

Rwanda

## Presidential Order Establishing the National Child Development Agency

Presidential Order 83 of 2020

Legislation as at 4 September 2020

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Presidential Order Establishing the National Child Development Agency  
 Contents

Chapter One – General provisions ..... 1

    Article One – Purpose of this Order ..... 1

    Article 2 – Establishment ..... 1

    Article 3 – Head Office ..... 1

    Article 4 – Category ..... 1

Chapter II – Mission, responsibilities and organs ..... 2

    Article 5 – Mission ..... 2

    Article 6 – Responsibilities ..... 2

Chapter III – Organization and functioning ..... 2

    Article 7 – Supervising authority of NCD ..... 2

    Article 8 – Management organs ..... 2

    Section One – Board of Directors ..... 3

        Article 9 – Composition of the Board of Directors and their term of office ..... 3

        Article 10 – Additional responsibilities of the Board of Directors ..... 3

        Article 11 – Powers of the Board of Directors ..... 3

        Article 12 – Duties of the Chairperson of the Board of Directors ..... 3

        Article 13 – Duties of the Deputy Chairperson of the Board of Directors ..... 3

        Article 14 – Reasons for loss of membership in the Board of Directors and modalities for replacement ..... 4

        Article 15 – Convening and holding of meeting of the Board of Directors and modalities for decision-making ..... 4

        Article 16 – Invitation of a resource person to the meeting of the Board of Directors ..... 5

        Article 17 – Approval of resolutions and minutes of the meeting of the Board of Directors ..... 5

        Article 18 – Rapporteur of the Board of Directors ..... 5

        Article 19 – Personal interest in issues on the agenda ..... 5

    Section 2 – Executive Organ ..... 5

        Article 20 – Composition of Executive Organ ..... 5

        Article 21 – Other responsibilities of the Executive Organ ..... 5

        Article 22 – Powers and responsibilities of the Director General ..... 6

Chapter IV – Property and finance ..... 6

    Article 23 – Property and its sources ..... 6

    Article 24 – Budget ..... 6

    Article 25 – Use, management and audit of the property of NCD ..... 7

    Article 26 – Annual financial report ..... 7

Chapter V – Final provisions ..... 7

Article 27 – Authorities responsible for the implementation of this Order .....	7
Article 28 – Repealing provisions .....	7
Article 29 – Commencement .....	7



## Rwanda

# Presidential Order Establishing the National Child Development Agency

## Presidential Order 83 of 2020

Published in Official Gazette special on 4 September 2020

Assented to on 28 August 2020

Commenced on 4 September 2020

*[This is the version of this document from 4 September 2020.]*

**We, KAGAME Paul,**

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 139, 165 and 176;

Pursuant to Organic Law n° 001/2020. OL of 08/06/2020 establishing general provisions governing public institutions especially in its article 4;

On proposal by the Minister of Public Service and Labour;

After consideration and adoption by the Cabinet, in its meeting of 29/07/2020;

**HAVE ORDERED AND ORDER:**

### Chapter One General provisions

#### Article One – Purpose of this Order

This Order establishes the National Child Development Agency. It also determines its mission, responsibilities, organisation and functioning.

#### Article 2 – Establishment

National Child Development Agency abbreviated as “NCD” is established.

#### Article 3 – Head Office

The Head Office of NCD is located in Kigali City, the Capital of the Republic of Rwanda. It can be transferred elsewhere on the Rwandan territory if considered necessary.

NCD may have branches in any place in the country upon approval by its supervising Authority.

#### Article 4 – Category

NCD is a non-commercial public institutions.

## **Chapter II**

### **Mission, responsibilities and organs**

#### **Article 5 – Mission**

The general mission of NCD is to foster the development of a child, the promotion and the protection of his or her rights.

#### **Article 6 – Responsibilities**

NCD has the following responsibilities:

- 1° to coordinate all activities that support early childhood development program since the conception;
- 2° to enhance the capacities of parents and the Rwandan community in providing adequate education and contribute to the protection of a child and his or her welfare;
- 3° to promote and monitor child positive parenting that enables the child to be a worthy and patriotic citizen;
- 4° to develop a national partnership and coordination framework aimed at promoting and protecting the child's rights;
- 5° to eradicate malnutrition and stunted growth among young children;
- 6° to protect the child and eliminate all forms of violence whether physical, moral, psychological or any other ill-treatment committed against the child;
- 7° to ensure the full enjoyment by children with special needs of all human rights and fundamental freedoms on an equal basis with other children;
- 8° to collect, analyze, disseminate information relating to promotion of best practices and research in the field of the child's rights and development;
- 9° to establish mechanisms that enable children to participate in activities intended for them and to monitor their implementation;
- 10° to monitor the implementation of international conventions on the rights of the child.

## **Chapter III**

### **Organization and functioning**

#### **Article 7 – Supervising authority of NCD**

NCD is supervised by the Ministry in charge of children.

#### **Article 8 – Management organs**

Management organs of NCD are as follows:

- 1° the Board of Directors;
- 2° the Executive Organ.

## **Section One – Board of Directors**

### **Article 9 – Composition of the Board of Directors and their term of office**

The Board of Directors of NCD is composed of seven (7) members. Members of the Board of Directors serve a term of office of five (5) years renewable once.

### **Article 10 – Additional responsibilities of the Board of Directors**

Subject to the provisions of the Organic Law establishing general provisions governing public institutions, the Board of Directors of NCD has the following additional responsibilities:

- 1° to conclude a performance contract with the supervising authority of NCD and make follow up on its execution;
- 2° to approve the draft budget proposal of NCD and make a follow-up on the budget execution;
- 3° to approve activity report, use of property and financial report for the previous year;
- 4° to approve the draft organisational structure and internal rules and regulations of NCD;
- 5° to submit a quarterly and annual report to the supervising authority of NCD.

### **Article 11 – Powers of the Board of Directors**

The Board of Directors of NCD is the supreme management and decision making organ. It is invested with extensive powers to make decisions regarding administration, human resources and the property of NCD in accordance with laws.

### **Article 12 – Duties of the Chairperson of the Board of Directors**

The Chairperson of the Board of Directors of NCD has the following duties:

- 1° to chair the meeting of the Board of Directors and coordinate its activities;
- 2° to convene and preside over meetings of the Board of Directors;
- 3° to submit to the supervising authority of NCD minutes of meetings of the Board of Directors;
- 4° to sign the performance contract between the Board of Directors and the supervising authority of NCD;
- 5° to submit, to relevant organs, the reports of NCD as approved by the Board of Directors;
- 6° to monitor the implementation of the resolutions of the Board of Directors;
- 7° to perform any other duty falling within its responsibilities as may be assigned by the Board of Directors.

### **Article 13 – Duties of the Deputy Chairperson of the Board of Directors**

The Deputy Chairperson of the Board of Directors of NCD has the following duties:

- 1° to assist the Chairperson and replace him or her in case of absence;
- 2° to perform any other duty falling within its responsibilities as may be assigned by the Board of Directors.

## **Article 14 – Reasons for loss of membership in the Board of Directors and modalities for replacement**

A member of the Board of Directors of NCD loses membership if:

- 1° the term of office expires;
- 2° he or she resigns in writing;
- 3° he or she is no longer able to perform his or her duties due to disability;
- 4° he or she is sentenced to a term of imprisonment equal to or exceeding six (6) months in a final judgement;
- 5° he or she is absent in meetings for three (3) consecutive times without valid reasons;
- 6° he or she manifests any behaviour likely to compromise his or her dignity, that of his or her work or his or her position;
- 7° he or she jeopardizes the interests of NCD;
- 8° he or she is convicted of the crime of genocide or genocide ideology;
- 9° he or she no longer fulfils the requirements considered at the time of his or her appointment;
- 10° he or she dies.

In case a member of the Board of Directors of NCD leaves his or her duties before the expiration of his or her term of office, the competent authority appoints his or her substitute to complete his or her predecessor's term of office.

## **Article 15 – Convening and holding of meeting of the Board of Directors and modalities for decision-making**

The meeting of the Board of Directors of NCD is held once a quarter and whenever necessary upon invitation by its Chairperson or Deputy Chairperson in case of absence of its Chairperson, at their own initiative or upon request in writing by at least one third ( $\frac{1}{3}$ ) of its members.

The invitation is submitted in writing to the members of the Board of Directors at least fifteen (15) days before the meeting is held.

However, an extraordinary meeting is convened in writing not more than three (3) days before the meeting is held.

Items to be considered by the Board of Directors in the first quarter of the year include the approval of the financial and activity reports of the previous year.

In every quarter, the Board of Directors of NCD must examine the financial and activity reports relating to the previous quarter and submit them to the supervising authority of NCD.

The quorum for a meeting of the Board of Directors of NCD is two thirds ( $\frac{2}{3}$ ) of its members. However, when a meeting is convened for the second time it takes place regardless of the number of members present.

The Director General of NCD attends meetings of the Board of Directors.

Modalities for decision-making by the Board of Directors of NCD are determined by internal rules and regulations of NCD.



## **Article 16 – Invitation of a resource person to the meeting of the Board of Directors**

The Board of Directors of NCD may invite in its meeting any person from whom it may seek advice on a certain item on the agenda.

The invited person is not allowed either to vote or to follow debates on other items on the agenda.

## **Article 17 – Approval of resolutions and minutes of the meeting of the Board of Directors**

Resolutions of the meeting of the Board of Directors of NCD are signed by its members immediately after the end of the meeting, and a copy thereof is sent to the supervising authority of NCD within five (5) days.

The head of the supervising authority of NCD gives his or her views on the resolutions of the meeting of the Board of Directors within fifteen (15) days from receipt thereof. If this period expires before giving his or her views, the resolutions of the meeting are considered definitively approved.

The minutes of the meeting of the Board of Directors of NCD are signed by the Chairperson and its rapporteur and approved during the next meeting. A copy of minutes of the meeting is sent to the supervising authority of NCD within fifteen (15) days from the date of approval.

## **Article 18 – Rapporteur of the Board of Directors**

The Director General of NCD serves as the rapporteur of the meeting of the Board of Directors but he or she has no right to vote in decision making.

The Director General of NCD does not participate in the meetings that make decisions on issues that concern him or her. In that case, members of the Board of Directors at the meeting elect among themselves a rapporteur.

## **Article 19 – Personal interest in issues on the agenda**

A member of the Board of Directors of NCD who has a direct or indirect interest in the issue to be considered must immediately inform the Board of Directors about where that interest lies. A member who disclosed of his or her interest in the issue to be considered cannot attend the meeting deliberating on that issue.

When it happens that many or all members of the Board of Directors have a direct or indirect interest in the issues to be considered in such a way that it is impossible to take decision on the issues, the issues are submitted to the supervising authority of NCD to decide thereon within thirty (30) days.

## **Section 2 – Executive Organ**

### **Article 20 – Composition of Executive Organ**

The Executive Organ of NCD is comprised of the Director General. It may also have a Deputy Director General if deemed necessary.

### **Article 21 – Other responsibilities of the Executive Organ**

Subject to the provisions of the Organic Law establishing general provisions governing public institutions, The Executive Organ of NCD has the following additional responsibilities:

- 1° to monitor and coordinate daily activities of NCD;
- 2° to perform any other duty as may be assigned by the Board of Directors falling within the responsibilities of NCD.

## **Article 22 – Powers and responsibilities of the Director General**

The Director General of NCD has the power of decision in the administrative and financial management of NCD in accordance with relevant laws. He or she coordinates and directs the activities.

Specifically, the Director General of NCD, has the following duties:

- 1° to monitor the daily activities of NCD, human resources management and the use of the budget;
- 2° to serve as the legal representative of NCD;
- 3° to serve as the spokesperson of NCD;
- 4° to implement the resolutions of the Board of Directors of NCD;
- 5° to ensure the management of the equipment and property of NCD and submit related report to the Board of Directors;
- 6° to prepare the action plan and activity report;
- 7° to prepare the draft internal rules and regulations of NCD;
- 8° to prepare the draft action plan and draft budget proposal of NCD and submit them to the Board of Directors;
- 9° to ensure the execution of the budget and management of the property of a. NCD;
- 10° to attend the meetings of the Board of Directors and act as rapporteur;
- 11° to perform any other duty as may be assigned to him or her by the Board of Directors falling within the mission of NCD.

## **Chapter IV Property and finance**

### **Article 23 – Property and its sources**

The property of NCD is comprised of movable and immovable assets.

The property of NCD comes from the following sources:

- 1° State budget allocations;
- 2° property of former National Commission for Children (NCC) and former National Early Childhood Development Program (NECDP)
- 3° State and development partners' subsidies;
- 4° income from services rendered;
- 5° interests from its property;
- 6° loans granted to NCD as approved by the Minister in charge of finance;
- 7° donations and bequests.

### **Article 24 – Budget**

NCD prepares its annual budget to be adopted by the relevant authority.

### **Article 25 – Use, management and audit of the property of NCD**

The use, management and audit of the property of NCD are carried out in accordance with relevant laws.

The internal audit service of NCD submits its report to the Board of Directors of NCD with a copy to the Director General of NCD.

The Office of Auditor General of State Finances carries out audit of the management and use of the finance and property of NCD.

### **Article 26 – Annual financial report**

Within three (3) months following the closure of the financial year, the Director General of NCD submits the annual financial statements to the supervising authority of NCD after their approval by the Board of Directors in accordance with laws governing management of State finance and property.

## **Chapter V Final provisions**

### **Article 27 – Authorities responsible for the implementation of this Order**

The Prime Minister, the Minister of Public Service and Labour, the Minister of Infrastructure and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

### **Article 28 – Repealing provisions**

All prior provisions contrary to this order are repealed.

### **Article 29 – Commencement**

This order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.