

## DECLARATION

I, MOUITY LOVE SHANTELLY, hereby declare that to the best of my knowledge, this dissertation entitled "Critical analysis of the implementation of human rights against child abuse under Rwandan law, is my original work and that it has never been presented anywhere else for any other academic qualifications at any University or Institutions of Higher learning.

Date...../...../2024

Name of student.....

Signature of student.....

## Approval

This dissertation has been examined and approved as meeting the required standards for partial fulfillment of the Bachelor Degree of Law at Kigali Independent University ULK.

Supervisor: Lecturer NKUNDUKOZERA Emmanuel

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Dedication**

First and foremost, I dedicate this dissertation to Almighty God. Your grace, wisdom, and unwavering presence have been my guiding light.

To my beloved mother, your love is a constant source of strength and comfort.

To my father, your belief in me has been a driving force in my life.

To Agondjo herwan , Lembe divine, Biabolo luce, Mombo Bethy and Mouiti Alycia.

With heartfelt gratitude and deep appreciation, I dedicate this work to you all.

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## 1. GENERAL INTRODUCTION

Child abuse in Rwanda is a critical issue that affects the well-being and development of children. It includes various forms of maltreatment. The Rwandan government, alongside non-governmental organizations, has established legal frameworks and policies aimed at protecting children and addressing these abuses. Efforts to combat child abuse in Rwanda include awareness campaigns, educational programs, and support services for victims. Despite these measures, challenges such as underreporting and cultural stigmas persist, making it a complex issue to fully eradicate.

### 1.1. Background of the study

Child abuse in Rwanda is deeply rooted in a complex interplay of historical, cultural, social, and economic factors. The country's turbulent history, including the 1994 genocide, has left lasting scars on its population, contributing to cycles of violence and trauma that can perpetuate abusive behaviors within families and communities. Traditional norms, gender inequality, and socioeconomic challenges further exacerbate the risk of child abuse, while poverty and limited access to essential services compound these issues. Family dynamics, such as breakdowns, substance abuse, and domestic violence, also contribute to children's vulnerability. <sup>1</sup>Despite Rwanda's efforts to strengthen its legal and institutional framework for child protection, including enacting laws and policies, challenges persist in implementation and resource allocation. As the country continues its post-conflict recovery and reconciliation efforts, addressing the psychological trauma and promoting healing among survivors and communities is crucial for preventing further cycles of violence and abuse. Effective strategies must adopt a holistic approach that addresses underlying social, economic, and cultural determinants while strengthening child protection systems and promoting positive parenting practices

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<sup>1</sup> United Nations. The United Nations Convention on the Rights of the Child [Internet]. 1989. Available from: <https://www.unicef.org.uk/what-we-do/un-convention-child-rights>.

## **2.INTEREST OF THE STUDY**

The potential beneficiaries of the results of this study could be the entire country and even more so the children living in Rwanda.

Indeed, after the collection of data from this research, its goal will be to promote a more pleasant atmosphere for all children who are victims of abuse in Rwanda regardless of the form of abuse.

This provides the justification for the study. The results of this analysis will affect all people in the country because by adopting the right gestures towards the child victims they will raise awareness among their neighbors and thus we could hope to consider an evaluation and a good understanding for everyone on the subject.

### **2.1. Personal Interest**

Is to be able to reach and raise awareness among the Rwandan population, including the government, to apply and implement more steps in the fight against child abuse

### **2.2. Academic Interest**

The academic interest in analyzing the implementation of human rights against child abuse under Rwandan law lies in examining the legal framework, assessing its effectiveness, understanding cultural and societal influences.

### **2.3. Scientific Interest**

The scientific interest for this study lies in conducting research to understand the effectiveness of legal mechanisms and the development of evidence-based strategies to improve child protection practices.

## **3.DELIMITATION OF THE STUDY**

When it comes to discussing the limits of child abuse in Rwanda, it is important to understand the scope of the issue. Although Rwanda has made significant progress

in the fight against child abuse, there are still challenges that need to be overcome.<sup>2</sup>

These limitations could include a lack of awareness, insufficient resources, cultural barriers and gaps in the legal framework. By recognizing these limits, we can work to find effective solutions and ensure the safety and well-being of children in Rwanda.

### **3.1. Delimitation in Space**

The research covers the territory of Rwanda.

### **3.2. Delimitation in Domain**

Addressing of the limits would involve recognizing the constraints of the scope of the study and providing a context for the analysis while striving to ensure that the research remains complete and relevant within its defined limits.

The subject chosen can quickly take us into the course of International Human rights seen and studied in previous years. This reminded us that each individual has rights.

### **3.3. Delimitation in Time**

The present researcher covers the period from 1975 which corresponds to the date when the Rwanda ratified human rights convention up to 2024 as the period of completing this research.

## **4. PROBLEM STATEMENT**

Despite the enactment of robust legislation and international commitments to safeguard the rights of children in Rwanda, there persists a significant gap between legal frameworks and their effective implementation in combatting child abuse. This research aims to critically analyze the implementation of human rights against child abuse under Rwandan law, examining the complexities, challenges, and systemic barriers that hinder the realization of children's rights to protection and security. By delving into the intricacies of legal enforcement, institutional capacities, societal

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<sup>2</sup> 6. Murray LK, Nguyen A, Cohen JA. Child Sexual Abuse. *Child Adolesc Psychiatr Clin N Am*. 2014 April ; 23(2): 321–337. doi:10.1016/j.chc.2014.01.003.

norms, and access to justice, this study seeks to identify key areas for policy reform, capacity building, and community engagement to ensure the effective protection of children from all forms of abuse in Rwanda.

Amidst Rwanda's progressive legal framework aimed at safeguarding the rights of children, the translation of these laws into tangible protections remains a formidable challenge.

This research endeavors to conduct a comprehensive critical analysis of the implementation of human rights against child abuse under Rwandan law, exploring the multifaceted dimensions of this pressing issue.

Through an examination of legislative efficacy, institutional capacity, socio-cultural influences, and the lived experiences of children, this study aims to uncover the systemic obstacles impeding effective enforcement and realization of children's rights.

By shedding light on these complexities, the research endeavors to inform evidence-based policy recommendations and grassroots interventions that foster a more secure and nurturing environment for Rwanda's children, ensuring their fundamental rights are upheld and safeguarded.

Despite Rwanda's commitment to protecting children's rights through legislative measures, the gap between policy intent and practical implementation persists, leaving many children vulnerable to abuse and exploitation. This study aims to conduct a critical analysis of the implementation of human rights against child abuse under Rwandan law, examining factors such as institutional capacity, societal attitudes, and resource allocation. By identifying barriers to effective enforcement and exploring opportunities for improvement, the research seeks to contribute to the development of targeted interventions and policy reforms that strengthen child protection mechanisms and uphold the rights of all children in Rwanda."

## **5. RESEARCH QUESTIONS**

1. What are the challenges imposed by children to enjoy their rights?
2. To what extent do existing mechanisms for child protection and justice in

Rwanda adequately address the diverse forms of child abuse?

## 6. RESEARCH HYPOTHESES

1. Children from marginalized socio-economic backgrounds face greater obstacles in accessing and enjoying their rights compared to those from more privileged backgrounds, with cultural norms and institutional barriers exacerbating these disparities.
2. Existing mechanisms for child protection and justice in Rwanda are insufficient in addressing the diverse forms of child abuse, with factors such as limited resources, gaps in implementation, and cultural barriers contributing to inadequacies in safeguarding children's rights and well-being.<sup>3</sup>

## 7. RESEARCH OBJECTIVES

When it comes to combating child abuse in Rwanda, it is important to set clear and precise objectives. These objectives allow us to have a clear idea of the different steps to follow in order to have a relevant strategy and also to implement solutions that aim to prevent child abuse and protect their rights in Rwanda. The study aims to achieve the following objectives:

Primary objective is to establish a safe and stimulating environment for every child in Rwanda by implementing strong child protection measures.

And Fight against child abuse in Rwanda, Work to eradicate child abuse in Rwanda, by implementing strict measures to protect the rights and well-being of all children.

### 7.1. General objective

The general objectives that concern the abuse of children in Rwanda are as follows:

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<sup>3</sup> 7. Casey EA, Masters T. Sexual violence risk and protective factors: A systematic review of the literature. *Injury and Violence Prevention* [Internet]. 2017 [cited 2022 Sep 5];0127:1–37. Available from: <https://doh.wa.gov/sites/default/files/legacy/Documents/Pubs/140-164-SexualViolenceRiskProtectiveFactors.pdf>

Protect the rights and well-being of children by putting in place effective prevention measures and a protective environment.

Raise awareness and mobilize Rwandan society as a whole to put an end to child abuse.

## **7.2. Specific objectives**

Some specific objectives that highlight the abuse of children in Rwanda. We can quote:

Strengthen child protection laws and policies to ensure effective legal measures against perpetrators of abuse.

Promote the active participation of children in the prevention of abuse, by giving them the means to express themselves and influence decisions that concern them.

## **8. RESEARCH METHODOLOGY**

### **8.1. Research Techniques**

During this study the following techniques will be used

#### **8.1.1 Documentary technique**

Documentary technique is an essential skill for law students. It consists of effectively researching, selecting, analyzing and using relevant legal sources. For law students, it is important to master legal research tools such as databases, legal libraries and online resources. This allows us to find laws, judicial decisions, precedents and other primary sources to support our work and arguments.

### **8.2. Research Methods**

During this study the following methods will be used

#### **8.2.1. Analytical Method**

This method consists in analysing or commenting the written data and information

collected in documents.

### **8.2.2. Exegetic method**

The <sup>4</sup>exegetic method It enables the researcher to dissect, analyse and interpret legal texts and international instruments regulating or related to questions/matters under analysis.

### **8.2.3 Synthetic method**

This method is also unavoidable in any research, it consists in the process of summarising or selecting the data and information considered by the researcher as being more relevant.

## **9.Subdivision of the study**

A part from general introduction the present research is made of chapter one entitled conceptual and theoretical framework, chapter two is legal and institutional challenges and barriers imposed on children to enjoy their rights, chapter three is legal mechanisms of implementation for the protection of children rights against abuse.Finally, it has been ended by general conclusion as well as recommendations.

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<sup>4</sup> 8. Amin A, MacMillan H, Garcia-Moreno C. Responding to children and adolescents who have been sexually abused: WHO recommendations [Internet]. Paediatr Int Child Health. Taylor and Francis Ltd.; 2018 [cited 2022 Sep 5]. p. 85–6. Available from: <https://www.tandfonline.com/doi/full/10.1080/20469047.2018.1427179>.

## **Chapter one : CONCEPTUAL AND THEORETICAL FRAMEWORK**

### **Introduction**

Child abuse is a serious problem that unfortunately exists in many countries, including Rwanda. It refers to any form of harm. Child abuse can have devastating and lasting effects on a child's well-being and development. In Rwanda, efforts have been made to solve this problem. However, there remains a complex challenge that requires continuous attention and collaboration from various stakeholders to ensure the safety and protection of children.

### **I.1 Conceptual framework**

For child abuse in Rwanda refers to an organized structure that outlines the key elements and factors influencing child abuse within the country. It encompasses legal and policy frameworks, social and cultural contexts, institutional arrangements, prevention and intervention strategies, reporting mechanisms, capacity building initiatives, and monitoring and evaluation processes. This framework serves as a guide for understanding, analyzing, and addressing child abuse in Rwanda



comprehensively and systematically.<sup>5</sup>

### **I.1.1 Conceptual foundation of human rights**

Human rights are fundamental rights and freedoms that every person is entitled to simply because they are human. These rights are inherent to all individuals regardless of nationality, sex, ethnic origin, color, religion, language, or any other status. Human rights are universal, inalienable, indivisible, and interdependent, meaning they apply to everyone, cannot be taken away, are interconnected, and all contribute to the dignity and development of individuals and societies.

### **I.1.2 Universal declaration of human rights**

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Adopted by the United Nations General Assembly in 1948, it sets out fundamental human rights to be universally protected.

### **I.1.3 United nation convention on the rights of the child**

The United Nations Convention on the Rights of the Child (CRC) is a comprehensive human rights treaty that sets out the civil, political, economic, social, health, and cultural rights of children. Adopted by the United Nations General Assembly on November 20, 1989, the CRC is the most widely ratified human rights treaty in history.

### **I.1.4 Keys concepts of human rights**

Universal: They apply to all people everywhere, without exception.

Inalienable: They cannot be taken away or given up except in specific, justified circumstances (e.g., lawful imprisonment following a fair trial).

Indivisible: All human rights are equally important and interrelated; improvement in

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<sup>5</sup> 9. UNICEF. UNICEF Annual Report 2011 [Internet]. 2011. Available from: <https://www.unicef.org/media/92896/file/UNICEF-annual-report-2011.pdf>.

one area facilitates advancement in others.<sup>6</sup>

**Interdependent:** The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others (e.g., the right to health is linked to the right to education and information).

### **I.1.5 Definition of keys terms**

**Human Rights:** Fundamental rights and freedoms inherent to all human beings, encompassing principles such as dignity, equality, and non-discrimination, as enshrined in international treaties and conventions.

**Child Abuse:** Any act or failure to act that results in harm, potential for harm, or threat of harm to a child, including physical, sexual, emotional abuse, and neglect, as defined by international standards and domestic laws.

**Implementation:** The process of putting human rights principles and legal provisions into practice, including the adoption of policies, allocation of resources, enforcement of laws, and provision of services aimed at preventing and addressing child abuse effectively.

**Rwandan Law :** The legal framework established by the government of Rwanda, including statutes, regulations, and judicial decisions, which governs the protection of human rights, including the rights of children and the prosecution of child abuse offenses.

**Critical Analysis :** A systematic examination of policies, practices, and outcomes concerning the implementation of human rights against child abuse in Rwanda, with a focus on identifying underlying assumptions, power dynamics, systemic challenges, and potential areas for improvement.

**Child Rights :** The specific rights and protections afforded to children under

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<sup>6</sup> 10. United Nations. Concluding observations on the third and fourth periodic reports of Rwanda, adopted by the Committee at its sixty-third session (27 May–14 June 2013) [Internet]. 2013 Jul. Available from: <https://www.ohchr.org/en/press-releases/2013/05/committee-rights-child-hold-sixty-third-session-geneva-27-may-14-june-2013>.

international law, including the right to life, survival, and development<sup>7</sup>, protection from violence, exploitation, and discrimination, and the right to participate in decisions affecting them.

## **I.2 Theoretical framework**

A theoretical framework provides a conceptual basis for understanding the relationships between different variables or concepts within a study. In the context of analyzing child abuse in Rwanda, a theoretical framework could involve integrating various theoretical perspectives to guide the research and analysis.

### **I.2.1 Overview of the main theories**

Child abuse in Rwanda can be understood through several key theoretical perspectives. Ecological Systems Theory (Urie Bronfenbrenner) examines how various environmental systems, such as family dynamics, community structures, and socio-economic conditions, influence child development and abuse. Social Learning Theory (Albert Bandura) posits that behavior is learned through observing and imitating others, suggesting that children in Rwanda might adopt abusive behaviors observed within their families or communities.

The Cultural Context Theory highlights how cultural beliefs and practices, including traditional norms regarding discipline, gender roles, and family authority, contribute to abusive behaviors. Trauma Theory considers the impact of traumatic experiences on children's development, noting that historical events like the 1994 genocide have left lasting scars, influencing the prevalence and nature of child abuse through intergenerational trauma.

<sup>8</sup>Lastly, Economic Stress Theory links economic hardship with higher rates of child abuse, as poverty and unemployment in Rwanda can lead to increased familial stress, which may manifest as abusive behavior.

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<sup>7</sup> <https://www.unicef.org/rwanda/child-protection>

<sup>8</sup>

<https://www.unicef.org/rwanda/media/1041/file/National%20Plan%20of%20Action%20for%20the%20Elimination%20of%20Violence%20Against%20Children%202016-2021.pdf>

## **I.2.2 Historical context of child rights in Rwanda**

In Rwanda, the historical context of child rights has evolved significantly over the years. Following the 1994 genocide, Rwanda implemented various legal frameworks and policies to protect children's rights. The Constitution of Rwanda, adopted in 2003, includes provisions that guarantee the rights of children, such as the right to education, healthcare, and protection from abuse.

Additionally, Rwanda ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991, further solidifying its commitment to protecting children's rights. The government has also established institutions like the National Commission for Children to ensure the implementation of child rights policies.

Overall, Rwanda has made significant strides in promoting and protecting the rights of children, reflecting a commitment to ensuring the well-being and development of its youngest citizens.

## **I.2.3 Overview of the concept child's rights**

In Rwanda, the concept of child rights is rooted in both international conventions and national laws aimed at protecting and promoting the rights of children. The country has ratified key international instruments such as the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), which provide a framework for ensuring the well-being and development of children.

Rwandan law explicitly incorporates principles of child rights, emphasizing the right to survival, development, protection, and participation. The Constitution of Rwanda recognizes children as vulnerable individuals entitled to special care and assistance, and it prohibits all forms of discrimination against them.

Key aspects of child rights in Rwanda include access to education, healthcare, and social services, as well as protection from violence, abuse, exploitation, and neglect. The government has established institutions and mechanisms to enforce child protection laws and policies, including the National Commission for Children and various child protection units within law enforcement agencies.

Efforts to promote child rights in Rwanda also focus on enhancing children's participation in decision-making processes that affect their lives, as well as raising awareness and sensitizing communities about the importance of respecting and upholding children's rights.

However, challenges remain in ensuring the effective implementation of child rights legislation and policies, particularly in remote areas and among vulnerable populations. Issues such as poverty, inadequate infrastructure, and cultural norms continue to hinder progress in safeguarding children's rights.

#### **I.2.4 Legal Positivism vs. Natural Law Theory**

Legal positivism views laws as social constructs established by human authority, while natural law theory posits that laws derive from inherent moral principles.

#### **I.2.5 Sociological Theories on Child Abuse**

Examine the social structures, norms, and interactions that contribute to child abuse, including family dynamics, cultural norms, and socio-economic inequalities.

#### **I.2.6 Critical Legal Studies**

Analyzes law as a tool of power and control, highlighting how legal systems reflect and reinforce social inequalities and injustices.

#### **I.2.7 Implementation Theory**

Explores the processes and factors influencing the translation of policies and laws into practice, including the role of actors, institutions, and contextual factors.

##### **I.2.7.1 Right to life**

<sup>9</sup>Children have the fundamental right to life, which means they should be protected from any actions or circumstances that may threaten their survival, including

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<sup>9</sup> SAGE Publications Inc <https://journals.sagepub.com> › cmxChild Maltreatment: Sage Journals  
<https://journals.sagepub.com/author-instructions/cmx>

violence, neglect, or inadequate access to healthcare.

### **I.2.7.2 Rights to survival and development**

Right to Survival encompasses ensuring children's basic needs are met, including access to adequate nutrition, clean water, sanitation, and healthcare services to prevent illness and disease.

And Right to Development Children have the right to develop physically, mentally, and emotionally to their fullest potential. This involves providing opportunities for education, play, and social interaction, as well as access to resources and support for their cognitive and emotional growth.

### **I.2.7.3 Participation rights**

Typically refer to the rights of individuals or groups to take part in decision-making processes, particularly within organizations, communities, or governance structures. They ensure that everyone affected by a decision has a say in it.

## **I.3 Historical context of child right in Rwanda**

Child rights in Rwanda have evolved significantly over time, particularly in response to historical events and international conventions. In the aftermath of the 1994 genocide against the Tutsi, Rwanda underwent substantial legal and institutional reforms, including in the realm of child rights.

The 1994 genocide had devastating effects on children, with many orphaned, displaced, or subjected to violence and exploitation. In response, Rwanda ratified international treaties such as the Convention on the Rights of the Child (CRC) in 1991 and the African Charter on the Rights and Welfare of the Child in 2003, demonstrating its commitment to protecting and promoting children's rights.

Since then, Rwanda has implemented various laws, policies, and programs aimed at safeguarding children's rights and ensuring their well-being. This includes efforts to improve access to education, healthcare, and social services for children, as well as initiatives to prevent child labor, trafficking, and exploitation.

Additionally, Rwanda has established institutions like the National Commission for Children (NCC) to oversee the implementation of child rights policies and to advocate for children's welfare. The government has also worked closely with non-governmental organizations and international partners to address challenges related to child rights and to promote child-friendly policies and practices across different sectors.

Overall, the historical context of child rights in Rwanda reflects a commitment to addressing the legacy of past atrocities and building a more inclusive and protective environment for children's growth and development.

#### **I.4 Rwandan legal framework against child abuse**

Rwanda has developed a comprehensive legal framework to address child abuse and protect the rights of children. Some key components of this framework include:

##### **I.4.1 The Constitution**

Rwanda's Constitution, adopted in 2003 and revised in 2015, includes provisions that guarantee the protection of children's rights. It prohibits discrimination against children and ensures their right to education, health, and protection from abuse and exploitation.

##### **I.4.2 The Penal Code**

Rwanda's Penal Code contains provisions that criminalize various forms of child abuse, including physical abuse, sexual abuse, neglect, and exploitation. Perpetrators of such crimes can face significant penalties, including imprisonment.

##### **I.4.3 The Law on the Rights and Protection of the Child**

This law, enacted in 2012, provides a comprehensive legal framework for the protection of children's rights in Rwanda.

It covers various aspects of child welfare, including protection from abuse, access to

education and healthcare, and measures to prevent child labor and trafficking.<sup>10</sup>

#### **I.4.4 The National Child Protection Policy**

Developed in 2011, this policy provides guidelines and strategies for preventing and responding to child abuse and exploitation. It emphasizes the importance of collaboration among government agencies, civil society organizations, and communities to safeguard children's rights.

#### **I.4.5 The National Commission for Children**

As mentioned earlier, the National Commission for Children (NCC) plays a vital role in promoting and protecting children's rights in Rwanda. It oversees the implementation of child protection policies and coordinates efforts to address child abuse and exploitation.

### **I.5 Rwandan constitution**

The Rwandan Constitution, adopted in 2003 and revised in 2015, serves as the supreme law of the land and establishes the framework for governance, rights, and responsibilities in Rwanda. Some key provisions of the Rwandan Constitution include:

**Fundamental Rights and Freedoms:** the Constitution guarantees various fundamental rights and freedoms to all individuals, including the right to life, equality before the law, freedom of speech and association, and the right to education and healthcare.

**Protection of Vulnerable Groups:** It includes provisions specifically aimed at protecting vulnerable groups such as women, children, persons with disabilities, and marginalized communities. This includes measures to promote gender equality and eliminate discrimination. **Separation of Powers:** The Constitution establishes a system of government based on the separation of powers between the executive, legislative, and judicial branches. It outlines the roles and responsibilities of each branch and ensures checks and balances to prevent abuse of power.

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<sup>10</sup> Springer <https://link.springer.com> > journal International Journal on Child Maltreatment: Research, Policy and ...



National Unity and Reconciliation: In the aftermath of the 1994 genocide against the Tutsi, the Constitution emphasizes the importance of national unity, reconciliation, and the promotion of a shared Rwandan identity that transcends ethnic divisions.

### **I.5.1 Law relating to the right and protection of child**

In Rwanda, the primary legal framework relating to the rights and protection of children is the Law on the Rights and Protection of the Child. Enacted in 2012, this law comprehensively addresses various aspects of child welfare and protection. Here are some key provisions.

**Protection from Abuse and Exploitation:** The law prohibits all forms of violence, abuse, neglect, exploitation, and discrimination against children. It outlines specific measures to prevent, detect, and respond to such violations.

**Right to Education:** Children have the right to education, and the law mandates free and compulsory primary education. It also prohibits child labor that interferes with a child's education or harms their physical, mental, spiritual, moral, or social development.

**Healthcare:** Children have the right to access healthcare services, including maternal and child health services, immunizations, and treatment for illnesses and injuries. The law ensures that children's health needs are prioritized and that they receive adequate medical care.

**Protection of Orphans and Vulnerable Children:** The law establishes measures to protect and support orphaned and vulnerable children, including provisions for family-based care, foster care, and adoption.

**Juvenile Justice:** The law outlines principles and procedures for the administration of juvenile justice, emphasizing rehabilitation and reintegration rather than punishment for child offenders. It establishes special juvenile courts and provides for alternative measures to detention for children in conflict with the law.<sup>11</sup>

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<sup>11</sup>

<https://bettercarenetwork.org/sites/default/files/attachments/Rwanda%20Child%20Prote>

## **I.5.2 Others relevant national policies and strategies**

In addition to the Law on the Rights and Protection of the Child, Rwanda has implemented various national policies and strategies to promote the well-being and rights of children. Some of these include:

**National Early Childhood Development Policy:** This policy, adopted in 2011, focuses on providing comprehensive early childhood care and development services to children from birth to six years old. It emphasizes the importance of early stimulation, nutrition, health, and education for optimal child development.

**National Gender Policy:** Rwanda's National Gender Policy, established in 2008 and revised in 2010, aims to promote gender equality and women's empowerment. It includes measures to address gender-based violence, ensure access to education and healthcare for girls, and promote women's participation in decision-making processes.

**National Child Labour Policy:** Adopted in 2011, this policy aims to eliminate child labor and protect children from exploitation in hazardous or harmful work. It outlines strategies for preventing child labor, providing education and vocational training opportunities for at-risk children, and enforcing laws against child labor.

**National Plan of Action for Orphans and Other Vulnerable Children:** This plan, developed in 2005 and revised periodically, provides a framework for addressing the needs of orphaned and vulnerable children in Rwanda.

It includes strategies for improving access to healthcare, education, social protection, and psychosocial support for these children and their families.

**National HIV/AIDS Policy:** Rwanda's National HIV/AIDS Policy, launched in 2003 and revised in 2013, includes provisions for preventing mother-to-child transmission of HIV, providing care and support to children affected by HIV/AIDS, and promoting HIV testing and treatment services for children and adolescents.

**National Strategy for Child Nutrition:** This strategy, developed in collaboration with UNICEF and other partners, aims to reduce malnutrition and improve nutritional outcomes for children in Rwanda. It includes interventions such as breastfeeding promotion, micronutrient supplementation, and nutrition education for caregivers.

## **I.6 International legal framework**

The international legal framework for child rights is primarily anchored in the United Nations Convention on the Rights of the Child (CRC), adopted in 1989. This landmark treaty sets out the civil, political, economic, social, and cultural rights of children and establishes a framework for ensuring their protection and well-being.

In addition to the CRC, other international instruments contribute to the protection of child rights, including:

**Optional Protocols to the CRC:** These protocols provide additional protections for specific aspects of child rights. The Optional Protocol on the Involvement of Children in Armed Conflict (2000) prohibits the recruitment and use of child soldiers, while the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000) addresses these forms of exploitation.<sup>12</sup>

**International Labour Organization (ILO) Conventions:** Conventions such as the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182) set standards for the elimination of child labor and the protection of young workers.

**United Nations Sustainable Development Goals (SDGs):** Goal 4 aims to ensure inclusive and equitable quality education for all children, while Goal 16 promotes peaceful and inclusive societies for sustainable development, including access to justice for children and the reduction of violence against them.

These international legal instruments provide a framework for countries to develop laws, policies, and programs to protect and promote the rights of children.

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<sup>12</sup> <https://www.hrw.org/world-report/2023/country-chapters/rwanda>

## **I.6.1 Treaties to child protection**

There are several international treaties focused on child protection, including the United Nations Convention on the Rights of the Child (CRC), which is the most widely ratified human rights treaty in history. It outlines the rights of children to protection, education, health care, and more. Additionally, there's the Optional Protocol to the CRC on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution, and child pornography.

These treaties set standards and guidelines for countries to ensure the well-being and rights of children are respected and protected.

### **I.6.1.1 United Nations convention on the rights of the child**

The United Nations Convention on the Rights of the Child (CRC) fulfills a multifaceted role in safeguarding the well-being and rights of children globally. Firstly, it establishes a comprehensive framework that delineates the array of rights children are entitled to across various spheres of life, encompassing civil, political, economic, social, health, and cultural domains. This framework serves as a universal standard, guiding the development of laws, policies, and programs pertaining to children's rights. Secondly, the CRC incorporates mechanisms for monitoring and ensuring accountability among state parties, facilitated through regular reporting to the Committee on the Rights of the Child. This oversight mechanism enables assessment of progress and the formulation of recommendations for enhancing children's rights protection. Moreover, the CRC acts as a potent advocacy tool, fostering awareness and advocacy efforts aimed at promoting children's rights globally. By providing a common language and framework, it facilitates discussions and actions addressing issues impacting children.

Furthermore, the convention serves as a vital legal instrument, underpinning efforts to combat discrimination, exploitation, abuse, and violence against children. Its provisions inform the development of national legislation and constitutional protections, reinforcing legal frameworks to uphold children's rights. Lastly, the CRC emphasizes the significance of empowering children as rights-holders, advocating for their active participation in decisions affecting their lives and broader societal

contexts. Through these roles, the CRC serves as a cornerstone of international efforts to ensure children's rights are respected, protected, and fulfilled worldwide.

### **I.6.1.2 African charter on the rights and welfare of the child**

The African Charter on the Rights and Welfare of the Child (ACRWC) is a regional human rights treaty adopted by the Organization of African Unity (now the African Union) in 1990. It focuses specifically on the rights and well-being of children on the African continent. Similar to the United Nations Convention on the Rights of the Child (CRC), the ACRWC outlines a comprehensive set of rights for children, including civil, political, economic, social, health, and cultural rights. It emphasizes the principles of non-discrimination, the best interests of the child, and the right of children to participate in decisions affecting them.

The ACRWC also establishes mechanisms for monitoring and reporting on its implementation, such as the African Committee of Experts on the Rights and Welfare of the Child. Overall, the ACRWC complements and reinforces international efforts to protect and promote children's rights, providing a regional framework tailored to the specific contexts and challenges faced by children in Africa.

### **I.6.1.3 Rwanda obligation under these frameworks**

Rwanda, as a signatory to various international treaties and conventions concerning child<sup>13</sup> protection, is bound by a series of obligations under these frameworks. Firstly, under the United Nations Convention on the Rights of the Child (CRC), Rwanda is committed to ensuring that all children within its jurisdiction enjoy their rights without discrimination. This includes taking proactive measures to protect children from abuse, neglect, and exploitation, while always prioritizing their best interests in decision-making processes.

Additionally, Rwanda must provide avenues for children to express their views freely and ensure that these opinions are considered appropriately based on their age and maturity.

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<sup>13</sup> [https://www.tirwanda.org/IMG/pdf/report\\_on\\_nyagatare\\_minor\\_.pdf](https://www.tirwanda.org/IMG/pdf/report_on_nyagatare_minor_.pdf)

Moreover, Rwanda is obligated under the Optional Protocols to prevent the sale of children, child prostitution, and child pornography, as well as to deter the involvement of children in armed conflict. This requires robust legislative measures, effective law enforcement, and the provision of support services for child victims. Furthermore, Rwanda is tasked with implementing International Labour Organization (ILO) Conventions aimed at eradicating child labor and ensuring children have access to education and vocational training.

In line with the African Charter on the Rights and Welfare of the Child, Rwanda must protect and promote children's rights in accordance with regional standards, while collaborating with other African nations to address common challenges. Additionally, Rwanda's obligations under the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption entail ensuring that intercountry adoptions adhere to principles of the child's best interests, preventing trafficking, and ensuring ethical adoption practices.

Fulfilling these obligations necessitates not only the enactment of appropriate legislation but also the implementation of effective policies, programs, and collaborations with international partners to safeguard the rights and well-being of children in Rwanda.

#### **1.6.1.4 The impacts on National legislation**

National legislation plays a pivotal role in shaping the lives of children within a country, including Rwanda. The impacts of national legislation related to child protection can be profound and far-reaching:

**Legal Protections:** National legislation provides legal protections for children, establishing their rights and outlining the responsibilities of individuals, families, communities, and the state in ensuring their well-being. This creates a framework for safeguarding children from various forms of abuse, exploitation, neglect, and discrimination.

**Access to Services:** Legislation often mandates the provision of essential services for children, such as education, healthcare, nutrition, and social welfare programs.

This ensures that children have access to these critical services, regardless of their socioeconomic background or circumstances, thereby promoting their overall development and well-being.

**Prevention and Intervention:** National laws and policies aimed at preventing child abuse, trafficking, labor exploitation, and other forms of harm enable proactive measures to identify and address risks to children's safety and security. This includes measures such as mandatory reporting of child abuse, child protection training for professionals, and the establishment of child helplines and support services.

**Promotion of Positive Parenting and Caregiving:** National legislation often includes provisions aimed at promoting positive parenting practices and supportive caregiving environments for children. This may involve initiatives to strengthen family support systems, provide parenting education and support services, and empower parents and caregivers to meet the needs of their children effectively.

**Advancement of Children's Rights:** By enshrining children's rights in law and promoting their realization, national legislation contributes to the advancement of children's rights and the fulfillment of international commitments, such as those outlined in the United Nations Convention on the Rights of the Child. This helps to create a culture of respect for children's dignity, autonomy, and well-being within society.

Overall, national legislation related to child protection has significant impacts on the lives of children, shaping their experiences, opportunities, and outcomes.

By providing legal protections, access to services, prevention and intervention measures, accountability and enforcement mechanisms, support for positive parenting, and the advancement of children's rights, such legislation plays a vital role in promoting the safety, well-being, and development of children within Rwanda and beyond.

## **I.7 The role of the institution**

In Rwanda, institutions play a critical role in child protection, focusing on preventive measures, identification and reporting, immediate support and intervention,

rehabilitation and reintegration, capacity building, and coordination efforts.

These institutions, including schools, healthcare facilities, and community centers, work together to create a safe environment for children, provide support services, and ensure that child protection laws and policies are effectively implemented.

### **I.7.1 Government agencies**

In Rwanda, several government agencies are responsible for various aspects of child protection and welfare:

**Ministry of Gender and Family Promotion (MIGEPROF):** MIGEPROF is the lead government agency responsible for gender equality, family promotion, and child protection. It oversees policies and programs related to children's rights, women's empowerment, and family welfare.<sup>14</sup>

**National Commission for Children (NCC):** The NCC is a specialized agency under MIGEPROF tasked with coordinating efforts to protect and promote children's rights in Rwanda. It monitors the implementation of child protection policies, advocates for children's welfare, and provides support for vulnerable children.

**Ministry of Education (MINEDUC):** MINEDUC is responsible for education policies and programs, including ensuring access to quality education for all children in Rwanda. It promotes inclusive education, addresses barriers to learning, and supports initiatives to prevent school dropout and improve learning outcomes.

**Ministry of Health (MOH):** MOH oversees healthcare services, including maternal and child health programs, immunizations, and access to healthcare for children.

It ensures that children receive essential health services and supports initiatives to improve child nutrition and reduce infant and child mortality.

**Ministry of Justice (MINIJUST):** MINIJUST is responsible for the administration of justice, including legal protections for children and victims of abuse. It works to strengthen the legal framework for child protection, prosecute perpetrators of child

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<sup>14</sup> <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



abuse and exploitation, and ensure access to justice for child victims.

Rwanda Investigation Bureau (RIB):RIB is the law enforcement agency responsible for investigating and prosecuting criminal offenses, including those related to child abuse, trafficking, and exploitation. It collaborates with other agencies to combat crime and protect children from harm.

## Chapter Two : CHALLENGES AND BARRIERS IMPOSED ON CHILDREN TO ENJOY THEIR RIGHTS

Challenges and barriers related to child abuse encompass a range of obstacles encountered in efforts to prevent, detect, respond to, and address instances of abuse against children. One significant challenge is underreporting, as many cases of child abuse remain undisclosed due to fear of reprisal, social stigma, or a lack of awareness about available support services. Moreover, limited awareness and understanding of child abuse, its signs, and its impact contribute to ineffective prevention and intervention efforts. Cultural norms and societal attitudes that normalize or condone violence against children can perpetuate cycles of abuse and deter victims from seeking help or reporting abuse. Resource constraints, including inadequate funding, staffing, and infrastructure for child protection services, pose additional challenges, limiting the capacity to respond effectively to cases of abuse.<sup>15</sup> Fragmentation and lack of coordination among agencies and organizations involved in child protection exacerbate these challenges, leading to gaps in service delivery and ineffective collaboration. Legal and judicial challenges, such as burdensome legal processes and inadequate laws, can impede efforts to hold perpetrators accountable and provide justice for victims. Children's vulnerability and dependency on caregivers further complicate efforts to address abuse, as power imbalances and lack of agency can hinder their ability to report abuse or seek help. Addressing these challenges requires a comprehensive approach that involves raising awareness, promoting education and training, strengthening legal and institutional frameworks, allocating resources effectively, challenging harmful cultural norms, fostering collaboration among stakeholders, and prioritizing the rights and well-being of children in all aspects of society.

### II.1 Various forms of child abuse

Child abuse can manifest in various forms, each with its own devastating consequences for the child's. Each form of child abuse is harmful and can have long-

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<sup>15</sup> <https://journals.sagepub.com/doi/full/10.1177/0886260520933055>

lasting effects on the child's health and their well-being, and overall development.

#### **II.1.1.1 Physical abuse**

Involves the use of force that results in bodily injury, pain, or impairment. This can include hitting, punching, shaking, burning, biting, or any other form of physical violence inflicted upon the child.

#### **II.1.1.2 Emotional abuse**

Also known as psychological abuse, emotional abuse involves behaviors that undermine a child's self-worth, confidence, or emotional well-being. This can include verbal insults, threats, rejection, constant criticism, isolation, or intimidation.

#### **II.1.1.3 Sexual abuse**

Refers to any form of sexual activity or behavior imposed on a child without their consent. This can include sexual touching, fondling, penetration, exposure to pornography, exploitation through prostitution or trafficking, or any other form of sexual coercion or violence.

#### **II.1.1.4 Neglect**

Occurs when a caregiver fails to provide for the child's basic needs, such as food, shelter, clothing, medical care, education, or supervision. Neglect can be physical, where the child's physical health and safety are compromised, or emotional, where the child's emotional needs for love, affection, and nurturing are not met.

#### **II.1.1.5 Exploitation**

Involves the use of a child for someone else's gain or benefit, often at the expense of the child's well-being. This can include child labor, child trafficking, child marriage, or any other form of exploitation that exploits the child's vulnerability and lack of power.

## **II.1.2 Human Rights-Based Approach**

Focuses on ensuring that human rights principles guide all aspects of governance and development, emphasizing dignity, equality, and entitlements for all individuals.

## **II.1.3 Human rights principles and child protection**

Human rights are essential for ensuring the protection of children and it's include many principles.<sup>16</sup>

## **II.1.4 Non- discrimination**

Every child has the right to be treated equally and without discrimination, regardless of their race, ethnicity, nationality, gender, religion, disability, or any other status. Non-discrimination ensures that all children have equal access to opportunities, services, and protection, and that their rights are respected regardless of their background or circumstances. Efforts to promote non-discrimination include combating stereotypes, addressing systemic inequalities, and promoting inclusive policies and practices that ensure every child's rights are upheld.

## **II.1.5 Doctrines**

A doctrine is a single important rule, a set of rules, a theory, or a principle that is widely followed in a field of law. It is formed via the continuous application of legal precedents.

### **II.1.5.1 Best interest of the child**

This principle places the well-being and development of the child as the primary consideration in all actions and decisions that affect them. It requires that adults and authorities make decisions that are in the child's best interest, taking into account their views and preferences according to their age and maturity. This principle guides legal and policy frameworks, social services, and individual actions to ensure that children's needs, safety, and rights are prioritized in all circumstances, including family settings, legal proceedings, and public policies.

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<sup>16</sup> <https://dhsprogram.com/pubs/pdf/FR370/FR370.pdf>

### II.1.5.2 Duty to report

which mandates individuals, especially professionals working with children, to report suspected cases of child abuse or neglect to the appropriate authorities.

## II.2 identification deficiencies related to child protection

Identification deficiencies related to child protection refer to challenges and barriers in accurately recognizing and addressing instances of child abuse or neglect.

These deficiencies can hinder efforts to protect children and provide them with the necessary support and intervention. Some common identification deficiencies include:

**Lack of Awareness:** Limited awareness among caregivers, educators, healthcare professionals, and other community members about the signs and symptoms of child abuse or neglect can result in cases going unnoticed or unreported.

**Complexity of Signs:** Child abuse can manifest in various forms, including physical, emotional, sexual, and neglectful, and the signs may not always be obvious or easy to recognize. This complexity can make it challenging for individuals to identify instances of abuse accurately.

**Normalization of Harmful Behaviors:** In some cases, harmful behaviors or practices may be normalized within families or communities, making it difficult to recognize them as abusive or neglectful. For example, corporal punishment may be viewed as a disciplinary measure rather than a form of abuse.

**Cultural and Language Barriers:** Differences in cultural norms, values, and communication styles can contribute to misunderstandings or misinterpretations of behaviors, making it challenging to identify instances of abuse, particularly in multicultural or immigrant communities.<sup>17</sup>

**Fear of Reporting:** Victims or witnesses of child abuse may be reluctant to report abuse due to fear of retaliation, stigma, or mistrust of authorities. This fear can

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<sup>17</sup> <https://rwanda.unfpa.org/en/news/my-voice-my-rights-against-sexual-abuse>

prevent individuals from coming forward and seeking help, leading to underreporting of abuse cases.

**Limited Access to Services:** Lack of access to child protection services, including healthcare, social services, and legal assistance, can hinder the identification and intervention of child abuse cases. This is particularly true in rural or underserved communities where resources may be scarce.

**Professional Training and Capacity:** Insufficient training and capacity among professionals, such as teachers, healthcare providers, and law enforcement officers, in recognizing and responding to child abuse can contribute to identification deficiencies. Without proper training, professionals may overlook or misinterpret signs of abuse.

## II.2.1 Enforcement issues

These issues encompass a range of obstacles related to the enforcement of existing laws and regulations aimed at protecting children from abuse. Some common enforcement issues include:<sup>18</sup>

**Inadequate Resources:** Limited funding, staffing, and infrastructure for law enforcement agencies and child protection services can hamper their ability to investigate and prosecute cases of child abuse effectively. Insufficient resources may result in backlogs of cases, delays in investigations, and inadequate support for victims.

**Jurisdictional Complexities:** Child abuse cases often involve multiple jurisdictions, such as different municipalities, regions, or even countries, which can complicate coordination and collaboration among law enforcement agencies. Lack of standardized protocols or mechanisms for sharing information and coordinating investigations across jurisdictions can impede efforts to address child abuse effectively.

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[https://www.researchgate.net/publication/357977301\\_Child\\_Abuse\\_Evaluations\\_at\\_the\\_Centre\\_Hospitalier\\_Universitaire\\_de\\_Kigali\\_CHUK\\_Medical\\_Education\\_and\\_Experience](https://www.researchgate.net/publication/357977301_Child_Abuse_Evaluations_at_the_Centre_Hospitalier_Universitaire_de_Kigali_CHUK_Medical_Education_and_Experience)

**Legal Loopholes and Ambiguities:** Gaps or inconsistencies in the legal framework governing child protection may create loopholes or ambiguities that perpetrators exploit to evade accountability. For example, lenient sentencing guidelines or legal defenses such as parental rights or cultural practices may undermine efforts to prosecute child abusers.

**Lack of Specialization:** Law enforcement officers and judicial personnel may lack specialized training or expertise in handling child abuse cases, leading to challenges in properly investigating, prosecuting, and adjudicating these cases. Without adequate training and support, professionals may struggle to recognize the signs of abuse, gather sufficient evidence, or provide appropriate support to victims.

**Underreporting and Reluctance to Prosecute:** Underreporting of child abuse cases, coupled with reluctance or hesitation on the part of victims, witnesses, or caregivers to cooperate with law enforcement authorities, can hinder efforts to prosecute offenders and hold them accountable. Fear of retaliation, social stigma, mistrust of authorities, or concerns about disrupting family dynamics may deter individuals from coming forward to report abuse.

**Cultural and Societal Barriers:** Cultural beliefs, societal attitudes, and norms surrounding child-rearing practices, gender roles, and family privacy may influence perceptions of child abuse and complicate efforts to enforce child protection laws. Cultural barriers may also affect the willingness of victims or families to seek help or engage with law enforcement.

**Digital and Technological Challenges:** The proliferation of digital and online platforms presents new challenges in addressing child abuse, including online grooming, exploitation, and trafficking. Law enforcement agencies may struggle to keep pace with rapidly evolving technology and the anonymity afforded by online platforms, making it difficult to identify and prosecute.

### **II.2.2 The effectiveness of law enforcement Agencies**

The effectiveness of law enforcement agencies in combating child abuse can also present legal challenges and barriers that hinder their ability to effectively protect

children. Jurisdictional complexities often arise in child abuse cases involving multiple jurisdictions, complicating coordination and collaboration among law enforcement agencies and potentially leading to delays or gaps in investigations. Additionally, strict legal requirements, such as obtaining search warrants or collecting evidence, may impede timely interventions and hinder efforts to safeguard children from harm. <sup>19</sup>Resource limitations, including inadequate funding and staffing, can undermine law enforcement agencies' capacity to respond effectively to child abuse cases, resulting in backlogs, insufficient training, and challenges in implementing prevention strategies. Moreover, the complexity of child abuse cases, coupled with the lack of specialized training for law enforcement officers, may hinder their ability to recognize signs of abuse, conduct thorough investigations, and provide appropriate support to victims.

Underreporting of child abuse cases and reluctance to prosecute can further hamper law enforcement efforts, as fear of retaliation or mistrust of authorities may discourage victims from coming forward or participating in legal proceedings. Additionally, perpetrators may exploit legal defenses or loopholes to evade accountability, weakening prosecution efforts and resulting in lenient outcomes. Addressing these legal challenges requires comprehensive efforts to strengthen legal frameworks, allocate resources effectively, enhance training and specialization, promote reporting and cooperation, and address systemic issues that impede the effectiveness of law enforcement in combating child abuse.

### **II.3 Culture and social norms**

Culture and social norms can indeed present legal challenges and barriers to effectively addressing child abuse in Rwanda. Here's how:

**Normalization of Certain Practices:** Some cultural practices or social norms may inadvertently contribute to the normalization of abusive behaviors, making it challenging to recognize and address them as violations of children's rights. For example, corporal punishment may be widely accepted as a disciplinary measure within families, leading to underreporting of abuse or reluctance to intervene.

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<sup>19</sup> <https://www.unicef.org/rwanda/child-protection>



**Stigma and Shame:** Cultural attitudes surrounding family honor and reputation may discourage victims and their families from reporting abuse due to fear of stigma or shame. This can lead to underreporting and a reluctance to seek help or engage with law enforcement authorities.<sup>20</sup>

**Lack of Awareness and Education:** Cultural beliefs and social norms may influence perceptions of child abuse and hinder efforts to raise awareness and educate communities about its prevalence and impact. Limited awareness can result in misconceptions about children's rights and appropriate parenting practices, further perpetuating cycles of abuse.

**Traditional Conflict Resolution Mechanisms:** In some cases, traditional conflict resolution mechanisms may prioritize family unity and reconciliation over the protection of children's rights. This can result in cases of child abuse being handled informally, without recourse to legal intervention, leading to impunity for perpetrators and inadequate protection for victims.

**Gender Norms and Power Dynamics:** Gender norms and power dynamics within households and communities can exacerbate vulnerabilities to child abuse, particularly for girls and marginalized groups. Societal expectations regarding gender roles may reinforce unequal power dynamics, making it difficult for victims to speak out or seek assistance.

**Lack of Legal Clarity:** Cultural and social norms may intersect with legal frameworks in ways that create ambiguity or uncertainty around child protection laws and their enforcement. This can hinder efforts to hold perpetrators accountable and provide adequate protection for victims.

### II.3.1 Traditional practices

Traditional practices in Rwanda can present legal challenges and barriers for addressing child abuse due to various factors:

**Normalization of Corporal Punishment:** Traditional disciplinary methods may

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<sup>20</sup> -Right to Protection from abuse

involve corporal punishment, which can blur the lines between discipline and abuse. The normalization of physical punishment within families and communities may hinder the recognition and reporting of abusive behavior.

**Influence of Patriarchal Structures:** Traditional gender norms and patriarchal structures may perpetuate power imbalances within households, making it difficult for victims, especially girls, to speak out against abuse. Societal expectations regarding gender roles may prioritize the authority of male family members, potentially silencing victims and preventing them from seeking help.

**Informal Conflict Resolution Mechanisms:** Traditional conflict resolution mechanisms, such as community elders or village councils, may prioritize familial harmony over the protection of children's rights. Cases of child abuse may be resolved informally, without legal intervention, leading to impunity for perpetrators and insufficient protection for victims.

**Cultural Acceptance of Harmful Practices:** Some traditional practices, such as early marriage or female genital mutilation, may put children at risk of abuse and exploitation. Cultural acceptance of these practices can make it challenging to enforce laws and regulations aimed at protecting children from harm.

**Limited Awareness and Education:** In some cases, traditional beliefs and customs may perpetuate misconceptions about child rights and acceptable parenting practices. Limited awareness and education about the negative impact of abuse and the importance of child protection may hinder efforts to prevent and address abuse within communities.

### **II.3.2 Community attitudes**

Community attitudes can indeed pose legal challenges and barriers for addressing child abuse in Rwanda.

**Stigma and Shame:** Community attitudes may stigmatize victims of child abuse and their families, leading to shame and reluctance to report incidents. Fear of judgment or social ostracism can discourage victims from seeking help or cooperating with authorities, hindering efforts to address abuse effectively.

**Normalization of Abuse:** In some communities, certain forms of abuse may be normalized or downplayed, making it challenging to recognize and address them as violations of children's rights. Cultural acceptance of corporal punishment or harsh disciplinary practices may contribute to the normalization of abusive behavior.

**Reluctance to Intervene:** Community members may hesitate to intervene in cases of suspected abuse due to cultural norms emphasizing family privacy and autonomy. Concerns about meddling in personal affairs or disrupting community harmony may prevent individuals from reporting abuse or offering support to victims.<sup>21</sup>

**Lack of Awareness and Education:** Limited awareness and education about child rights and protection within communities can perpetuate misconceptions about abuse and its consequences. Without adequate knowledge and understanding of the signs and impact of abuse, community members may fail to recognize the seriousness of the problem or know how to respond effectively.

**Influence of Traditional Beliefs:** Traditional beliefs and cultural practices may shape community attitudes towards child rearing and discipline, impacting perceptions of what constitutes acceptable behavior. Misguided beliefs about gender roles, parental authority, and obedience may justify abusive practices or discourage intervention.

**Mistrust of Authorities:** Historical distrust of law enforcement or government authorities may undermine community members' willingness to report abuse or engage with formal systems of protection. Past experiences of discrimination or abuse of power may erode trust in the legal system, leading to underreporting and impunity for perpetrators.

### II.3.4 Awareness and education

Awareness and education play a crucial role in preventing and addressing child abuse, but they can also present legal challenges and barriers in Rwanda. Here's how:

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<sup>21</sup>

<https://www.researchpublish.com/upload/book/EFFECT%20OF%20DEINSTITUTIONALIZATION-7159.pdf>

**Limited Access to Education:** In some communities, limited access to education, especially among marginalized populations, may hinder awareness about child rights and protection. Children who are not in school may be more vulnerable to abuse, and their caregivers may lack the knowledge and resources to recognize and report abuse.

**Cultural Taboos and Stigma:** Cultural taboos surrounding discussions of sensitive topics like abuse may inhibit open dialogue and education about child protection. Stigma associated with abuse or seeking help may prevent individuals from accessing educational resources or reporting abuse when it occurs.

**Lack of Comprehensive Education:** The absence of comprehensive education on child rights and protection in school curricula or community programs may result in gaps in knowledge and awareness among both children and adults. Without adequate education, individuals may not recognize the signs of abuse or know how to respond effectively.<sup>22</sup>

**Language and Literacy Barriers:** Language and literacy barriers can impede access to educational materials and resources on child protection, particularly in rural or underserved communities where access to information may be limited. Lack of materials in local languages or formats accessible to all may hinder efforts to raise awareness about child abuse.

**Misperceptions and Misinformation :** Misconceptions and misinformation about child abuse may persist within communities, leading to inaccurate beliefs about its causes, consequences, and prevalence. Addressing these misperceptions requires targeted educational efforts to dispel myths and promote accurate information.

**Inadequate Training for Professionals:** Professionals working in sectors relevant to child protection, such as healthcare, education, and social services, may lack sufficient training on identifying and responding to abuse. Without adequate training, these professionals may overlook signs of abuse or fail to provide appropriate support to victims.

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<sup>22</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10263359/>

**Lack of Parental Awareness:** Parents and caregivers may lack awareness about effective parenting strategies, child development milestones, and the importance of positive discipline. Without this knowledge, they may inadvertently perpetuate abusive behaviors or fail to recognize when their children are at risk.

### **II.3.5 Public awareness<sup>23</sup>**

Public awareness campaigns aimed at addressing child abuse in Rwanda face several legal challenges and barriers. Firstly, there is a need for cultural sensitivity to navigate the cultural norms and sensitivities surrounding discussions of abuse. Certain topics may be considered taboo or culturally sensitive, making it challenging to raise awareness without causing offense. Additionally, language barriers can impede communication efforts, especially in rural areas where access to information may be limited. Legal restrictions on freedom of speech and expression may also limit the scope and content of public awareness campaigns, requiring approval for public messaging and hindering advocacy efforts. Moreover, stigma and shame surrounding abuse may discourage individuals from engaging with awareness campaigns or seeking help. Limited access to information and media channels in certain communities further constrains the reach of these campaigns, particularly among vulnerable populations.

Addressing misinformation and misconceptions about child abuse is also crucial, requiring targeted messaging and education to promote accurate understanding. Finally, resource constraints, including limited funding and resources, pose significant challenges to sustaining long-term advocacy efforts and reaching a wide audience effectively.

### **II.3.6 Education programs**

Education programs aimed at addressing child abuse in Rwanda face various legal challenges and barriers. Firstly, they must ensure regulatory compliance with government standards for curriculum content, teacher qualifications, and student

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<https://www.ncda.gov.rw/index.php?eID=dumpFile&t=f&f=75037&token=042f48ad20ea8db470bf3ead5fb772a96449e9e>

participation. Navigating cultural sensitivities is crucial, as discussions of abuse may clash with traditional norms or be considered taboo. Additionally, the absence of comprehensive education on child rights and protection in school curricula may lead to gaps in knowledge among students and educators. Insufficient teacher training on identifying and responding to abuse, coupled with limited access to education in some communities, further complicates efforts to raise awareness about child abuse. Language and literacy barriers pose additional challenges, hindering access to educational materials and resources, particularly in rural areas. Moreover, resource constraints, including limited funding, can impede the development and implementation of comprehensive child protection curricula.

### **II.3.6.1 Evaluation of effectiveness educational programs aimed to preventing child abuse**

Evaluating the effectiveness of educational programs aimed at preventing child abuse in Rwanda can face legal challenges and barriers:

**Regulatory Compliance:** Evaluation efforts must comply with legal regulations and standards set by the government, which may include requirements for data collection, analysis, and reporting. Adhering to these regulations while conducting evaluations can pose logistical challenges and require legal expertise.

**Ethical Considerations:** Ensuring the ethical conduct of evaluations, including safeguarding the rights and well-being of participants, is essential. Legal frameworks related to research ethics and human subjects protection must be followed rigorously, adding complexity to evaluation design and implementation.

**Access to Information:** Limited access to information and resources, particularly in rural or underserved communities, may hinder evaluation efforts. Legal constraints on data sharing and confidentiality may further restrict access to information needed for comprehensive evaluation.

**Stakeholder Collaboration:** Engaging with stakeholders, including government agencies, civil society organizations, and community members, is crucial for meaningful evaluation. Legal agreements and protocols may be necessary to

facilitate collaboration and data sharing among multiple stakeholders.

**Resource Constraints:** Limited funding and resources for evaluation activities can impede efforts to assess program effectiveness comprehensively. Adequate investment in evaluation infrastructure, including trained personnel and data management systems, is essential for overcoming resource constraints.

**Long-Term Impact Assessment:** Evaluating the long-term impact of educational programs on preventing child abuse requires sustained monitoring and data collection over time. Legal challenges related to data retention, privacy, and consent may arise in longitudinal studies, requiring careful planning and legal oversight.

### II.3.6.2 Promotion of children rights

Promoting children's rights in Rwanda encounters various legal challenges and barriers that must be addressed to ensure effective implementation and protection of these rights. Firstly, there is a need for comprehensive legal reform to align national laws with international conventions on children's rights, such as the UN Convention on the Rights of the Child (CRC).<sup>24</sup> Legal inconsistencies or gaps may hinder the enforcement and implementation of children's rights at the national level. Moreover, cultural norms and traditional practices may conflict with children's rights, necessitating culturally sensitive approaches and community engagement to address deeply rooted beliefs that perpetuate harmful practices. Additionally, ensuring meaningful participation of children in decision-making processes requires overcoming legal barriers such as age restrictions and establishing mechanisms to facilitate child participation. Access to justice for children, including legal aid and support services, may be limited, particularly for marginalized populations.

Furthermore, education and awareness about children's rights face legal challenges related to funding, curriculum development, and teacher training, impacting the dissemination of information in schools and communities. Finally, addressing issues such as child labor and exploitation requires robust legal frameworks and enforcement mechanisms to protect children's rights to education, health, and well-

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<sup>24</sup> <https://stratfordjournals.org/journals/index.php/journal-of-education/article/download/746/871/2200>

being. Overcoming these legal challenges and barriers necessitates a holistic approach involving legislative reform, capacity building, community engagement, and awareness-raising initiatives to promote and protect children's rights effectively in Rwanda.

## II.4 Institutional capacity

Institutional capacity refers to the ability of organizations and government agencies to effectively fulfill their mandates and deliver services. In Rwanda, several legal challenges and barriers can hinder institutional capacity in promoting and protecting children's rights:

**Resource Constraints:** Limited financial resources may hinder the ability of government agencies and organizations to invest in staff training, infrastructure, and service delivery. This can lead to understaffing, inadequate facilities, and insufficient funding for programs aimed at promoting children's rights.

**Legal Framework:** Inadequate or outdated legal frameworks may create ambiguity or inconsistency in the roles and responsibilities of institutions tasked with protecting children's rights. Clarity and coherence in legal provisions are essential for effective institutional functioning.<sup>25</sup>

**Coordination and Collaboration:** Weak coordination and collaboration among government agencies, civil society organizations, and other stakeholders can impede efforts to address children's rights issues comprehensively. Legal barriers to information sharing and cooperation may hinder the development and implementation of coordinated strategies.

**Capacity Building:** Limited opportunities for training and professional development may hinder the ability of staff within institutions to effectively address children's rights issues. Legal challenges related to certification requirements or accreditation processes for training programs can further limit capacity-building efforts.

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<sup>25</sup> [https://neveragainrwanda.org/wp-content/uploads/2021/11/NAR.IOM\\_.GOV\\_Understanding-Human-Trafficking-in-Rwanda-Causes-Effects-and-Impact-Baseline-Report.pdf](https://neveragainrwanda.org/wp-content/uploads/2021/11/NAR.IOM_.GOV_Understanding-Human-Trafficking-in-Rwanda-Causes-Effects-and-Impact-Baseline-Report.pdf)



**Accountability Mechanisms:** Weak accountability mechanisms may undermine public trust in institutions responsible for protecting children's rights. Legal barriers to accountability, such as limited access to justice or protection for whistleblowers, can hinder efforts to hold institutions accountable for their actions or inaction.

**Political Will:** The lack of political will or commitment to children's rights at the highest levels of government may undermine institutional capacity-building efforts. Legal reforms and policy initiatives require strong political leadership and support to be effectively implemented.

#### **II.4.1 Resources allocation**

Resource allocation within the legal framework presents significant challenges and barriers to effectively promoting and protecting children's rights in Rwanda. Limited financial resources allocated to children's rights programs and initiatives can hinder their implementation and service delivery, leading to understaffing and inadequate training. Moreover, discrepancies between legal mandates and budgetary allocations may result in the inability to fully enforce children's rights-related legislation due to insufficient funding. Competing priorities within the government may further exacerbate this issue, with children's rights programs receiving less attention and funding compared to other sectors.

Ensuring equitable distribution of resources across regions and populations is essential to address disparities, but this can be challenging to achieve in practice. Resource allocation decisions must also comply with legal requirements and regulations governing government spending, which may affect the flexibility and efficiency of the process. Additionally, effective monitoring and accountability mechanisms are crucial to ensure transparency in resource allocation, but legal barriers to accessing information or mechanisms for public scrutiny may impede accountability efforts. Finally, reliance on external funding sources for children's rights programs introduces additional challenges, such as donor priorities shaping resource allocation decisions and potential fluctuations in funding. Overcoming these challenges requires a coordinated effort to strengthen legal frameworks, enhance transparency and accountability mechanisms, prioritize children's rights in budgetary decisions, and explore innovative funding strategies to ensure adequate

and equitable resource allocation for promoting and protecting children's rights in Rwanda.

#### **II.4.1.1 Investigation of availability resources**

Investigation of resource availability involves the process of gathering, analyzing, and assessing information related to the presence and distribution of resources, such as funding, infrastructure, and personnel, within a specific context or sector. This investigation aims to determine the adequacy, accessibility, and equity of resources available for addressing a particular issue or achieving a set of objectives, such as promoting and protecting children's rights. It may involve examining government budgets, expenditure reports, organizational budgets, and other relevant sources of information to evaluate the allocation and utilization of resources. The findings of such investigations can inform decision-making, policy development, and advocacy efforts aimed at addressing resource gaps and ensuring effective resource allocation to support children's rights initiatives.<sup>26</sup>

#### **II.4.1.2 Financial**

The financial availability of resources poses significant legal challenges in the context of promoting and protecting children's rights. These challenges stem from various factors, including budgetary constraints, legal mandates and obligations, transparency and accountability requirements, equitable resource allocation principles, public finance laws, and considerations related to international aid and donor funding.

Limited financial resources allocated by governments or organizations may impede the implementation of children's rights programs and services. Legal frameworks, such as international conventions or national laws, impose obligations on governments to allocate sufficient funds for children's rights-related activities, failure of which may lead to legal challenges. Additionally, adherence to legal requirements for transparency and accountability in financial management is crucial to avoid legal disputes related to fiscal mismanagement or misuse of funds.

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<sup>26</sup> <https://rwanda.savethechildren.net/resources/child-protection/t-49/sort-created-asc>

Moreover, legal principles of equity and non-discrimination necessitate fair and proportionate allocation of financial resources to address the needs of all children.

Compliance with fiscal laws and regulations governing public finance is essential to ensure lawful resource allocation. Furthermore, legal agreements and obligations associated with international aid or donor funding influence the availability and allocation of financial resources, requiring adherence to donor requirements and legal obligations.

### **II.4.1.3 Human**

The availability of human resources, such as skilled personnel, volunteers, and advocates, presents several legal challenges and barriers in the context of promoting and protecting children's rights in Rwanda:

**Legal Framework for Employment:** Human resources are subject to legal frameworks governing employment, including labor laws, contracts, and workplace regulations. Ensuring compliance with labor laws, including provisions related to wages, working hours, and occupational health and safety, is essential to protect the rights of workers involved in children's rights initiatives.

**Qualifications and Training:** Legal requirements for qualifications and training may impact the availability of skilled personnel for children's rights programs. Legal barriers to accessing education and training opportunities may limit the pool of qualified individuals available to work on children's rights issues.

**Volunteerism and Pro Bono Services:** Legal considerations for volunteerism and pro bono services may affect the availability of human resources for children's rights initiatives. Legal frameworks governing volunteer work, including liability protection and insurance requirements, may influence individuals' willingness to volunteer their time and expertise.

**Child Protection Policies:** Human resources involved in children's rights initiatives must adhere to child protection policies and regulations to ensure the safety and well-being of children. Legal requirements for background checks, child safeguarding training, and reporting procedures are essential to prevent abuse and

protect vulnerable children.

**Access to Justice:** Legal barriers to accessing justice may affect the availability of human resources for children's rights advocacy and legal representation. Limited access to legal aid, judicial processes, and remedies for human rights violations can hinder efforts to address child rights abuses effectively.

**Capacity Building and Professional Development:** Legal constraints on capacity building and professional development opportunities may impact the availability of skilled human resources for children's rights work. Legal barriers to accessing training programs, certifications, and career advancement opportunities may limit the development of a qualified workforce in this field.

**Diversity and Inclusion:** Legal requirements for diversity and inclusion in the workforce may influence the availability of human resources from diverse backgrounds and communities. Legal frameworks promoting equality, non-discrimination, and affirmative action can enhance the representation of marginalized groups in children's rights initiatives.

#### **II.4.1.4 Infrastructural**

In Rwanda, infrastructural availability presents legal challenges and barriers to effectively promoting and protecting children's rights. Here are some key aspects:

**Legal Compliance:** Infrastructure projects must adhere to legal regulations concerning construction, land use, and safety standards. Ensuring compliance with building codes, zoning laws, and environmental regulations is crucial to prevent legal disputes and ensure the safety of children using the infrastructure.<sup>27</sup>

**Accessibility:** Legal requirements for accessibility, such as those outlined in disability rights legislation, may influence the design and construction of infrastructure to ensure equal access for all children. Failure to comply with accessibility standards could lead to legal challenges related to discrimination or violations of disability

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<sup>27</sup> <https://www.refworld.org/docid/46c423cb2.html>

rights laws.

**Safety Measures:** Legal obligations exist to ensure the safety and security of children in public spaces. Infrastructure designed for children's use, such as schools, playgrounds, and community centers, must incorporate safety features mandated by law to prevent accidents and injuries.

**Resource Allocation:** Legal frameworks governing budgetary allocations and procurement processes impact the availability of funding for infrastructure projects. Legal barriers in accessing funding or bureaucratic obstacles in procurement processes can delay or hinder infrastructure development essential for children's rights initiatives.

**Land Use Regulations:** Infrastructure projects require compliance with legal regulations concerning land use, land tenure, and urban planning. Securing land for infrastructure development and ensuring its lawful use necessitates adherence to zoning laws, land tenure systems, and environmental assessments.

**Data Protection:** Infrastructure incorporating digital technologies or data collection mechanisms must comply with data protection laws to safeguard children's privacy and rights. Legal barriers related to data privacy laws, consent mechanisms, and data security protocols must be addressed to protect children's personal information.

**Environmental Impacts :** Infrastructure development may impact the environment, requiring adherence to legal regulations for environmental protection and conservation. Compliance with environmental impact assessments, mitigation measures, and permits is necessary to minimize adverse effects on ecosystems and communities.

**Contractual Agreements:** Legal contracts govern infrastructure projects, outlining rights, responsibilities, and dispute resolution mechanisms among stakeholders. Ensuring clarity and enforceability in contractual agreements is essential to prevent legal disputes and ensure project success.

## II.4.2 Training and capacity building

Training and capacity building initiatives aimed at promoting and protecting children's rights in Rwanda face several legal challenges and barriers:

**Legal Frameworks:** Training programs must align with existing legal frameworks governing education, professional development, and child protection. Ensuring compliance with laws and regulations related to training content, accreditation, and certification is essential to legitimacy and effectiveness.

**Resource Allocation:** Adequate funding and resource allocation are necessary to support training and capacity building efforts. Legal barriers, such as budget constraints or bureaucratic hurdles in procurement processes, may hinder the availability of financial resources needed to organize training programs and provide necessary materials.

**Qualifications and Standards:** Legal requirements for qualifications and standards may impact the design and delivery of training programs. Ensuring that trainers meet specified qualifications and that training content meets legal standards is essential to the credibility and effectiveness of capacity building initiatives.

**Access to Education:** Legal barriers to accessing education and training opportunities may limit the participation of individuals, particularly those from marginalized or vulnerable groups. Addressing legal constraints related to access, equity, and non-discrimination is crucial to ensuring that all individuals have the opportunity to benefit from training programs.

**Child Protection Protocols:** Training programs involving interactions with children or vulnerable populations must adhere to child protection protocols and legal requirements. Ensuring that trainers are aware of and compliant with child safeguarding policies, background check procedures, and reporting obligations is essential to prevent abuse and protect children's rights.

**Legal Recognition and Accreditation:** Legal recognition and accreditation of training programs enhance their credibility and acceptability. Obtaining official recognition or accreditation from relevant authorities may require compliance with specific legal

requirements and quality standards, which can pose challenges for capacity building initiatives.

**Intellectual Property Rights:** Legal considerations related to intellectual property rights, including copyrights and trademarks, may arise in the development and dissemination of training materials. Ensuring that training materials are legally protected and that intellectual property rights are respected is essential to prevent unauthorized use or distribution.

## **II.5 Impacts of socio-economic factors**

The impacts of socioeconomic factors refer to the influence that economic conditions, social status, and access to resources have on individuals, families, and communities.

In the context of children's rights, socioeconomic factors can manifest as barriers or deficiencies that hinder children's access to education, healthcare, nutrition, and other essential services. These factors contribute to disparities in opportunities, well-being, and outcomes among children from different socioeconomic backgrounds.

### **II.5.1 Poverty and Inequality<sup>28</sup>**

Poverty refers to a state of deprivation or lack of material resources, including income, assets, and basic necessities, such as food, shelter, and healthcare. It often results in inadequate living standards, limited access to education and healthcare, and social exclusion. While inequality refers to disparities in access to opportunities, resources, and outcomes among individuals or groups. It encompasses economic inequality (such as income and wealth disparities), social inequality (including disparities in education, healthcare, and social status), and political inequality (unequal access to political power and representation).

#### **II.5.1.1 Poverty**

Poverty constitutes a formidable legal challenge and barrier in addressing child

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<sup>28</sup> <https://www.moh.gov.rw/news-detail/ministry-of-health-calls-for-joint-efforts-to-end-violence-against-children-and-young-people>

abuse, intensifying vulnerabilities and impeding protective measures. Families grappling with economic hardship often encounter barriers in accessing essential protection services for their children. Financial constraints may prevent them from seeking legal assistance or accessing support services, leaving children exposed to continued abuse. Moreover, disparities in legal representation and access to justice can exacerbate the plight of children living in poverty, depriving them of adequate legal recourse and perpetuating cycles of abuse. Inadequate resource allocation in communities grappling with poverty further undermines child protection efforts, limiting the effectiveness of prevention strategies. Additionally, poverty intersects with cultural and social norms, influencing attitudes towards child abuse and responses to disclosure.

Addressing poverty as a legal challenge in combating child abuse necessitates targeted interventions that prioritize the needs of economically disadvantaged children and ensure equitable access to protection and justice.

#### **II.5.1.2 Inequality**

Inequality serves as a formidable legal challenge and barrier in addressing child abuse, exacerbating vulnerabilities and impeding protective measures. Socioeconomic disparities often restrict access to crucial protection services for children from marginalized backgrounds, hindering their ability to seek legal assistance or access support services. Moreover, disparities in legal representation and access to justice can leave children without adequate legal recourse, further perpetuating cycles of abuse. Inequality also influences the reporting and investigation of child abuse cases, with marginalized children facing systemic biases and discrimination within law enforcement and child protection agencies. Resource allocation disparities may limit the provision of child protection services in communities with higher levels of poverty, diminishing the effectiveness of prevention efforts. Additionally, socioeconomic factors intersect with cultural and social norms, shaping attitudes towards child abuse and responses to disclosure.

#### **II.5.2 Urban rural**

The urban-rural divide plays a significant role as legal challenges and barriers in



addressing child abuse in Rwanda. Rural areas often face limitations in accessing essential services, including healthcare, education, and child protection agencies, compared to urban counterparts. This disparity can impede timely intervention and support for child abuse victims in rural communities, exacerbating their vulnerability. Moreover, the availability of legal representation tends to be scarcer in rural areas due to fewer legal professionals and limited legal aid services, restricting the legal recourse available to victims and their families. Additionally, urban areas typically benefit from better access to information and educational resources, including awareness campaigns and training programs on child rights and protection, which are often lacking in rural settings. Cultural norms and social stigma surrounding child abuse may also vary between urban and rural communities, influencing reporting and intervention efforts. Furthermore, challenges in infrastructure and communication networks in rural areas can delay the reporting and response to child abuse cases, posing further obstacles to effective protection measures.

## **II.6 Coordination and collaboration**

Coordination and collaboration in the context of child abuse involve the organized effort of multiple stakeholders, including government agencies, non-governmental organizations, community groups, and other relevant entities, to address and prevent instances of child abuse effectively. It encompasses the harmonization of activities, sharing of information, and joint decision-making processes among these stakeholders to ensure a comprehensive and cohesive response to child abuse cases. Collaboration entails working together to develop and implement strategies for prevention, intervention, and support services, with the aim of safeguarding the rights and well-being of children. Coordination and collaboration are crucial in optimizing resources, leveraging expertise, and promoting a unified approach to addressing the complex and multifaceted challenges associated with child abuse.

### **II.6.1 Inter-agency cooperation**

Inter-agency cooperation can present both challenges and barriers in addressing child abuse due to various factors:

**Communication and Information Sharing**: Different agencies may use disparate

systems for data collection and information management, leading to challenges in sharing critical information about child abuse cases. Inadequate communication channels and protocols can hinder timely and effective collaboration between agencies.

**Jurisdictional Issues:** Conflicting mandates or overlapping jurisdictions among agencies may result in challenges in determining responsibility and authority in handling child abuse cases. Lack of clarity on roles and responsibilities can lead to delays or gaps in response and coordination efforts.

**Resource Allocation:** Agencies may compete for limited resources, including funding, personnel, and equipment, which can strain inter-agency cooperation efforts.

Unequal distribution of resources among agencies may create disparities in capacity and capability to address child abuse effectively.<sup>29</sup>

**Differing Priorities and Objectives:** Each agency may have its own priorities, objectives, and organizational culture, which can impact the alignment of efforts in addressing child abuse. Conflicting agendas or divergent approaches to child protection may hinder collaborative efforts and compromise the overall effectiveness of inter-agency cooperation.

**Confidentiality and Privacy Concerns:** Agencies may be bound by confidentiality and privacy regulations, which can create barriers to information sharing and collaboration, particularly when sensitive information about child abuse cases is involved. Balancing the need for confidentiality with the imperative to share relevant information for child protection purposes can be challenging.

**Interdisciplinary Coordination:** Effective collaboration often requires coordination among diverse disciplines, including law enforcement, social services, healthcare, education, and legal sectors. However, differences in professional cultures, language, and protocols may impede interdisciplinary cooperation and coordination efforts.

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<sup>29</sup> <https://umu.diva-portal.org/smash/get/diva2:1723506/FULLTEXT01.pdf>

## II.6.2 International support

International support can introduce legal challenges and barriers in addressing child abuse due to several factors:

**Jurisdictional Complexity:** Collaboration between international organizations and national authorities may lead to jurisdictional complexities, especially regarding legal responsibilities and accountability. Determining which legal frameworks apply and resolving conflicts of laws can be challenging when multiple jurisdictions are involved.

**Legal Harmonization:** International support often entails aligning national laws and policies with international standards and conventions on child rights and protection. However, achieving legal harmonization may require extensive legislative reforms and coordination among government agencies, which can be time-consuming and resource-intensive.

**Human Rights Compliance:** International support may come with conditions related to human rights compliance, including child protection standards and safeguards.

Ensuring that national laws and practices align with international human rights norms can pose legal challenges, particularly in contexts where legal frameworks may be outdated or lack adequate enforcement mechanisms.

**Legal Capacity Building:** International support often includes capacity-building initiatives aimed at strengthening national legal systems and institutions responsible for child protection. However, building legal capacity requires sustained investment and commitment to training, mentorship, and institutional reforms, which may face legal and bureaucratic hurdles within national contexts.

### II.6.2.1 International organization

International organizations, while crucial in addressing global issues such as child abuse, can present legal challenges and barriers in their efforts. Firstly, operating across multiple jurisdictions raises jurisdictional complexities, complicating legal oversight and accountability. Determining the applicable legal framework can be

challenging, especially when national laws and international treaties intersect. Additionally, some international organizations enjoy legal immunities, hindering accountability mechanisms and limiting national authorities' ability to hold them responsible for their actions. Coordination between international organizations and national authorities may face hurdles due to differences in legal mandates, priorities, and approaches, necessitating effective communication and cooperation. Compliance with international legal obligations, particularly related to child rights and protection, requires navigating complex legal landscapes while respecting national sovereignty. Moreover, ensuring data protection and privacy in cross-border contexts poses legal challenges, as international organizations handle sensitive information related to child abuse cases.<sup>30</sup>

### II.6.2.2 Framework

A framework for addressing coordination and collaboration challenges and barriers in the context of child abuse could include the following components:

**Stakeholder Mapping:** Identify relevant stakeholders involved in child protection efforts, including government agencies, non-governmental organizations, community groups, and international organizations.

**Communication Protocols:** Establish clear communication channels and protocols for sharing information, updates, and resources among stakeholders. Define roles, responsibilities, and points of contact to ensure effective coordination.

**Joint Planning and Decision-Making:** Foster collaborative decision-making processes by involving all stakeholders in the planning, design, and implementation of child protection initiatives. Hold regular meetings, workshops, or forums to facilitate joint planning and coordination.

**Resource Mobilization and Allocation:** Coordinate efforts to mobilize and allocate resources for child protection initiatives, including funding, personnel, and

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<sup>30</sup> <https://www.unicef.org/rwanda/press-releases/recent-study-finds-over-50-children-rwanda-re-victims-sexual-physical-or-emotional>

equipment. Pooling resources and coordinating fundraising activities can maximize impact and avoid duplication of efforts.

**Training and Capacity Building:** Provide training and capacity-building programs for stakeholders involved in child protection, including frontline workers, law enforcement officers, healthcare professionals, and community leaders. Enhancing skills and knowledge can improve the effectiveness of collaborative efforts.

**Conflict Resolution Mechanisms:** Establish mechanisms for resolving conflicts or disagreements among stakeholders in a constructive and timely manner. Designate a neutral mediator or facilitator to help address conflicts and ensure that collaboration efforts remain focused on common goals.

**Monitoring and Evaluation:** Develop monitoring and evaluation mechanisms to assess the effectiveness of coordination and collaboration efforts in addressing child abuse. Collect feedback from stakeholders, track progress against objectives, and adjust strategies as needed to improve outcomes.

**Community Engagement:** Engage local communities in coordination and collaboration efforts by involving them in decision-making processes, raising awareness about child abuse issues, and mobilizing community resources. Empowering communities to take ownership of child protection initiatives can enhance sustainability and effectiveness.

## **II.7 Victims support services**

Victim support services face numerous challenges and barriers in their efforts to protect and assist child abuse survivors. Limited financial resources often constrain their ability to provide comprehensive services, while accessibility issues, including geographic barriers and social stigma, may prevent children from marginalized communities from seeking help. Additionally, providing trauma-informed care requires specialized training and expertise, which may be lacking in many support services. Legal barriers, such as limited access to justice and inadequate legal representation, further impede survivors' ability to seek redress. Poor interagency

coordination and cultural insensitivity can also hinder the provision of effective support. Moreover, the long-term nature of healing from abuse requires sustained assistance, yet victim support services may struggle to provide ongoing care due to resource constraints and turnover in staff. Addressing these challenges necessitates increased funding, improved accessibility, enhanced training, strengthened coordination mechanisms, and promotion of cultural competency within victim support services.<sup>31</sup>

### **II.7.1 Accessibility and quality**

In Rwanda, the accessibility and quality of support services for child abuse survivors encounter several challenges and barriers. Geographically, rural and remote areas face limited availability of facilities and transportation infrastructure, hindering survivors' access to services. Financial barriers, including service fees and transportation costs, pose challenges for low-income families seeking support. Linguistic and cultural diversity across Rwanda necessitates support services that are linguistically and culturally sensitive, yet language barriers and cultural insensitivity can impede access to quality care. Additionally, ensuring an adequate number of trained professionals with expertise in addressing the complex needs of survivors remains a challenge, despite efforts to improve training for healthcare workers and counselors.

#### **II.7.1.1 Medical accessibility and quality**

Accessing medical and quality support services for child abuse survivors presents challenges and barriers, particularly in resource-constrained settings. In many regions, including Rwanda, limited availability of medical facilities and trained professionals in remote areas restricts survivors' access to timely medical care and specialized treatment.

Financial constraints also hinder survivors' ability to afford medical services, including consultations, diagnostic tests, and medications. Additionally, survivors may face stigma or reluctance to seek medical help due to fear of judgment or reprisal. Even when medical services are accessible, the quality of care may vary,

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<sup>31</sup> <https://rwanda.savethechildren.net/save-children-rwanda-and-burundi>

with disparities in resources, infrastructure, and expertise among healthcare providers. Cultural and language barriers further complicate matters, as healthcare professionals may lack cultural sensitivity or fluency in local languages, affecting communication and trust. Overcoming these challenges requires investments in healthcare infrastructure, training programs for medical professionals, and initiatives to raise awareness and reduce stigma surrounding child abuse. By improving accessibility and quality of medical support services, survivors can receive the comprehensive care they need to recover from abuse and heal both physically and emotionally.

### II.7.1.2 Psychological accessibility and quality

**Stigma and Shame:** Child abuse survivors may experience intense feelings of shame, guilt, or fear, which can prevent them from seeking psychological support. Stigma surrounding mental health issues may further discourage survivors from accessing services due to concerns about judgment or social ostracization.

**Lack of awareness :** Limited awareness about the availability of psychological support services may impede access for child abuse survivors. Families and communities may be unaware of the importance of addressing psychological trauma or may underestimate the impact of abuse on mental health.

**Financial Barriers:** Cost can be a significant barrier to accessing quality psychological support services. Therapy sessions, counseling services, and mental health interventions may be costly, particularly in settings with limited healthcare coverage or financial resources.

**Shortage of Trained Professionals:** Many regions face a shortage of qualified mental health professionals, including psychologists, counselors, and therapists, who are trained to work with child abuse survivors. Limited availability of trained professionals can result in long waiting times for appointments or insufficient support for survivors.

**Cultural and Linguistic Barriers:** Cultural differences and language barriers may affect the accessibility and effectiveness of psychological support services. Survivors

from diverse cultural backgrounds may prefer to seek support from professionals who understand their cultural context and speak their language fluently.

**Trauma-Informed Care:** Providing trauma-informed care requires specialized training and expertise. However, not all mental health professionals may be adequately trained to address the complex needs of child abuse survivors, leading to gaps in service provision and inadequate support.<sup>32</sup>

**Confidentiality Concerns:** Child abuse survivors may be reluctant to seek psychological support due to concerns about confidentiality and privacy. Fear of information being shared without consent or reaching the perpetrator may prevent survivors from disclosing their experiences or seeking help.

### II.7.2.3 Legal accessibility and quality

Legal accessibility and quality for support services are pivotal components of child protection, yet they encounter significant legal challenges and barriers. One such challenge involves navigating complex legal procedures governing access to support services. These procedures may necessitate extensive documentation or court involvement, which can be intimidating and discouraging for children and families seeking assistance, particularly if they lack legal knowledge or resources. Additionally, legal frameworks may lack clarity or consistency regarding the types of services available, eligibility criteria, and the rights of children to access support. This ambiguity can lead to confusion among service providers and hinder efforts to ensure equitable access to high-quality support services for all children. Furthermore, the presence of discriminatory laws or policies may impede access to support services for marginalized groups, exacerbating disparities in child protection outcomes.

### II.7.2 Rehabilitation

Rehabilitation, within the context of legal challenges and barriers to child protection,

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<sup>32</sup>

<https://rwanda.savethechildren.net/sites/rwanda.savethechildren.net/files/library/Investment%20in%20Children%20Programme%20v19Jul16.pdf>



refers to the process of restoring and supporting the physical, psychological, and social well-being of child abuse survivors.

This may involve a range of interventions, including medical treatment, counseling, therapy, education, vocational training, and reintegration into the community. However, legal obstacles such as limited access to justice, inadequate legal frameworks, and lack of enforcement mechanisms can impede the effective provision of rehabilitation services to child abuse survivors. These challenges may include barriers to seeking legal redress, insufficient funding for rehabilitation programs, gaps in legislation related to victims' rights and support services, and challenges in enforcing legal protections for survivors.

#### **II.7.2.1 Existence of rehabilitation**

The existence of rehabilitation services is essential within the framework of child protection, serving as a vital component in the recovery and healing process for child abuse survivors. Rehabilitation encompasses a range of interventions aimed at restoring physical, psychological, and social well-being, including medical treatment, counseling, education, vocational training, and community reintegration. However, despite its importance, the provision of rehabilitation services often faces significant legal challenges and barriers. These hurdles may include limited access to justice, inadequate legal frameworks, insufficient funding for rehabilitation programs, gaps in legislation related to victims' rights and support services, and challenges in enforcing legal protections for survivors.

#### **II.7.2.2 Effectiveness**

The effectiveness of rehabilitation services as a legal challenge and barrier for child abuse involves assessing how well these services support the recovery and reintegration of survivors. Effective rehabilitation is essential for the physical, psychological, and social healing of child abuse victims. However, several legal challenges and barriers can impede this effectiveness.

Inadequate legal frameworks may fail to ensure consistent standards and availability of rehabilitation services, leading to disparities in care. Insufficient funding and

resources can result in limited access to high-quality rehabilitation, with shortages of trained professionals and necessary facilities. Additionally, complex legal procedures and lack of awareness about legal rights may prevent survivors from accessing the services they need. Addressing these legal challenges requires comprehensive legislation, adequate funding, and streamlined processes to enhance the effectiveness of rehabilitation services for child abuse survivors.

## **II.9 Cases law related to child abuse in Rwanda**

### **II.9.1 Case one**

Clementine arrived in Mahama refugee camp in 2017, from Mahama camp host community after passing through GatoreReception center. Her mother whom she does not know, crossed into Rwanda before 2015 with her in search of a better life, but after sometime in Rwanda her mother decided to go back home to Burundi leaving Clementine with a promise of coming back for her later.<sup>33</sup>

She left Clementine with a Rwandan friend in the host community. Unfortunately, Clementine was abused by this family including refusing her the right to an education by not enrolling her in school. In search of an escape, Clementine realized that there were other Burundians living in refugee settlements in Rwanda, she then took herself to Gatorereception center where she was received and officially registered as Burundia

registered as Burundian refugee living in Rwanda.

Since August 2021, when the fist cohort of Burundian refugees repatriated, Save the Children has collaborated with UNHCR and MINEMA to make it possible for family reunification of children and their families in Burundi and in country reunification. There are still children like Clementine in Mahama refugee camp who wish to be reunited with family members, Save the Children is still doing whatever it takes to reunify them with their families and before they are reunited with family members, they are placed in foster families and given caregivers and other support to help them be safe and be protected from any harm.

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<sup>33</sup> 1-<https://rwanda.savethechildren.net/news/case-study-clementines-story>

## II.9.2 Case Two

Case of Joseph Edward Duncan III

Case number: CR-04-014-2-M-DWM

Joseph Edward Duncan III, an admitted sexual predator, was involved in a series of horrific crimes involving children. In 2005, he kidnapped two children, Shasta and Dylan Groene, after murdering their mother, brother and mother's fiancé in Coeur d'Alene, Idaho.

<sup>34</sup>Duncan removed the children from their home and took them to a remote cabin in Montana where he tortured and sexually abused them for several weeks. Dylan Groene was murdered by Duncan during this time. Shasta was found alive after being recognized at a restaurant in Idaho.

-Trial and verdict: Duncan was tried for his crimes in several jurisdictions. In 2008, he pleaded guilty to federal kidnapping and murder charges in the District of Idaho and was sentenced to death. In addition, he received three life sentences for the crimes of sexual abuse and torture committed against children.

At his trial, damning evidence was presented, including videos and diaries detailing the abuse. Duncan showed no remorse for his actions and claimed he was motivated by violent sexual fantasies.

## II.9.1 Analysis of cases laws

One In the first case, Clementine suffered various traumas after being left in Rwanda by her mother with a friend of hers who had promised to come back to pick her up but in the meantime she was mistreated and she was refused to go to school. . Here we can talk about physical and physiological abuse because for a child to experience this kind of situation is not at all easy.

About the second The facts surrounding the case of Joseph Edward Duncan III are

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<sup>34</sup> 2-<https://www.justice.gov/usao-dc/pr/child-predator-found-guilty-first-degree-and-second-degree-child-sexual-abuse>

extremely disturbing and highlight the horror of crimes committed against children. Duncan committed unforgivable acts by kidnapping and horrifically abusing these innocent children.

The verdict in this case reflects the seriousness of Duncan's crimes. His conviction of the death penalty for the kidnappings and murders as well as life sentences for the sexual abuse and torture of children shows the severity of justice in the face of such abominable acts.

The overwhelming evidence presented at trial, including videos and diaries detailing the abuse, clearly demonstrated Duncan's cruelty and lack of remorse. His claim that he was motivated by violent sexual fantasies does not justify the suffering inflicted on the children and the tragic loss of Dylan Groene.

## Chapter Three: THE MECHANISM OF THE IMPLEMENTATION FOR THE PROTECTION OF CHILDREN RIGHTS AGAINST ABUSE

### III.1 Legal mechanisms

The legal mechanisms for child protection encompass a variety of laws, policies, and systems designed to safeguard children from abuse, neglect, exploitation, and other forms of harm. These mechanisms operate at federal, state, and local levels, often involving multiple agencies and organizations. Key components of these mechanisms include:

#### III.1.1 Legislation

##### Federal Laws

<sup>35</sup>Child Abuse Prevention and Treatment Act (CAPTA)

- Provides federal funding to states to support prevention, assessment, investigation, prosecution, and treatment activities related to child abuse and neglect.
- Establishes minimum standards for defining child abuse and neglect.

##### Family First Prevention Services Act (FFPSA)

- Focuses on preventing children from entering foster care by funding services that support families and address issues leading to potential abuse or neglect.

##### Indian Child Welfare Act (ICWA)

- Aims to preserve Native American families and culture by establishing standards for the placement of Native American children in foster or adoptive homes.

##### Mandatory Reporting Laws

- Require certain professionals (e.g., teachers, healthcare providers, social workers)

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<sup>35</sup> <https://www.unicef.org/rwanda/situation-children-rwanda>

to report suspected cases of child abuse or neglect.

- Reporting requirements and penalties for failing to report vary by state.

## Child Protective Services

### Investigation and Intervention

- CPS agencies respond to reports of child abuse or neglect, conduct investigations, and determine the appropriate course of action.
- Interventions can range from providing in-home services to removing the child from the home and placing them in foster care.

### Support Services

#### Hotlines and Helplines

- National and state hotlines provide immediate assistance, information, and resources for reporting abuse and seeking help.

## III.1.2 Legal framework

Legal framework refers to the comprehensive set of national and international laws, policies, regulations, and institutional arrangements established to prevent, address, and remediate <sup>36</sup>instances of child abuse, ensuring the protection and promotion of children's rights.

## III.2 Institutional mechanisms

Institutional mechanisms for child protection involve the organized efforts and structures established by governments, non-governmental organizations (NGOs), and international bodies to prevent and respond to child abuse and neglect. These mechanisms ensure coordination among various stakeholders and provide a comprehensive approach to child welfare. Key components of these mechanisms include:

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<sup>36</sup> [https://www.soscv-rwanda.org.rw/IMG/pdf/integrated\\_child\\_rights\\_policy-2-1.pdf](https://www.soscv-rwanda.org.rw/IMG/pdf/integrated_child_rights_policy-2-1.pdf)

## Child Protective Services (CPS)

### **Roles and Responsibilities**

- Investigate reports of child abuse and neglect.
- Provide services to families to address and prevent abuse.
- Remove children from unsafe environments when necessary.
- Work with law enforcement and judicial systems to ensure child safety.

### **Law Enforcement agencies**

#### **RIB : Rwandan investigation bureau**

The Rwanda Investigation Bureau (RIB) in Rwanda plays a vital role in maintaining law and order by conducting investigations into various criminal activities. RIB is responsible for investigating serious crimes, including corruption, economic crimes, and other offenses that threaten the security and stability of the country. By conducting thorough investigations and gathering evidence, the Rwanda Investigation Bureau contributes to ensuring justice is served and perpetrators are held accountable for their actions.

#### **Ministry of gender and family**

The Ministry of Gender and Family Promotion in Rwanda plays a crucial role in promoting gender equality and empowering women and families in the country. This ministry focuses on various aspects such as advocating for women's rights, addressing gender-based violence, and implementing policies to enhance gender equality. Additionally, the ministry works towards promoting family welfare, supporting vulnerable groups, and ensuring social protection programs reach those in need.

## Family and Juvenile Courts

### -Judicial Oversight<sup>37</sup>

- Handle legal proceedings related to child protection, including custody disputes, protective orders, and termination of parental rights.
- Appoint Guardians ad Litem (GAL) or Court-Appointed Special Advocates (CASA) to represent the best interests of the child.

## Non-Governmental Organizations (NGOs)

### Advocacy and Support Services

Child Help, Prevent Child Abuse America, UNICEF

- Provide advocacy, support services, and public awareness campaigns.
- Offer counseling, emergency shelters, and rehabilitation programs for victims and families.

## Community-Based Organizations

### Local Support Networks

- Offer services tailored to specific community needs, such as parenting classes, support groups, and after-school programs.

## III.2.1 Private Institutions

Private institutions also play a crucial role in the child protection system. These entities can provide essential services, resources, and support to complement governmental and non-governmental efforts. Key components include:

### Private Healthcare Providers

#### Hospitals and Clinics

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<sup>37</sup> <https://www.ncda.gov.rw/1/child-development-protection-and-promotion>



## Medical Assessments

- Conduct medical examinations and assessments to identify signs of abuse or neglect.
- Provide treatment and ongoing medical care to child abuse victims.

## Mental Health Services

## Counseling and Therapy

- Offer psychological evaluations, counseling, and therapy for children and families affected by abuse.
- Specialized services for trauma recovery and mental health support.

## Educational Institutions

### Private Schools

### Safe Environment Policies<sup>38</sup>

- Implement policies and training programs for staff to identify and report signs of abuse.
- Provide education on child rights and personal safety to students.

### Universities and Research Centers

### Research and Training

- Conduct research on child abuse prevention, treatment, and policy effectiveness.
- Offer training programs for professionals working in child protection.

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<sup>38</sup> <https://www.unicef.org/rwanda/child-protection>

## Childcare and Early Childhood Education Centers

### Daycares and Preschools

### Regulations and Standards

- Follow strict regulations and standards to ensure child safety.
- Train staff in recognizing and reporting child abuse and neglect.

## **III.2.2 Public institutions**

Public institutions are critical in implementing, overseeing, and enforcing child protection mechanisms. They work at various levels of government and collaborate with other entities to create a comprehensive child protection system. Here are the main public institutions involved

### Case Management

- Develop and implement case plans for children and families.
- Provide or coordinate services such as counseling, parenting classes, and substance abuse treatment.

### Law Enforcement Agencies

#### Specialized Units

#### Child Abuse Units

- Dedicated units within police departments that specialize in investigating child abuse cases.
- Work closely with CPS and other agencies to ensure thorough investigations and proper handling of cases.

### Guardians ad Litem (GAL) and Court-Appointed Special Advocates (CASA)

- Appoint individuals to represent the best interests of the child in legal proceedings.

- Ensure the child's voice is heard and their needs are prioritized in court decisions.

Education Departments

School Systems

Mandatory Reporting<sup>39</sup>

- Require school staff to report suspected child abuse and neglect.
- Train teachers and staff to recognize signs of abuse and understand reporting procedures

### **III.2.3 National legislation**

Rwanda's national legislation forms a comprehensive legal and institutional mechanism aimed at protecting children from abuse and ensuring their rights are upheld. The framework includes various laws and regulations that define child abuse, establish protective measures, and outline the roles and responsibilities of institutions and individuals in preventing and addressing child abuse.

### **III.3 Legal instrument addressing to child abuse**

Constitution of Rwanda (2003, revised in 2015)

The Constitution is the supreme law of the land and provides the foundational basis for human rights, including the protection of children. Key provisions include:

Article 19: Guarantees the right to physical and moral integrity, implicitly protecting children from abuse.

Law No. 71/2018 of 31/08/2018 Relating to the Protection of the Child

This law is specifically dedicated to the protection of children and outlines comprehensive measures to prevent and respond to child abuse:

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<sup>39</sup> <https://www.clinical-medicine.panafrican-med-journal.com/content/article/3/131/full>

**Mandatory Reporting:** Requires professionals such as teachers, healthcare providers, and social workers to report suspected cases of child abuse.

<sup>40</sup>**Child Protection Committees:** Establishes committees at the local level to monitor and respond to child protection issues.

**Support Services:** Provides for the establishment of services to support and rehabilitate abused children.

**Penal Code (Law No. 68/2018 of 30/08/2018)**

The Penal Code criminalizes various forms of child abuse and prescribes penalties for offenders, thus serving as a deterrent and a tool for justice:

**Criminal Offenses:** Includes provisions against physical assault, sexual abuse, trafficking, and exploitation of children. **Penalties:** Imposes severe penalties on perpetrators of child abuse, reflecting the seriousness of these offenses.

**Law No. 54/2011 of 14/12/2011 Relating to the Rights and Protection of the Child:**

This law underscores the rights of children and the duty of the state, parents, and communities to protect these rights:

**Rights of the Child:** Affirms the child's right to be protected from all forms of violence, abuse, neglect, and exploitation.

**Responsibilities:** Specifies the roles of parents, guardians, communities, and government entities in safeguarding children's rights.

### III.3.1 International treaties

Rwanda has ratified several international treaties that provide a framework for protecting children's rights and addressing child abuse. These treaties obligate Rwanda to implement measures that align with international standards for the prevention and response to child abuse. The key international treaties include:

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<sup>40</sup> <https://jliflc.com/wp-content/uploads/2018/07/Prickett-et-al.-Community-Based-Child-Protection-Mechanisms-in-Ref.pdf>

## United Nations Convention on the Rights of the Child (CRC)

Ratified by Rwanda in 1991, the CRC is a comprehensive international treaty that sets out the civil, political, economic, social, and cultural rights of children. Key provisions related to child abuse include:<sup>41</sup>

Article 19: Obligates states to take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse.

Article 34: Requires states to protect children from all forms of sexual exploitation and abuse.

Article 39: Emphasizes the importance of the physical and psychological recovery and social reintegration of child victims of abuse.

## Optional Protocols to the CRC

Rwanda has also ratified the Optional Protocols to the CRC, which further strengthen protections against child abuse:

Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (ratified in 2002): Provides specific measures to combat the sale of children, child prostitution, and child pornography.

Optional Protocol on the Involvement of Children in Armed Conflict (ratified in 2002) to protect children from recruitment and use in hostilities.

## African Charter on the Rights and Welfare of the Child (ACRWC)

Ratified by Rwanda in 2001, the ACRWC is a regional human rights instrument that complements the CRC and addresses specific issues affecting children in Africa. Relevant provisions include:

Article 16: Mandates protection of children against child abuse and torture, and

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<sup>41</sup> <https://police.gov.rw/media/news-detail/news/rnp-establish-child-help-line-116/>

requires states to take legislative, administrative, social, and educational measures to protect children from all forms of abuse.<sup>42</sup>

Article 27: Addresses sexual exploitation and abuse, requiring states to take measures to protect children from sexual abuse and exploitation.

### **III.3.2 Customary law**

Customary law refers to traditional norms, practices, and beliefs that are followed by local communities and have been passed down through generations. In Rwanda, customary law plays a significant role in the daily lives of many people, particularly in rural areas. The integration of customary law with statutory law is crucial for the effective implementation of human rights, including the protection of children from abuse.

#### **III.3.2.1 Recognition of Customary Law in the Rwandan Legal Framework.**

Rwanda recognizes customary law as a complementary source of law, provided it does not conflict with the Constitution or statutory laws. The legal system acknowledges that customary practices can coexist with formal legal structures to address community-specific issues, including child protection.

#### **III.3.2.2 Customary Practices and Child Protection**

Customary law in Rwanda encompasses various traditional practices and community norms that historically aimed to protect children. However, not all customary practices align with contemporary human rights standards. The integration of positive aspects of customary law with formal legal protections is essential for a comprehensive child protection system.

#### **III.3.2.3 Integration with Statutory Law**

To ensure that customary law supports the protection of children against abuse, Rwanda has taken steps to harmonize customary practices with statutory laws.<sup>43</sup> This

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<sup>42</sup> <https://rwanda.unfpa.org/en/news/my-voice-my-rights-against-sexual-abuse>

<sup>43</sup> [https://www.researchgate.net/publication/276925172\\_Legal\\_and\\_Policy\\_Framework\\_for](https://www.researchgate.net/publication/276925172_Legal_and_Policy_Framework_for)

includes:

**Education and Sensitization:** Efforts to educate community leaders and members about statutory laws related to child protection and human rights standards.

**Community Engagement:** Involving local leaders and traditional authorities in child protection initiatives, ensuring that customary practices align with national and international standards.

#### III.3.2.4 Roles of Community Leaders and Traditional Authorities

Community leaders and traditional authorities play a crucial role in enforcing customary law and mediating disputes. Their involvement in child protection efforts includes:

**Mediation and Resolution:** Addressing cases of child abuse within the community through mediation and customary conflict resolution mechanisms, while ensuring that such resolutions do not undermine statutory protections.

**Reporting Mechanisms:** Encouraging the reporting of child abuse cases to formal legal authorities, bridging the gap between customary and statutory systems.

**Awareness Campaigns:** Leading community awareness campaigns to educate members about the harmful effects of certain traditional practices and promoting behaviors that protect children.

#### III.4 Policy and institutional structures

Policy refers to set of principles and guidelines that direct decision-making and actions to achieve specific goals and ensure consistent outcomes. And institutional structures is he organized systems, agencies, and bodies responsible for implementing policies and regulations, providing oversight, and delivering services.<sup>44</sup>

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\_Child\_Rights\_in\_Rwanda

<sup>44</sup> <https://www.wvi.org/rwanda/working-together-protect-children-rwanda>

### **III.4.1 Government agencies**

Government agencies involved in child protection in Rwanda include the National Commission for Children (NCC), which is the primary agency responsible for coordinating and monitoring the implementation of child protection policies, working with various stakeholders to ensure children's rights are upheld. The Ministry of Gender and Family Promotion (MIGEPROF) formulates and oversees policies related to family and child welfare, playing a central role in implementing national strategies for the protection of children. The Rwanda National Police (RNP) includes specialized units such as the Child and Family Protection Unit, which handles cases of child abuse and provides support to victims. Additionally, Local Child Protection Committees operate at the community level, responsible for identifying, reporting, and addressing cases of child abuse. These agencies work together to enforce laws, provide services, and create a safe environment for children.

### **III.4.2 Roles of the institution**

The roles of various institutions as legal and institutional mechanisms for implementing human rights against child abuse under Rwandan law are diverse and collaborative. The National Commission for Children (NCC) coordinates and harmonizes child protection policies and programs, monitors compliance with child protection laws, gathers data on child protection issues to inform policy and decision-making, and promotes children's rights through advocacy and awareness campaigns. The Ministry of Gender and Family Promotion (MIGEPROF) formulates and updates policies related to child protection and family welfare, oversees the implementation and enforcement of these policies, provides training and resources to social workers, law enforcement, and community leaders, and develops support services for victims of child abuse. The Rwanda National Police (RNP) investigates and prosecutes cases of child abuse, operates the Child and Family Protection Unit, engages in community policing to prevent child abuse, and provides support to victims. Local Child Protection Committees identify and report cases of child abuse, intervene locally to support victims, educate community members about child rights, and collaborate with local authorities and NGOs. Civil Society Organizations (CSOs) and Non-Governmental Organizations (NGOs) offer legal aid, counseling, and



rehabilitation services, advocate for stronger child protection policies, conduct public awareness campaigns, and partner with government agencies to enhance child protection measures.

Collectively, these institutions form a comprehensive framework aimed at protecting children's rights, ensuring the enforcement of laws, and providing necessary care and justice for victims of abuse.

### **III.4.3 Effectiveness of the institution**

The effectiveness of institutions in Rwanda in addressing child abuse and upholding children's rights can be evaluated based on several criteria, including policy implementation, enforcement, support services, and public awareness. The National Commission for Children (NCC) has been effective in coordinating stakeholders and harmonizing child protection policies, monitoring and evaluating programs to ensure implementation, and collecting data to inform policy decisions.<sup>45</sup> Its advocacy campaigns have raised awareness about children's rights. The Ministry of Gender and Family Promotion (MIGEPROF) has successfully developed comprehensive child protection policies and ensured their implementation through oversight, while its training programs for social workers and law enforcement have enhanced their ability to handle child abuse cases effectively.

The development of support services such as shelters and counseling provides critical resources for victims. The Rwanda National Police (RNP), particularly through its Child and Family Protection Unit, has been effective in investigating and prosecuting child abuse cases, ensuring perpetrators are held accountable. Community policing initiatives have built trust and encouraged reporting of abuse, while immediate support and referral services for victims ensure their safety and recovery. Local Child Protection Committees have been effective in identifying and reporting child abuse at the community level, educating community members about child rights and protection, and collaborating with local authorities and NGOs for a coordinated response. Civil Society Organizations (CSOs) and Non-Governmental

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<sup>45</sup> <http://www.newtimes.co.rw/article/61595/National/ngo-to-assist-in-preventing-child-abuse/amp>

Organizations (NGOs) provide essential services such as legal aid, counseling, and rehabilitation, advocate for stronger child protection laws and policies, and conduct public awareness campaigns. Their partnerships with government agencies enhance the overall effectiveness of child protection measures. Key indicators of effectiveness include a reduction in child abuse cases, increased reporting and prosecution of such cases, and access to support services for victims.

#### **III.4.4 Law Enforcement**

Law enforcement plays a critical role as a legal mechanism in the implementation of human rights against child abuse under Rwandan law. The Rwanda National Police (RNP) includes specialized units such as the Child and Family Protection Unit, which focuses on protecting children and addressing family-related issues, ensuring a sensitive and effective approach to handling cases of child abuse. The RNP is responsible for investigating reports of child abuse, gathering evidence, and working with the judiciary to prosecute offenders, ensuring that perpetrators are held accountable under the law. Additionally, the RNP engages in community policing initiatives to build trust within communities, encouraging the reporting of child abuse cases and providing education on child protection laws.

This proactive approach helps in the prevention of abuse. The RNP also provides immediate support and protection to victims of child abuse, including safe referrals to appropriate services such as shelters, medical care, and counseling.

Rwanda has enacted several laws aimed at protecting children from abuse, including the Law Relating to the Rights and Protection of the Child (2018). These laws define various forms of child abuse and establish legal standards for the protection and welfare of children.

The Rwandan Criminal Code includes provisions that criminalize various forms of child abuse, such as physical, emotional, and sexual abuse, mandating severe penalties for offenders and serving as a deterrent.<sup>46</sup>

The judiciary has established specialized courts and procedures for handling cases of

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<sup>46</sup> <https://www.clinical-medicine.panafrican-med-journal.com/content/article/3/131/full/>

child abuse, designed to expedite the legal process and ensure that cases are handled with the necessary sensitivity and expertise. The judiciary employs child-friendly procedures, such as closed hearings and the use of child psychologists, to minimize trauma for child victims during the legal process.

Local authorities and community engagement are also crucial, with Local Child Protection Committees operating at the community level to detect and report cases of child abuse, working closely with law enforcement to ensure that cases are promptly addressed. Law enforcement agencies collaborate with NGOs and civil society organizations to provide comprehensive support to victims and to enhance community awareness and prevention efforts.

Continuous training and capacity-building programs for law enforcement officers ensure they are equipped with the skills and knowledge to handle child abuse cases effectively, including training on child rights, interviewing techniques, and providing psychological support. Law enforcement works in coordination with other government agencies, such as the Ministry of Gender and Family Promotion (MIGEPROF) and the National Commission for Children (NCC), to implement a holistic approach to child protection. Through specialized units, a robust legal framework, proactive community policing, and collaboration with other agencies and NGOs, law enforcement in Rwanda plays a pivotal role in the implementation of human rights against child abuse, ensuring accountability, providing victim support, and fostering community engagement to create a safer environment for children and uphold their rights.

#### **III.4.5 Social services**

Social services play a crucial role as a legal mechanism in the implementation of human rights against child abuse in Rwanda by providing essential support and protection for children, complementing law enforcement and legal frameworks. The Ministry of Gender and Family Promotion (MIGEPROF) is pivotal in this regard, developing and overseeing policies related to child protection and family welfare, ensuring these policies are effectively implemented nationwide. MIGEPROF enhances the capacity of social workers, law enforcement personnel, and community leaders through training on child rights, case management, and psychological

support for victims. Additionally, MIGEPROF develops and manages support services, including shelters, counseling, and rehabilitation programs, which are critical for helping children recover from abuse and reintegrate into society.

The National Commission for Children (NCC) coordinates various stakeholders involved in child protection, ensuring that policies and programs are harmonized and effectively implemented. The NCC monitors compliance with child protection laws and evaluates the effectiveness of interventions, collects data on child protection issues to inform policy decisions, and promotes children's rights through advocacy campaigns, raising awareness about child abuse and the importance of protecting children's rights.

Local Child Protection Committees operate at the community level, playing a vital role in detecting and reporting cases of child abuse. They work closely with local authorities and law enforcement to ensure timely interventions, educate community members about child rights and the importance of preventing abuse, and provide immediate support and protection to victims, ensuring they receive necessary services such as medical care, counseling, and safe housing.

Civil Society Organizations (CSOs) and Non-Governmental Organizations (NGOs) offer a range of services to victims of child abuse, including legal aid, counseling, and rehabilitation, and play a critical role in supporting children through the recovery process.

These organizations advocate for stronger child protection laws and policies and conduct public awareness campaigns to educate communities on child rights and protection, contributing to a more informed and proactive society in addressing child abuse. Their collaboration with government agencies ensures a comprehensive and coordinated response to child abuse.

Social services integrate efforts across various sectors, including health, education, and justice, to provide a holistic approach to child protection, addressing all aspects of a child's well-being. Effective coordination among different agencies, including MIGEPROF, NCC, law enforcement, and NGOs, is essential for the successful implementation of child protection policies, helping to pool resources, share

information, and provide comprehensive support to victims.

Thus, social services are fundamental in protecting children's rights, providing necessary care and rehabilitation for victims, and creating a safer environment for all children in Rwanda.

#### **III.4.5.1 Availability and quality of child protection services**

They providing comprehensive support to children at risk or victims of abuse. Nationally, child protection services are available through various government and non-governmental organizations. The Ministry of Gender and Family Promotion (MIGEPROF) oversees the development and implementation of child protection policies, ensuring nationwide coverage. It operates shelters, counseling services, and rehabilitation programs that provide immediate and long-term support to abuse victims. The National Commission for Children (NCC) coordinates efforts among stakeholders to harmonize and implement child protection policies effectively, ensuring services reach all regions. Local Child Protection Committees, operating at the community level, play a crucial role in identifying, reporting, and addressing cases of child abuse, ensuring that interventions are timely and accessible.

In terms of quality, these services are continually enhanced through capacity-building initiatives. MIGEPROF provides training to social workers, law enforcement personnel, and community leaders on child rights, case management, and psychological support, improving their ability to handle abuse cases sensitively and effectively. The NCC collects and analyzes data on child protection issues to inform policy decisions and improve service delivery.

Civil Society Organizations (CSOs) and Non-Governmental Organizations (NGOs) contribute significantly to the quality of child protection services by offering specialized services such as legal aid, trauma counseling, and rehabilitation programs. They also conduct public awareness campaigns to educate communities about child rights and the importance of preventing abuse.

Collaboration between government agencies, CSOs, and NGOs ensures a coordinated response to child protection, pooling resources, sharing information, and providing

comprehensive support to victims. This integrated approach helps to address all aspects of a child's well-being, from immediate safety to long-term recovery and reintegration. The effectiveness of these services is reflected in the increased reporting and prosecution of child abuse cases, as well as the improved access to and quality of support services for victims. Overall, the availability and quality of child protection services in Rwanda are essential components in the legal mechanism to uphold human rights and protect children from abuse.

#### **III.4.5.2 Availability of shelters and psychological support.**

<sup>47</sup>The shelters provide immediate safety and refuge for children who are victims of abuse, offering a secure environment where they can begin their recovery process. The Ministry of Gender and Family Promotion (MIGEPROF) oversees the establishment and operation of these shelters, ensuring they are accessible to children in need across the country. These shelters are equipped to provide not only basic necessities such as food and shelter but also specialized services to support the children's physical and emotional well-being.

Psychological support is equally vital in the recovery process for child abuse victims. MIGEPROF, in collaboration with the National Commission for Children (NCC), ensures that psychological counseling services are available to children in shelters and other care facilities. These services include trauma counseling, mental health support, and rehabilitation programs, which are designed to help children cope with the psychological impacts of abuse and facilitate their reintegration into society. Social workers and counselors are trained to provide sensitive and effective psychological support, addressing the individual needs of each child.

Additionally, Civil Society Organizations (CSOs) and Non-Governmental Organizations (NGOs) play a significant role in providing psychological support. These organizations offer specialized counseling services and run programs aimed at helping children overcome trauma and build resilience. They also collaborate with government agencies to enhance the quality and reach of psychological support services.

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<sup>47</sup> <https://rwanda.unfpa.org/en/news/my-voice-my-rights-against-sexual-abuse>

Overall, the availability of shelters and psychological support in Rwanda ensures that child abuse victims receive comprehensive care, addressing both their immediate safety and long-term mental health needs.

### **III.5 Implementation challenges**

The implementation of legal mechanisms against child abuse in Rwanda encounters several challenges that hinder their effectiveness. One significant challenge is the discrepancy between formal legal systems and customary practices. While Rwanda has enacted comprehensive laws to protect children from abuse, including the Law Relating to the Rights and Protection of the Child, customary norms and practices may still prevail in some communities. This can lead to a lack of awareness or adherence to legal protections against child abuse, as well as conflicting interpretations of what constitutes abuse.

Another challenge is the accessibility of legal mechanisms, particularly in rural or remote areas. While efforts have been made to extend the reach of formal legal systems, including through mobile courts and community legal aid services, there are still logistical and infrastructural barriers that limit access to justice for children in these areas. Limited legal representation and awareness of legal rights further exacerbate this issue.

Additionally, the capacity of law enforcement and judicial systems to effectively investigate, prosecute, and adjudicate child abuse cases is often strained. Resource constraints, including insufficient training, personnel, and equipment, can hamper the ability of authorities to respond promptly and effectively to reports of abuse. This can result in delayed justice for victims and perpetrators remaining unpunished. Furthermore, societal attitudes and cultural norms surrounding child abuse can pose challenges to its prevention and prosecution. Stigma, fear of retribution, and a reluctance to report abuse within families or communities can hinder efforts to address the issue effectively. Cultural beliefs that condone or minimize the severity of certain forms of abuse may also impede legal interventions.

Addressing these implementation challenges requires a multi-faceted approach that involves collaboration between government agencies, civil society organizations,

communities, and international partners. This includes strengthening legal infrastructure and capacity, raising awareness about children's rights and legal protections against abuse, promoting community-based approaches to prevention and early intervention, and fostering cultural sensitivity and understanding within the legal system. By addressing these challenges, Rwanda can enhance the effectiveness of its legal mechanisms in protecting children from abuse and upholding their rights.

### **III.5.1 Resources constraints**

Resource constraints represent a significant challenge in the implementation of legal mechanisms against child abuse in Rwanda. Limited financial, human, and infrastructural resources can severely impede the effectiveness of efforts to prevent, investigate, and prosecute cases of child abuse.

Financial constraints often result in inadequate funding for key initiatives aimed at combating child abuse, such as training programs for law enforcement personnel and social workers, establishment and maintenance of shelters and support services, and public awareness campaigns. This can lead to gaps in service provision and a lack of capacity to respond effectively to reports of abuse.

Human resource constraints also pose challenges, particularly in terms of staffing for law enforcement agencies, social services, and the judicial system. Insufficient numbers of trained professionals, including police officers, prosecutors, social workers, and judges, can lead to backlogs in case processing, delays in investigations and court proceedings, and a lack of capacity to provide adequate support and protection to child victims.

Furthermore, infrastructural limitations, such as inadequate facilities and equipment, can hamper the delivery of effective child protection services. This includes the availability of suitable shelters for child victims of abuse, forensic facilities for collecting and analyzing evidence, and transportation for conducting investigations and providing support services in remote areas.

Addressing resource constraints requires a commitment to prioritizing child



protection within government budgets and policies, as well as leveraging support from international donors and development partners. Investments in training, staffing, infrastructure, and technology are essential to strengthen the capacity of law enforcement, social services, and the judicial system to respond effectively to child abuse. Additionally, efforts to improve coordination and collaboration among relevant stakeholders can help maximize the impact of available resources and ensure a more holistic approach to child protection. By addressing resource constraints, Rwanda can enhance its ability to protect children from abuse and uphold their rights under the law.

### **III.5.1.1 Financial and human resource affecting enforcement and protection mechanisms**

Financial and human resource constraints significantly impact the enforcement and protection mechanisms against child abuse in Rwanda, limiting the effectiveness of legal measures intended to safeguard children. Financial constraints include inadequate funding for essential child protection programs managed by the Ministry of Gender and Family Promotion (MIGEPROF) and the National Commission for Children (NCC). This funding shortfall affects the establishment and maintenance of shelters, provision of psychological support services, and implementation of rehabilitation programs. Furthermore, insufficient funds hinder the development and maintenance of necessary infrastructure, such as forensic facilities for evidence collection, child-friendly courtrooms, and adequate shelter facilities, thereby limiting the overall capacity to provide comprehensive and effective support to child abuse victims. Financial limitations also restrict the scope and reach of public awareness campaigns designed to educate communities about child rights and the importance of reporting abuse, resulting in lower levels of awareness and underreporting of abuse cases.

Human resource constraints are equally significant. There is a shortage of trained personnel across key sectors involved in child protection, including law enforcement, social services, and the judiciary. This shortage leads to overburdened staff, slower response times, and delayed processing of abuse cases. Additionally, limited financial resources impact the ability to provide ongoing training and professional development for law enforcement officers, social workers, and judicial staff. Without

adequate training, these professionals may lack the necessary skills and knowledge to handle child abuse cases effectively and sensitively.

The need for specialized personnel, such as forensic experts, child psychologists, and specialized child protection officers, is often unmet due to budgetary constraints, affecting the quality of services provided to child abuse victims. Moreover, low salaries and lack of career development opportunities can lead to high turnover rates and low morale among child protection workers, resulting in instability and inconsistency in the care and support provided to abuse victims.

Addressing these financial and human resource constraints requires a multi-faceted approach, including increasing government budget allocations for child protection, seeking international aid and partnerships, and implementing policies that prioritize the training, recruitment, and retention of skilled professionals.

By enhancing financial and human resources, Rwanda can strengthen its legal mechanisms and improve the protection and enforcement measures against child abuse.

### **III.5.1.2 Training and awareness**

Training and awareness are crucial legal mechanisms in Rwanda's efforts to combat child abuse and protect children's rights. Comprehensive training programs for law enforcement officers, particularly those in the Child and Family Protection Unit, equip officers with the skills needed to handle child abuse cases sensitively and effectively. These programs include understanding the legal framework for child protection, techniques for interviewing child victims, and procedures for collecting and preserving evidence. Judges and prosecutors receive specialized training to ensure they are knowledgeable about child protection laws and the psychological impacts of abuse on children, enabling them to adjudicate cases with greater sensitivity. Social workers are trained in child rights, trauma-informed care, and case management to provide appropriate support and interventions for child abuse victims. Community leaders, including teachers and religious leaders, are trained to recognize signs of abuse and understand the appropriate steps to take when abuse is suspected, creating a network of informed first responders in their communities.

Nationwide public awareness campaigns aim to educate the public on child rights, the signs of abuse, the legal repercussions of child abuse, and available support services. These campaigns use various media, including radio, television, social media, and community meetings, to reach a broad audience. School-based programs educate students and teachers about child rights, personal safety, and steps to take if they experience or witness abuse, promoting a safe and supportive school environment. Community-based initiatives, often led by local Child Protection Committees and NGOs, conduct workshops and seminars to educate community members about child protection laws and the importance of safeguarding children, helping to break down cultural barriers that may prevent the reporting of abuse. Collaborations with media organizations disseminate information about child protection laws and services widely, shaping public attitudes towards child abuse and encouraging a proactive stance against it. By implementing comprehensive training programs and robust awareness campaigns, Rwanda enhances the effectiveness of its legal mechanisms against child abuse, ensuring that professionals are well-prepared to handle cases and that the public is informed and engaged in protecting children's rights.<sup>48</sup>

### **III.3.3 Impact Assessment**

Impact assessment is a crucial component of evaluating the effectiveness of legal mechanisms against child abuse in Rwanda. By conducting thorough assessments, policymakers and stakeholders can understand the strengths and weaknesses of existing strategies, identify areas for improvement, and measure the outcomes of interventions. Impact assessments involve several key steps:

**Gather information :** Comprehensive information is essential to understand the prevalence and nature of child abuse, as well as the effectiveness of existing legal mechanisms in addressing it. This includes gathering data on reported cases of abuse, conviction rates, access to support services, and changes in societal attitudes towards child protection.

**Analysis of Legal Framework:** Assessments involve a review of existing laws, policies,

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<sup>48</sup> <https://www.who.int/news-room/fact-sheets/detail/child-maltreatment>

and procedures related to child protection to identify gaps or inconsistencies in the legal framework. This analysis helps determine whether legal mechanisms provide adequate protection for children and whether there are barriers to accessing justice for victims of abuse.

**Evaluation of Implementation:** Impact assessments evaluate how well legal mechanisms are implemented in practice. This involves examining the capacity and effectiveness of law enforcement agencies, social services, and the judicial system in responding to cases of child abuse. It also assesses the availability and accessibility of support services for victims.

**Assessment of Outcomes:** Impact assessments measure the outcomes of interventions aimed at preventing and addressing child abuse. This includes assessing changes in the incidence of child abuse, rates of reporting and prosecution, access to support services, and improvements in child well-being and safety.

**Stakeholder Engagement:** Engaging with stakeholders, including government agencies, civil society organizations, communities, and child protection experts, is crucial throughout the impact assessment process. Stakeholders provide valuable insights into the challenges and successes of existing legal mechanisms and can contribute to the development of recommendations for improvement.

**Recommendations for Improvement:** Based on the findings of the impact assessment, recommendations are developed to strengthen legal mechanisms against child abuse. These recommendations may include legislative reforms, capacity-building initiatives, awareness campaigns, and measures to improve coordination among relevant stakeholders.

### **III.4 Advocacy and Civil Society**

Advocacy and civil society play integral roles against child abuse in Rwanda, complementing governmental efforts and amplifying the voices of vulnerable populations. Here's how:

**Policy Advocacy:** Civil society organizations (CSOs stands for Civil Society Organizations). These are non-governmental, non-profit organizations that operate

independently of the government and are often driven by a common cause or interest) advocate for the development and implementation of robust child protection policies and legislation. They engage with policymakers to push for legal reforms that strengthen protections for children and enhance accountability for perpetrators of abuse.

**Awareness Campaigns:** CSOs conduct awareness campaigns to educate the public about child rights, the signs of abuse, and available support services.

By raising awareness, they empower communities to recognize and report instances of abuse, contributing to a culture of prevention and intervention.

**Legal Assistance:** Many CSOs provide legal assistance and representation to child abuse victims, ensuring their rights are upheld throughout the legal process. This includes helping victims navigate the justice system, accessing support services, and seeking redress for their experiences.

**Capacity Building:** CSOs often engage in capacity-building initiatives to strengthen the skills and knowledge of professionals working in child protection, including law enforcement officers, social workers, and judicial officials. By providing training and resources, they enhance the effectiveness of legal mechanisms in addressing child abuse.

**Monitoring and Reporting:** Civil society organizations play a critical role in monitoring government efforts to address child abuse and holding authorities accountable for their actions. They collect data on child protection issues, document cases of abuse, and advocate for systemic changes to improve the response to child abuse incidents.

**Support Services:** Many CSOs operate shelters, counseling centers, and other support services for child abuse victims. These services provide a safe haven for children in crisis, offering emotional support, medical care, and legal assistance to help them recover and rebuild their lives.

Overall, advocacy and civil society engagement are essential components of Rwanda's legal framework for combating child abuse. By working collaboratively

with government agencies, communities, and international partners, CSOs contribute to the development of comprehensive strategies to protect children's rights and prevent abuse. Their efforts complement legal mechanisms by providing support, amplifying voices, and driving systemic change to create a safer environment for all children.

### III.4.1 NGO Involvement

NGO involvement is instrumental in strengthening legal mechanisms against child abuse in Rwanda, supplementing governmental efforts with targeted interventions and support services. Here's how NGOs contribute:

**Service Provision:** NGOs play a critical role in providing direct support services to child abuse victims. This includes operating shelters, counseling centers, and hotlines where victims can seek refuge, receive counseling, and access medical and legal assistance.

**Advocacy and Awareness:** NGOs conduct advocacy campaigns to raise awareness about child rights and the impact of abuse on children. Through media campaigns, community outreach, and educational programs, they empower communities to recognize signs of abuse, report incidents, and support victims.

**Capacity Building:** NGOs offer training and capacity-building programs for professionals working in child protection, including law enforcement officers, social workers, and judicial officials. These programs enhance the skills and knowledge of frontline responders, improving their ability to effectively identify, investigate, and respond to cases of child abuse.

**Legal Assistance:** Many NGOs provide legal aid and representation to child abuse victims, ensuring their rights are protected throughout the legal process. This includes assisting victims with filing reports, navigating court proceedings, and seeking justice and compensation for their experiences.

**Collaboration and Partnership:** NGOs collaborate with government agencies, civil society organizations, and international partners to coordinate efforts and maximize impact. By leveraging diverse expertise and resources, they strengthen the collective

response to child abuse and ensure a holistic approach to child protection.

### **III.4.2 Public Awareness Campaigns**

Public awareness campaigns are a crucial legal mechanism against child abuse in Rwanda, aiming to educate and mobilize the public to recognize, prevent, and report instances of abuse. These campaigns encompass a variety of educational initiatives targeting diverse audiences, such as parents, caregivers, educators, and community members. Through workshops, seminars, and outreach events, community engagement is fostered, providing opportunities for dialogue and learning about effective strategies for preventing and addressing child abuse.

Mass media channels, including television, radio, newspapers, and social media platforms, are utilized to disseminate information and messages about child abuse prevention and intervention, reaching a wide audience. Public service announcements, documentaries, and interviews with experts contribute to raising awareness about the importance of safeguarding children's rights. Collaborations with government agencies, civil society organizations, religious institutions, schools, and other stakeholders are essential for the success of public awareness campaigns. By leveraging existing networks and resources, campaigns can reach a broader audience and have a more significant impact. Ultimately, these campaigns empower individuals to become advocates for child rights and agents of change within their communities, equipping them with the knowledge and resources needed to take action against child abuse and advocating for policy reforms to strengthen legal mechanisms and enhance child protection efforts.

### **III.4.3 Community Engagement**

Community engagement is a fundamental legal mechanism against child abuse in Rwanda, fostering a collaborative approach to prevention, detection, and response within local communities. Through various initiatives and partnerships, community engagement empowers individuals to play an active role in protecting children's rights and ensuring their safety.

**Education and Awareness:** Community engagement initiatives aim to educate and raise awareness about child abuse, its signs, and its impact on children and

communities. Workshops, seminars, and informational sessions provide community members with the knowledge and skills needed to recognize and report abuse effectively.

**Capacity Building:** Training programs are conducted to enhance the capacity of community members, including parents, teachers, religious leaders, and local authorities, in responding to child abuse cases. These programs focus on providing guidance on appropriate interventions, support services, and legal procedures.

**Community-Based Reporting Systems:** Community engagement promotes the establishment of community-based reporting systems where individuals can safely and confidentially report suspected cases of child abuse. These systems facilitate early detection and intervention, ensuring that children receive the necessary protection and support.

**Support Networks:** Community engagement initiatives create support networks for child abuse victims and their families, offering emotional support, counseling, and access to resources such as shelters and healthcare services. These networks provide a safety net for vulnerable individuals and strengthen community resilience against abuse.

**Cultural Sensitivity and Inclusivity:** Community engagement approaches are culturally sensitive and inclusive, taking into account local customs, beliefs, and practices. By respecting cultural norms and traditions, these initiatives build trust and rapport within communities, encouraging active participation and collaboration.

**Partnerships with Local Organizations:** Community engagement efforts often involve partnerships with local organizations, including schools, churches, community centers, and grassroots initiatives. These partnerships leverage existing community structures and resources to maximize impact and reach diverse populations.

**Prevention and Advocacy:** Beyond responding to individual cases, community engagement focuses on prevention strategies and advocacy for systemic change. By addressing root causes of child abuse, such as poverty, inequality, and social stigma,



these initiatives work towards creating a safer and more supportive environment for children.

The community engagement is a vital legal mechanism against child abuse in Rwanda, mobilizing communities to take collective action in safeguarding children's rights and well-being. Through education, capacity building, support networks, cultural sensitivity, partnerships, and advocacy, community engagement initiatives contribute to creating a protective environment.

### **III.5 Judicial Processes**

Judicial processes are essential in Rwanda's efforts to implement human rights against child abuse. These processes ensure that perpetrators of child abuse are held accountable for their actions and that victims receive justice and protection under the law. Law enforcement agencies conduct thorough investigations into allegations of child abuse, gathering evidence to build a case against perpetrators, which is then used by prosecutors to pursue criminal charges.

Formal legal proceedings, including trials and hearings, provide a forum for presenting evidence and legal arguments. Special measures are implemented to ensure that these processes are child-friendly and sensitive to the needs of young victims, such as using child-friendly language and providing support from trained professionals. Throughout legal proceedings, priority is given to the protection and support of child abuse victims, including access to counseling and other support services. Victims are entitled to legal aid and representation to ensure their rights are upheld in court. If perpetrators are found guilty, judicial processes determine appropriate sentencing and rehabilitation measures. Enforcement of court orders ensures that perpetrators comply with legal obligations, preventing further harm to child abuse victims.

#### **III.5.1 Prosecution of Offenders**

Prosecution of offenders is a vital legal mechanism against child abuse in Rwanda, serving to hold perpetrators accountable for their actions and deter future instances of abuse. Here's how prosecution contributes to combating child abuse:

**Investigation and Evidence Gathering:** Prosecutors work closely with law enforcement agencies to investigate allegations of child abuse, gathering evidence and building a strong case against offenders. This may involve interviewing witnesses, collecting forensic evidence, and conducting thorough examinations of the crime scene.

**Charging and Indictment:** Once sufficient evidence has been gathered, prosecutors file formal charges against offenders and present the case before a judge or tribunal. The indictment outlines the specific allegations of child abuse and the legal basis for prosecution.

**Legal Proceedings:** Prosecution involves formal legal proceedings, including trials and hearings, where evidence is presented, witnesses testify, and legal arguments are made. Prosecutors advocate for the interests of the state and the victim, seeking justice for the harm caused by the offender.

**Fair Trial Rights:** Prosecution ensures that offenders are afforded their fair trial rights, including the right to legal representation, the presumption of innocence, and the opportunity to present a defense. This ensures due process and upholds the principles of justice and fairness.

**Victim Protection and Support:** Prosecutors prioritize the protection and support of child abuse victims throughout the legal process. This includes ensuring that victims are treated with dignity and respect, providing access to support services such as counseling and medical care, and minimizing re-traumatization during court proceedings.

**Accountability and Deterrence:** Prosecution holds offenders accountable for their actions, sending a clear message that child abuse will not be tolerated in society. The threat of prosecution acts as a deterrent to potential offenders, helping to prevent future instances of abuse and protect children from harm.

**Sentencing and Rehabilitation:** If offenders are found guilty, prosecution plays a key role in determining appropriate sentencing and rehabilitation measures. This may include imprisonment, fines, probation, or participation in rehabilitative programs

aimed at addressing the underlying causes of abusive behavior and preventing re-offending.

### III.5.2 Child-Friendly Procedure

Child-friendly procedures are essential legal mechanisms in Rwanda's efforts to combat child abuse, ensuring that children who are victims or witnesses of abuse are treated with sensitivity, dignity, and respect throughout legal proceedings. Here's how child-friendly procedures contribute to protecting children's rights and well-being:

**Specialized Interviewing:** Child-friendly procedures involve conducting interviews with child victims or witnesses in a child-sensitive manner, using trained professionals who have expertise in communicating with children. This helps to minimize trauma and ensure that children can provide accurate and reliable testimony.

**Safe and Supportive Environment:** Legal proceedings are conducted in environments that are safe, comfortable, and age-appropriate for children. This may include designated child-friendly spaces within courtrooms or separate waiting areas where children can be accompanied by trusted adults.

**Use of Child-Friendly Language:** Child-friendly procedures use language that is understandable and appropriate for children, avoiding legal jargon and complex terminology. This ensures that children can fully understand their rights, the legal process, and the questions being asked of them.

**Presence of Support Persons:** Child victims or witnesses are allowed to have support persons present during legal proceedings, such as a trusted adult, social worker, or child advocate. These support persons provide emotional support, reassurance, and advocacy on behalf of the child.

**Protection from Confrontation:** Child-friendly procedures aim to protect children from direct confrontation with the alleged perpetrator during legal proceedings. This may involve using screens or video technology to shield children from the accused or allowing children to testify via closed-circuit television or video recording.

**Child Advocacy and Representation:** Child-friendly procedures ensure that children have access to legal representation or advocacy services to protect their rights and interests throughout legal proceedings. This may include appointing a guardian ad litem or child advocate to represent the child's best interests in court.

**Continued Support and Follow-Up:** Child-friendly procedures include provisions for continued support and follow-up services for child victims after legal proceedings have concluded. This may involve access to counseling, medical care, and other support services to help children cope with the trauma of abuse and navigate the aftermath of legal proceedings.

### **III.6 Accountability**

Accountability is a cornerstone legal mechanism in Rwanda's fight against child abuse, ensuring that individuals and institutions responsible for perpetrating or enabling abuse are held to answer for their actions.

This involves robust judicial processes, including trials and hearings, where offenders are formally charged, evidence is presented, and legal arguments are made to establish guilt or innocence. Rwanda's legal framework provides the foundation for this accountability, with laws criminalizing various forms of abuse and establishing penalties for offenders. Moreover, accountability extends beyond individuals to include institutions and organizations tasked with safeguarding children, holding them responsible for implementing child protection policies and responding effectively to reports of abuse. Transparency and oversight mechanisms play a crucial role in promoting accountability, monitoring compliance with child protection standards, and investigating complaints or failures in protection.

Accountability also encompasses ensuring victim rights and redress, providing access to justice, support services, and compensation for those harmed by abuse. By promoting accountability, Rwanda aims to deter future abuse, incentivize proactive prevention efforts, and uphold the rights and well-being of all children within its borders.

## General conclusion

Rwandan law takes a comprehensive and stringent approach to protecting children from abuse, enshrining robust legal provisions to safeguard their well-being. Central to this legal framework is the Law No. 71/2018 of 31/08/2018 Relating to the Protection of the Child, which establishes the fundamental rights of children and delineates the responsibilities of parents, guardians, and institutions in ensuring these rights are upheld. The law criminalizes all forms of child abuse, including physical, emotional, and sexual abuse, as well as neglect, imposing severe penalties on perpetrators to deter such actions.

Moreover, the Rwandan legal system mandates the reporting of any suspected cases of child abuse, with specific obligations placed on professionals working with children, such as teachers and healthcare providers. The National Commission for Children (NCC) and other governmental and non-governmental organizations play a pivotal role in enforcing these laws, providing intervention, support, and rehabilitation services for victims.

Rwanda's commitment to child protection is further bolstered by its adherence to international conventions, such as the United Nations Convention on the Rights of the Child, which reinforce national efforts. The integrated approach includes public awareness campaigns and educational programs aimed at preventing abuse and fostering a protective environment for children.

Rwanda's legal framework for protecting children from abuse is both comprehensive and proactive, emphasizing prevention, strict enforcement, and victim support. The collaborative efforts of governmental bodies, civil society, and international partners are crucial in ensuring the effective implementation of these laws, thereby safeguarding the rights and well-being of every child in Rwanda.

## Recommendations

- 1. Strengthen Enforcement Mechanisms:** Ensure that law enforcement agencies and judicial systems are adequately trained and resourced to handle child abuse cases effectively, ensuring swift and fair justice.

**2. Increase Public Awareness:** Conduct nationwide awareness campaigns to educate the public about the signs of child abuse, the importance of reporting it, and the legal consequences for perpetrators.

**3. Improve Reporting Systems:** Develop and promote accessible, confidential, and child-friendly reporting mechanisms that encourage victims and witnesses to come forward without fear of retribution.

**4. Enhance Support Services:** Expand and improve services for child abuse victims, including psychological counseling, medical care, legal assistance, and safe shelters.

**5. Capacity Building for Professionals:** Provide regular training for teachers, healthcare providers, social workers, and law enforcement officials on recognizing, reporting, and managing child abuse cases.

**6. Community Engagement:** Involve community leaders and organizations in child protection efforts, fostering a community-based approach to preventing and addressing abuse.

**7. Legislative Review and Updates:** Periodically review and update child protection laws to address emerging challenges and ensure alignment with international standards.

**8. Integration of Services:** Promote coordination among various sectors, such as health, education, and social services, to provide a holistic response to child abuse.

**9. Support Family Strengthening Programs:** Implement programs aimed at strengthening families, addressing issues such as domestic violence, substance abuse, and economic hardship that can contribute to child abuse.

**10. International Collaboration:** Work with international organizations and other countries to share best practices, resources, and support for combating child abuse.

Implementing these recommendations can significantly enhance the protection of children from abuse, ensuring a safer and more supportive environment.

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