Komisiyo y'Igihugu y'uburenganzira bwa Muntu

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INFASHANYIGISHO KU MIRIMO IBUJIJWE KU UMWANA

Ukuboza 2021

IMIRIMO IBUJIJWE KU MWANA.

INTEGO Z'IKIGANIRO:

- **Ikiganiro kigamije ko abaturage basobanukirwa n'ibijyanye n'imirimo ibujijwe ku mwana, ingaruka zayo muri rusange by'umwihariko kuyikoreshwa;**

- **Abahawe ikiganiro (ababyeyi, abashoramali, abana n'abandi bakoresha umwana muri rusange) bazafasha Komisiyo kumenyekanisha ububi bw'imirimo ibujijwe ku mwana;**

- **Abana bazasobanukirwa n'ibijyanye n'imirimo batemerewe gukora bityo bibarinde kuyishoramo.**

Iki kiganiro kigizwe n'ibice by'ingenzi bikurikira:

I. Iriburiro;
II. Ibisobanuro by'amagambo;

III. Uburenganzira bw'umwana mu mategeko y'urwanda no mu masezerano mpuzamahanga u Rwanda rwashyizeho umukono;
IV. Amahame y'uburenganzira bw'umwana;
V. Imirimo ibujijwe ku mwana;
VI. Impamvu zitera abana gukora imirimo ibujijwe;
VII. Ingaruka z'imirimo ibujijwe ku mwana no ku gihugu;
VIII. Ibihano biteganywa ku bakoresha abana imirimo ibujijwe ;
IX. Ibyakozwe na Leta mu gukumira imirimo ibujijwe ku mwana ;
X. Icyo Komisiyo ikora mu kurwanya na gukumira imirimo ibujijwe ku mwana.

IRIURIRO

Umwana niwe mizero y'Igihugu, agomba kwitabwaho ategurirwa kuba umuturage mwiza urangwa n'ubuzima bwiza haba ku mubiri no mu mitekerereze kandi afite ubushobozi bwo kwikemurira ibibazo.

Kugira ngo igihugu gikomeze kuba cyiza, kigere ku iterambere rirambye, ni ngombwa ko abana bose kuva bakiri bato barerwa neza, bagahabwa indangagaciro kandi bakarindwa imirimo ivunanye ibatesha agaciro, bagahabwa uburere n'uburezi by'ibanze bifatika bibafasha kuzagera ku iterambere kuko ubukungu bw'igihugu bushingira k'ubaturage bacyo, k' ubushobozi n'ubwenge bafite.

Umwana agomba kwitabwaho by'umwihariko akarindwa icyo aricyo cyose cyahungabanya imikurire myiza n'iterambere rye, agatozwa inshingano ze zirimo: **kwiga**, **kubaha**, **kumvira**, **ikinyabupfura**, **gukunda Igihugu no gukora umurimo unoze hashingiwe ku kigero cy'imyaka agezemo.**

I. Ibisobanuro by'amagambo

I.1. Umwana

Umwana ni umuntu wese utaragira imyaka cumi n'umunani (18) bivugwa mu ngingo ya 3 (6^0) y'itegeko n°71/2018 ryo ku wa 31/08/2018 ryerekeye uburenganzira bw'umwana n'uburyo bwo kumurinda no kumurengera, mu Masezerano Mpuzamahanga yerekeye uburenganzira bw'umwana yo mu w'1989

no mu Masezerano Nyafurika yerekeye uburenganzira n'imibereho myiza by'umwana.

1.1.2. **Umurimo:** n'igikorwa gikoreshwa cyangwa gikoreshejwe ubwenge cyangwa imbaraga z'umubiri hagamijwe kugera ku ntego, n'inshingano runaka ziba zigomba gukorwa mu gihe kiba cyateganijwe.

I.1.2. Imirimo ibujijwe ku mwana (worst child labor)

Imirimo ibujijwe ku mwana n' imirimo ibangamira uburenganzira, ubuzima cyangwa ubundi buryo bw'imibereho y'umwana (Itegeko no 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda).

Imirimo ibujijwe ikoreshwa umwana n' imirimo yose ibangamira imikurire y'umwana, imuvutsa amahirwe, imutesha agaciro, kandi ikabangamira iterambere ry'ubuzima bwe n'imitekerereze ye (Amabwiriza ya Minisitiri n° 01/2017 yo ku wa 17/11/2017 yerekeye gukumira no kurwanya imirimo mibi ikoreshwa abana).

Umwana ntakwiye gukoreshwa imirimo ivunanye

I.1.3. Imirimo yoroheje ikorwa n'abana

Ni imirimo idashobora kubangamira Ubuzima cyangwa Imikurire by' Umwana, idashobora kubangamira imyigire ye, kwitabira Ubumenyi ngiro cyangwa izindi

gahunda z'amahugurwa zemejwe na Leta. N'imirimo ikorwa ku manywa hagati ya saa kumi n'ebyiri n'igice z'igitondo na saa kumi n'ebyiri n'igice z'umugoroba kandi umwana akawukora agenzurwa n'umuntu mukuru. (Amabwiriza ya Minisitiri nº 01/2017 yo ku wa 17/11/2017 yerekeye gukumira no kurwanya imirimo mibi ikoreshwa abana).

II. Uburenganzira bw'umwana bwo kurindwa imirimo ibujijwe mu mategeko y'u Rwanda no mu masezerano mpuzamahanga u Rwanda rwashyizeho umukono.

II.1. Mu mategeko y'u Rwanda

Mu rwego rwo kurinda umwana kwishora cyangwa gushorwa mu imirimo yabangamira imikurire n'iterambere rye, u Rwanda rwashyizeho amategeko atandukanye akurikira:

- **Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu w'2003 ryavuguruwe mu w'2015:**

- Ingingo ya 19 ivuga ko Umwana wese afite uburenganzira bwo kurengerwa mu buryo bwihariye n'umuryango we, abandi banyarwa na Leta, bitewe n'ikigero n'imibereho arimo;
- Ingingo ya 20: Uburenganzira ku burezi, kwiga amashuri abanza n'itegeko kandi n'ubuntu mu mashuri ya Leta;

- **Itegeko no 71/2018 ryo ku wa 31/08/2018 ryerekeye kurengera umwana no kumurinda mu ngingo zaryo zose**;

- **Itegeko no 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda mu ngingo yaryo ya 6:** igena imirimo ibujijwe ku mwana uri munsi y'imyaka 18 y'ubukure.

- **Itegeko no 23/2012 ryo ku wa 15/06/2012 rigena imitunganyirize n'imikorere by'amashuri y'incuke, abanza n'ayisumbuye.**
- Ingingo ya 32 ivuga ko amashuri abanza ari ngombwa kandi ari ubuntu kuri bose, ubu bikaba bigeze ku myaka 12 y'uburezi bw'ibanze hakagenwa n'imyaka ndakuka umwana agomba kuba ari mu ishuri, kuva kuri 3-6 umwana agomba kuba yiga mu mashuri y'incuke n' 7-18 umwana agomba kuba yiga amashuri abanza n'ayisumbuye.

- **Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango.**

- Ingingo ya 9 ivuga ko umuntu wese, n'umwana arimo, afite ubuzima gatozi kuva akivuka,
- Ingingo y'117 Umwana w'imyaka 16 ashobora gukora wenyine amasezerano arebana n'akazi ke, ubukorikori cyangwa umwuga we cyangwa ikindi gikorwa kimugirira akamaro
- Ingingo ya 203 ivuga ko abashyingira nywe bafite inshingano yo kwita ku bana bazabyarana, kubaha ibibatunga no kubarera bishingiye ku ndangagaciro z'umuco nyarwanda.
- Ingingo ya 243: mu gihe cy'ubutane abana bahabwa uwatsindiye urubanza, ariko umwana utarageza ku myaka itandatu y'amavuko ntatandukanywa na nyina, keretse iyo bishobora kubangamira inyungu ze;
- Mu gihe habaye ubutane bushingiye ku bwumvikane, abana bagira uburenganzira bwo kwikenuza kimwe cya kabiri (1/2) cy'umutungo wa buri wese mu bari barashyingiranywe kigacungwa n'umubyeyi urukiko rwemereye kurera abana (ing. ya 246).

II.2. Mu Masezerano Mpuzamahanga

Uburenganzira bw'umwana bwavuzwe mu mategeko y'u Rwanda bunateganywa mu Masezerano Mpuzamahanga anyuranye:

- Itangazo Mpuzamahanga ry'uburenganzira bwa Muntu (1948) mu ngingo yaryo ya 25.
  - Amasezerano Mpuzamahanga yerekeye uburenganzira bw'umwana, 1989 mu ngingo zayo zose;
  - Amasezerano Nyafurika yerekeye uburenganzira n'imibereho myiza by'umwana mu ngingo zose (1999).

III. **Amahame rusange y'uburenganzira bw'umwana aya niyo yakoreshejwe mu iteka rya Minisitiri w'umurimo.**

Uburenganzira bw'umwana bushingiye ku mahame rusange atandatu (6)

- **Uburinganire bw'Abana**: Abana bavuka bangana kandi bafite uburenganzira bumwe n'ubwisanzure bugenwa n'amategeko, kandi barindwa ivangura iryo ari ryo ryose;

- **Uburenganzira bwo kubaho**: Umwana afite uburenganzira bwo kubaho kandi ntashobora kubuvutswa;
- **Uburenganzira bw'imikurire**: Umwana afite uburenganzira bwo kurengerwa ku buryo bwihariye n'umuryango we, umuryango nyarwanda na Leta kugira ngo akure neza ku mubiri, mu mitekerereze, mu kwemera, mu bwenge, mu bitekerezo no mu mibanire ye n'abandi ku buryo buhuje n'agaciro ka muntu;
- **Uburenganzira bw'umwana bwo kurengerwa**: Umwana wese afite uburenganzira bwo kurengerwa ku buryo bwihariye n'umuryango we, abandi Banyarwanda na Leta, bitewe n'ikigero n'imibereho arimo nk'uko biteganywa n'amategeko y'u Rwanda ndetse n'amategeko mpuzamahanga;
- **Uburenganzira ku burezi** : Umwana afite uburenganzira ku burezi ;
- **Kurererwa mu muryango** : Ababyeyi bombi bafite inshingano zo kurera abana babo, abo bafitanye isano cyangwa imfubyi biyemeje kurera babyemerewe n'amategeko.

IV: IMIRIMO IBUJIJWE KU MWANA

Gukoresha abana imirimo ibujijwe mu Rwanda byiganje mu mirimo y’ubuhinzi n’ubworozi nko kunoga icyayi, guhinga ibisheke, imirimo y’isarura no kuragira inka n’ingurube, ahandi abana bakoreshwa cyane ni nko mu nganda no mu bucukuzi bw’amabuye y’agaciro. Impamvu abakoresha bahitamo gukoresha abana ni uko usanga babahembwa amafaranga macye ugereranije n’abandi bakozi, kubagenzura biroroshye ndetse rimwe na rimwe usanga nta gihembo baba bagenerwa uretse utuntu tw’uduhendabana basimbuza ikiguzi cy’umurimo.

Abana ntibakwiye kwikorezwa imitwaro

Ni muri urwo rwego hashyizweho amategeko agena ikigero gitandukanye cy'imyaka n'imirimo yakorwa**.**

- **Itegeko Nº66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda**

Ingingo yaryo ya 5: ivuga ku myaka fatizo yo gutangira gukora akazi ari cumi n'itandatu (16). Icyakora, umwana uri hagati y'imyaka cumi n'itatu (13) na cumi n'itanu (15) yemerewe gukora gusa imirimo yoroheje mu rwego rwo kwitoza umurimo;

Ingingo ya 6: ivuga ku mirimo ibujijwe itagomba gukoreshwa abana nko gukoresha umwana utarageza ku myaka cumi n'umunani (18) umwe muri iyi mirimo ikurikira birabujijwe:

- Kubashyira mu bucakara n'ibisa na bwo
- Kubakoresha nk'abaja mu kwishyura amadeni
- Gucuruza ibiyobyabwenge
- Kubakoresha mu biterasoni bishingiye ku gitsina**,**
- imirimo ihungabanya imiterere y'umubiri w'umwana;
- imirimo ikorerwa munsi y'ubutaka, munsi y'amazi, kandi harehare cyangwa hafunganye;
- imirimo ikoreshwa imashini n'ibikoresho bishobora kugira ingaruka mbi cyangwa isaba guterura no kwikorera umutwaro uremereye;

- imirimo ikorerwa ahantu hari ubushyuhe, ubukonje, urusaku
- ibitigita n'ibindi byangiza ubuzima bw'umwana;
- imirimo ikorwa amasaha menshi, mu ijoro cyangwa ikorerwa ahantu hafunganye.

Amabwiriza ya minisitiri n° 01/2017 yo ku wa 17/11/2017 yerekeye gukumira no kurwanya imirimo mibi ikoreshwa abana, rigena urutonde rw'imirimo yoroheje yakorwa n'abana n'ikiciro cy'imyaka bagomba kuba barimo:

- Umwana uri munsi y'imyaka itanu (5) nta murimo yemerewe gukora;
- Umwana ufite kuva ku myaka 5-12 yemerewe gukora imirimo yo murugo iwabo idahemberwa: nko gufasha ababyeyi gutegura ifunguro, kumesa imyenda, isuku yo mu rugo, gukoresha imikoro barumuna be, gutumwa, kuzana umusaruro mu murima, kuvoma amazi yo murugo, kudahira inka, kuzana ubwatsi bw'amatungo n'ibindi byoroheje.

Imirimo itemerewe umwana wo mu kigero cyavuzwe haruguru:

Umwana ufite kuva ku myaka 5-12 ntiyemerewe guhinga, kuroba, kudoda, kubaka aho imyaka ihunikwa, gusuka no kogosha, kwenga inzoga, ubucuruzi bwo mu muryango n'ibindi bivunanye bishobora kumubuza kwiga.

Abana ntibemerewe gukoreshwa imirimo ivunanye nk'iy'ubwubatsi

Icyitonderwa: Umwana wo muri iki cyiciro cy'imyaka itanu na cumi n'ibiri (5 -12) ntiyemerewe gukora umurimo uwari wo wose wo hanze y'umuryango.

- Umwana uri hagati y'imyaka cumi n'itatu (13) na cumi n'itanu (15) ashobora gukora imirimo yoroheje n'imirimo yose yo murugo yavuzwe haruguru usibye < **Guhinga, Kuroba no kwenga inzoga >.**

  Imwe mu mirimo yohanze umwana uri hagati ya 12-15 yemerewe gukora ni:
- Kwimenyereza umwuga;
- Gukoresha mudasobwa;
- Gucuruza amakarita yo guhamagara cyangwa Mituyu
- Gukora Televiziyo, Radio n'ibindi bikoresho bitandukanye;
- Gutanga ibinyamakuru;
- Gufasha umubyeyi cyangwa undi muntu kwakira abakiliya mu iduka cyangwa ahandi hantu hakorerwa ubucuruzi cyangwa hatangirwa serivisi
- Gucuruza umuriro; amata; amakarita; Mobile Money (Mobayilomani);
- Interineti (lnternet) n'ibindi....;
- Guhura cyangwa gusya imyaka n'imashiniyo mu rugo;
- Gusuka;
- Kogosha;
- Gucuruza.

Umwana uri muri iki cyiciro cy'imyaka nubwo yemerewe gukora imirimo yoroheje ariko ntiyemerewe kuyikora amasaha arenze mirongo ine (40) mu cyumweru.

Umwana uri hagati y'imyaka 16-17 yemerewe gukora imirimo yose nk'umuntu mukuru uri hejuru y'imyaka 18 uretse imirimo mibi yavuzwe haruguru (igenwa n'ingingo ya 6 y'itegeko rigenga umurimo).

Ikiruhuko cy'umwana

Umwana yemerewe ikiruhuko cy'amasaha cumi n'abiri (12) akurikiranye hagati y'ibihe bibiri by'akazi icyo kiruhuko kitagomba kujya munsi. Agomba kandi guhabwa iminsi 2 yo ku mibyizi y'ikiruhuko buri kwezi kw'akazi.

V. IMPAMVU ZITERA ABANA GUKORA IMIRIMO IBUJIJWE:

- **Ubukene** : Impamvu zitera abana gukora imirimo mibi ubukene buza kwisonga, butuma abana bajya gukora kugirango babone icyo barya bo n'imiryango yabo.
- **Kudasobanukirwa** kwa bamwe mu babyeyi ku mirimo mibi itemerewe umwana n'imirimo yoroheje.
- **Kurarikira kw'abana:** abana bifuza ibirenze ubushobozi bw'imiryango yabo.

Ni bande bakoresha abana imirimo ibujijwe

- **Abikorera ku giti cyabo :** bamwe mu bikorera bakunze gukoresha abana kuko babahemba intica ntikize aribo **:** abakora ubucuruzi mu masoko cyangwa mu dusanteri, ubuhinzi hakunze kugaragara abana mu buhinzi bw'icyayi na kawa, mu nganda, mu bilombe by'amatafari cyangwa amabuye y'agaciro) cfr ubushakashatisi komisiyo yakoze 2016 na 2021;

- **Ababyeyi :(**guhinga, kwikorera imitwaro irenze ubushobozi bwe, kumwohereza guca inshuro);
- **Abandi (**gukoresha abana imirimo yo mungo ihemberwa, mu tubari, aho berekanira film**).**

VI. INGARUKA Z'IMIRIMO IBUJIJWE KU MWANA BY'UMWIHARIKO NO KUGIHUGU MURI RUSANGE.

VI.1. Ingaruka ku bana

- Kugwingira ku mubiri no mu bwenge;
- Kutiga;
- gucikiza amashuri;
- Guhorana ipfunwe;
- Kwishora mu biyobyabwenge;
- Urupfu.

V.I.2. Ingaruka ku gihugu

- Gutakaza imbaraga z'ejo hazaza;
- Kudindira k'ubukungu;
- Kugira abaturage benshi badashoboye kwibeshaho;
- Gushora mu buvuzi cyane.

VII. IBIHANO BITEGANIRIJWE KU BAKORESHA ABANA IMIRIMO MIBI

Ibihano byo mu rwego rw'ubutegetsi (voir itegeko).

a) Ibihano ku bakoresha

Haseguriwe ibiteganywa mu Itegeko no 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda, umukoresha wo mu bigo byanditse uzakoresha umwana cyangwa uzagaragaraho uruhare urwo arirwo rwose rutuma umwana akoreshwa imirimo ibujijwe azacibwa amande ari hagati y'ibihumbi magana atanu (500,000Frw) kugeza ku mafaranga miliyoni imwe y'u Rwanda (1,000,000 Frw).

Umukoresha mu bigo bitanditse uzakoresha umwana cyangwa uzagaragaraho uruhare urwo ari rwo rwose rutuma umwana akoreshwa imirimo mibi, by'umwihariko uzakoresha abana imirimo yo mu ngo hanze y'Umuryango yabo azacibwa amande ari hagati y'ibihumbi ijana (100,000Frw) kugeza ku mafaranga ibihumbi magana atanu (500,000 Frw).

Nanone kandi, umukoresha wese yaba uwo mu bigo byanditse cyangwa ibitanditse uzagaragaraho uruhare urwo ari rwo rwose rutuma umwana akoreshwa imirimo mibi, ashobora guhagarikirwa imirimo by'agateganyo mu gihe kiri hagati y'iminsi irindwi (7) n'ukwezikumwe (1).

b) Ibihano ku Babyeyi

Umubyeyi wese uzakoresha umwana imirimo ibujijwe cyangwa uzagaragaraho kutita ku nshingano ze bigatuma umwana we cyangwa uwo arera akoreshwa imirimo ibujijwe azahanishwa kimwe mu bihano bikurikira:

- Kwihanangirizwa mu ruhame mu nama y'umudugudu cyangwa ku muganda;
- Gucibwa amande angana n'ibihumbi icumi (10,000 rwf) ku mubyeyi wese utita ku Inshingano ze zo kwita ku burere bw'Umwana we cyangwa uwo arera bikamuviramo kuba inzererezi no gukoreshwa imirimo mibi;

VIII. URUHARE RWABURI WESE MU KURWANYA IMIRIMO MIBI IKORESHWA ABANA

Uruhare rw'abana

- Abana bagomba kumenya uburenganzira n'inshingano zabo;
- Abana bagomba kwirinda kurarikira amafaranga;
- Kwiyakira no kwemera ubushobozi bw'ababyeyi babo.

Uruhare rw'ababyeyi

- Kwita ku burere bw'abana babo no kubaha ibibatunga;
- Kumenya gutandukanya imirimo ibujijwe n'imirimo yoroheje ku bana;
- Gukangurira abana babo gukunda ishuri no kubabera urugero;

Uruhare rw'abikorera

- Gufata umwana wese nk'uwawe;
- Kwirinda gushakira inyungu nyinshi ku bana;
- Kubahiriza gahunda z'igihugu zo kurinda abana imirimo ibujijwe.

Uruhare rw'inzego zibanze

- Gukora ubukangurambaga bwimbitse ku kurwanya ikoreshwa ry'imirimo ibujijwe ku bana;
- Gukora igenzura mu mafasi y'imirimo ahakekwa gukoresha abana(mu mirima y'icyayi, mu bilombe by'amabuye y'agaciro no mu matafari, mu masoko);
- Gushyira mu bikorwa ibihano biteganywa n'amategeko kufashwe akoresha umwana

IX. INSHINGANO ZA LETA MU KURWANYA NO GUKUMIRA IMIRIMO IBUJIJWE KU MWABANA.

Murwego rwo kurinda abana imirimo ibavuna, Leta yashyizeho amategeko n'amategeko teka atandukanye**:**

- Itegeko no 66/2018 rigenga umurimo mu Rwanda mu ngingo yaryo ya 6;
- Amabwiriza ya Minisitiri no 01/2017 yo ku wa17/11/2017 yerekeye gukumira no kurwanya imirimo ibujijwe ku bana.
- N'andi mategeko.

X. IBIKORWA NA KOMISIYO

Mu rwego rwo kurwanya no gukumira imirimo mibi ikoreshwa abana, Komisiyo y'igihugu y'Uburenganzira bwa Muntu ikora:

- Ubushakashatsi ku mirimo mibi ikoreshwa abana n'ingaruka zayo (**analysis of child lobar and its impact on child rights in Rwanda may 2020**);
- Komisiyo yashyizeho urwego rushinzwe kureberera uburenganzira bw'umwana muri rusange uko bwubahirizwa mu gihugu hose rukanayigezaho raporo buri kwezi (observatoire de droit de l'enfant);
- Nyuma yo gusesengura izo raporo za ODE, Komisiyo kandi ikorana n'inzego zibanze mu gukemura ibibazo bijyanye n'uburenganzira bw'umwana muri rusange by'umwihariko ibyo kudakoreshwa imirimo ivunanye byagaragaye muri izo raporo ;
- Komisiyo ikora ubukangurambaga, ikanahugura inzego zirebwa n'icyo kibazo ku burenganzira bw'umwana by'umwihariko kutamukoresha imirimo imuvuna ibangamira imikurire ye n'iterambere rye.

Umwanzuro

Hirya no hino, abana bakomeje gukoreshwa imirimo ibangamira imikurire, imyigire n'iterambere ryabo, Leta ikwiriye gufata ingamba zikaze, ishyiraho ibihano kubagaragaweho n'iki cyaha,iki kibazo kigomba kurwanywa no gukumirwa na buri wese. Nk'uko biteganywa mu Itegeko Nshinga rya Repubulika y'u Rwanda ryo muri 2003 nk'uko ryavuguruwe muri 2015, twese dufite inshingano yo guhaguruka tukarwanya imirimo mibi ikoreshwa abana, ibi bikaba bisaba ko buri wese amenya uburenganzira bw'umwana bwo kudakoreshwa imirimo ivunanye, kandi akagira uruhare mu kubukangurira abandi, kuko ari uburyo bwiza bwo guyikumira no kuyirwanya