

WE-ACTx for Hope



**KNOW YOUR RIGHTS!**

Handbook for Kids and Young Adults





# All Rwandans are born and remain free and equal in rights and responsibilities.

The Constitution of the Republic of Rwanda, Article 11.

## “Know Your Rights: Handbook for Kids and Young Adults” 2010 WE-ACTx for Hope

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This handbook is available in Kinyarwanda and English at [www.we-actx.org](http://www.we-actx.org). Printed copies of the Kinyarwanda version will be distributed throughout Rwanda. Resources permitting, periodic updates will be posted at [www.we-actx.org](http://www.we-actx.org) in between updates to the print copies. This handbook and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, WE-ACTx for Hope and Latham & Watkins LLP are not responsible for inaccuracies in the text. The information contained herein was gathered from sources that are to the best of our knowledge accurate and reliable. The laws are rapidly changing in Rwanda, and as such some of this information may no longer be accurate. All children's names have been changed in this handbook.

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## ABOUT THIS HANDBOOK

Every person in Rwanda has rights from the moment he or she is born. Even if you are young, the law says that you have many rights just like any adult. This handbook is to help kids and young adults like you to learn what your rights are and how to protect them. Sometimes, adults can help you stand up for your rights, and so this handbook is to help them too.

### Part I: For Kids

#### UWIZEYE'S AND GAKUBA'S STORY

The first part of this handbook is a story for children about a young frog and a young crane. Their families are facing many challenges much like many families in Rwanda, maybe even like your own. It can be hard to talk about your problems or the things that make you sad. When you read this story, think about how Uwizeye and Gakuba deal with the problems they face in their lives, and think about how you would deal with similar problems.

For the adults who are reading this handbook with a child, this story is meant to help children begin to process the events in their lives and learn how to solve their problems. Please help a young child to read the story and then talk to that child about what happened.

### Part II: For Young Adults

#### KNOW YOUR RIGHTS!

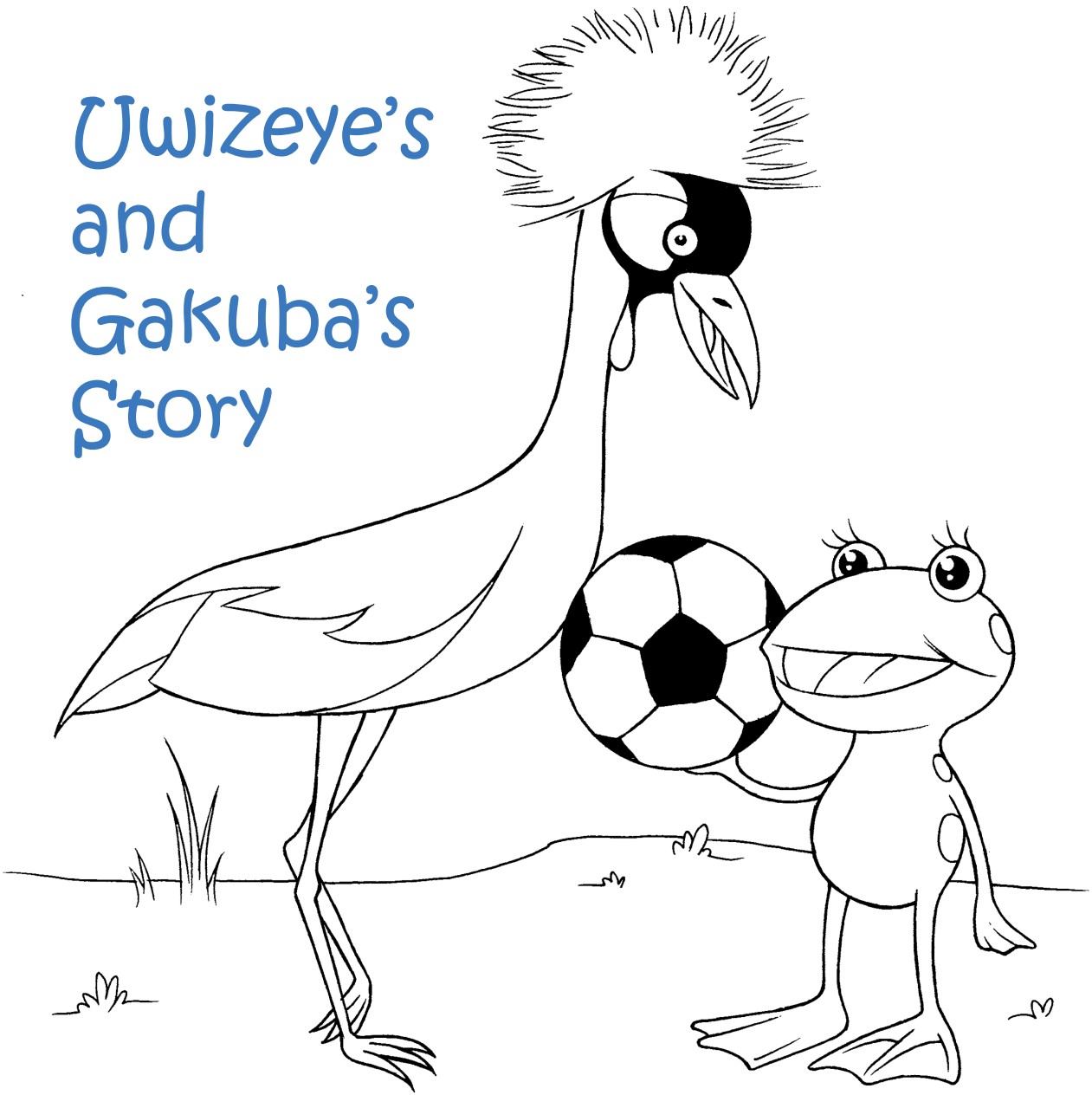
The second part of this handbook is to help young adults learn about their rights and what to do when those rights are violated. Rwandan laws protect every person's right to life, privacy, property, freedom from discrimination, health care, education and equal treatment by the police and the courts. Rwandan laws protect these rights no matter what your age.

If someone is violating your rights, that person is violating the law. Part II of this handbook is organized by the different ways the law protects you in school, at work, at the doctor's office, and among your family and friends. By learning about the laws in Rwanda, you can learn how to protect your own rights or help a friend or sibling protect theirs. With some problems, you may need the help of the local authorities, police, an umufasha who works at a public service or human rights organization, or a lawyer.



Look for this symbol for phone numbers and addresses of people whom you can ask for help.

# Uwizeye's and Gakuba's Story



Part I: For Kids

## CHAPTER I

# Uwizeye Helps Her Family

Uwizeye is a little frog. She lives in a house with a blue door with her big sister Uwamahoro and big brother Haguma.

Uwizeye likes to do many of the same things you probably like to do. She likes to jump very high. She likes to eat crunchy maize. She likes to sing and dance and tell stories. Most of all, she loves to play football with her friend Gakuba, who is a tall, crowned crane.

When Uwizeye was still very small, her mother became very sick from the disease called AIDS. At first, Uwizeye did not notice anything different about her mother compared to other mothers, except that her mother was sometimes very tired. As time passed, her mother grew tired more often and could not go to the market or play games. Some days, her mother did not even get out of bed.

Then one day, Uwizeye's mother died.

It was very hard for Uwizeye when her mother died. Uwizeye and her friend Gakuba usually played football after school, but Uwizeye did not want to play. She and Gakuba just sat by the pond instead. Sometimes Uwizeye did not talk at all.



Gakuba said he did not mind sitting by the pond, because it helped Uwizeye feel better. Gakuba said, "We can do whatever you want, Uwizeye. You are my friend, and I will sit here with you if you want, no matter what."

After Uwizeye's mother died, it was very sad for her sister and brother too. Together, Uwizeye and her siblings hung a picture of their mother on the wall in the house.

What also made them sad was that after their mother died, there was no grown-up to take care of them. Their father had already died many years before.

Uwizeye's big sister, Uwamahoro, went and asked their aunt for help, but Auntie did not have enough money to take care of the three of them. Auntie instead said she would try very hard to find Uncle and ask for help.

Uwizeye's Uncle lived in another pond with his wife and children. Uwizeye did not know him well, but she had seen him once and knew he had yellow spots just like she did.

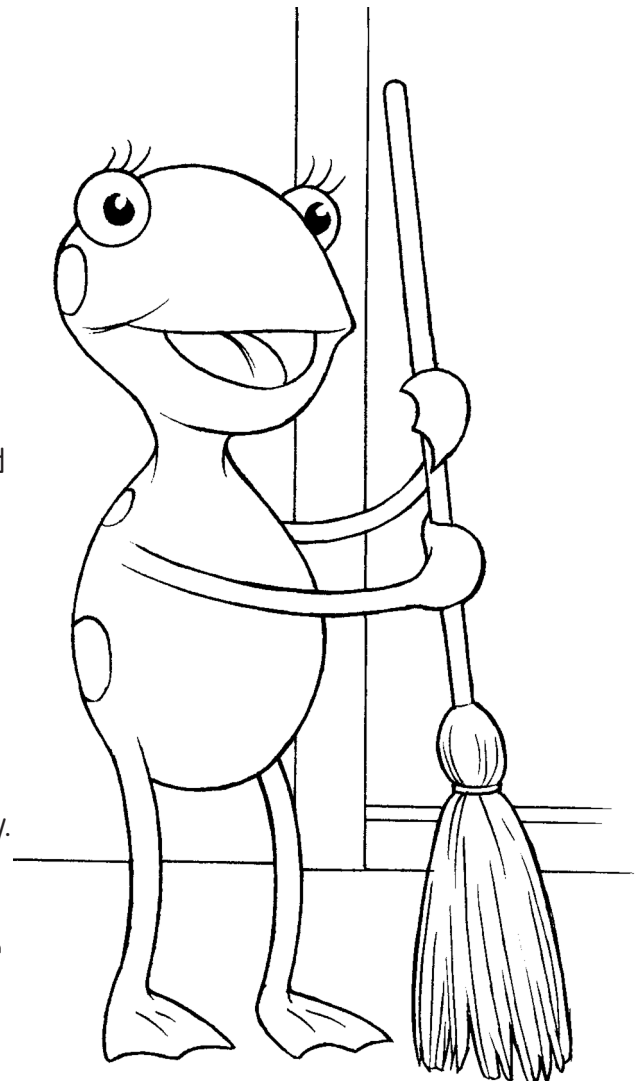
Uwamahoro was in charge of the food and money but there was not very much of either, so Auntie came over with food many nights. When Auntie had no food to share, Gakuba's mother and father and other neighbors brought over food to help. Uwizeye thought the lion family's warm chapati was very delicious.

During this time, Uwizeye learned a lot about doing her part to help the family. She did her homework right away and tried hard at school. She washed her brother's and sister's clothing even if Uwamahoro did not ask. She even tried not to argue so much with her brother—even when he teased her. Uwizeye knew that Uwamahoro and Haguma were very worried and that made her worried too. She wanted to try to be helpful when everyone was feeling that way.

One day she came home from school to see her sister, brother, and Auntie sitting at the table with Uncle and a leopard she had never seen before.

When Uwizeye entered the house, the leopard greeted her. She had kind eyes that sparkled when she smiled. She said, "Hello Uwizeye. My name is Umutoni. I am an umufasha, a helper." Uwizeye was not sure what that meant.

Umutoni said, "An umufasha is someone who helps little frogs, robins, lions, wagtails, black kites, monkeys, pigs, bees, tick-eater birds, jackals, chameleons, deer, hyenas, cats, dogs, leopards, sheep, cows,



chickens, and crowned cranes—any little child like you who needs help. I work with other umufashas in an organization called an NGO. Your Auntie and sister came to my office to ask me to help you and your family.”

Umutoni explained that an umufasha can sometimes help children with things like enrolling in school, going to a doctor, or finding food, clothing, and shelter. She said that those who need help come to see her at the office of her NGO. She had made a special trip to visit Uwizeye’s family at home.

Uwizeye was still not sure what all this meant, but she liked the leopard with her warm voice.

Uncle called Uwizeye over to his side and then put his arm around her. He said, “Uwizeye, I know we don’t know each other well.”

He looked sad and looked away at the ground. He said, “That is my fault. I have another family that I have been taking care of. Now I know that you need my help too.”

Uncle took a breath and said, “I have been talking with Umutoni, and she has been helping me to learn what I should do as your guardian. Because you need my help, I have a responsibility to take care of you.”

Uwizeye could see that Uncle was very serious, but she was not sure she could believe him. She decided she would wait and see what would change.

Over the next few months, Uwizeye saw Uncle many times. Some nights, he sat at the table with Haguma and Uwizeye and helped with their lessons. Sometimes Umutoni would come with him, too, and ask questions to find out how everyone in the family was doing and to give advice. Umutoni would check to make sure that Uwizeye and her siblings were healthy and going to school. Each night, Uncle would bring food such as a bag of yams or ugali. Then he would leave before everyone sat down to dinner.

Uwizeye did not like that Uncle never stayed to eat with her family and that she had never met her cousins, but she was afraid to talk about this. She was afraid that if she asked him to stay for dinner, he might stop coming to the house at all. Even though she was scared to talk to Uncle, it bothered Uwizeye so much that she finally asked Umutoni whether she should talk to her uncle.

Umutoni said “Yes, Uwizeye, he is your uncle, and as your guardian, he must care for you and make sure you have everything you need to grow up to be a good, strong frog. You should talk to him if this is bothering you. I will talk to him, too.”

One evening, after helping big sister Uwamahoro fix the squeaky door, Uncle went to put on his jacket to go. Finally, Uwizeye said rather loudly, “Uncle, don’t you want to have dinner with us?”



Uncle stood at the door and did not move. He seemed to be thinking. Slowly, he said, “Yes, Uwizeye, I would like to share dinner with you. But I cannot stay tonight.”

Uwizeye was very sad. But then Uncle said, “I will tell my wife, son, and daughter that I will eat here with you tomorrow night. And soon, I will bring the three of you to meet all of them too.”

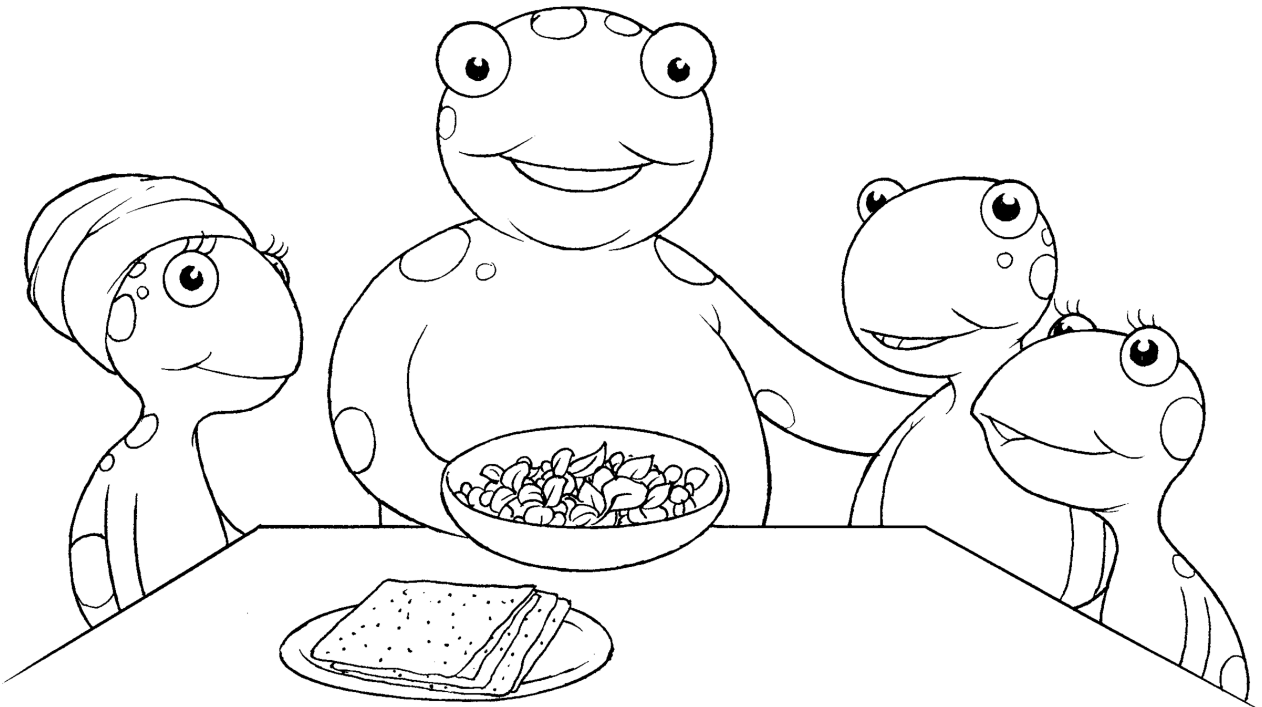
“Did you know,” Uncle asked, “I am your guardian, and so the law says, now you are my children?” Uwizeye did not know this.

“Yes, you are my daughter. I must try to take care of you just as your mother did,” he explained. “So, you see, our new family is undergoing a big change. It is a big change for all of my kids and my wife, not just for you and me, and this can be hard.

I do not have much money. I live in a very small house. So, everyone in our family shall all have to work together to find ways to live together well. But sometime soon, I hope we will all eat our dinners together in one home—even if it is our very small home,” he said with a wink.

Uwizeye smiled back. Uncle said, “You see? I am learning my responsibilities in this family, just like you.”

Uwizeye thought about how she had been trying to study hard, do the wash, and not fight with her brother. She had learned her responsibilities! She was proud of herself. She was not sure what new changes were coming, but she knew that whatever they were, she, Uwamahoro, Haguma, and Uncle would learn to handle them together, as a family. ♦



## CHAPTER II

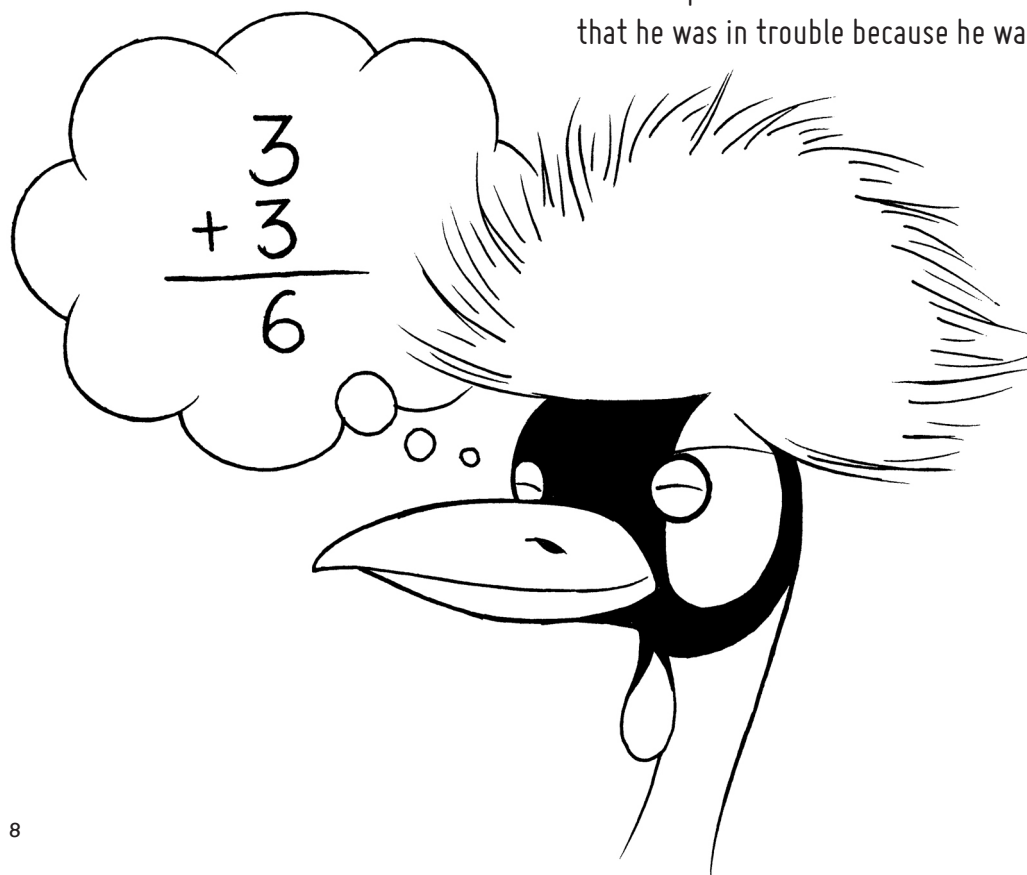
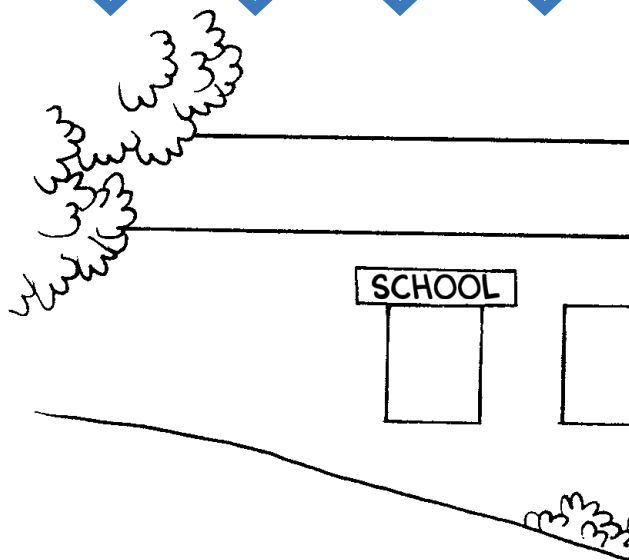
### Gakuba Goes to School

For the first time in a long time, Uwizeye wanted to play football. Uwizeye's friend Gakuba had many reasons to be happy. Uwizeye was feeling better about her life and now they could both play football again.

He and Uwizeye were in the same class at their primary school. The only other thing Gakuba loved more than football was learning math. One day he missed only one question on the math test and then scored two goals during recess. He thought that was the best day he had ever had.

Math was the first class on Monday, so Gakuba often ran from his house all the way up the hill to school so that he could make sure he was on time.

One morning, while everyone was quietly working on multiplication, Teacher called Gakuba up to her desk. Teacher told Gakuba that he was in trouble because he was not





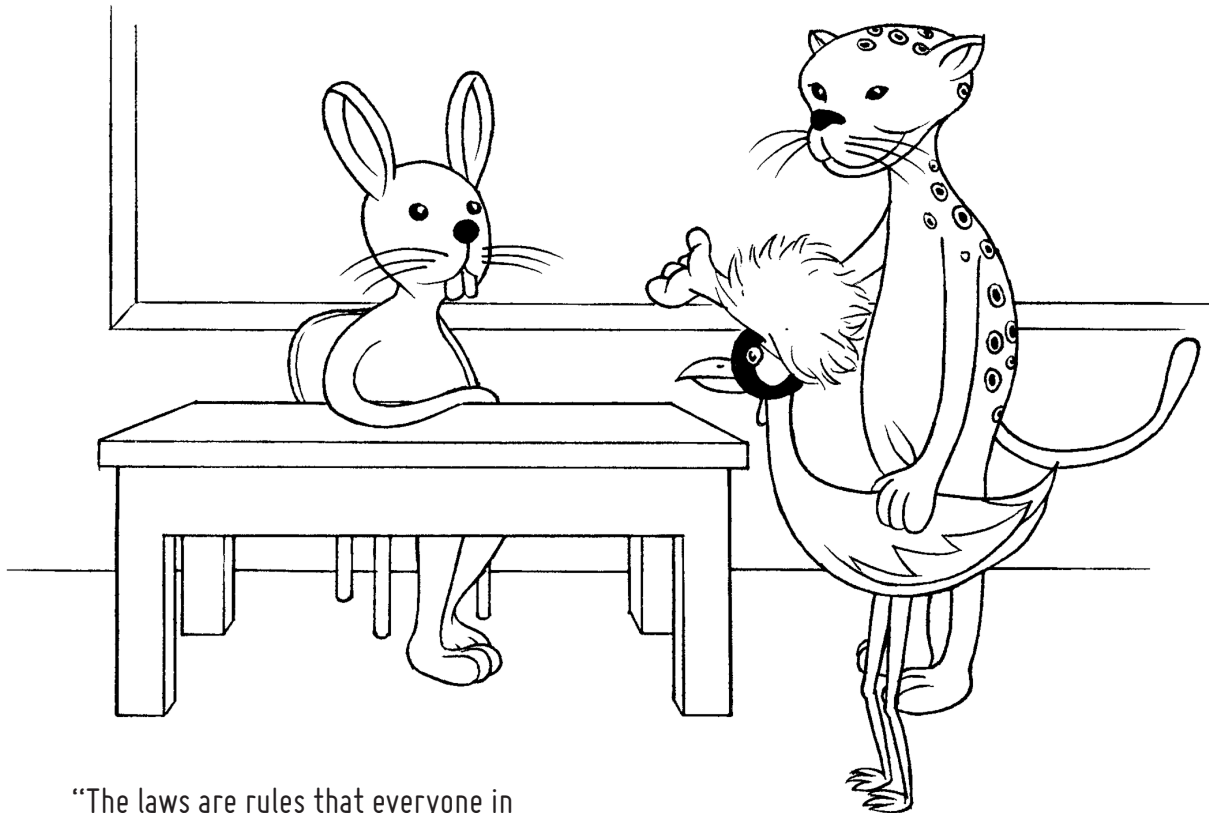
wearing a uniform and had not paid the incentive payment. Teacher said, if Gakuba did not buy a uniform and pay the fees, he could not come to school. Gakuba became very upset.

After school, Gakuba told Uwizeye what Teacher had said, and they talked about what Gakuba could do. Gakuba's parents did not have enough money to pay for a uniform or for the fees. They had already sold their cow to pay the fees the year before. Gakuba was worried. "I must find a way to keep going to school," he said.

Suddenly, Uwizeye had an idea. "Maybe we should ask Umutoni the leopard for help! She is the umufasha who is helping my family," she said. "I hear that she is helping other children, too. Remember when our classmate Nyiraneza was not allowed into

the school, because she needed crutches to walk? Umutoni explained the laws to Teacher and the principal, and they let Nyiraneza come back to school!" Gakuba remembered this and how happy Nyiraneza was to come back to school.

Gakuba thought talking to Umutoni was worth a try. He told his parents the idea, and they agreed to meet Umutoni at her office. When they explained what Teacher had said, Umutoni said that she would help them find a way to talk to the school. She said that under the law, public schools are not allowed to prevent children from attending—even if the children cannot pay for fees, supplies, or a uniform like Gakuba, and even if they have HIV or a disability like Nyiraneza.



“The laws are rules that everyone in Rwanda must live by,” Umutoni explained. “And the laws say that every child can attend public primary school, even if he or she cannot pay or has a disability. Getting an education is every child’s responsibility, and we adults should help to make this happen.”

Gakuba was very happy to hear this. He wanted to learn as much math as he could. Umutoni said her co-worker Shyaka would talk to Teacher about finding a way for Gakuba to continue going to school.

The next day, Shyaka talked to Teacher and explained that Gakuba’s family could not afford to pay for a uniform. Shyaka said that his NGO might be able to help pay for the uniform, but the organization could only help to pay a little at a time.

Teacher did not know that the law said every child could go to school, at least through primary school, even if the child could not pay for things like a uniform or handbooks. When she learned about the laws, she agreed that Gakuba would still be allowed to go to school. Shyaka, Gakuba, and Uwizeye were very grateful for this good news.

After that, Gakuba did not have any problems with school or Teacher. Uwizeye, on the other hand, did have problems sometimes. She did not enjoy school as much as Gakuba, but she knew it was important to learn as much as she could. She was still trying to be responsible by helping her family and doing her best in class was one way to help. ♦

## CHAPTER III

### Gakuba and His Father's Problem

Things were good for both Uwizeye and Gakuba for a while again. But then one day, Gakuba missed school.

Gakuba had never even been late to school before. He liked it that much. That day, Uwizeye waited so long in front of the schoolhouse for Gakuba that Teacher came out to call her to class. Gakuba did not come to school until the next day.

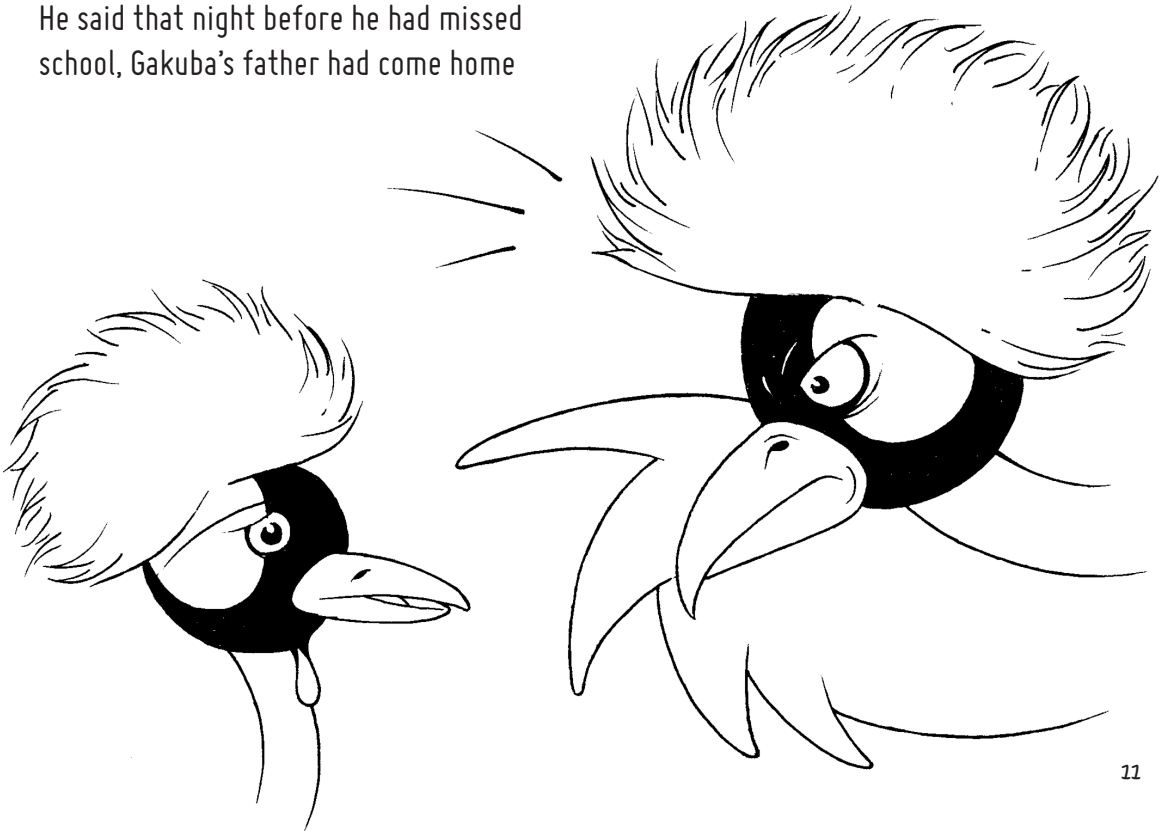
When Uwizeye asked why he had missed school, Gakuba at first did not want to talk about it. Uwizeye asked again a few times but then gave up. It took many days until finally Gakuba decided on his own to tell her.

He said that night before he had missed school, Gakuba's father had come home

very late. His father was very angry and drunk. He blamed Gakuba for trouble he was having at his job.

"If I did not have to take care of you, Gakuba, my life would be easy," Gakuba's father had said. His father then hit Gakuba very hard. Gakuba said he could not come to school because his father was so angry that he would not let Gakuba go to school, telling Gakuba, he should go to work instead of studying. Gakuba said that his father got mad a lot but had never hit him so hard before.

Gakuba started to cry. Uwizeye wanted to help Gakuba but wasn't sure how. She went home and asked her big sister Uwamahoro.



Uwamahoro was very worried about Gakuba. Uwamahoro said, “Gakuba did not do anything wrong. He might think that he did something that made his father hit him. But Gakuba did not do anything so wrong that his father is allowed to beat him and keep him from school. His father did a very bad thing drinking too much and blaming Gakuba for his own problems.”

“What can we do?” Uwizeye asked.

Uwamahoro said, “Maybe we can help Gakuba to find someone, a grown-up, who can talk to his father, to remind his father he is not allowed to beat his children and to help him learn how to control his drinking.”

The next day, when Uwizeye and Gakuba were sitting by the pond, Uwizeye told Gakuba what her big sister had said. Uwizeye said that what Gakuba’s father did was not Gakuba’s fault. Gakuba was embarrassed at first, but he knew Uwizeye was trying to help him. Uwizeye said, “Maybe, you should tell another grown-up?”

Gakuba thought about it for a while. He did not know many grown-ups to talk to, and he loved his father. He did not want his father to be in trouble. Uwizeye thought too and said, “Maybe you could tell your mother.”

“I don’t know,” Gakuba said, “I don’t think she can help me easily, because she lives with my father, too.”

“Maybe the police?” Uwizeye suggested.

Gakuba said, “I don’t know any police. I’m scared to talk to them.”



“What about Teacher?” Uwizeye said.

“No, I don’t feel comfortable telling her about my problems,” said Gakuba.

“We could see what Umutoni and Shyaka could do to help,” suggested Uwizeye.

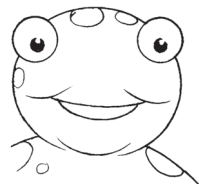
Gakuba did not say anything while he thought. “Yes, maybe,” said Gakuba. “I’m not sure yet, but maybe I will go talk to them. Maybe they can help me to decide what to do.”

“When you decide what you want to do, I will help you,” said Uwizeye. “And whenever you need to be away from your father, you should come to my house. You are my friend, and remember what you said when I was very sad? You said, ‘no matter what.’ Now, I will help you, no matter what.”

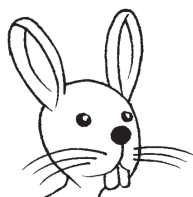
Gakuba was glad to have a friend like Uwizeye, and Uwizeye was glad to have Gakuba too. They were glad they could help each other, even when things were very hard. They were grateful for their families, even with all the problems they had. Gakuba and Uwizeye were also very happy just to sit by the big pond together.



**Uwizeye says,** “When my mother died, my sister, brother and I were so sad. But we learned how to help each other around the house and I try to work hard at school. That has made things a little easier.”



**Uncle says,** “As a guardian, I am responsible for the children in my care. I will take care of them as best I can.”



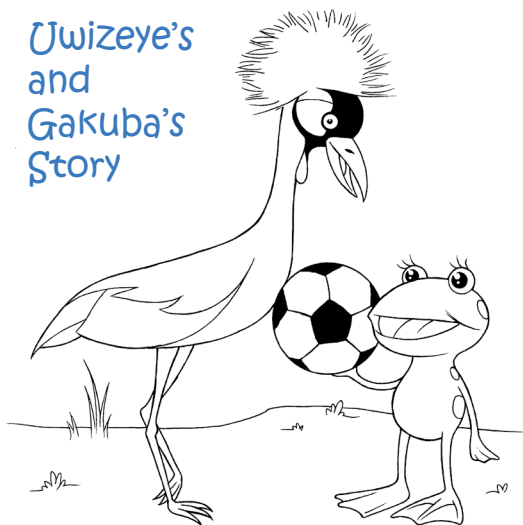
**Teacher says,** “You have the right to go to public primary school even if you cannot pay all the fees or if you have a disability.”

**Umutoni says,** “No one is allowed to hurt you—even your parents or relatives. If someone is hitting you or touching you in a way that makes you uncomfortable, tell adults that you trust and ask for help.”



**Gakuba says,** “I did not know what to do when my father was hurting me. Now I know that I must get away from him when he is drinking too much. Also, I can find an umufasha to try to get help or just to talk about my problems.”

## Uwizeye's and Gakuba's Story



Some of the things that happened in this story may have happened to you or a friend. You can ask for help from an umufasha just like the one who was able to help Uwizeye and Gakuba. There is a list of who you can talk to at the end of each chapter in this handbook, or you can ask an adult to help you find an organization that can help. ♦



For adults who are reading this story to a child, some questions you might discuss are:

- How did Uwizeye feel when her mother died?
- What did the umufasha do to help?
- How did Uwizeye feel when her uncle became more involved in her life?
- How should Uwizeye's uncle help his family?
- What did Gakuba do when he could not go to school?
- How did Gakuba feel about what his father did?
- Was there anything that happened to Uwizeye and Gakuba that are like experiences that you have had?

## Do you know what rights are?

Every person in  
Rwanda, no matter  
how young you are,  
has many rights.

### WHAT ARE RIGHTS?

You were born with these rights. They are like your name, or the color of your eyes, or what you believe in. They are a part of you.

Rights are the promises that people in your village, cell, sector, district, country, and the world have made to respect each other. Everyone's promises are described in what are called laws.

In Rwanda, many laws are written down. One important law in Rwanda is called the Constitution. Other important laws are followed by many countries in the world. These laws say that your interests are the most important thing to protect. That so many countries have made these promises shows how important the rights of children are to everyone in the world.

When your rights are protected by the law, that means the government has also made a promise to help you when someone takes away your rights. Sometimes, though, the government cannot help you right away. This is why it is important to know what your rights are, so that you can protect yourself.



## THESE ARE SOME OF YOUR RIGHTS UNDER THE LAW:

- You have the right to be alive. No one is allowed to take your life from you.
- You have the right to live free from physical abuse and exploitation. No one is allowed to hit you or touch you if do not want them to.
- You have the right to go to public school. You can go to public primary school even if you cannot pay. You can go even if you have HIV or AIDS, or a disability like not being able to walk, hear, or see.
- You have the right to believe in any religion that you want.
- You have the right to be formally processed in court before you are put in jail.
- You have the right to choose who you want to marry.



## WHAT ARE RESPONSIBILITIES?

Laws protect you and also ask you to do things to protect other people's rights. You have a responsibility under the law to treat other people with respect and to make sure other people's rights are safe.

Here is one way to think about what having a responsibility means. When it is time to go to sleep at night, do you make a lot of noise to wake your mother or father or sister or brother? Do the adults around you or your brother or sister try to make a lot of noise when you are sleeping? Probably not—that would make you mad!

You and everyone around you have responsibilities: You will not make a lot of noise when it is time to sleep, so that others around you can get their rest. They will do the same for you, because they have a responsibility to you. By respecting other people's rights, you are helping to make sure that rights are more than just goals or ideas.

## THESE ARE SOME OF YOUR RESPONSIBILITIES UNDER THE LAW:

- You have the responsibility to respect other people's rights. That means you cannot do things that take away someone else's rights, including their right to life and to live free from abuse.
- You are not allowed to discriminate. This means you cannot treat someone badly, just because that person is female, or disabled, or is of a different race, ethnicity, or religion than you.
- You have the responsibility to follow the laws of Rwanda.
- Someday when you have children, you must take care of them. Just as your mother, father, or guardian must take care of you now, when you are an adult, you will have the responsibility to take care of your parents if they need your help.
- You have the responsibility to take care of the environment around you. You should not waste things, pollute, or put garbage where it is not supposed to go.

# Part II: For Young Adults

This part of the handbook is written for teenagers and young adults. As you have grown up, you have no doubt had to make more and more big decisions. Maybe you are taking care of your younger siblings. Perhaps you are trying to help a friend in trouble. Maybe you are deciding whether to keep going to school. You might be thinking about getting married. Maybe you are trying to get a job. Every person's situation and responsibilities in life are different.

This handbook is meant to teach you about the laws that exist to protect you and your rights, and it offers ideas as to what to do and where you can get help if you need it. This handbook cannot tell you exactly what to do in every situation, but it can help you think about what it means to have rights. When you understand what the law says about your rights and how you can assert them, you will have tools to make good decisions for yourself.

## WHAT ARE YOUR RIGHTS AND RESPONSIBILITIES?

Did you know that when you were born, everyone in Rwanda promised you something that is very important? They promised you rights. The laws of Rwanda protect these rights.

Every person in Rwanda has rights. Sometimes though what the law says does not match up with what you experience. Laws describe how people should treat each other, but

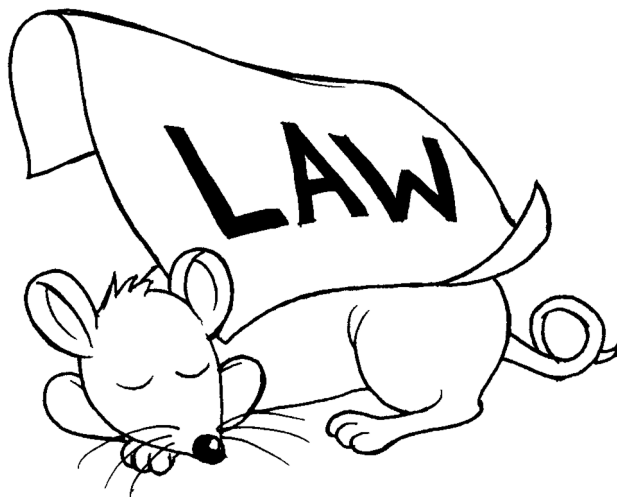
unfortunately not everyone knows the rules or chooses to follow them. This is why laws also provide tools for protecting yourself when other people do not behave appropriately. They describe procedures for reporting problems or seeking penalties against people who violate the law.

## THE KINDS OF LAWS THAT PROTECT YOU

There are two main types of laws that protect your rights—civil and criminal laws. Most family disputes or problems with contracts fall under civil laws, which require the wrongdoer to perform certain actions or to pay the person injured. Criminal laws cover violations such as assault, theft, or rape, and can require the wrongdoer to pay fines and spend time in jail. You can seek help from the police and the courts when someone has violated either criminal or civil laws.

Many written laws such as the Constitution of the Republic of Rwanda, the United Nations Convention on the Rights of the Child, the United Nations Convention on the Rights of Persons with Disabilities, and the African Charters on Human and Peoples' Rights and on the Rights and Welfare of the Child protect the rights of all the people of Rwanda, including its children. These laws say that in all situations, what is best for you, the child, is the most important consideration.

Though there are many laws in Rwanda, the Constitution is the guiding law. It lays out the broad principles that all other laws support. The Constitution states that every person in Rwanda has the right to live free from abuse and exploitation, to have access to education and health care, and to have his or her ideas and views respected by other people. Rights may never be taken away, no matter what age, sex, religion, or health status, without consequences. Under the laws of Rwanda and the agreements between Rwanda and the governments of many countries, everyone is guaranteed certain human rights. Of course, rights exist only when they are asserted and enforced. It is the way that each person—every official, teacher, neighbor, parent, or young person—lives his or her life that turns words on paper into reality.



The Constitution states that every person has the right to live free from abuse and exploitation...

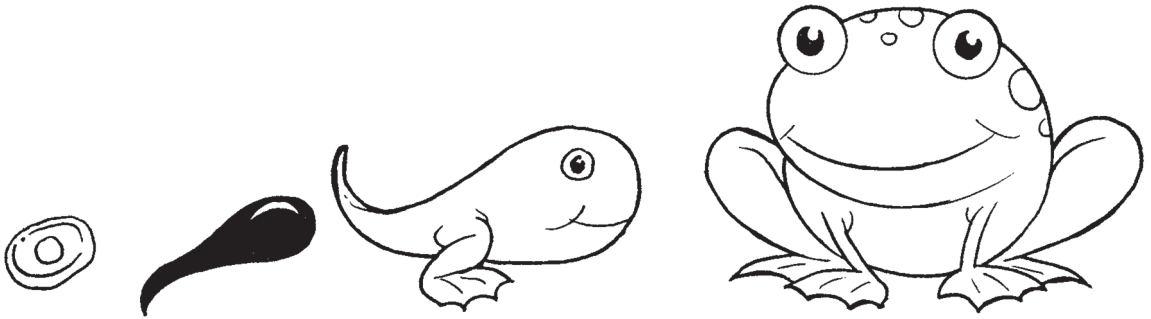
## THE CONSTITUTION GUARANTEES YOU MANY RIGHTS, INCLUDING THESE:

- You have the right to be alive. No one is allowed to take your life from you.
- You have the right to live free from physical abuse and exploitation. No one is allowed to hit you or touch you if do not want them to.
- You have the right to be financially supported by both of your parents while they are alive and to inherit their house and other property when they die, even if your parents did not have a civil marriage or if they separated or divorced. Other members of your family cannot take this right away from you.
- You have the right to work in safe conditions.
- You have the right to believe in and practice any religion that you want.
- You have a right to participate in government and to have equal access to all public services.
- You have the right to choose who you want to marry. No one is allowed to force you to marry someone you do not want to marry or to marry before you are of legal age.



# WHEN YOU ARE AN ADULT

Until you reach a certain age, the law states that you are a minor. In Rwanda, when you turn 18 (or under some laws 21), you are an adult. In legal terms, this means, you have reached the age of majority.



## TO MAKE SURE THAT EVERYONE'S RIGHTS ARE PROTECTED, THE CONSTITUTION ALSO REQUIRES THAT YOU TAKE ON SOME RESPONSIBILITIES, INCLUDING THESE:

- You have the responsibility to follow the laws of Rwanda.
- You have the responsibility to respect other people's rights.
- You have the responsibility not to discriminate against other people based on their race, ethnicity, religion, sex, or disability.
- You cannot violate another person's home, for example, by entering it without the owner's permission, or without a good reason such as an emergency, for example, where someone inside the house is hurt and you must enter to help.
- If you are already a parent yourself, you have the responsibility to take care of your children.
- You have the responsibility to take care of the environment around you, for example, by conserving resources, reducing waste, and using toxic materials in a way that does not hurt others.

Being of the age of majority means the law in some ways applies differently to you than when you were a minor. You may have new responsibilities, because as an adult, you are expected to be able to take on more obligations and duties.

## AFTER YOU TURN 18, YOU HAVE THE RIGHT TO:

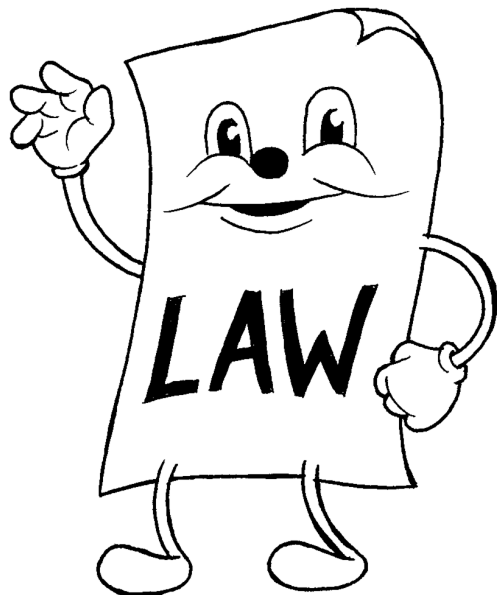
- Vote in elections.
- Consent to medical treatment, for example, getting an HIV/AIDS test without asking an adult for permission.
- Join the military without asking an adult for permission.
- Seek emancipation, which means to request to take on all the rights and responsibilities of someone 21 or older.

## AFTER YOUR TURN 18, YOU HAVE THE RESPONSIBILITY TO:

- Care for your children by providing them food, clothing, and a place to live, and making sure they attend school.
- Care for your parents if they are in need of food or shelter.
- Obey the laws or else face a harsher sentence, for example, more jail time, than you might have been subject to as a minor.

## AFTER YOU TURN 21, YOU HAVE THE RIGHT TO:

- Enter into binding contracts: You can sell property that you own, meaning those things to which you hold title. This means you may sell, for example, the house you inherited from a parent without asking permission from anyone else, including your relatives.
- Make a will, so you can control who inherits your possessions and property when you die.
- Get married without special permission from the court.
- Become the legal guardian of your siblings.



## YOU AND YOUR FAMILY

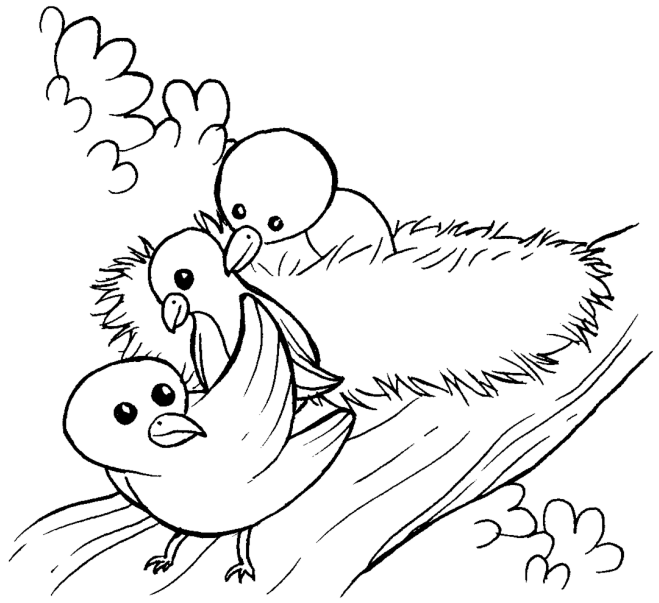
Under the law, parents are required to provide you food, clothing and shelter and to help you to attend school until you are 21 (unless you have been granted emancipation before then, as described on the next page). When you do not have a mother or father, a court can assign another adult, called a legal guardian, to take care of you. Your legal guardian is often a relative such as a grandparent, but can be any trustworthy adult who is able to take care of you. All of the rules that apply to biological parents also apply to legal guardians. Legal guardians must provide you food, clothing and shelter and make sure that you attend school, just like a biological parent.

Sometimes, despite their best intentions and efforts, adults are not able to take care of their children. Almost one in every ten children in Rwanda has at least one parent who has died, often from HIV/AIDS, and there are many adults who are struggling to earn enough money to pay for their children's basic needs. In these situations, some of the organizations listed at the end of the chapter may be able help.

### PARENTS' AND LEGAL GUARDIANS' RESPONSIBILITIES

Both mother and father (or if legal guardians, husband and wife), have an equal responsibility under the law to support and educate their children.

They have a moral obligation to take care of them as well. A moral obligation is a responsibility that is created by the shared beliefs of the community but is not necessarily written down as a law. The people in Rwanda believe that a good person must take care of



his or her children by paying for basic needs as well as educating and caring for them. In fact, Rwandans believe that the obligation to provide basic needs and care goes the other way too; you have a moral obligation to help your elders if they are in need.

Your parents' obligations and your rights do not change even if your parents are no longer married. Even if your parents never married or are now separated or divorced, the law says that each continues to have the duty to support their children until they are adults.

Children's rights under the law do not change depending on their parents' or legal guardians' marital or financial status. No matter which parent or guardian the child lives with, both adults have the right to continue to help support their child and the responsibility to contribute their fair share. Both adults also have a right to continue to have a relationship with their child, even when they do not get along with each other. The adults who have a responsibility to care for you also have the right to spend time with you, except only if the relationship is not good for you, for example, if an adult is abusive.



## What if my father does not believe that I am his or her child? Or what if I don't know if I am a father?

Sometimes there is a question over paternity, or who is a child's father. It is common for young men and women to be afraid of having the responsibilities of being a parent, even though the law requires parents to take care of their children. There are organizations that can help you find out or prove the identity of a child's father. For example, [Haguruka](#), (+250) 554669 or (+250) 788300834, can help. Information about other organizations is at the end of this chapter.

### What is emancipation?

Your parents' or guardians' responsibility for you can end before you are 21 only in two ways—if you get married or file for the right to live as an adult, which is in legal terms called emancipation. Both of these options, are of course, very serious decisions that you should not take lightly. There is more information about getting married later in this chapter.

Because emancipation gives you the full rights as well as the full responsibilities of an adult, you must be at least 18 years old to request it. First, a parent or legal guardian must make a declaration at your sector office. Because often parents or guardians do not support this course of action, an *umufasha* or local authority in the sector office can help to discuss this issue and reach a resolution. If your parents are not living and you have no legal guardian, you can ask the sector office to declare you emancipated so that you can be permitted to enter into contracts as an adult.

Emancipation may be necessary when a parent or an adult acting as guardian—whether legally appointed by a judge or not—is hurting you. For example, emancipation is one way to get away from a legal guardian who is misusing your property, such as a house or money you inherited from your parents. Once emancipated, you can ask a court to put the property directly in your care.

### IF YOU ARE THE HEAD OF THE HOUSEHOLD

Many young people in Rwanda are in charge of a household. In 2008, more than one hundred thousand families were headed by someone under the age of 18.

If you are the head of your family, you most certainly know what it means to have a lot of responsibilities. Even with a job, you may be struggling to earn enough money to pay for rent and food for everyone in your household. It may be difficult making sure the young children in your family are safe and going to school. This can be very overwhelming.

There are a couple places to get help. First, there are many programs run by NGOs that focus on young adults like you. Some can help find relatives, file paperwork for legal guardianship, or even provide a temporary place to live. Second, if you are an orphan (you have lost your parents and have no legal guardian) you are eligible for many public benefits provided by the government even if you are not yet 18. For example, the Ministry of Gender and Family Promotion (MIGEPROF) has a program to provide healthcare, education, counseling, shelter, and food to minors under the age of 18 who do not have parents. Your sector office also offers aid programs. Some examples of both non-governmental and governmental programs are listed at the end of this chapter.

## THE CERTIFICATE OF INDIGENCE

The Certificate of Indigence is an official paper signed by the executive secretary of your local sector. The Certificate is very important to have if you need to ask for help from a non-governmental organization (NGO), and in some cases, from a government organization. NGOs do not get paid for their work by the local sector, and they will want to be sure that they are helping those most in need. There is a similar document, called the Certificate for Orphans (Icyemezo Cy'ubupfubyi), that minors without adult guardians can use for many of the same purposes.

The Certificate is a temporary document that lasts up to three months. You can only use it to get help for a specific purpose. You must apply for these documents yourself at your local sector office, as it is not automatically issued. As a minor, you can apply for the Certificate yourself, or a parent or legal guardian can apply for you, at your sector office. In most cases you, as the beneficiary, will be given the Certificate to keep. However, a sector may also decide to draw up

a list of people in a vulnerable group (for example, beneficiaries of Mutuel de Santé, primary or secondary school pupils), so that those people can receive government and NGO assistance on request. In this case, the sector will not issue separate Certificates to such a large group of people, but instead keep a list of them in a central record.

When you apply for the Certificate, the sector officer will ask what help you are asking for and from which organization. The sector officer will then check that you qualify for a Certificate by asking your local village and cell to verify that you have a low income and need help paying for basic needs. Once the sector officer has determined that you qualify, he or she will register your name on a list of beneficiaries and then issue the Certificate.

Many NGOs can provide services only if you bring them a Certificate with their organization and the help they will provide described on it. For example, you need a Certificate to get free legal assistance through the Kigali Bar Association.

*The Certificate usually looks like this:*

### ICYEMEZO CY'ABATISHOBOYE

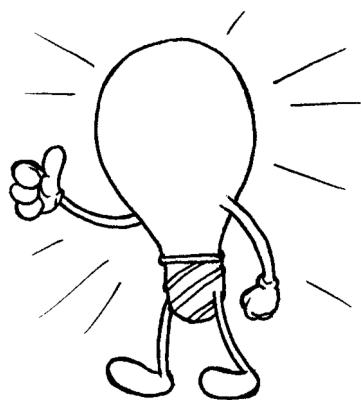
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To get help from government ministries, such as the Ministry of Local Government, Community Development and Social Affairs (MINALOC), or Ministry of Gender and Family Promotion (MIGEPROF), you can access their help directly through your sector office. You can, but usually do not need to bring a Certificate, to get their help. You only need to be registered on your sector's list of beneficiaries.

While you can use the Certificate to access many important services, you can no longer use it in place of the Mutuel de Santé, or government-assisted health insurance, to pay for medical care. If you need help paying for medical care, there are organizations listed in the section of this handbook called, "You and Your Health", that can help you. Some of the NGOs that provide healthcare will ask you to get a Certificate before they will help.

If you have questions about the Certificate of Indigence or would like help getting one and accessing NGO or government assistance, first contact your local village and then sector offices, or contact one of the organizations listed at the end of this chapter.

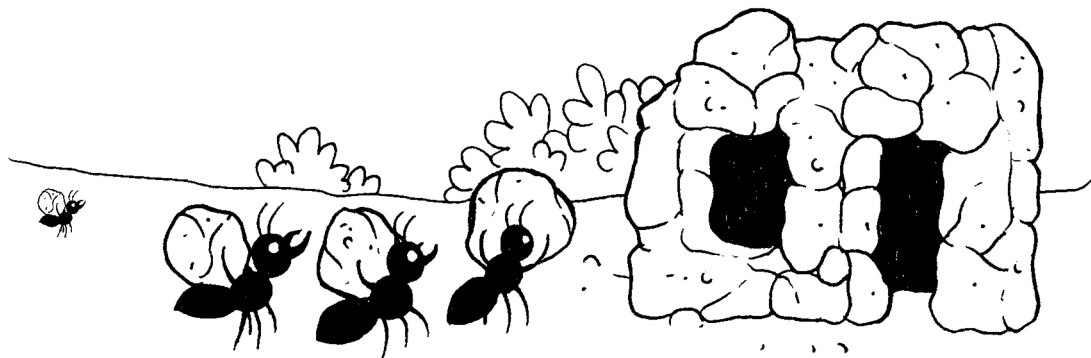


## Meet Muteleli

Muteleli is nineteen and has four younger siblings, two sisters and two brothers. When Muteleli was 14, her mother died, and then not long after, her father died, too. Muteleli's family first asked for help from the chief of her village soon after her mother's funeral. When her father died, her family's situation got even worse. They did not have enough money to pay for food or the doctor. The village elders were able to help Muteleli and her siblings by helping them get a **Certificate of Indigence** for food and housing. Now Muteleli is taking care of her family and making sure to continue her education. She has finished secondary school and is studying accounting.

## Meet Rukundo

Rukundo is the second oldest in a household of six children. His parents recently both died. With such a large family, it has been hard for Rukundo and the other oldest siblings to take care of everyone. Rukundo asked his sector office for help paying the school fees for the three youngest in the family, while he and his two oldest siblings work. Still, the family does not always have money to pay for basic needs, and so the sector office helped Rukundo apply for a **Certificate of Indigence** and connected him to organizations that can help temporarily pay for food and rent. Even though things are difficult, Rukundo has hope. He believes that many children feel that their lives have come to an end when their parents die, but now he knows, there are people who can help. "We have to face so many challenges," Rukundo says. "If someone is a human being, they should help orphans."



## IMPORTANT THINGS TO KNOW AS HEAD OF YOUR HOUSEHOLD

If you are taking care of others in your household, here are some important things to know.

### How do I register births or deaths?

Children who are not registered at birth are sometimes denied important rights and access to services, including health care and education. Registering is important, because it gives you a way to prove your age. When you are a minor, you are eligible for different services and subject to different criminal laws than adults.

Births should be declared within 15 days to the local hospital by the father, or in his absence, by the mother. If neither parent is able, then a grandparent, close relative, or anyone present at the birth can register the child. If a child has never been registered, you may still be able to find his or her medical birth certificate. Both public and private hospitals keep a special birth registry. You can then present the medical birth certificate to the local hospital to register the birth. If there is no certificate on record at the hospital, you can also apply for a birth certificate at the local sector office.

Deaths should be declared within 15 days of the death by one of the relatives or by anyone who has the necessary information. You must present a medical death certificate prepared by someone who can medically confirm the death to register to the local hospital.

If there are signs of violence or other suspicious circumstances, the police and a certified doctor may also need to file a report. Both public and private hospitals also maintain a death registry when people die.

### How is a legal guardian relationship established?

The right to choose a legal guardian belongs to the surviving parent. For example, if your father has died and your mother is sick, she may choose a legal guardian for you. She must take her request to a guardianship council (conseil de tutelle), which is comprised of a judge and six relatives representing the families of both father and mother. If a surviving parent has not named a legal guardian through this process before he or she dies, the guardianship council will appoint an adult, usually a grandparent or another relative, as legal guardian. The fees for filing the papers to establish guardianship are 2000RWF.

### Can I become a legal guardian of my siblings if I am not 21?

No. Rwandan law does not allow a minor to officially be the legal guardian of another minor, even a sibling. Talk to a relative or adult you trust or one of the organizations listed at the end of this chapter if you are facing this problem.

## How do I inherit my parents' property if they have died?

Inheritance laws protect your right to property that your parents owned when they die. All individuals, whether male or female, have the same rights in life—including in inheritance. Most of this property (80 percent) automatically becomes yours even if your parent or parents die without a will. The property they owned, including their house, land, or money, equally belong to you and any other siblings or half-siblings, you may have. You have a right to inherit the property of a deceased parent, even if your parents were not married or if you have a legal guardian.

Legal guardians commonly manage property on behalf of the children they care for. They must care for and manage the property left by your parents in a way that is in your best interests until you are grown up and ready to take care

of it yourself. If the property includes a house, for example, a legal guardian must help you to live in the house. A legal guardian cannot take the house to live in by him or herself. The legal guardian must return the property to you at the end of the guardianship, which is within two months of when you turn 21 or otherwise legally become an adult through emancipation or marriage. The guardianship council oversees the legal guardian's actions. A guardian can be punished by a fine or imprisonment if he or she does not do the right things. Unless your legal guardian is a blood relative, you cannot inherit his or her property without a valid will. Even when your legal guardian is a blood relative, you may not automatically inherit his or her property if other relatives are alive. Inheritance can be complicated, so you may need to contact someone who can help you understand how the law applies to your specific circumstances.



## What can I do if someone, like a legal guardian, is trying to take away the house or property that my parents gave me and my siblings?

When someone takes a house or other property that does not belong to him or her, that is stealing, or in legal terms, “misappropriation.” The misappropriation of minors’ property by relatives and neighbors is a common problem in Rwanda. Sometimes when there are no adults to lead a family, neighbors will try to push the children out of the house and then move in themselves. Other times, a relative or legal guardian may take over the property and treat the children living there badly and unfairly.

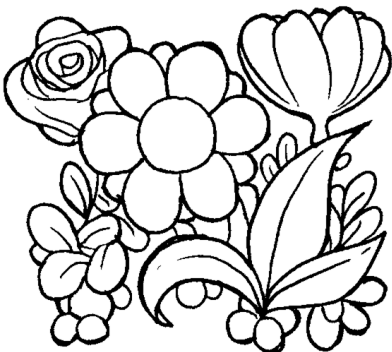
To get help, you can report situations like this to [ADEPE, \(+250\) 788570369](#), [FACT Rwanda, \(+250\) 788305707](#), and [Haguruka, \(+250\) 554669](#) or [\(+250\) 788300834](#), or the other organizations that are listed at the end of this chapter. These organizations can help you initiate a process called mediation, to try to resolve any arguments that may arise between you and your neighbors or relatives to your property. If mediation is not successful, you may be able to go to court. Where there is an argument over property, the process to fix the situation can take a long time, so these organizations can sometimes also help you find a place to live during the time you are not able to live in your house.

## WHEN THERE IS NO HOUSEHOLD: LIVING ON THE STREET

Thousands of children are living on the streets of Rwanda's cities. Many children are homeless, because they have lost the adults in their families to war, genocide, or AIDS, among other causes. The government works to find foster families to take care of street children to avoid having to send them to one of the transit centers that are in each district for their protection. Children are not supposed to spend more than three days in any transit center. It is better for children to be in a caring home.

The Rwandan government is trying to provide children who do not have homes with better options. As of 2008, the Rwandan government supported 12 childcare institutions across Rwanda that provide shelter, basic needs, and rehabilitation for thousands of street children. The government is also working with organizations to educate parents and guardians on how to prevent children from turning to or living on the streets and to provide job training to help children as they grow into adults.

If you or someone you know needs a place to live, you can get immediate help and information on special programs for children who do not have homes, from the organizations listed at the end of this chapter.



## GETTING MARRIED

Under Rwanda's Constitution, no one can be made to marry without his or her voluntary consent. You must be 21 to be able to voluntarily consent under the law. You can get married before you are 21 only if you request permission from the Ministry of Justice (MINIJUST) first. Even so, in some parts of Rwanda, most often in rural areas, many children are encouraged by their families to marry at a very young age. Almost one in five women marry before they are 18 years old.

### How do I register my marriage?

A civil marriage involves filing paperwork with the Office of Civil Marriage at your sector office. You can register your marriage at any time but it is best to do so as soon as you and your spouse have decided to share income or property or have children. There is usually a fee for registering a civil marriage, but sometimes if you participate in a group civil marriage ceremony, you can register for a reduced fee. If you are not yet 21, you must file for an exception through the Ministry of Justice before you can register your marriage.

### Why should I register my marriage?

Rwandan law most strongly protects a civil marriage. Civil marriage laws protect your right to equality, non-discrimination, and fair treatment during the marriage and afterwards, should your spouse die or you separate or divorce. For example, in civil marriage, the law requires that husband and wife financially support each other as well as their children. That means that all property of the household must be used for the benefit of the entire family, and if not, one spouse can sue for the right to control the property in court. Without a civil marriage, the husband and wife are required only to support the children but not each other.

Even if you have a traditional wedding ceremony, or live with your spouse for many years and have many children, you are not guaranteed the same rights that you would have under the civil marriage laws.



Even if you have a traditional wedding ceremony, or live with your spouse for many years and have many children, you are not guaranteed the same rights that you would have under the civil marriage laws. If you are part of a polygamous (more than one wife) marriage, you do not get the protections that you would have under the civil marriage laws. Polygamy is also punishable by law and can result in imprisonment between three and five years and a fine. A forged marriage certificate is not the same as an official, civil marriage certificate and can cause problems particularly where questions arise about who owns shared property like a house.

### I was not married by a civil ceremony. What can I do to protect myself?

You can register your marriage at any time at your sector office. If registering your partnership is no longer possible, there are mediation programs and other strategies that the organizations at the end of this chapter can talk to you about to help with problems related to marriage and child support.

### What if my spouse is violent and I have decided to get a divorce?

Violence inflicted by a spouse is a legally accepted reason for divorce. The court will look at your spouse's behavior and the rights of your children to live free from abuse when determining who will have custody of the children. Even if your former spouse does not share custody, he or she will still be responsible for financially supporting your children.

Contact the leaders of your village or sector office first for help. Your local government runs a lot of programs that can help you. You can also reach out to the organizations below, many of which work in partnership with sector offices. These organizations often provide their services on a sliding scale, meaning for a fee based on what you can afford to pay. Some require that you have a Certificate of Indigence to show that you cannot pay. Others may require you to be under a certain age. Even when an organization cannot help you, it may be able to refer you to one that can. Keep contacting people and organizations until you find someone who can help.



## WHERE TO GET HELP

### ADEPE (ACTION FOR THE DEVELOPMENT OF PEOPLE, ACTION POUR LE DEVELOPPEMENT DU PEUPLE)

P.O. Box 4043, Gisenyi, Rubavu District.

Phone: (+250) 788570369.

E-mail: [adepeu@yahoo.fr](mailto:adepeu@yahoo.fr).

ADEPE supports the socio-economic development of vulnerable families and children in the Rubavu district of Rwanda through providing legal aid, mediation services, income generation projects, and financial aid.

### AMAHORO ASSOCIATION

P.O. Box 4525, Gasabo District, near Kacyiru Sector office, Kigali.

Phone: (+250) 788406504.

AMAHORO focuses on supporting children affected by HIV/AIDS and has special programs for children who do not have adults to care for them. It offers mediation services, counseling, medical, food, and financial aid, and help with applying for public assistance programs.

### BARAKABAHO

P.O. Box 2507, Kigali. Phone: (+250) 788567466.

Barakabaho has special programs for children who do not have adults to care for them children, particularly those affected by HIV/AIDS. It organizes income generation projects to help child-headed households and some financial aid.

### FACT RWANDA (FORUM FOR ACTIVISTS AGAINST TORTURE)

P.O. Box 729, Kacyiru Sector, Kigali.

Phone: (+250) 788305707.

[www.fact.org.rw](http://www.fact.org.rw)

FACT works with children that have been victims of organized violence and with adults in preventing violence. It offers counseling and holds workshops in schools about recognizing and respecting human rights. FACT also maintains a free phone hotline at their center for the assistance of victims of torture—dial 3232.

### GISIMBA MEMORIAL CENTER

P.O. Box 1433, Avenue de la Nyabugogo, Nyamirambo, Nyarugenge District, Kigali.

Phone: (+250) 788524515 or (+250) 788532596.

[sites.google.com/site/gisimbaorphanage08](http://sites.google.com/site/gisimbaorphanage08)

Gisimba Memorial Center is an orphanage that provides a nurturing home environment for children. It provides children who live there what they need to grow into healthy adults including access to school, counseling, and a safe place to live.

### HAGURUKA

P.O. Box 3030, Boulevard de L'Umuganda, Kigali. Phone:

(+250) 554669 or (+250) 788300834. [www.haguruka.org.rw](http://www.haguruka.org.rw)

Haguruka offers legal aid to women and children and can assist with a variety of issues including criminal charges, guardianship, child support, paternity, wills, and property inheritance.

## YOU AND SCHOOL

Education can lead to opportunities for a better life. This is why every Rwandan child has the right to attend at least nine years of basic education. Parents and guardians have the responsibility to send their children to school. If parents or guardians can afford to pay for their child's education, they are not allowed to keep that child from school simply because they do not want to pay.

At the same time, the government of Rwanda has made clear in its laws that public primary schools are not to charge fees. No child can be expelled from school for any reason including

inability to pay, gender, or disability. Educators that try to expel students can be punished. The African Charter on the Rights and Welfare of the Child also provide that you have a right to an education, so Rwanda has promised other countries to make sure you can go to school.

Unfortunately, only a small number of the orphaned children in Rwanda who have to care for themselves ever have the opportunity to attend and finish secondary school. The government is trying to take steps to address the financial barriers children face in getting an education. It aims to provide free primary

### LED (LES ENFANTS DE DIEU)

P.O. Box 616, Ndera, Gasabo District, Kigali.

Phone: (+250) 520663.

[www.enfantsdedieu.org](http://www.enfantsdedieu.org)

LED is an organization that assists street children in Kigali. They run a residential center in Ndera, a suburb of Kigali. Some of the umufasha at LED did not have a home or family and lived on the street themselves. LED offers housing assistance, job training and other classes, and can help with reporting police abuse.

### MINISTRY OF GENDER AND FAMILY PROMOTION (MIGEPROF)

Primature, Kimihurura. Phone: (+250) 577626, (+250) 577203, or (+250) 576455.

[www.migeprofe.gov.rw](http://www.migeprofe.gov.rw)

MIGEPROF provides many services to help children who are under 18-years-old, including healthcare, education, counseling, shelter, and food. You must have a Certificate of Indigence.

### MINISTRY OF LOCAL GOVERNMENT, COMMUNITY DEVELOPMENT AND SOCIAL AFFAIRS (MINALOC)

P.O. Box 3445, Kigali. Phone: (+250) 582229 or (+250) 583595.

[www.minaloc.gov.rw](http://www.minaloc.gov.rw)

MINALOC provides financial aid to children who cannot afford to pay for education from the Social Fund.

### SAVE THE CHILDREN

P.O. Box 295, Kiyovu/Omega House, Kigali.

Phone: (+250) 252572921.

1 St John's Lane, London EC1M 4AR.

Phone: (+0044) 20 70126400.

[www.savethechildren.org.uk/en/987.htm](http://www.savethechildren.org.uk/en/987.htm)

Save the Children is an international organization that works in Rwanda to help children get proper healthcare, food, education, and guidance. It can help reconnect children who have been separated from their families, provide job training, and financial aid.

### SOS VILLAGE DES ENFANTS

P.O. Box 1168, Kigali. Phone: (+250) 583874.

[www.sos-childrensvillages.org/where-we-help/africa/rwanda/pages/default.aspx](http://www.sos-childrensvillages.org/where-we-help/africa/rwanda/pages/default.aspx)

SOS Village is an international organization that helps children who are without parents by providing a safe place to live and access to school through several group homes, orphanages, and schools in Rwanda.

### UYISENGAN'IMANZI

P.O. Box 7257, Gasabo District, Kigali.

Phone: (+250) 585462. Email: [uyisenga@rwanda1.com](mailto:uyisenga@rwanda1.com).

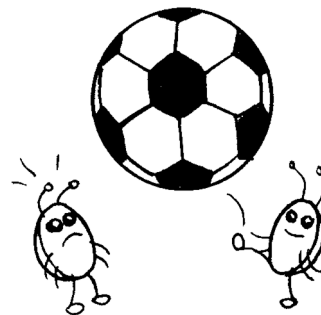
[uyisenganimanzi.org](http://uyisenganimanzi.org)

Uyisengan'Imanzi focuses on addressing the special needs of orphans affected by genocide and HIV/AIDS. It helps children learn to work as a community to help and learn from each other. The organization also provides legal aid, mediation, counseling, and educational programs.

and secondary education for every child in Rwanda, and as of 2010 has opened some entirely free, public schools in a number of sectors.

**What if a primary school teacher or principal has said that I or my younger siblings must pay for books or uniforms, otherwise we cannot go to school?**

The laws clearly state that public schools cannot charge fees for students to attend the basic education grades (grades P1 to P9) in the public school system. Parents and guardians



sometimes agree to make contributions to the schools to improve the quality of education, but children cannot be prevented from graduating, refused their grade card, awarded a failing grade, or otherwise barred from school if they do not make such payments.

If you or your siblings are 18 or under and have been told you cannot attend public primary school because your family does not have the money for supplies, uniforms, incentive fees, motivation payments, parent teacher association fees, school rehabilitation funds, or any other type of required school fee, you may be able to get help from your sector office or the organizations listed below. They may be able to negotiate with the schools to enforce your right to a free, primary school education. They may also be able to help you apply for a Certificate of Indigence to get school supplies, a uniform, and other items essential for your education.

### I am in secondary school, and my teacher says I cannot come to class without paying fees and for books and supplies. What can I do?

The organizations listed on the next page may be able to negotiate with secondary schools or help you get a Certificate of Indigence to pay for secondary school fees, supplies, a uniform, or other things you need for your education at the secondary level. Some NGOs may be able to help pay for secondary school fees even without the Certificate.

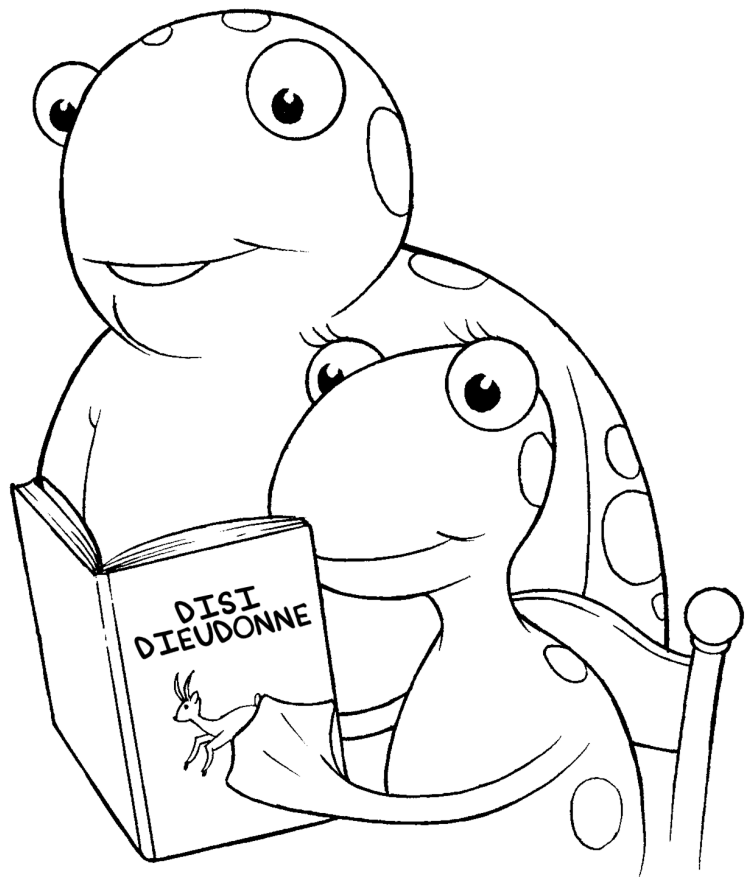
### What if a teacher or someone else told me I cannot attend school because I am a girl?

Girls have the same right to go to school that boys have. Girls tend to stop attending school sooner and more often than boys, because their families often ask them to help at home. But under the law, your teacher or other students cannot do things

to prevent you from learning. Even if you are pregnant or already have a child, if you are 18 or under, you still have a right to go to public school.

### What if a teacher or someone else told me I cannot attend school because I have a disability?

The law that guarantees everyone the right to attend school also protects children who have a disability. The law also prevents others from taking away your right to attend school if you are disabled, for example, if you cannot walk, cannot see, or cannot hear, or if you have a disease, including HIV/AIDS.







## WHERE TO GET HELP

Contact the leaders of your village or sector office first for help. Your local government runs a lot of programs that can help you. You can also reach out to the organizations below, many of which work in partnership with sector offices. These organizations often provide their services on a sliding scale, meaning for a fee based on what you can afford to pay. Some require that you have a Certificate of Indigence to show that you cannot pay. Others may require you to be under a certain age. Even when an organization cannot help you, it may be able to refer you to another one that can help. Keep contacting people and organizations until you find someone who can help.

### ADEPE (ACTION FOR THE DEVELOPMENT OF PEOPLE, ACTION POUR LE DEVELOPPEMENT DU PEUPLE)

P.O. Box 4043, Gisenyi, Rubavu District.

Phone: (+250) 788570369. E-mail: [adepeu@yahoo.fr](mailto:adepeu@yahoo.fr).

ADEPE supports the socio-economic development of vulnerable families and children in the Rubavu district of Rwanda through providing legal aid, mediation services, income generation projects, and financial aid.

### AMAHORO ASSOCIATION

P.O. Box 4525, Gasabo District, near Kacyiru Sector office, Kigali. Phone: (+250) 788406504.

AMAHORO focuses on supporting children affected by HIV/AIDS and has special programs for children who do not have adults to care for them. It offers mediation services, counseling, medical, food, and financial aid, and help with applying for public assistance programs.

### BARAKABAHO

P.O. Box 2507, Kigali. Phone: (+250) 788567466.

Barakabaho has special programs for children who do not have adults to care for them children, particularly those affected by HIV/AIDS. It organizes income generation projects to help child-headed households and some financial aid.

### NATIONAL YOUTH COUNCIL

P.O. Box 4460, Rwandex, Kigali.

Phone: (+250) 502348 or (+250) 518371.

National Youth Council is made up of volunteers on the local and national level. Any Rwandan between the ages of 14 to 35 can be a member. The organization primarily focuses on lobbying and advocating for children's rights and is a good resource for those wanting to learn more about issues affecting young people in Rwanda and how to work for change.

### CHABHA (CHILDREN AFFECTED BY HIV/AIDS)

P.O. Box 4525, Gasabo District, Kacyiru Sector, Kigali.

Phone: (+250) 788454354.

16 Bradley Ave. Brattleboro, VT 05301 USA.

Phone: (+001) 802 2582440.

[www.chabha.org](http://www.chabha.org)

CHABHA works to improve the lives of vulnerable children by offering life-skills and job training workshops for young adults, financial aid for education and Mutuel de Santé fees of children in need, and other support services for those affected by HIV/AIDS.

### GISIMBA MEMORIAL CENTER

P.O. Box 1433, Avenue de la Nyabugogo, Nyamirambo, Nyarugenge District, Kigali.

Phone: (+250) 788524515 or (+250) 788532596.

[sites.google.com/site/gisimbaorphanage08](http://sites.google.com/site/gisimbaorphanage08)

Gisimba Memorial Center is an orphanage that provides a nurturing home environment for children. It provides children who live there what they need to grow into healthy adults including access to school, counseling, and a safe place to live.

### LES ENFANTS DE DIEU (LED)

P.O. Box 616, Ndera, Gasabo District, Kigali.

Phone: (+250) 520663.

[www.enfantsdedieu.org](http://www.enfantsdedieu.org)

LED is an organization that assists street children in Kigali. They run a residential center in Ndera, a suburb of Kigali. Some of the umufasha at LED did not have a home or family and lived on the street themselves. LED offers housing assistance, job training and other classes, and can help with reporting police abuse.

### MINISTRY OF EDUCATION (MINEDUC)

P.O. Box 622, Kigali. Phone: (+250) 583051

or (+250) 582774.

[www.mineduc.gov.rw](http://www.mineduc.gov.rw)

MINEDUC is in charge of implementing policies to make primary education available for free to all Rwandans by 2010.



## WHERE TO GET HELP

### MINISTRY OF GENDER AND FAMILY PROMOTION (MIGEPROF)

Primature, Kimihurura. Phone: (+250) 577626,  
(+250) 577203, or (+250) 576455.

[www.migeprof.gov.rw](http://www.migeprof.gov.rw)

MIGEPROF provides many services to help children who are under 18-years-old, including healthcare, education, counseling, shelter, and food. You must have a Certificate of Indigence.

### MINISTRY OF LOCAL GOVERNMENT, COMMUNITY DEVELOPMENT AND SOCIAL AFFAIRS (MINALOC)

P.O. Box 3445, Kigali. Phone: (+250) 582229  
or (+250) 583595.

[www.minaloc.gov.rw](http://www.minaloc.gov.rw)

MINALOC provides financial aid to children who cannot afford to pay for education from the Social Fund.

### RÉSEAU RWANDAIS DES PERSONNES, VIVANT AVEC LE VIH (RRP+)

P.O. Box 6130, Kigali. Phone: (+250) 788305155.

RRP+ is dedicated particularly to the helping those affected by HIV/AIDS, offering reproductive services, assistance with health and education fees, as well as advocacy.

### SOLIDARITÉ (SOLIDARITY ASSOCIATION OF PEOPLE WITH HIV)

Kigali. Phone: (+250) 788549830.

Solidarity is an association that focuses on education and has many programs to help children who are not attending school, including financial aid. It also offers special training programs for children who have been exploited as domestic workers or recruited into the military. It organizes regular support groups for girls who have experienced violence or abuse and also can help girls report abuse to the police.

### SOS VILLAGE DES ENFANTS

P.O. Box 1168, Kigali. Phone: (+250) 583874.

[www.sos-childrensvillages.org/where-we-help/africa/rwanda/pages/default.aspx](http://www.sos-childrensvillages.org/where-we-help/africa/rwanda/pages/default.aspx)

SOS Village is an international organization that helps children who are without parents by providing a safe place to live and access to school through several group homes, orphanages, and schools in Rwanda.

## Meet an Umufasha: Bertin Mulinda Shambo,

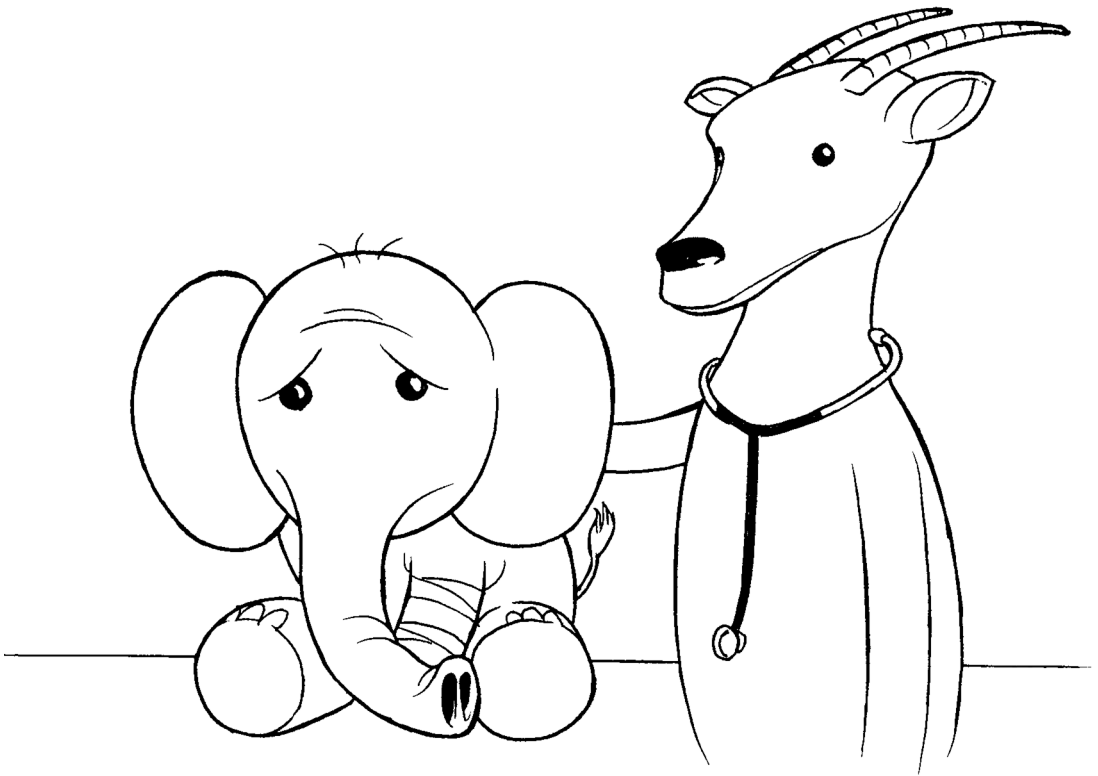
### WE-ACTx Orphan and Vulnerable Children Program Coordinator

*“I was born in Goma and from about age thirteen, my life was basically that of an orphan. I spent part of my childhood in a refugee camp. There I could not go to school, so I learned to read books at home. I read all kinds of books, but the ones about children in danger or people who faced difficult situations in history were especially fascinating to me. The adults around me did not always do what was best for me—even though there was enough money for school, they did not pay for me to go. So, even though I was young, I came up with a goal to someday work with children and to help them. It is important to think about the future and to realize, even though you don’t yet see the money or food in your hands now, if you work, it will come.”*

## Meet an Umufasha: Naila Munganyinka,

### WE-ACTx Family Advocate and Co-Founder

*“If you try to live positively and think positively, you can live a good life. It is important to come up with goals, to believe that things are possible even when everything might feel hopeless. For example, even if you are young and HIV positive, you can still live a good life. You can get married. You can have children. You just have to learn how to protect yourself and not infect others. Many people have physical health problems but don’t realize that they also have mental health problems. They think that their pain has no solution, but it is important to realize, you need to learn to care for your mind—your thoughts and emotions, just as you do your body.”*



## YOU AND YOUR HEALTH

The laws in Rwanda give everyone, including children, a right to health care free of charge if you cannot afford to pay for it. Medical care includes HIV testing and care to prevent future problems, not just care for when you are very sick.

Even so, people are sometimes turned away from the clinic or the hospital for health care, because they cannot pay right away or have a particular disease, such as HIV/AIDS. These are all illegal reasons to deny someone health care and your village and sector leaders or the organizations at the end of this chapter may be able to help if you or someone you know has had this experience.

### **I do not have very much money. How can I pay for medical care?**

Sector offices sometimes have funds to help children and others who cannot pay for medical care to access treatment through certain public health clinics. Try to get medical care for free at

your nearest public health centre. If the public health centre says you must pay a fee first before receiving medical care, contact one of the organizations at the end of this section for help to get the fee waived. Healthcare is a right.

### **How does the Mutuel de Santé work?**

The Rwanda Ministry of Health organized the Mutuel de Santé, a public health insurance program, to try to make sure everyone can have access to medical treatment. Once you are a member of the Mutuel, you can get medical care at a public health centre, which may refer you to a public hospital in some cases. Anyone of any age can join for an annual fee, which in 2010 is 1000RWF, though this is likely to increase. In addition, when you go to the hospital, you will probably be asked to make a “co-payment”, a fee of 15 percent of the total cost.



## WHERE TO GET HELP

The following clinics charge fees on a sliding scale, meaning based on what you can pay, or even for free. Some even offer special services for women and children. Ask first if you need to get a Certificate of Indigence.

AVEGA AGAHOZO (ASSOCIATION DES VEUVES DU GENOCIDE)

P.O. Box 1535, Kigali. Phone: (+250) 516125.

Email: avega@rwanda1.com. www.avega.org.rw.

AVEGA started initially to help those affected by genocide, and today continues to help people in need through programs including its HIV/AIDS clinic.

PARTNERS IN HEALTH / CLINTON HIV/AIDS INITIATIVE (CHAI)

P.O. Box 402, Kacyiru Sector, Kigali.

Phone: (+250) 252580142 or (+250) 252580143.

RWANDA WOMEN'S NETWORK

P.O. Box 3157, Kigali. Phone: (+250) 583662.

FAMILY HEALTH INTERNATIONAL CLINIC

P.O. Box 3149, Sainte Famille, Kigali.

Phone: (+250) 576193 or (+250) 788306173.

info@fhirw.org

WE-ACTX HEALTH CLINIC

P.O. Box 5141, Kigali. Phone: (+250) 788302797.

Some organizations can help you pay the Mutuel annual fee or co-payments if you or your parents or legal guardian cannot pay. To join the Mutuel, you can apply at your local public health centre, or ask your local village or sector leaders for guidance.

### Can I use the Certificate of Indigence to pay for healthcare?

No. Unfortunately, hospitals no longer accept the Certificate of Indigence in place of the Mutuel de Santé. Some NGOs will ask you first to get a Certificate, however, if you want their help applying for the Mutuel.

### I am embarrassed to go to the doctor, because I do not want anyone to know if I am sick.

Under Rwandan law, doctors, nurses, clinics and hospitals are not allowed to share the information they have about you with anyone else, except in very limited circumstances. If you are under 18, however, your doctor

may share this information with your parents or guardian. There are special confidentiality protections relating to HIV/AIDS testing, which are described in the section "About HIV and AIDS".

### I am pregnant but feel healthy. Should I go to the doctor?

Yes. During pregnancy, you need special care to protect your health and the baby's health, especially during the earliest stages of pregnancy. Seeing a doctor early in your pregnancy is also important if you might have HIV or have tested positive for HIV, to prevent transmission of the virus to your baby before, during, and after the birth.

Most HIV-positive children, about 90 percent, contracted the disease from their mothers when born or through breast-feeding. Even if you have HIV, you can have a child who is not HIV-positive, especially if you get medical care and proper nutrition during pregnancy. Even if your baby is HIV-positive, you can raise him or her to be healthy. A doctor or nurse can help you learn how.

## Who can I talk to about safe sex and birth control?

Reproductive services include counseling about safe sex and how to effectively use condoms or pills, called “contraceptives,” to prevent pregnancy. Many of Rwanda’s public health clinics offer free reproductive services and contraceptives such as condoms as well. If you are pregnant, you can also contact the clinics listed in this chapter for advice and help.

## ABOUT HIV AND AIDS

Human Immunodeficiency Virus (HIV) is the virus that can lead to Acquired Immune Deficiency Syndrome (AIDS). Many people in Rwanda, including children, are HIV positive or have the disease called AIDS.

The law in Rwanda provides that getting information and counseling about HIV and getting tested are free, voluntary, and confidential. Treatment for HIV or AIDS, including medications (called “anti-retrovirals,” or ARVs), is also voluntary, confidential, and free if you cannot afford to pay.

You can contract HIV from your mother when you are a baby. Once you are grown, the main way that you can contract HIV is if you share needles with people taking drugs or have sexual intercourse with someone who has the disease. If you are sexually active, your chances of getting HIV can be reduced by using a condom correctly and consistently.

Sadly, some children get HIV through rape. In this situation, medical and examination and treatment at a clinic or a hospital should be free. There is more information about what to do in cases of sexual abuse later in this handbook.

## GETTING TESTED FOR HIV/AIDS

You can get a free test to find out if you have contracted HIV. It is important to find out so that you can learn how to take care of yourself and also how not to spread it to others. The clinics that offer free testing will give you the facts about HIV/AIDS, provide you with the ARV drugs that can prolong your life, and also help you if you are pregnant.

If you want to get tested for HIV, you must participate in counseling both before the test—to make sure you understand what’s involved—and after the test—to make sure you understand what the test results mean. The clinic will not administer an HIV test if you do not first have pre-test counseling. Counseling and testing for HIV are free and voluntary. They are also confidential, with the exception described below if you are a minor.

You must also give your “informed consent” before getting an HIV test, or the test will not be considered voluntary. Informed consent means that you clearly understand the information you are given about the testing procedure and that you have clearly signaled agreement to be tested before taking the test.

If you just want basic information about HIV or AIDS and how to protect yourself, you do not need to get counseled or tested.

## GETTING TESTED IF YOU ARE NOT YET 18

A parent or legal guardian can consent on your behalf if you are not 18 years old. The doctor will also share the results of your test with them. If you do not want anyone else involved, a counselor may agree to give you an HIV test

even if you are under 18 without the knowledge or consent of a parent or legal guardian. This can happen if the counselor determines you are mature enough for the process and if informing your parent or legal guardian about your HIV results would not be in your best interests. This is true even if your legal guardian requested the test for you. For example, the counselor will not tell your parents the results if he or she thinks your parent or legal guardian might force you to

leave home or abuse you as a result. If you think your parents might discriminate against you (treat you badly) if you are HIV-positive, you should tell your counselor this. Only you, your counselor, and your physician will find out your test results in that case. If the test shows that you are HIV-positive, the counselor will give you advice on where to get additional counseling, medical treatment, and what to do next.



## WHERE TO GET HELP

Contact the leaders of your village or sector office first for help. Your local government runs a lot of programs that can help you. You can also reach out to the organizations below, many of which work in partnership with sector offices. These organizations often provide their services on a sliding scale, meaning for a fee based on what you can afford to pay. Some require that you have a Certificate of Indigence to show that you cannot pay. Others may require you to be under a certain age. Even when an organization cannot help you, it may be able to refer you to one that can. Keep contacting people and organizations until you find someone who can help.

### AMAHORO ASSOCIATION

P.O. Box 4525, Gasabo District, near Kacyiru Sector office, Kigali. Phone: (+250) 788406504.

AMAHORO focuses on supporting children affected by HIV/AIDS and has special programs for children who do not have adults to care for them. It offers mediation services, counseling, medical, food, and financial aid, and help with applying for public assistance programs.

### BENISHYAKA

P.O. Box 1091, Boulevard de L'Umuganda (opposite Novotel Umubano Hotel), 2nd Floor, Kacyiru Sector, Kigali. Phone: (+250) 587083.

[www.benishyaka.com](http://www.benishyaka.com)

Benishyaka was established to help women and children affected by genocide, HIV/AIDS, and war. Umufasha work directly with parents and children to provide counseling, job training, and life training. Benishyaka offers some educational and financial aid.

### CHABHA (CHILDREN AFFECTED BY HIV/AIDS)

P.O. Box 4525, Gasabo District, Kacyiru Sector, Kigali. Phone: (+250) 788454354.

16 Bradley Ave. Brattleboro, VT 05301 USA.

Phone: (+001) 802 2582440.

[www.chabha.org](http://www.chabha.org)

CHABHA works to improve the lives of vulnerable children by offering life-skills and job training workshops for young adults, financial aid for education and Mutuel de Santé fees of children in need, and other support services for those affected by HIV/AIDS.

### DUFATANYE: RWANDA COMMUNITY LAW, ANTI-DISCRIMINATION NETWORK

P.O. Box 5141, Kigali. Phone: (+250) 788618384.

Dufatanye is a network of organizations and WE-ACTx partners. The legal project focuses on providing legal assistance to people living with HIV/AIDS through legal education, mediation, and advocacy.

## LIVING WITH HIV OR AIDS

The laws provide that you cannot be discriminated against at home, work, school or anywhere because you have HIV or AIDS. If you test positive for HIV or AIDS, the center that administers the test will refer you to a clinic or hospital for treatment. Treatment can include ARVs and other medications and treatment for malaria, tuberculosis, and other diseases.

### IMBUTO FOUNDATION

P.O. Box 7141, Kigali. Phone: (+250) 59062082.  
Imbuto offers many health programs for women and children. It provides basic care and support to adults and children affected by HIV/AIDS, including educational programs for pregnant mothers with HIV.

### MINISTRY OF GENDER AND FAMILY PROMOTION (MIGEPROF)

Primature, Kimihurura.  
Phone: (+250) 577626, (+250) 577203, or (+250) 576455.  
[www.migeprofe.gov.rw](http://www.migeprofe.gov.rw)  
MIGEPROF provides many services to help children who are under 18-years-old, including healthcare, education, counseling, shelter, and food. You must have a Certificate of Indigence.

### MINISTRY OF HEALTH (MOH)

P.O. Box 84, Kigali. Phone: (+250) 577458.  
[www.moh.gov.rw](http://www.moh.gov.rw)  
The Ministry of Health is set to up improve the Rwandan population's health situation by strengthening the quality of service delivered and providing access to treatment through the Mutuel de Santé. It oversees the TRAC Plus Program, located at Boulevard de la Revolution, P.O. Box 2717, Kigali. Phone: (+250) 578471 or (+250) 578472. [www.tracrwanda.org.rw](http://www.tracrwanda.org.rw). TRAC Plus is the national centre for infectious diseases control and prevention in Rwanda. TRAC can provide information the incidence and avoidance of infectious diseases. They maintain two free hotlines for the public. Dial 3334 or 3335.

### RÉSEAU RWANDAIS DES PERSONNES, VIVANT AVEC LE VIH (RRP+)

P.O. Box 6130, Kigali. Phone: (+250) 788305155.  
RRP+ is dedicated particularly to the helping those affected by HIV/AIDS, offering reproductive services, assistance with health and education fees, as well as advocacy.

These are often available free of charge if you have Mutuel coverage. People who test positive for HIV and need ARVs have a right to receive them under the law. Many people who have HIV or AIDS and get treatment are able to live long, healthy lives. It is important to practice safe sex and to inform your sexual partner if you have HIV/AIDS, as you can be subject to life imprisonment if you intentionally transmit HIV/AIDS to someone else through sex.

### SAVE THE CHILDREN

P.O. Box 295, Kiyovu/Omega House, Kigali.  
Phone: (+250) 0252572921.  
1 St John's Lane, London EC1M 4AR.  
Phone: (+44) (0)20 70126400.  
[www.savethechildren.org.uk/en/987.htm](http://www.savethechildren.org.uk/en/987.htm)  
Save the Children is an international organization that works in Rwanda to help children get proper healthcare, food, education, and guidance. It can help reconnect children who have been separated from their families, provide job training, and financial aid.

### SOCIETY FOR WOMEN AND AIDS IN AFRICA (SWAA)—RWANDA IHUMURE

P.O. Box 5196, Kigali. Phone: (+250) 583884.  
Email: [swaar@rwandatel1.rwanda1.com](mailto:swaar@rwandatel1.rwanda1.com).  
[www.swaa.org.rw](http://www.swaa.org.rw)  
SWAA operates three offices in Kigali, Gitarama, and Kibungo to promote awareness especially among women and girls about reproductive health and HIV/AIDS. It offers counseling, care, and reproductive health education.

### UYISENGAN'IMANZI

P.O. Box 7257, Gasabo District, Kigali.  
Phone: (+250) 585462.  
Email: [uyisenga@rwanda1.com](mailto:uyisenga@rwanda1.com).  
[uyisenganimanzi.org](http://uyisenganimanzi.org)  
Uyisengan'Imanzi focuses on addressing the special needs of orphans affected by genocide and HIV/AIDS. It helps children learn to work as a community to help and learn from each other. The organization also provides legal aid, mediation, counseling, and educational programs.

## YOU AND YOUR JOB

Many children in Rwanda leave the house to earn money for themselves and their families before they reach the age of 18. The government reports that at least 450,000 workers in Rwanda were under the age of 18 (about one in ten children) in 2007.

The law aims to protect young people from being treated unfairly or working dangerous jobs. You have a right not to be forced into taking any job. Employers are subject to fines for hiring illegal workers. You may not be punished under the law for working before you turn 18, but taking illegal work can cause problems for you. You may be injured at work, and your employer may not help you. You may be paid less or treated worse than others who are working legally. You may find it hard to report problems to your employer or to the police, because you fear losing your job.

The place you work is supposed to be safe for you, and you cannot be required to perform tasks that put your health or life at risk. The most serious dangerous jobs tend to be farming on tea, rice, and sugar cane plantations, working in brickyards and sand quarries, and prostitution. Many young girls are abused or exploited when they do domestic work, such as housecleaning or taking care of children, for people they do not know.



### When am I allowed to work a full-time job?

Eighteen years old is the minimum age for full-time employment, meaning working for at least eight hours a day, five days a week. Regardless of age, you must take the job voluntarily—you cannot be forced into taking or staying at a job.

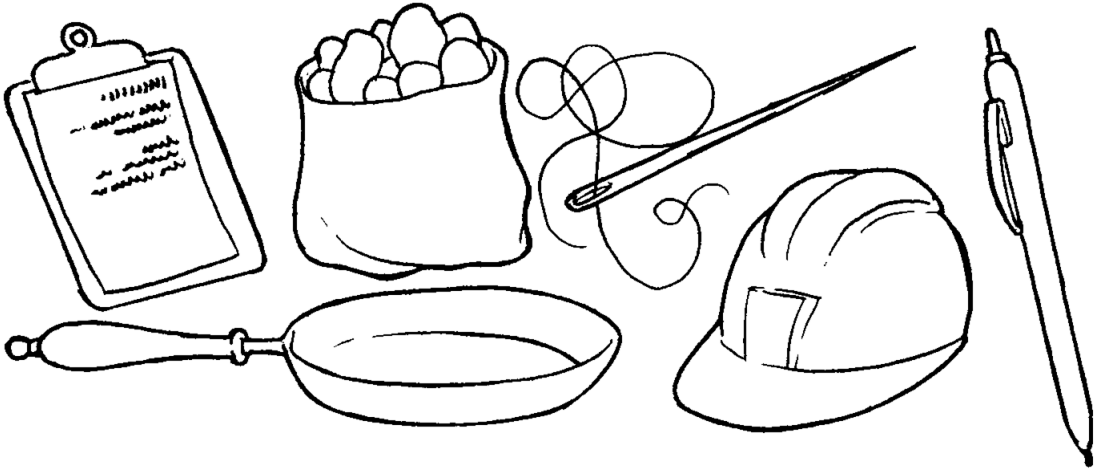
If you are under 16, you can legally work only if you have your parents' or legal guardian's permission. The work must be done during the day, not anytime between 7 p.m. and 5 a.m., and you must be allowed at least 12 hours of rest between shifts. You cannot take any job that is considered hazardous by the Minister of Labor, including domestic work other than helping your parents, working on tea, rice, and sugar cane plantations, working in brickyards and quarries, mining, or prostitution. You are allowed to work before you are 16 if your family lives on a farm and you are helping take care of it.

If you are 14 years old and have finished primary school, you can take an apprenticeship, a job where you are also training in a trade such as cooking or metalworking. You may also be allowed to work at an earlier age than 16 if the conditions at work are safe and leave time for you to attend school.

### What can I do if I am being mistreated at my job?

The government imposes fines against adults who illegally employ children or parents who send their children to work at such a young age that the children do not finish primary school. If you have been forced to work by your parents, guardian, or relatives in violation of any the





rules described in this chapter, your local cell office may be able to help you. The government has made efforts to improve its enforcement of its child labor laws, but sometimes the laws cannot be enforced because the government does not have enough inspectors. You may be able to get help instead from some of the organizations at the end of this chapter.

The Ministry of Public Service and Labor coordinates with other ministries, such as the Ministry of Education, to provide “catch-up” classes for children who were forced to leave school to work. The Ministry also runs centers that can provide a home for minors who have been working illegally and cannot return home or do not have a home.

### What rights do I have at work as a new mother?

You cannot be fired because you are pregnant or on maternity leave. Women have the right to maternity leave for three months and if agreed by the employer, the right to one hour per

working day to breast feed for twelve months after returning to work. If your child dies within one month of age, you are entitled to four weeks of leave.

### Joining the Military or Militias

Under the law, you have a right not to be forced to join the military or military-like organizations (militias) if you do not want to. You are not allowed to join the army, even voluntarily, until you are at least 18. Minors sometimes choose to leave school to support their families by joining the military. The decision to join is yours, but if you can, avoid joining any military organization before you are old enough to know why you want to join, what you can expect to experience, and why you want to fight.



## WHERE TO GET HELP

Contact the leaders of your village or sector office first for help. Your local government runs a lot of programs that can help you. You can also reach out to the organizations below, many of which work in partnership with sector offices. These organizations often provide their services on a sliding scale, meaning for a fee based on what you can afford to pay. Some require that you have a Certificate of Indigence to show that you cannot pay. Others may require you to be under a certain age. Even when an organization cannot help you, it may be able to refer you to one that can. Keep contacting people and organizations until you find someone who can help.

### ADEPE (ACTION FOR THE DEVELOPMENT OF PEOPLE, ACTION POUR LE DEVELOPPEMENT DU PEUPLE)

P.O. Box 4043, Gisenyi, Rubavu District.

Phone: (+250) 788570369. E-mail: [adepeu@yahoo.fr](mailto:adepeu@yahoo.fr).

ADEPE supports the socio-economic development of vulnerable families and children in the Rubavu district of Rwanda through providing legal aid, mediation services, income generation projects, and financial aid.

### BENISHYAKA

P.O. Box 1091, Kigali. Phone: (+250) 587083.

[www.benishyaka.com](http://www.benishyaka.com)

Benishyaka was established to help women and children affected by genocide, HIV/AIDS, and war. Umufasha work directly with parents and children to provide counseling, job training, and life training. Benishyaka offers some educational and financial aid.

### MINISTRY OF PUBLIC SERVICE AND LABOR (MIFOTRA)

P.O. Box 403, Kigali. Phone: (+250) 585714.

[www.mifotra.gov.rw/lang/en/index.php](http://www.mifotra.gov.rw/lang/en/index.php)

The Ministry of Public Service and Labor is in charge of enforcing the national labor standards to make sure people are safe and treated fairly at work.

### RDRP (RWANDAN DEMOBILIZATION AND REINTEGRATION PROGRAM)

P.O. Box 7277, Kigali. Email: [demob@rwanda1.com](mailto:demob@rwanda1.com) or [demobrwnda@yahoo.com](mailto:demobrwnda@yahoo.com).

Phone: (+250) 583620 or (+250) 587159.

[www.mdrp.org](http://www.mdrp.org)

RDRP is part of the World Bank's program to provide education, job training, counseling, and general rehabilitation support to former soldiers. RDRP runs the Muhazi rehabilitation center, which provides minors a place to live and works to reunite them with their relatives.

### SOLIDARITÉ (SOLIDARITY ASSOCIATION OF PEOPLE WITH HIV)

Kigali. Phone: (+250) 788549830.

Solidarity is an association that focuses on education and has many programs to help children who are not attending school, including financial aid. It also offers special training programs for children who have been exploited as domestic workers or recruited into the military. It organizes regular support groups for girls who have experienced violence or abuse and also can help girls report abuse to the police.

Your safety is always the most important thing. You have a right to stand up for yourself.



## PREVENTING AND DEALING WITH ABUSE

Abuse is when someone hurts you, whether through physical, sexual, or emotional and psychological actions. This means abuse can happen when someone hits you or touches you sexually without your consent. It can also be when someone yells at you or repeatedly tells you things that are cruel and make you feel bad about yourself. Abuse can make you feel a lot of negative things: You might think you are a bad person, feel isolated from your friends and family, or feel sad, angry, depressed, and ashamed about what happened.

### What can I do to protect myself?

It is important to always be around people you trust. Bring a friend when you go out. Never go anywhere alone with someone you do not know or trust. Be aware that some adults will try to trick you with promises of money, fame, or other presents, or they will ask you for help. Do not fall for these tricks and do not assume you can handle the situation. Get away and tell someone you trust about it. Always use common sense and listen to your instincts—if you feel uncomfortable, do not be embarrassed or worry that it is impolite to leave. Your safety is always the most important thing. You have a right to stand up for yourself.

If you feel you are at risk of violence, it is important to take whatever steps you can to get away from the potential abuser. Act as soon as you can—do not wait for risk of danger to become actual violence. If you cannot get away, it is important to seek emotional support. Tell somebody you trust, like a friend, teacher, or a counselor. You may want to talk to the police.



Often abusers rely on the fact that you will not tell anyone else because you are ashamed or embarrassed, but the more people you tell, the more others can help you.

Any form of abuse is a violation of your rights, whether you are a girl or a boy, and whatever age you are. This section talks about how to protect yourself and what you can do if you or someone you know has experienced any of these forms of abuse.

### IMPORTANT THINGS TO KNOW ABOUT ABUSE IF YOU ARE TAKING CARE OF CHILDREN

Abuse of a child can take many forms. A parent or legal guardian is responsible for taking care of his or her child. This means, if you are a parent, you must provide a child with enough food and water to keep the child healthy, a safe place to live, clothing, and an education. An adult taking care of a child has no excuse for failing to protect that child. For example, a parent or legal guardian may not neglect a child, or fail to provide for basic needs, because the child is a girl. Similarly,

if there is not enough money to care for the child, a parent must get financial help or look for some other form of public assistance to avoid neglecting the child.

If a child is neglected or abandoned by a parent or legal guardian, the adult faces one to 15 years in prison and fines. If the child is disabled or if the child dies as a result, the punishment can be life in prison. There are special punishments if a parent neglects his or her child because of the child's gender. There are also special penalties of imprisonment and fines in certain situations against those who do not help victims of violence or refuse to testify as to violence committed against him or herself or another person.

Child abuse can also be in the form of sadistic, inhuman, or degrading punishment—for example, beating a child very severely. The adult that physically abuses a child is subject to imprisonment of six months to three years and fines. The punishment can be life in prison if the child becomes disabled or dies as a result. Being drunk at the time of the abuse is not an excuse for mistreatment of a child.

An adult or minor who is not a parent or legal guardian but who is taking care of children can still be punished for physically or sexually abusing a child. As head of the household, you are liable, or subject to the law, and can be punished just as any adult would be, if you abuse or hurt your siblings.

It is also important to know that new laws in place make it illegal for someone to fail to respond if you tell him or her you have been abused. For example, if you tell your teacher

that your uncle has been touching you sexually, your teacher must take steps to help you by reporting the case to the police or else your teacher will be subject to imprisonment and fines. Under the law, all people have a responsibility to protect children from violence.

## VIOLENCE AND GENDER-BASED VIOLENCE

Violence committed against another person is illegal. The Law on Prevention and Punishment of Gender-Based Violence enacted in 2009, provides special protection for victims of violence targeted at them because of their gender. Gender-based violence is any act that results in physical, psychological, sexual, or economic harm directed at a person because of his or her gender. This can occur within a household as well as outside the home. More than 75 percent or most of the thousands of gender-based violence cases that are reported to the police involve victims under 18, mostly girls.

### Is it illegal if the person I love is hurting me?

A husband, a parent, other family members, or employer, not only strangers, can abuse you. Just because a woman is married or a child is female does not mean that she must accept beatings, forced sex, or psychological abuse. Both spouses have equal rights as to sexual intercourse, reproductive health, and family planning. Anyone who violates the law is subject to severe penalties of prison time and often fines. It is against the law to beat, rape, or otherwise assault another person.

## What is rape?

Rape is non-consensual sexual intercourse. If you force, intimidate, or trick someone to have sex with you, you have committed rape. Non-consensual sex with your married spouse is called conjugal rape and is also illegal.

Minors are not old enough to consent to sex. That is, an adult is not allowed to do anything sexual with someone younger than 18 years of age. This is true even if the minor said “yes.” Sex with a minor is called “statutory” or “child” rape and has same penalties as any other form of rape. These laws are in place to protect you from adults who try to take advantage of young people. If an adult has sex with a minor, this is called child rape under the law.

The penalty for rape is imprisonment between 10 to 20 years plus medical fees for the victim, or life imprisonment if the victim contracted HIV/AIDS or died as a result. The penalties for rape of a minor is from 20 years to life imprisonment, plus fines. Penalties are even more severe if the abuser was a person of special trust to the child, such as a parent, legal guardian, teacher, or religious leader. If the rape causes the child’s death or gives the child a disease such as HIV/AIDS, the crime is punishable by life in prison and other extremely severe penalties.

## What can I do to protect myself?

It is important to stay away from situations where it would be easy for someone to isolate you from people who could help. Bring a friend when you go out. Never go anywhere alone with someone you do not know or trust. Be aware that some adults will try to trick you with

## Meet Chantal

*Chantal is fourteen. Her mother died when Chantal was still very young. After her father remarried, he left to find work in Uganda, leaving Chantal and her stepmother alone at home. Her stepmother needed help around the house and began asking Chantal to take on many of the hard jobs and heavy labor around the house, sometimes forcing Chantal to stay home to work instead of attend school. Chantal knew that her studies were very important, and so she asked a mediator at Amahoro for help. Through home visits with the stepmother, the mediator discussed the importance of Chantal continuing her schooling, the stepmother’s responsibilities as guardian, as well as Chantal’s responsibilities to help at home. Chantal and her stepmother were able to reach a compromise. Now, Chantal is continuing her studies while taking care of a reasonable amount of responsibilities at home.*

## Meet Josie

*By the time Josie was sixteen, both of her parents had died. Her father’s brother came to live with her in her house, so that he could care for her. Her uncle was unfortunately an alcoholic. He came home late every night very drunk and beat Josie. He spent the money that was meant to go towards food and school fees on alcohol instead. Josie often ran away at night to hide. Eventually, Josie found help through an umufasha through CHABHA. The umufasha was not able to convince the uncle to change his ways but was able to support Josie to attend a boarding school. Still, on holidays, Josie must return home to her abusive uncle, and that is still very difficult for her.*

promises that sound too good to be true. They may offer you money, fame, or other presents. They might tell you a sad story and ask you for help and then try to get you to go some place alone. They may try to establish a relationship with you. Do not fall for these tricks and do not assume you can handle the situation. Get away and tell someone you trust about it. Always use common sense and listen to your instincts—if you feel uncomfortable, leave. Your safety is more important than being polite or whether you will hurt the other person's feelings. Sometimes it is an adult you know who tries to hurt you. It can be hard to stay away from that person if he or she is a relative or parent. In these cases, it is very important to find someone you trust to tell and ask for help. In the end, if you are abused, raped, or sexually assaulted, it is not your fault. The person who hurt you is the only person who did something wrong.

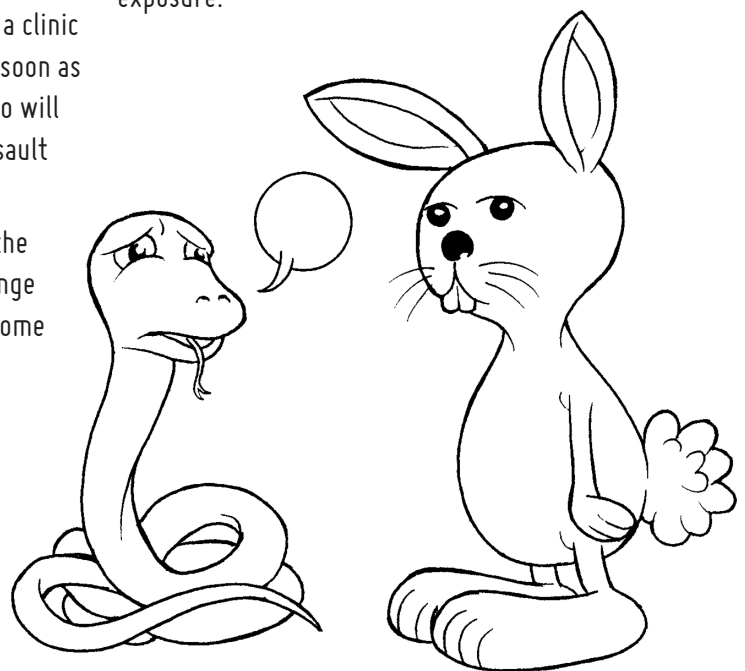
### What can I do if I have been raped or sexually assaulted?

It is very important if you have been raped or sexually assaulted that you try to get to a clinic or hospital for a medical examination as soon as possible after the assault occurs. You also will need to decide whether to report the assault to the police.

Even if you are not sure you will report the assault to the police, do not wash or change your clothes, because this may destroy some important evidence. After you have had

time to get to the hospital, you may decide that you do want to report the incident. The more evidence you have of the rape or sexual assault, the easier it may be for the police and prosecutors to compile a report for you. During the exam, your doctor or other healthcare provider will write a medical report documenting the examination and your injuries. You can give this very important piece of evidence to the police if you decide to report the assault.

Under the Ministry of Health recently developed Guidelines for the Clinical Management of GBV Victims, if you go to a hospital or health clinic, you should receive a medical examination, treatment for any injuries resulting from the attack, pregnancy testing and prevention, counseling services, and testing and treatment for any sexually-transmitted diseases including HIV/AIDS. Getting medical care quickly is especially important after rape to lower the risk of getting HIV/AIDS. There is medication available to prevent HIV infection, but it must be taken within 48 hours of the possible exposure.





## WHERE TO GET HELP

The medical exam, medications, and other treatment are emergency services that are supposed to be provided free to you if you cannot pay. Unfortunately, it often happens that girls and women who have been sexually assaulted are asked by the clinic or hospital to pay for the exam and are even turned away if they do not have health insurance or cannot afford the “co-payment.” Explain that the situation is an emergency and that you have the right to the exam and treatment. You can ask the police at the [Gender Hotline at the National Police Prosecution Office at 3935 or 3677](#) to help you if you still are refused treatment.

### What if I don't have a person I trust to help me?

If you do not know anyone to ask for help, call the [National Police Prosecution Office, Gender Hotline at 3935 or 3677](#). If you were assaulted by someone you live with, such as a parent, spouse, or sibling (this is domestic violence), call the [National Police Prosecution Office, Domestic Abuse Hotline at 3512](#). The police at the Gender Hotline are specially trained to respond respectfully and compassionately to your call for help. They are supposed to arrange for an adult, who are trained in helping people who have been raped or assaulted, to take you to the medical exam.

### How to report violence against you or someone you know

The decision to report a crime like abuse or gender-based violence is ultimately up to you. It can be a difficult decision, but you should realize that there are organizations that can help make the process easier and offer you support when others in your life may not. If you or someone you know is a victim of gender-based violence, you can contact [Solidarité, \(+250\) 788549830](#) [Haguruka, \(+250\) 554669](#) or [\(+250\) 788300834](#), or [FACT, free hotline dial 3232](#), which have free programs such as support groups and counseling. Another place to get help is the [WE-ACTx Adolescents Support Project, \(+250\) 788350602](#). There are more programs like these at the end of this chapter.

### If you, your siblings, your children, or someone you know has experienced gender-based violence and is ready to report it, take these steps:

- (1) Get medical care right away, if needed. The statements of your doctor or nurse about your injuries can also be useful in proving your case.
- (2) Call the [Gender Hotline at the National Police Prosecution Office at 3935 or 3677](#). The police are required to respond, take you seriously, and treat you with respect. In each district there is a police officer in charge of GBV, who works in collaboration with the health facilities.
- (3) If the police do not help you right away, contact the other organizations listed at the end of this chapter.

## TALKING ABOUT WHAT HAPPENED

Many young children, particularly girls, in Rwanda who have lost their parents or who have been adopted by relatives or other families, experience violence. This abuse can take the form of being forced to do heavy chores like cooking, cleaning, farming, or caring for other's children at the cost of your own health, education, and well-being. This abuse may also be molestation or rape.

Gender-based violence, just like any violence against another, is against the law, and should be reported to the police. It can be very difficult to find the confidence and support to report what has happened. By reporting gender-based violence to the police, you are saying that the abuse is not acceptable. But maybe you are afraid of the police or fear they cannot or will not help.

Though it can be difficult, tell at least an adult you trust. If that person does not believe you or does not want to help you, tell another adult you trust until you find someone who can help. It is actually illegal under new laws for an adult to refuse to help a child who is a victim of gender-based violence. Even so, even when you tell the truth, others may not want to believe you. They might try to make you feel ashamed or treat you differently or even badly as a result. Where a family member is involved, other adults may tell you not to report it, because they are scared about other people finding out.

In the end, remember that if you are abused, raped, or sexually assaulted, it is not your fault. The person who hurt you is the only person who did something wrong.

## PROSTITUTION, SUGARDADDIES, AND SUGARMUMMIES

No one is allowed to force another into prostitution, or selling sex for money. This is illegal in Rwanda. Reports in Rwanda have shown that girls, typically between ages 14 and 18, who have no one to rely on for financial support are often taken advantage of by people who work in groups to trick and trap them. Many children from child-headed households turn to prostitution in order to survive and support their families.

Some types of prostitution are not so obvious. For example, some adults try to take advantage of young people by giving gifts, such as a necklace or phone, in exchange for sex. Because the adult has more power and experience, he or she can often inflict physical or psychological abuse without consequences. The minor often is embarrassed to report the mistreatment. The Rwandan police reports that some of these adults are HIV-positive and intentionally try to have unprotected sex with minors. These "sugardaddies" and "sugarmummies" then abandon the relationship when real problems arise, including pregnancy or transmission of HIV.

Any adult involved in child prostitution and other types of sexual exploitation of children can be punished by at least three months to 12 years in prison and significant fines. There are programs listed at the end of this chapter for young people who have been prostitutes and now are ready to move on with their lives. Some of these programs offer a place to live and job training and placement.



## OTHER WAYS CHILDREN ARE EXPLOITED

Any adult who assists in having a child work in dangerous conditions for little to no money is engaging in slavery. Adults cannot force children, even those they are related to, to do dangerous work around the house. Adults cannot force children to work at the expense of their

schooling. Child slavery crimes may result in the adult being sentenced to at least five years to life in prison and significant fines. No adult can ask a child to participate in drug or arms-trafficking crimes either. Crimes involving the sale of drugs or guns may result in the adult being sentenced to at least five to 25 years and significant fines.



### WHERE TO GET HELP

Contact the leaders of your village or sector office first for help. Your local government runs a lot of programs that can help you. You can also reach out to the organizations below, many of which work in partnership with sector offices. These organizations often provide their services on a sliding scale, meaning for a fee based on what you can afford to pay. Some require that you have a Certificate of Indigence to show that you cannot pay. Others may require you to be under a certain age. Even when an organization cannot help you, it may be able to refer you to one that can. Keep contacting people and organizations until you find someone who can help.

#### ADEPE (ACTION FOR THE DEVELOPMENT OF PEOPLE, ACTION POUR LE DEVELOPPEMENT DU PEUPLE)

P.O. Box 4043, Gisenyi, Rubavu District.  
Phone: (+250) 788570369. E-mail: [adepeu@yahoo.fr](mailto:adepeu@yahoo.fr).  
ADEPE supports the socio-economic development of vulnerable families and children in the Rubavu district of Rwanda through providing legal aid, mediation services, income generation projects, and financial aid.

#### FACT RWANDA (FORUM FOR ACTIVISTS AGAINST TORTURE)

P.O. Box 729, Kacyiru Sector, Kigali.  
Phone: (+250) 788305707.  
[www.fact.org.rw](http://www.fact.org.rw)  
FACT works with children that have been victims of organized violence and with adults in preventing violence. It offers counseling and holds workshops in schools about recognizing and respecting human rights. FACT also maintains a free phone hotline at their center for the assistance of victims of torture—dial 3232.

#### HAGURUKA

P.O. Box 3030, Boulevard de L'Umuganda, Kigali.  
Phone: (+250) 554669 or (+250) 788300834.  
[www.haguruka.org.rw](http://www.haguruka.org.rw)  
Haguruka offers legal aid to women and children and can assist with a variety of issues including criminal charges, guardianship, child support, paternity, wills, and property inheritance.

#### MINISTRY OF GENDER AND FAMILY PROMOTION (MIGEPROF)

Primature, Kimihurura.  
Phone: (+250) 577626,  
(+250) 577203, or (+250) 576455.  
[www.migeprofe.gov.rw](http://www.migeprofe.gov.rw)  
MIGEPROF provides many services to help children who are under 18-years-old, including healthcare, education, counseling, shelter, and food. You must have a Certificate of Indigence.

#### NATIONAL HUMAN RIGHTS COMMISSION

P.O. Box 269, Mairie de la Ville de Kigali, Kacyiru Sector, Kigali.  
Phone: (+250) 504271, (+250) 504273, or (+250) 504274.  
The National Commission works with the Ministries and the police to promote children's rights. It monitors violations of children's rights and compiles a report for Parliament and the President. If there is a systematic or area-specific problem, the Ministries must respond with action. The National Commission runs a free hotline, dial 3430, if you have experienced a violation of your rights and also if you require legal aid.



## WHERE TO GET HELP

### RWANDA NATIONAL POLICE: OFFICE OF GENDER BASED VIOLENCE [www.police.gov.rw](http://www.police.gov.rw)

Call the free telephone hotline to report police misconduct, dial 116. Call the free telephone hotline to report gender-based violence including rape, dial the Gender Hotline at 3935 or 3677. Call the Child Protection Unit to report child abuse, physical assault, or abandonment by a parent or legal guardian, dial (+250) 788304796.

### SOLIDARITÉ (SOLIDARITY ASSOCIATION OF PEOPLE WITH HIV)

Kigali. Phone: (+250) 788549830.

Solidarity is an association that focuses on education and has many programs to help children who are not attending school, including financial aid. It also offers special training programs for children who have been exploited as domestic workers or recruited into the military. It organizes regular support groups for girls who have experienced violence or abuse and also can help girls report abuse to the police.

### SOCIETY FOR WOMEN AND AIDS IN AFRICA (SWAA)—RWANDA IHUMURE

P.O. Box 5196, Kigali. Phone: (+250) 583884.

Email: [swaar@rwandatel1.rwanda1.com](mailto:swaar@rwandatel1.rwanda1.com).

[www.swaa.org.rw](http://www.swaa.org.rw)

SWAA operates three offices in Kigali, Gitarama, and Kibungo to promote awareness especially among women and girls about reproductive health and HIV/AIDS. It offers counseling, care, and reproductive health education.

### WE-ACTX ADOLESCENTS SUPPORT PROJECT

P.O. Box 4151, Avenue Kalisimbi, Kigali.

Phone: (+250) 788350602.

WE-ACTx provides comprehensive HIV/AIDS care, trauma counseling, human rights education and advocacy, and economic development projects, to women and children in need.

## Meet an Umufasha: Ireen Ingabire, Amahoro Vice President

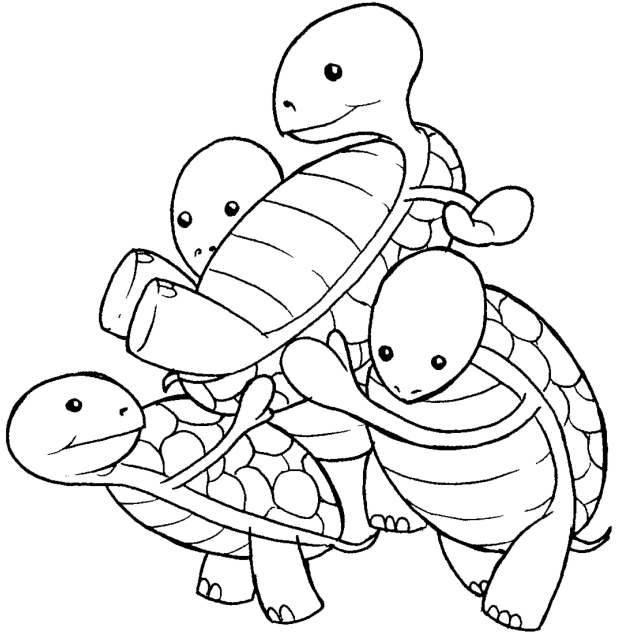
*“Sometimes people come to me with problems for which there is no solution. I hear so many stories. I know sometime in the future, it will get better, but until then we can only be patient and do our best to help each other. Sometimes young girls will come to me and tell me they have been raped. I tell them not to keep quiet. Do not be ashamed. Tell the police, your parents, guardians, other adults, or at least your friends. Being this way is so important in the fight for the rights of women and children in Rwanda.”*

## Meet an Attorney: Joseph Mafurebo, WE-ACTx Health and Justice Project Director

*All over the world, children face so many challenges within their families and also within the community around them that threaten to violate their rights. As someone who provides legal aid to children in Rwanda, many of whom have suffered from violence, I have focused on trying to improve the lines of communication between children and authorities, such as the police and government ministries. It is so important for children to know their rights and to learn how to communicate their problems clearly to adults. I also believe that providing legal education to parents is very important for helping children. By making adults more aware of their own responsibilities, we will reach our goal of helping children live better lives.*

# USING THE LAW TO HELP YOURSELF OR SOMEONE YOU KNOW

There are many reasons why you may hesitate to ask for help from the police or an organization. It is hard to talk about painful or difficult things with people you do not know or trust. You may not be sure that the person you are talking to will help you. You may also be afraid that you will cause trouble at home or for the person who hurt you. It is important to protect yourself and your rights, but it is your decision as to when and how you want to do this. You may also be accused of violating the law yourself, and if so you will need help. The African Charter on the Rights and Welfare of the Child also requires that if you are accused or found guilty of a crime, you have a right to special treatment as a child.



You have the right to grow up and get an education, maintain your health, and live free of abuse, and no person can prevent you from having these things. If you decide you want to assert your rights, here are some of the types of people who you might want to get involved.

**Village, cell, and sector leaders:** The government of Rwanda is made up of many officials working at many different levels.

Village (umudugudu): Elders/Leaders

Cell (akageli): Leaders (akagari)

Sector (umurenge): Leaders

District (akarere): Leaders

National (mu rwego rw'Igihugu): President and Parliament

When you report a problem, for example, sexual or gender-based violence to the police, your village authorities will first get involved. If they cannot help you, they will take your case to an

official at the cell level. If your cell authorities still cannot help, officials at the sector level will get involved. It is your sector office that manages aid programs and other social services. For example, your sector officials have funds to pay some of the school costs for children who could not otherwise afford to pay. Sector officials also issue the Mutuel de Santé. All important documents are filed with your sector office as well, so that is where you can go to find documents that prove who owns land or who is married, for example.

**Umufasha:** Some of the people who work for non-profit organizations or NGOs (non-governmental organizations) are trained to help you with legal, medical, or other problems. These people are called umufasha. This role is also sometimes performed by people called

social workers, peer educators, advocates or counselors. The organizations they work for can be part of the Rwandan government or can be private organizations such as NGOs, which get funding from outside sources. Many of the services the organizations offer are free. Umufasha work directly with you and act as your advocate, or representative, to help you solve your problem. Umufasha may be able to give you different kinds of advice, help you talk to the police, find a lawyer, or introduce you to a person who has special knowledge about a legal problem. Sometimes umufasha can help you to sort out your emotions and be available to just talk.

**Mediation:** Mediation is a process through which disputes can be resolved outside of the courts. Individuals called mediators help people come together in a safe place to talk about their concerns with each other freely and come to work towards an agreement. Since it is not always possible to go to court, mediation can be a good solution for many types of problems involving people with whom you want to try to maintain a relationship, such as relatives. For example, an umufasha can serve as the mediator for some problems such as talking with a teacher to allow a child back in school or arguments between children and their parents. Abunzi is one type of mediation in Rwanda. More than 70 percent of civil cases in Rwanda are heard in this way, including disputes about child support and who owns property, although minors themselves cannot resolve cases this way.

**Lawyer:** You do not always need a lawyer to solve problems. A lawyer can be very helpful, though, if you have already tried talking to the other person on your own, tried mediation, or if the police are involved.

The Rwandan Code of Criminal Procedure requires that anyone under 21 to have a lawyer to represent him or her in front of the police, in court, or in any legal proceeding outside of court. The two different types of lawyers who can litigate (argue a case) in court are called prosecutors and advocates.

A prosecutor can file a lawsuit on behalf of the victim in criminal court. One example of a criminal case is where someone has assaulted (physically hurt) you. An advocate, on the other hand, defends the person accused of wrongdoing in a criminal case or can represent either side in a civil case. An example of a civil case is when a relative takes the house your parents left you when they died.

You must have a “mandate” if you are under 21 to get an advocate’s help in a civil case. A mandate is a paper signed by a parent, legal guardian, or blood relative who is responsible for you that says you have permission to get an advocate’s help. Getting an adult to sign a mandate, especially if that adult is the person violating your rights, can be very difficult. Unfortunately, Rwanda law does not provide any way around this rule. So, for now, you may need the help of someone who understands your problem, such as an advocate or umufasha, to help you try to talk with the adults in your life and convince them to sign the mandate.

If you are accused of a crime, it is your advocate’s job to help you. An advocate should help you talk to the police, prosecutor, and court and find ways to prove you are innocent of the crime, or if necessary, to reduce the sentence.



## WHERE TO GET HELP

If you are under the age of 18, you must be allowed to talk to an advocate if you are detained or before you are questioned by the police. If you are arrested by the police, you should ask for an advocate, no matter what your age. You do not have to answer police questions until your advocate comes. But refusing to speak with the police may result in retaliation, so it is important for you to weigh your particular situation carefully. [The Kigali Bar Association, \(+250\) 71078, \(+250\) 64078, \(+250\) 72150, \(+250\) 71308, or \(+250\) 75021](#), can help you find an advocate and talk about your options. You can also call the organizations listed in this section such as [ADEPE, \(+250\) 788570369](#), or [Uyisengan’Imanzi, \(+250\) 585462](#).

**Police:** Part of the job of the police is to make sure your rights are protected. Any person who violates the rights of a child can be punished under the law.

The Rwandan police have a special organization to help young people with many of the problems and violations of rights that are described in this handbook. You can call the [National Police Prosecution Office, Domestic Abuse Hotline at 3512](#), or the [Rwandan National Police Child Protection Unit, \(+250\) 788304796](#). You can also call the [Rwanda Defense Forces at 3945](#).

Unfortunately, sometimes the police cannot help you, and sometimes, they can even be the cause of some problems. For example, there are reports that police sometimes harass children who are living on the street, claiming that they are violating the law by selling things, begging, or sleeping on the street. Sometimes the police detain street children for extended periods in unsafe conditions. The Rwandan National Police set up a toll-free number for reporting problems regarding police, such as arrest without cause, beatings, or other lack of police discipline. If the police have treated you badly,

consider asking an adult you trust or an NGO to make a report to the Police Abuse Hotline, dial 116.

Remember that you must be allowed to talk to a lawyer if you are detained or before you are questioned by the police. If you are a minor and cannot afford a lawyer, the police are supposed to assign you a lawyer who will work for you for free while you are in detention. You must be “charged”, a legal term that means to be officially accused of a crime and told of this accusation, within ten days of being detained, otherwise it is illegal for the police to keep you in prison.

**Prison:** It is illegal to put children who are not yet 14 years old in prison. Prisons may be dangerous for children.. Sometimes, children are held too long without being formally charged with a crime. If you are arrested, it is important to stand up for your rights and ask for a lawyer. The Ministry of Justice is trying to make sure that children in prison in Rwanda have access to free legal aid services, and in August 2009 they launched an effort to clear the backlog of 600 children’s prison cases around the country.

You can get help finding a lawyer or getting legal advice from [AJIPRODHO–Jjukirwa, \(+250\) 510077](#) or one of the organizations listed on the next page in the discussion about lawyers. You can call the Police Abuse Hotline, dial 116, to report police misconduct.

**Courts:** If you are accused of committing a crime, or if you report a crime committed against you, you may need to go to court with your lawyer to resolve your case. When someone violates a criminal law, you cannot seek the help of the courts until you report the crime to the police. Some civil (non-criminal) disputes over property or legal guardianship, for example, also can go to a court.

The court process can be very long and drawn out, and can be complicated, which is why the law requires you to have a lawyer. Depending on your case, your lawyer may or may not allow you to testify, or speak under oath to the court. If you are under 12, you are not allowed to testify in court in a criminal case.

## WHAT TO DO IF YOUR RIGHTS ARE VIOLATED

There is not one way right way to take action to prevent or stop rights violations. But here are some important steps you should consider carefully:

- Tell somebody you trust or one of the organizations in this handbook and ask them for help. Do not stop talking to people and asking for help if you need it, even if the first people you go to do not help you.
- If you have been raped or otherwise sexually assaulted, immediately go to a clinic or hospital so that you can get important medical care and help preserving evidence. Also, tell someone you trust who will support you and be a good friend. Report the crime as soon as you can to the police at the [Gender Hotline, dial 3935 or 3677](#).
- Report theft or acts of violence or harassment as soon as you can to the local police. When someone violates a criminal law, you cannot bring a lawsuit or get the help of the courts until you report it to the police.
- For property or family-related problems that do not involve physical or sexual violence, ask someone to help you get mediators involved.
- If you can do so without putting yourself in danger, keep a record of what has been happening so that you can communicate this to the nearest village or sector leaders, an umufasha at an organization, or the police, or even a court. The more detailed you can be about what happened, the better chance you have for a successful result.

There are different levels of courts in the Rwandan judicial system, with local or district courts at the bottom and the Supreme Court at the top. If you are being tried and your case is decided against you at the first level district tribunal, you can appeal the decision, or ask the next level court to reconsider your case. You are always entitled to know the sources of decisions against you and the legal reasons behind the decision. Once a decision is deemed final and not-appealable, everyone must obey the terms of the decision.

The Rwandan government established special courts called Gacaca for people accused of committing crimes during the genocide, because there were too many cases for regular courts to handle. In Gacaca, members of the community decide what the accused is responsible for and what punishment that person deserves. This system allows the people accused of crimes to confess and ask for forgiveness.

• Evidence, or proof, is important to show that what you say happened actually did happen. Evidence of sexual violence, in particular, is very difficult to collect but very important to have. There are some things you can do to protect evidence:

- Do not throw anything away that might be useful to show that what you say happened relating to the event, actually did happen. This can be anything from pictures, receipts, bus tickets, letters, and so on.
- Keep a journal in which you describe what happened and on what date.
- Take a picture of the violation. For example, if you can without putting yourself in danger, take a picture of any bruises or cuts if you are being abused, or of your workplace if you are working in dangerous conditions.
- Talk to your friends or someone you trust about what has been happening so that they are aware of your situation and can confirm that you are telling the truth, if necessary.



## WHERE TO GET HELP

Contact the leaders of your village or sector office first for help. Your local government runs a lot of programs that can help you. You can also reach out to the organizations below, many of which work in partnership with sector offices. These organizations often provide their services on a sliding scale, meaning for a fee based on what you can afford to pay. Some require that you have a Certificate of Indigence to show that you cannot pay. Others may require you to be under a certain age. Even when an organization cannot help you, it may be able to refer you to one that can. Keep contacting people and organizations until you find someone who can help.

ADEPE (Action for the Development of People, Action Pour le Développement du Peuple)  
P.O. Box 4043, Gisenyi, Rubavu District.  
Phone: (+250) 788570369. E-mail: [adepeu@yahoo.fr](mailto:adepeu@yahoo.fr).  
ADEPE supports the socio-economic development of vulnerable families and children in the Rubavu district of Rwanda through providing legal aid, mediation services, income generation projects, and financial aid.

AJIPRODHO–Jjukirwa (Youth Association for Human Rights Promotion and Development)  
P.O. Box 6811, Kigali. Phone: (+250) 510077.  
AJIPRODHO–Jjukirwa was founded in 1996 by law students at the National University of Rwanda. It organizes educational programs in schools around the country to teach children about human rights. It also monitors prisons in the western parts of the country and can help find legal aid for minors accused of crimes.

AMAHORO Association  
P.O. Box 4525, Gasabo District,  
near Kacyiru Sector office, Kigali. Phone: (+250) 788406504.  
[www.amahoro.nl](http://www.amahoro.nl)  
AMAHORO focuses on supporting children affected by HIV/AIDS and has special programs for children who do not have adults to care for them. It offers mediation services, counseling, medical, food, and financial aid, and help with applying for public assistance programs.

ASF (Avocats Sans Frontières)  
P.O. Box 6248, Avenue Rukili I, Zone 10, No. 101, Kigali.  
Phone: (+250) 788306719 or (+250) 0252589823.  
[www.asf.be/index.php?module=programmas&lang=fr&id=20](http://www.asf.be/index.php?module=programmas&lang=fr&id=20)  
ASF is an international organization of lawyers. ASF works in many countries including Rwanda to help establish the rule of law, promote justice, and protect the rights of vulnerable people through legal aid, including by providing legal representation and advice to minors who are in prison or who otherwise need lawyers.



## WHERE TO GET HELP

**CHABHA (Children Affected by HIV/AIDS)**  
P.O. Box 4525, Gasabo District, Kacyiru Sector, Kigali.  
Phone: (+250) 788454354.  
16 Bradley Ave. Brattleboro, VT 05301 USA.  
Phone: (+001) 802 2582440.

[www.chabha.org](http://www.chabha.org)  
CHABHA works to improve the lives of vulnerable children by offering life-skills and job training workshops for young adults, financial aid for education and Mutuel de Santé fees of children in need, and other support services for those affected by HIV/AIDS.

**DUFATANYE (RWANDA COMMUNITY LAW ANTI-DISCRIMINATION NETWORK)**  
P.O. Box 5141, Kigali. Phone: (+250) 788618384.  
Dufatanye is a network of organizations and WE-ACTx partners. The legal project focuses on providing legal assistance to people living with HIV/AIDS through legal education, mediation, and advocacy.

**HAGURUKA**  
P.O. Box 3030, Boulevard de L'Umuganda, Kigali.  
Phone: (+250) 554669 or (+250) 788300834.  
[www.haguruka.org.rw](http://www.haguruka.org.rw)  
Haguruka offers legal aid to women and children and can assist with a variety of issues including criminal charges, guardianship, child support, paternity, wills, and property inheritance.

**CLINIQUE JURIDIQUE**  
Clinique Juridique / Legal Clinic (UNR/NUR). HIV/AIDS Project. P.O. Box 117, Butare. Phone : (+250) 531110.  
P.O. Box 2280, Gisenyi. Phone : (+250) 540580 or (+250) 788308793.  
Kigali. Phone: (+250) 788672404.  
[www.ulk.ac.rw](http://www.ulk.ac.rw)

Law students and faculty at the Kigali Independent University offer legal aid to those in need through legal education, advocacy, mediation, and in some cases, representation.

**MINISTRY OF JUSTICE (MINIJUST)**  
P.O. Box 160, Kigali. Phone: (+250) 252586398 or (+250) 252586561  
[www.minijust.gov.rw](http://www.minijust.gov.rw)

The Ministry of Justice seeks to promote and facilitate the rule of law in Rwanda by working to protect the equality of all persons before the law and ensuring that judicial institutions are effective and efficient. MINIJUST is working to provide free legal aid services to children who are in prison in Rwanda. Under a program managed by the Ministry of Justice the police are asked to help arrange for a lawyer for all disadvantaged persons, including children.

**MINISTRY OF YOUTH (MINIYOUTH)**  
P.O. Box 3738, Kivovu, Former Fair House Building 2nd Floor, Kigali. Phone: (+250) 788522730.  
[www.miniyouth.gov.rw](http://www.miniyouth.gov.rw)  
MINIYOUTH works to represent the interests of Rwandan youth and works directly with minors through the National Youth Council and other groups to look for permanent solutions to challenges facing youth today including reproductive health and HIV/AIDS.

**NATIONAL HUMAN RIGHTS COMMISSION**  
P.O. Box 269, Mairie de la Ville de Kigali, Kacyiru Sector, Kigali. Phone: (+250) 504271, (+250) 504273, or (+250) 504274.  
[www.rhrc-rw.org](http://www.rhrc-rw.org)

The National Commission works with the Ministries and the police to promote children's rights. It monitors violations of children's rights and compiles a report for Parliament and the President. If there is a systematic or area-specific problem, the Ministries must respond with action. The National Commission runs a free phone line 3430 if you have experienced a violation of your rights and also if you require legal aid.

**ORDRE DES AVOCATS AU BAREAU DE KIGALI (KIGALI BAR ASSOCIATION)**  
P.O. Box 3270, Kigali.  
Phone: (+250) 71078, (+250) 64078, (+250) 72150, (+250) 71308, or (+250) 75021.

The Bar Association is an organization of lawyers that can provide legal assistance, representation, or help finding a free or affordable lawyer. You must have a Certificate of Indigence to access their services for free.

**RWANDA NATIONAL POLICE: OFFICE OF GENDER BASED VIOLENCE**  
[www.police.gov.rw](http://www.police.gov.rw)  
Call the free telephone hotline to report police misconduct, dial 116. Call the free hotline to report gender-based violence including rape, dial 3935 or 3677. Call the Child Protection Unit to report child abuse, physical assault, or abandonment by a parent or legal guardian, dial (+250) 788304796.

**UYISENGAN'IMANZI**  
P.O. Box 7257, Gasabo District, Kigali. Phone: (+250) 585462. Email: [uyisenga@rwanda1.com](mailto:uyisenga@rwanda1.com)  
[uyisenganimanzi.org](http://uyisenganimanzi.org)  
Uyisengan'Imanzi focuses on addressing the special needs of orphans affected by genocide and HIV/AIDS. It helps children learn to work as a community to help and learn from each other. The organization also provides legal aid, mediation, counseling, and educational programs.



# INDEX OF LAWS AFFECTING CHILDREN

The following laws are some of the main written documents that protect the rights of minors in Rwanda. Some important language in these laws is cited below, but you can find the full text of these laws, and the many other local and international codes, statutes, and conventions that make up the body of law protecting children, at the library or on the internet.

## A. RWANDAN LAWS

### The Constitution of the Republic of Rwanda (2003)

[http://www.cjcr.gov.rw/eng/constitution\\_eng.doc](http://www.cjcr.gov.rw/eng/constitution_eng.doc)

The Constitution guarantees the essential rights and privileges of, and imposes basic duties on, the citizens of Rwanda. Part 9 of the Preamble of the Constitution states that Rwanda also agrees to abide by the principles of the international agreements that it has signed.

- **Article 11:** “All Rwandans are born and remain free and equal in rights and duties.”
- **Article 27:** “The family, which is the natural foundation of Rwandan society, is protected by the State. Both parents have the right and duty to bring up their children. The State shall put in place appropriate legislation and institutions for the protection of the family and the mother and child in particular in order to ensure that the family flourishes.”
- **Article 28:** “Every child is entitled to special measures of protection by his or her family, society and the State that are necessary, depending on the status of the child, under national and international law.”

### Law No. 27/2001 of 28/04/2001 Relating to Rights and Protection of the Child Against Violence

[http://www.amategeko.net/display\\_rubrique.php?Information\\_ID=1193&Parent\\_ID=30692317&type=public&Langue\\_ID=An](http://www.amategeko.net/display_rubrique.php?Information_ID=1193&Parent_ID=30692317&type=public&Langue_ID=An)

The Rwandan Criminal Code describes the basic rights and responsibilities of a child under Rwandan law, and also lists various crimes against children and their penalties.

- **Chapter 1, Rights of a Child. Key Provisions.**
- **Article 7:** “A child has a right to know his/her parents and be brought up by them. When it is not possible to live with his/her parents, the child has a right to obtain necessary assistance from them for his/her welfare, and to visit his/her parents wherever he/she wishes to in case this does threaten his/her security or the security of the country. As long as the child is under six years old, he/she must be in his/her mother’s care as long as the child’s interests are not threatened.”
- **Article 8:** “Every orphan must have a guardian, an adoptive parent or be under the care of a specialized institution. The State is responsible for any child having neither a guardian nor an adoptive parent. Conditions to be fulfilled by child care institutions are determined by a Decree issued by the Minister having the Social Affairs in his/her attributions.”
- **Article 9:** “The child’s interests must be taken into account before any decision concerning him/her is made. It is a right for the child to express his/her opinion on any matter regarding him/her. It is necessary to hear from the child prior to making any decision concerning him/her regarding administrative and judiciary matters whether directly or indirectly through his/her representative.”

- **Article 10:** “The child has a right to education. Primary school education is compulsory and free in respect to the provisions of the law. The Ministry having Education in his/her attributions and the Minister having the Social Affairs in his/her attributions determine modalities according to which children with needy parents may gain access 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.”

- **Chapter 2, Responsibilities of a Child.**

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

- **Article 26:** “A child must love his/her nation and serve it depending on his/her ability.”

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

## The following provisions are examples of penalties for specific crimes:

- Chapter 3, Section 2: Crimes of Rape and Use of Child for Dehumanizing Acts.

- Chapter 3, Section 3: Crime of Engaging a Child in Prostitution.

- Chapter 3, Section 4: Crimes of Child Exploitation.

- Chapter 3, Section 5: Crimes of Neglecting and Abandoning a Child.

- Chapter 3, Section 6: Crimes of Giving a Child for Premature or Forced Marriage.

## Rwandan Gender-Based Violence Statute

Law No. 59/2008 of 10/09/2008 on Prevention and Punishment of Gender-Based Violence

[http://www.minijust.gov.rw/IMG/pdf/ITEGEK0rya\\_GBV.pdf](http://www.minijust.gov.rw/IMG/pdf/ITEGEK0rya_GBV.pdf)

This recently enacted statute prohibits violence against a person on account of her gender. The statute also provides penalties for various forms of gender-based violence.

- **Article 2:** Definition of gender-based violence. “Any act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male. Such act results in the deprivation of freedom and negative consequences. This violence may be exercised within or outside households them.”

- **Article 7:** Protecting a child against gender-based violence. “The parent, trustee or any other person responsible for a child shall protect the latter against any gender based violence. It shall be forbidden not to cater for child under one’s trusteeship just because of whether the child is male or female.”

- **Article 18:** Penalty for child neglect because of his/her sex. “Any person who does not care for his/her child or exercise harassment on him/her because of whether the latter is a boy or a girl or exercise harassment on his/her spouse shall be liable to imprisonment of six (6) months to three (3) years. Any person who does not care for the child he is responsible for because of whether the latter is a boy or a girl shall be liable to penalties referred to in the paragraph One of this Article.”

## Rwandan Civil Code

Law No. 42/1988 of 27/10/1988. First Title and Book of the Civil Code.

[http://www.amategeko.net/display\\_rubrique.php?Information\\_ID=20&Parent\\_ID=455&type=public&Langue\\_ID=Fr#1035](http://www.amategeko.net/display_rubrique.php?Information_ID=20&Parent_ID=455&type=public&Langue_ID=Fr#1035)

The Rwandan Civil Code provides the basic family law provisions governing marriage, divorce, guardianship, adoption, parenting, and emancipation.

## Rwandan Matrimonial Regime

Law No. 22/1999 of 12/11/1999 to Supplement Book I of the Civil Code and to Institute Part Five Regarding Matrimonial Regimes, Liberalities and Successions.

[http://www.amategeko.net/display\\_rubrique.php?Information\\_ID=678&Parent\\_ID=3068178&type=public&Langue\\_ID=An](http://www.amategeko.net/display_rubrique.php?Information_ID=678&Parent_ID=3068178&type=public&Langue_ID=An)

This statute governs types of marriage, donations, and successions. Of particular importance to children are the laws of “succession,” which means when the rights and obligations of a deceased person are transferred to an heir. The statute refers to the “de cujus” which simply means deceased person, and “patrimony,” which is another term for the deceased person’s property.

- [Title 2. Donations and Successions. Chapter 2. Successions.](#)

- [Article 50](#): “All legitimate children of the de cujus, in accordance with civil laws, inherit in equal parts without any discrimination; between male and female children.”
- [Article 51](#): “At the time of the [settlement] of the succession between children, the family council shall determine the part of the patrimony to be earmarked for the raising of minors and the part to be shared between all the children of the de cujus. When all children have reached the age of majority, they shall equally share the rest of the patrimony initially earmarked for raising the minors.”

## Rwandan Labour Code

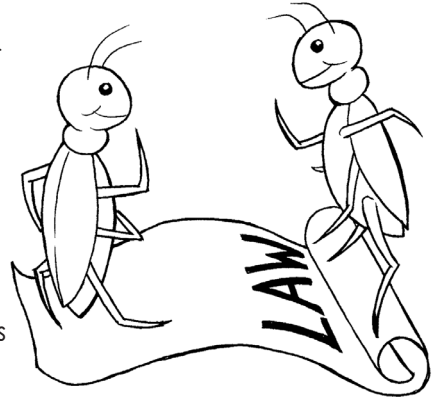
Law No. 13/2009 of 27/05/2009 Regulating Labour In Rwanda

<http://www.mifotra.gov.rw/documents/Laws/NEW%20LABOUR%20LAW%20N13.2009%20OF%2027.5.2009.pdf>

- [Chapter III, Fundamental Rights, Section 1: Child labour prohibition.](#)

- [Article 4](#): Child labour. “It is prohibited to employ a child in any company, even as apprentice, before the age of sixteen (16). A child aged between sixteen (16) and eighteen (18) may be employed under the provisions of articles 5, 6 and 7 of this law.”
- [Article 5](#): Child’s rest. “The rest between two working periods for a child shall be of a minimum duration of twelve (12) consecutive hours.”
- [Article 6](#): Prohibited work for children. “The child shall be subject to the work which is proportionate to his/her capacity. The child cannot be employed in the nocturnal, laborious, unsanitary or dangerous services for his/her health as well as his/her education and morality.”

- Chapter IV, Works Prohibited for Children, Pregnant and Breastfeeding Women. Section 1: Prohibited child labour and its nature.
- **Article 72:** Protection of children against worst forms of child labour. “It shall be an offense to subject those children aged under eighteen (18) years to “worst forms of child labour”: The “worst forms of child labour” includes: to indulge children in slavery or similar practices; children trafficking; to turn them into debt bondage; to have them replace grown ups in forced labour; to use them in conflicts and wars; the recruitment, use, procuring or offering of a child for prostitution or for the production of pornography or for pornographic performances; the use, recruitment and procuring or offering of a child for illicit activities such as manufacture and marketing of drugs; the work which is likely to harm the health, safety or morals of a child.”



## B. INTERNATIONAL LAWS, TREATIES, AND CONVENTIONS

Rwanda, along with many other countries, has agreed to follow the principles stated by these United Nations conventions, treaties, and covenants.

### United Nations Convention on the Rights of the Child (1989)

<http://www2.ohchr.org/english/law/crc.htm>

This Convention bans discrimination against children and provides special rights for minors. The Convention on the Rights of the Child is the most important United Nations instrument for children. The Convention enumerates in detail the many rights of children, and also directs parents, legal guardians, and member nations in how to guarantee those rights. Parents, legal guardians, and nations all share responsibility for ensuring protection of children’s rights and that the best interests of the child are always primary.

### Universal Declaration of Human Rights (1948)

<http://www.un.org/en/documents/udhr/>

The Declaration is the most basic human rights convention was adopted by the General Assembly of the United Nations, because “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” The Declaration describes the most basic human rights, including the right to be born free and equal in rights to everyone else without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

### International Covenant on Civil and Political Rights (1966)

<http://www.un.org/millennium/law/iv-4.htm>

This Covenant covers the basic civil and political rights of individuals and nations. It specifically guarantees the rights of children to protection by his family, society, and the State, without any discrimination as to race, color, sex, language, religion, national or social origin, property, or birth.

## International Covenant on Economic, Social, and Cultural Rights (1966)

<http://www2.ohchr.org/english/law/cescr.htm>

This Covenant describes the basic economic, social, and cultural rights of individuals and nations. It states that the family unit should be given the best possible protection, and that special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions.

## United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948)

<http://www.un.org/millennium/law/iv-1.htm>

This Convention bans actions that are intended to destroy a national, ethnic, racial, or religious group. It declares genocide a crime under international law whether committed during war or peacetime. The Convention bans killing of members of any racial, ethnic, national, or religious group, because of their membership in that group, causing serious bodily or mental harm to members of the group, inflicting on members of the group conditions of life intended to destroy them, imposing measures intended to prevent births within the group, and removing children from one group to give to members of another.

## International Convention on the Elimination of All Forms of Racial Discrimination (1965)

<http://www2.ohchr.org/english/law/cerd.htm>

This Convention condemns racial discrimination and seeks to implement a policy among member nations of eliminating racial discrimination in all forms and promoting understanding among all nations.

## United Nations Convention on Elimination of Discrimination Against Women (1979)

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

This Convention bans discrimination against women and calls for equal rights for men and women, including equal rights in marriage, equal rights to education, equal rights to vote and hold office, equal rights to health care, and equal rights to work.

## United Nations Convention on the Rights of Persons with Disabilities (2006)

<http://www2.ohchr.org/english/law/disabilities-convention.htm>

This Convention aims to promote and protect the full and equal enjoyment of all human rights by persons with disabilities, including those who have long-term physical, mental, intellectual or sensory impairments which may hinder their full participation in society on an equal basis with others.

Rwanda, along with the other African nations that are a part of the Organization of African Unity, has also signed the following charters. These charters guarantee essential rights and freedoms to everyone, including children.

## African Charter on the Rights and Welfare of the Child (1990)

[http://www.africa-union.org/official\\_documents/Treaties\\_%20Conventions\\_%20Protocols/A.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf](http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/A.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf)

This Charter recognizes the special need to take measures to promote and protect the rights and welfare of African children. The rights and freedoms that the Charter recognizes are similar to the UN Convention on the Rights of the Child. The Charter also describes a child's responsibilities. The Charter provides that in all actions taken by an individual or authority concerning a child, the best interests of the child must be the primary consideration. The Charter establishes the Committee on the Rights and Welfare of the Child, which works to promote these rights and freedoms.

### • Article 4: Best Interests of the Child

- In all actions concerning the child undertaken by any person or authority the best interest of the child shall be the primary consideration.
- In all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, an opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of the appropriate law.

### • Article 11: Education

- Every child has a right to an education.

### • Article 13: Handicapped Children

- Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his dignity, promote his self-reliance and active participation in the community.

### • Article 17: Administration of Juvenile Justice

- Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which references the child's respect for human rights and fundamental freedom of others.

## African Charter on Human and Peoples' Rights (1981)

<http://www.hrcr.org/docs/Banjul/afhr.html>

This Charter guarantees many basic human rights to individuals including the right to be free of discrimination on any basis, to be equal before the law, to liberty and security, to education, to health, to own property, to work under equitable conditions, and to freedom of religion, assembly, and information. It also imposes duties on individuals to protect these rights. The Charter establishes African Commission on Human and Peoples' Rights to promote the rights it guarantees.

# Glossary: Helpful Words to Know

**Abuse:** When one person hurts another person physically by hitting or unwanted touching, or emotionally by using hurtful language. Abuse can also be neglect or other actions that a reasonable person would know would hurt and disrespect the other person. There are laws that protect children who are abused, even where the abuser is a parent or guardian.

**Appeal:** After you have brought a case to court to be heard by a court and the court has made a decision, you may have an opportunity to appeal, or ask a higher court to consider your case and decide if the first court's decision was correct under the law. The person who seeks such a review is called an *appellant*, and the person against whom the appeal is filed is called the *appellee*.

**Certificate of Indigence:** A temporary document issued by your sector office to those who cannot afford to pay for essential things like food or education. You must apply in person at your sector office.

**Civil action:** A lawsuit brought before a court by a *plaintiff*, one or more individuals, against a *defendant*, the person or people, business, or the government that is accused of doing something wrong or illegal.

**Civil law:** Some examples of civil law issues are arguments over property, child custody, child support, contracts, and wills. Unlike violations of criminal law, the wrongdoer under civil law is not punished by a fine or time in jail, but instead must make the person who was injured “whole” again by paying for the damage caused or doing something to fix the problem, including returning the property to the rightful owner.

**Complaint:** The first papers filed by the *plaintiff* in court which explains why he or she brought the lawsuit, the damages he or she suffered, and what he or she wants in terms of remedies, for example, what the *defendant* must do or how much the *defendant* must pay to make up for the wrongful act.

**Confidentiality:** A promise that only information you consent, or agree, to sharing will be shared with others. For example, as a minor, if you explain that you would be in danger if you parents learned the results of your HIV test, the clinic will keep your results confidential.

**Constitution:** The Constitution of the Republic of Rwanda was adopted, or put into action, in 2003 and is the fundamental law in this country. It is meant to express the aspirations, or goals, of the people. There are many other laws that also protect your rights. For example, the United Nations Convention on the Rights of the Child also applies to everyone under 21 living in Rwanda. See the Index of Laws Affecting Children to learn more about what this and other laws say.

**Convict:** A person who has been found guilty of a crime and is now in prison. It can also be the process by which a person is found guilty of a crime or wrongdoing.

**Criminal law:** A crime is an act, or failure, to act that is described in the Criminal Code. The Criminal Code defines crimes and their penalties, usually prison time, a fine, or both. Some examples of crimes are arson (damaging property by setting it on fire), assault (causing physical harm to someone else), burglary, child abuse, sale of illegal drugs, embezzlement

(stealing from someone who trusted you to take care for the property), homicide (killing someone with that intention), theft, prostitution, and rape. Criminal law is enforced by the government, which means if the case goes to court, the government will *prosecute* the case.

**Defendant:** The person against whom a claim is made. In a *civil action*, the defendant is the person being sued. In a criminal case, the defendant is the person charged with committing a crime.

**Disability:** A physical or mental impairment that affects a person's ability to do certain things. Some disabilities are defined by the law, including being blind, deaf, using crutches, or having HIV/AIDS. You cannot be discriminated against, or treated differently compared to others, for having a disability.

**Emancipation:** A legal process through which someone who is not yet 21 but at least 18 years old, is recognized to have all the rights and responsibilities of an adult. You can be emancipated if a parent or legal guardian makes a declaration to a local sector office or, if that is not possible, applying to the local sector office yourself.

**Evidence:** Something that shows that an event occurred. If you bring a lawsuit, you will be asked by the court to provide evidence to support your claims. For example, evidence of abuse can be a doctor's report, a police report, photos, and the statement of a witness, someone who has personal knowledge of the event.

**Hearing:** Also called a trial. The court procedure in which the plaintiff has an opportunity to present his or her claims and the defendant has an opportunity to present his or her defense. They both must provide evidence to support what they say.

**Human rights:** Rights that belong to every person regardless of age or class or any other characteristic. Some examples are the right to live and to be free from unlawful imprisonment and torture.

**Lawyer:** Also called attorneys, counsel, or advocates. A lawyer is a person who has studied how to interpret and read the law, argue a case in court, and write agreements. In many instances involving the police or the court, minors are required to have lawyers, and if they cannot afford them, the government must provide an attorney for free. There are two types of lawyers - prosecutors and advocates.

**Legal guardian:** An adult who is appointed by the court to care for a ward, someone who is not able to care for him or herself. A ward can be a child or a disabled adult. Usually guardians are relatives. A guardian is responsible, for example, for taking care of a minor's property until the minor reaches the age of majority. The legal guardian cannot take the property for his or her own use.

**Majority:** The age under the law when a person is considered an adult.

**Mandate:** A paper giving you permission to hire a lawyer that is signed by a parent, legal guardian, or blood relative responsible for you. If you under 21 years of age, you must have a mandate to get a lawyer's help in court.

**Minority:** The age under the law when a person is considered a child.

**Mutuel de Santé:** A government program that provides health insurance to try to make sure everyone has access to medical care. There is an annual fee and a minimal co-payment (fee), each time you visit a doctor.

**NGOs:** Non-governmental organizations are groups that are formed to help the public but are not government agencies. They are funded by private donations and sometimes government funds, so many of the services they provide are free or provided at a sliding scale, meaning that you pay only what you can afford. There are many listed at the end of each chapter this handbook.

**Orphan:** A minor who has lost one or both biological parents. An orphan is considered "vulnerable" and can receive special help from the government.



**Prosecution:** The process of suing someone in a *civil action* or bringing someone to trial on *criminal charges*.

**Rape:** An act of sexual intercourse without consent. A person can only consent if he or she does so freely and is at least 18 years old. An adult who has sex with a *minor* is committing *statutory rape*, which is a crime whether or not the *minor* consents to the act.

**Reasonable-person standard:** Many violations of law are measured by this standard. For example, even if you do not intend to do something that violates the law, you may be held responsible for actions that the court determines a reasonable person should have known would lead to bad consequences.

**Restitution:** Money paid to victims by the wrongdoer to make up for harm or damage done. This is a form of legal remedy.

**Sector office:** The Rwandan government provides aid to its citizens mostly through its sector offices. Paperwork for civil marriages, birth or death certificates, guardianship, wills, emancipation and other matters must be filed here.

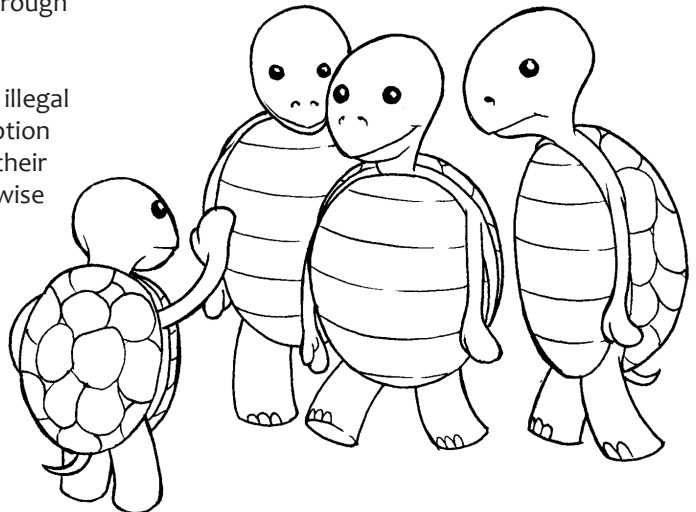
**Statute:** A law enacted by a legislature, or governing body. Many laws are subject to a statute of limitations. These are a separate set of laws that set deadlines for when you must file a claim that a law has been violated. It is important to file a lawsuit as soon as possible to avoid being too late to seek help through the courts.

**Trafficking:** Getting people to work by illegal means including force, fraud, or deception (lying). Such employers often exploit their workers, abuse, unfairly pay, or otherwise mistreat them.

**Umufasha:** People who go by many names including helper, social worker, peer educator, counselor and advocate. An umufasha works for a governmental organization or a private organization, such as an NGO. Many of the services they provide are free or provided at a sliding scale, meaning that you pay what you can afford. An umufasha may be able to give you different kinds of advice, help you talk to the police, find a lawyer, or introduce you to a person who has special knowledge about fixing a problem. Sometimes an umufasha can also help you to sort through your emotions, or just be available to talk.

**Warrant:** A piece of paper signed by the court that states the police have gathered enough *evidence* to show that you may have committed a crime and therefore can be arrested. No one can be detained (held) in prison for more than 72 hours if the police do not have a warrant. A warrant is not a final decision – you must go to trial before you can be found guilty of a crime. It is against the law for the police to detain anyone under 14 years of age in prison.

**Will:** Written instructions that explain how a person wishes to divide his or her land and property upon their death. Children automatically inherit 80 percent of their biological parent’s property if the parent dies without a will, but adults can ensure their children get all of their property if they write a will. The law most strongly protects a written will that is signed by a notary public and filed with the sector office.



# About The We-Actx For Hope Health And Justice Project

## WE-ACTx FOR HOPE



WE-ACTx for Hope is a Rwandan NGO that assists women and children who have HIV/AIDS. Many of these individuals have survived rape or other sexual assault. WE-ACTx for Hope and its partner associations are able to provide them with medical care and trauma counseling.

The Health and Justice Project of WE-ACTx for Hope affiliate, provides human rights education and advocacy to patients, health care workers, partner associations, and local communities. We focus on empowering HIV-positive women and children to take charge of their lives and become leaders in the fight against AIDS and discrimination.

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ADEPE

Amahoro Association

Association Rwandaise pour la Promotion et la Connaissance des Droits de l'Homme (ARPCD)

AVEGA (Association des Veuves du Genocide) Agahozo

Avocats Sans Frontières

Barakabaho

Benishyaka

CHABHA

Dufatanye: Rwanda Community Law, Anti-Discrimination Network

FACT (Forum Activists Against Torture and Violence) Rwanda

Gisimba Memorial Center

Haguruka

Imbutu Foundation

Law Faculty at the Kigali Independent University (ULK)

Law Clinic at the National University of Rwanda

Les Enfants de Dieu

National Youth Council (Conseil National de la Jeunesse)

National Human Rights Commission

Réseau Rwandais des Personnes, Vivant avec le VIH (RRP+)

Rwanda National Police: Offices of Gender Based Violence and Children's Desk

Rwanda Women's Network

Society of Women and AIDS in Africa

Solidarité (Solidarity Association of People with HIV)

SOS Village Des Enfants

Umuhuza Youth Association

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Uyisengan'Imanzi



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# KNOW YOUR RIGHTS!

## Handbook for Kids and Young Adults



[www.we-actx.org](http://www.we-actx.org)

