

Corporal punishment of children in Rwanda

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Child population 5,532,000 (UNICEF, 2015)

Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, alternative care settings and day care.

Article 347 of the Civil Code 1988 which confirmed parents' "right of correction" was repealed by Law No. 32/2016 of 28/08/2016 Governing Persons and Family. However, the near universal acceptance of a certain degree of violence in childrearing necessitates clarity in law that all degrees and kinds of corporal punishment are unacceptable and unlawful. Explicit prohibition should be enacted of all corporal punishment, however light, by parents and other adults with parental authority.

Alternative care settings – Corporal punishment should be prohibited in all alternative care settings (foster care, institutions, places of safety, emergency care, etc.).

Day care – Corporal punishment should be prohibited in all early childhood care (nurseries, crèches, kindergartens, preschools, family centres, etc.) and all day care for older children (day centres, after-school childcare, childminding, etc.).

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home. Law No. 32/2016 of 28/08/2016 Governing Persons and Family passed in August 2016 repealed the Civil Code 1988, which previously recognised a “right of correction” to parents under its article 347. The new Law does not mention the “right of correction” but it does not explicitly repeal it and does not explicitly prohibit corporal punishment: it is a silent repeal which does not achieve a full ban of all corporal punishment.

In 2011, the Government accepted the recommendation made during the Universal Periodic Review of Rwanda to prohibit all corporal punishment of children.¹ The National Integrated Child Rights Policy, adopted by the Ministry of Gender and Family Promotion in the same year and intended as a guide for legislation, 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.”² In reporting to the Committee on the Rights of the Child and to the Committee on Economic, Social and Cultural Rights in 2013, the Government stated that corporal punishment is prohibited in all settings, including the home.³ However, law reform has so far failed to achieve complete prohibition.

Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child repeals and replaces Law No. 54 Relating to the Rights and Protection of the Child 2011. Although the Government had said before enactment that it would explicitly prohibit corporal punishment,⁴ the 2018 Law does not do so: it includes in the definition of domestic violence only “excessive” punishment (art. 3). Even though the Kinyarwanda version of article 3 of the 2018 Law defines domestic violence as “ibihano byo ku mubiri” - i.e. corporal punishment in English- the Kinyarwanda version of the Law itself does not include explicit prohibition of “ibihano byo ku mubiri” (i.e. corporal punishment) in any setting. Article 28 of the Law states that “a person who harasses a child or imposes severe or degrading punishments including corporal sanctions” commits an offence and is liable for imprisonment for a term of no less than two years and no more than three. The Kinyarwanda version of article 28 does not refer to “ibihano byo ku mubiri” (i.e. corporal punishment in English). The Government has said (in relation to article 218 of the former Penal Code, which is now article 28 of the 2018 Law) that courts had interpreted the legislation to “include corporal punishment”.⁵ It is unclear however whether this would include the ‘lighter’ forms of corporal punishment, particularly in regards to the minimum sentence of two years imprisonment.

The 2018 Law does not repeat the provision in article 25 of the now repealed 2011 Law which called on the Minister to make an order specifying “non-violent disciplinary punishments, care and treatments for the child”. It seems the Ministry of Gender and Family Promotion had drafted a Ministerial Order “specifying the necessary educational measures and other forms of non-violent disciplinary punishments, care and treatments for the child” pursuant to the Constitution (especially arts. 120, 121 and 201⁶) and article 25 of Law No. 54/2011 relating to the Rights and Protection of the Child, but as at July 2018 the drafting of the Ministerial Order had not progressed. We have no further information on the future of this draft Ministerial Order in the context of Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child.

The new Penal Code (Law N°68/2018 of 30/08/2018 determining offences and penalties in general) includes a number of provisions relating to assault and battery but it does not explicitly prohibit all corporal punishment, however light.

The Government had initially signalled its commitment to prohibiting corporal punishment in all settings and repealing the “right of correction” in the Civil Code by clearly accepting a recommendation to do so made during the Universal Periodic Review of Rwanda in 2015.⁷ The 2016 Early Childhood Development Policy highlighted the need to promote positive disciplinary measures over the use of

¹ 14 March 2011, A/HRC/17/4, Report of the working group, para. 78(9)

² National Integrated Child Policy 2011, para. 5.5

³ [April 2013], CRC/C/RWA/Q/3-4/Add.1, Reply to list of issues, paras. 33, 38-41; [19 April 2013], E/C.12/RWA/2/4/Add.1, Reply to list of issues, para. 77

⁴ [2018], CRC/C/RWA/5-6, Fifth/sixth report, paras. 85 and 88

⁵ [2018], CRC/C/RWA/5-6, Fifth/sixth report, para. 85

⁶ The draft appears to have been prepared before the Constitution was revised in 2015

⁷ 18 December 2015, A/HRC/31/8, Report of the working group, par. 134(42)

corporal punishment but did not commit to law reform. The Global Initiative no longer considers Rwanda committed to prohibiting all corporal punishment of children without delay. The various legislative reforms adopted since 2015 did not achieve a clear and explicit prohibition of all corporal punishment and the Government has given no indication that it would pursue further law reform. Although the “right of correction” was repealed by Law No. 32/2016 of 28/08/2016 Governing Persons and Family, an explicit prohibition of all corporal punishment is yet to be enacted.

In March 2018, during the 33rd session of the African Committee of Experts on the Rights and Welfare of the Child, the Government stated that the 1988 Civil Code, which provides parents the right to punish children had been repealed by the new Family Law.⁸ The Government reported that “corporal punishment and any kind of maltreatment of children” are prohibited in the country. In 2021, during the third cycle of the UPR (session 37) the Government stated that “corporal punishment had been prohibited in law, alleged cases were being investigated and those allegedly responsible were being prosecuted”.⁹

Alternative care settings

There is no explicit prohibition of corporal punishment in alternative care settings. The Strategic Plan for Orphans and Vulnerable Children, SPOVC 2007-2011 planned for explicit prohibition of corporal punishment,¹⁰ but this was not achieved. Article 28 of Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child protects children from corporal punishment of some severity (see under “Home”).

Day care

There is no explicit prohibition of corporal punishment in early childhood care and in day care for older children. Article 28 of Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child protects children from corporal punishment of some severity (see under “Home”).

Schools

Corporal punishment of children is considered unlawful in schools, but there appears to be no explicit prohibition in legislation. Children are legally protected from “severe” and “excessive” corporal punishment by article 28 of Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child (see under “Home”).

In reporting to the Universal Periodic Review in 2015, the Government referred to “internal regulations” against the use of corporal punishment in schools. The Ministerial Instructions No. 001 of 10 May 2017 establishing guidelines for setting up general or TVET, Nursery, Primary or Secondary School’s internal rules and regulations explicitly prohibit corporal punishment and “any kind of inhumane and degrading treatment” (art. 26). These regulations apply to public, private and Government subsidised schools.

Penal institutions

Corporal punishment is considered unlawful as a disciplinary measure in penal institutions, but it is not explicitly prohibited. A number of laws prohibit cruel, inhuman or degrading treatment and article 28 of Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child protects children from “severe” punishment (see under “Home”). Article 23 of Law No. 38 establishing the National Prisons Service 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 Law No. 25 establishing the Local Defence Force 2004 punishes the use of excessive force. Article 8

⁸ March 2019, ACERWC/RPT(XXXIII) 33rd ordinary session, para.132

⁹ 25 March 2021, A/HRC/47/14, Report of the working group, para. 88

¹⁰ Reported in Ministry of Gender and Family Promotion (2011), Strategic Plan for the Integrated Child Rights Policy in Rwanda, August 2011, p. 25

of the Instructions of the Minister of Internal Security relating to the conditions of detention, the provision of food and detainee visits 2008 (No. 09) states that no prisoner should be subjected to torture or other abuse or cruel, inhuman or degrading treatment.

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in the Penal Code 2018 and Law N°71/2018 of 31/08/2018 Relating to the 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.”

Universal Periodic Review of Rwanda’s human rights record

Rwanda was examined in the first cycle of the Universal Periodic Review in 2011 (session 10). The following recommendation was made and was accepted by the Government:¹¹

“Introduce legislation explicitly prohibiting corporal punishment and promote alternative, non-violent forms of discipline (Azerbaijan)”

Examination in the second cycle took place in 2015 (session 23). The following recommendation was made and was accepted by the Government, which put it in the category of recommendations it considers already implemented or in the process of implementation:¹²

“Explicitly prohibit all forms of corporal punishment, including in the home, and repeal the ‘right of correction’ in the Civil Code (Estonia)”

The Government later confirmed its support for this and certain other recommendations “which aim at committing to comply with our domestic law and international human rights obligations”, stating that they “concern rights for which legal protection and guarantees are already in place and actively implemented” and that implementing them “may require Rwanda to take additional actions which are not anticipated at this time”.¹³

During the third cycle review in 2021 (session 37). The following recommendation was made:¹⁴

“Enact an explicit prohibition of the corporal punishment of children in all settings, including at home (Croatia)”

The Government did not respond to the recommendation.¹⁵

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(28 February 2020, CRC/C/RWA/CO/5-6, Concluding observations on fifth/sixth report, para. 23)

“While noting with appreciation the repeal of parents’ “right to correction” from legislation and the prohibition of corporal punishment in schools, the Committee remains deeply concerned with the still extensive use of corporal punishment in schools and in the home. The Committee reiterates its previous recommendations (CRC/C/RWA/CO/3-4, para. 28) and urges the State party to:

(a) Explicitly prohibit in legislation the use of corporal punishment in all settings, including in the home, childcare institutions and alternative care settings;

¹¹ 14 March 2011, A/HRC/17/4, Report of the working group, para. 78(9)

¹² 18 December 2015, A/HRC/31/8, Report of the working group, par. 134(42)

¹³ 10 March 2016, A/HRC/31/8/Add.1, Report of the working group: Addendum, para. 12

¹⁴ 25 March 2021, A/HRC/47/14, Report of the working group, para.136(66)

¹⁵ 23 June 2021, A/HRC/47/14/Add.1, Report of the working group: Addendum

- (b) Ensure that the prohibition of corporal punishment is adequately monitored and enforced and that cases of violations are referred to the competent administrative and/or judicial authorities;
- (c) Strengthen efforts to raise awareness of parents, teachers, professionals working with and for children and the general public about the harm caused by corporal punishment and to promote positive, non-violent and participatory forms of child-rearing and discipline.”

Committee on the Rights of the Child

(8 July 2013, CRC/C/RWA/CO/3-4, Concluding observations on third/fourth report, paras. 27 and 28)

“The Committee notes that Law No. 54/2011 prohibits some violent forms of punishment against children; however, the Committee is gravely concerned that:

- a) the use of corporal punishment is considered appropriate in education and is still widespread in all settings, including families and schools;
- b) the draft ministerial order on general regulation of preschool, primary and secondary education, prohibiting corporal punishment in school has not yet been adopted;
- c) there is an absence of legislation that explicitly prohibits corporal punishment in alternative care settings; and
- d) parents have a “right of correction” under article 347 of the 1988 Civil Code, which may lead to corporal punishment.

“The Committee urges the State party to:

- a) develop the National Plan of Action to fight violence against children, based on the recommendations from the national conference held in 2011;
- b) introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice, and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment in the family, schools, alternative care and penal institutions;
- c) immediately adopt and implement the ministerial order on prohibition of corporal punishment in schools and widely publicize the order in all educational institutions;
- d) explicitly prohibit corporal punishment of children in alternative care settings;
- e) immediately repeal all provisions that authorize corporal punishment, including the “right of correction” in the Civil Code; and
- f) ensure adequate follow-up measures to all corporal punishment.”

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.”

Committee Against Torture

([November 2017], CAT/C/RWA/CO/2 Advance unedited version, Concluding observations on second report, paras. 28 and 29)

“The Committee takes note that the Instructions of the Commissioner General of Prisons of 2015 establish procedures for handling acts of serious misconduct inside prisons and limit the imposition of solitary confinement to a maximum period of 15 days. It is, however, concerned by reports indicating that prison staff often resorts to beatings as a form of punishment and that solitary confinement is frequently imposed for up to 30 days (arts. 11 and 16).

“The State party should monitor disciplinary practices inside prisons and ensure that they are in line with international standards, especially rules 36 to 46 of the Nelson Mandela Rules. In particular, it should ensure that:

- (a) Corporal punishment is strictly prohibited;
- (b) Solitary confinement is only used as a last resort, for as short a time as possible and never for periods in excess of 15 consecutive days, and subject to strict judicial oversight and control;
- (c) Due process rights are always observed in disciplinary proceedings against detainees;
- (d) Any official who fails to respect these rules is subjected to the appropriate criminal and/or disciplinary sanctions.”

Committee Against Torture

(26 June 2012, CAT/C/RWA/CO/ 1, Concluding observations on initial report, para. 16)

“The Committee notes the measures taken by the State party to combat domestic violence, in particular violence against women and girls. The Committee also notes that the number of cases of rape decreased between 2006 and 2009. However, the Committee remains concerned about the persistence of this phenomenon, as indicated in the State party’s report, and notes that there were 1,570 cases of rape of children recorded by the State party in 2009. The Committee also regrets the absence of comprehensive and recent statistical data on domestic violence, as well as on investigations, prosecutions, convictions and penalties applied against perpetrators. The Committee further expresses concern about the absence of comprehensive legislation against corporal punishment of children (arts. 2, 12-14).

The State party should reinforce measures to eliminate domestic violence, in particular violence against women and girls, including by adopting a comprehensive strategy. It should facilitate the lodging of complaints by women against perpetrators, and ensure prompt, impartial and effective investigations of all allegations of sexual violence as well as prosecute suspects and punish perpetrators. The State party should continue to provide women victims with assistance, including shelters, medical aid and rehabilitation measures. Furthermore, the State party should explicitly prohibit corporal punishment of children in all settings.

The State party should provide the Committee with information on the investigations of cases of domestic violence, in particular violence against women and girls, including rape and other crimes, including sexual violence, and on the outcome of trials, including information on the penalties to perpetrators, and redress and compensation offered to the victims.”

Committee on Economic, Social and Cultural Rights

(10 June 2013, E/C.12/RWA/CO/2-4, Concluding observations on second-fourth report, para. 21)

“The Committee notes that the Law No. 54/2011 of 14 December 2011 relating to the rights and the protection of children has abolished corporal punishment in all settings, but it remains concerned that

the “right of correction” set out in the Civil Code may be misinterpreted and allow for corporal punishment (art. 10).

The Committee recommends that the State party ensure that the Law No. 54/2011 of 14 December 2011 and the Civil Code fully abolish corporal punishment of any kind in all settings without exception.”

Committee on the Rights of Persons with Disabilities

(3 May 2019, CRPD/C/RWA/CO/1, Concluding observations on initial report, paras. 29 and 30)

“The Committee is concerned about:

- (a) Prevailing violence, abuse and neglect against persons with disabilities, particularly women and children and persons with intellectual or psychosocial disabilities, within health-care and corrective institutions;
- (b) The lack of effective measures to prevent violence, including sexual and gender-based violence, particularly in homes, institutions, communities and refugee camps where persons with disabilities live, and measures to monitor such prevention measures;
- (c) The lack of effective protection and support services for persons with disabilities who are victims of exploitation, violence or abuse;
- (d) The absence of concrete data on cases of violence and abuse against persons with disabilities;
- (e) The lack of dedicated mechanisms for identifying, investigating and prosecuting instances of exploitation, violence and abuse against persons with disabilities;
- (f) The lack of a direct ban on corporal punishment of children with disabilities in all settings.

“The Committee recommends that the State party:

- (a) Take all necessary measures to prevent and eliminate all forms of exploitation, violence and abuse against persons with disabilities, particularly women and children ;
- (b) Ensure that members of the police, judiciary and health and social services receive regular and mandatory training on the prevention of violence and abuse of persons with disabilities ;
- (c) Adopt effective measures to ensure that persons with disabilities who are victims of violence have access to accessible services and information, including hotlines, shelters, victim support services, consultation and counselling;
- (d) Collect and publish data, disaggregated by sex and age, on violence and abuse against persons with disabilities in all settings, including the number of prosecutions, convictions and sentences imposed on the perpetrators ;
- (e) Establish accessible and inclusive complaints mechanisms that have a mandate, inter alia, to provide compensation and impose sanctions on perpetrators, in accordance with article 16 (3) of the Convention;
- (f) Enact and enforce legislation to explicitly prohibit all corporal punishment of children, however light, in all settings, including in the home and in institutions, in accordance to target 16.2 of the Sustainable Development Goals, on ending violence against children.”

African Committee of Experts on the Rights and Welfare of the Child

([July 2015], ACERWC, Concluding observations on second/third report, paras. 19 and 20)

“The Committee notes with satisfaction the adoption of the Integrated Child Rights Policy which prohibits corporal punishment in all settings and Law N° 01/2012 of 02/05/2012 which penalizes the act of inflicting severe suffering on the child. However, the Committee is concerned that corporal punishment is still used to discipline children in schools and at home. Moreover, parents' right to correction of children that is included in the Civil Code has not been repealed yet. Thus, the Committee urges the State Party to fortify its efforts in sensitizing the society in eliminating corporal punishment as well as take measures to repeal all laws and practices that are in contradiction with the Integrated Child

Rights Policy.

“During the Constructive dialogue, the Committee has observed that the State Party has started to adopt a ministerial decree on disciplining the child without corporal punishment. Therefore, the Committee calls upon the State Party to expedite the process and introduce alternative positive discipline mechanisms in schools and at home.”

Prevalence/attitudinal research in the last ten years

A 2012 study shows that on average 49% of Rwandan children (47% of boys and 52% of girls) had been physically punished by their teacher in the week prior to the survey – experience varied widely across schools so that this figure rose to over 63% if confined to half of the schools. In the home, 58% of boys and 66% of girls reported that they were sometimes kicked/punched by an adult living with them; 46% of boys and 50% of girls reported that they were sometimes hit with an object.

(Pontalti, K. (2013), Plan Rwanda – School violence: A global preventable epidemic, University of Oxford)

A study which involved discussions with 22 parents, 12 children and nine teachers in one semi-rural and one remote rural area found that the most common punishment in homes and schools was beating children. Children were also punished by being denied food, shouted at, insulted, forced to do hard work, burned, chased out of the house and not allowed to go to school.

(Mina, E. (2013), Corporal and Degrading Punishment of Children in Rwanda: Promoting Positive Discipline at School and at Home, Master Thesis, Freie Universität Berlin)

A 2012 study of men’s childhood experiences of violence in Brazil, Chile, Croatia, India, Mexico and Rwanda, which involved men aged 18-59 living in urban settings, found a high prevalence of corporal punishment in all six countries. In Rwanda, of the 2,204 men who participated, 60% reported having been spanked or slapped by a parent in the home during childhood, 23% threatened with physical punishment in the home and 29% humiliated by someone in their family in front of other people. Men who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence, hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits when their partner is pregnant and/or take paternity leave.

(Contreras, M. et al (2012), Bridges to Adulthood: Understanding the Lifelong Influence of Men's Childhood Experiences of Violence, Analyzing Data from the International Men and Gender Equality Survey, Washington DC: International Center for Research on Women (ICRW) and Rio de Janeiro: Instituto Promundo)

[End Corporal Punishment](#) is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.