



## **UNIVERSAL PERIODIC REVIEW**

### **RWANDA**

#### **JOINT STAKEHOLDER SUBMISSION**

*submitted by*

**Marist International Solidarity Foundation (FMSI)**

(Special Consultative Status with UN ECOSOC)

**Franciscans International (FI)**

(NGO in Consultative Status with ECOSOC)

**23<sup>rd</sup> Session of the Working Group on the UPR**

**Human Rights Council**

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## **Introduction**

1. The organizations listed below present this joint submission of written comments concerning the human rights situation in Rwanda for consideration by the UPR Working Group at its 23<sup>rd</sup> session from 2 to 13 November 2015.
2. Fondazione Marista per la Solidarietà Internazionale (FMSI) is an NGO in Special Consultative Status with ECOSOC, which has a special focus on promoting and protecting the rights of children. It was established in 2007 in Italy as a not-for-profit organisation with a social purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.
3. Franciscans International (FI) was founded in 1989 and has had General Consultative Status with ECOSOC since 1995. FI supports Franciscans and partners working at the local and national levels and assists in bringing their concerns and expertise to the United Nations to address structural causes of human rights violations.
4. This report will comment on the implementation of the recommendations assumed in Rwanda's previous UPR (2011). The data and information presented in this submission came from various sources, including first-hand information from our grassroots partners serving individuals and particular groups affected by human rights abuses.
5. The analysis will address: (I) right to education; and (II) birth registration.

### **I. The Right to Education**

4. Among the recommendations accepted during the first-cycle review in January 2011, Rwanda pledged to improve the enjoyment of the right to education, through universal primary education and greater investment in the education sector.<sup>1</sup> However, the mid-term implementation assessment by *UPR Info* shows that Rwanda has only partially implemented what it had pledged to do.<sup>2</sup>
5. Rwanda has committed to universal primary education, using it as a tool to reduce poverty and improve the wellbeing of the Rwandan people. To this aim, the Rwandan Government has worked with local community groups to build schools and implement its 'Nine Years Basic Education' policy in order to improve the quality and access to primary education. As a result, every primary school leaver now also has access to secondary school education.
6. This strategy is to be commended and some progress has been made. However, the current public education system in Rwanda falls well short of this aim. There are issues concerning the ratio of pupils to teachers, the quality of the education to which they have access and the disparity between public and private education.

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<sup>1</sup> A/HRC/17/4, Report of the Working Group on the Universal Periodic Review (Rwanda), 14 March 2011, paragraph 77.19.

<sup>2</sup>UPR Info, Rwanda: Mid-term Implementation Assessment, <http://www.upr-info.org/followup/assessments/session23/rwanda/MIA-Rwanda.pdf>, Rec. 30 on ESC, p. 23.

7. *Access to Education:* Since its last review under the UPR in 2011, Rwanda has shown significant progress in terms of universal primary education, with an increase of almost 7,500 children enrolled in public primary schools between 2012 and 2013.<sup>3</sup> This is a positive sign for Rwanda and its public education system.
8. According to UNICEF, the Primary Net Enrolment rate in 2012 was 96.5 per cent, with 95 per cent of boys enrolled and 98 per cent of girls. The overall completion rate at the primary level was at 73 per cent, which is a dramatic increase from 53 per cent in 2008.<sup>4</sup> Cases of primary public school dropouts have been greatly reduced to the extent that Rwanda has been named as one of the top performing countries in the world, having reduced its out-of-school population by at least 85 per cent over the past five years.<sup>5</sup> This shows Rwanda's serious commitment to universal primary education.

#### **A. Quality of Education**

9. The plight of Rwandan education: The Rwandan system of education faces a lot of challenges. In 2003, Rwanda introduced a 'double-shift' educational system. This means that school is run twice daily; some attend in the morning and others in the afternoon. Under this system, more children have access to primary education. This system accommodates many more children at school and has reduced the number of dropouts. However, it has been created without considering the welfare of teachers; increasing enrolment also increases the workload of teachers.
10. *Pupil-teacher ratio:* During the last review by the Committee on the Rights of the Child, the Rwandan Government outlined its aim to reduce its pupil/teacher ratio from 70:1 in 2006 to 45:1 in 2015.<sup>6</sup> There has been some movement in the right direction, but as the level of enrolment has risen, the number of teachers has stagnated.<sup>7</sup> Despite the introduction of dual-shift education, this means that the pupil/teacher ratio remains significantly high and has led to degradation in the quality of public education.
11. *Teaching and learning materials:* The current education system in Rwanda also lacks the infrastructure, resources and visual aids that are necessary for effective teaching or learning, whilst the few materials that are available have not been provided in sufficient quantity to accommodate for the growing number of pupils. Laboratories are in need of equipment, while many libraries are without enough books for children to read.
12. As Article 28 of the Convention on the Rights of the Child declares that all states are obliged to combat ignorance and illiteracy through access to "scientific and technical knowledge and modern teaching methods", we would contend that the Rwandan Government is not fulfilling its obligation to facilitate the full enjoyment of the right to education by those pupils in public primary schools. They are also not able to develop to their fullest potential, as outlined in Article 29 of the same Convention.
13. Even the Rwandan Government has previously recognised that: "The quality of education remains low because of overcrowded classrooms, inadequate textbooks,

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<sup>3</sup> Rwanda Statistical Yearbook 2014.

<sup>4</sup> UNICEF, "Rwanda: Education", <http://www.unicef.org/rwanda/education.html>, accessed 20 March 2015.

<sup>5</sup> Ibid.

<sup>6</sup> CRC/C/RWA/3-4: Consideration of reports submitted by States parties under article 44 of the Convention, p58.

<sup>7</sup> Rwanda Statistics Yearbook 2014.

especially for primary school pupils, and inadequate number and qualification of teachers.”<sup>8</sup> As much as we appreciate the Government’s efforts to increase the rate of enrolment, the quality of public education should not be compromised or diminished. We are concerned that, without these resources, these children will not have the quality of education to which they are entitled, and recommend that Rwanda increase spending on quality education, including the number of well-trained teachers, school infrastructure and access of school materials.

## **B. Disparity between Public and Private Education**

14. Many public pupils are leaving primary school without the required knowledge and skills for secondary school. Parents who have the financial means transfer their children from government-owned institutions to privately-owned institutions because they believe that these institutions provide an environment and opportunities more conducive to learning. It is clear from our visits to private schools in Kigali that classes are not overcrowded and teachers are able to give maximum attention to all pupils. Typically in the private primary school, the pupil-teacher ratio is 30 pupils to each teacher; almost half the ratio of their public school counterparts.<sup>9</sup> This is ideal for effective learning.
15. Pupils in public primary schools will also consistently score lower than their private counterparts in the national test to be admitted to secondary schooling. This is because public school teachers not only have to struggle with the high pupil-teacher ratio, but also have less of a financial incentive to put in the extra work to better prepare the pupils. A qualified teacher working in public schools earns \$ 64 per month,<sup>10</sup> while a teacher of the same qualification earns \$142 in private schools.<sup>11</sup>
16. This disparity affects poor and rural families most, as they are often left without an alternative but to send their children to government-owned public primary schools, which serves only to perpetuate inequality and the cycle of poverty.

### **Recommendations**

17. In the light of these findings, we urge the government of Rwanda to:
  - a. Increase education funding in order to create an education system that upholds the right to free, universal, and quality education for all children, including those from marginalised groups;**
  - b. Take further measures to guarantee that children of all socio-economic backgrounds have access to an equal standard of education;**
  - c. Address the worsening pupil/teacher ratio by creating a better financial incentive that will attract new teachers to Rwanda’s public education system, as well as retain and motivate those already working in these schools.**

## **II. Birth Registration**

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<sup>8</sup> CRC/C/RWA/3-4, page, 64 Rec. 298(d).

<sup>9</sup> Result of research by FMSI representatives in Rwanda.

<sup>10</sup> Rwanda Public Sector Pay and Retention Policy and Implementation Strategy (2012): <http://www.mifotra.gov.rw/fileadmin/templates/downloads/IMPLIMENTATION.pdf>

<sup>11</sup> Result of research of private payroll information.

18. In 2010, only 63 per cent of Rwandan children under five were reported registered, with less than 7 per cent of them having a birth certificate.<sup>12</sup> Despite the magnitude of the problem, no recommendations were made by Member States on this issue during Rwanda's first UPR. Recognising birth registration as a precondition for the full enjoyment of fundamental rights of children, we stress the importance of addressing this issue in the forthcoming review.
19. The Government of Rwanda has strengthened its efforts towards improving birth registration through legal reform and awareness raising campaigns. The registration of births is regulated under Article 8 of Law N° 14/2008 governing the registration of the population and issuance of the national identity card, which provides that everyone is required to register the birth of their child within thirty days from birth.<sup>13</sup> In addition, Law N° 54/2011 relating to the rights and the protection of the child provides for the right of the child to an identity.<sup>14</sup> It also dictates that any child registered shall be issued a birth certificate.<sup>15</sup> Furthermore, the State has also undertaken significant measures to decentralise birth registrations from the district to the sector level, while their awareness-raising campaigns have helped to sensitise families to the importance of birth registration.
20. Nonetheless, it should be acknowledged that the birth registration rate still remains low, while complicated procedures have meant that the number of children with a birth certificate is even lower. Without a birth certificate, a child is not able to fully enjoy its rights. Children are denied access to official examinations and are consequently more likely to drop out of school, leaving them more vulnerable to exploitation and abuse.
21. Of concern is the Article 12 of Law N° 14/2008, which provides for penalties, including imprisonment or fines, for individuals who fail to register their children within the required period of thirty days.<sup>16</sup> Such a provision would serve only to discourage parents or guardians to register their children outside of the legislated period. This is not in the best interests of the child and therefore in conflict with Article 6 of Law N° 54/2011,<sup>17</sup> which determines that all judicial and administrative proceedings related to the child,

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<sup>12</sup> CRC/C/RWA/CO/3-4: Concluding observations, 14 June 2013, para. 25.

<sup>13</sup> Law N° 14/2008 of 04/06/2008 published in Official Gazette no Special of 16/07/2008, article 8: "Any person shall be ordered to register the birth of his or her child within a period not exceeding thirty (30) days from date of birth. Within that period, the child shall be registered on his/her registration card. The information on the child registration card shall be replicated in the Sector population register in which the parents are resident. The person registering the child shall be ordered to show a birth certificate signed by a medical officer who witnessed the birth of the child. If such a certificate is not available, the informant shows an attestation signed by the Cell Executive Secretary indicating the names of the parents and the child birth date. The Village leader shall countersign the attestation."

<sup>14</sup> Law N° 54/2011 of 14/12/2011 published in Official Gazette no. 26 of 25/06/2012, article 12 Right of the child to an identity: "A child has the right to an identity whose essential elements are a name, a nationality and family relations."

<sup>15</sup> Law N° 54/2011 of 14/12/2011, article 16: "Any child born is registered in the civil status registry by his/her parents or his/her guardian in accordance with modalities and time limits specified by the law, and a certificate shall be issued (...)"

<sup>16</sup> Law 14/2008 of 04/06/2008 published in Official Gazette no Special of 16/07/2008, article 12: Any person who contravenes the provisions of this law especially as regards to his or her responsibilities stipulated in articles 4 to 11 shall be liable to punishment of a prison sentence ranging from one (1) day to seven (7) days and a fine ranging from five thousand (5.000 Rwf) to fifty thousand (Rwf 50.000) Rwandan francs or one of these punishments.

<sup>17</sup> Law 54/2011 of 14/12/2011 published in Official Gazette no. 26 of 25/06/2012, article 6.

the primary consideration shall be in the best interest of the child. Moreover, awareness-raising campaigns seem not to have had the desired outcome so far, given that many families are still unaware about the critical importance of birth registration. Both of these issues highlight the need for further reform.

### **Recommendations**

22. We recommend the Government of Rwanda to:

- a. **Take necessary measures to ensure the registration of all children immediately after birth through a simplified and inclusive registration procedure, and couple the act of registration with the issuance of birth certificates;**
- b. **Intensify its efforts towards increasing the awareness of the Rwandan population on the importance of birth registration for the full enjoyment of children's rights;**
- c. **Amend Law 14/2008 in order to remove penalties for non-registration of newborns, and extend the time limit for registration beyond thirty days after birth.**