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## **Report of the Working Group on the Universal Periodic Review\***

### **Rwanda**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Rwanda was held at the 2nd meeting on 24 January 2011. The delegation of Rwanda was headed by the Minister of Justice, the Honourable Tharcisse Karugarama. At its 6th meeting held on 26 January 2011, the Working Group adopted the report on Rwanda.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Rwanda: Guatemala, Japan and Senegal.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Rwanda:

(a) A national report/written presentation prepared in accordance with paragraph 15 (a) (A/HRC/WG.6/10/RWA/1 and Corr.1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/RWA/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/RWA/3 and Corr.1).

4. A list of questions prepared in advance by Belgium, Germany, Norway, Slovenia, Canada, the Czech Republic, Ireland, Latvia, the Netherlands, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland was transmitted to Rwanda through the troika. These questions are available on the extranet of the UPR site.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation stated that it was with a great sense of humility, pleasure and honour that it was representing Rwanda for its universal periodic review. The national report that was submitted in October 2010 was a product of massive consultations in the country, involving Government ministries, institutions, civil society and all stakeholders in the human rights portfolio. Rwanda is a country that listens to concerns and issues raised by its friends and partners. The delegation thanked all the States which had raised concerns and issues.

6. The delegation stated that Rwanda had ratified most of the human rights instruments under regional and international portfolios. It has also submitted various human rights reports to the relevant Committees at the regional and international levels, and has lifted most of the reservations that had been placed on some of those instruments.

7. The delegation stated that in March 2011, Rwanda would present its report on the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), to be followed by a presentation in June 2011 of the reports on the Optional Protocols to the Convention on the Rights of the Child. Rwanda would also present, as and when the concerned committees set the dates, the report on the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as its third and fourth reports on the Convention on the Rights of the Child (CRC). Furthermore, other reports, such as the initial reports on the implementation of the Convention Against Torture (CAT), the

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and the Convention on the Rights of Persons with Disabilities (CRPD), have been submitted to the Rwandan Cabinet for approval, and all will be submitted to the relevant Committees before the end of June 2011.

8. The delegation stated that Rwanda had made constitutional guarantees to the promotion and protection of human rights, the rule of law, good governance, zero tolerance of all forms of corruption, social and political cohesion, and national reconciliation as pillars of its development goals. It has made steady progress since the 1994 genocide and hoped, with support and encouragement from the international community, to even do better in the years to come. The delegation stated that in 1994, Rwanda had no cash economy as all national coffers had been looted, human and physical infrastructure had been destroyed, insecurity was rampant, and there was just death and destruction everywhere. Since then, Rwanda has reconstructed its social, political and economic portfolios, and was now a country of hope for a bright future for its citizens. The delegation thanked all partner States and friends for having been part of this recovery success.

9. The delegation pointed out some of Rwanda's achievements, including the setting up of the National Commission for Human Rights which fulfils the Paris Principles and which has acquired "A" status, the Child Rights Observatory and the Commission for Children's Rights, which was awaiting approval from the Cabinet and would soon be operational, the empowerment of women, which has made Rwanda's women parliamentary representation the first in the world in terms of numbers, the setting up of the Gender Observatory and the Gender Monitoring Office, the National Women's Commission, the National Commission for People with Disabilities, sustained economic growth of 5 to 8.5 per cent over the past 10 years, the setting up and maintaining of the health insurance programme (*mutuelle de santé*), which has enabled every citizen to have health insurance, and the free and compulsory universal Nine-Year Basic Education (9YBE) programme. The delegation stated that plans were under way to raise free universal education from 9 to 12 years.

10. The delegation stated that under the justice portfolio, Rwanda has put in place Access to Justice Bureaux (*maisons d'accès à la justice*) (MAJ) in each of the 30 districts in the country with the aim of providing free legal-aid services to vulnerable people. The Government now allocates national budget funds for the provision of legal aid, a service that was previously only funded by NGOs in the justice sector.

11. The delegation stated that amendments have been made to the Penal Code to provided for alternative sentencing, such as community work (*travaux d'intérêt général*) (TIG) and fines to replace long prison sentences, and financial restitution to replace long prisons term, when financial crimes are involved.

12. The reforms have been made and prison numbers have been reduced drastically, resulting in the closure of four prison facilities. Instead, a children's rehabilitation centre and a modern prison facility with international standards have been set up, and plans are under way to close more prison facilities and build a few modern regional prison facilities that meet international standards. With these policies in place, the delegation believed that by 2015, Rwanda would have the smallest number of prisoners in the region, if not on the entire continent, due mainly to the fact that most of the genocide prisoners sentenced in *gacaca* courts would be reintegrated into their communities after serving their sentences.

13. The delegation stated that while the *gacaca* courts have come under criticism from certain quarters, they have served Rwanda very well: some 1.5 million dossiers have been judged, but today only about 38,000 genocide convicts were in prisons across the country; the rest have been reintegrated into their communities and are living harmoniously with their neighbours. There have not been any revenge killings in the communities, and ex-

convicts are living side by side with their neighbours. The fact that the perpetrators of the genocide are now living side by side with the victims is testimony that unity and reconciliation are possible, and that the *gacaca* courts have played a major role in this context.

14. The delegation stated that recent presidential elections, coupled with steady economic growth and effective social policy interventions were testimony that Rwanda was coming to grips with its past, and that reconciliation and social cohesion are possible.

15. The delegation referred to the advance questions and stated with regard to the Genocide Ideology Law, that Rwandans knew genocide better than anyone else and had legitimate responsibility to prevent its reoccurrence by all means. The genocide took place on the basis of the ideology on which it was founded. It was a big issue for Rwanda and had to be addressed using all means possible, including the institution of an appropriate legal regime. It felt that the ideology of genocide was a real threat that could potentially undo the achievements that Rwanda has made in the last 16 years. The delegation stated that Rwanda had agreed to review the Genocide Ideology Law because of the issues it has raised. A national group was therefore commissioned, foreign experts were consulted, and comments and input were sought from human rights groups and other interested parties.

16. Regarding the issue of political space, the delegation stated that Rwandans needed to enjoy home-grown democracy, nurtured and developed in Rwanda by Rwandans, and not one that was made or imported from North America, Europe or Asia. It stated that there were 10 registered political parties and that in order to be registered, a party must meet the criteria defined by law.

17. The delegation stated that successful presidential, parliamentary and local elections have been held. National, regional and international observers were invited to observe the elections, and according to their reports, the elections generally reflected the will of the people of Rwanda. While the elections may not have been perfect, improvements could and would be made in the future.

18. The delegation stated, with regard to media freedom, that the media in Rwanda did not have a track record for good conduct. On the contrary it has been associated with inciting violence, hate campaigns and inciting the Rwandan people to committing genocide. The delegation stated that it needed to create a media that was responsible, and that Rwanda was committed to media freedom. In 1997, there was only one radio station; today there are 19. In 2003, Rwanda had 15 newspapers; today there are 57. The country also boasts the Great Lakes Media Center, and the School of Journalism and Communication aimed at improving the quality of the role of the media in the country's governance. The delegation stated that the Media Law was under review to address some of the concerns that have been raised.

19. The delegation stated that some of the questions raised had been overridden by events, and that if no response had been provided it was because the questions were no longer issues. The States that posed the questions have been informally advised about the status of things on the ground.

20. The delegation stated that legislation was in place outlawing discrimination of any kind, and that it was a serious offence under national law. The question of the Batwa has been aggressively addressed, and it was expected that by 2020 they would be at parity with all other Rwandans. The question of solitary confinement, that was misunderstood, has been addressed by legislative reform and amendments. With regard to disappearances between 1990 and 2003, investigation will continue until all avenues have been exhausted.

21. The delegation stated that Rwanda did not recruit child soldiers. There were no armed groups in Rwanda therefore the issue of armed groups recruiting child soldiers in Rwanda does not arise.

22. In conclusion, the delegation pledged Rwanda's determination to continue to build a democratic society and to play its role in all international engagements in which it may be called upon to serve.

## **B. Interactive dialogue and responses by the State under review**

23. During the interactive dialogue, 48 delegations made statements. Statements which could not be delivered during the interactive dialogue due to time constraints have been posted on the extranet of the UPR site, if available.<sup>1</sup> Many delegations commended Rwanda for its level of participation in the process, and for its consultative approach in the preparation of its national report. Recommendations made during the dialogue can be found in section II of the present report.

24. Algeria praised Rwanda's reconciliation efforts, launched since 2002, and its efforts to promote economic, social and cultural rights. It noted Rwanda's Vision 2020 plan and Poverty Reduction Strategy and applauded Rwanda's efforts to achieve the Millennium Development Goals (MDGs). It made recommendations.

25. Egypt noted Rwanda's recovery since the 1994 genocide, and also took note of Rwanda's efforts in a number of areas, including addressing socio-economic challenges. Egypt also noted that Rwanda was on track to achieving the MDGs. Egypt commended Rwanda for its commitment to protect the rights of women, as well as for making protection of children's rights a priority. It called upon the international community to extend the necessary assistance to Rwanda. Egypt made recommendations.

26. China noted with appreciation the adoption of Rwanda's Vision 2020 plan, as well as its Poverty Reduction Strategy. It commended Rwanda for the progress made in poverty reduction, medical and health services, and education. China acknowledged the challenges and difficulties faced by Rwanda, and expressed its confidence in Rwanda's progress. China made recommendations.

27. Japan noted with appreciation Rwanda's achievements in post-conflict recovery, economic development and good governance. It noted with concern the discriminatory traditional practices against women in the family and in society, as well as the restrictions on freedom of expression, participation in political processes, and the media. Japan made recommendations.

28. Morocco welcomed the achievements of the National Unity and Reconciliation Commission that put Rwanda on the path of peace. It praised the central role given to the promotion and protection of human rights after the impact of the tragic events of 1994. Morocco noted with appreciation Rwanda's progress towards attaining the objectives of the MDGs by 2015, and in the field of health, education and protection of vulnerable groups, especially women. Morocco mentioned that Rwanda had the world record for the highest number of women in Parliament. It made recommendations.

29. Brazil stated that, despite the atrocities committed, Rwanda has managed to rebuild its society and move towards reconciliation. Brazil acknowledged the progress made in the

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<sup>1</sup> The countries which could not take the floor were Angola, Argentina, the Congo, Costa Rica, Ireland, Israel, Kenya, Latvia, Mali, Mauritius, Mexico, Norway, Saudi Arabia, Senegal, Uganda and Uruguay.

advancement of the rule of law, abolition of the death penalty, achievement of most of the MDGs, increase in per capita GDP, decrease in maternal mortality, and participation of women in Parliament. Brazil mentioned the challenges faced by Rwanda, such as violence against women and children, and intimidations against human rights defenders. Brazil made recommendations.

30. Slovenia commended Rwanda for its active engagement in the field of human rights at the regional and international level. It recognized Rwanda's leading role in the region and the positive developments regarding the participation of women in politics. It further commended the abolition of the death penalty in 2007. Slovenia encouraged Rwanda to maintain its constructive self-critical attitude, and shared the concern of the Committee on the Rights of the Child about reports of recruitment of children below the age of 15. Slovenia made recommendations.

31. Singapore recognized the challenges faced by Rwanda, particularly in rebuilding the fabric of its society after the 1994 genocide. It noted that Rwanda guaranteed freedom of expression, while safeguarding against its abuse, and that it had established the Media Council to promote media freedom and responsibility. Singapore commended Rwanda for the programmes aimed at maternal and child health, and universal primary education. It made recommendations.

32. Hungary commended Rwanda's achievements, including the abolition of the death penalty, adoption of programmes targeting socio-economic transformation, and acquisition of "A" status for its National Commission for Human Rights. Hungary was concerned about violence against children, including domestic violence and recruitment into armed forces. It recognized Rwanda's achievements in the field of gender equality, but raised concerns regarding the persistence of patriarchal stereotypes which resulted in violations against women's rights, and the absence of legislation on sexual harassment. Hungary made recommendations.

33. Nepal noted with appreciation Rwanda's initiatives in human rights protection, including through the strengthening of the National Commission for Human Rights, the establishment of the Ombudsman office, and the implementation of the Vision 2020 plan and the Economic Development and Poverty Reduction Strategy. It also praised Rwanda's progress in the health sector, and women's representation in decision-making. Nepal urged the international community to support Rwanda in its initiatives by facilitating technical assistance and capacity-building. It encouraged Rwanda to take further initiatives towards protecting the rights of marginalized and vulnerable groups, and ending gender-based violence.

34. Switzerland welcomed the abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP 2), and noted with appreciation the high representation of women in Parliament. Switzerland referred to Rwanda's progress in the field of economic, social and cultural rights and made recommendations.

35. Turkey acknowledged Rwanda's efforts in advancing human rights and commended Rwanda's policy on compulsory education, in particular with regard to girls, and the high level of representation of women in Parliament. Turkey referred to Rwanda's priority to obtain more investments in rural areas so as to reduce extreme poverty, and called on the international community to assist Rwanda. Turkey requested information on the administration of justice at the communal level, and made a recommendation.

36. Spain welcomed the abolition of the death penalty in 2007, and attached great importance to the protection of civil and political rights as a prerequisite for pursuing social and sustainable development. Spain made recommendations.

37. Nigeria welcomed Rwanda's efforts to consolidate peace and stability through the enactment of various laws, and the establishment of the National Commission for the Fight Against Genocide. It noted with appreciation the progress made in access to education and health, and respect for the rights of women, children, and persons with disabilities. Nigeria recognized various challenges and constraints hindering Rwanda's efforts in protecting human rights and attaining the MDGs. It made a recommendation.

38. Austria commended Rwanda for the developments in the protection of social and economic rights, and the progress made in fighting corruption, as well as for the abolishment of the death penalty, and the reform of the justice sector. It was concerned, however, about prison overcrowding, the lack of separation of pretrial detainees and convicted offenders, the length of pretrial detention, and the limited possibilities for rehabilitation in the area of juvenile justice. Austria requested information on measures taken to address these concerns. Austria was also concerned about restrictions imposed on the press and journalists under the 2009 Media Law, and requested information on measures envisaged to tackle those problems. Austria made recommendations.

39. India commended Rwanda for its efforts to reshape a new and inclusive society. India referred to Rwanda's A-status national human rights commission and its cooperation with the African Peer Review Mechanism and the International Criminal Tribunal for Rwanda. It requested Rwanda to provide more information on food insecurity, internal displacement, deforestation and declining agricultural productivity.

40. Cambodia noted with appreciation the efforts and progress made by Rwanda to develop programs aimed at social and economic transformation, including Vision 2020 and the Economic Development and Poverty Reduction Strategy. It recognized the challenges that Rwanda faced, and the efforts needed to ensure long-lasting peace and stability and to advance democracy. Cambodia made recommendations.

41. Mauritania noted with appreciation Rwanda's commitment to protecting human rights, as well as the measures taken, such as the creation of an advisory council for governance and a task force for the preparation of reports to the treaty bodies. Mauritania commended Rwanda for the adoption of its Vision 2020 plan and Poverty Reduction Strategy, and for its commitment to achieving most of the MDGs before 2015. Mauritania highlighted Rwanda's achievements in promoting gender equality, including the high representation of women in Parliament. It also referred to Rwanda's main challenges, such as demographic growth, and made a recommendation.

42. The Republic of Moldova noted that despite measures taken to combat violence against women, various forms of violence against women still existed. It referred to the observations of the Human Rights Committee with regard to discrimination against women, especially in the Civil Code and the Family Code. The Republic of Moldova made recommendations.

43. Niger welcomed the participatory approach to the preparation of the national report. It noted with appreciation Rwanda's efforts to shape a new and inclusive society, free of discrimination. Niger also appreciated the adoption of policies in the area of health, education and agriculture, and the introduction of the new law on equal representation of women in decision-making. Niger made recommendations.

44. Canada underlined Rwanda's achievements in post-conflict reconstruction, its promotion of women's rights and the improvement in access to education and health. Canada expressed concerns about the restrictions imposed by the Media Law on freedom of expression, the scope of the Genocide Ideology Law and its possible misinterpretation and abuse, the allegations of manipulation in the registration of political parties, and the alleged political interferences in the administration of justice. Canada welcomed the efforts made to review the law governing NGOs, and made recommendations.



45. South Africa welcomed Rwanda's initiatives to enhance the protection of women's rights, and encouraged Rwanda to continue its efforts to ensure that women enjoyed equality and were not subject to any forms of discrimination. It also welcomed Rwanda's progress towards achieving the MDGs, which would assist in human rights protection. South Africa made recommendations.

46. Belgium noted with satisfaction the ratification of the Optional Protocol to the ICCPR (ICCPR-OP 1). It noted the positive steps undertaken, including the National Dialogue on Media, and enquired about the measures undertaken to guarantee the independence of the Media High Council. Belgium made recommendations.

47. The Republic of Korea acknowledged the progress made by Rwanda in the promotion of human rights. It welcomed the fact that Rwanda had withdrawn its reservations to international human rights treaties, and that the latter had precedence over domestic laws. The Republic of Korea commended Rwanda for introducing free and compulsory education, and for taking steps towards achieving gender equality. It noted the education gap between boys and girls, and requested information about measures taken to address this issue. The Republic of Korea made recommendations.

48. Indonesia commended Rwanda for its efforts to ensure that human rights protection remained a priority. It noted the establishment of the independent, A-status National Commission for Human Rights as an important step, and called for Rwanda to ensure that the Commission is provided with the necessary financial resources to fulfil its mandate. Indonesia made recommendations.

49. Mozambique took note of the economic and social developments achieved by Rwanda, its efforts to eradicate extreme poverty and hunger, guarantees for universal primary education and environmental sustainability, promotion of gender equality and the empowerment of women. It noted that Rwanda had introduced universal primary education and has been implementing the One Laptop Per Child programme with a view to disseminating the use of and proficiency in computers in primary school. Mozambique encouraged Rwanda to continue with the programmes related to reconciliation and economic development.

50. Azerbaijan commended Rwanda's commitment to human rights protection and the positive changes in society. It noted with interest the measures taken to fight discrimination and to improve the enjoyment of human rights, such as the right to health, education, and social protection. Azerbaijan further commended the establishment of the A-status national human rights commission, the Gender Monitoring Office, and the National Unity and Reconciliation Commission. It welcomed Rwanda's achievement of the MDGs ahead of time and requested information on measures adopted to explicitly prohibit discrimination against women. Azerbaijan made recommendations.

51. France expressed concerns about the following topics: the situation of forced disappearances, freedom of association, pressure and threats against journalists. It requested further information on the murder that occurred on 10 July 2010. France made recommendations.

52. Malaysia noted with appreciation the progress achieved in social and economic development as well as Rwanda's endeavour to shape a new and inclusive society that rejects historical bias and discrimination. It also appreciated Rwanda's engagement with the United Nations human rights mechanisms and OHCHR in its efforts to improve the human rights situation. Malaysia made recommendations.

53. The United Kingdom of Great Britain and Northern Ireland commended Rwanda for the progress made since the 1994 genocide. While welcoming the abolition of the death penalty, it expressed concern over its replacement by life imprisonment in solitary

confinement. The United Kingdom noted achievements towards reconciliation, but was concerned about the lack of qualified practitioners, the impartiality of judges and the rights of the accused. While welcoming the 2010 presidential elections, the United Kingdom was concerned that opposition parties had been unable to register, and about reports of intimidation of the opposition. It requested information about measures taken to guarantee democratic elections in 2011. It was also concerned about restrictions on freedom of expression. The United Kingdom made recommendations.

54. Germany referred to the freedom of association for political parties and their mandatory registration with the police, and requested further information on this topic. It also referred to the threats against journalists who criticized the Government. Germany made recommendations.

55. Burkina Faso appreciated Rwanda's efforts in the area of development, human rights, democracy and culture of peace, as well as progress in the formation of a legal and institutional framework regarding human rights. It praised Rwanda for its cooperation with the international community, including Rwanda's withdrawal of all reservations to international human rights treaties, and the submission of reports due to the treaty bodies. Burkina Faso made recommendations.

56. Slovakia underlined the challenges faced by Rwanda due to the heritage of genocide. It commended Rwanda for having ratified most of the human rights treaties, abolishing the death penalty, and the A-status accreditation of its National Commission for Human Rights. Slovakia made recommendations.

57. Ghana commended Rwanda for its initiatives to address issues relating to the promotion of peace, justice and reconciliation, and for the high female representation in the Government, the Supreme Court and Parliament. Ghana noted Rwanda's development in maternal and child health care, and enquired about the impact of the One Laptop Per Child policy. It urged Rwanda to implement the recommendation of the Committee on the Rights of the Child to investigate child abuse.

58. The United States of America expressed concern about the lack of progress in allowing the media to speak freely without fear of punishment, and that the 2009 Media Law impeded the development of free media. It welcomed the adoption of a human rights policy and a national action plan for human rights protection. However, it noted that the Government had engaged in harassment of human rights defenders and journalists, and imposed burdensome NGO registration requirements. The United States noted that Rwanda had rebuilt its judicial system, but remained concerned over reports of political interference in the judiciary. It also expressed concern about unfair trials and lack of judicial independence. The United States made recommendations.

59. Chad commended Rwanda's engagement with human rights, as demonstrated by the ratification of several human rights instruments, the incorporation of these treaties into domestic law, and the submission of reports to the treaty bodies. Chad noted with satisfaction the government's engagement in the reconstruction of the country, the emphasis placed on the rule of law, respect for human rights, national reconciliation and unity, as well as the objective to make Rwanda a middle-income country by 2020. Chad made a recommendation.

60. Poland commended Rwanda for the recent developments in the field of human rights, including the establishment of the Gender Monitoring Office. It noted with appreciation the achievements made in post-conflict resolution. Poland referred to the findings of the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, and made recommendations.

61. Maldives noted with appreciation the participatory approach to the preparation of the national report, and asked Rwanda to expand on the participation of the civil society in the preparation of the report. Maldives commended Rwanda for the progress achieved with regard to gender equality in decision-making. However, it noted that the prevalence of poverty and unemployment was higher among women, and enquired about the steps taken to address the situation. Maldives made recommendations.

62. Italy commended Rwanda for the abolition of the death penalty, and ratification of ICCPR-OP 2. However, it was concerned about the replacement of the death penalty by life imprisonment in solitary confinement. It was also concerned about restrictions to the freedom of expression under article 34 of the Constitution, and the 2008 Genocide Ideology Law, as well as by the situation of journalists and the media. Italy made recommendations.

63. Sri Lanka appreciated Rwanda's efforts to engage in the review process. Sri Lanka commended the rebuilding process in Rwanda following the unfortunate events of 1994. It also referred to the increased GDP in 2008 as a way to strengthen the democratic process. Sri Lanka welcomed the measures taken to initiate sectoral policies and further encouraged development in the health sector and full access to health care. Sri Lanka made a recommendation.

64. Burundi commended Rwanda's efforts in the social and economic areas, including the introduction of universal primary education. It noted with satisfaction the progress towards attaining the MDGs, including in the area of health, and the adoption of the Vision 2020 plan and policies on good governance and on combating corruption. Burundi noted that Rwanda had made progress in protecting the rights of women, including the high level of representation of women in Parliament and judiciary. It called upon the international community to provide Rwanda with further support for programmes aimed at social and economic development and the protection of human rights. Burundi made a recommendation.

65. Chile acknowledged Rwanda's efforts to prevent the impunity of acts of genocide and other human rights violations. It noted the efforts made in reconstruction, and the adoption of the Vision 2020 long-term development strategy for the advancement of all Rwandans. The measures taken to improve access to social services and the health sector are tangible examples of this strategy. Chile also acknowledged the challenges faced by Rwanda, and made recommendations.

66. The Netherlands noted with appreciation the positive steps taken by Rwanda – against a complex historical background – to promote and protect human rights, in particular the establishment of the A-status National Commission for Human Rights. It expressed concern about the possible negative effect that the Genocide Ideology Law could have on freedom of expression, association and peaceful assembly. It also noted with concern the issues regarding the registration of political parties. Finally it commended the ratification of ICCPR-OP 2, and encouraged the ratification of the Rome Statute. The Netherlands made recommendations.

67. Botswana welcomed the measures taken by Rwanda with regard to human rights, including the adoption of the Vision 2020 development plan, the national programme for the economic empowerment of the poor, and the establishment of the Access to Justice Bureaux and the National Dialogue Council. It made recommendations.

68. Ethiopia commended the progress made by Rwanda since 1994, and praised it as Africa's most dynamic and fastest-growing economy. It highlighted the achievements in addressing impunity, women empowerment, improvements in education, health and social services, and the promotion of information technology. It also praised the Vision 2020 plan and made a recommendation.

69. Australia commended Rwanda for its progress in literacy, reducing gender gaps in enrolments, and reducing maternal and child mortality. It commended Rwanda for its efforts in increasing the participation of women in Parliament, and for preventing the spread of HIV/AIDS. Australia praised the abolition of the death penalty, but raised concern about the Genocide Ideology Law and the role of the *gacaca* courts in the judicial system. Australia made recommendations.

70. Cuba highlighted Rwanda's progress in human rights promotion, and referred to the measures taken to counteract international exploitation, which was the main cause of the underdevelopment of Rwandans. It referred to Rwanda's main challenges: high demographic growth and the lack of resources to tackle extreme poverty. Cuba congratulated Rwanda for moving towards the achievement of most of the MDGs before 2015. Cuba highlighted the Vision 2020 plan as well as several sectoral policies, and made recommendations.

71. Sweden welcomed the efforts and developments made in a number of areas, including in the social and economic fields. It referred to information that human rights work remained controlled and that journalists were closely monitored by the authorities. It asked Rwanda to expand on the actions that have been taken to promote and protect the right to freedom of expression, press and association. Sweden noted that although the legislation provided for safeguards against arbitrary arrest and detention, security forces reportedly arrested and detained persons arbitrarily and without due process. It made recommendations.

72. The delegation stated that Rwanda would examine in detail the recommendations and issues raised by the Member States, some of which have already been addressed. It expressed regret that some of the issues raised were based on inaccurate information: human trafficking, recruitment of children into armed groups, imprisonment in solitary confinement were not issues in Rwanda. Regarding the latter, the delegation explained that the confusion arose because Rwanda had put in place special prisons for the transfer of detainees from the International Criminal Tribunal for Rwanda. In 2008, a review was carried out and the terminology in use is "room of sufficient size and facilities".

73. Regarding the *gacaca* courts, the delegation explained that the mechanism had dealt with millions of files in a short period of time, and had reconciled people and brought them into the community. Regarding women's rights, Rwanda emphasized that one of its priorities was the promotion of gender equality. Laws have been amended to provide equal opportunities for men and women, and children's rights have been promoted.

74. The delegation explained that the National Commission for Human Rights was an independent institution based on the Paris Principles, and its members represented the different sectors of society. Regarding the budget of the Commission, Rwanda indicated that the State provided 1.6 million dollars each year, and that the Commission also received funds from various donors.

75. The delegation also explained the joint governance assessment process, by which the Government, along with development partners, regularly identifies progress made, as well as the challenges and obstacles ahead, and formulates recommendations. The mechanism has clear principles and indicators and a clear framework, and concentrates on evidence-based assessment. Civil society organizations and the private sector also participate in the process. Rwanda emphasizes a consensual model of participatory democracy. Participation in public policymaking has been institutionalized through the Governance Advisory Council. Rwanda has already begun implementing various recommendations, including a public-policy dialogue on the Media Law. The access to information bill is another example of this inclusive dialogue.

76. Rwanda expressed its willingness to receive a visit from Special Rapporteurs and indicated that it would continue to strive for a democratic society built on the basis of consensus.

## **II. Conclusions and/or recommendations**

**77. The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of Rwanda:**

**77.1. Continue its commendable efforts in the area of good governance and human rights, in particular through its newly established Governance Advisory Council and the Task Force on Treaty Reporting (Botswana);**

**77.2. Continue its efforts towards the protection and promotion of human rights (Chad);**

**77.3. Pursue the efforts undertaken by the Government under the Vision 2020 plan (Algeria);**

**77.4. Accelerate steps towards adopting the human rights policy and national action plan for the protection and the promotion of human rights, and devise programmes for their implementation (Egypt);**

**77.5. Continue to implement its social and economic development strategy in order to promote steady progress of its society (China);**

**77.6. Continue to implement the programmes for development mentioned in paragraph 4 of the national report, and strengthen the systematic integration and promotion of human rights in these programmes (Morocco); continue to apply the strategies and plans for the socio-economic development of the country (Cuba);**

**77.7. Continue to apply programmes and measures to improve the enjoyment of the right to education, the right to health, and the rights of women and children (Cuba);**

**77.8. Consider issuing a standing invitation to all special procedures mandate holders (Brazil); reinforce its collaboration with the treaty bodies (Republic of Korea); extend an open and permanent invitation to special procedures (Spain);**

**77.9. Respond, as soon as possible, to the outstanding communications from the treaty bodies, including those from the Human Rights Committee (Republic of Korea);**

**77.10. Invite the Special Rapporteur on the independence of judges and lawyers to visit Rwanda (Canada); favourably consider issuing a standing invitation to the special procedures, which would help to strengthen the relationship between Rwanda and the Council (Republic of Korea); extend a standing invitation to the United Nations human rights special procedures so that they can visit the country and assist the Government with its human rights reforms (Maldives);**

**77.11. Pursue its efforts to ensure gender equality and the participation of women in public institutions, including at the local level, and promote this in the private sector (Spain); implement further policies to ensure gender equality throughout society, and strengthen the promotion and protection of the rights of women (South Africa);**

77.12. Further cooperate with the international community in holding accountable those responsible for violations against human rights and humanitarian law (Brazil);

77.13. Re-strengthen the guarantees of independence of the High Media Council and clarify its mandate so as to distinguish protection of freedom of the press from its functions as media regulator (Canada);

77.14. Ensure all human rights activists operating in the country, including individuals cooperating with United Nations human rights mechanisms, are spared harassment and intimidation (Slovakia); further address the agenda of social economic development, focusing especially on the poverty reduction program with the active support of the international community, in order to contribute further to achievements of human rights (Cambodia);

77.15. Continue to consolidate the progress already achieved in the area of improving living conditions, and strengthen human rights protection (Niger); ensure that the objectives of initiatives such as Vision 2020 and the Economic Development and Poverty Reduction Strategy are attained, and that efforts to build a more stable and prosperous Rwanda continue (Indonesia); identify priority areas and engage in international cooperation programmes to eradicate extreme poverty and ensure food security (Egypt); continue with the implementation of its development and poverty-reduction policy, strengthen international cooperation, and make greater efforts to reduce poverty (China);

77.16. Continue to focus on maternal and child health (Singapore);

77.17. Continue efforts to enlarge access to treatment (of HIV/AIDS and malaria) (Turkey);

77.18. Continue its efforts with regard to universal primary education and abolishing school fees, including the promotion of the Nine-Year Basic Education programme (Singapore); request support from the international community for its education policy, in particular the One Laptop Per Child programme, and for consolidating protection of the most vulnerable social groups, in particular the implementation of the national programme for childhood (Niger);<sup>2</sup>

77.19. Secure greater investment in the education sector, without delay, in order to achieve the Education for All goal by 2015 (Sri Lanka); continue to seek development and technical assistance for capacity-building from development partners, with a view to finding solutions to the identified challenges militating against the fulfilment of its commitments (Nigeria); request technical and financial assistance from partners and specialized United Nations agencies (with regard to demographic growth, poverty reduction, protection of the informal sector and the environment) (Mauritania); avail itself of the technical assistance and capacity-building support provided by OHCHR (Burkina Faso); consider seeking further targeted technical assistance from United Nations agencies towards achieving its human rights obligations (Botswana);

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<sup>2</sup> The recommendation made during the interactive dialogue read, “That the international community support Rwanda’s education policy, in particular the Program called ‘One computer per child’ and provide support in consolidating the protection of the most vulnerable social groups, in particular the implementation of the national program for childhood (Niger)”.

78. The following recommendations enjoy the support of Rwanda, which considers that they have already been implemented:

- 78.1. Ratify CERD (Maldives);
- 78.2. Continue and even accelerate its law review process and ensure that all gender and other discriminatory provisions in the legislation are repealed (Slovenia);
- 78.3. Provide the National Commission for Human Rights with human and material resources (Algeria); provide sufficient human and financial resources to the National Commission for Human Rights, so as to enable the Commission to carry out its mandate more effectively (Malaysia);
- 78.4. Design plans and strategies to ensure sustainability in protecting the rights of women and children (Egypt);
- 78.5. Create a comprehensive policy on the rights of the child (Hungary);
- 78.6. Accelerate the process of legal reform and ensure that all discriminatory provisions in the legislation, especially those regarding women, are abrogated (Morocco); continue its efforts to improve the guarantees on the rights of women through the revision of all discriminatory laws (Burkina Faso);
- 78.7. Continue to address the issue of gender discrimination (Japan); explicitly prohibit discrimination against women, in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (Hungary);
- 78.8. Set up prevention, repression and assistance mechanisms to help victims to fight sexual and domestic violence, as well as all types of discrimination against women (France); adopt policies aimed at promoting women's rights and combating domestic and sexual violence (Brazil); adopt a national strategy to fight all forms of violence against women (Moldova);
- 78.9. Introduce legislation explicitly prohibiting corporal punishment and promote alternative, non-violent forms of discipline (Azerbaijan);
- 78.10. End solitary confinement sentences and ensure that those sentenced to life imprisonment benefit from the United Nations Standard Minimum Rules for the Treatment of Prisoners, and adopt urgent measures against overcrowding; (United Kingdom); in line with the Human Rights Committee, put an end to sentences of solitary confinement, and ensure that persons sentenced to life imprisonment benefit from the safeguards of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Italy);
- 78.11. Ensure, with effective measures, the demobilization of all child soldiers and secure their rehabilitation and social integration (Slovenia);
- 78.12. Open television broadcasting frequencies to private providers (Austria);
- 78.13. Ensure that the good practice of the "high rate of female parliamentary representation" is materialized through enhanced women's participation in decision-making in the country (Indonesia);
- 78.14. Further strengthen efforts to increase the participation of women in decision-making posts, in particular at the local level (Azerbaijan);

79. The following recommendations enjoy the support of Rwanda, which considers that they are in the process of being implemented:

79.1. Ratify the Optional Protocol to the Convention against Torture (OP-CAT) and ICCPR-OP 1 (Hungary); sign and ratify the Optional Protocol to ICESCR, ICCPR-OP 1, OP-CAT and the International Convention for the Protection of All Persons from the Enforced Disappearance (CED) (Spain); consider ratifying outstanding international human rights instruments, and update domestic legislation to be in line with the provisions of those international treaties (South Africa); consider ratifying OP-CAT (Azerbaijan); ratify OP-CAT and thereby allow country visits (Germany); become party to OP-CAT and establish an official national preventive mechanism (Maldives); ratify and implement in national law the outstanding core international human rights treaties, in particular OP-ICESCR and CED (Netherlands); sign, ratify and incorporate into national legislation key human rights treaties, such as ICCPR-OP 1, OP-CAT and CED (Sweden);

79.2. Respond to all the cases submitted by the Working Group on Enforced or Involuntary Disappearances, sign and ratify CED, and fully recognize the competency of the Committee (France);

79.3. Accelerate the revision of the Genocide Ideology Law by precisely defining the crime in line with international standards, and ensuring that intention, assistance and incitement to genocide are clearly stated in the definition (Switzerland); review the definition of “genocide ideology” in the homonymous 2008 law so that it allows for diversity of opinion (Austria); review the 2008 Genocide Ideology Law and other related laws to bring them in line with international standards through a more precise and restrictive definition of the crime, including a clear statement of intent to commit, assist or incite genocide (Italy); continue the review of genocide ideology and related laws, and rigorously apply the provisions of article 20 of ICCPR by taking strictly necessary and proportionate measures (Belgium);

79.4. Ensure the law relating to the punishment of the crime of “genocide ideology” is not manipulated or interpreted in a manner that restricts the responsible exercise of the freedom of opinion, expression or association (Australia); specify the definition and legal scope of the term “divisionism” and revise Law 18/2008 punishing the crime of “genocide ideology” in order to prevent its abuse for political or partisan purposes (Canada);

79.5. Accelerate the legal reform process in order to ensure that all discriminatory provisions in the legislation are abolished (Moldova);

79.6. Adopt new measures to find a solution to the problem of overcrowding in prisons (Algeria); strengthen measures taken within the reform policies to make the prison system more humane, in particular through training of personnel and improved prison administration (Morocco); separate convicted offenders from pretrial detainees (Austria);

79.7. Pursue justice-system reforms, in particular with regard to strengthening the independence of the judiciary with focus on eliminating corruption and political interference (Slovakia); adopt measures to strengthen the independence of the judiciary and guard against corruption and political interference (United States); continue reforms of the justice system, in particular measures to strengthen the independence of the judiciary and reinforce witness protection (Austria); continue to reform the justice system to enhance the independence of the judiciary and improve witness protection (Australia); continue the reform of the judiciary in order to give more



independence to the justice system, and improve the witness protection system (Switzerland);

79.8. End the *gacaca* court system as soon as possible, noting the stated deadline of February 2010 (United Kingdom); address alleged miscarriages of justice in the *gacaca* trials through the formal court system (Australia); strive to further enhance and share its experiences regarding the role of traditional institutions in dispensing justice and reconciliation (Ethiopia);

79.9. Continue the legal reform process, including the incorporation of a plan of action to ensure access to justice by poor people and vulnerable groups, in particular women and children (Cambodia); ensure free legal assistance for underprivileged citizens (Slovakia);

79.10. Continue efforts to guarantee freedom of expression, while safeguarding against its abuse (Singapore); review existing restrictions on freedom of expression, participation in the political process and the media, and amend or abolish any undue or excessive restrictions which may exist (Japan); examine the media regulation system and eliminate all provisions that may hinder the freedom of expression (Chile);

79.11. Ensure freedom of expression, including by protecting journalists and human rights defenders from intimidation and aggression (Brazil);

79.12. Review the 2009 Media Law in conformity with international standards, reform the High Media Council in order to strengthen its credibility and independence, and conduct impartial investigations into the cases of harassment and intimidation of journalists (Italy); continue to amend the 2009 Media Law and undertake independent and credible investigation and prosecution in cases of clear harassment (Netherlands);

79.13. Take effective steps to review and improve the laws unduly restricting freedom of expression, press and association, and prevent authorities from violating these rights (Sweden); take all necessary measures to ensure freedom of expression and the right to participate in political and public affairs by journalists, based on the provisions of the ICCPR (Belgium);

79.14. Review and possibly amend media legislation, in particular the 2009 Media Law, in order to lift undue restrictions on journalists (Austria);

79.15. Amend the 2009 Media Law to comply with its international obligations, with particular focus on removing unjustified interference with the right to freedom of expression (Slovakia);

79.16. Ensure that journalists are not harassed or intimidated (Austria);

79.17. Continue the open and critical dialogue initiated immediately following the presidential election in August 2010, which addresses the opening up of the “political space”, progress in human rights, and freedom of the media and press (Germany);

79.18. Promote multilingualism, in particular in the educational system, in line with the Constitution (Chile);

79.19. Further the process of ensuring free secondary education in order to guarantee access to education for all young persons (Burundi);

79.20. Adopt measures aimed at reducing poverty in the Batwa community, and its full integration in society (Chile);

79.21. Respond effectively to the request for information by the Human Rights Committee in 2009 regarding the follow-up given to the recommendations related to forced disappearances, assassinations, summary and extrajudicial executions, and life sentences in isolation cells (Spain);

80. The following recommendations will be examined by Rwanda, which will respond in due course, but no later than the seventeenth session of the Human Rights Council in June 2011. The responses will be included in the outcome report adopted by Council at its seventeenth session:

80.1. Make the law on NGOs more flexible, in particular by abolishing the annual registration requirement (Switzerland);

80.2. Urgently reform legislation on the registration of political parties so as to favour the creation of a political sphere that guarantees pluralism for all political parties, further to articles 25 and 26 of ICCPR (Spain);

80.3. Abrogate any provisions of defamation in criminal law, and replace them by appropriate provisions under civil law (Canada);

80.4. Urgently investigate cases of arbitrary arrest and detention, including those which may constitute enforced disappearances (Sweden);

80.5. Decriminalize press offenses, and reform or repeal the Media Law, which limits the freedom of press (United States);

80.6. Remove restrictions related to the activities of journalists, in particular the obligation to register and the high level of qualification required to establish a newspaper, and ensure journalists, in particular those known for their critical position vis-à-vis the Government, the liberty to practice their profession, carry out investigations, and publish the results thereof, without reprisals (Switzerland); conduct investigations into the acts of intimidation or aggression towards journalists who criticize the Government, and guarantee that any restriction to the exercise of their profession is compatible with the provisions of ICCPR (Poland); ensure that allegations of harassment of journalists are investigated, that perpetrators are punished, and the independent media are free from unjustified restrictions (United Kingdom);

80.7. Take immediate action to allow journalists, political activists and human rights defenders, including those critical of the Government, to exercise their right to freedom of expression and opinion without threats and harassment, and urgently investigate all reports of human rights abuses, and ensure that those responsible are held accountable (Sweden);

80.8. Ensure freedom of the press, and reply to the concerns raised by the experts of the Human Rights Committee in their 2009 report (France);

80.9. Lift de jure and de facto restrictions on political parties to allow for genuine political participation and dialogue (Austria); investigate allegations of manipulation and abuse concerning the registration of political parties (Canada); treat all political parties on an equal footing and offer them equal opportunities in line with articles 25 and 26 of ICCPR, including through a transparent and impartial party-registration process (United Kingdom); remove all existing restrictions on political activities and ensure that political parties and political activists can carry out their legitimate activities on an equal footing, without fear of reprisals or prosecution (Slovakia);

80.10. Ensure full respect for freedom of association, by lifting restrictions that limit the free exercise thereof (France);

- 80.11. Give more freedom to the Rwandan media and human rights activists to operate and engage constructively with decision makers (Indonesia);
- 80.12. Ensure that NGOs involved in defending human rights can carry out their activities without hindrance (Spain);
- 80.13. Remove all obstacles to the registration and freedom of operation of all political parties and NGOs (Poland);
- 80.14. Ease burdensome registration requirements for human rights NGOs (Slovakia); reduce burdensome registration and renewal processes for NGOs in the country (United States);
- 80.15. Adopt concrete measures to avoid discrimination and protect the rights of the Batwa community and other minorities, as well as request technical assistance from the United Nations to identify their basic social needs (Spain);
- 80.16. Further ensure that the country's religious minorities are able to freely practice their respective beliefs (United States);
81. The following recommendations did not enjoy the support of Rwanda:
- 81.1. Ensure that children under the age of 18 are not recruited into any armed group on the national territory (Slovenia); prohibit child recruitment into local defence forces or into any armed group (Hungary);
- 81.2. Take concrete measures to address the problem of human trafficking, including by tackling the root causes, introducing effective prevention measures, timely prosecution and punishment of traffickers, and providing protection and support to victims (Malaysia);
- 81.3. Intensify measures to improve access by minority groups and indigenous people to basic social services, such as health, education, employment, and occupation (Malaysia);
82. Rwanda considers the above recommendations as either not applicable or irrelevant.
83. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as having been endorsed by the Working Group as a whole.

### **III. Voluntary pledges and commitments**

84. Rwanda pledges to provide one cow to every poor family, in order to improve living conditions and to construct decent houses for all vulnerable and marginalized people. Rwanda commits to universal health insurance for all and to provide legal aid to all vulnerable and poor people.

## Annex

### Composition of the delegation

The delegation of Rwanda was headed by Hon. Tharcisse Karugarama, Minister of Justice and Attorney General of the Republic of Rwanda, Head of delegation, and composed of the following members:

- Mr. Déogratias Kayumba, Vice-President of the National Commission for Human Rights;
  - Prof. Anastase Shyaka, Executive Secretary of the Governance Advisory Council;
  - H.E. Mrs. Venetia Sebudandi, Ambassador, Permanent Representative of Rwanda in Geneva;
  - Mr. Eugene Rusanganwa, Principal State Attorney in charge of Human Rights, Ministry of Justice;
  - Mr. Etienne Nkerabigwi, Coordinator of the Treaty Reporting Project, Ministry of Foreign Affairs and Cooperation.
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