

REPUBLIC OF RWANDA



MINISTRY OF LOCAL
GOVERNMENT, INFORMATION
AND SOCIAL AFFAIRS

National Policy
for Orphans
and
Other Vulnerable Children

Rwanda, 2003

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PREFACE

A child is a gift of God to its parents, a precious companion to its brothers and sisters, a continuity of its family and the future of its country.

This beautiful human being, cherished and fragile, should be protected and grow up in an environment that is favourable to its moral, intellectual and physical development.

In many countries, and above all in the poorest of them, the majority of the children will never have known this blossoming, which is nevertheless their full right.

The Rwandan child has experienced suffering due to bad governance, which has characterised the country in a context of poverty before, during and even after the colonisation. The genocide of 1994, the culminating point of the bad management of the res publica, which carried away 1,074,017 human lives, 50.1% among them less than 18 years old, has deprived the children of the land of the thousand hills of their foremost right, the right to live. The surviving children of this humanitarian catastrophe have also been deprived of the environment necessary for their harmonious development.

Nowadays, about one million vulnerable children exist, which amounts to 1/8 of the total population. Fifteen categories of children find themselves in diverse difficult circumstances, which prevent them from enjoying their full rights: children living in households headed by children, children in centres, children in camps for refugees or displaced persons, street children, children with foster families, and others. In addition, the number of children affected/infected by HIV/AIDS grows progressively.

The Government of National Unity, in collaboration with its non-governmental partners as well as individuals with good will, has been working on the task to find a new family for all children, to demobilise and reintegrate those who served with armed groups, to repatriate and to resettle the refugees and internally displaced and to provide opportunities for education to those in the streets.

Unfortunately, the situation is still a long way from ideal. The rights of the child are still being flouted, since there are children in centres, children are abused by foster families, children are still being by armed group, the Rwandan children live in total poverty and are forced to work. The list is long!

Is there reason to despair? No. The Rwandan children are more than ever being included in programmes in the country and the laws protecting them have been embraced and their rights are progressively regained.

The policy that has been developed with the participation of all the partners and which has been approved by the Cabinet Meeting provides the guiding line for interventions enabling the children to truly enjoy their rights.

We call upon everyone to contribute within the limits of their availability and/or resources for this exposed and vulnerable human being, which will constitute the men and women of tomorrow, escape from its present vulnerability.

*Dr. Odette NYIRAMILIMO
Minister of State in charge of Social Affairs*

1. INTRODUCTION

The principal goal of the Government of National Unity is to improve the wellbeing of the population. To achieve this aim, each ministry has a mission to accomplish, which contributes towards this overall goal.

The Ministry of Local Administration, Information and Social Affairs (MINALOC) has the principle mission to promote good governance and the welfare of the population. In order to achieve its mission, MINALOC follows three strategic directions: i) the establishment of democratic decentralised structures; ii) the reinforcement of the capacity of the population to participate in the identification and implementation of development interventions; and iii) to contribute to resolve social problems. These three strategies are based on the values of unity, equity, democracy, sustainable development and patriotism.

The interventions of MINALOC with regard to social affairs are guided by two goals:

- a) Develop and foster administration of programmes aimed at improving the welfare of citizens so as to ensure social security to all, including programmes for balanced growth of the national population;
- b) Initiate and oversee programmes to protect the very vulnerable of the national population with particular emphasis on juveniles, handicapped, survivors of genocide, the aged and orphans, with the aim to integrate them into the economic mainstream.

One important contribution towards sustainable development and equity is the social, economic and cultural integration of vulnerable groups in society. With view to the recent history of genocide and war, these groups form an important part of the society. Among those groups, particular attention needs to be given to the high numbers of children and youth in difficult circumstances.

Since 1994, the Government, in close collaboration with civil society partners, has worked hard to address the problems of vulnerable children. The achievements have been impressive, particularly in the field of reunification and fostering of children following the genocide. In addition, numerous programmes have been initiated for destitute children, street children and children in child headed households among others. However, persisting widespread poverty, the high HIV infection rates among the population and the increasing reports of child rights abuses calls for sustained action in favour of children. The scope of the problem demands a comprehensive framework with the allocation of appropriate financial and human resources. The complexity of the situation, charges service providers with the responsibility to constantly reflect on programmes and intervention in order to improve the design of programmes and to enhance their potential to have a sustainable impact on children and their communities.

The following document outlines the principles, objectives and strategies of a national policy for the protection of orphans and other vulnerable children in Rwanda. The propositions constitute a first step towards a comprehensive framework, which will assist the Government and its partners to plan, implement and monitor projects and programmes in favour of orphans and other vulnerable children.

The development of this policy has been initiated by MINALOC. A Technical Committee consisting of representatives of MINALOC, MINEDUC, Hagaruka, Save the Children (UK) and UNICEF carried out the tasks of guiding and supervising the development of the policy document. Members of the Technical Committee have met regularly to prepare for workshops and consultations as well as to discuss findings.

The following text draws upon existing reports, research and policy initiatives. The participation and contribution of key stakeholders was encouraged at several levels. During a 2-day workshop held in Kigali with 40 participants from government and civil society, the participants developed specific principles, objectives and strategies for orphans and other vulnerable children. In addition, provincial consultations took place which included participants from decentralised government structures, NGOs, UN agencies and religious confessions. These consultations provided further recommendations to be included in the policy document. Finally, a national conference on orphans and other vulnerable children provided the opportunity to share the draft policy with a wide range of decision-makers. The recommendations arising from this conference assisted to develop the final version of this policy.

The aim of this document is to establish objectives and to propose strategies to address issues regarding orphans and other vulnerable children. The policy orientations will contribute to the following:

- a systematic co-ordination of services and programmes
- the prioritisation of major areas of work
- a better geographical distribution of services available for orphans and other vulnerable children
- identifying gaps in services
- improving and/or establishing services for children who are not adequately served
- planning for future assistance from outside as well as inside Rwanda
- avoiding overlaps of services
- improving the allocation of budgetary resources on a rational basis
- an appropriate use of human and financial resources
- identifying gaps in human resources
- the establishment of a comprehensive monitoring and evaluation system
- assessing the impact of programmes and services
- ensuring technical and financial sustainability of programmes

2. SOCIO-ECONOMIC CONTEXT

Rwanda is one of the poorest countries in the world. UNDP's Human Development Indicators¹ ranks Rwanda 163rd out of 172 countries. The poverty reduction strategy paper (PRSP) quotes economic and historical factors influencing the widespread poverty. The economic factors are mainly related to the lack of productivity increases in the agricultural sector in the context of a rapidly growing and largely rural population. The recent history, which included the genocide and an ensuing civil war further, increased the poverty levels and disrupted development efforts.

Poverty indicators for Rwanda show that more than 60% of the population live below the poverty line. Life expectancy is low and infant mortality high. Enrolment in secondary education is very low. Table 1 provides an overview of some indicators.

Table 1: Selected indicators on poverty and child related issues

		Year	Source
GNI (Gross National Income) per capita	US\$230	2000	World Bank ²
Proportion of population below poverty line	60.29%	2000	EICV ³
Population under 15 years	43.5%	2000	HDR
Life expectancy	49 years	2000	DHS ⁴
HIV prevalence (population 15-49 years)	13.7%	2002	HDR
Maternal mortality per 100,000 live births	1,071	2001	MINISANTE
Infant mortality per 1,000 (proportion of children who die before their 1 st birthday)	107	2000	DHS
Child mortality per 1,000 (proportion of children who die before their 5 th birthday)	198	2000	DHS
Malnutrition under 5 years – low height for age (stunting)	42.7%	2000	DHS
Malnutrition under 5 years – low weight for age (underweight)	29.0%	2000	DHS
Adult literacy rate (population above 15 years old)	52.36%	2000	EICV
Net primary enrolment (ratio of children of school age going to school)	73.3%	2000/1	MINEDUC
Net secondary enrolment	6.0%	2000	MINEDUC
Proportion of children completely immunised, under 5 years old	72%	2000	MINISANTE
Contraceptive prevalence rate	4%	2002	DHS

Sources: Poverty Reduction Strategy Paper; UNDP, Human Development Report (HDR) 2002

¹ UNDP, *Human Development Report 2002*

² World Bank, *World Development Report, 2002*

³ Household Living Conditions Survey, 2001

⁴ Demographic and Health Survey, 2000

Recognising that immediate and sustained action is required, the Government of National Unity engaged in the development of several strategies to address the problems of poverty as well as the legacy of the genocide.

The **decentralisation** process created democratically elected structures at decentralised levels. These decentralised structures should in time assure that decision making includes the participation of local people and service provision is relevant to the perceived needs of local communities.

The **Poverty Reduction Strategy Paper** (PRSP) proposes strategies for the reduction of poverty. Wide ranging research with the participation of the target population took place, thus directly contributing to the decentralisation process and its related aims of increased accountability and participation in local governance issues.

The PRSP identifies economic growth as an essential factor for poverty reduction. Gearing investment towards rural areas should ensure that higher growth in poor areas reduces the incidence of poverty. However, the stimulation of economic activities may not reach the members of the poorest category (*umutindi nyakujya*, such as young orphans, elderly, disabled etc.), since these are often unable to participate in the economic life. These people require particular attention through social safety nets provided by Government, NGOs, CBOs and other different associations as well as by the private sector.

Gacaca, which originated in the traditional form of community resolution of disputes, is being strengthened to deal with the backlogs of prisoners accused of genocide related crimes. At a later stage gacaca may be used for the settlement of land disputes and social matters.

The Law No. 2/98 created the **FARG** (Fond d'Assistance aux Rescapés du Génocide) which aims at providing assistance to the most needy genocide survivors. 5% of the domestic revenue are set aside for this fund. The beneficiaries include orphans, widows and handicapped. The assistance of the FARG contributes essentially towards education, health and housing for the identified beneficiaries and particularly vulnerable children.

3. PRINCIPLES OF THE PROTECTION OF THE RIGHTS OF THE CHILD

The Government of the Republic of Rwanda is committed to meeting the needs of the most vulnerable children through the provision of appropriate services and protection from harm. The **Constitution** stipulates that all citizens are equal (Art. 16) and that the family is the natural basis of life and that parents have the right and obligation to raise their children (Art. 24).

The **Law No. 27/2001** of 28 April 2001 concerns the rights of the child and the protection of children against violence. Furthermore, the Government is signatory to the **United Nations Convention on the Rights of the Child** (1989) and the **African Charter on the Rights and the Welfare of the Child** (1990) which constitute the formal obligations of the Government in the field of the rights and responsibilities of the child.

The **obligations** of the child are stipulated in the African Charter on the Rights and the Welfare of the Child (Art. 31) and the Rwandan law No. 27/2001 (Art. 25, 26, 27).

Further principles regarding child rights are stipulated in the following documents to which Rwanda is party⁵:

- UNESCO World Declaration on Education for All
- UN Convention on the Elimination of All Forms of Discrimination Against Women
- ILO Convention 182 on Worst Forms of Child Labour
- UN Resolution 48/96 on Standard Rules on the Equalization of Opportunities for Persons with Disabilities
- Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Optional Protocol on the Convention on the Rights of the Child on Child Trafficking, Child Prostitution and Child Pornography

Based on the above, the **four overriding principles** guiding the protection of the child are:

- the principle of the best interest of the child
- the principle of non-discrimination
- the principle of the right to survival and development
- the principle of participation of the child in the actions and decisions that concern him/her

In addition to the 4 above mentioned principles, the following **specific principles** will guide all policy and programme development for orphans and other vulnerable children:

- Programmes and services take into account cultural practices of Rwanda as well as the overriding development strategies in decentralisation, education, health, justice, poverty reduction and reconciliation.
- A legal framework guides all action for orphans and other vulnerable children.

⁵ A more detailed list of laws and conventions can be found in: Service Social International (pour MINALOC et UNICEF Rwanda), *Orientations Pour le Développement d'une Politique Familiale de Protection des Enfants Privés ou Risquant d'Être Privés de leur Milieu Familial d'Origine*, Kigali, Mai 2002

- Co-ordination and monitoring systems maximise the support for orphans and other vulnerable children and ensure their wellbeing.
- Programmes and services follow standard practices and clearly defined standards of quality.
- Research and consultation of the concerned target group forms the basis for all programmes in favour of orphans and other vulnerable children.
- Gender aspects must be included in all programmes.
- Staff with the appropriate capacities ensures the wellbeing of orphans and other vulnerable children.
- A focus is being placed on community based approaches which include the community and children in research of solutions and decision making; care and protection for vulnerable children should remain within the family and community; institution based solutions should be the exception.
- The integration of orphans' and other vulnerable children's issues in the national budget and poverty reduction strategies is required to provide the necessary support.

4. ORPHANS AND OTHER VUNLERABLE CHILDREN IN RWANDA

4.1 Definition of orphans and other vulnerable children

A vulnerable child is a person under 18 years exposed to conditions, which do not permit him/her to fulfil her/his fundamental rights for her/his harmonious development.

An orphan is a child who has lost one or both parents.

4.2 The situation of orphans and other vulnerable children

While there are no detailed studies on the numbers of orphans and vulnerable children, there are indications that the situation is becoming worse. Most visible are the children living in the streets, who have reportedly increased in the past few years. The HIV infection rates suggest that the number of vulnerable children will increase dramatically in the near future and child headed households are already a common sight in many communities. It is generally accepted that the growing numbers of vulnerable children poses a problem to the traditional ways of incorporating vulnerable children into the extended family structure. The fact that children are marginalized from community structures and protective family care systems is decreasing their capacity to function in society⁶. The problems faced by traditional coping systems, and the lack of other services, exposes an increasing number of children to rights abuses. These abuses take a number of forms and range from sexual abuse and exploitation to exploitation through harmful labour. In all cases, children are deprived of fundamental rights with regard to their protection and their development.

4.3 Categories of vulnerable children

The establishment of categories of vulnerable children has the advantage of enabling service providers the identification of vulnerable children. However, it also poses several problems. Firstly, there are multiple causes and effects of vulnerability. For programmes assisting orphans and other vulnerable children, it is essential to recognise the underlying causes of risk and vulnerability in order to establish prevention programmes as well as social protection measures. Secondly, stigmatisation and marginalization of certain groups of vulnerable children needs to be avoided. Interventions on behalf of these groups needs, whenever possible, to be included in programmes addressing vulnerable children in general. Thirdly, some of categories of vulnerable children are crosscutting. Therefore, many interventions apply to all or most vulnerable children. The status and the situation of orphans, as one of crosscutting categories, will need to be given particular attention when developing legislation and programmes.

It is recognised that a high number of children in the society are at risk of being deprived of their fundamental rights. The following categories of children are considered at special risk and requiring particular protection and/or assistance:

⁶ MINALOC / UNICEF, *Struggling to Survive: Orphan and Community Dependant Children in Rwanda*, 2001

- 1) Children living in households headed by children**
- 2) Children in fostering care**
- 3) Street children**
- 4) Children living in centres**
- 5) Children in conflict with the law**
- 6) Children with disabilities**
- 7) Children affected by armed conflict**
- 8) Children who are sexually exploited and/or abused**
- 9) Working children**
- 10) Children affected/infected by HIV/AIDS**
- 11) Infants with their mothers in prison**
- 12) Children in very poor households**
- 13) Refugee and displaced children**
- 14) Children of single mothers**
- 15) Children who are married before their majority**

5. GENERAL POLICY

5.1 Vision

Orphans and other vulnerable children will be assisted to reach their full potential and have the same opportunities as all other children to active and valued participation in home and community life.

5.2 Mission of the Government

The Government is committed to implement laws, policies and programmes to ensure that children in difficult circumstances are integrated in a socially, economically sustainable community.

5.3 General Objectives

The main objectives of national policy are to protect the rights of the child and to ensure the physical and psychosocial long-term development of orphans and other vulnerable children. Specifically they are:

1. Ensure that children enjoy their **rights** by protecting them from all forms of abuse and exploitation.
2. Assure the access to **health services** necessary for the survival and development.
3. Assure the access to **free primary education** as well as to continued education beyond basic primary education (including secondary and technical / vocational training).
4. Ensure the provision of **psychosocial support** to children in difficult circumstances.
5. Identify and strengthen the **capacity of families, communities and social service providers** to care for and protect vulnerable children. This will contribute to the meaningful integration of children into society and to the prevention of separations of children from families and communities of origin.
6. Reinforce the **socio-economic situation** of orphans, vulnerable children and their families through support to income generating activities, access to credit and improved agricultural production.
7. Enhance the **co-ordination of all programmes and interventions** concerning orphans and other vulnerable children to ensure systematic monitoring and evaluation.

5.4 Constraints

Since 1994, the Government with the assistance of national and international organisations has implemented numerous programmes to address the needs of vulnerable children, notably separated children, orphans, child ex-combatants and children suspected of genocide. The list of reports and documents attached in Annex 1 serves as an indicator on the amount of work that has been accomplished in the field of protection of vulnerable children.

With view to the scope of the problems related to orphans, other vulnerable children and children at risk, it is not surprising that the Government of Rwanda and its partners meet serious challenges in the implementation of comprehensive and area covering programmes. Some of the **general constraints** are:

- lack of resources for all programmatic areas
- difficulty to prioritise the issues with a set of achievable goals and objectives
- partially developed legal framework
- inadequate enforcement of existing laws and conventions
- weaknesses in the co-ordination among government agencies as well as with civil society organisations with regard to vulnerable children
- lack of monitoring and follow up systems at all levels
- understaffing of social affairs units at all levels, ranging from central to decentralised levels
- problems related to modernisation, such as individualism
- destruction of traditional values, such as solidarity

Vulnerable children and institutions providing support meet the following **specific problems and constraints**:

- lack of family support and/or family life
- burden of early responsibility and the ensuing loss of opportunities in education, play etc.
- exposure to sexual abuse and exploitation
- cultural taboos regarding sexuality
- lack of access to education, health and rehabilitation services
- lack of appropriate shelter
- high population growth
- problems with heritage and access to property
- marginalization and stigmatisation
- increasing numbers of vulnerable children due to HIV/AIDS and other causes such as abandoned children
- geographical outreach of many programmes is limited and not covering remote areas
- lack of knowledge of children, families, communities and professionals of existing support services
- lack of psycho-social support and counselling services
- lack of trust of children towards official structures
- continuing risk of war in neighbouring countries
- family conflicts due to war and genocide

5.5 Opportunities

A number of opportunities can be listed which have the potential to contribute towards improved assistance for vulnerable children:

- political will for the protection of children and the promotion of their rights exists at all levels
- decentralisation enables the establishment of participatory community based structures
- poverty reduction strategies address the needs of poor households
- the government has signed relevant conventions and protocols related to child rights
- Rwandan culture is child centred and the population is already sensitised to the rights of the child
- commitment to increase community based support systems and reduce institutional care
- administrative and social services structures are in place at all levels
- National Programme for Children (NPC) is in place
- research on a number of issues already conducted
- legal review of some areas started
- government agencies, NGOs, associations, CBOs, faith based organisations already provide assistance to vulnerable children and collaborate in many areas
- increase in the capacity of educational facilities
- commitment to improve the quality of education
- existence of anti-AIDS clubs for youth
- National Human Rights Commission includes a child rights unit

5.6 Strategies

While there are specific strategies for each category of vulnerable children, there are some general strategies which will allow to address the needs of orphans and other vulnerable children in a cross-cutting manner:

1. **Raise awareness** on all matters concerning orphans and other vulnerable children addressing children, parents, caretakers, service providers and the general population. This includes the promotion of the rights of the child as well as the vulgarisation of existing policies and laws; the promotion of cultural values and traditional support; the sensitisation of parents regarding their responsibilities.
2. Conduct **information campaigns** on HIV / AIDS and reproductive health. Encourage voluntary counselling and testing in order to stress the impact of HIV / AIDS on children and to change the perception from “their problem” to “our problem”.
3. Undertake **research and identification** of orphans and other vulnerable children where necessary for the development of appropriate programmes and interventions based on reliable data and the participation of rightsholders.
4. Develop **legislation, procedures and regulations** in order to assure consistent and child rights focused programmes and services in favour of orphans and other vulnerable children.
5. Establish **community based support structures** for the protection, prevention of separation, follow up and service provision. These structures will take into account the decentralised structures as well as civil society organisations and the community based associations.
6. Strengthen the **capacity of staff and organisations** involved in service provision to orphans and other vulnerable children.
7. Establish **co-ordination mechanisms** for all aspects pertaining to orphans and vulnerable children.
8. Facilitate **the access to basic services** for orphans and other vulnerable children, such as education, health, nutrition, housing, extension services, income generation and credit. Promote the establishment of other services such as counselling services.

6. SPECIFIC OBJECTIVES AND STRATEGIES

1. Children living in households headed by children

Children living in households headed by children are an increasing problem. The numbers of children living in this type of households are not known. The high rates of HIV infections among the adult population will contribute to a growing number of children living in households without an adult providing guidance and ensuring their protection.

Specific objectives

1. To ensure that livelihoods in households headed by children are maintained
2. To establish a system of community based care and protection for households headed by children, which will ensure their security from abuse, their access to heritage

Strategies

- Initiate **mentor systems**
- Provide **socio-economic support** to affected households

2. Children in fostering care

Rwanda has a large number of **children who are not living with their biological parents**. The national policy of “Un enfant, une famille” encouraged the integration of children living in centres in different types of care in the community. A study of SSI⁷ establishes four categories: 1) children who are adopted, 2) children living with the extended family, 3) children living in supervised fostering care and 4) children living in spontaneous fostering care. While these different types of care have contributed enormously to release pressure from centres, there is a lack of legal instruments to provide the necessary protection to children in these situations. In some cases, families expected financial assistance after fostering children. Generally, there is a lack of follow up on children living with foster or extended family. The study undertaken by SSI forwards a number of recommendations⁸. A review of the legal instruments concerning adoption and fostering care is ongoing.

Specific objectives

1. To ensure that children are placed in appropriate care, taking into account their views and ensuring that the child is informed about the nature of the placement (rights and responsibilities of the family as well as of the child)
2. To develop community based supervision and protection mechanisms for children in foster care using the decentralised structures

⁷ Service Social International (pour MINALOC et UNICEF Rwanda), *Orientations Pour le Développement d'une Politique Familiale de Protection des Enfants Privés ou Risquant d'Être Privés de leur Milieu Familiale d'Origine*, Kigali, Mai 2002

⁸ *ibid.*

Strategies

- **Raise awareness** regarding the rights of children in foster families
- Establish **legal framework** for fostering and adoption
- Develop a **monitoring and follow up system** for children in fostering care
- **Review the cases** of children at present in fostering care, particularly the children who were spontaneously fostered

3. Street children

Street children evolved as a priority issue for the Government and efforts to tackle the problem increased recently. The numbers of street children in urban centres are estimated at about 7,000⁹. A number of NGOs provide centre and street based assistance to street children. MINALOC provides assistance through the Gitagata centre. Several provinces have established centres for street children. A national programme and an action plan for street children have been developed¹⁰.

Specific objectives

1. To reinforce the existing programmes for the socio-economic and social reintegration of street children
2. To establish prevention mechanisms at community level

Strategies

- **Raise awareness** of parents regarding their responsibilities
- Establish **outreach programmes** and **sensitisation activities** in the streets
- Reinforce **capacity of transit centres** to prepare children for their reintegration through the provision of schooling, life skills and skills training
- Reinforce the **capacity of decentralised structures and community based associations** to reintegrate children with their families or in alternative care through community mobilisation, follow up and monitoring after reunification

⁹ MINALOC, *Rapport Initial sur la Mise en Oeuvre de la Convention Relative aux Droits de l'Enfant*, August 2001, p.70

¹⁰ MINALOC, *Programme National en Faveur des Enfants de la Rue*, October 2001

4. Children living in centres

About 3,600 children live in 25 **centres for unaccompanied children** to date¹¹. The Government policy is to reduce the number of centres as well as the number of children living in centres. Continuing tracing and reunification efforts have substantially reduced the numbers of children living in centres. A particular problem are the cases of non-accompanied children in centres who are either classified as residual cases (address not known) and socio-economic cases (the family is known, but reunification not possible due to the economic status of the family). Alternative care models are being developed by some agencies and it is expected that these models will find their way into official policy. However, it is recognised that in the short term and for special groups of children centre based assistance will remain the last option. A law governing centres is under development.

Specific objectives

1. To develop clear guidelines and procedures regulating the creation of centres, the access to them and standards of care in centres for non-accompanied children
2. To establish a monitoring system for centres and their activities based on standard of care, rules and regulations
3. To reduce the number of children living in centres by reintegrating children with their families or by placement in other forms of community based care at the earliest possible moment
4. To encourage centres to provide an environment as close as possible to family and community life
5. To establish a life plan with each child in order to facilitate the community integration
6. To develop models of alternative care for children which cannot be reintegrated, such as older teenagers

Strategies

- **Awareness raising campaigns** regarding the integration and placement of children
- Establish **procedures and regulations** for centres, its staff and the services provided
- Reinforce **tracing and reunification activities**
- Promote of **income generating activities** in the centres
- **Capacity building** of centre staff
- Development of **pilot models** for alternative care

¹¹ Data MINALOC – the numbers of children living in centres change regularly due to new intakes as well as successful reintegration of children

5. Children in conflict with the law

Definition: A child in conflict with the law is a child which has committed an infraction – i.e. an act or an omission which are considered as a breach of the social order and which are sanctioned by the law.

The Ministry of Justice has established a specialised service **for children in conflict with the law**¹². At present over 4,500 minors (14-18 years old at the age of the crime) are in prison. Rwandan law establishes that children below the age of 14 are not legally responsible for their acts. This has led to the release of children and youth from prison. Judges and other personnel of the judicial branch received training in child rights and in issues relating to children in conflict with the law. The law No. 27/2001 has been promulgated.

Specific objectives

1. To ensure that minors in detention receive a treatment which respects their rights and which protects their moral, mental and physical integrity
2. To ensure the social reintegration of children in conflict with the law
3. To identify alternatives to imprisonment for children in conflict with the law
4. To prevent minors from committing crimes

Strategies

- **Legal revision** to ensure the protection of the children in conflict with the law
- Build **capacity building** of personnel of the judiciary and personnel of prisons with regard to the rights of the child as well as appropriate care
- Establish a programme for **psycho-social and educational support**
- Ensure the establishment of **appropriate detention facilities** for minors
- Establish **pilot models for alternatives** to imprisonment
- Establish a **special police unit** for the protection of children and the prevention of infractions
- Establish a **chamber for minors** in Courts, which ensure **judicial and social support** for children in conflict with the law

¹² MINALOC, *Rapport Initial sur la Mise en Oeuvre de la Convention Relative aux Droits de l'Enfant*, August 2001, p.71

6. Children with disabilities

Definition: “Children with disabilities” are defined as people under the age of 18 years who have physical or intellectual impairment which may present a handicap to social interaction, mobility, education, health and well-being and future employment potential.

A National Programme for disabled persons, including disabled children, has been developed. However, little is known about the numbers of **children with disabilities** and the type of disabilities they face. Few programmes exist that provide assistance to children with disabilities. The lack of knowledge of disabilities among children will require extensive research. This offers the opportunity to develop child focused, community based programmes, which encourage the inclusion of children with disabilities in society, community activities and particularly the education system. Other opportunities are provided by the existence of a Division for Special Education at MINEDUC as well as a Department for Special Education at the Kigali Institute of Education. A forum for people with disabilities and the Centres providing assistance to people with disabilities has also been established.

Specific objectives

1. To ensure the access to physical rehabilitation services for children with disabilities
2. To enhance prevention programmes for early childhood disabilities
3. To ensure access to formal and non-formal education for children with disabilities either in mainstream schools, special schools, special classes or at home
4. To promote community based support systems to ensure that children with disabilities can stay in their natural home while receiving the necessary support

Strategies

- **Awareness raising** at all levels on the rights and abilities of children with disabilities
- Establish **legal framework** for people with disabilities (including children with disabilities)
- Reinforce **prevention programmes** for early childhood disabilities
- Extension of **community based rehabilitation programmes (CBR)**
- Promotion of **income generating activities** for children with disabilities and their families
- Promotion of **access to education**, including special education if necessary, for children with disabilities

7. Children affected by armed conflict

Definition: Children who are displaced, abducted or refugees pushed by war, genocide, poverty or armed groups to participate in armed conflicts.

Children continue to be affected by their forced **involvement with armed groups**. It is important to note that this category of children is not restricted to children fighting at the frontline, but also includes informants, cooks, porters and others. Equally important is to note that girls form also a substantial part of the children used by fighting forces. However, they rarely show up in the formal demobilisation processes, thus potentially missing out on reintegration assistance provided by demobilisation programmes. The Government recognises that these children require special attention during and after demobilisation. Present procedures ensure that children are separated from adults at the earliest feasible moment and that their return to the home communities is properly prepared. During the year 2002, MINALOC together with ICRC, Save the Children (UK) and UNICEF reunified more than 400 demobilised minors with their families.

Specific objectives

1. To ensure that the rights of the child are respected during and after situations of armed conflict
2. To prevent the recruitment of children in armed groups
3. To reintegrate children affected by armed conflicts in communities

Strategies

- **Demobilisation and reintegration** of child soldiers
- Establish **follow up** mechanisms for reintegrated children
- Promote a **culture of peace, reconciliation, tolerance and conflict resolution through negotiation**

8. Children who are sexually exploited and/or abused

Issues related to **children who are sexually exploited and/or abused** are not well researched. A number of laws protect children from sexual abuse¹³. The principal law concerning issues of protection from sexual abuse is the law No. 27/2001. Few studies exist and most of the information comes from isolated observations. There are indications that the problem of sexual abuse and child prostitution exists and probably at a wider scale than known at present. A study of MIFOTRA suggests that child prostitution is wide spread and that orphans and children from the poorest section of society are particularly at risk¹⁴. Another study finds that sex plays a significant role in the survival strategies for orphans and other children at risk¹⁵. It must be assumed that domestic workers are also concerned by sexual abuse. More systematic research is needed to gain a better understanding of this problem.

¹³ MINALOC, *Rapport Initial sur la Mise en Oeuvre de la Convention Relative aux Droits de l'Enfant*, August 2001, p.78

¹⁴ as above, p.78

¹⁵ MINALOC / UNICEF, *Struggling To Survive: Orphan and Community Dependent Children in Rwanda*, Kigali, 2001, p.95

Specific objectives

1. To develop prevention mechanisms for sexual exploitation and abuse of children
2. To ensure the enforcement of laws protecting children from sexual exploitation and abuse
3. To provide support services for children who suffered from sexual exploitation and abuse

Strategies

- **Sensitisation** of different actors (public sector, private sector, NGOs, communities, children)
- Reinforce the **application of the law** protecting children from abuse and exploitation
- Conduct a **country wide and in-depth study** on the problem of sexual exploitation and abuse
- Provision of **medical, social and legal assistance** to affected children
- Establishment of **prevention and reporting mechanisms**

9. Working children

Definition: “Working children” are defined as people under the age of 18 years who work in conditions that harm their health and development and that hamper their access to education.

Working children are a common sight in Rwanda. Many of these children will be engaged in activities assisting their family, which forms part of their socialisation process. Therefore it is important to distinguish between normal, everyday help in households and work situations which endanger a child’s health and development. The Rwandan labour code of 1999 states that children under 16 years cannot work in any business except if special permission is received from the State¹⁶. However, Rwanda has few industries and working children can mostly be found on the streets, in markets, on farms, brick factories, tea plantations, waste disposal sites and in households where they are employed as a cheap source of labour. MIFOTRA estimates that over 170,000 children under the age of 15 are engaged in substantial work outside their household. The labour code is hardly ever enforced, due to the lack of means in the responsible services.

Specific objectives

1. To ensure children are protected from the worst forms of child labour

Strategies

- **Sensitisation campaigns** on the worst forms of child labour
- Encourage the **enforcement of labour laws**

¹⁶ MINALOC, *Rapport Initial sur la Mise en Oeuvre de la Convention Relative aux Droits de l’Enfant*, August 2001, p.76

- **Improve the working conditions** of children
- **Develop alternative solutions** for the children and their families by providing support to training and income generating activities
- Reinforce **catch up education system**
- Conduct **detailed studies** on the extent of and reasons for child labour

10. Children affected/infected by HIV/AIDS

Children affected / infected by HIV/AIDS will have a big impact on the future shape of the Rwandan society. As a result of parents dying of AIDS, there will be an increase of orphans and generally children living in child headed households. Children caring for their sick parents will drop out of school and costs for health related expenses will affect the status of the household economy. One report estimates that the number of maternal and double orphans caused by AIDS will have reached 200,000 by the year 2005¹⁷. Therefore, institution based solutions are not feasible. Community based approaches present the only possibility to establish safety nets and to support the big number of expected cases.

While it is crucial to understand the scope of the problem, it is also recommended to avoid distinguishing between different categories of orphans in support programmes because of the stigma associated with AIDS¹⁸. Policy issues concern the care of children infected by HIV, the prevention of separation and vulnerability through interventions before parents are dying, prevention programmes in general, protection issues after the death of parents etc.

Specific objectives

1. To integrate assistance for children affected / infected by HIV AIDS in OVC programmes to avoid stigmatisation
2. To ensure a nutritional and health assistance for children infected / affected by HIV/AIDS
3. To ensure psycho-social support for children and their families
4. To ensure inheritance rights of children in affected households

Strategies

- **Sensitisation of community members** regarding issues of discrimination and stigmatisation of children affected / infected by HIV/AIDS
- Assist children to **access the assets** they inherited
- Strengthen the **capacity of families including children** to cope with their problems
- Provision of **nutritional and health support** for children infected/affected by HIV/AIDS

¹⁷ Hunter, S. and J. Williamson, *Children on the Brink – Executive Summary: Updated Estimates and Recommendations for Intervention* (PDF version), USAID, 2002, p.

¹⁸ MINALOC / UNICEF, *Struggling To Survive: Orphan and Community Dependent Children in Rwanda*, Kigali, 2001, p.88

11. Infants with their mothers in prison

Infants with their mothers in prison are in a particular vulnerable situation. At present there are 108 infants living in prison with their mothers. There are also 27 pregnant women in prison. A programme of MINIJUST with the NGO ASOFERWA cares for infants of women in prison as well as pregnant women in prison. The NGO also identifies appropriate care outside the prison once the children are older than three years.

Specific objectives

1. To ensure that infants of mothers in detention receive a treatment which respects their needs and which protects their rights to survival and development
2. To ensure that infants are reintegrated in appropriate care at the age of 3 years

Strategies

- **Capacity building** of personnel of the judiciary and personnel of prisons with regard to the rights of the child and the appropriate care of mothers and their infants
- Ensure the establishment of **appropriate detention facilities** for mothers with infants
- Identify and reinforce **follow up mechanisms** at the community level

12. Children in very poor households

Children in very poor households face a number of issues ranging from malnutrition to lack of education, exploitation through harmful labour and streetism. The number of children falling into this category is likely to be high. Community based support systems provides the best alternatives to cover this group. At present the Government provides schools fees for secondary schooling to children of destitute families. However, the number of children is beyond the means of the Government.

Specific objectives

1. To promote income generating activities for the poorest households
2. To provide nutritional assistance to malnourished children

Strategies

- **Community mobilisation** for the support to children in poor households
- Further develop criteria for the **identification** of the poorest households
- Encourage and expand **access to mutuelles and solidarity funds**
- Reinforce **exemption schemes** for the most vulnerable to access basic services

13. Refugee and internally displaced children

Refugee and internally displaced children fall into three categories: 1) children of foreign origin who sought protection in Rwanda, 2) Rwandan children who are in a refugee situation abroad and 3) Rwandan children who are internally displaced.

Specific objectives

1. To assist in the repatriation of foreign refugee children where feasible
2. To encourage the return and reintegration of Rwandan children who are refugees abroad
3. To ensure permanent settlement for internally displaced children and their families

Strategies

- **Repatriation and reunification** of refugee children
- Assure **access to land, housing and other assets** on their return

14. Children of single mothers

Children of single mothers, as well as the mothers themselves, meet a number of problems ranging from the lack of a complete family to discrimination in the extended family and community. Children often don't know their biological fathers. In addition, single mothers carry the burden of having to care for a child as well as to having gain a living. Girls, who have not reached the age of majority, are in a particular vulnerable situation.

Specific objectives

1. To assure the reintegration in society of single mothers and their children
2. To promote the prevention of non-desired pregnancies

Strategies

- **Awareness raising campaigns** regarding the rights of the child and the responsibilities of parents and particularly of fathers
- Enforcement of **existing laws** regarding the responsibilities of parents
- Provide judicial support in **paternity claims** in courts to those in need

15. Girls who are married before their majority

Rwandan law sets the age of civil majority at 21 years. Legal marriages before this age are only possible with an exception granted by MINIJUST. However, in some parts of the country the practice to force girls into illegal marriages, even before the age of 18, continues to exist. Some of the consequences of this practice are the burden of early responsibility and pregnancies at premature age. Activists in women's and child rights, religious confessions as well as government authorities target these practices¹⁹.

Specific objectives

1. To provide sexual and life-skills education to girls enabling them to make their own decisions and to care for themselves
2. To improve educational opportunities for girls
3. To establish support mechanisms for girls resisting early marriage

Strategies

- Enforce **existing laws** concerning the legal age of majority and marriage
- Reinforce the **education of girls**

¹⁹ MINALOC, *Rapport Initial sur la Mise en Oeuvre de la Convention relative aux Droits de l'Enfant*, Kigali, août 2001, p. 79

7. STAKEHOLDERS AND MEANS

Despite macro-economic and other constraints on the development process, the principle of a ‘first call for children’ means that high priority should be given to child related activities in the allocation of resources and in determining development priorities.

Although the Government’s access to political, economic and administrative resources makes its participation in this policy a vital necessity, it is equally important to recognise the critical role that non-governmental, community based and faith based organisations have played and should continue to play in the provision of services for orphans and other vulnerable children. Efforts will also be made to enhance the involvement of the private sector in raising resources and providing services.

Effective consultation through a close partnership will take place at local, district, provincial, national and international level to ensure that policies and strategies conform to realities on the ground and that lessons learned are shared among stakeholders.

Inputs from stakeholders at all levels will continue to be sought and used for policy and programme development.

A particularly important component of a decentralisation strategy is the development of community based action, with appropriate local and national support.

This policy emphasises the role of the children, family and community in taking necessary measures, using available resources, so that stakeholders and communities themselves become involved in the implementation of programmes. A key element of community based approaches is the provision of support and resources (human, financial, technological and environmental) to build and strengthen capacity to enable communities themselves to identify and analyse their problems and take the necessary action to address them.

With the purpose of eliminating duplication at all levels the implementation of this policy will be integrated in the Poverty Reduction Strategy and will be in line with the Vision 2020.

8. LITERATURE, REPORTS, DOCUMENTS

Centre Carrefour, <i>Qui Suis-Je? Rapport 1999</i> , Kigali, 1999
Assessment and analysis of street children. Restricted to children involved in centre activities.
Dona, Giorgia, <i>The Rwandan Experience of Fostering Separated Children</i> , Save The Children Fund Sweden, 2001
Hunter, S. and J. Williamson, <i>Children on the Brink – Executive Summary: Updated Estimates and Recommendations for Intervention</i> (PDF version), USAID, 2002
Children and the impact of HIV/AIDS. Mainly concerns issues of families left without parents and the problems the children left behind are facing. Extensive data on households consisting of children Estimates 2000 – Appendix I (of children <15 – total children 3,106,905) Orphans all causes – 936,691 (30% of <15) Paternal all causes – 515,180 (16% of <15) Mat./double all c. – 421,511 (13.6% of <15) Mat./double AIDS – 30.6% of all causes
MIGEFASO, <i>Social Development Committees</i> , Kigali, March 1998
Detailed roles and responsibilities of the Social Development Committees
MIGEFASO / SCF (UK), <i>The Situation of Children in Rwanda</i> , September 1998, 2 nd Draft
Review of the situation of child rights in Rwanda. Includes key sections of the CDC and achievements / gaps. Food security gained a central role in the report. HEA introduced as a methodology
MIGEFASO, <i>Sectoral Policy</i> , Kigali, May 1997
Contains proposed policy framework of MIGEFASO Structured among five points: 1. Mission, 2. Situational analysis, 3. Objectives, 4. Strategies, 5. Mechanism of implementation
MINALOC, <i>Programme National en Faveur des Enfants de la Rue</i> , October 2001
Mission of MINALOC: <ul style="list-style-type: none"> • to promote good governance • to promote the well-being of the population

MINALOC, *Rapport National sur le Suivi du Sommet Mondial de 1990 pour les Enfants*, February 2001

MINALOC, *Rapport Initial sur la Mise en Oeuvre de la Convention Relative aux Droits de l'Enfant*, August 2001

Detailed report on the achievements against the CRC:

- A draft of pre-legislation regarding the regulation of centres (217, p.46)
- Plans to develop policy regarding the mobilisation of savings, social security, insurance, mutuelles de la santé (270, p.55)
- National policy regarding children and youth in the streets is in preparation, based on three approaches:
 - research of the occurrence and the causes of the problem
 - observation
 - integrated / decentralised approaches, including prevention, rehabilitation, repression (targeting parents and children who return to the streets)

MINALOC, *Workshop Report: Future Thinking – Issues Related to Orphans and Vulnerable Children & Appropriate Responses for Care and Protection*, March 2001

Who are orphans and vulnerable children – includes street children, children in foster families, children in centres, children in child-headed households, children with parents in prison, children in exile, traumatised and handicapped children, children whose mothers have remarried, children in female-headed households, children with parents who are incapacitated due to HIV/AIDS, trauma or absolute poverty.

Lack of integrated policy and legal framework for orphaned children

Lack of follow up system after fostering, reinsertion, and reunification

Constraints:

- centralisation and lack of co-ordination
- weak collective will and capacity in communities
- a hierarchical responsibility structure

MINALOC, *Rapport de la Réunion du 09/08/2001 sur le Suivi de l'Atelier du 28 au 31 Mars 2001 à l'Hôtel des Mille Collines*, August 2001

Policy of MINALOC:

- reducing the number of centres and the number of children in centres
- reinforce the communities to be able to cope with the children in community based care
- a priority is to reinforce the capacity of communities to prevent new separations

Suggestions / recommendations:

- establish a Task Force
- hire a consultant to develop a plan of action
- further develop the draft directives for centres
- assessment of who is doing what: 1. inventory of the centres, 2. identification of care models adapted to Rwanda, 3. develop a National Plan of Action
- finalise procedures for centres
- aim at national coverage for the reintegration and follow up

MINALOC, *Rapport de la Reunion sur les Enfants Vulnérables en Général et les Enfants de la Rue en Particulier*, July 2002

MINALOC / UNICEF, *Rapport Final de la Conference sur les Droits de l'Enfant au Rwanda*, Kigali, September 2000

MINALOC / UNICEF, *Struggling To Survive: Orphan and Community Dependent Children in Rwanda*, Kigali, 2001

Extensive review and research of orphans and community dependent children. In depth research with a number of children – workshops using methodologies such as: 1. Story telling; 2. Comparing drawings; 3. Rights and protection matrices; 4. Chain of consequences; General recommendations:

- Develop appropriate terminology and strategies – the term ‘orphan’ may need clarification and it is not always feasible to target orphans without assessing their situation of risk
- Policy to protect the interest of orphans
- Review of fostering
- Review of all organisations in the field
- Create an inter-ministerial working group

MINECOFIN / UNICEF, *Enquête à Indicateurs Multiples (MICS2) - Rapport Final Rwanda*, June 2001

Research including 4,100 randomly chosen households. Along UNICEF's lines of intervention – health, drinking water and sanitation, education etc. Last part concerns the rights of the child (p.50):
 Birth registers – 66.2% of under 5s registered. The reasons for non-registration are distance, costs, but a large part did not provide answers
 Orphans – 26.4% of the children are orphans (simple and double), 11.4% not living with their biological parents
 Employment – limited data, needs more research

MINECOFIN, *The Government of Rwanda Poverty Reduction Strategy Paper*, June 2002

NGOs role in development / poverty (p.34)
 Communities role in development (p.34)
 Land – proposed laws (p.41)
 Early Childhood Care and Development (p.46)
 Technical education and VT (p.49)
 Girls' education (p.50)
 Cellule planning (p.63)
 Social Protection Policy of MINALOC – VGF, disabled, children (p.68)
 Community Action Planning (p.92-97)
 Poorest not chosen for pilot projects because they cannot work (p.96)
 Priorities of communities (p.115)

MINITRASO, *Children in Difficult Circumstances (CDC) – Policy and Strategies: A Government Document Final Draft*, 1996

Proposes major activities and strategies to address the issues of CDC – these influenced the national policy for orphans and vulnerable children, 2002. Vulnerable children are broken down by:

children in centres, children in families, child-headed households, children in prison, child soldiers, street children. In addition, it aims at addressing the protection of the rights of the child and children suffering from psychological trauma.

It is proposed to establish a national governing board for CDC, in charge of policy development. Under the governing board a technical co-ordination team assures the co-ordination, organises training, co-ordinate with sub-committees (following above breakdown).

A fund raising committee is also proposed.

OAU, *African Charter on the Rights and Welfare of the Child*, Addis Ababa, 1990

OAU, *Common Position and Plan of Action to Support Orphans and Vulnerable Children Affected by HIV/AIDS*, , Algiers, April 2000

Signed by the Ministers of Labour and Social Affairs.

Provides a list of documents and earlier declarations; the position is based upon those.

Save The Children Fund, *Children, HIV/AIDS and the Law – A Legal Resource*, November 2001

Save The Children Fund, *The Role of Stigma and Discrimination in Increasing the Vulnerability of Children and Youth Affected by HIV/AIDS*, November 2001

Save The Children Fund, *The Rights of Children and Youth Infected and Affected by HIV/AIDS*, November 2001

Save The Children Fund, *Disabled Children's Rights – A Practical Guide*, 2001

Service Social International (pour MINALOC et UNICEF Rwanda), *Orientations Pour le Développement d'une Politique Familiale de Protection des Enfants Privés ou Risquant d'Être Privés de leur Milieu Familiale d'Origine*, Kigali, Mai 2002

Propositions for policy and laws governing community dependent children

- policy recommendations developed by international consultants
- revision of law undertaken by Rwandan team

Tolfree, *Roofs and Roots – The Care of Separated Children in the Developing World*, 1995

Uganda (Republic of), *The Children's Statute 1996 – Simplified Version: English*, Kampala, 1997

UNICEF / Gouvernement de la République Rwandaise, *Plan Cadre d'Operations 2001-2006*

Summary of children's issues in Rwanda. Breakdown following UNICEF's departments: survival and development, education and protection

UNDP, *Human Development Report 2002*, 2002 (PDF version, Human Development Indicators)

Veal, A. (for Ministry of Youth Culture and Professional Training), *Analyse de la Situation des Enfants de la Rue au Rwanda*, not dated

Uppard, Sarah and Celia Petty, *Working With Separated Children – A Field Guide*, SC (UK), 1998, PDF Version

..., *Interagency Guiding Principles on Unaccompanied and Separated Children – Draft 10/05/2002*

Developed by ICRC, IRC, SC UK, UNICEF, UNHCR, World Vision International