Rwanda

Ministerial Order establishing Programs and Strategies for the Education and Care of Children under Three (3) Years who Live with their Mothers in Prison
Ministerial Order 1 of 2013

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Ministerial Order establishing Programs and Strategies for the Education and Care of Children under Three (3) Years who Live with their Mothers in Prison

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Ministerial Order 1 of 2013

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Commenced on 9 December 2013

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The Minister of Internal Security;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 120, 121 and 201;

Pursuant to Law n° 54/2011 of 14/12/2011 relating to the rights and protection of the child, especially in Article 56;

After consideration and approval by the Cabinet, in its session of 11/09/2013;

ORDERS:

Chapter One
General provision

Article One – Purpose of this Order

This Order establishes programs and strategies for the education and care of children under three (3) years old living with their mothers in prison.

Article 2 – Definitions

For the purpose of this Order, the following terms shall have the following meaning:

1° RCS: Rwanda Correctional Services;

2° Woman: any female person who is married or not;

3° Child: any person from his/her conception who is under three years (3) old living with his/her mother in prison.

Chapter II
Programs and strategies for education and care of children

Article 3 – Medical check up

Every woman who enters prison for incarceration shall immediately undergo pregnancy test.
After this medical consultation, when the pregnancy is confirmed, the prison’s administration shall take special care basing on prior medical certificates when there is any. The administration of the prison shall take immediate measures to protect the health of the child.

The medical consultation shall also be provided to the child.

**Article 4 – Sleeping room**

Every prison must have special sleeping room reserved only to women object of this Order.

The sleeping room provided for in this Article must be harmless to the health and education of the child.

**Article 5 – Meals**

Every prison shall provide a special and rich diet to the pregnant, breastfeeding women and women who have children under three (3) years old.

The instructions of the Commissioner General of RCS shall determine modalities of the implementation of provisions of Paragraph One of this Article.

**Article 6 – Periodical medical checkup for a pregnant woman**

The administration of the prison shall ensure that the pregnant woman receives a periodical medical checkup in order to protect the health of the child.

**Article 7 – Support to woman during childbirth**

The administration of the prison of where a woman on the stage of childbirth is detained must assist her to be taken to the health institution that has the capacity to help her.

**Article 8 – Collective works in prison**

Pregnant and breastfeeding women shall be exempted from prison works. If, by their own wish, they want to work, they shall be allowed to work only if the work is harmless to their health or the health of the child.

**Article 9 – Specialized agent**

Every prison which has women inmates shall have a specialized agent in charge of all programs and strategies for children, pregnant and breastfeeding women.

**Article 10 – Clothes for a child**

If the family of a child is poor, the administration of the prison shall ascertain the poverty level and provide the clothes to the child.

**Article 11 – Health of a child**

Every child with the help of the prison’s administration shall benefit from all immunization system for the children of the same age.

The director of prison shall ensure that the immunization of children in prison is done. He/she shall also monitor that every child benefits from medical treatments that other children of the same age receive from health institutions.
The prison’s administration must provide health insurance to the child, pregnant and breastfeeding women and monitor that health care is provided properly.

**Article 12 – Registration of a newborn**

Every child born in the prison must be registered in the manner and period provided for by the Law.

The administration of the prison shall help the women who have kids in prison to register them.

**Article 13 – Prison crèches**

Every prison must have crèches equipped with necessary equipment and materials for child education and leisure.

**Article 14 – Educational programs for the child**

Children shall receive education appropriate for their age, equivalent to the one offered to their age mate out of the prison, and which prepares them for life out of prison.

The prison shall provide a qualified teacher in child education.

**Article 15 – Collaboration between prison and the District**

The staff member of the prison in charge of children shall collaborate with the District’s administration in which the prison is located to ensure the materials provided to children are the same as those provided to children of the same age who do not live in the prison.

**Article 16 – Assistance for the child to be familiar with life out of the prison**

In order to help the child to be familiar with life outside the prison and with the members of his/her family who are not detained, the administration of the prison shall help the child to get out of the prison on condition that there is an agreement on the date of returning the child. This shall be done by another person but upon the consent by the mother of the child.

The Commissioner General of RCS shall determine the requirements for the child to get out of the prison and content of the book in which the child and the person to go out with him/her are registered.

**Article 17 – Transfer of the right to keep the child**

For the interest of the child, her mother may be denied the right to keep the child due to her incapacity to take care of the child and such right may be transferred to another person. This transfer shall be done by the prison in collaboration with the National Child’s Council. This shall also apply if a communicable disease is discovered in prison in case it can prevent the transmission of the disease.

**Chapter III**

**Final provisions**

**Article 18 – Repealing provision**

All prior provisions contrary to this Order are repealed.

**Article 19 – Commencement**

This Order shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.