



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **RWANDA – COUNTRY REPORT**

Child population: 4,865,000 (UNICEF, 2009)

### **Summary of necessary legal reform to achieve full prohibition**

#### ***Settings where explicit prohibition is necessary***

home, schools, penal institutions, alternative care settings

#### ***Is there a legal defence for corporal punishment which must be repealed?***

Yes – Article 347 of the Civil Code confirms parents’ “right of correction”. This provision should be repealed and explicit prohibition should be enacted of all corporal punishment and other cruel or degrading forms of punishment, in the home and all other settings where adults have authority over children.

#### ***Other legislative measures necessary***

*Schools* – Explicit prohibition should be enacted in legislation and applicable to all education settings (public and private), as well as repeal of any laws specifically authorising or regulating corporal punishment in schools.

*Penal institutions* – Explicit prohibition of corporal punishment should be enacted in legislation relating to disciplinary measures in all institutions accommodating children in conflict with the law.

*Alternative care settings* – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc, in addition to repeal of article 347 of the Civil Code.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is lawful in the home. Parents have a “right of correction” under article 347 of the Civil Code (1988). Provisions against violence and abuse in the Penal Code (1977), Law No. 27 Relating to Rights and Protection of the Child Against Violence (2001) and the Constitution (2003) are not interpreted as prohibiting all corporal punishment in childrearing. The National Integrated Child Rights Policy adopted by the Ministry of Gender and Family Promotion in August 2011 states that “physical abuse, including torture and cruelty against children and corporal punishment of children is prohibited in all settings” and defines all settings as including “homes, communities, schools, all centres and institutions that have children, prisons and detention centres, etc” (para. 5.5). This is policy rather than law but one objective of the policy is to serve as a guide for legislation (page 9).

A draft Law on the Rights and Protection of the Child is under discussion. As at August 2011, proposed provisions included physical punishment in the definition of violence (article 3), stated that discipline within the family should be administered with humanity and dignity and provided for the Minister to make an order regarding disciplinary measures in the home (article 25). The law would repeal all provisions contrary to it (article 69) but we have yet to confirm that this would include the “right of correction” in the Civil Code. The draft was debated in the Senate in August 2011 but we have no further information.

As at January 2012, a new Penal Code has been passed by parliament and is awaiting the signature of the President. The Code defines violence as “acts of physical force used against a person” (article 290) and punishes the wilful infliction of blows or injuries on a child under 16 (article 151) as well as older children and adults (articles 147-150), and assault (article 154). It is unclear whether or not this would prohibit all corporal punishment in childrearing as the Code also includes the offence of causing suffering to a child but includes in this only “disproportional” punishment, inhumane or degrading treatment (article 214).

### Schools

There appears to be no explicit prohibition of corporal punishment in schools. In January 2011, a draft ministerial Decree was under discussion which reportedly stated that corporal punishment should not be used (third/fourth report to the CRC, para. 145) but there is no prohibition in legislation. Corporal punishment would possibly be prohibited in the draft Law on the Rights and Protection of the Child.

### Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Penal Code, the Code of Penal Procedure, the Constitution and Law No. 27 Relating to Rights and Protection of the Child Against Violence. There is no provision for judicial corporal punishment in the draft Penal Code or the draft Law on the Rights and Protection of the Child. The Constitution states in article 15: “Every person has the right to their physical and mental integrity. No one shall be subject to torture, physical abuse or cruel, inhuman or degrading treatment.”

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions, though a number of laws prohibit cruel, inhuman or degrading treatment. Article 23 of the law establishing the National Prisons Service (No. 38/2006) states that “the prisoner must be treated with dignity and respect for human rights. He or she is especially protected against any sort of torture, cruel, inhuman or degrading treatment”. Article 15 of the law establishing the Local Defence Force (No. 25/2004) punishes the use of excessive force. Article 8 of the Instructions of the Minister of

Internal Security relating to the conditions of detention, the provision of food and detainee visits (No. 09/2008) states that no prisoner should be subjected to torture or other abuse or cruel, inhuman or degrading treatment. Corporal punishment would possibly be prohibited in the draft Law on the Rights and Protection of the Child.

### **Alternative care**

There is no explicit prohibition of corporal punishment in alternative care settings but it would possibly be prohibited in the draft Law on the Rights and Protection of the Child.

### **Prevalence research**

None identified.

### **Recommendations by human rights treaty bodies**

#### *Committee on the Rights of the Child*

(1 July 2004, CRC/C/15/Add.234, Concluding observations on second report, paras. 34 and 35)

“The Committee notes that the Rwandan legislation does not include an explicit prohibition of corporal punishment and is concerned at the persistent practice of corporal punishment by parents, teachers and law enforcement officers.

“The Committee recommends that the State party:

- a) introduce legislation explicitly prohibiting corporal punishment;
- b) make use of information and education campaigns to sensitize parents, teachers, other professionals working with children and the public at large to the harm caused by corporal punishment and promote alternative, non-violent forms of discipline, as foreseen in article 28, paragraph 2, of the Convention;
- c) investigate in an effective way reported cases of ill-treatment of children by law enforcement officers and ensure that appropriate legal action is taken against alleged offenders; and
- d) provide for the care, recovery and rehabilitation of child victims, in the light of article 39 of the Convention.”

### **Universal Periodic Review**

Rwanda was examined in the first cycle of the Universal Periodic Review in 2011. The Government accepted the recommendation to prohibit corporal punishment of children (A/HRC/17/4, Report of the Working Group, para. 78). Examination in the second cycle is scheduled for 2015.

*Report prepared by the Global Initiative to End All Corporal Punishment of Children*

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