LAW RELATING TO RIGHTS AND PROTECTION OF THE CHILD AGAINST VIOLENCE

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Chapter 1. RIGHTS OF THE CHILD.

Article 1:
For the purpose of this law, a child is anybody aged below eighteen (18) years with the exception of what is provided for in other laws.

Article 2:
All the rights and their governing laws included in this law are to the benefit of all children. No article of this law modifies any articles of other existing laws that may provide more favourable rights and protection of the child against violence than those provided for by this law.

Article 3:
Childcare organizations or families should fulfill conditions allowing them to ensure the children's welfare concerning protection, health, and the number of adequately qualified workers. A Decree of the Minister having the Social Affairs in his/her attributions fixes the requirements in relation with the provision of the preceding paragraph of this article.

Article 4:
Every child has the right to live from the time of conception. Deliberate abortion is prohibited except in circumstances provided for by law.

Article 5:
Every new born child must be given a name and enrolled according to the provisions of the existing law.

Article 6:
A child has a right to Rwandese citizenship according to the law. A child born of a Rwandese mother with a father who is a foreigner is automatically a Rwandan citizen.

Article 7:
A child has a right to know his/her parents and be brought up by them. When it is not possible to live with his/her parents, the child has a right to obtain necessary assistance from them for his/her welfare, and to visit his/her parents wherever he/she wishes to in case this does threaten his/her security or the security of the country. As long as the child is under six years old, he/she must be in his/her mother's care as long as the child's interests are not threatened.

Article 8:
Every orphan must have a guardian, an adoptive parent or be under the care of a specialized institution. The State is responsible for any child having neither a guardian nor an adoptive parent. Conditions to be fulfilled by child care institutions are determined by a Decree issued by the Minister having the Social Affairs in his/her attributions.
Article 9:
The child's interests must be taken into account before any decision concerning him/her is made. It is a right for the child to express his/her opinion on any matter regarding him/her. It is necessary to hear from the child prior to making any decision concerning him/her regarding administrative and judiciary matters whether directly or indirectly through his/her representative.

Article 10:
The child has a right to education. Primary school education is compulsory and free in respect to the provisions of the law. The Ministry having Education in his/her attributions and the Minister having the Social Affairs in his/her attributions determine modalities according to which children with needy parents may gain access to secondary and higher education. The District Council is responsible for the implementation of the provision included in the Second paragraph of this article and decides appropriate measures to be taken against those acting contrary to the law.

Article 11:
Depending on his/her age, level of understanding, and in harmony with laws and culture of the country, the child has a right to freedom of thinking. Government and Rwandan society should encourage and support children oriented media and favour the writing and distribution of children's books and journals.

Article 12:
Children have right to assemble together and meet peacefully.

Article 13:
Depending on his/ her age and level of understanding the child has a right to freedom of thinking, consciousness and has a right to belong to a religion of his/her choice. Parents or guardians of the child are responsible for advising and directing him/her in good conduct for enjoyment of rights for the sake of his/her interests.

Article 14:
Depending on their possibilities, Parents, guardians of children and any other person responsible for children must respect the rights of a child in terms of his/her welfare including good living conditions, healthcare and education so as to allow the child to develop physically, in his/her thinking ability, intellectually, culturally and in life in general. The Ministry having the Social Affairs in its attributions ensures those rights are respected. For those children with needy parents, the Ministry determines a programme meant to assist them.

Article 15:
A handicapped child should be particularly taken care of for his/her health, education and social welfare. This special care is the responsibility of both the parents and the Ministry having the Social Affairs in its attributions.
**Article 16:**
Adoption of any child should be done in the interest of the child. A decree of the Minister having Social Affairs in his/her attributions determines the mechanism to ensure a regular follow-up of the conditions of adopted children in the concerned families.

**Article 17:**
A child has a right to rest, enjoyment of sports and of recreational activities that correspond to his/her age. The Ministry having Sports in its attributions ensures that districts, cities and child care institutions have adequate sports infrastructure for children.

**Article 18:**
The work performed by the child should not burden him/her to extent that it the compromises of his/her education, health or physical development. It is prohibited for children to be employed in any enterprise before they reach the age of 14.

**Article 19:**
Military service is prohibited for children less than 18 years.

**Article 20:**
No child should be subjected to torture, inhuman and degrading treatment.

**Article 21:**
The State, where necessary, provides legal assistance to a child without a guardian when involved in judiciary case before the courts. In case it is necessary for a child to be imprisoned, he/she is separated from adult prisoners.

**Article 22:**
Necessary administrative, legal measures and those concerning social welfare and education must be taken in order to reinforce protection of the child against any kind of violence, psychological or physical brutality, abandonment, neglect, mistreatment, or exploitation. The Minister having Social Affairs in his/her attributions takes necessary measures to assist and support children who are victims of violence as well as to ensure that the perpetrators of violence are followed up by the relevant authorities.

**Article 23:**
The child should be cared for and rescued first in times of misfortune and war.

**Article 24:**
The National Commission on Human Rights must set up specifications on how to follow up the protection of the rights of the child.
Chapter 2. A CHILD'S RESPONSIBILITIES

Article 25:
A child must respect his/her parents, guardian, teachers, other children and all those older than him/her. He/she must also help his/her parents and his/her guardians as long as this does not harm his/her health.

Article 26:
A Child must love his/her nation and serve it depending on his/her ability.

Article 27:
A child is obligated to attend primary school and any level of school his/her parents, guardians or the State manage to access him/her to.

Chapter 3

Article 28:
Any person who knowingly withholds from administrative authorities information about the crimes provided for in this chapter, shall be sentenced to imprisonment of between six months and five years and a fine of between twenty thousand and one hundred thousand francs or one of the two penalties.

Section 1. CRIME OF CHILD MURDER

Article 29:
A child murderer is liable to penalties provided for in the Penal Code.

Article 30:
A woman who commits voluntary abortion is sentenced to an imprisonment of between five years and fifteen years. Whoever attempts to commit abortion is liable to an imprisonment of between six months and three years. In the interests of the child, the sentence in paragraph two of this article is deferred in the event that the sentence is equal to the months or years passed by the court.

Article 31:
Whoever causes a woman to abort without her consent shall be sentenced to an imprisonment of
between twenty years and life imprisonment.
In the event of mutual consent; the person that causes abortion, shall be sentenced to between
five years and fifteen years imprisonment.
Any person who unintentionally causes a woman to abort, is sentenced to between three months
and three years imprisonment.

**Article 32:**
Any sadistic torture including disproportional punishment; ill-treatment; inhuman or degrading
punishment inflicted on a child is sentenced to between four months and three years
imprisonment and a fine of between fifty thousand and two hundred thousand francs.
If the crimes referred to in the preceding paragraph cause disability to a child, the sentence shall be between three years' imprisonment and life imprisonment. If those crimes result in a child's death, the death sentence shall be applicable.

**Section 2. CRIMES OF RAPE AND USE OF A CHILD FOR DEHUMANIZING ACTS.**

**Article 33:**
In this law, any sexual relations with a child, whatever the means or methods used, are considered as rape.

**Article 34:**
Anybody who rapes a child who is between fourteen years and eighteen years of age shall be sentenced to imprisonment of between twenty years and twenty-five years' and be fined between one hundred thousand and five hundred thousand francs.
Any body who rapes a child aged below fourteen years of age shall sentenced to life imprisonment and be fined between one hundred thousand to two hundred thousand francs.

**Article 35:**
If the rapist causes death to a child or infects him/her with an incurable disease, the rapist is sentenced to death.

**Article 36:**
If the crime of raping a child is committed by a parent, a guardian, a government official, a religious leader, a security officer, a medical officer, an educational officer, a trainee or any one using his or her professional power over the child, this crime is punishable by life imprisonment and a fine of between one hundred thousand and two hundred thousand francs.

**Article 37:**
Any dehumanizing crime committed or attempted against a child is punishable by a sentence of between one year and five years imprisonment and a fine of between twenty thousand and one hundred thousand francs.

**Section 3. CRIMES OF ENGAGING A CHILD IN FORNICATION AND PROSTITUTION.**
**Article 38:**
Whoever attracts, persuades or deceives a child to commit her/himself to prostitution or fornication, shall be sentenced to imprisonment of between three months and five years and pay a fine of between ten thousand and one hundred thousand francs.

**Section 4. CRIMES OF CHILD EXPLOITATION**

**Article 39:**
Whoever by his/her initiative or through someone else, leads, keeps or provides funds knowingly to support child prostitution shall be sentenced to imprisonment of between five years to ten years and pay a fine of between two hundred thousand and five hundred thousand francs.

**Article 40:**
Anyone who benefits from prostitution of a child or knowingly is given and accepts assistance well aware that it is from a child's prostitution shall be sentenced to imprisonment of between two years and five years. Whoever uses children or exploits them for night activities aimed at advertising prostitution or as interest arousing means in pornographic publications, shall be sentenced to imprisonment of between five years and twelve years and pay a fine of between two hundred thousand five hundred thousand francs.

**Article 41:**
Whoever kidnap[s, sells or leads children into slavery, shall be sentenced to imprisonment of between five years and life imprisonment and pay a fine of between two hundred thousand to five hundred thousand francs.

**Article 42:**
Whoever gives illicit drugs to a child or uses him/her in illicit drugs or arms trafficking or in fraudulent practices, shall be sentenced to imprisonment of between five years and twenty five years and pay a fine of between one hundred thousand and five hundred thousand francs.

**Section 5. CRIMES OF NEGLECTING AND ABANDONING A CHILD**

**Article 43:**
Any parent or guardian who abandons a child in an open place or uses someone else to do so and the child is found, shall be sentenced to imprisonment of between one year and five years and pay a fine of between twenty thousand and one hundred thousand francs.

**Article 44:**
A parent or guardian who abandons a child in a hidden place or uses someone else to do so and the child is found, shall be sentenced to imprisonment of between five years and fifteen years and pay a fine of between fifty thousand and two hundred thousand francs.

**Article 45:**
If the abandonment results in an incurable disability, the culprit shall serve a sentence of life imprisonment.
If a child dies as a result of abandonment, the culprit shall be sentenced to death.

**Article 46:**
Any parent, guardian of a child or child-care institution falling to give him/her the required protection against violence and necessary care, shall be sentenced to imprisonment of between six months and five years or pay a fine of between twenty thousand and one hundred thousand francs.
Any parent, guardian or person in charge of a childcare institution that engages a child in delinquency, is given aid or benefits that are a result of from a child's delinquency, shall be sentenced to an imprisonment of between three months and five years or pay a fine of between ten thousand and one hundred thousand francs.

**Section 6. CRIMES OF GIVING A CHILD FOR PREMATURE OR FORCED MARRIAGE.**

**Article 47:**
Any conjugal living-together of a boy and girl where one of the two or both of them are below the age provided for in the Preliminary Title of Book I of the Civil Code, is considered premature marriage.
Forced marriage is any marriage of a girl/boy of less than twenty one years and without his/her consent.

**Article 48:**
Anybody who lives with or attempts to live with a child of less than eighteen years of age as a husband or wife, shall receive the same sentence as one who has committed child rape.
In case that child is above eighteen years of age but less than twenty one, the person that lived with or attempted to live with the child contrary to article 47 of this law, shall be sentenced to imprisonment of between six months and two years and pay a fine of between fifty thousand and one hundred thousand francs.

**Article 49:**
Anyone who will have played a role in child's premature or forced marriage shall be sentenced to imprisonment of between six months and five years and pay a fine of between twenty thousand and one hundred thousand francs.

**Article 50:**
In case the person who has played a role in a child's premature or forced marriage is a parent or guardian of that child, he/she shall be sentenced to imprisonment of between one year and five years and pay a fine of between forty thousand and one hundred thousand francs.

**Chapter 4**

**Article 51:**
Any other crimes committed against a child not mentioned in this law shall be punishable according to the laws governing the Penal Code.

Article 52:
Withstanding article two, paragraph two of this law, all articles of previous laws contrary to this law are hereby abrogated.

Article 53:
This law enters into force from the date it is published in the Official Gazette of the Republic of Rwanda.
Kigali, on 28/04/2001