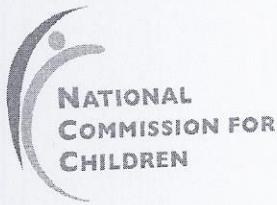




KOMISIYO  
Y'IGIHUGU  
ISHINZWE

COMMISSION  
NATIONALE POUR  
LES ENFANTS



*Advancing Child Rights and Protection*

**IMIRONGO      NGENDERWAHO      MU      KUBERA  
UMUBYEYI      UMWANA      UTABYAYE      KU      RWEGO  
MPUZAMAHANGA**

**IMIRONGO NGENDERWAHO MU KUBERA UMUBYEYI UMWANA UTABYAYE KU  
RWEGO MPUZAMAHANGA**

**IRANGASHINGIRO**

Umunyamabanga Nshingwabikorwa wa Komisiyo y'Ighugu ishinzwe Abana,

Ashingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015 cyane cyane mu ngingo yayo ya 19; Ashingiye ku Masezerano Mpuzamahanga yerekeye kurinda abana no gufatanya mu byerekeye ukubera umubyeyi umwana utabyaye ku rwego mpuzamahanga yashyiriweho umukono i La Haye mu Buholandı ku wa 29 Gicurasi 1993, akemezwa n'Iteka rya Perezida N° 24/01 ryo ku wa 07 Gicurasi 2010;

Ashingiye ku Itegeko No. 32/2016 ryo ku wa 28/08/2017 rigenga abantu n'umuryango cyane cyane mu ngingo yaryo ya 316, iya 317 n'iya 318;

Ashingiye ku Iteka rya Minisitiri No. 001/MIGEPROF/2017 ryo ku wa 16/01/2017 rigena ibiytabwaho mu kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga n'uburyo bikorwa, cyane cyane mu ngingo yaryo ya 3, iya 5, iya 7, iya 8, iya 9 n'iya 10.

Amaze kubona ko hakenewe gushyirwaho imirongongo ngenderwaho mu kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga;

Atanze imirongo ngenderwaho ikurikira:

**Ingingo ya Mbere: Icyo iyi mirongo ngenderwaho igamije**

Iyi mirongo ngenderwaho igamije kunoza uburyo bwo kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga.

### **Ingingo ya 2: Inyungu z'umwana**

Umubyeyi ugize umwana uwe ataramubyaye agomba kumwitaho ku buryo butadindiza imibereho ye.

Umubyeyi utuye mu gihugu cyasinye cyangwa cyemeye burundu Amasezerano Mpuzamahanga Umubyeyi utuye mu gihugu cyemera ubwenegihugu bubiri nawe ahabwa amahirwe kurusha abandi ni ushaka Iyo umwana afite abavandimwe, umubyeyi uhabwa amahirwe kurusha abandi ni ushaka kubabera umubyeyi bose.

Umubyeyi utuye mu gihugu cyemera ubwenegihugu bubiri nawe ahabwa amahirwe kurusha abandi.

### **Ingingo 3: Guhitamo uburyo bwo kubera umubyeyi umwana utabyaye**

Ushaka kubera umubyeyi umwana atabyaye ku rwego mpuzamahanga agomba guhitamo hagati yo kubera umubyeyi umwana utabyaye mu buryo bworoheje cyangwa busesuye.

### **Ingingo ya 4: Abana baherwaho mu gushakirwa ababyeyi**

Abana baba mu bigo bibitaho n'ababa mu miryangi yabakiriye mu buryo bw'agateganyo ni bo baherwaho mu gushakirwa ababyeyi babagira ababo batarababyaye ku rwego mpuzamahanga.

## **Ingingo ya 5: Inshingano zihariye za Komisiyo y'Igihugu ishinzwe Abana**

Mu kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga, Komisiyo y'Igihugu ishinzwe Abana (Komisiyo) ifite inshingano zihariye zikurikira:

1. Gutanga amakuru ku bijyanye no kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga ku bantu bose bayakeneye;
2. Kugenzura ko umwana yujuje ibisabwa kugira ngo abe uw'umubyeyi utaramubyaye no kugenzura ko biri mu nyungu ze;
3. Kugira inama abantu bose bagira uruhare mu kubera umubyeyi umwana utaramubyaye ku rwego mpuzamahanga no kubagaragariza inkurikizi zabyo;
4. Kugaragaza abana bujuje ibisabwa kugira ngo bashakirwe ababyeyi babagira ababo batarababyaye ku rwego mpuzamahanga;
5. Gushyikiriza Minisiteri y'Uburinganire n'Iterambere ry'Umuryango, buri gihembwe, raporo ikubiyemo amakuru ku birimo gukorwa byose mu kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga.

## **Ingingo ya 6: Gutegura umwana mbere yo kumushakira umubyeyi na mbere yo kwemerera umubyeyi uzamugira uwe atarambyaye**

Bitewe n'ikigero cye n'ubushobozi bwe, Komisiyo igomba guha umwana amakuru n'umwanya wo gutanga ibitekerezo ku bijyanye no kugirwa umwana n'umubyeyi utaramubyaye ku rwego mpuzamahanga kandi bikitabwaho mu gihe bifite ishingiro.

Igomba kandi kuganiriza ushinzwe kwita kuri uwo mwana mu buzima bwe buri munsi mu gihe ategurwa kugirwa umwana n'umubyeyi utaramubyaye.

Nyuma hakorwa raporo ishingirwaho mu kwemeza niba inzira yo gushakirwa umubyeyi ikomeza cyangwa ihagarara.

Mu gihe hemejwe ko inzira yo gushakira umwana umubyeyi ikomeza, Komisiyo yongera gusura umwana mu muryango cyangwa mu kigo arimo ikamuha amakuru, ikanamutegura ku birebana n'umubyeyi ushaka kuzamugira umwana ataramubyaye.

#### **Ingingo ya 7: Dosiye y'umwana ushakirwa umubyeyi**

Dosiye y'umwana ushakirwa umubyeyi umugira uwe ataramubyaye ku rwego mpuzamahanga igomba kuba igizwe n'ibi bikurikira:

1. Ifoto ndende kandi ya vuba y'umwana;
2. Inyandiko y'ivuka y'umwana;
3. Icyemezo cy'ubwishingire cyatanzwe n' ubuyobozi bw' Umurenge;
4. Inyandiko y'ukwiyemerera kw' ababyeyi yemejwe n' ubuyobozi bw' Umurenge, iyo bahari;
5. Inyandiko y'ukwiyemerera k'umwana, iyo afite nibura imyaka 12;
6. Raporu ku itabwa ry'umwana yemejwe n'ubuyobozi bw'Umurenge;
7. Raporu ya Polisi igaragaza ko yashakishije amakuru ku babyeyi b'umwana cyangwa abandi bo mu muryango we;
8. Raporu yemejwe n'ubuyobozi bw'inzego z'ibanze igaragaza amakuru ajyanye n'uko umwana yagiye abaho mu bihe binyuranye;
9. Icyemezo kigaragaza ko ababyeyi b' umwana bapfuye;
10. Icyemezo cy'Urukiko kigaragaza ko ababyeyi b' umwana bazimiye cyangwa batazwi cyangwa ko bamutaye;
11. Icyemezo cyerekana ubuzima bw'umwana cyatanzwe na Muganga wemewe na Leta kandi kitarengeje amezi atatu.

#### **Ingingo ya 8: Amakuru agize raporo y'isesengura rya dosiye y'umwana**

Raporu ikorwa mu gusesengura dosiye y'umwana igomba kugaragaza:

1. Umwirondoro w'umwana;
2. Amakuru ku babyeyi, umuryango n' abandi bafitanye isano n' umwana;

3. Amakuru yatanzwe n'ubuyobozi bw'inezgo z'ibanze cyangwa ikigo umwana arererwamo ku bijyanye n'uko umwana yagiye abaho mu bihe binyuranye;
4. Amakuru ku buzima bw'umwana yemejwe na Muganga wemewe na Leta;
5. Andi makuru y'ingenzi;
6. Umwanzuro.

**Ingingo 9: Ibisabwa uwemerewe kuba umubyeyi w'umwana atabyaye**

Haseguriwe ibiteganywa n'andi mategeko, umubyeyi wemerewe na Komisiyo kugira umwana uwe ataramubyaye agomba kugaragaza ko abyemeye mu nyandiko yemezwa n'urwego rubbishinzwe mu gihugu kizakira umwana.

Agomba kandi kuza mu Rwanda mu gihe kitarenze iminsi 30 uhoreye umunsi yakiriye ho igisubizo kimwemerera kugira ngo ahure n'umwana kandi yuzuze ibiteganywa n'amategeko mu kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga.

Icyakora mu gihe bibaye ngombwa ko umubyeyi asubira iwabo inzira zose ziteganyijwe zitarangiye, umunyamategeko we cyangwa undi muntu yabihereye ububasha mu buryo bwemewe n'amategeko ashobora gukomeza inzira zisigaye ariko umubyeyi akazagaruka aje gutwara umwana.

Mu gihe umubyeyi aje mu Rwanda, agomba kuza yitwaje ibimuranga na kopi y'ibaruwa imwemerera umwana. Iyo ageze mu gihugu, ashobora kujya gusura umwana aho aba, nyuma yo kubyemererwa na Komisiyo.

Iyo umubyeyi atubahirije ibimaze kuvugwa muri iyi ngingo, ubusabe bwe buteshwa agaciro.

**Ingingo 10: Ibigomba kugaragara mu cyemezo gihabwa umubyeyi wemerewe**

Icyemezo gihabwa umubyeyi wemerewe umwana kigomba kugaragaza ibi bikurikira:

1. Umwirondoro w'umubyeyi wemerewe;
2. Igihe yasabiye;
3. Igihe yemerewe umwana;
4. Umwirondoro w'umwana yemerewe;
5. Umukono na kashi bya Komisiyo.

**Ingingo ya 11: Ibigize inyandiko ihabwa umubyeyi wamenyesheje Komisiyo icyemezo cy'Urukiko**

Umubyeyi wamenyesheje Komisiyo icyemezo cy'urukiko cyabaye itegeko kimwemerera kuba Umubyeyi wamenyesheje Komisiyo icyemezo cy'urukiko cyabaye itegeko kimwemerera kuba umubyeyi w'umwana atabyaye ku rwego mpuzamahanga, ahabwa inyandiko ikubiyemo ibi bikurikira:

1. Amafoto 2 magufi ya vuba y'umwana;
2. Umwirondoro w'umwana;
3. Umwirondoro w'uwerewe kumubera umubyeyi;
4. Nomero y'inyandiko yo kubera umubyeyi umwana utabyaye yakozwe n'umwanditsi w'irangamimerere n'igihe yakorewe;
5. Nomero y'urubanza n'Urukiko rwemeje uko kubera umubyeyi umwana atabyaye n'igihe rwaciriwe.

**Ingingo ya 12: Ibisabwa nyuma yo kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga**

Nyuma yo kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga, Komisiyo ikomeza kuba umuhuza w'umwana n'umuryango akomokamo, igakomeza kumenyesha uwo muryango amakuru ye iyo uhari.

Mu gihe Komisiyo imenye ko umwana afite ikibazo, yandikira Urwego rushinzwe gushyira mu bikorwa amasezerano mpuzamahanga yerekanye no kurinda abana no gufatanya mu

byerekeranye no kubera umubyeyi umwana utabyaye mu gihugu cyamwakiriye, igasaba ko gikemurwa kandi ikamenyeshwa uko cyakemutse.

#### **Ingingo ya 13: Kubika neza dosiye**

Komisiyo y'Igihugu ishinzwe Abana ibika ibyangombwa byose n'amadosiye arebana na buri mwana wagizwe uw'ababyeyi batamubyaye ku rwego mpuzamahanga.

Umwana, umubyeyi we cyangwa uwamubereye umubyeyi ataramubyaye bashobora guhabwa kopi y'inyandiko zivugwa mu gika cya mbere cy'iyi ngingo, mu gihe babisabye mu nyandiko kandi bikagaragara ko biri mu nyungu z'umwana.

#### **Ingingo ya 14: Ibirebana n'ibyishyurwa mu nzira yo kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga**

Ibijyanye n'amagarama y'urubanza yishyurwa mu nkiko n'ibindi byishyurwa mu kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga, byishyurwa hakurikijwe amategeko n' amabwiriza abigenga mu Rwanda. Ubu hakurikizwa ibiteganywa n' iteka rya minisitiri n° 001/08.11 ryo ku wa 11/02/2014 rigena amafaranga atangwa mu manza z'inshinjabyaha, mu ngingo yaryo ya kabiri (2).

Komisiyo y'Igihugu ishinzwe Abana ntiyishingira ikiguzi icyo ari cyo cyose kijyanye n'ibyishyurwa byavuzwe mu gika cya mbere cy'iyi ngingo cyangwa ibijyanye n'ingendo ziteganyijwe.

#### **Ingingo ya 15: Ivanwaho ry'ingingo zinyuranyije n'iyi mirongo ngenderwaho**

Ingingo zose zimirongo ngenderwaho ibanziriza kandi inyuranije n'iyi, harimo imirongo Ingingo zose zimirongo ngenderwaho ibanziriza kandi inyuranije n'iyi, harimo imirongo ngenderwaho mu kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga yo ku wa 23 Mata 2009, zivanyweho.

**Ingingo ya 16: Igihe iyi mirongo ngenderwaho itangira gukurikizwa**

Iyi mirongo ngenderwaho izatangira gukurikizwa ku munsi yashyiriweho umukono n'Umunyamabanga Nshingwabikorwa wa Komisiyo y'Ighugu ishinzwe Abana.

Bikorewe i Kigali, ku wa .



**Dr. Claudine UWERA KANYAMANZA**

**Umunyamabanga Nshingwabikorwa wa Komisiyo y'Ighugu ishinzwe Abana**