

# **National Integrated Child Rights Policy**

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**Ministry of Gender and Family Promotion**

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**ACRONYMS AND ABBREVIATIONS**

CHH	Child Headed Household (s)
CP	Child Protection
CPC	Child Protection Committee(s)
DHS	Demographic and Health Survey
ECD	Early Childhood Development
GBV	Gender-based violence
GoR	Government of Rwanda
HIV/AIDS	Human Immuno-Deficiency Virus/ Acquired Immuno-Deficiency Syndrome
ICRP	Integrated Child Rights Policy
MIGEPROF	Ministry of Gender and Family Promotion (French)
MINALOC	Ministry of Local Government
MINEDUC	Ministry of Education
MOH	Ministry of Health
NGO	Non-Governmental Organisation
NISR	National Institute of Statistics of Rwanda
OVC	Orphans and other Vulnerable Children
SWAp	Sector-Wide Approaches
TB	Tuberculosis
UN CRC	United Nations Convention on the Rights of the Child
UNESCO	United Nations Education, Scientific and Cultural Organisation

## **POLICY BACKGROUND**

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Following the ratification of the UN Convention on the Rights of the Child (UN CRC), the Government of Rwanda (GoR) has initiated several steps in the direction of addressing the rights and needs of children in the country. Various social policies have been enacted, plans developed and programmes implemented. Children's rights and programming for them cut across various thematic areas and ministerial mandates (health, education, labour, local governance, Justice), thus a number of government institutions and non-governmental organisations at different administrative levels are involved in their implementation. Additionally, numerous laws addressing children's rights have been promulgated.

Recognising the need for coordination and consistency in Government interventions for children, the Government of Rwanda, through the Ministry of Gender and Family Promotion (MIGEPROF) initiated the development of the Integrated Child Rights Policy, a comprehensive national document, detailing Rwanda's vision and commitment to all children. The Integrated Child Rights Policy is conceived with the objectives of strengthening the thinking and analysis around policies related to children and the coordination and implementation of Government activities for realization of children's rights.

## **RATIONALE**

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The rationale for the development of an Integrated Child Rights Policy in Rwanda is derived from the following:

### *Status of Children in Rwanda:*

Since the devastating effects of the 1994 Genocide against TUTSI, significant progress has been made towards improving the status of children in Rwanda including in health, education and protection. For example, public spending on health has considerably increased over recent years; financing for health care and health service delivery have been decentralised; and a maternal and child health service has been established to focus health sector reform on maternal, neonatal and child health policies. The policy of universal access to health insurance has enabled the use of health services by the poor. In 2007, the GoR adopted the National Strategic Plan for Orphans and Vulnerable Children, a national framework for a holistic approach to child vulnerability.

Over the period 2005 to 2007/8, infant and under-five mortality have declined from 86 to 62 and from 152 to 103 per 1,000 live births, respectively; while maternal mortality has decreased by about 33 percent (DHS 2007/8). However, both child and maternal

mortality rates in Rwanda remain high by international standards. Rwanda has made remarkable progress in meeting primary school enrolment and parity goals. In 2009, primary school enrolment rate was 91.6% for boys and 94.1% for girls- (MINEDUC, *Annuaire statistique*, Kigali, 2010), due in part to a target-based education sector strategy and effective donor coordination through the establishment of a SWAp. Retention and learning achievement that had been critical challenges have also shown marked improvement: in 2005 only 46.7% of children completed primary school (Statistical Year Book - 2009, NISR), by 2009 this rate had gone up to 74% (MINEDUC, *Annuaire statistique*, Kigali, 2010).

### Government of Rwanda's commitment to children

The Government of Rwanda has demonstrated, through various policies, legislative and programme initiatives, strong commitment towards meeting the rights of the children of Rwanda.

Rwanda is signatory to numerous international conventions, declarations or treaties on human rights, education, labour, disabilities and refugees that oblige the government to commit itself to ensuring the rights of children in the country. These include, the United Nations Convention of the Rights of the Child (UN CRC, 1989), its two Optional Protocols on children in armed conflict and on sale of children, child prostitution and child pornography<sup>1</sup>. As part of its commitment to the UN CRC, the Government is obliged to undertake appropriate measures in pursuance of children's rights.

The Constitution of the Republic of Rwanda (2003) as amended to date, reaffirming the adherence to the principles and commitments of the various international instruments and specifically invoking the UN CRC, entitles every child for special measures of protection by the family, society and Government. It also entitles all children (all citizens) to rights to education and health.

Finally, the GoR has enacted and developed various legislations, policies and programmes to address various needs and rights of children. A review of these initiatives indicates that:

1. There is a positive environment in the administration for policies to promote, protect and ensure children's rights:
  - Several policies, strategic plans and laws, directly or indirectly, addressing children's issues and rights in Rwanda-It is clear that there is high awareness

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<sup>1</sup> These include: The UNESCO World Declaration on Education for All, The UN Convention on the Elimination of All Forms of Discrimination Against Women, The International Labour Organisation Convention 182 on the Worst Forms of Child Labour, UN Resolution 48/96 on Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, The 1990 African Charter on the Rights and the Welfare of the Child.

about children's rights and interest and strong political will to roll out policies and strategies for the same.

- Some policy and legislative initiatives are extremely brave. Many countries have struggled for years before they could come up with a legislation making health insurance compulsory, or making free education a fundamental right, or legislating laws for addressing sexual abuse.
- Different policies have different visions for the specific target group they address (for instance, MIGEPROF has developed the OVC Policy for its target group, Ministry of Education has developed a policy for Primary Education for one of its target groups, MINALOC has developed the policy on Social Protection with specific vision for their target groups).

A single comprehensive policy (vision for **all** children), across all thematic areas of concern has not been developed yet. There is therefore no reference point for children in Rwanda that can serve as a basis or give direction for different policies/ programmes.

→ **Hence, the development of an Integrated Child Rights Policy - A National Policy on Children, becomes necessary.**

2. Legal provisions for children are spread under different laws and legal provisions are not always consistent across laws (for example, in the laws on child labour, different minimum ages are stipulated and the law on marriage stipulates minimum age for marriage at 21 whereas the age for sexual consent is 18).

Several new laws have been enacted and some have been amended to align with children's rights (for instance, laws prohibiting recruitment of children in armed forces).

→ **There is need for a comprehensive review and revision of laws to meet the standards for children's rights. There is a need for a comprehensive framework for juvenile justice in Rwanda** (including a Juvenile Justice Act) that lists all relevant laws and its implementation mechanisms and rules for administering justice in one legal document. This will help consolidate, harmonise, monitor and above all make children's rights central in legal interventions for and with children.

3. Various government institutions are involved in the development and implementation of these policies, depending on the thematic area. Further, many policies call for multi-sectoral and collaborative efforts between various ministries and nongovernmental actors.

Discussions with various central and decentralized governmental institutions and nongovernmental actors reveal that:

- Implementation of policies and their strategic plans is challenged either by the lack of technical capacity or the lack of adequate human and financial resources.
- Several policies are multi-sectoral in nature and face challenges in implementation owing to lack of coordination mechanisms between implementing/ responsible agencies, or due to lack of adherence to existing mechanisms.

There is a need to bring together various policy initiatives and strategic plans such that implementation of those related to children can be harmonized.

→ **One way of doing this is to develop and implement a National Strategic Plan for Children that is based on a comprehensive policy for children in Rwanda.**

4. Given that various ministries are responsible for different thematic areas under children's rights (Education, Labour, Health, Protection, etc), implementation of the National Policy for Children and a National Strategic Plan for Children will require a multi-sectoral approach.

→ **In order to ensure smooth and integrated implementation, appropriate mechanisms and structures that can facilitate and integrate the actions of the various bodies involved will need to be established.**

5. Some efforts have been made to collect data on specific target groups through sample surveys and case studies, for instance the currently under review situation analysis of the most vulnerable children. However, there is a lack of systematic assessment and causal analysis of the situation of children in Rwanda. As a result of this

- Different policies use different set of data and categorise children by different indicators (vulnerability, access, specific challenges)

→ **There is a need to regularly assess and analyse the situation of children such that various plans can be guided by systematic and regularly updated data, across all thematic areas.**

## Integrated Child Rights Policy

### **Guiding Principles:**

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This policy is guided by the following **principles**<sup>2</sup>:

1. *Every child matters.* Every child in Rwanda and every Rwandan child is important to the Government and the people of Rwanda. This policy will be applicable to all children in Rwanda and of Rwandan nationality without discrimination of any kind, irrespective of the child's parents or legal guardian, parentlessness, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, poverty, disability, birth or other status.
2. *Children are priority.* Every action by Government and non Government parties that affect children will be preceded and guided by an assessment of its impact on children. The actions should be furthering the best interests of children and not impacting them negatively. Children will be prioritised in resource allocations and as beneficiaries of Government action.
3. *Children deserve the best.* Every child will be supported to achieve the highest attainable levels of survival and development. The aspiration will be for good physical and mental health and not mere absence of disease; for good quality and excellence in education and for highest attainable standards of living.
4. *Children can and should participate.* Children have opinions and are capable of understanding and participating in decision making. In matters directly and indirectly affecting children, they will be informed and consulted.
5. *Abuse, exploitation and violence against children are intolerable.* Children will be protected from abuse, exploitation and violence. Children will be protected in their homes, be it with or without parents; in schools, in communities; in their place of work; in prisons; in institutions; on the streets - wherever they may be.
6. *Government and duty bearers are accountable.* All duty bearers in the various spheres where children are involved: government, parents, guardians, communities, law enforcers, teachers, service providers, etc – will be accountable for protecting and promoting children and their rights.
7. *Actions to implement this policy will be well coordinated:* All wings of the Government will work in coordination and cooperation with each other to ensure

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<sup>2</sup> Derived from the principles of Universal Declaration on Human Rights and the UNCRC.

implementation of this policy. A mechanism will be put in place for the management, coordination of implementation, monitoring and review of this policy.

In addition to the above:

- *All human rights are children's rights too. Children will have all the rights as applicable.*
- *All **children** are free and equal in **dignity and rights***

## **Vision**

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The vision of the ICRP is to create an environment in which child's development, survival, protection and participation are ensured through a well coordinated and multi-sectoral approach, where the welfare of the children is ensured, their dignity and right to reach their full potential are guaranteed, and their responsibilities are fulfilled.

## **Objectives**

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The overall objective of the Integrated Child Rights Policy is to reflect the commitment and vision of the GoR for its children.

Specific objectives of the ICRP are to:

- a. Ensure that every child in Rwanda and every Rwandan child has his/her rights ensured and provided for.
- b. Serve as guide for any policy, plan, legislation or programme intervention specifically designed for children or that can impact/ affect children.
- c. Ensure the establishment of mechanisms by which data/information on children's issues will be collected, analysed and used.

## **Policy and strategies**

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It is the policy of the GoR to ensure that children's rights are met through the provision of basic needs and services for all children in the country, and protect them from abuse and exploitation. Children are defined as persons below the age of 18 years and the ICRP covers children from the time before their birth until they complete the age of 18 years.

The Integrated Child Rights Policy of Rwanda is based on seven key themes: Identity and Nationality; Family and Alternative Care; Survival, Health and Standards of Living; Education; Protection; Justice; and Child Participation.

## 1. Identity and Nationality

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### **Every child has the right to identity and nationality.**

All children born in Rwanda, of one or both Rwandan parents have the right to Rwandan nationality. Children who find themselves in Rwanda without parents and without known nationality of parents also have the right to Rwandan nationality.

- 1.1. All children born in Rwanda will be registered within 15 days after birth and will be provided with birth registration certificate. It is the responsibility and obligation of the parents to register the birth of their child at the appointed administrative officer. Adoptive parents/guardians are obliged to register their adopted child/ or child under their care. Relevant officers at the appointed administrative service will be responsible for ensuring that all children born in their jurisdiction are registered and parents/adoptive parents/ guardians are provided with registration certificates. Government will provide all children with National Identification Cards when they turn 16 or earlier if required.
- 1.2. All children in Rwanda who are without parents and who do not know the nationality of their parents will be assisted to trace their parents. Those who will have failed to trace their parents will be registered by the appointed local administrative officer as Rwandans at the earliest and provided with a national identification card when they turn 16 years or earlier if required.
- 1.3. The Government will make an effort to identify paternity for children born out of wedlock and the identified fathers will be obligated to accept the responsibilities for the upbringing and care for these children.

## 2. Family and Alternative Care

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Every child has the right to a family, to be cared for by parents and extended family members. The Government will be responsible for supporting families in providing good care for their children. Where children are temporarily or permanently deprived of parents and family environment, the Government will be responsible for ensuring alternative care for such children<sup>3</sup>.

<sup>3</sup> Alternative care is defined as care for orphans and other vulnerable children who are not under the custody or care of their biological parents, for a variety of reasons including abandonment, imprisonment of parents, detention/ imprisonment of children, neglect of children and children who have run away from their homes or have lost contact with their parents due to conflicts/ wars and children separated from parents by natural disasters or in refugee camps, Alternate care includes adoption, foster families, guardianship, kinship care, residential care and

- 2.1. The Government will provide education and support as required, to parents/ guardians and family members involved in child care, through community mobilisation, community based social workers and behaviour change communication.
- 2.2. Parents/ guardians/adoptive and foster parents are prohibited from abandoning/ returning/ interning their children for any reason.
  - 2.2.1. The Government will identify families struggling to maintain their children and provide support for their care. Specific attention will be given to single parents (adoptive or biological)/ guardians. Various social protection measures in cash/kind will be explored.
  - 2.2.2. Community based initiatives, such as community based social workers and others, will be explored for educating parents and thereby preventing abandonment and neglect of children.
- 2.3. Child care services, integrated with ECD services, will be provided for children in the age group 0-3 years, with the dual aim of providing essential services to these children (food, nutrition, supplements), as well as, for relieving adult or child caregivers for their other responsibilities.
- 2.4. Children living in child headed households (CHH) will be provided with financial and social support
- 2.5. The Government will make maximum efforts in reuniting children who are separated from their parents.
  - 2.5.1. Biological parents/ families of these separated children will be traced and children will be reintegrated with such parents/ families.

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other community-based arrangements to care for children in need of special protection, particularly children without primary caregivers.

Adoption is a permanent placement of a child in a family, whereby the rights and responsibilities of biological parents are legally transferred to the adoptive parent(s). An adopted child acquires the same status, rights and privileges accorded to any child of their adoptive parent(s).

Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care.

Kinship care: family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature;

Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes;

- 2.5.2. In the interim, the Government will provide for alternative care arrangements such as foster care that will be monitored against standards developed for the same.
- 2.6. Appropriate alternative care arrangements will be provided for children without parents. The Government will invoke upon and encourage traditional Rwandan culture to care for one another's children.
- 2.6.1. The first option for children without parents will be to place them in the care of extended family; option two, will be the formal adoption within community /country; option three will be the placement in foster care within their communities; and option four will be inter country adoption in accordance with the international and national guidelines for the same. Children will be placed in institutions only as a last resort, and even then, there will be continuous efforts at exploring better alternatives.
- 2.6.2. Government and non-governmental organizations will provide support to foster and adoptive families, in order to encourage such families to foster/adopt children without parental/ family care.
- 2.6.3. Community based structures, such as the committee for GBV and child protection and others, will be mobilised and supported to provide support to adoptive/foster families. Community based social workers will also provide support to adoptive/foster families.
- 2.6.4. The Government will provide for capacity building and appropriate means to children in foster and institutional care such that they are able to fend for themselves after the age of 18 when they are removed from these alternate care arrangements.
- 2.7. The Government will develop comprehensive guidelines on alternate care, specifying standards of care to be provided, including for adoption, foster care and institutions and mechanisms for formalisation of these care arrangements. Systems and mechanisms will be developed for monitoring of the implementation of these care standards and holding foster/ adoptive families and institutions accountable.
- 2.8. Care and protection for children whose only or both parents are imprisoned and who are thereby rendered parentless will be provided by the Government.
- 2.8.1. Temporary alternative care options will be explored, prioritising foster care within extended family or community.

2.8.2. In the meantime, special protection and care services will be made available for children within prisons.

2.8.3. Children should not be incarcerated with their mothers. The Government will develop specific mechanisms by which infants can continue to be breastfed by their imprisoned mothers and by which older children are allowed to meet with their imprisoned mothers.

2.9. Children's right to property inherited from their biological and adoptive parents will be respected. No person is allowed to take over property/inheritance of children. Guardians or relatives who attempt to take over property and inheritance of children will be penalised.

### **3. Survival, health and standards of living**

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3.1. Government will make maximum efforts to ensure, through appropriate pre-natal, ante natal and post natal interventions that every child is born healthy and free of disease.

3.1.1. Integrated services and strategies will be employed for providing continuum of care at the levels of community and health facility, including: community based interventions for education of pregnant, lactating mothers and mothers of young infants; universal immunisation programmes that are easy to access; nutrition/ feeding support programmes as required; easily accessible safe deliveries through trained staff at health centres and hospitals; pre natal, ante natal and post natal care by skilled health care professionals and; access to ambulance and provision for transfers to referral centres.

3.1.2. The Government will promote adoption of family planning practices through education and support services to households, youth, men and women so that they are not burdened with multiple child births that they cannot afford to care for.

3.1.3. The Government will ensure that all health facilities have appropriate infrastructure and equipments and are accessible to all children.

3.2. All children will be covered by a comprehensive health programme that focuses on wellness and absence of disease.

- 3.2.1. There will be a primary health post equipped for providing immunisation, primary care including preventative care, within every cell.
  - 3.2.2. Every child will be ensured of medical intervention within 24 hours of his/her getting fever and or the first symptoms of pneumonia, diarrhoea, malaria and others.
  - 3.2.3. Every health post, health centre and hospital at every level will make child health and wellness their priority.
  - 3.2.4. Responsibility for ensuring complete immunisation and growth monitoring of all children under 5 years of age and identification of illnesses and primary interventions will be with the health posts/ health centres.
  - 3.2.5. Trained community based health workers will be appointed to provide health care services at the community level, with a special focus on children. Community based workers will be treated as part of the health care team and the Government will explore options by which their involvement can be made more sustainable.
  - 3.2.6. HIV and AIDS response will be integrated in all health care services for children.
- 3.3. Every child will be covered by the health insurance scheme (Medical insurance):
- 3.3.1. The Government will ensure that all children, particularly vulnerable children, such as, children without parental care, are covered by the health insurance.
  - 3.3.2. The government will undertake specific measures to cover insurance premium for those children whose premiums cannot be covered by their parents and for all children who are without parents. This includes costs for all kinds of treatments and drugs that may be required, including the management of opportunistic infection for HIV positive children.
  - 3.3.3. Recognising that user fees severely constraints children's access to health care and recognising that free and good quality preventative health care goes a long way in reducing overall costs for health care, user fees will be waived in the case of health care and services for children under 5 years of age, pregnant and lactating mothers from very poor families.

- 3.3.4. In order to mobilise resources for premiums for those who cannot afford it and to compensate for waiver of user fee, Government will explore the option of capacity-to-pay under the health insurance scheme.
- 3.4. The Government will take appropriate measures to ensure clean and safe drinking water for all children in their homes, communities (including for homeless/ street children), schools, ECD centres and other institutions.
- 3.5. The Government will take appropriate measures to promote sanitation and hygiene at homes, communities and institutions.
- ~~3.6.~~ No child in the country will go hungry for want of food or due to neglect by parents/ caregivers. Prevention and treatment for chronic and acute malnutrition of children will be prioritised and will be available free of cost, including food supplements, medication, tests, etc., for all children.
  - 3.6.1. The Government will be responsible for ensuring adequate and nutritious food for all children who have no means for accessing the same.
  - 3.6.2. The Government will develop effective programmes for feeding children, including through school feeding programmes at the level of basic education (for all children in the grades 1-9) and feeding programmes for children in the 0-6 year's age group.
  - 3.6.3. Community based interventions that are integrated with local care economy will be explored for feeding programmes.
  - 3.6.4. Community based social workers will help educate parents and children on nutritious feeding practices to ensure that children receive balanced diet.
  - 3.6.5. Specific measures will be taken to ensure food availability for children who cannot be reached by universal programmes (such as school feeding in the case of working/ street children who are out of school, children in detention or prisons).
  - 3.6.6. Specific measures will be taken to ensure food availability for all children infected/ affected by HIV.
- 3.7. Specific measures will be undertaken for providing sexual and reproductive health education to children at appropriate ages:

- 3.7.1. Including school based education, community based education through social workers and so on, such that children are educated on sexuality and reproductive health and early pregnancies can be avoided.
- 3.7.2. Adolescents will be made aware of their rights to protect against underage marriage, abuse and exploitation. Pregnant adolescents will be supported in their pregnancy with adequate care, pre, ante and post natal services. Appropriate strategies will be developed for assisting adolescent mothers in taking care of their children and or in finding alternative care arrangements for their children.
- 3.8. Specific plans of actions will be developed to ensure adequate services for children in the identification, prevention, care and treatment of specific diseases such as malaria, TB, HIV/AIDS, respiratory and other commonly occurring diseases.
- 3.9. Children will be given priority in design and implementation of programmes for poverty reduction, such that child poverty is eliminated within a stipulated period of time.
  - 3.9.1. Various options of social protection will be explored for the short term, including provision of direct support to families in difficult circumstances, child headed households, orphans and other vulnerable children. For the long term, Government will undertake measures for promoting secure livelihoods for households and communities.

#### **4. Education**

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- 4.1. The Government guarantees by law that every child in Rwanda has the right to fee-free and compulsory education for the first 9 years of basic (primary and lower secondary) education.
  - 4.1.1. The Government will take the necessary measures to ensure that all children complete the 9 years of basic education.
  - 4.1.2. The Government will identify families and households that cannot bear the other costs of education, such as uniforms and learning materials, and provide for the same.
  - 4.1.3. Various options for social protection, such as school stipends or other cash transfer schemes will be provided for those children who for economic,

social or cultural reasons, tend to stay out of school (including but not limited to girl children, children affected by HIV and AIDS, other vulnerable children).

- 4.1.4. In collaboration with parents, the Government will endeavour to expand school feeding programme for all children in the country.
- 4.2. Recognising the importance of pre-school education the Government will endeavour to provide free and compulsory early education including supplementary food and nutritional supplements for all children in the age group 3-6 years, at every village or cluster of villages.
- 4.3. The Government will ensure that all children receive good quality education.
  - 4.3.1. Standards for good quality education will be elaborated and regularly monitored and updated. .
  - 4.3.2. School and community partnerships will be encouraged and parent teacher committees will be trained for the management and monitoring of schools, specifically to ensure enrolment retention, prevention of drop out and quality of education.
  - 4.3.3. Teachers will be provided with capacity and career development opportunities, salaries and incentives rewarding qualifications and performance.
- 4.4. The Government recognises the special educational needs of children affected by various disabilities and learning challenges and will make best possible efforts to include these children in mainstream schools where possible.
  - 4.4.1. Special needs education will be included in the curriculum for teacher training such that all teachers are trained in basic skills for teaching children with special educational needs.
  - 4.4.2. The government will endeavour to provide resource centres in schools where children with special educational needs will receive remedial/ supportive services to complement class- room teaching.
  - 4.4.3. Any special learning material (such as Braille equipments or hearing aids or orthopaedic aids) required by children who cannot afford these will be provided by the Government.

- 4.4.4. For children who cannot be integrated in regular schools due to severity of their disability, the Government will undertake specific initiatives to ensure basic education for them. These initiatives will be fee-free and support will be provided to children from needy families to benefit from these services.
- 4.5. Recognising that large numbers of children need to work to take care of themselves/ their families and large number of children are living and working on the streets, the Government will identify such children and develop specific options to ensure their access to good quality education, such as flexible school hours, compressed curriculum and option for sitting for exams through open school system.
- 4.6. The government will ensure that psychosocial counselling services and guidance for HIV/AIDS infected/affected children and other psychological problems are available in all schools

## **5. Protection**

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- 5.1. The Government will put in place a national child protection system, a monitoring system including mechanisms for data management, formal reporting, referral and response.
- 5.2. It is prohibited by law to recruit any child in the armed and/or defence forces in the country, including Local Defence Forces, and National Police. Non Government actors are also prohibited to recruit any child in armed violence. The Government will undertake specific preventive measures in this regard and continue efforts to demobilise, rehabilitate and reintegrate all Rwandan children involved in the armed forces in the surrounding sub region. Whoever is accountable for recruitment of children should be brought to justice.
- 5.3. All forms of child labour are prohibited for children under the age of 16, unless they are performed by children after school hours and involve light work as prescribed by law. In addition, it is prohibited to employ any person under the age of 18 years in worst forms of labour. The Government will enforce the implementation of ministerial decree on worst forms of labour for children. Specific time bound programmes will be rolled out for rehabilitating children engaged in the worst forms of child labour as priority and extend to other forms of labour.

- 5.3.1. The Government will undertake specific preventive interventions and social protection measures, including intense mobilisation for enrolment and retention of working children into schools and support to them/ their families as a compensation for their loss of income.
  - 5.3.2. The Government will undertake specific rescue and rehabilitation programmes for removing the need for children from work, especially in the case of children without parents or child headed households.
  - 5.3.3. Employers will be held accountable and penalised for contravention of this policy and related laws.
  - 5.3.4. A comprehensive strategy will be developed for preventing and eradicating the phenomenon of street children by addressing its root causes and for providing care and support services, including but not limited to provision of child friendly safe centres where they can receive basic services and care.
  - 5.3.5. The Government will provide training and awareness to law enforcing agencies to ensure that street and working children are not treated as offenders simply on account of their status of living and working on the streets.
  - 5.3.6. The Government will make maximum efforts for reunification of street children with their families and/or placing them in appropriate alternative care. Specific measures will be undertaken to ensure that they receive medical and social intervention for any abuse, including substance abuse (including glue, cannabis, etc).
- 5.4. Trafficking of children (domestic or international), and any kind of sale/trading of children is prohibited by law.
- 5.4.1. Government will undertake specific measures for the prevention of trafficking, including community based awareness programmes.
  - 5.4.2. Specific programmes and mechanisms will be developed for the rescue and rehabilitation of victims of trafficking.
  - 5.4.3. Appropriate bilateral agreements will be developed with neighbouring countries to prevent and prohibit cross border trafficking of human beings, including children.
  - 5.4.4. Traffickers and their supports will be brought to justice.

- 5.4.5. Sexual abuse against children is intolerable. All forms of sexual abuse of children, including pornography and prostitution are prohibited and penalised by law. Any sexual offense against a child will be treated in accordance with laws related to rape of children and will be severely punished.
- 5.4.6. The government will undertake specific measures for prevention of and response to sexual abuse through community based support mechanisms (such as the GBV/ CP committees) that are appropriately linked to medical, legal and social support. Parents, guardians and caregivers have the obligation of protecting their children against all forms of abuse and whoever doesn't fulfil his/her obligation, will be brought to justice.
- 5.4.7. Extensive community based awareness programmes will be undertaken to generate awareness about children's rights and inform children/ communities about available support.
- 5.4.8. Perpetrators of abuse against children will be brought to justice.
- 5.4.9. Government will develop specific measures for dealing with child offenders committing sexual abuse of other children. This will be part of a comprehensive framework for juvenile justice provided below.
- 5.5. Physical abuse, including torture and cruelty against children and corporal punishment of children is prohibited in all settings<sup>4</sup>
- 5.5.1. Physical abuse of children will be penalised as per existing laws.
- 5.5.2. Government will undertake measures to prevent physical abuse of children by raising awareness and prosecuting offenders.
- 5.5.3. Corporal punishment of children is prohibited everywhere- in homes, communities, schools, detention/ remedial centres, police stations and other institutions.
- 5.5.4. Government will undertake measures for promoting positive discipline, including training and awareness programmes.
- 5.6. The legal age for consent to marriage is 21 years.

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<sup>4</sup> All settings include: homes, communities, schools, all centres and institutions that have children, prisons and detention centres, etc

- 5.6.1. Severe penalties prescribed by existing laws apply for those conducting/forcing marriages of persons below the legal marriage age of 21 years.
- 5.6.2. The Government will undertake awareness and community mobilisation campaigns to discourage under age marriage.
- 5.7. All refugee children in Rwanda, accompanied or unaccompanied by adult family members will have all the rights stipulated in this policy.
  - 5.7.1. The Government will make special efforts to ensure that refugee children receive all basic services, including education, health care and protection.
  - 5.7.2. Government will endeavour maximum efforts at tracing and reuniting unaccompanied refugee children with their biological parents/ families and in the meantime provide for appropriate alternative care arrangements.
  - 5.7.3. The Government will provide for appropriate services to refugee children in alternative care such that they are able to fend for themselves after the age of 18 when they are removed from alternative care.
- 5.8. All Rwandan children who live as refugees outside Rwanda will have the right to return to Rwanda and all rights and provisions stipulated under this policy.
  - 5.8.1. The Government will make special efforts to ensure that returnee children receive all basic services, including education, health care and protection.
  - 5.8.2. Government will endeavour maximum efforts at tracing and reuniting unaccompanied returnee children with their biological parents/ families and in the meantime provide for appropriate alternative care arrangements.
  - 5.8.3. The Government will provide for appropriate services to returnee children in alternative care such that they are able to fend for themselves after the age of 18 when they are removed from alternative care.
- 5.9. Children will be given priority in disaster and emergency preparedness plans, rescue and relief operations and in the rehabilitation plans.
- 5.10. The Government will undertake specific measures to prevent discrimination and stigmatisation against children on account of their gender, socio-economic status, disability or on account of their HIV status.

## 6. Justice

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Children in conflict with the law have the right to treatment that promotes their sense of dignity and worth and a justice framework that takes into account their age and aims at their reintegration into society.

- 6.1. The Government will develop a comprehensive framework for juvenile justice, including set of laws addressing children in conflict with law and child victims of offenses; specific mechanisms for administration of juvenile justice including juvenile courts, special trained judges and prosecutors, provision for legal aid for child offenders and victims. This framework will adhere to the provisions of the various international instruments for the same<sup>5</sup>.
- 6.2. The comprehensive system for juvenile justice will be marked by the three pillars of 'diversion' (directing children away from judicial proceedings and towards community solutions); 'restorative justice' (promoting reconciliation, restitution and responsibility through the involvement of the child, family members, victims and communities) and 'alternatives to custodial sentencing' (counseling, probation and community service).
  - 6.2.1. Age for criminal responsibility will be determined with due consideration to the emotional, mental and intellectual maturity of children. The minimum age for criminal responsibility will be increased as appropriate but not reduced.
  - 6.2.2. The Government will undertake all necessary measures to ensure that juvenile courts are established and made accessible at the local levels and that trained juvenile judges are appointed at least at the district levels.
  - 6.2.3. The Government will ensure, through appropriate funding and training of legal personnel, that all children, whether victims or offenders, receive free legal assistance at an early stage of legal proceedings, at all levels.
  - 6.2.4. Deprivation of liberty of children will only be considered as a measure of last resort and for the shortest possible period. Children will not sentenced to life imprisonment.
  - 6.2.5. Pre trial detention will be the shortest possible and there will be a limit to the length of pre trial detention of children.

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<sup>5</sup> The UN CRC, UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the UN Guidelines of the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the UN Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

6.2.6. Children will not be detained/ imprisoned with adults. The Government will set up specific remedial centres/ special prisons for children where they will receive good quality care, including medical, and education.

6.3. Children who are imprisoned or detained will have right to maintain contact with their family/ guardians through correspondence, visits, etc.

## **7. Child Participation**

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7.1 In a manner consistent with the child's age, maturity and ability, every child will have the right to participate in all spheres of the society.

7.2 Children's perspectives will be integrated and mainstreamed into planning and decision-making. The Government will create opportunities and enabling environment to ensure that children are informed and consulted in the development of policies and programmes in all matters that affect their lives directly and indirectly (judicial, administrative, social, economic, etc).

7.3 The Government will develop national guidelines for the participation of children and will facilitate the creation and strengthening of platforms for children and young people participation at all levels:

7.3.1 At the local level, children will be supported and empowered through children platforms, such as, the children's forum, children clubs and networks, and community dialogue to organise for promoting/ protecting their rights at all levels.

7.3.2 At the national level, various opportunities will be created such as, but not limited to, the Annual Children's Summits, to provide an opportunity for children to engage with adults and discuss issues affecting their lives and to inform Government policies and interventions.

7.3.3 Current and forthcoming policies, programmes and plans will be shared with children and their opinions considered in the same (as mentioned under 7.4.1 and 7.4.2 ).

7.3.4 At regional and international level, children will be given the opportunity and facilitated to participate in exchange or political debates organised to collect their views.

7.4. In judicial or administrative decisions concerning adoption or custody (in case of separation/divorce of parents) the child will be heard in the proceedings in accordance with his/her age and maturity. Such child's family's assets and property will be protected.

## **Implementation of ICRP**

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The Integrated Child Rights Policy will be implemented progressively; a 5-year strategic plan for the implementation of specific provisions of the policy will be developed and updated as appropriate.

Given the multi-sectoral nature of children's rights and the need for various wings of the Government and various non Government actors to be involved in its promotion and adherence, an autonomous and well empowered body for planning, reviewing and coordination of the implementation of the policy needs to be established. This body will be established upon adoption of this policy and will be provided with the responsibility and the powers to ensure that this policy is implemented.

This body will additionally be responsible for collecting and managing data related to children and their rights in Rwanda. It will develop, in partnership with the national statistical organisation, a data management system for regular status reports on children and their rights. The data will be widely disseminated to support policy, plans and programme interventions at all levels.

All institutions (Civil society organisations) are obliged to respect and follow these policy guidelines. Non Government actors such as NGOs have been engaged in the area of children's rights and the Government will encourage them to partner among them or undertake initiatives to complement Government efforts in implementing this policy.

The Government will also take direct steps to partner with Non-Government actors with a child right focus to undertake initiatives to complement its efforts in implementing this policy.

The policy requires harmonisation of all relevant laws so that they conform to these policy provisions. New laws and frameworks may be developed in pursuance of the provisions of this policy.

The Government will ensure that adequate financial resources and trained human resources are made available for the implementation of this policy. The Government will explore and encourage public and private sectors' participation in the mobilisation of the required resources. The Government will invite the international donor community in supporting the implementation of this policy.