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Rwanda child rights CSOs coalition
"UMWANA KU ISONGA"

UPR Submission - Rwanda

Submitted by the Rwanda Civil Society Human rights
organizations Umbrella (CLADHO) for the Child Rights
Coalition "Umwana ku Isonga"

Kigali, March 19th, 2015

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1. Introduction

- 1.1. This submission to the Universal Periodic Review (UPR) of Rwanda is made by the Civil Society child rights coalition 'Umwana ku Isonga', herein referred to as 'the Coalition 'Umwana ku Isonga', in Rwanda and focuses on the implementation of the 2011 UPR conclusions and/or recommendations enjoying the support of Rwanda (A/HRC/17/4) related to children's rights to education, health, freedom from corporal punishment and access to justice.
- 1.2. The Coalition Umwana ku Isonga was established in 2010 and comprises 34 non-governmental organizations working in Rwanda for the protection and promotion of the rights of all children in the country, with purposes of networking and alliance building with a mandate to 'monitor and report on the implementation of the United Nations Child Rights Convention (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) on the one hand, and coordinating all activities carried out by individual member organisations within the parameters of implementing and reporting on international and regional treaties, especially the CRC and ACRWC, by both the State and Civil Society Organisations (CSOs) on the other hand.
- 1.3. This submission has been prepared through a consultative process, which involved all members of the Coalition and selected rights-holders in Rwanda. In addition, the information contained in this report has been gathered through a comprehensive process that includes consultations with rights-holders (children), and duty bearers; desk review of official reports from government, UN agencies and national and international NGOs; data analysis and validation of the report by the Coalition's members. It highlights the progress and remaining challenges in the implementation of the 2011 UPR conclusions and /or recommendations enjoying the support of Rwanda, related to children's rights to education, health, freedom from corporal punishment and access to justice. In addition, this submission contains the coalition's recommendations addressed to the Government of Rwanda for the continuous fulfilment of the children's rights in the four mentioned areas, as also indicated in the 2013 CRC Concluding Observations.¹

2. Implementation status of the 2011 UPR recommendations enjoying the support of the Government of Rwanda

The UPR recommendations taken into considerations are: n. 77.18 by Singapore, n. 77.19 by Sri Lanka, n. 79.19 by Burundi, n. 77.16 by Singapore, 77.7 by Cuba, n. 78.9 by Azerbaijan, 78.4 by Egypt and n. 79.9 by Cambodia; related to education, health, justice and protection.

3. Right to Education

- 3.1. UPR recommendations n. 77.18, 77.19 and 79.19 to abolish school fees at primary and secondary level, continue implementing the Nine-Years Basic Education Programme and secure greater

¹ CRC/C/R/WA/CO/3-4, CRC Concluding Observations to the third and fourth periodic report of Rwanda, 14 June 2013, paras 27, 45, 52 and 62.

investment to the education sector were accepted by the government of Rwanda in 2011. Free primary education is provided for under the 9 and 12 Years Basic Education Strategies; although education is formally free. However due to a certain amount decided by parent teacher associations (PTAs) related to schools operations costs still constitute a burden to poor parents. Quality of education and inclusive education represent additional challenges in the full implementation of the 9 and 12 Years Basic Education Strategies.

- 3.2. Rwanda has made significant progress in achieving MDG no2 on Universal Primary Education,² ranking as one of the three best performing countries globally in achieving universal primary education for all.³ The national policy framework regulating education in Rwanda is composed of the Nine-Years Basic Education Strategy (9YBE) upgraded to the Twelve Years Basic Education (12YBE),⁴ the Technical and Vocational Education and Training Strategy, the Special Needs in Education Policy and the Early Childhood Development Policy and its Strategic Plan. The Government of Rwanda is committed to ensure equitable access to education and delivery of quality education, as highlighted in the Education Sector Strategic Plan (ESSP2) priorities. Progress is registered in the establishment of the Rwanda Education Board in 2011 and the School-Based Mentoring Programme aimed at improving teaching methodologies and language skills of teachers.⁵
- 3.3. The primary education enrolment rate has increased from 95.9% in 2011 to 96.6% in 2013⁶, however, access to secondary education for students remains a challenge,⁷ with a current net enrolment rate of 36.4% at secondary level.⁸ There is no substantial gender disparity in attendance of school. However, a geographical disparity is evident, with higher percentages of children attending school in urban areas (75%) than in rural areas (69%); this is also reflected in the higher percentage of children who have never attended school in rural areas (27% compared to 19%).⁹
- 3.4. Although the budget for the education sector is progressively increasing every year,¹⁰ a funding gap is identified in the ability to achieve the goals of the ESSP 2 (2013-2018). This plan shows that funding gap projections will increase over the years; ranked at 7% in 2014/2015 and 10% in 2015/2016 until 18% in 2017/2018.¹¹
- 3.5. Despite the existence of a comprehensive regulatory framework for education and of an increasing school enrolment in the country, challenges still remain to ensure the fulfilment of the right to education for all children as stated in articles 23 and 28 of the CRC.¹² The main challenges in this regard are related to ensuring quality and inclusive education as well as to the existence of PTAs decided schools' additional contribution costs in education sector as primary education is meant to be free according to the 9YBE and 12YBE Strategies, and the National Integrated Child Rights Policy.

² IPAR Rwanda, Millennium Development Goals Progress Report- Rwanda Country Report, 2010.

³ UNESCO, Education for All Global Monitoring Report 2013/14, Teaching and Learning: Achieving Quality for All, 2014.

⁴ ESSP 2 (2013-2018), p.14-15

⁵ ESSP 2013-2018, p. 25-26.

⁶ 2013 Ministry of Education Statistics (MINEDUC)

⁷ ESSP 2(2013-2018), p. 24.

⁸ 2013 Ministry of Education Statistics (MINEDUC), p. 18.

⁹ National Institute of Statistics of Rwanda (NISR), Thematic Report: Socio-Economic Status of Children, 2013., p. 24.

¹⁰ 2013/2014 Budget Outlook Paper

¹¹ ESSP 2(2013-2018), p. 96.

¹² Right to Education is also protected under Article 11 of the African Charter on the Rights and welfare of the Child.

As stated by Law n. 54/2011 (article 47) relating to the rights and protection of the child, by the 9YBE Strategy and by the Integrated Child Rights Policy, education in Rwanda is free of charge. Nevertheless, according to consultations conducted and to official reports, PTAs request families to provide contributions for meals at school, educational materials, school facilities and a contribution for teachers.¹³ In some cases, due to failure to pay the contributions, children are not stable in attending school and which would result to drop out.

Quality of education

3.6. Poor quality of education is another obstacle to the fulfilment of the right to education for all children.¹⁴ The main challenges to the delivery of quality education in Rwanda are numerous and include the: low presence of training courses for teachers; low salaries and long working hours for teachers; poor school infrastructures leading to overcrowded classrooms (the pupils-teachers ratio at primary level is at 60:1 in 2013, increasing from 58:1 in 2011 and 59:1 in 2012¹⁵); low availability of quality school materials and encouragement for learning.¹⁶

3.7. The number of qualified teachers at primary level decreased from 98.4% in 2011 to 95.2% in 2013,¹⁷ which is primarily due to limited and inadequate training for teachers, as highlighted by interviewed teachers and identified in numerous reports. Although the ESSP 2 includes teachers' training and skills improvement programmes in the identified strategies, teachers interviewed in primary and secondary schools in five districts in Rwanda affirm that training provided by Government is limited to few subjects (it mainly focuses on ICT and English¹⁸), but not on specialisation courses in their subjects, and is not regularly conducted in all schools in the country.

The Government provides a capitation grant for each school according to the number of students enrolled in the school.¹⁹ According to the ministerial guidelines of the Ministry of Education (MINEDUC), 15% of the capitation grant should be used for teachers' training.²⁰ Research demonstrates that most of the schools are not compliant with this partition and money is largely spent for improving school infrastructures, compromising allocation to teachers' training.²¹

Other challenges are related to shortages of qualified teachers in the country and the long working hours not commensurate with salaries' increase.²² The 9YBE Strategy introduced teachers' specialization, so as to improve quality of teaching, by focusing on one or two subjects per teacher, in order to reduce the workload and improve quality of teaching. However, according to consultations conducted with teachers, this has caused the effect of reducing their commitment to

¹³ Plan Rwanda, At What Cost? 2013, p. 26

¹⁴ This challenge is identified in ESSP 2013-2018.

¹⁵ 2013 Ministry of Education Statistics, p. 12.

¹⁶ Baseline average textbook ratio for all subjects at primary level is 3:1 in 2012/2013 and 1.5 at lower secondary level, ESSP 2(2013-2018), p. 87.

¹⁷ 2013 Ministry of Education Statistics

¹⁸ ESSP 2 (2013-2018).

¹⁹ Transparency International Rwanda, Rwanda Public Expenditure Tracking Survey in Education (9YBE), 2012, p. 10.

²⁰ Transparency International Rwanda, Rwanda Public Expenditure Tracking Survey in Education (9YBE), 2012, p. 21.

²¹ Transparency International Rwanda, Rwanda Public Expenditure Tracking Survey in Education (9YBE), 2012, p. 22.

²² In ESSP 2, p.21, reference is made to increase of hours for specialized courses, which does not plan a salaries' increase, which is commensurate only to experience and qualifications (Plan, At What Cost?, p. 10 footnote).

students, because they meet too many children and only for one class per day.²³ Low salaries also contribute to reduce teachers' engagement in classrooms and some of them prefer to get other jobs in order to be able to support their families. As stated by many of the teachers and parents interviewed, most of the schools encourage families of the students to provide an economic contribution to schools called "Prime" (bonus) in order to encourage teachers to do their work.²⁴

3.8. Further challenges in ensuring quality education are related to low availability of quality school and learning materials for children, especially books and audio-visual material; this gap has also been identified in the ESSP 2. Access to pre-school education is limited due to high costs of Early Childhood Care and Development centres, low availability of centres equally spread in the country²⁵ and parents' low appreciation of pre-primary education. In addition, pre-primary education needs to be included in the formal education structure and free of any cost.

Inclusive education

3.9. Inclusive education in Rwanda is regulated by the Integrated Child Rights Policy, the Special Needs Education Policy and recognized in the ESSP 2. Despite the presence of this comprehensive policy framework, children with disabilities still face numerous challenges to the full enjoyment of their right to education. According to MINEDUC Statistics, the number of children with disabilities enrolling to school decreased from 30,016 in 2012/2013 to 27,650 in 2013/2014, with a variance of 4,025 children in one year.²⁶ As observed in the 2013 CRC Concluding Observations to the Government of Rwanda, there is a lack of comprehensive data on access, dropout and repetition of vulnerable children (orphans, children with disabilities, children living in poverty),²⁷ who are keener to encounter problems in completing education.

According to consultations with rights-holders, parents' stereotypes on children with disabilities, barriers in access to schools (mainly because of long distance) and barriers in terms of accessibility to infrastructure and leisure activities still hamper their access to education. There is no available national data on progress made towards the improvement of schools' infrastructure to meet the needs of children with disabilities provided by the Government, as also stated in the Education Sector Annual Report 2013/2014, which only mentions the provision of wheel chairs to children with mobility problems.²⁸

In addition, teachers consulted affirm that at the moment there is a gap in the availability of specialised materials and staff for students with special needs. According to MINEDUC statistics, teachers who have received in-service training on teaching students with special educational needs increased from 361 in 2012/13 to 515 in 2013/2014; however, this number is still much lower to the

²³ Save the Children Rwanda, Child Rights Situational Analysis, 2014, p. 24.

²⁴ Plan Rwanda, At What Cost?, 2013, p. 23

²⁵ 39% of primary schools in Rwanda have a pre-primary section, source: ESSP 2, p. 90. A total of 2,074 pre-primary public/community schools and 2 public pre-primary schools are available at the national level, source: MINEDUC Statistics 2013, p. 8.

²⁶ Ministry of Education Annual Report 2013/2014, p. 49.

²⁷ CRC/C/R/WA/CO/3-4, CRC Concluding Observations to the third and fourth periodic report of Rwanda, 14 June 2013, Para 53(f)

²⁸ Ministry of Education Annual Report 2013/2014, p. 48-50

target of 4,554 trained teachers set in the ESSP 2 for 2014/2015. This gap is mainly due to economic constraints.²⁹

Children's labour

3.10. Employment of children in labour activities outside the school represents a critical challenge to universal school attendance and completion. Government statistics confirm this statement: according to the Rwanda National Institute of Statistics, 58% of children aged 5-17 are employed in agriculture, forestry and fishery as main occupations.³⁰ Despite the existence of the National Policy for the Elimination of Child Labour and Law n. 13/2009 of 27/05/2009 regulating labour in Rwanda, which prohibits employment for children under the age of 16, some children interviewed by the Coalition affirm that they were or are employed in work outside the school to help support the family. Employment of children in activities outside the school not related to education implies that they dedicate less attention to studying and therefore demotivates them to attend school and concentrate on their learning.

There are some parents who do not pay attention to their children studies due to irresponsible spirit and poverty, thus, they do not provide on time needed scholastic materials to the children which results in drop outs.

3.11. Recommendations

The Government of Rwanda should be recommended to:

- a. Make education fully free for all, by increasing budget allocation to the education sector, in order to be able to cover the existing gaps in teachers' training and availability of infrastructure and materials for all children
- b. Take measures to ensure quality of education in Rwanda by providing sufficient training for teachers in specialized courses and proper follow-up, ensuring presence of quality school materials, books and appropriate infrastructure in all schools and available to all children, especially to the most vulnerable ones, and addressing the problem of overcrowded classes.
- c. Put in place: (a) sensitization programmes for parents on the right to education and enforce laws on child labour (including law n. 13/2009 of 27/05/2009); (b) social protection measures for poor children and their families to end family poverty.
- d. Strengthening the inclusive education by providing inclusive material and infrastructure and providing special day care services for children with disabilities and establishing special centres for those with advanced level of disability.

4. Right to Health

4.1. UPR recommendations n. 77.7 and 77.16 to continue to put in place programmes to improve maternal and child health were accepted by the government of Rwanda in 2011. Despite the existence of a comprehensive legislative and policy framework and evident progress in the reduction of child mortality, 43% of children under five years of age still suffer from chronic malnutrition and do

²⁹ Ministry of Education Annual Report 2013/2014, p. 49.

³⁰ National Institute of Statistics of Rwanda (NISR), Thematic Report: Socio-Economic Status of Children, 2013, p. 32.

not receive appropriate healthcare by professionals on a regular basis.³¹

- 4.2. Rwanda has achieved impressive progress in the area of child survival. Child mortality declined from 153/1000 live births in 2005, to 54/1000 in 2012.³² Between 1990 and 2012, the average decline rate for under-five mortality was 55%.³³ The Government of Rwanda put in place a number of policies and strategic plans for improving child health, including the Food and Nutrition Policy (2013), the National Multisectoral Strategy to Eliminate Malnutrition (NmSEM) (2010), a National Joint Action Plan to Eliminate Malnutrition (2012) and District Plans to Eliminate Malnutrition in every district (2011) for the improvement of nutrition among children, especially in rural areas. The Government of Rwanda has launched two programmes aimed at reducing children's malnutrition, namely the One Cow per Poor Family programme (2006-2015) and the Kitchen Garden Programme.

Chronic malnutrition

- 4.3. Although evident efforts at policy level, stunting and malnutrition among children are still highly rated. According to the 2014 WHO World Health Statistics, 43% of children under five years of age still suffer malnutrition in Rwanda. The National Food and Nutrition Strategic Plan (2013-2018) outline actions that address the most serious remaining problem regarding nutrition as presented in the previous plan. These include as the highest priority, the persistently high level chronic malnutrition in children under two years of age, which is also noted specifically in the Economic Development and Poverty Reduction Strategy 2013-2018 (EDPRS 2).³⁴
- 4.4. According to consultations conducted by the Coalition Umwana ku Isonga with children and parents, poverty of families is the main cause for providing little and non-nutritious food to children. Challenges in accessing food at school were also highlighted by children and parents: if a family cannot afford to contribute to the school running costs, in some cases children are denied meals at school, having little energies to concentrate during classes. Chronic malnutrition is also related to geographical location: according to the most recent national statistics available on children's nutrition, malnutrition is worse in rural areas (47%) than in urban areas (27%);³⁵ this is also confirmed by the findings of the consultations with parents and children held in several districts in Rwanda.

Access to healthcare

- 4.5. Access to health services for children has greatly improved since 2011, especially for children in urban areas. According to the Government of Rwanda 2013 Statistical Yearbook, in the year 2012 there were 17,586 new cases of hospitalization for childhood malnutrition in Rwanda, compared to 1,304 new cases registered in 2011.³⁶ These numbers can be interpreted as a more extended access to health facilities by children, which show an increase of families' awareness on the importance of access to health care for their children. A system of community health care is in place in all districts and provides accessible health care to community members. An additional challenge relates to access to and availability of health services for children with disabilities, especially children with intellectual disabilities. As identified by consultations with parents and children, discrimination of children with

³¹ 2014 WHO Health Statistics

³² Ministry of Health Annual Report July 2012 - June 2013, 2013, p. 12.

³³ WHO World Health Statistics, 2014

³⁴ Food and Nutrition Policy, Executive Summary, p. 38.

³⁵ Ministry of Health (MoH) Demographic Health Survey, 2010; this data on nutrition of children under 5 years old is also the most recent data presented in the 2012-2013 MoH Annual Report.

³⁶ Government of Rwanda, 2013 Statistical Yearbook, p. 33-34.

disabilities in Rwanda is still widespread and some families are often ashamed of them and tend not to ensure their access to health care.³⁷

4.6. Rwanda has a system of national health insurance that covers free basic health care for its subscribers. For citizens with a low economic status, the contribution for the community-based health insurance is free as the Government covers the individual fees per year through its regular budget and through aid contributions; this system makes health insurance free for the lowest income categories of people.³⁸ However, according to the consultations with parents and teachers, the poorest families struggle to access specialized medical treatments of their children and purchase medicines, especially for families living in rural settings and with many children. In addition, according to the interview results, some people don't subscribe to health insurance due their selfish mindset hence do not have access to health services.

4.7. Recommendations

The Government of Rwanda should be recommended to:

- a. Increase the coverage and frequency of sensitization campaigns with families and of trainings at community level, especially in rural areas, on the importance of nutrition for children, nutritional techniques and balanced diet, and on the importance of a community based health insurance.
- b. Comprehensively address all causes related to chronic malnutrition of children, including increasing social protection programmes supporting poor families.
- c. Ensure that all costs related to health care and access to medicines for vulnerable children are covered, in order to facilitate accessible health care for vulnerable children,
- d. Increase accessibility and availability of health facilities and services for children with disabilities especially for intellectual disabilities.

5. Right to Freedom from Corporal Punishment

5.1. UPR recommendations n. 78.4 and 78.9 to design plans and strategies to ensure sustainability in the protection of women and children and introduce legislation explicitly prohibiting corporal punishment and promoting alternative forms of discipline were accepted by the Government of Rwanda in 2011. However, concerns remain in the persistence of corporal punishment against children in many settings and in the existence of a legislative framework that does not completely outlaw corporal punishment in all settings.

5.2. The Government of Rwanda has enacted the Organic Law N° 01/2012 of 02/05/2012 instituting the Penal Code which criminalizes torture under article 176 and inflicting severe suffering on a child, harassing or imposing severe punishments on him/her under article 218. It also includes numbers of provisions relating to assault and battery (articles 148-152). In addition, the Government also adopted the Integrated Child Rights Policy that prohibits corporal punishment in all settings and established Child Protection Committees at different levels in accordance with the guidelines endorsed by Ministry of Gender and Family Promotion (MIGEPROF). There is also a draft of Ministerial order specifying the necessary educational measures and other forms of non violent disciplinary punishments, care and treatments for the child.

³⁷ This is also reported in the VSO Rwanda Disability Programme Overview, 2012.

³⁸ Ministry of Health Annual Report: CBHI 2012.

5.3. Despite the legislative and policy framework in place in Rwanda, corporal punishment of children remains a concern in the whole country, as highlighted by the findings of consultations held with children, parents and teachers and by official reports on the topic. According to the 2013 MIGEPROF Situation Analysis on the Family in Rwanda, physical violence is the first threat to children's protection in the family setting.³⁹ This concern was also shared by the Committee on the Rights of the Child in its 2011 Concluding Observations to Rwanda.⁴⁰ In addition, the Penal Code does not explicitly prohibit all corporal punishment and does not repeal the “right of correction” from the 1988 Civil Code.

Besides, there is still no law that prohibits corporal punishment in alternative care settings and in school settings.⁴¹ Although MIGEPROF conducted some sensitization programmes around communities on the importance of reporting cases of violence against children, there is still some cases of violence against children related to corporal punishment

5.4. Recommendations

The Government of Rwanda should be recommended to:

- a. Avail official comprehensive data on the magnitude of violence against children, including corporal punishment, disaggregated by gender, geographical location, demography and type of violence committed.
- b. Strengthen child protection mechanisms at district level by improving comprehensive programmes tackling violence against children, especially in rural areas, including existing programmes to sensitise parents and teachers on children’s rights and positive forms of discipline, and by prosecuting perpetrators of violence in all settings.
- c. Expediently amend the Organic Law N° 01/2012 of 02/05/2012 instituting the Penal Code to explicitly prohibit all corporal punishment in all settings, and to repeal the “right of correction” from the 1988 Civil Code.
- d. Strengthen sensitisation programmes for parents, children and community on the importance of reporting cases of violence and abuse against children and on available mechanisms for reporting.
- e. Speed up the finalisation and adoption of Ministerial order specifying non violent disciplinary punishment, care and treatment of a child

³⁹ Ministry of Gender and Family Promotion, Situation Analysis- The Family in Rwanda, 2013

⁴⁰ CRC/C/R/WA/CO/3-4, CRC Concluding Observations to the third and fourth periodic report of Rwanda, 14 June 2013, paras 27-28

⁴¹ Save the Children Rwanda, Child Rights Situational Analysis, 2014.

6. Right to Access to Justice for Children

6.1. UPR recommendation n. 79.9 to continue the legal reform process, including the incorporation of a plan of action to ensure access to justice by children, was accepted by the government of Rwanda in 2011.

6.2. Justice for children is regulated by Law n. 54/2000 of 14/12/2011, Chapter 8. The law sets the minimum age of criminal liability at 14 years of age, calls upon the judge to consider the age and the welfare of the child in judicial decisions, to avoid imprisonment for children, and suggests deferred sentences and re-education, as well as the right to legal assistance.⁴² The Government of Rwanda has put in place justice centres at district level, called “Maisons d'Accès à la Justice” (MAJ), which also provide legal advice for cases of children in conflict with the law. The Government of Rwanda has adopted the Justice for Children Policy and Strategic Plan. However, children's courts are lacking at all levels, leaving a gap in comprehensively addressing situations of children dealing with justice.⁴³ The Government admits that there are still challenges in the country in ensuring access to legal aid to vulnerable groups, including children.⁴⁴

6.3. Recommendations

The Government of Rwanda should be recommended to:

- a. Set up children's courts at all levels, and to strengthen child protection committees at all levels, to increase access to justice for children and to ensure proper follow-up of cases by appropriate mechanisms.
- b. Strengthen the link and collaboration between the Child Protection Committees and the Maisons d'Accès à la Justice in reporting, referring and responding to case of violence against children.

⁴² IPAR Child Rights Policy Framework, 2012, p. 10-11.

⁴³ CRC/C/R/WA/CO/3-4, CRC Concluding Observations to the third and fourth periodic report of Rwanda, 14 June 2013, paras 62 (a) and 63 (a)

⁴⁴ MINIJUST, Legal Aid Policy, October 2014