (2010)**

Children have inherent right to enjoy to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. One of the measures in CRC to realizing this international obligation is to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution (Article 24 CRC).

To fully implement the above, the government has designed a National Policy on Water and Sanitation Services with the objective of ensuring sustainable and affordable access to safe water supply, sanitation and waste management services for all Rwandans in view of poverty reduction, public health, economic development and environmental protection. The policy strategic objectives are very ambitious and once achieve, they would indirectly contribute to the fulfilment of child rights as stated in Article 24 of the CRC.

## **National Social Security Policy (2009)**

Article 26 of CRC imposes an obligation to the party States to recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. Article 22 of the Universal Declaration of Human Rights of 1948 and Article 25 provide for the provision of social security for all including children.

It is thus a duty of the Rwandan government to formulate and implement social security measures of prevention and response which are either direct or indirect to child protection. In 2009, the government designed a social security policy designed to ensure protection of everyone and by narrowing any existing gaps and eliminating them over time as economic circumstances permit.

The National Social Security Policy addresses all aspects of social protection, but focuses most extensively on pensions and healthcare. It is consistent with and supports the long-run goals of Vision 2020, the National Poverty Reduction Policy (2001), and the corresponding policy statements previously adopted by the Rwandan Government, including the Government's Vision 2020 statement, National Investment Strategy (NIS, 2002), Economic Development and Poverty Reduction Strategy (EDPRS, September 2007), and National Employment Policy (NEP, December 2007). It also reflects values expressed in the Constitution of the Republic of Rwanda and the Universal Human Rights Declaration to which Rwanda has subscribed. While the policy is not directed to issues of children, children are direct beneficiaries' of the policy because by nature, they are dependants to the beneficiaries of the social security benefits.

## **National Internal Security Policy**

Article 19 of CRC, provides that States Parties to the Convention shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Articles 33-38 of the same Convention guarantees protection of children from all forms of abuse and exploitation and the State has the primary responsibility to ensure such protection. In Rwanda, Ministry of Internal Security is national mandated to ensure public safety and security against all forms of abuse and threat. It supervises national police, an organ mandated to prevent and respond to issues of public insecurity.

## ***Legal Aid Policy***

In the law establishing the Rwanda Bar Association, it is provided that the government through the Ministry of Justice would finance the Bar Association to provide legal aid to minors and Pro Bono Services to indigent people. But since 1997 when the law establishing the bar Association was passed, no formal policy has been in place yet.

While there was no policy in place, various efforts to provide legal aid has been in place and a remarkable progress has been recorded. Justice sector has had action plans of supporting indigent people and has used those annual action plans to solicit for financing from development partners. Many of those supporting the justice sector have provided their financing through sector budget support framework and with this support the government has been able to establish at least one legal clinic in each district staffed with two legal specialists to provide free legal services to indigent people.

UNICEF is a significant stakeholder in legal aid and it has been supporting financially annual legal aid week and has financed one staff per legal aid clinic in charge of children and Gender Based Violence in each district. It is hoped that once the design of legal Aid policy is completed, legal aid services will be streamlined to benefit people in need.

# Programmes For Child Protection

In this chapter we present the existing programmes which prevent and or respond to different issues of child protection. These programmes shall be emanating from the policies we have noted above. Each policy has a strategic plan of implementation and each plan in complementary deliver to child protection issues.

## *Birth registration and Identity*

Currently, child birth registration is done at sector by a professional in charge of civil matters within each administrative sector; s/he is the one who keeps births registration, a decentralization that greatly facilitates birth and death declaration by the population who no longer have to walk long distances. This was facilitated by local government reform in 2006 which created several decentralized sector levels in order to make services easily accessible.

## *Child soldiers*

There is National Commission for Demobilization and Reintegration of ex-combatants including child soldiers. This commission has contributed to end the use of children as soldiers, demobilize all combatants aged under eighteen and develop and implement programmes for their rehabilitation and reintegration. The commission conducts activities of physical and psychological rehabilitation, cultural and sports activities, initiation into manual work, etc. In addition, it reunifies children with their families and provides basic needs kit (blanket, tableware, jerry-can, hoes, etc.). Reintegration allows the child to choose from different types of support offered by the government of formal school, vocational training or income generation activity. Today, an estimated number of 677 of child soldiers have been disarmed and repatriated to Rwanda from the Democratic Republic of Congo.

## *Child labour*

A consultative committee on child labour composed of the representatives of social ministries and unions meets quarterly to assess the status of the situation. A five-year Plan of action on child labour has been submitted to the Cabinet for adoption; a National Policy against the Worst Forms of Child Labour is still under development. There are 30 labour inspectors, one for each of its 30 districts, in 12 regional offices who oversee labour issues including child labour. There is established the National Advisory Committee on Child Labour comprised of various government ministries, the National Human Rights Commission, the Rwandan National Police, trade unions, and NGOs which meets regularly to provide guidance and technical assistance to the government on child labour issues. In addition, MIGEPROF reported in 2010 that there is a national policy to fight against Child Labour and a Steering Committee for the fight against child labour in MIFOTRA.<sup>28</sup>

## *Alternative care*

### *a) Long-term institutional care approach<sup>29</sup>*

This approach is based on keeping a child in a centre for a long period. The criterion for the child discharge is his capability to take care of himself, given that he will have completed secondary education or received vocational training. Some centres have been hosting children for many years. Others take in children that were rounded up across the streets and forcibly committed there.

<sup>28</sup> *Questionnaire of African union on progress made by Rwanda in the implementation of the plan of action of the African charter on the rights and welfare of the child: "Africa fit for children" page 46*

<sup>29</sup> *Street Children Strategic Plan (MIGEPROF) 2005, page 11*

The advantage of this approach is the immediate removal of children from the streets and ending a part of their vulnerability. Their rights to food, housing, and protection against abuse and, to some extent, to health are respected. Its disadvantages are associated with the dependence of the child as well as of the family and community on the centre. When children are forcibly committed to an institution, the latter is considered by them as a prison and education intended for them suffers from this perception. Moreover, children who want to escape from round-ups become more suspicious of adults, increasing their vulnerability on the street

#### ***b) Reintegration approach***

This approach is based on returning the child to his family or a substitute family when it proves impossible to trace his natural family. This reintegration approach comprises two distinct and complementary phases:

- i) Child education aimed at knowing him and preparing the return to his family or home community.
- ii) Return to his family or community.

The child education in the course of which psychosocial investigation is conducted is a relevant moment for exploring his individual and family situation to adapt the reintegration plan. During this process, the educator explores with the child the immediate and root causes of his presence on the street, his will as well as his capacity to return home. Through the child views and visits to the family identified within the child home community, s/he makes an assessment of the family capacity and will to take in the child. The following step of reintegration will depend on it. This education is provided either in the open or in a transit centre.

#### ***c) Prevention approach***

This approach is designed to put an end to the stream of children taking to the streets. It attempts to address the problem at its root handling the deep causes rather than its sensitive manifestations. This approach is the least commonly known within care practices in Rwanda.

In 2009, the Ministry of Gender and Family Promotion issued a National guide document on a minimum package of services for orphans and other vulnerable children (OVC). It details minimum package of services, vulnerability criteria, and access to services among orphans and other vulnerable. The National Commission for Children was established in 2011 to oversee the protection and implementation of the rights of a child. It is an independent body under the supervision of MIGEPROF

Currently the government of Rwanda has only one child centre at Gitagata in Bugesera District and recently its administration was passed on to the district of Bugesera. The funding of this centre is fully borne by the government. The other centres in the country were established by NGOs and faith-based churches. The government through MIGREPROF provides some financial support to these private organized centres. In addition the government provides policy guidelines and foster care.

#### ***Child trafficking***

No known yet previous programme on child trafficking identified in Rwanda despite the fact that Rwanda is considered as both source and destination country.

#### ***Sexual abuse/violence***

There is medical examination and treatment of children victims of sexual violence which is free of charge. It is operated by Rwanda National Police Hospital. There are also Child Rights Protection Committees at from village level to district level. These committees are at national level supervised by MIGEPROF assisted by Child Rights Observatories and Community Policing by the National Police. There are also child forums

at all local levels of administration where children meet and discuss issues affecting them. There is child desk at every police station and there is a 3512 free national help line to help report child abuse to police.

Advocacy through media (Radio, TV), print mobile phone short messages (SMS) media and internet, conferences and workshops, briefings during Umuganda are other key programmes embarked by the government to fight child abuse and there are very effective to communicate the message.

**Physical abuse** (*torture and cruelty against children and corporal punishment of children is prohibited in all settings*). The programmes for this are the same as in the preceding.

### ***Early marriages***

Educational policy programmes particularly girls' education, educational financial and material support to vulnerable children offered by the government and other stakeholders has among others contributed to decrease in early marriages. Advocacy programmes through media (Radio and TV), print media, and community discussions during umuganda, workshops and conferences have been held and are the only known initiatives to stop early marriages.

### ***Refugee protection***

Refugee children enjoy the same protection and humanitarian assistance as Rwanda children. There are protection and educational programmes in refugee camps for children provided by the Government of Rwanda in partnership with UNHCR, Save the Children UK, Jesuit Refugee Services all partner to ensure child protection and basic education (primary education plus 3 year secondary school) and follow the national curriculum in camps so that they can be channelled toward public schools outside the camps.

There are special protection and access to humanitarian aid and programmes for refugee children to traumatized children, internally displaced children and children in post-conflict situations. There is also established National Council to oversee refugee protection.

### ***Discrimination***

National programmes to fight discrimination against a child have often advocated against discrimination of the girl-child while taking decisions in the best interest of the child. Historically, traditional Rwandan culture preferred a boy child to further education and sometimes to participate in certain family decisions.

A national campaign against discrimination against the girl-child was seen more than campaigns in discrimination against children. Company programmes include: Advocacy programmes through media (Radio and TV), print media, and community discussions during umuganda, workshops and conferences have been held and are the only known initiatives to encourage child participation.

Several NGOs such Save the Children, Plan International, Care International, Right to play and World Vision are engaged in programmes towards realizing child participation.

## ***Child Education programmes***

### ***Universal primary education***

Article 28 (a) of CRC states that States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular make primary education compulsory and available free to all. A national programme for free education for all at primary level has been implemented. Education is further noted in other CRC Articles as preventive measure to all forms of child abuse and as a right fulfilment of several child rights.



MIGEPFROF has had as its output 4 of its OVCs strategic plan of 2012 *to ensure access to essential services for OVCs including shelter, education, health and nutrition, social protection, water and sanitation and birth registration including development of linkages and referral across services.* The government initiated girls’ education policy and special needs education policy as efforts to have inclusive education. However, progress is more noted in girls’ education policy than in special needs education. In special needs education policy, the government does not commit itself to financially supporting children with special education needs. It rather limits itself to policy supervision and providing short term technical assistance.<sup>30</sup>

**Educating the public**

In education, there are various education channels employed by the government to educate the public on the rights of children to education and even the disability rights. MIGEPROF had as its output in OVCs strategic plan *to create a supportive environment for OVCs through increased awareness on all matters concerning OVCs addressing children, parents, caretakers, service providers, decision makers and the general population* and as an activity to train 50 media representatives on positive reporting on OVC issues including, prevention of abuse, violence and exploitation, safer sexual practices, birth registration, access to health and education, especially for girls, stigma and discrimination, participation of OVCs and family planning.<sup>31</sup>

**Special needs education**

Domestic law on the protection of disabled persons in general of 2007, provides that *a disabled person has the right to appropriate education in respect of the nature of his or her disability.*<sup>32</sup> Rwanda has adopted and implemented inclusive education of people with learning disabilities. A special needs policy is in place and implementing it is a progressive exercise. There are few focused educational institutions for children with learning disabilities but efforts are being made to implement the policy to its fullest capacity. According to UNESCO 2009 report on education for people with disability in Rwanda and Ethiopia, there is a statistical problem and any facts presented in government documents are mere estimates. The report states that by 2004, disabled children in Rwanda were estimated at 4.7% (322965) of the total number of children which is estimated at 6,871,598 and disabled children. The table below indicates segregated data by age of disabled children. However, according to Rwandan Education Sector Strategic Plan (ESSP) 2006–2010, the number has increased to 10% but it includes all OVCs. The number of physically disabled children stated in the policy is 175,205 who are in education and only 1,713 disabled pupils are “known to be cared for in schools or rehabilitation centres. There is an increase in the number of special schools/centres in the last few years up to around 34 in total.

**Estimated numbers of disabled children in Rwanda**

Age	Total number of children	Estimated number of disabled children if 4.7% is applied
0-19 years	4,635,334	217,861
5-14 years	2,236,264	105,104

After various educational policies particularly special needs education, the numbers of children with some disabilities have accessed education. The table indicates number of disabled children enrolled in 19 mainstream primary schools, 6 districts, Rwanda, 2009 academic year.<sup>33</sup>

30 See special needs education policy.  
 31 MIGEPROF: OVCs 2007-2012 strategic plan outputs 4 & 1.3  
 32 Article 11 of the law n° 01/2007 of 20/01/2007 relating to protection of disabled persons in general  
 33 According to UNESCO 2009 report on education for Disabled People in Rwanda and Ethiopia page 13

Type of disability	Number of girls enrolled	Number of boys enrolled	Total
Visually impaired students	38	57	91
Hearing impaired students	24	27	51
Physically impaired students	74	87	161
Students with epilepsy	57	57	114
Intellectually impaired students	18	18	36
Children living with albinism	03	02	05
Students affected by trauma	03	07	10
<b>Total</b>	<b>217</b>	<b>251</b>	<b>468</b>

The report further argues that children with disability children are never in schools or forced out of schools due to discrimination in society, intentional exclusion and marginalization from and within education<sup>34</sup>. The country has to do more on the right to education of disabled children as national and international State obligation.

### **Child health programmes**

The Government of Rwanda has done tremendous efforts in protecting and ensuring child rights related to health. As noted above in MDG goals country progress report authored by UNDP in 2011, infant mortality rate and maternal mortality rate has decreased and the report says that the government is on track to achieve the MDG goal related to child health by 2015. For further details on the child health status, refer to the section above on *a brief look at Rwanda's progress towards achieving MDGs related to child protection*, goals 1, 2 4 & 5. Also

The Ministry of Health is the line ministry responsible for delivering child health protection and as we saw above, various policies and strategic plans have been initiated and designed (*refer to the table above on The List of Key National Policies directly impacting child protection*). According to the 2007 Rwanda Services Providers Assessment report which conducted assessment on the availability of three basic child health services: *outpatient curative care for sick children, routine childhood immunization services under Expanded Programme on Immunization (EPI), and routine growth monitoring services* reported that integrated child health services were offered mostly at the first level of the referral system, which is the health centre. About 53 percent of facilities offer all three basic child health services as a package; that includes 71 percent of health centres and polyclinics. Childhood immunization is provided in 75 percent of facilities, growth monitoring in 55 percent, and outpatient curative care for sick children is available in 95 percent of facilities. Health centres and polyclinics, and government assisted facilities are more likely than other types of facilities to provide all three basic services.

However, despite numerous child health protection policies, the assessment report found out that only about half of facilities offer all three basic child health services, including outpatient curative care for sick children, childhood immunization, and growth monitoring. The growth monitoring services are the least available among the three. Outpatient curative care for sick children is available in almost all facilities, while growth monitoring and childhood immunization services are less available. Childhood immunization and growth monitoring services are less available in facilities in Kigali City than in other provinces and are more available in health centres and polyclinics and among government and government-assisted facilities.<sup>35</sup>

<sup>34</sup> UNESCO 2009 report on education for Disabled People in Rwanda and Ethiopia page 15

<sup>35</sup> Rwanda: Service Provision Assessment Survey, 2007pages 59-61

# Child Protection Services

Due to the policy support for the protection of children, sufficient and effective mechanisms to respond to child protection can be found in Rwanda. The Convention on the Rights of Child and African Charter on the Rights and Welfare of the Child were ratified by Rwanda in 1990 and 2001 respectively but it has taken the government 21 years to put in place child focused body (National Commission for Children) charged with ensuring the promotion and protection of the rights of a child. Until now, the following are national institutions which respond to child protection.

## Rwanda National Police

The law establishing Rwanda National Police N° 09/2000 of 16/06/2000 and was revised by the law No. Law N° 46/2010 of 14/12/2010). Its major responsibilities are:

- a) *Ensuring compliance with the law;*
- b) *Maintaining public order inside the country;*
- c) *Ensuring safety and security of people and property;*
- d) *Assisting any person in danger;*
- e) *Immediately intervening in case of calamities, disasters or accidents;*
- f) *Ensuring respect of laws relating to airspace, borders and waters;*
- g) *Combating terrorism;*
- h) *Participating in international peacekeeping missions, humanitarian assistance and training.*

Within the police, there is a gender desk charged with receiving complaints of child abuse. It is not a specialist office with some a departmental structure in National Police.

## National Public Prosecution Authority

This is a body provided for in the National Constitution charged with prosecuting offenders in courts of law for crimes committed against the public. It exercises its prosecutorial functions in the public interests. It was established under the Organic Law N°15/2006 of 24/03/2006 as part of the reform process of judiciary.

## The Judiciary

These are ordinary and regular constituted courts charged with rendering justice in Rwanda. Matters related to children (criminal) are heard and tried in higher instance courts in specialized chambers for children. Other civil and labour child issues are heard in ordinary courts and are tried in accordance with ordinary law on procedure. However, specialized child chambers are only not provided for in military tribunals and courts. According to the law of Jurisdiction and Competence of military courts and tribunals, anyone including a child who participates with a soldier in criminal acts, will be tried in military courts.

## National Commission for Children

The Commission was established in July 2011 by the law N°22/2011 of 28/06/2011 establishing the national commission for children and determining its mission, organization and functioning, the Commission has the following mission to:

- a) promote and ensure child education that enables the child to be a worthy and patriotic citizen;

- b) develop a national partnership and coordination framework aimed at promoting a child rights;
- c) serve as a Central Authority in charge of implementing the Hague Convention on the protection of Children and cooperation in respect of inter-country adoption;
- d) participate in the development of child protection policy and follow up to ensure “child” dimension is mainstreamed in national policies, planning and budgeting at all levels;
- e) establish a common monitoring and evaluation framework for all interventions in favour of the child especially children with special protection needs, based on a data collection and reporting system by all stakeholders at all levels;
- f) integrate an ill-treated child in a family or any place where he/she can receive good education;
- g) collect, analyze, disseminate information relating to promotion of best practices and research in the field of the child’s rights;
- h) identify gaps in different laws and propose amendments thereto with the view to ensure protection and promotion of the child;
- i) collect and analyze children’s views and suggestions made at all levels and ensure that they are mainstreamed in the development and implementation of policies and programmes in favour of the child;
- j) prepare and provide suggestions to the reports on the implementation of international instruments related to children ratified by Rwanda;
- k) develop any tools that can be used for social mobilization campaign on the welfare and rights of the child;
- l) mobilize resources and monitor their utilization;
- m) collaborate with other regional or international bodies with similar mission;
- n) perform any other necessary activities and any other assignments in order to achieve its mission.

## **The Rwanda National Human Rights Commission**

The Commission was established in 1999 by the Law N° 04/99 of 12/03/1999 to handle complaints of human rights abuses against individuals and in particular, against children. The commission carries out investigation upon receipt of complaints.

## **The Centre for Rehabilitation of Street children of Gitagata**

Gitagata is the only Government owned centre for former street children. It is located in Musenyi Sector in Bugesera District. The centre, whose main mandate is to rehabilitate and reintegrate street children houses over 700 boys, aged 7-19, although the Centre has a capacity for 800 boys. The centre provides education to children and some other recreational activities for their development.

# Gaps and Recommendations

In this section, we highlight identified policy and programmes gaps as well as legal framework required for child protection. For easy understanding, save for exception areas, like legal aid, where there is no policy, it is sometimes true that there are no programmes and legal framework in place.

## *Policy and Programme Gaps*

**Child labour:** Since the year 2000, various reports have reported that child labour in Rwanda was very rampant until 2008 when the ministry public service of labour itself carried out the survey on child labour and found out disturbing facts of child labour. Since then, we has not been tangible enforcement of the labour law. Stakeholders in child protection said that the mechanism of labour inspectorate is weak and ineffective because child labour remains prevalent and no report of any employer who have been prosecuted or his industry dealt with in accordance with the labour and other relevant child protection laws. Article 8 of the labour law provides that the labour inspector can request for the examination of the children by a recognized doctor, in order to verify if the work with which they are entrusted is either beyond their strengths and or harmful to their health.

Children working in domestic homes have not been addressed in any policy and they are not considered as vulnerable groups of children who require special attention and intervention of the government. The 15 categories of vulnerable groups determined in the national policy for OVCs does not take into consideration domestic workers but rather treats them in general as working children. These working children need a special protection mechanism. The employers of domestic workers are not generally governed by the labour law in practice although it does not exclude the domestic employers.

**Legal Aid:** There is no national policy on legal aid despite some programmes in place and the commissioned assignment to develop the policy. In absence of the policy the government cannot commit itself financially to provide legal aid services to the very poor people who need it.

**Child trafficking:** The new integrated child rights policy does not have an independent programme and mechanisms to fight child trafficking. The policy treats the issue of child trafficking as part of vulnerable group and addresses it within the programmes of orphans, street children, orphans, etc yet it should have an independent programme with its own and activities.

**Special needs education:** There is still a gap in the government intervention to provide special needs education for disabled children and children with learning disabilities. Currently, few private establishments or disabled children are available. There is a need for government to invest in special needs education to uplift the lives of children with disabilities.

**Education for all:** Education is still a shortfall to many children. While primary education is free, there are no mechanisms put forward by the government to ensure that every child attends education. There are still children on the streets, communities and child labour during school hours. More mechanisms for enforcing the policy for primary education for all should be developed and enforced by local leaders.

**Child survival:** Child survival is still a challenge to children. The government has put much emphasis to ensure that children at school are fed but this is a part of and more privileged class of children.

**Street children:** In the past year 2011 and even today, there are hundreds of children on streets in cities and many more in rural areas who are not in schools and they end up in towns and city streets. The

government needs to have more child centres to add up to one in Bugesera district so as to accommodate children on the streets.

Many strong actors in child protection in Rwanda are international NGOs. Local NGOs are not that strong or fluent to advocate for child protection in Rwanda. There is thus a need to empower domestic NGOs to have strong voice and to build their capacities in child protection so that once international actors decide to close their activities in Rwanda, domestic NGOs can be able to confine with the responsibilities to be the voice of the children in Rwanda.

### ***Legal Framework Gaps***

- i. There is no clear, comprehensive and focused legal framework to combat child labour and domestic workers labour exploitation. Child labour is prohibited in Article 72 of the labour code but the framework of enforcing the provisions is not available.  
  
There is no law which denounces and punishes child trafficking in Rwanda despite the Country being a signatory to a number of treaties and convention. This provides a legal loophole for the traffickers to commit child trafficking and go unpunished because of the absence of the domestic law that provides a framework for prevention and prosecution of child trafficking in Rwanda.  
  
Furthermore, the general understanding of child trafficking is that of cross border only and internal trafficking is not taken a serious offence against children. Article 28 of the law on gender-based violence prohibits gender-based human trafficking but does not define what constitutes the crime and thus it would be difficult to enforce this legal provision of the law.
- ii. No specialized courts for children but rather there are only specialized chamber for children in criminal matters only.
- iii. Children born out of wedlock are barred by the law to inherit their parents.
- iv. The law of evidence in child related crimes and the means of its production is very limited. A medical examination certificate is the only conclusive evidence in courts of law to prove that a child was sexually abused. This evidence covers only the cases of physical penetration but attempts to sexually abuse a child can only be proven by other means such as testimonies and these have limited weight of evidence in courts of law.
- v. Corporal punishment is not denounced and punished by the child law.
- vi. The age of a child is not uniform. Different laws provide different child age and this un-harmonized definition of a child age exposes a child to abuse and exploitation. For example, in civil code and for purposes of marriage, a child is one under 21 years while in employment a child is one under age of 16 years of age.
- vii. There is no law which recognizes child slavery in Rwanda in the context of economic exploitation.
- viii. Child pornography is not known to treated in any Rwandan law as a crime against a child and this exposes children to the danger of child pornography
- ix. There is no law which denounces recruitment of children in non-formal armed groups. Article 20 of the child law prohibits recruitment of a child in military service (which is a formal organization) but does not cover rebel groups etc.
- x. There are good preventive laws for children but they lack institutional and legal enforcement mechanisms.
- xi. Harmful traditional practices committed against children are not proscribed by the child law.

- xii. There is no legal framework which punishes a parents or child custodians for depriving them basic rights such as education, etc but rather the GBV law denounces deprivation of child rights on basis of their children.<sup>36</sup>
- xiii. There are very limited regional and extradition treaties which Rwanda has signed with other states to extradite criminals suspected to have committed crimes against children in Rwanda.

## Recommendations

### Policy recommendations

- 1) A comprehensive policy regarding child delinquency prevention should be elaborated, in consultation with civil society and in conformity following general principles recognized by the Riyadh Guidelines.
- 2) **Rehabilitation programmes:** Specialized programmes should be developed or strengthened, as necessary, to provide medical and psychological rehabilitation to child victims of the most serious types of violence, neglect and exploitation. This should include health services and peer-counselling
- 3) **Social reintegration:** Programmes should be developed and implemented to provide child victims who have become separated from their families with such assistance as may be necessary in returning to their families, if possible, or to the community.
- 4) **Training and awareness.** Programmes such as interviewing and confidence-building techniques for communicating with child victims designed to increase awareness of the impact of violations of the rights of children on the victims, as well as the rights and psychosocial needs of the victims and appropriate procedures and practices for respecting and protecting their rights, should be organized for law enforcement officials, judiciary staff, medical personnel, social workers and media practitioners.
- 5) Child policy should consider strategies and programmes which include establishing specialized courts rather than specialized chambers for the handling of cases involving juvenile offenders. All judges responsible for cases involving juvenile offenders should receive adequate interdisciplinary training in the rights of the child, child psychology and related areas
- 6) The Ministry of Internal Security should provide training to law enforcement personnel regularly involved in handling cases involving children so that they can receive appropriate training in child development and the rights of the child. Effective, independent mechanisms should be established to investigate complaints against law enforcement agencies or officials alleging violations of the rights of the child.
- 7) Public opinion leaders, such as parliamentarians and the media, should promote more appropriate approaches to juvenile justice, including community service and other traditional non-custodial methods.
- 8) There is a great need to have employment policy reforms that will treat and provide guidelines to child labour and do much on public awareness and education on combating child labour. Enforcement by labour inspectors or any appointed agency is an important part of comprehensive efforts to reduce child labour and this must be complimented by other approaches and reinforced by the participation of other actors.
- 9) Government policy to increase from one child centre in the country is required to take care of street children and those forced into domestic child labour. Iwawa Youth Centre has reduced risks of idol

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<sup>36</sup> Article 18 of the GBV law (op cite) provides that any person who does not care for his/her child or exercise harassment on him/her because of whether the latter is a boy or a girl or exercise harassment on his/her spouse shall be liable to imprisonment of six (6) months to three (3) years.

youth in communities. A similar rehabilitation centre for victim children can protect and ensure comprehensive child protection.

- 10) There is a need to redefine vulnerability among children and conduct an updated survey so that programming should be based on these figures and mechanisms of monitoring increase in these figures should be put in place and made effectively functional.
- 11) The Government should expedite the design of legal aid policy and operationalise it to start benefitting indigent children whose private law rights are being severely abused.
- 12) A national policy on prevention of child tracking should be developed and suggest ways of combating child trafficking (domestic and international).
- 13) A reform of special needs education should be made to commit the government to allocate budget to establish more educational institutions for children with special needs of education.
- 14) Universal primary education is free but the policy needs to be revised to ensure that mechanisms of enforcing universal education is made comprehensive to ensure that street children and those in child labour as well as other vulnerable children benefit from this universal policy. The policy should look into increased government spending to cover 100% of all educational cost to those children.
- 15) A national child survival policy should be designed to provide mechanisms of ensuring child survival in Rwanda.
- 16) Mainstreaming child protection issues in all public and private polices would help and increase wider understanding and participation in child protection.
- 17) There is also a need for effective programmes that help children in conflict with the law overcome their problems, to the extent possible, and assist them in preparing for life as law-abiding members of society. Exposing them to further violations of their rights when they come into conflict with the law is always both wrong and counter-productive.

## Legal Framework Recommendations

### 1) On Juvenile Justice

- a) Legislation concerning juvenile justice should also be reviewed, where necessary, consideration should also be given to incorporating the UN Rules for the Protection of Juveniles Deprived of Liberty into national law, as suggested by Rule No.7. This should be done to ensure:
  - Juveniles are not treated as offenders for behaviour that does not constitute a criminal offence
  - Juveniles accused of an offence are entitled to all the guarantees of due process listed in Article 40.2 of the Convention on the Rights of the Child
  - Juveniles accused of an offence have the right to legal assistance
  - The confidentiality of all stages of proceedings is legally recognized
  - The 'last resort' principle is incorporated into the relevant provisions of national law
  - The duty to notify parents or guardians is recognized
  - The detention of juveniles with adults is prohibited, except where such detention would be in the best interests of the juvenile
- b) Legislation concerning the sentencing of children convicted of an offence should be reviewed with a view to ensuring that:



- The *'last resort'* and *'shortest appropriate period'* principles are expressly recognized
  - Corporal punishment is not even tacitly authorized.
- c) In addition, legislation should be reviewed to ensure that violations of the rights of children by law enforcement, judicial and correctional personnel are prohibited and punishable by appropriate sanctions.

## 2) On the rights of victims

To ensure the rights of the child victims are ensured and effective, the following are recommendations for law reform:

- a) Legislation should be reviewed to ensure that:
- Children involved in practices such as child prostitution, begging, international trafficking or illegal recruitment into armed groups are not subject to prosecution for participation in activities in which they are victims
  - All children who have suffered physical or psychological injury or trauma as a result of any form of violence, neglect or exploitation have a legally recognized right to appropriate physical and psychological rehabilitation and assistance in social reintegration
  - The right of child victims to privacy is fully recognized and sanctions for violations of this right, by the media or public servants such as social workers or police, are sufficient to effectively deter them
  - The right to identity is legally recognized, and procedures for restoring the identity of children who have been deprived of one or more elements of this right are effective, rapid and inexpensive
- b) Legislation concerning legal proceedings in which children are parties or witnesses should be reviewed to ensure that:
- The confidentiality of the identity of the child is adequately protected
  - The child has a right to appropriate legal and social counselling and to information about the nature and course of the proceedings
  - Children are protected, to the extent possible, from direct confrontation with persons accused of violating their rights and from hostile, insensitive or repetitive questioning or interrogation
- c) Legislation concerning the right to a remedy should be reviewed with a view to:
- Ensuring that children whose rights have been violated have the right to pursue a remedy through procedures that are expeditious, fair, inexpensive and accessible
  - Determining which type of legal or administrative procedure is most appropriate for ensuring this right, depending on the nature of the violation and the identity of the parties responsible
  - Ensuring that procedural norms concerning the representation of children in such proceedings, and safeguards concerning the use and control of compensation awarded to children, protect the best interests of the child

Rwanda child protection national institutions and agencies should consider borrowing best practices adopted by other countries to ensure the provision and guarantee of child protection.

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## Annex 1:

### List of Stakeholders who participated in this study

N0.	Stakeholder name	Area of intervention	Location	Response status
01	Save the Children	Child protection	Kigali	Responded
02	UNICEF	Child protection	Kigali	Non-responsive
03	UNHCR	Refugee protection	Kigali	Non-responsive
04	Ministry of Justice	Child protection through legal framework	Kigali	Responded
05	World Vision	Child protection /HIV Aids	Kigali	Responded
06	Care International	Poverty and Child protection	Kigali	Responded
07	Handicap International	Disability rights	Kigali	Non-responsive
08	François-Xavier Bagnoud FXB International	Children affected by poverty and Aids	Kigali	Responded
09	Right to Play	Child development, health and peace	Kigali	Responded
10	Haguruka		Kigali	Responded
11	Plan International	Child development	Kigali	Responded
12	Ministry of Gender and Family Promotion	Gender and family promotion	Kigali	Responded
13	National Commission for Children	Child rights protection	Kigali	Responded
14	Parliament Social protection Committee	Social protection	Kigali	Non-responsive
15	National Human Rights Commission	Human rights	Kigali	Non-responsive
16	Avocat Sans Frontières	Legal Assistance to children in criminal matters	Kigali	Responded
17	Compassion International	Child protection	Kigali	Responded
18	Imbuto Foundation		Kigali	Non-responsive
19	SACCA	Centre for street Children	Kayonza/ Eastern province	Responded
20	FIDESCO/Rugamba Cyprien	Centre for street Children	Kicukiro/Kigali City	Responded
21	Nyampinga	Centre for street Children	Huye/Southern Province	Responded

## *Annex 2*

### **Children who participated in the Focus group discussion**

#### **Disaggregation of targeted province and sex**

<b>Town/District/Province</b>	<b>Centre</b>	<b>Type of Vulnerable children</b>	<b>N0. Girls</b>	<b>N0. Boys</b>	<b>Total</b>
Huye/South	Nyampinga	Street Children ( Girls only)	60		60
Kicukiro/City of Kigali	Fidesco	Street Children only) (Boys		45	45
Kayonza/Eastern	SACCA	Street Children only) (Boys		25	25
<b>Total</b>			<b>60</b>	<b>70</b>	<b>130</b>





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