

Rwanda: Law 27 of 2001 Relating to the Rights and Protection of the Child Against Violence

Promulgated on 28 April 2001. It covers a wide range of children's rights and criminalises forced marriage of a child below the age of twenty one.

Excerpts

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CHAPTER 1 - Rights of the child

Article 1

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

Article 2

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

Article 3

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

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Article 8

Every orphan must have a guardian, an adoptive parent or be under the care of a specialised institution. The State is responsible for any child having neither a guardian nor an adoptive parent. Conditions to be fulfilled by child care institutions are determined by a decree issued by the Minister having the Social Affairs in his attributions.

Article 9

The child's interests must be taken into account before any decision concerning him/her is made. It is a right for the child to express his or her opinion on any matter regarding him/her. It is necessary to hear from the child prior to making any decision concerning him/her regarding administrative and judiciary matters whether directly or indirectly through his or her representative.

Article 10

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

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Article 14

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

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Article 16

Adoption of any child should be done in the interest of the child. A decree of the Minister having Social Affairs in his or her attributions determines the mechanism to ensure a regular follow-up of the conditions of adopted children in the concerned families.

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Article 20

No child should be subjected to torture, inhuman and degrading treatment.

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Article 22

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

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CHAPTER 2 - A child's responsibilities

Article 24

The National Commission on Human Rights must set up specifications on how to follow-up the protection of the rights of the child.

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CHAPTER 3 - Crimes against children and their penalties

Article 28

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

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SECTION 2 - Crimes of rape and use of a child for dehumanising acts

Article 33

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

Article 34

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

imprisonment and be fined between one hundred thousand to two hundred thousand francs.

Article 35

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

Article 36

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

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SECTION 3 - Crimes of engaging a child in fornication and prostitution

Article 38

Whoever attracts persuades or deceives a child to commit her/himself to prostitution or fornication, shall be sentenced to imprisonment of between three months and five years and pay a fine of between of ten thousand and one hundred thousand francs.

SECTION 4 - Crimes of child exploitation

Article 39

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

Article 40

Anyone who benefits from prostitution of a child or knowingly is given and accepts assistance well aware that it is from a child's prostitution shall be sentenced to imprisonment of between two years and five years.

Whoever uses children or exploits them for night activities aimed at advertising prostitution or as interest arousing means in pornographic publications, shall be sentenced to imprisonment of between five years and twelve years and pay a fine of between two hundred thousand five hundred thousand francs.

Article 41

Whoever kidnaps, sells or leads children into slavery, shall be sentenced to imprisonment of between five years and life imprisonment and pay a fine of between two hundred thousand to five hundred thousand francs.

Article 42

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

SECTION 5 - Crimes of neglecting and abandoning a child

Article 43

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

Article 44

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

Article 45

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

Article 46

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

SECTION 6 - Crimes of giving a child for premature or forced marriage

Article 47

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

Article 48

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

Article 49

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

Article 50

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

CHAPTER 4 - Miscellaneous and final provisions

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Article 52

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

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