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Civil and Political Rights**

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**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Fourth periodic reports of States parties due in 2013

Rwanda*


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Contents

	<i>Paragraphs</i>	<i>Page</i>
Acronyms and Abbreviations		3
I. Introduction	1–3	5
II. Country background and institutional framework	4–15	5
III. Reply to concerns and recommendations issued by the Committee	16–43	8
IV. Measures taken to implement the rights guaranteed by the International Covenant on Civil and Political Rights	44–318	16
Right to self-determination (Article One)	44–81	16
Legality and non-discrimination (Article 2)	82–91	27
Equality between men and women (Article 3)	92–115	30
Emergency situations and war (Article 4)	116–119	35
Right to life (Article 6)	120–136	36
Torture, inhuman and degrading treatment, medical or scientific experimentation (Article 7)	137–154	40
Prohibition of slavery and servitude (Article 8)	155–160	44
Right to liberty and security of person (Article 9)	161–175	45
Treatment of persons deprived of their liberty (Article 10)	176–186	49
Prohibition on imprisonment for inability to fulfill a contractual obligation (Article 11)	187	51
Freedom of movement and circulation (Article 12)	188–197	52
Admission of non-citizens and asylum seekers (Article 13)	198–206	55
Right to a fair trial (Article 14)	207–227	57
Non-retroactivity (Article 15)	228–229	62
Legal personality and personal identity (Article 16)	230–232	62
Right to privacy (Article 17)	233–239	63
Right to freedom of thought, conscience and religion (Article 18)	240–242	65
Freedom of expression and no interference in political opinions (Article 19)	243–257	66
Prohibition of war propaganda and advocacy of racial hatred (Article 20)	258	69
Right of peaceable assembly (Article 21)	259	70
Freedom of association (Article 22)	260–266	70
Family protection, right to marriage and equality of spouses (Article 23)	267–274	72
Child rights protection (Article 24)	275–300	74
Right to participate in public affairs, to vote and to have access to public service (Article 25)	301–316	80
Rights of minorities (Article 27)	317–318	85
V. Conclusion	319	86

Acronyms and abbreviations

AgDF	Agaciro Development Fund
BDF	Business Development Fund
CAPF	Common Performance Assessment Framework
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBHI	Community Based Health Insurance
CCP	Code of Criminal Procedure
CEPGL	Communauté Economique des Pays des Grands Lacs
CESTRAR	Trade Union Centre of Workers of Rwanda
CHWs	Community Health Workers
CIP	Crop Intensification Program
CCM	Centre for Conflict Management
DID	Detention in Dignity
EDPRS	Economic Development and Poverty Reduction Strategy
EICV	Integrated Household Living Conditions Survey
GLMC	Great Lakes Media Centre
ICRP	Integrated Child Rights Policy
IEC	Information, Education and Communication
IFDC	International Fertilizer Development Center
ILPD	Institute of Legal Practice and Development
IRDP	Institute of Research and Dialogue for Peace
JADF	Joint Action and Development Forum
JPOs	Judicial Police Officers
MAJ	Maisons d'Accès à la Justice / Access to Justice Centers
MHC	Media High Council
MIDIMAR	Ministry of Disaster Management and Refugees Affairs
MIGEPROF	Ministry of Gender and Family Promotion
MINALOC	Ministry of Local Administration and Social Affairs
MINIJUST	Ministry of Justice
MOH/MINISANTE	Ministry of Health/ Ministère de la Santé
NAFA	National Forestry Authority
NCC	National Commission for Children
NHRC	National Human Rights Commission
NPPA	National Public Prosecution Authority

NURC	National Unity and Reconciliation
OVC	Orphans and others Vulnerable Children
PLHIV	Person Living with HIV
PPOs	Public Prosecution Officers
PRI	Penal Reform International
RCS	Rwanda Correctional Service
RDF	Rwanda Defense Forces
RNP	Rwanda National Police
RNRA	Rwanda natural resources authority
SACCOs	Savings and Credits Cooperatives
TIG	Travaux d'Intérêt Général/ Community service as an alternative penalty
VUP	Vision 2020 Umurenge Programme

I. Introduction

1. Rwanda submitted its third periodic report on the implementation of the International Covenant on Civil and Political Rights (ICCPR) to the Committee in September 2007 and it was considered by the Committee at its 2602nd, 2603rd and 2604th meetings, on 18 and 19 March 2009. The recommendations from that session have been widely disseminated to public and private institutions and civil society organizations involved in the promotion and protection of the civil and political rights. In accordance with the provisions of Article 40 of the ICCPR, Rwanda is committed to submitting the fourth periodic report.

2. The preparation of this report followed a participatory and inclusive consultation process (government, civil society, development partners) and addressed all the points of the guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights and considered all concluding observations and recommendations addressed to the Government of Rwanda by the Committee on the third report of Rwanda. The preparation of this report involved public and private institutions, civil society organizations, United Nations Agencies, media, researchers and academics.¹

3. In accordance with the Committee's guidelines for States parties reports, the purpose of this periodic report is not to repeat the detailed information already provided, but to present changes in domestic laws, policies, programmes and practices that have occurred since the third report (CCPR/C/RWA/3), the written responses to the list of issues (CCPR/C/RWA/Q/3/Rev.1) and the recommendations raised by the Committee and update the previously submitted data. Furthermore, the report contains information on the follow-up to the concluding observations and recommendations made by the Committee on the implementation of the ICCPR.

II. Country background and institutional framework

4. Rwanda has a surface area of 26,338 km² with a population estimated at 10,537,222 inhabitants, composed of 51.8% women and 48.2% men. The population density is 395 inhabitants per km² while the physiological density is 556 inhabitants per km². In the fiscal year 2012/13, GDP at current prices was estimated to be Rwf 4,606 billion, up from Rwf 4,081 billion in the year 2011/12. In the period, 45 percent of GDP was generated by the "Services sector" compared to 33 percent by the "Agriculture sector". The remainder, or 16 percent, was attributable to the "Industry sector" and 6 percent as adjustment. The estimates calculated at constant

¹ *Public:* Ministry of Foreign Affairs and Cooperation (Chair); the Ministry of Justice; the Ministry of Gender and Family Promotion; the Ministry of Health; the Ministry of Education; the Ministry of Public Service and Labour; the Ministry of Internal Security; the Ministry of Local Administration, National Commission of Human Rights, Directorate General of Immigration and Emigration (DGIE), Office of Ombudsman, National Public Prosecution Authority (NPPA), National Commission for Children (NCC), Rwanda National Police (RNP), National Electoral Commission (NEC), Rwanda Governance Board (RGB), , National Unity and Reconciliation Commission (NURC) National Institute of Statistics of Rwanda (NISR), Ministry of Sports and Culture (MINISPOC), Gender Monitoring Office (GMO), National University of Rwanda...

Private and CSOs: UNDP, Media High Council (MHC), Forum des Partis Politiques, Private Sector Federation (PSF), LIPRODHOR), CCOAIB, AJPRODHO, LDGL, LAF, HAGURUKA, IRDP, CLADHO, IBUKA, private higher learning institutions, among others

2006 prices show that, in the fiscal year 2012/13, GDP went up by 6.8 percent in real terms, following increases of 9.1 percent in 2011/12.²

5. The economy is mainly based on agriculture, which employs 85% of the country's households, yet contributes up to 37% of the GDP. The population increases by about 2.8% annually and GDP increased rate at constant (base year) market prices is 8.6%. Rwanda aspires to be a middle-income country by the year 2020. Over the last five years, poverty fell significantly from 56.7 percent to 44.9 percent.³

6. Likewise, in the health sector, maternal mortality rate reduced from 750/100,000 births in 2005, to 476/100,000 live births in 2010 against the MDG5 target of 268/100,000, and child mortality reduced from 152/1,000 live births in 2005, to 76/1,000 against MDG4 target of 51/1,000 live births. MDG4 has already been achieved and MDG5 is expected to be achieved in 2015. Currently, the fertility rate in Rwanda is 4.6. The fight against infectious diseases resulted in impressive results: Malaria cases and deaths declined by 85% from 2003. The transmission of HIV from mother to child has declined from 10.8% in 2004 to 1.9% in 2012, while new infections reduced by 50% among new-born children. The coverage of HIV care and treatment is currently 91.6%, up from 24.5% in 2004, and a total of 122,972 patients were under antiretroviral (ARV) by end of June 2013, increasing from only 870 patients in 2003. In the meantime, the number of hospitals that was only 34 in 2000, increased to 46 in 2013, including 4 referral hospitals, while the number of health centres that was only 291 in 2000, increased up to 469 as of June 2013. This increased particularly the utilization of primary health care that increased from 0.33 in 2005 to 1 in 2012, particularly with the introduction of community-based health insurance that had an adherence rate of 91% in 2011. Utilization of health services reduced recently due to the reduction of malaria (effective prevention) and of pneumonia cases (introduction of pneumococcal vaccine). Finally, the ratio Doctor/Population that was 1/50,000 in 2005, reduced to 1/16,001 by end of 2012 (Target: 1/10,000). The ratio Nurse/Population that was 1/3,700 in 2005 is currently 1/1,294 (Target: 1/1000).⁴

7. Education slightly increased in Net enrollment from 93.5% in 2005 to 96.5% in 2012 in primary school and from 9% to 28.0% in secondary school in the same period. In higher education learning, the number of students has increased from 62,734 in 2010 to 76,629 in 2012.⁵

8. Remarkable socio-economic progress has been made during the First Economic Development and Poverty Reduction Strategy (EDPRS 1). The economy grew strongly, and significant poverty reduction was achieved. Economic activity was driven by a large increase in agricultural output, robust exports, and strong domestic demand. Fortunately, Rwanda has remained relatively insulated from the slowdown in the advanced economies. Though inflation rose sharply in 2011, it has still remained in single digits and has been the lowest in the region. In 2012, high growth was sustained and inflation remained relatively modest, although risks from instability in commodity prices and aid flows remain⁶.

² *GDP Fiscal Year Estimates (2012/13). Based on 2006 Benchmark, NISR, 2013.*

³ Statistics year book 2012: NISR 2012 and Population and Housing Census 2012, Provisional Results, Nov. 2012.

⁴ Health indicator, MINISANTE 2013.

⁵ MINEDUC: Education Statistics data 2012.

⁶ EDPRS 2.

9. The Second Economic Development and Poverty Reduction Strategy (EDPRS 2) is a launch into the home strait of the Vision 2020. Its main objective is to devise Rwanda's medium-term strategy in order to put Rwanda on a higher growth trajectory to ensure that the country achieves middle-income status by 2020. In line with this objective, the Cabinet approved revised Vision 2020 targets, and EDPRS 2 targets are aligned to these. Rwanda needs to achieve at least 11.5% average GDP growth per annum, and also aims to reduce poverty to below 30%. The EDPRS2 period (2013–2017) is the time when private sector is expected to take the driving seat in economic growth and poverty reduction. Through this strategy government efforts will focus on transforming the economy, the private sector and alleviating constraints to growth of investment. The appropriate skills and competencies will be developed to allow people particularly the youth to become more productive and competitive to support government ambitions. The platform for communities will be strengthened to engage decisively and to continue to develop home grown solutions that have been the bedrock of success. These are fundamental principles as we work to improve the lives of all Rwandans in the face of an uncertain global economic environment.

10. It is important to note that the genocide against Tutsi, that took place in Rwanda in 1994, negatively impacted the social fabric of the society as well as other social amenities such as infrastructure. It is at this backdrop that the Government of Rwanda embarked on a programme of rebuilding itself, enhancing principles of rule of law, respect for human rights and bringing about national unity and reconciliation. Rwandans believe reconciliation has been embraced as a national value and practice by citizens. More than 90% agreed that “common national values leading to reconciliation are being promoted in Rwanda today,” and 97.4% agreed that “most Rwandans believe that reconciliation is an important priority” while 96% of Rwanda have a view that in everyday life, the actions and behaviour of most Rwandans promote reconciliation.⁷

11. The Country has also formulated several policies and programmes geared towards the promotion and protection of human rights enshrined in various sector policy papers. Apart from the general policy of human rights, which remains one of the key priorities, almost all other key policies in different sectors related to human rights (education, health, social protection, rights of women, rights of children, rights of people with disabilities, etc.) were adopted.

12. All three branches of Government play a key role in the promotion and the protection of human rights. The courts provided for by the Constitution exercise the judicial power. The judiciary as the guardian of rights and freedoms of the public ensures respect thereof in accordance with law. It has administrative and financial autonomy.⁸ The Parliament has human rights committees (both the Chamber of Deputies and the Senate) which conduct investigations and research in relation to the respect of human rights. The Rwandan Parliament established mechanisms to further participate to the promotion of human rights, including the Forum of Women Parliamentarians and the “Amani Forum” which is actively involved in strengthening peace and security in the great lakes region.

13. The National Commission for Human Rights is an independent and permanent institution. It is in conformity with the Paris Principles and has “A” status. The

⁷ Rwanda Reconciliation Barometer, NURC, 2012.

⁸ See the Constitution of RR, article 140, paragraph 2, article 33 of Law N° 10/2013 of 08/03/2013 governing the Statutes of Judges and judicial personnel, in *Official Gazette* n° 15 of 15/04/2013.

Office of the Ombudsman is an independent public Institution established by the Constitution. It is responsible for acting as a link between the citizen, the public and private institutions; preventing and fighting against injustices, corruption and other related crimes in public and private administration. The National Public Prosecution Authority also plays a key role in the protection and promotion of human rights, especially through its programs on tracking the fugitives, on the protection of witnesses and victims, on the fight against Gender Based Violence and on the fight against corruption and drugs.

14. Other equally important institutions in safeguarding human rights include: The Rwandan National Police, The National Electoral Commission, the Rwanda Governance Board, the National Commission for the Fight against Genocide, the National Commission for Unity and Reconciliation, the National Labour Council, the Public Service Commission, the Gender Monitoring Office, the National Women Council, the Observatory of child rights, the Office of Auditor General of State Finances, the National Youth Council, the Rwanda Correctional Service, the National Council for Persons with disabilities, etc.

15. Through the process of decentralization, responsibility and service provision were transferred from the central Government to the local government. Rwanda is internationally recognised as a very secure country, characterised by its firm commitment on economic growth, but also on good governance and the zero tolerance on corruption.

III. Reply to concerns and recommendations issued by the Committee

Recommendations raised in paragraph 7 of the concluding observations

(CRC/C/RWA/CO/3): The State party should provide fuller information, including through relevant statistics, regarding the implementation of its laws and administrative provisions in the various fields covered by the Covenant.

16. Available statistics are included in this periodic report.

Recommendations raised in paragraph 8: The State party should take steps to make the Covenant known to all the population and mainly to judges and law enforcement officials. The State party should include in its next periodic report detailed examples of the application of the Covenant by the domestic courts.

17. The ICCPR has been translated in three national languages for its wider dissemination and access to all brackets of the population. Distribution of copies to public and private institutions has started. This method ensures that all actors will be clearly aware and own the contents of the Convention. The National Commission for Human Rights provides regular training on human rights including provisions provided by the ICCPR. Ongoing Radio and TV shows were organized once a week by MINIJUST, NCHR, and other CSOs to sensitize community on legislation relating to civil and political rights as awareness campaign among different brackets of population. To ensure dissemination of information to the population at large concerning and mainly to judges and law enforcement, MINIJUST, the Supreme Court, the NPPA, the National Police, the NCHR and the Office of the Ombudsman have annual plans for the training of their staff. These trainings are designed by

Judicial Police staff,⁹ medical doctors,¹⁰ local authorities¹¹ and Rwanda Correction Service (RCS) staff.¹² More than 160 judges and registrars from Courts were trained on the application of the International Human Rights law, international standards for the administration of justice and international guarantees on the independence of the judiciaries. The workshop was organized by the One UN Rwanda in collaboration with the Supreme Court and the Institute for Legal Practice and Development (ILPD).¹³

18. The government of Rwanda has adopted the monist approach in its legal system. Therefore, when a convention or treaty is ratified, it is applied directly without any integration process in domestic legislation. Once ratified, all treaties and conventions are automatically domesticated according to the Constitution of the Republic of Rwanda in its Article 190 which stipulates that: “Upon their publication in the official gazette, international treaties and agreements which have been conclusively adopted in accordance with the provisions of law shall be more binding than organic laws and ordinary laws except in the case of non-compliance by one of parties”. To this end, domestic courts often apply the Covenant in many decisions, for example, the Supreme Court applied article 19 of the Covenant in the case N° RPA 0087/11/CS and N° RPA0298/10/CS; Article 14, paragraph 5, applied in the case N° RS/Inconst/PEN 0005/12/CS and N° RS/Inconst/CIV.0001/10/CS; Article 2, paragraph 3, applied in case N° RS/Inconst/civ.0002/09/CS.¹⁴

Recommendations raised in paragraph 9: *In the context of the reform of the Civil Code and the Family Code, the State party should take measures to remove provisions that place women in a situation of inferiority.*

19. All discriminatory provisions have been inventoried in national laws. The Civil Code is under review. The Penal Code was reviewed in 2012 all discriminatory provisions against woman were removed.

Recommendations raised in paragraph 10: *The State party should redouble its efforts to extend to girls and boys the same guarantees for access to all forms and levels of education. The State party should also take steps to raise the awareness of families in that regard.*

20. The Education Sector Strategic Plan for 2010-15 lists among its priorities reducing drop-out and repetition in basic education. As a result of universal free education more children who have greater learning difficulties and subsequently a greater risk of dropping out, have entered the school. This challenge has been addressed at all levels of the education system by involving teacher training colleges [TTCs] and the wider families and community by increasing access to quality and inclusive education. Therefore, the dropout rate overall decreased from 15.2% in

⁹ Training session organized by Advocates without Borders in March 2010 on the Treaty against torture intended to Judicial Police Officers (JPO).

¹⁰ Training of 9 March 2008, on the role of medical doctors in the fight against violence committed to women and minors, New Times, 11 March 2008.

¹¹ Training session of June and November 2007, 1480 people were trained on the fundamental principles of human rights comprising prohibition of acts of torture and ill-treatments.

¹² Training session of June 2010, organized by Penal Reform International NGO on the rights of the detained people.

¹³ New times, June 22, 2013.

¹⁴ The Judiciary of Rwanda, Cases Law Booklets no 13, 14 and 15.

2008 to 10.9% in 2012, dropout girls decreased from 14% in 2008 to 10.7% in 2012 and dropout boys decreased from 15.6% in 2008 to 11.2% in 2012.¹⁵

21. The key activities promoting awareness and participation of families in education sector include: (i) empowering local communities to identify vulnerable children and provide support to inclusion and integration processes at community and school level; (ii) improving school communities that include parents of children with special needs in all school activities; (iii) increasing the role of higher learning institutions to strengthen the capacity of Teacher Training Colleges (TTCs) to deliver; (iv) increasing the involvement of District Education Officers and Sector Education Officers in school-based monitoring of implementation of Inclusive Education; (v) increase the capacity of TTCs to deliver Inclusive Education training to pre-service teachers; and (vi) improving accessibility to school-based Special Needs Education training through the production and use of media technology. These activities have been done by the Government in partnership with civil society organisations operating in education sector.

22. The Girls' Education Policy was developed since 2008 and the Girls Education Task Force has been put in place. This task force compile annually the indicators in the policy matrix and develop a Gender Assessment of the Education System, to monitor gender disparities and eradicating them. Regarding the traditional division of roles and preference given to boys; government, parents and the general public are aware of the fact that all children have equal rights irrespective of sex. At present, gender parity in basic education is almost 50.8/49.2 for girls and boys respectively¹⁶.

Recommendations raised in paragraph 11: *The State party should initiate a policy of prosecution and punishment of domestic violence, in particular by providing the police with clear guidelines to that end. The State party should also develop appropriate legal instruments and step up its efforts to raise the awareness of the police and of the population at large in order to combat this phenomenon.*

23. The commitment of the Government of Rwanda is to have zero tolerance to domestic violence and other types of gender-based violence; therefore a GBV policy was developed since 2011 to prevent and respond to domestic violence as a form of gender-based violence to support the realization of the following overall objectives: Foster a prevention-focused environment where gender-based violence including domestic violence is not tolerated; Reduce vulnerability of groups most at risk; Provide comprehensive services to victims of gender-based violence; Improve accountability and eliminate impunity for gender-based violence and Build coordination and monitoring systems and expand the data available on GBV.

24. The Judiciary made a decision to try domestic violence cases in Districts where offences were committed according to article 12 of the Law N° 59/2008 of 10/09/2008 on prevention and punishment of gender-based violence. The Penal Code provides different penalties to GBV. For example, any person who commits marital rape shall be liable to a term of imprisonment of at least two (2) months but less than six (6) months and a fine of one hundred thousand (100,000) to three hundred thousand (300,000) Rwandan francs or one of these penalties. If marital rape results in an ordinary disease, the offender shall be liable to a term of imprisonment of six (6) months to two (2) years. If marital rape results in an incurable illness, the

¹⁵ Education statistics 2012, MINEDUC January 2013.

¹⁶ Rwanda Education Statistics for 2011 year, MINEDUC, January 2012.

offender shall be liable to a term of imprisonment of more than five (5) years to ten (10) years. If marital rape results in the death of the victim, the offender shall be liable to life imprisonment.¹⁷ The Prime Minister's order N° 001/03 of 11/01/2012 was also enacted with clear guidelines to prevent and respond to GVB including domestic violence. This Order determines the modalities in which government institutions prevent gender-based violence and for receiving, relieving, defending, medicating and assisting the victim for the purpose of rehabilitating his/her health and provides that investigation on gender based violence cases must be speed up and the cases are submitted legally to the investigation authority.

25. A door-to-door campaign educating residents about domestic violence is held in each district in efforts to raise the awareness of the population at large. Courts have received instructions from the Supreme Court to give priority to gender based cases. Standard training modules on gender and gender-based violence to build the capacity of practitioners and the general public were developed in 2011 by MIGEPROF. The Law.

26. Within the National Police, there is a gender-based violence monitoring unit that oversees GBV cases and child protection. It has specialized officers and offices (interview room) to receive cases of children witnesses or victims of violence. Police also set up a helpline and online services to report child abuse and violence. A special unit for the follow up and the prosecution of GBV related crimes and the unit for the protection of victims and witnesses in general were set up in the National Public prosecution Authority (NPPA), with a toll-free hotline.

27. To raise the awareness of the population at large and provide information to the police, GBV committees have been established from the central level down to the village/*Umudugudu* level, with the purpose of ensuring prevention and eradication of GBV. Various community initiatives on the fight against sexual/domestic violence are now operational, including among others, community policing program, "*inzego z'impuruza*" (whistle blowers), which are composed of all people who monitor issues related to gender, provide information on a daily basis. "*Akagoroba k'ababyeyi*" (parents' evening), a forum in which all parents of a given village meet every evening to discuss all social and health issues, including possible violence to which they may be subjected. Other initiatives were taken, such as radio and TV shows, the creation of "gender clubs" in all schools (primary, secondary, and higher learning institutions), public institutions and private sector institutions.

28. ISANGE One Stop Centre (IOSC), which means "feel welcome", set up since July 2009 by the Government of Rwanda, was created to receive, host, care and treat GBV survivors. This Center offers free-of-charge holistic services to survivors of GBV. In 2010, the data collected shows that 1,500 victims sought treatment, in 2011, 1,547 sought treatment, and in 2012, approximately 1,521 victims sought treatment¹⁸. According to IOSC statistics between June 2009 and the end of 2012 approximately 2,327 cases were prosecuted including 2,076 female victims and 251 male victims. It is also estimated that approximately half are adults and the other half are children under the age of 18 years old.¹⁹ Medical and psychological assistance is provided to GBV /domestic violence victims by the existing health infrastructure. This assistance includes, but is not limited to HIV testing, counselling, emergency contraceptives, anti-tetanus vaccines and the referral system between health center and the Police

¹⁷ Article 198-199 of the Penal Code.

¹⁸ Final Evaluation of Isange One Stop Center (IOSC) by GoR and ONE UN, January 2013.

¹⁹ *Idem*.

during the consultation to collect evidence which can be used in court. Medical assistance is free for victims of sexual violence, but this support needs to be expanded to all GBV/domestic violence victims. Service providers in GBV/domestic violence receive training on orientation and care to victims and on collaboration with other key stakeholders such as the Police.

29. The centre operates a toll-free hotline to connect people to centre for help, protection from further violence, investigation of crimes, medical and psycho-social care as well as support and collection of forensic evidence. This centre is based on an innovative multidisciplinary approach to cases of GBV: in a single place, survivors are given medical and psychosocial care (including prevention of post-trauma disorders, emergency contraceptives, and prevention of sexually transmitted infections and unwanted pregnancies), as well as police and legal assistance. Plan is that by the end of 2013, IOSC will be further enhanced with a forensic laboratory that has the capacity to test DNA. Additionally there are plans to further develop the skill level of the medical staff including targeting nurses for forensic training both within and around the country.²⁰ Rwanda won United Nations Public Award in 2012 for its efforts to fight against GBV.

30. Additionally, each District has Access to Justice Bureaus (Maisons d'Accès à la Justice (MAJ)). One of the three staff in the MAJ is specifically in charge of the fight against GBV and domestic violence. Several toll-free telephone hotlines are available for emergency calls, reporting crimes or accessing information – through the Rwandan National Police, the Rwandan Defense Force and the Prosecutor's Office. Extensive efforts are underway to enhance the capacity of law enforcement and medical/psychosocial professionals working in the Gender Desks, the One-Stop Centers and in the AJO/MAJ. There are also a number of organizations, both from the public and civil society sector which provide legal assistance to GBV and domestic violence victims. Civil society organisations play an important role in actions related to the prevention and the fight against sexual and domestic violence. Among 32 NGOs and civil society organizations intervening in GBV, of which 25 (78%) intervene in sensitisation, 9 (28%) in capacity building, 12 (32.5%) in research and advocacy, 5 (15.6%) in girls education and women empowerment, 4 (12.5%) in medical support, 5 (15.6%) in psycho-social support, 9 (28%) in legal aid and 6 (18.7%) in economic support (GBV Mapping Report, GMO, June 2010).

Recommendations raised in paragraph 15: *The State party should, as a matter of urgency, adopt effective measures against overcrowding in detention centres and ensure conditions of detention that respect the dignity of prisoners, in accordance with article 10 of the Covenant. It should put in place a system to segregate accused persons from convicted persons and minors from other prisoners. The State party should, in particular, take steps to ensure that all the United Nations Standard Minimum Rules for the Treatment of Prisoners are respected.*

31. To avoid overcrowding in detention centres, the following measures have been adopted: release on parole, legislation prohibiting, and safeguards against, any form of arbitrary detention, illegal detention prohibited by the law, the habeas corpus procedure developed, an alternative penalty to imprisonment for individuals convicted of genocide or crimes against humanity, common known as TIG (Travaux d'Intérêt Général (TIG)/Community services) really contributed to reducing overcrowding in detention centres. Currently TIG is applying to statistical data on

²⁰ Idem.

the number of persons held in prison population show that the number of inmates decreased from 85,263 in Dec 2006 to 60,172 in Dec 2010, and to 55,122 by June 2013. Prison overpopulation reduced from 140% in 2008, to 125% in 2010 and 105.4% in June 2013.²¹

32. The Law N° 34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correction Service (RCS provides for more extensive rights of the person under detention, especially the right to be treated with dignity and the respect of human rights. The person under detention is especially protected against any forms of torture, cruel and any other inhuman or degrading treatment. No discrimination whatsoever based on ethnic origin, colour, sex, language, religion, political opinion, nationality, social origin, economic status, birth or any other status shall be permitted²². To meet international standards, Rwanda Correctional Service initiated to close old prisons to build new ones and to expand detention centers. Four (4) old prisons closed (Nyagatare, Gisovu, Gisenyi and Nyanza)²³. Men are separated from women and minors from adults. The system to segregate accused person from sentenced persons will be finalised in the near future according to financial possibilities. Currently uniforms (detainees' clothes) segregate accused persons from sentenced persons.

Recommendations raised in paragraph 16: *The State party should take steps to ensure that no one is detained arbitrarily, in particular for reasons essentially of poverty, and that the offence of vagrancy is eliminated from the penal code.*

33. No one can be detained for reason of poverty. However, our Penal Code still punishes vagrancy and begging which are illegal behaviours different from being poor. According to article 687 of the new Penal Code, vagrancy means behaviour of a person who has no fixed abode and has no regular occupation or profession, in the way that it impairs public order. Begging means behaviour of a person who is a habitual beggar. In order to improve social services, to combat vagrancy and begging, measures have been reinforced by the following initiatives: the national programme for economic empowerment of the poor (Ubudehe), the Girinka munyarwanda program (One cow per family), and the direct support trough cash transfers through Vision 2020 Umurenge Programme (VUP) as well as the Community Based Health Insurance (Mutuelle de santé), education for all, Kuremera initiative. 1,203 women have been facilitated to open small business in some markets in Kigali City through Kuremera initiative. Those successful qualify for loans of between 70 percent and 75 percent free from interest from the Business Development Fund (BDF)²⁴. These services are recognized to all without discrimination.

²¹ RCS Report July 2013.

²² Article 23 of the law N° 34/2010 of 12/11/2010 governing Creation and Organization of Rwanda Correctional Service.

²³ The 3 prisons under construction are MAGERAGERE, BUTAMWA and GIKOMBE has been finalized.

²⁴ BDF is a government-owned fund established in every district to fund enterprises.

Recommendations raised in paragraph 18: *The Committee is concerned about the very limited number of lawyers in the country who provide legal assistance to detained persons regarded as very poor (art. 14 of the Covenant). The State party should take steps to ensure free legal assistance for those who do not have the means to pay for the assistance of a defence lawyer, in accordance with article 14, paragraph 3 (d), of the Covenant.*

34. Number of professional lawyer registered in Bar Association increased from 37 in 1997 to 1,054 members in 2013, operating in all provinces of the country. In all other cases for vulnerable persons known, the Bar Association appoints a counsel to assist the needy people. The Bar Association has a specialized unit in charge of appointing counsel to assist vulnerable people asking for legal aid. The Ministry of Justice has opened Access to Justice Bureaus (Maisons d'Access à la Justice) in all districts. Three lawyers are appointed in the said Access to Justice Bureau to promote access to justice and to deal with gender-based violence and children rights cases. Civil Society Organisations also, with the support of different partners, put in place a Legal aid Forum, with the mission for delivering legal aid to the people.

35. The Rule of Law indicator has improved from 67.71% to 73.37% in the RGS 2012. The increase is mostly due to a remarkable improvement in the Access to Legal Aid, which moved from 42% in 2010 to 67.18% in 2012. In fact, the percentage of people satisfied with services of Maisons d'Accès à la Justice (MAJ) increased from 68% in 2010 to 81% 2012. MINIJUST has successfully allocated a budget for Legal Support of 560M RWF (±830,000 USD) to support the functioning of MAJ, Abunzi and bailiffs.²⁵

Recommendations raised in paragraph 19: *While noting the fact that same sex sexual relations of consenting adults are not criminalized, the Committee is concerned at legislation proposals to reverse that situation. The State party should ensure that criminal law reforms are in full conformity with articles 17 and 26 of the Covenant.*

36. Same sex sexual relations of consenting adults are not criminalized in Organic Law N° 01/2012 /OL of 02/05/2012 instituting the Penal Code.

Recommendations raised in paragraph 20: *The State party should guarantee freedom of expression for the press and the media, as well as for all citizens. It should make sure that any restriction on the exercise of their activities is compatible with the provisions of article 19, paragraph 3, of the Covenant and cease to punish so-called acts of "divisionism". The State party should also undertake investigations into the above-mentioned acts of intimidation or aggression and punish their perpetrators.*

37. In its efforts to develop freedom of expression, new Law N° 02/2013 of 08/02/2013 regulating media was promulgated. One major change is the introduction of media self-regulation. The Law N° 04/2013 of 08/02/2013 relating to access to information was published in March 2013. The core principle of Access to Information Law is stipulated in the article 3, where every person has the right of access to information in possession of a public organ and some private bodies. The goal of media reform is in line with Rwanda's Constitutional commitment to freedom of expression; the country's development objectives as outlined in Vision 2020 and the Government's seven year program to enhance the democratic, economic and social development of Rwanda in the interests of peace and in the service of all her people within a framework of peace, stability and national security.

²⁵ Rwanda Governance Scorecard 2012.

38. To prevent any arbitrary, the Law N° 02/2013 of 08/02/2013 regulating media was promulgated to determine rights, obligations, organization and functioning of media in Rwanda for the general interest. Every journalist has the right to freedom of opinion and expression; this right includes the right to seek, receive, give and broadcast information and ideas through any media²⁶.

Recommendations raised in paragraph 21: The State party should take the necessary steps to enable national non-governmental human rights organizations to operate without hindrance. It should treat all political parties on an equal footing and offer them equal opportunities to pursue their legitimate activities, in accordance with the provisions of articles 25 and 26 of the Covenant.

39. Freedom of association is a right endowed to every Rwandan and foreigner without discrimination. This is in fulfilment of the obligations contained in the Rwandan constitution but also in the international instruments to which Rwanda is party. Rwanda has been successfully reviewed during the January 2011 Universal Periodic Review at the UN Human Rights Council and made voluntary commitments towards a more open society. As a consequence, a set of legal reforms including, inter alia, the revision of the Penal Code and laws governing and functioning of national and international non-governmental organization as well as faith based organizations were promulgated in 2012.²⁷ A package of laws regulating media houses was also promulgated in 2013. The New Organic Laws granting the freedom of association to NGOs aim at simplifying the registration process by reducing the bureaucratic burden compared to the previous laws. In that regard, the newly created Rwanda Government Board is in charge of registering and evaluating national NGOs and the religious based organizations Whereas Directorate General for Immigration and Emigration is referent authority for international NGOs. Number of NGOs, cooperatives and associations continues to grow. Rwanda was ranked 15th by Mo Ibrahim Foundation in Index of African Governance 2013 and Rwanda is 3rd easiest economy to do business in Sub-Saharan Africa by World Bank Doing Business index 2013.

40. With due respect to the Law and other administrative requirements, Rwandans have the right to freely form political parties and various other types of associations. According to the Law, all political organizations officially recognized are treated equally and exercise their activities, in accordance with the provisions of law. Political organizations shall be formed and allowed to operate freely — political organizations shall be equal before Government Institutions.²⁸ The National Consultative Forum of Political Organizations shall be composed of political organisations recognised in Rwanda which subscribed freely to it in accordance with the rules of procedure of the Forum.²⁹

²⁶ Article 8 of the law n° 02/2013 of 08/02/2013 regulating media.

²⁷ Law N° 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations.

²⁸ Article 3 of the Organic Law N° 10/2013/01 of 11/07/2013 governing political organizations and politicians.

²⁹ As above, article 50.

Recommendations raised in paragraph 22: The Committee is concerned about the non-recognition of the existence of minorities and indigenous peoples in the country, as well as reports that members of the Batwa community are victims of marginalization and discrimination (art. 27 of the Covenant). The State party should take steps to ensure that members of the Batwa community are protected against discrimination in every field, that they are provided with effective remedies in that regard and that they take part in public affairs.

41. In Rwanda, all people are equally treated in every field: education, health, culture, justice and so on as stipulated by the constitution³⁰. Rwanda undertook an initiative to consolidate its national unity and prevent ethnic conflicts as had happened in the past. The post-conflict government adopted a new policy according to which there is only one united Rwandan community composed of all Rwandans (Banyarwanda). The former distinction of groups into Bahutu, Batutsi and Batwa was largely seen to be divisive and unproductive to Rwandans. The Government of Rwanda does not consider any group of Rwandans as distinct with others.

42. Right to participate in political and public life is recognised to all Rwandan citizens, including historically marginalized groups. Functioning decentralised systems provide a valid platform for citizen service delivery and participation that goes to community level (Umudugudu). This includes a lot of community-level engagement in programmes like Ubudehe (social protection) and Umuganda (community works). These existing home-grown systems can be strengthened and used as opportunities for real engagement with the community where community development and policy related issues can be discussed via appropriate feedback mechanisms.

43. Historically marginalised groups classified were allowed to stand for election and participate in all aspects of public and political life. They held local and national level positions as Rwandan citizens, and the President had the power to appoint certain members of the Senate to ensure that all groups could participate in public affairs and access public services and facilities. Indeed, the Senate had representative of historically marginalized groups. All people living in Rwanda particularly vulnerable groups (indigent, women and children) are facilitated access to justice and access to legal remedies and free legal assistance. Detailed information on this recommendation is highlighted in this report under article 14 of the Covenant.

IV. Measures taken to implement the rights guaranteed by the International Covenant on Civil and Political Rights

Right to self-determination (Article One)

44. The Constitution of the Republic of Rwanda states that: Rwanda State is an independent, sovereign, democratic, social and secular republic. The principle governing the Republic is “Government of the people, by the people and for the people”. The Constitution solemnly declares the self-determination of the country to establish an independent and democratic State, in which fundamental human rights and freedoms are guaranteed³¹. A recent constitutional referendum was held in Rwanda on 26 May 2003. The new constitution created a presidential republic with a

³⁰ Article 11 of the constitution: All Rwandans are born and remain free and equal in rights and duties.

³¹ Article 1 of the Constitution.

bicameral parliament. It was approved by 93% of voters. The Constitution declares that any amendment concerning the constitutional regime established by it, especially the republican form of the government and national sovereignty, must be passed by referendum, after adoption by each Chamber of the Parliament (article 193 paragraph 3).

45. After the submission of its previous report, Rwanda achieved more respecting rights to self-determination. Thus, the Government of Rwanda treasures the engagement of its citizens in deciding their own path in decision-making and finding appropriate solutions to the existing development challenges. The Government engaged all stakeholders in the process of budget cycle. In 2011 budget planning changed to bottom up and involved consultations between Central and Local Government.

46. To promote participatory planning, the Joint Action Development Forum (JADF) Secretariat was established and permanent staff recruited at each District. The 2012 /2013 budget was widely communicated to the general public through the organization of budget days and mass media for citizen's greater awareness.³² For example, on 8 May 2013, Cabinet approved the Second Economic Development and Poverty Reduction Strategy (EDPRS 2). The EDPRS 2 was developed through a participatory approach that included wide consultations with the public and various stakeholders. The strategy follows the successful implementation of EDPRS I (2008-2012) which registered a unique hat trick of growth (8%), poverty reduction and reduction in inequality³³.

47. The citizen's participation goes beyond locals to the Diaspora, where Rwandans living abroad are invited for the annual National Dialogue Council, chaired by the President of the Republic. Resolutions of the meeting were included in Government action plan. Rwanda Day brings together Rwandans and friends of Rwanda living around the world to reaffirm their core national value, celebrate the country's progress and discuss ways of being part of Rwanda's social-economic transformation. It is an opportunity for Rwandans to meet, interact and exchange views on their country and how they can contribute to the vision of a modern, unified and prosperous nation³⁴.

48. In order to achieve sustainable economic independence; the 10th National Dialogue Platform (Inama y'Umushyikirano)³⁵ took place from 13 to 14 December 2012 at the Parliament. The theme of the year was "Agaciro: Aiming for self-reliance". Presentations and discussions focused on values of self-reliance in Rwanda, innovative financing mechanisms and strategic skills development and youth employment. Rwandans from all walks of life were able to join the conversation via social network platforms, radios, SMS and phone. The Agaciro Development Fund is a Rwanda's first solidarity fund, based on voluntary donations³⁶. This Fund has been initiated by Rwandans to fast-track and own their

³² Government Annual Report, 2010/2011.

³³ EDPRS 2, Chapping Rwanda's Future, p. 1.

³⁴ Rwanda Day was already celebrated at Paris, Chicago, Boston and London.

³⁵ Mandated by article 168 of the Constitution, Inama y'Umushyikirano is a home grown platform for national dialogue on issues of national importance. Inama y'Umushyikirano is chaired by the President of the Republic and bring together close to 1000 participants including representatives of local government and grass roots organisations, Cabinet members, members of both chambers of Parliament, the judiciary, army, police, members of the diplomatic corps and representatives from the private sector.

³⁶ Agaciro is a Kinyarwanda word which can be loosely translated as "dignity".

development. This will also improve the level of financial autonomy of Rwanda as a Nation. The Fund will be financed by voluntary contributions from Rwandan citizens in Rwanda, Rwandan citizens abroad, private companies and Friends of Rwanda.

49. As part of community development, in economic empowering of local communities, as an important milestone in good governance and overcoming poverty, Government of Rwanda has done much and continues to do more in response to their needs. It is on this basis that a community development strategy is being developed. Whereas much was done in terms of infrastructure (construction of classrooms, roads, water and electricity connections, agriculture and livestock development...), the most remarkable achievement today is eradication of grass-thatched houses. This is in line with Government's goal of moving people to planned settlements (Imidugudu) so that basic infrastructure is easily extended to those settlements and planned land use is facilitated.

50. In order to help to sustain and increase the numbers of SMEs, the Government established a Business Development Fund (BDF) with funds totalling to Rwf 4.5 billion. BDF registered significant achievements and in the few months of its establishment, it is already working with 17 financial institutions to offer support to SMEs. A total of Rwf 2 billion was offered as guarantees to 12 SMEs and cooperatives.

51. Numerous best practices have been put in place in order to raise the value of the Rwandan people through a participatory approach that included wide consultations with the public and various stakeholders. These include among others Gacaca courts, Conciliatory Committees (Abunzi) Performance Contracts (Imihigo), Umuganda (Community Works), Itorero ry'Igihugu (National Civic Education). The National Programme for economic empowerment of the poor (Ubudehe), and the Girinka as well as the Universal Health Insurance (Mutuelle de santé), which is a medical care programme instituted to enable the citizens acquire and access medical assistance to overcome the rampant health challenges.

52. All peoples shall freely dispose of their wealth or national resources. Rwanda created an institution called Rwanda Natural Resources Authority (RNRA) under the Law N° 53/2010 of 25/01/2011. RNRA is an authority under the Ministry of Natural Resources that heads the management of promotion of natural resources which is composed of land, water, forests, mines and geology. It is entrusted with supervision, monitoring and to ensure the implementation of all issues relating to promotion and protection of natural resources.³⁷

53. The new land law N° 43/2013 of 16/06/2013 make land and other national resources, heritage of the past, present and future generations.³⁸ This new law abolishes the practices of appropriation of national resources by some individuals in the detriment of others. Moreover, the land policy commits Rwanda to a comprehensive programme of land registration, in order to provide land users as a whole with more certain rights and thereby promote the investment of labour and capital in increased productivity, and the sustainable development and management

³⁷ Law n° 53/2010 of 25/01/2011 establishing Rwanda natural resources authority (RNRA) and determining its mission, organisation and functioning.

³⁸ Organic law N° 8/2005 of 14/07/2005, Determining use and management of land in Rwanda and Organic law N° 04/2005 of April 2005, Determining the modalities of Protection, Conservation and Promotion of Environment in Rwanda.

of land resources. In addition land registration could extend the tax base in rural areas, and in any further development of further planned settlements (Imidugudu)³⁹.

54. This process have vastly aided by use of high resolution photomaps derived from aerial photography, also proposed as a tool for local level land use planning, to facilitate reconciliation of individual and family rights with land parcels. In urban areas and all others where there are commercial incentives, formal titles to individual land parcels have been registered following enacted legislation with demarcated boundaries. The cadastral project now operational in Kigali City Council served as a model of a demand-driven self-financing land register that utilises automated methods to capture and output land information.

55. In 2004, the mining and Geology Sector policy was established. It is incorporated in the national policy of the Social economic development of Rwanda. It consists in a fair management of mining resources, the integrative area of the national patrimony so as to contribute sustainable and equitably to the poverty eradication as well as improvement of the population well-being.⁴⁰ In the same year, the National Environment Policy⁴¹ was published. It provides a framework for the reconciliation of the three pillars of sustainable development, namely environment, social and economic issues. It is thus in line with the policy for poverty reduction while ensuring the quality of life and environment.

56. Regarding service sector development, in 2010-2012, good performance in the services sector improved by 10% in its added value as compared to 5.8% previous year. This was mainly due to an increase in credit access to finance and insurance (23.6%), health services (15.8%), education (14.9%), public administration (13.1%), and transport, storage and communication (8.7%), respectively.

57. In private sector and cooperatives development, Rwanda has encouraged people carrying similar businesses or activities to form cooperatives so as to double their efforts for increased production. Working in cooperatives makes it easier for Government to provide them with both technical and financial support as well as market for their production. From July 2010 to June 2011, some 4,442 cooperatives were registered in the country.

58. In ensuring an efficient stable and accessible financial market development, access to finance remained the country's key priority. The ultimate aim of policies and strategies for financial inclusion is increased access to formal financial institutions and increased uptake and usage of formal financial products and services (i.e. those provided by regulated service providers). The target of the Government of Rwanda is to increase the proportion of formally served adults to 80% by 2017. The findings from the FinScope Rwanda 2012 survey revealed that 72% of Rwandan adults were financially included – 42% were formally served (23% served by commercial banks and 33% served by non-bank formal institutions) and 58% used informal financial mechanisms. More than 90% of adult Rwandans lived within 5 km. The main requirement for opening a basic entry level type of account was proof of identity. Carrying of the national identity card was obligatory to every Rwandan 16 years or older and therefore eliminated eligibility as a barrier to inclusion.

³⁹ Umudugudu is the lowest administrative instance near the people.

⁴⁰ Mining and Geology Sector policy, 2004.

⁴¹ The National Environment Policy, 2004.

59. Financial exclusion has dropped by 46% since 2008. In 2008, 52% of adults (i.e. individuals 18 years or older) were financially excluded; in 2012, 28% (1.3 million) of adults were excluded and 72% (3.2 million) of Rwandan adults had or used financial products or mechanisms. The reduction in exclusion was caused by a significant increase in the proportion of adults who were formally served (i.e. who have or use a product or service from a formal financial institution). In 2008, 21% of adults were formally served; this proportion increased to 42% in 2012. The increase in formal inclusion was caused by an uptake of banking products as well as of products offered by non-bank formal financial institutions (such as Umurenge SACCOs and insurance companies). The establishment of Umurenge SACCOs has significantly changed the landscape of access to formal financial institutions in Rwanda. This intervention has been successful in providing formal financial services to Rwandans who would otherwise not have used formal financial services. The banked population increased from 14% of adults in 2008 to 23% in 2012.

60. In this regard, 9 more new commercial bank branches became operational since June 2011. Overall, the bank network operated 136 branches and 254 sub-branches or counters. Furthermore, 355 UMURENGE SACCOs were given license to grant loans. The number of clients' accounts in banks increased from 1,695,902 at the end of December 2010 to 1,872,812 end of June 2011, a growth of 10.4%. For the microfinance industry, the number of MFIs client accounts increased by 13% from 1,170,623 end of December 2010 to 1,328,071 end of June 2011.⁴²

61. Concerning the retail payment systems, SIMTEL and Banks signed new agreements. This enabled the banks to issue more ATM cards and saw the number of ATM machines increasing from 73 in December 2010 to 126 in June 2011. Today ATM machines are distributed in main cities of the country and accept international cards. By the end of June 2011, 115,200 debit cards and 516 credit cards were in use. Credit Reference Bureau (CRB) is operational and the usage of credit report by mandatory participants improved significantly for banks and microfinance institutions.⁴³

Table 1
Provincial distribution of Umurenge SACCO members in 2012

<i>Provinces/ Cities</i>	<i>Members</i>	<i>% of Provincial adult population</i>
Kigali City	102,500	15.5%
Southern Province	264,200	24.1%
Western Province	208,200	20.1%
Northern Province	175,600	23.7%
Eastern Province	247,300	26.1%

62. Proportional to the provincial adult population, the highest uptake of SACCO membership has been in the Eastern Province (26% of adults) although most SACCO members are in the Southern Province. At least one million adults served by Umurenge SACCOs in 2012.⁴⁴

⁴² Government Report, 2010/2011.

⁴³ As above.

⁴⁴ Access to finance in Rwanda, FinScope Rwanda, January 2013.

63. One of Rwanda's priorities is environment protection which is one of its Vision 2020 pillars to promote peoples' right to satisfactory environment. Efforts spent in this sector nationwide have resulted in the President of the Republic being awarded the 2010 Global Environment Protection Award. Rwanda has a legal framework that protects environment. They include the Law determining the organisation, functioning and responsibilities of Rwanda Environment Management Authority, Law determining the modalities of protection, conservation and promotion of Environment in Rwanda, Law relating to the prohibition of manufacturing, importation, use and sale of polythene bags in Rwanda, Law determining the use and management of land in Rwanda, Law determining the organisation, functioning and responsibilities of National Forests Authority, Law establishing Rwanda Natural Resources Authority (RNRA) and determining its mission, organisation and functioning, Ministerial Order relating to the requirements and procedure for Environmental Impact Assessment, Ministerial Order establishing modalities of inspecting companies or activities that pollute the Environment, Ministerial Order determining the length of land on shores of lakes and rivers transferred to public property, Ministerial Order regulating the importation and exportation of ozone layer depleting substances products and equipment containing such substances, Ministerial Order establishing the list of protected animal and plant species, Ministerial Order preventing activities that pollute the atmosphere, Ministerial Order determining the list of chemicals and other prohibited pollutant and Ministerial Order on the establishment of the National Man and Biosphere Committee.

64. Interventions in protecting environment in 2010-2012 were commendable. They range from forestry resource management, pollution control management, reducing exposure to climate change effects, ecosystem rehabilitation, and ownership environment and mainstreaming, to water resource management.

65. Concerning environment ownership and mainstreaming, training and awareness raising campaigns were successfully conducted through joint efforts by REMA, various projects and stakeholders (Environment Committees, Environment Clubs, National Police, Reserve Forces, Private sector, NGOs, Media houses, District officers). Key themes included but were not limited to: environmental education for sustainable development (EESD), environmental laws and guidelines and reporting on environmental issues.

66. Population with access to safe drinking water and sanitation (WATSAN): Access to safe drinking water improved from 64% in 2006 up to 74.2% in 2010-2011 (DHS, EICV3), while improved sanitation increased from 58.5% in 2006 to 74.5% in 2010-2011 (DHS, EICV3).⁴⁵ Rwanda is well on its way to realising its ambitious target of 100% coverage of water supply and sanitation called for by Vision 2020. Schools are equipped by water tanks to facilitate children access to water and sanitation. They are also equipped with instruments for hand-washing, as well as in public institutions. State budget resources allocated to Water and Sanitation increased from 19,465,684,800 Rwf in 2010/2011 to 27,139,012,649 Rwf in 2011/2012 and are estimated at 30,704,194,529 Rwf in 2012/2013⁴⁶.

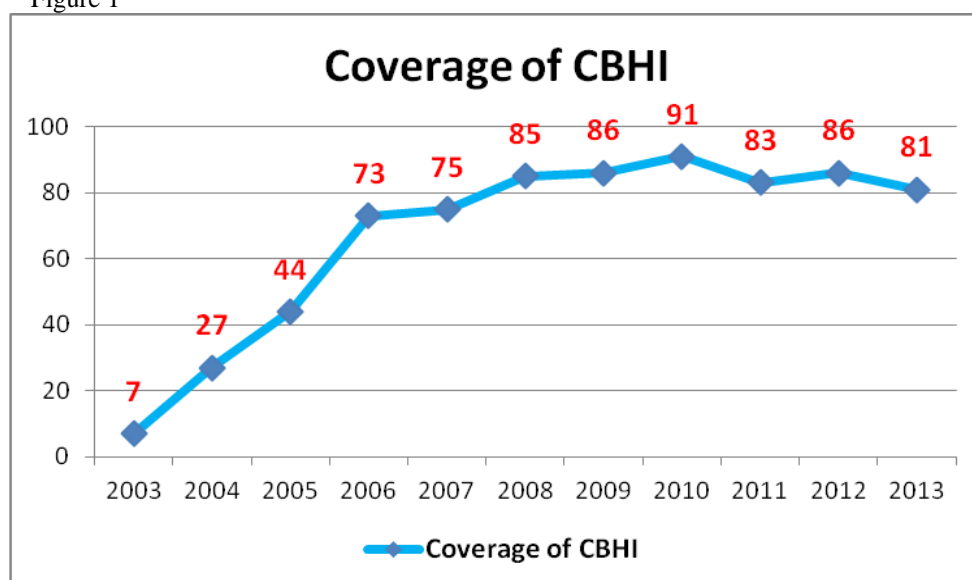
67. In order to ensure that all patients access health services, a health insurance scheme has been put in place to address financial barrier. At community level, the community based health insurance (CBHI) has been created since 2003. The adherence rate to CBHI that was 7% in 2003 increased to 91% in 2010, but slightly

⁴⁵ Lessons Learned From 4 years of DPRS I, February 2012.

⁴⁶ Expressed in Rwandan Francs.

lowered to 86% in 2012. In the beginning, all the population paid a flat premium of 1,000 RWF, but this amount was not sufficient to pay all bills, causing a lot of arrears. A new CBHI policy was then developed, based on stratified categorization, where adherents had to pay according to their capacity. The categorization of persons was made by the population itself at village level. The category 1 and 2 is composed of indigents and other vulnerable persons (26% of the population), unable to pay the premium themselves. The Government pays CBHI premium for this category. In this category, are included all persons identified as marginalized and vulnerable, who are unable to pay health insurance. The category 3 and 4 (65.5% of the population) are identified as poor, but able to pay and they pay 3,000 RWF/person. Category 5 and 6 (4.8%) are identified as rich and pay 7,000 RWF/person but about 6% of the population was not categorized. Apart from the support of the Government, other health insurances (RAMA, MMI and Private) are in obligation to transfer 1% of their annual revenues to support CBHI. CBHI premiums are used to pay health services at the health centre, adherents pay only 10% of the cost as a “ticket modérateur”.

Figure 1



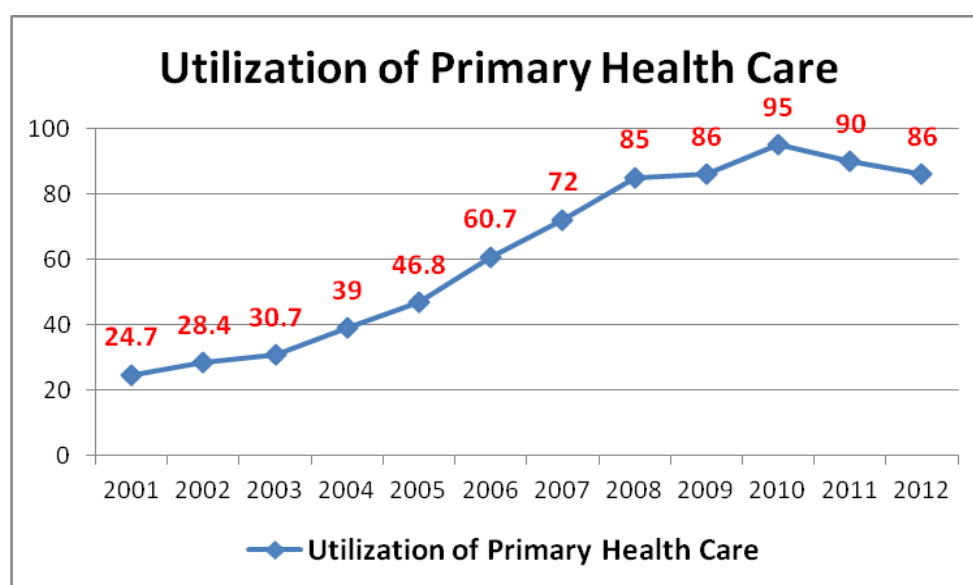
Source: MINISANTE, 2013.

68. In order to ensure universal access to health services in district hospitals, there is a “District Pooling Risk” made up with Government contributions and of 60% of the reserves made from premium paid by Adherents. This amount serves to pay health services for CBHI adherents and the ambulances. Also, there is a National Pooling Risk made up with Government funds and 20% of reserves of premiums paid by Adherents. This serves to pay health care provided by National referral hospitals to CBHI adherents referred from district hospitals. When indigents and other vulnerable persons are unable to pay the “ticket modérateur” (too poor to pay), they are exonerated from paying when they hold an official card attesting that they are indigent and not able to pay.

69. Likewise, in the health sector, maternal mortality rate reduced from 750/100,000 births in 2005, to 476/100,000 live births in 2010 against the MDG5 target of 268/100,000, and child mortality reduced from 152/1,000 live births in 2005, to 76/1,000 against MDG4 target of 51/1,000 live births. MDG4 is already achieved and MDG5 is expected to be achieved in 2015. Currently, the fertility rate

in Rwanda is 4.6. Fight against infectious diseases resulted in impressive results: malaria cases and deaths declined by 85% from 2003. The transmission of HIV from mother to child has declined from 10.8% in 2004 to 1.9% in 2012, while new infections reduced by 50% among new-born children. The coverage of HIV care and treatment is currently 91.6%, up from 24.5% in 2004 and a total of 122,972 patients were under antiretroviral (ARV) by end of June 2013, increasing from only 870 patients in 2003. In the meantime, the number of hospitals that was only 34 in 2000, increased to 46 in 2013, including 4 referral hospitals, while the number of health centres that was only 291 in 2000, increased up to 469 as of June 2013. This increased particularly the utilization of primary health care that increased from 0.33 in 2005 to 1 in 2012 particularly with the introduction of community based health insurance that had an adherence rate of 90.7% in 2010. Utilization of health services reduced recently due to the reduction of malaria (effective prevention) and of pneumonia cases (introduction of pneumococcal vaccine).

Figure 2



Source: MINISANTE, 2013.

70. Finally, the ratio Doctor/Population that was 1/50,000 in 2005, reduced to 1/16,001 by end of 2012 (Target: 1/10,000). The ratio Nurse/Population that was 1/3,700 in 2005 is currently 1/1,294 (Target: 1/1,000).

71. In December 2011, the total insurance coverage stood at 95%, with 91% subscribing to community-based health insurance (CBHI) and about 6% to RAMA, MMI and private insurance offered by financial companies like the National Insurance Company (SONARWA), Société Rwandaise d'Assurance (SORAS); Compagnie Rwandaise d'Assurance et de Reassurance (CORAR) and international insurance companies like Phoenix inc. In 2012 and 2013, there was a slight reduction of CBHI coverage, because there was some complaints about categorization and some people not often falling sick are reluctant to pay premiums, even of about 95% of the population are aware of the importance of health insurance. This categorization exercise is repeated every three fiscal years, because it is expected that a certain number of families get wealthier and upgrade from poorer groups to wealthier ones. The next exercise will start in February 2014.

72. Moreover, a one cow per family program (GIRINKA) has been introduced. This is a Government Initiative, which aims at giving a cow to every poor family that has none, in a bid to increase nutrition levels through milk consumption and reduce diseases related to malnutrition. In addition, this program envisages to increase family income by selling surplus milk, providing manure and cow dung will also improve soil fertility, thus increasing food productivity. To date, more than 177,200 families have now benefited from the program. However, many more families, some of the Rwanda's most poor still eagerly await receiving the many benefits the program can bring. The target is to reach 350,000 Rwandese families by 2015.⁴⁷

73. The right to an adequate standard of living has been supported with the law N° 38/2010 of 25 November 2010, the Government of Rwanda established Rwanda Agriculture Board (RAB) with the general mission of developing agriculture and animal husbandry through their reform and using modern methods in crop and animal production, research, agricultural extension, education and training of farmers in new technologies.⁴⁸ Vision 2020 Umurenge Programme (VUP) is a programme whose objective is to reduce the number of Rwandans living in extreme poverty without any form of discrimination, through its branches known as local economic development and social protection programs. Districts have executed 680 development projects in fiscal year 2012/2013. Among the projects, 494 were fully completed and 186 projects were in the process of execution and shifted to fiscal year 2013/2014. 89,725 workers, including 42,735 females and 46,990 males, were employed by contractors who executed the development projects; public works was operating in 150 sectors: implementation of 338 public works projects in 2012/2013, including 217 completed projects and 121 ongoing projects. 89,011 households, including 45,566 male-headed households and 43,445 female-headed households were employed in public works projects. 4,764,131,966.5 Rwf were paid to workers; direct support was operating in 180 Sectors: 43,671 households (28,855 female headed and 14,816 male headed) in all districts with 99,817 family members have benefited from direct support and the total transfer to beneficiaries is 6,309,946,939 Rwf; financial service was operating in 150 sectors: 55,212 people, including 25,520 males and 29,692 females, received 12,703 loans costing 3,592,317,386 Rwf. The recovery rates are 43.2% in 2012/2013, 55.6% in 2011/2012, 64.9% in 2010/2011 and 72.9% in 2009/2010.⁴⁹

74. Ubudehe is one of home grown initiatives in Rwanda to solve its problems. Ubudehe consists of building problem-solving capacity at the local level by citizens and government at the grass root level. It emphasizes assessing local problems/needs, participatory planning and solving problems of local people, by local people, for local people with support from local government, NGO's, local resource people and donors. In fiscal year 2012/2013, Ubudehe operated in 15 districts within which community and household's projects were funded. 25,123 out of 27,520 Ubudehe facilitators were also trained in 3,672 villages from districts so that they can facilitate in identification process of community projects and households beneficiaries of Ubudehe. 10,216 Ubudehe projects, which included 3,495 community projects and 6,721 household projects were funded in fiscal year

⁴⁷ MINAGRI/RAB Report, July 2013.

⁴⁸ Law N° 38/2010 of 25th November, 2010 establishing Rwanda Agriculture Board.

⁴⁹ RWANDA LOCAL DEVELOPMENT SUPPORT FUND, Annual activities report 2012/2013.

2012/2013, implementation is ongoing and 2,351,892,233 Rwf were spent on Ubudehe projects.⁵⁰

75. In terms of impacts of the Ubudehe program, a survey conducted by the Journal of Sustainable Development in Africa shows that 95% of the respondents confirmed that their incomes had improved, within that, about 71% considered that their income had doubled and 22% considered that their income had more than tripled. More than 96% estimate that they are less poor today than before the project, thus significantly confirming the statement from “Voices of Ubudehe” that this programme appreciably empowers the poor.⁵¹

76. National Program of Water Supply and Sanitation in Rural Area (PNEAR) is an initiative to ensure sustainable supply of Drinking Water and Sanitation Services (DWSS) to rural populations and thereby enhance their living conditions. PNEAR has been defined in order to contribute to the achievement of Millennium Development Goals (MDG) and the Vision 2020 objectives in water and sanitation sector. In fiscal year 2012/2013, PNEAR project have been implemented in its 2nd phase. The PNEAR projects were successfully implemented in such a way accumulated 12,210 individual latrines, 130 public latrines, 100 masonry water reservoirs of 10m³ each, and 752 spring sources were completed at the end of fiscal year 2012/2013.⁵²

77. The One Cow Per Poor Family Scheme in which poor families with more than 0.7 hectares are provided with a cow; a programme providing small animals (goats and rabbits) to poor households with little land; and fertilizer subsidies and seeds. The programme target (2010-2017) is for 350,000 poor households to receive a cow. Over 110,000 households have already benefited as of April 2011.⁵³

78. Rwanda is committed to fighting diseases caused by malnutrition by strengthening programs like the one-cow-per-family, inkongoro y’umwana (one cup of milk per child) and school feeding programs⁵⁴. There is also the National Multi-sectoral Strategy to Eliminate Malnutrition in Rwanda (2010-2013) which is being implemented. From this strategy, a joint action plan has been developed to accelerate elimination of acute malnutrition and reduce significantly the risk of occurrence of chronic malnutrition.

79. Apart from Girinka and one cup of milk programs, other interventions are being implemented: installation of kitchen gardens in households to produce vegetables, public awareness for balanced diet and 1,000 days nutrition campaign (actions to be taken from pregnancy up to age of 2 years), exclusive breastfeeding up to 6 months, child growth monitoring, annual screening of malnutrition, distribution of micronutrients, hygiene and sanitation, systematic deworming, distribution of small livestock to vulnerable households, distribution of milk to malnourished children identified during the screening, parent evenings at the village level (umugoroba w’umubyeyi), etc. All this is combined with an increase in food production and all strategies to reduce poverty. Also, the recent introduction and scaling up of Early Childhood Development and Nurseries countrywide is thought to

⁵⁰ Ibid.

⁵¹ Journal of Sustainable Development in Africa (Volume 14, No.3, 2012), *Clarion University of Pennsylvania, Clarion, Pennsylvania and MINALOC, 2012.*

⁵² Ibid.

⁵³ UNICEF, Equity Case Study: Rwanda - One Cow per Poor Family, 2011.

⁵⁴ <http://focus.rw/wp/2011/01/education-health-labor-going-to-greater-heights-in-next-7-years>, Education, health, labor: going to greater heights in next 7 years, 2011.

improve significantly the conditions of children and pregnant women. It was based on experiences and lessons learnt from the emergency plan to eliminate malnutrition, that was started in 2009, and also built on the National Nutrition policy.

80. Regarding the right to adequate housing, several guarantees are still into force in Rwanda. In 2010, Rwanda established the Rwanda Housing Authority (RHA)⁵⁵, determining its responsibilities, organisation and its functioning. This law is believed to be playing a very critical role in setting standards as well as guaranteeing the right to housing. It is important to note that in order to provide decent housing to the people in extreme poverty, funds amounting to 3.732 billion Rwf (5,741,538 USD) were transferred to the Districts for eradication of grass-thatched houses (Nyakatsi). All families living in grass-thatched houses were given decent housing.⁵⁶ The Government of Rwanda is committed to supporting the controlled development and the sustainability of human settlements in both urban and rural areas, which are economically accessible and socially integrated, where the rights of all people are recognized, particularly the rights of women, children, handicapped people and people living in poverty, the vulnerable groups. The government programs, including the villagization policy, Bye Bye Nyakatsi provided modern houses to the vulnerable groups in 2011. Nyakatsi eradication exercise was successfully implemented through a joint venture (MINALOC, RDF, RNP and Local Governments with the population) where 124,671 families living in grass-thatched houses (Nyakatsi) shifted to decent houses, among them 77,009 were vulnerable families. Also, the Government resettled families from high-risk zones (1,300 families from Gishwati, 1,200 from Mt Rubavu, 180 families from Bweyeye).⁵⁷

81. Rwanda does not consider any group of Rwandans as a distinct indigenous people. However, the Government recognises the particular situation of some vulnerable populations under the category of “historically marginalised populations” and, to that end, it has adopted a series of measures to improve their living conditions, as well as integrating them into mainstream Rwandan society.⁵⁸ The Government of Rwanda recognizes that land is a key priority for economic development and poverty reduction for all and has developed a comprehensive institutional framework for land governance in Rwanda over the past ten (10) years. Simultaneously, land governance organizations have been established, led by Rwanda Natural Resources Authority (RNRA) and their mandate clearly defined. Another critical development has been the Land Tenure Regularisation Support Programme (LTRSP) that started in 2005, whose objectives are for all rightful landholders in Rwanda to receive legally valid land title documents and minimizing disputes preventing the issue of land titles. The LTRSP has been a very ambitious, but very successful systematic land registration programme. However, there is need to maintain the system up-to-date in terms of information on parcels, rights and right owners that is regularly changing due to transaction on land. The Land Administration Information System (LAIS) has been developed for this purpose and is presently under implementation at RNRA.

⁵⁵ Law n° 40/2010 of 25/11/2010 Rwanda establishing the Rwanda housing authority (RHA) and determining its responsibilities, organisation and functioning.

⁵⁶ MINALOC Annual report, 2010/11.

⁵⁷ Progress made and main achievements registered from 2009 to 2013, MINALOC Report 2013.

⁵⁸ Details are highlighted in information provided for article 27 of the Covenant.

Legality and non-discrimination (Article 2)

82. A variety of measures have been adopted to give effect to the undertaking of eliminating discrimination in all its forms. Apart from numerous bills that are under consideration so far, many of these laws are documented in the previous periodic report and written replies already submitted.

83. Rwanda recently ratified the following conventions, which provide for the right to non-discrimination in order to strengthening its international commitments: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18/12/1990 and ratified on 14/06/2010; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, adopted on 06/10/1999 in New York and accessed on 31/08/2009; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10/12/1984 in New York and accessed on 01/10/2008; Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted on 15/12/1989 in New York and ratified on 01/10/2008; International Convention on the Rights of Persons with Disabilities, adopted on 13/12/2006 in New York and accessed on 15/12/2008; Optional Protocol to the Convention on the Rights of Persons with Disabilities, adopted on 13/12/2006 in New York and accessed on 15/12/2008; Hague Convention on the Civil Aspects of International Child Abduction, adopted in the Hague on 25/10/1980; Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, adopted on 29/05/1993 in the Hague and ratified on 14/06/2010; ILO Employment Policy Convention N° 122), adopted on 9/07/1964 and ratified on 14/06/2010.

84. It is important to recall that Rwanda has withdrawn a number of reservations:

- Withdrawal of reservation made on article 26 of the Convention Relating to the Status of Refugees on 14/06/2010 (See Presidential Order N° 31/01 of 17/05/2010, available in Official Gazette N° 24 of 14/06/2010, p. 29). *Rwanda had formulated the following reservation: “For reasons of Public policy, the Republic of Rwanda reserves the right to establish a residence and limit movement of refugees”;*
- Withdrawal of reservation made on article 4 of the Protocol Relating to the Status of Refugees on 14/06/2010 (See Presidential Order N° 32/01 of 17/05/2010, available in Official Gazette N° 24 of 14/06/2010, p. 33). *Rwanda had formulated the following reservation: “For all disputes between the parties, recourse to the International Court of Justice can be introduced only with the prior agreement of the Rwandese Republic”;*
- Withdrawal of reservation made on article 22 of the Convention on the Elimination of All Forms of Racial Discrimination on 01/10/2008 (See Presidential Order N° 49/01 of 05/09/2008, available in Official Gazette N° 19 of 01/10/2008, p. 64). *Rwanda had formulated the following reservation: “The Rwandese Republic does not consider itself as bound by article 22 of the Convention”;*
- Withdrawal of reservation made on article 13 of the International Covenant on Economic, Social and Cultural Rights on 01/10/2008 (See Presidential Order N° 50/01 of 05/09/2008, available in Official Gazette N° 19 of 01/10/2008, p. 68). *Rwanda had formulated the following reservation: “The Rwandese Republic [is] bound, however, in respect of education, only by the provisions of its Constitution”;*
- Withdrawal of reservation made on article 9 of the Convention on the Prevention and Punishment of the Crime of Genocide on 01/10/2008 (See Presidential Order

N° 48/01 of 05/09/2008, available in Official Gazette N° 19 of 01/10/2008, p. 71). *Rwanda had formulated the following reservation: “The Rwandese Republic does not consider itself as bound by article IX of the Convention”.*

85. Other domestic laws have been developed to protect certain categories of people from acts of discrimination. The basic text is naturally article 16 of the Constitution which establishes that all human beings are equal before the law. They shall enjoy, without any discrimination, equal protection of the law. This is reinforced by the Code of Ethics for the Judiciary which binds the judge to serve the cause of justice with fidelity, integrity, objectivity and impartiality without any discrimination whatsoever, particularly with regard to race, colour, origin, ethnic group, clan, sex, opinion, religion, or social status.⁵⁹

86. The following main laws have been promulgated: Law N° 54/2011 of 14/12/2011, relating to the rights and protection of the child; N° 59/2008 of 10/09/2008, on the prevention and punishment of gender-based violence, as amended to date and its subsequent regulations, Prime minister’s order N° 001/03 of 11/01/2012, determining modalities in which government institutions prevent and respond to gender-based violence; Law N° 13/2009 regulating labour in Rwanda (2009) and its subsequent regulations, namely, Ministerial Order N° 06 of 13/07/2010, determining the list of worst forms of child labour, and highlighting the nature, categories of institutions that are not allowed to employ them and their prevention mechanisms; and Organic Law N° 01/2012/OL of 02/05/2012, instituting the new Penal Code.

87. Different institutions including the Parliament, Rwanda Governance Board, the National Unity and Reconciliation Commission, Itorero ry’Igihugu (independent commission in charge of civic education), the National Commission of Human Rights, Office of the Ombudsman, the National Commission of Demobilization and Reintegration, but also civil society organisations, including churches, play a key role in sensitizing the Rwandan population against discrimination. Such sensitization targets mainly local communities, students, teachers, civil servants, local leaders, demobilized soldiers, but especially refugees and former rebels, escaped from FDLR (Forces Démocratiques de Liberation du Rwanda) and repatriated in Rwanda. Private research institutions also play a key role in the fight against discrimination in Rwandan society, especially the Institut Rwandais pour le Dialogue, la Paix et la Démocratie (IRDPA) and the Centre for Conflict Management (CMC) of the National University of Rwanda.

88. It was clear though that, after the 1994 genocide, Rwanda took the initiative to consolidate its national unity and prevent ethnic conflicts as had happened in the past. The post-conflict government adopted a new policy, according to which, there is only one united Rwandan community composed of all Rwandans (Banyarwanda). The former distinction of groups into Bahutu, Batutsi and Batwa was largely seen to be divisive and unproductive to Rwandans. Rwanda has embarked on a massive fight against the ideology of genocide and divisionism. It is our understanding that Rwandans know genocide better than anyone else and therefore have every legitimate responsibility to prevent its reoccurrence by all means. Rwanda recognises the need to part from anything that would draw the country into such a nightmare and, as a result, legislative, institutional, policy and administrative measures have been taken.

⁵⁹ Article 12 of the Law N° 09/2004 of 27/04/2004 establishing the code of ethics for judiciary, *O.G* N° 11 of 1st June 2004.

89. The land registration and land titling policy, provided for under the 2013 Land Act, addresses many aspects of this issue. It provides for significant progress in areas such as equal rights and the prohibition of all forms of discrimination on grounds of gender, nationality or origin in regard to ownership and use of land. It thus has some positive aspects, such as equal rights for spouses to land ownership and equal rights for all descendants in the first degree. These positive aspects reflect the requirements of the Constitution and the international commitments of Rwanda. As part of the land reform process, a tax exemption is available to taxpayers who own less than two hectares of land in rural areas, a positive measure that helps to improve conditions of equality between taxpayers.

90. A national stigma index survey aimed at combating discrimination of people living with HIV was released in 2009 and indicates that at least 74 percent of people discriminated against in different societies in the country are HIV positive. The strategy of educating the population against all discrimination against people living with HIV and AIDS has been implemented countrywide. With the support of the Global Fund, training has been provided to civil servants, local authorities, social workers and medical staff, structures for preventing and combating HIV/AIDS, especially umbrella associations, have been strengthened, tools for coordination and monitoring of activities against stigma and discrimination have been designed in line with the National Strategic Plan for HIV prevention and treatment (2009-2012). Rwanda has left no stone unturned to involve each and everyone, especially civil society, in fighting against HIV/AIDS, including faith-based organisations (FBOs), women's organizations, youth organizations (such as Rwanda National Youth Council), PLHIV associations (such as Rwanda NGO's Forum on HIV/AIDS, Rwanda Network of People Living with HIV/AIDS (RRP+), etc. It is worth mentioning that HIV status is confidential and confidentiality is guaranteed by the regulations. Requests for HIV tests prior to getting services is illegal. Also with universal access to HIV/AIDS treatment, it is not easy to identify possible HIV positive patients for possible stigma.

91. A victim has the possibility of recourse before impartial and competent courts and tribunals by claiming damages through a private prosecution. If the actor has been prosecuted, the Code of Civil Procedure gives the first possibility to the victim to seek damages at the same time as the criminal proceeding. The victim can lodge a claim for compensation in a competent court claiming damages by way of notice by stating the claim in the court registry or in court at the time of hearing. When proceedings do not take place, the victim has a second possibility. The victim may go to the court by claiming damages in a private prosecution. This action starts to move the criminal action, informing directly the repressive judge in order to repair the damages and to apply the penalties. This possibility arises mainly when a criminal file was put in safe keeping or when a period of six months has elapsed without any action being taken by the prosecutor. A third possibility for victims is that of recourse before administrative instances or before independent human rights institutions, especially the NCHR and the Office of the Ombudsman. These institutions have a duty to guide and assist victims in the process of recovery of their rights.

Equality between men and women (Article 3)

92. On 31 August 2009, Rwanda acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women adopted on 06/10/1999 in New York. Rwanda has ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,⁶⁰ as well as the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and the Convention on the Nationality of Married Women.

93. Under the law on Matrimonial Regimes, Succession and Liberalities, all legitimate children of the *de cuius*, in accordance with civil laws, inherit in equal parts without any discrimination between male and female children, and gives equal rights to succession to all boys and girls. All discriminatory provisions have been inventoried in national laws. The Civil Code is under review in Parliament and the Penal Code was reviewed in 2002 to repeal all discriminatory provisions against women. The institution of marriage in Rwanda is governed by law.

94. The Gender Monitoring Office (GMO) conducted a study to assess the gender impact of this Law, 12 years after its adoption. Findings in this study revealed that 69.2% of respondents from households stated that the law has had an impact on the relationships of married couples, 58.1% stated that both men and women taking decisions together. As for ownership of property, findings revealed that men have the upper hand of the bulk of properties of higher economic values, although women have attained a certain level of decision-making power. The findings of the study were disseminated to relevant stakeholders across the country assessment was also done to inform on better policies and programs to advocate⁶¹.

95. Women are represented in all decision making organs and different other institutions, at least 30%, as prescribed by the Rwandan Constitution. For example, representation of women is 38% in Government; 50% among Supreme Court judges, while 64% female MPs in the Parliament (Chamber of Deputies) - this is by far the highest percentage of women MPs in any government in the world. In elections for district and sector council officials in 2011, women won 43.2% of district and Kigali City advisory posts. Women lead a third of Rwanda's ministries, including foreign affairs, agriculture and health, and every police station and army has a "gender desk" to take reports of violence against women, as does the national Army.

96. The Forum of Women Parliamentarians work hand in hand with the National Women Council and Gender Monitoring Office, but also with various and other women associations to advocate for women's rights and also sensitize women to take up leadership roles in all organs.

97. Administrative measures have been developed, including the Gender Monitoring Office and the National Gender Cluster, which is chaired the Ministry of Gender and Family Promotion (MIGEPROF) and brings together development partners, sector ministries, civil society organisations and the private sector. It plays a significant role in advocating for the implementation of the national gender policy. The Gender Focal Points (GFPs), established at the operational level, ensure the effective implementation of the National Gender Policy at national and district levels. Gender Focal Points are Government employees occupying positions where

⁶⁰ See the Presidential Order N° 34/01 of 14/07/2009, available in Official Gazette N° 35 of 31/08/2009.

⁶¹ Gender impact assessment of the law n° 22/99 of 12/11/1999 regarding matrimonial regimes, liberalities and successions, GMO, Rwanda 2011.

they can influence decision making, planning policies and management. In public institutions, the directors of planning are the Gender Focal Points and they are charged with monitoring the progress in the implementation of the National Gender Policy, ensuring that gender disaggregated data is collected and that all policies, programmes, projects and budgets are gender responsive. The Forum for Rwandan Women Parliamentarians (FFRP) is charged with continuously lobbying and advocating for active participation of women in decision making and advocating for gender equality and gender based budgeting in Rwanda. Rwanda Social Security Board (RSSB) is a public institution established to manage social security regime and insurance for workers without discrimination.⁶²

98. Other administrative measures established are Anti-GBV committees from grass roots to national level, Community Policing Committees and a Gender Desk within the Rwanda National Police (RNP), Rwanda Defense Forces (RDF) and the National Public Prosecution Authority (NPPA). There is a department in the prosecution office in charge of protection of victims and witnesses, Toll-Free lines have been set up in the RNP, RDF, NPPA and the National Human Rights Commission (NHRC) for victims and the community to report gender-based violence.

99. The Rwanda National Police regularly undertakes investigations to ascertain the actual status of GBV cases. Recent police statistics indicate that some 12,992 cases of GBV have been investigated between 2006 and 2011. All of these cases have been handled and addressed by different organs. Anti-GBV desk unit was established in the National Police to respond to cases of GBV and the rights of the victims. The directorate has focal points in all police stations in the country who work closely with hospitals and health centers to facilitate access to medical expertise.

100. The Rwanda Defense Forces and the National Police have undertaken Anti-GBV awareness campaigns and advocacy within and outside Rwanda. To this effect, various fora have been organised to deliberate on the issue of GBV. Community-based initiatives in the fight against GBV are likewise an important approach of preventing and responding to issues of GBV, including domestic violence, rape and spousal rape.

101. An early-warning system has been established in the National Unity and Reconciliation (NURC); a Psycho-social Center on Trauma Counselling exists under the Ministry of Health; Gender Clubs have been established in secondary schools and higher learning institutions; ISANGE One Stop Center has been put in place in the National Police Hospital based at Kacyiru, Kigali, in 2009. In cooperation with the Ministry of Health, and other concerned ministries, including MIGEPROF, other centres were opened a few months later in Gihundwe District Hospital and Gisenyi District Hospital, in Western Province. Two more One Stop centres opened in the Northern Province (Ruhengeri Hospital) and in the Eastern Province (Kibungo Hospital). Ten other district hospitals (BYUMBA, RWAMAGANA, RUHANGO, KINIHIRA, KIBUYE, BUSHENGE, KABGAYI, MUNINI, NYAMATA and NEMBA) have been assessed to host One Stop Centres by December 2013. Meanwhile, 200 health-care providers trained from districts hospitals have been trained in hospitals on the clinical management of GBV cases and training of Community Health Workers has started to sensitize community on the issues of GBV. The process will continue in order to get those services closer to the

⁶² Created by the Law N° 45/2010 of 14/12/2010.

community as well to reach out to a number of victims receiving the services, thus increasing the resilience of the victims and their families. Meanwhile, victims get free health care and laboratory service in all public hospitals, and a minimum number of staff is trained on the management of GBV cases in Health facilities. In an effort to sustainably address GBV, Rwanda National Police in partnership with stakeholders trained about all members of Community Policing Committees those from Anti-GBV clubs in country. Rwanda won the United Nations Public Award in 2012 for its efforts to fight against GBV.

102. Rwandan Civil Society has established a coalition against gender-based violence coordinated by the umbrella organization “Pro-Femmes Twese Hamwe,” including a men’s center to fight against GBV named Rwanda’s Men Resource Centre (RWAMREC), which strives to sensitize the community by the participation of men in the fight against gender-based violence, specifically violence against women.

103. Modalities for the implementation of United Nations Security Council (UNSC) Resolution 1325 were elaborated to protect women and girls during and after armed conflicts and to fully involve women in conflict prevention, management and resolution, peace building and reconciliation. These modalities include, among others, the establishment of the National Steering Committee to implement UNSC Resolution 1325; the development and implementation of the National Action Plan 2009-2012 with an implementing budget estimated at 9,056,000 USD; mobilisation of women to join national security forces and peacekeeping operations; training of decision makers in gender, peace and security; organisation of a series of training seminars on UNSC Resolution 1325; training of women leaders on conflict management, mediation and peace negotiation techniques. 725 women joined Rwanda National Police between 2009 and 2012. Women now comprise 19 percent of the National Police (before they only represented 0.8 percent). By 2012, there were 137 female Police commissioned officers (Assistant Inspector of Police). There were only 50 before 2009. Gender desks were also put in place in the period 2009–2011, 13 including a directorate for gender mainstreaming in all initiatives and programs within the Rwanda National Police.

104. Rwanda peacekeeping forces in Sudan (Darfur and Khartoum), South Sudan, Haiti, Ivory Coast, Liberia and Mali during 2010-2013 included over 340 female police officers, all ranks covered⁶³. Before going on peacekeeping mission, Police and RDF men and women receive training related to the fight against GBV. As a preventive measure, the Rwandan peacekeepers have initiated the construction of energy-saving cook stoves known as “rondereza” which have saved women’s time in collecting firewood from long distances and reduced risks of violence against them⁶⁴. RDF in peacekeeping missions initiated a culture of community work as a way of minimizing the burden of domestic work imposed on women.

105. Women participated in GACACA Courts with 35% either as judges or witnesses. «Abunzi» (conciliators in the community) is another initiative of conflict resolution in which over 30% of the members are women. The participation of women in decision-making organs, at all levels, in the judiciary and in security

⁶³ Rwanda National Police report 2012-2013. See also Security Council Resolution 1325: Civil Society Monitoring Report, The Global Network of Women Peacebuilder, Rwanda 2012.

⁶⁴ The Rwandan peacekeepers in Darfur have reported cases of violence against women on their way to or from collecting firewood and water from bushes.

organs constitute a guarantee for implementing in a comprehensive manner measures related to gender equality⁶⁵.

106. The Government is committed to improving access to finance for women as well as men, and especially in rural areas. At present about 60 per cent of women are dependent workers; in other words, they are economically dependent on their husbands or fathers. There are three Government guarantee funds administered by the National Bank of Rwanda that can help poor women entrepreneurs access credit. The funds are the Woman's Guarantee Fund; the AVEGA Guarantee Fund, which enables genocide widows access to finance, and the Retrenched Public Servants Guarantee Fund available to men and women and guarantees.⁶⁶

107. There are also Savings and Loans Cooperatives and other institutions which can provide finance for starting up or developing an income-generation activity. These include SACCOs (savings and credit cooperatives) being started in every village with the support of the Government; People's Bank for Women's Programme; COOPEDUC, a savings and credit cooperative started by the women's Association DUTERIMBERE; UMWARIMU SACCO, which helps school teachers to access soft loans (without collateral) and the Bank of Kigali Women Entrepreneurship Facility.

108. Over 179 projects have been so far financed. 518 women, including former street vendors and former prostitutes, were assisted to form cooperatives based in their home districts. These women have received support amounting to 65 Million RWF⁶⁷. In the field of women empowerment, the high intensive labour (Haute Intensité de Main d'Oeuvre (HIMO)) programs are promoting women's participation in development programs at the rate of 50% as compared to men⁶⁸.

109. The use of the guarantee fund and credit fund allowed women's access to and control over economic resources which facilitated them a progressive shift from economic dependence on men. This allowed number of women to play important economic and political roles both at household, community and national levels and to help them reduce poverty. In case an individual needs a loan, she is provided with a guarantee up to 50% of the total amount of the guarantee; as for associations, they get 75% of the total value of the guarantee. In that system, a woman can get a loan of 5,000,000 Rwf (USD 7,692.00) and an association can get 20,000,000 Rwf (USD 30,769.00). 26% of women received loans in 2011-2012 compared to 74% of men.⁶⁹ These funds have positively impacted not only on individual women's lives but also on that of their households and community.

110. In the traditional Rwandan society, a cow belonged to man. One Cow Per Poor Household is a program benefiting both men and women. Giving a cow to a woman is already a big step towards social transformation because not only the cow facilitates income generation for the woman, but also allows her to play the role of breadwinner for her family and to participate in the management of resources generated by the cow and this serves as an entry point for the management of other household resources. This has led to increased economic power of women which has

⁶⁵ Please see details in Gender Statistics 2013 at: <http://statistics.gov.rw/publications/gender-statistics-report-2013>.

⁶⁶ Legal and policy framework for gender equality and the empowerment of women in Rwanda, Institute of Policy Analysis and Research (IPAR- RWANDA), June 2011.

⁶⁷ Ibid.

⁶⁸ Gender Best Practices 1995-2010, GMO, 2010.

⁶⁹ GMO, Annual activities Report 2011-2012.

not only reduced poverty among poor women beneficiaries but also promoted gender equality both at household and community levels.

111. Women and men have invested in basket weaving (Agaseke) and a significant number of them have tremendously improved their economic situation. Under the technical guidance and support of the Ministry of Commerce, Gahaya Links, which is a private company, is using thousands of women and men from across the country who earn money to address issues of poverty in their family. Basket weaving which was traditionally a female activity has now attracted a significant number of men, who are at present involved in basket weaving at the professional level. Men have even reached the level of training other men and women in basket weaving. This is an indication that there is no such thing as women's activity and men's activity. Basket weaving has served as a tool to transform gender relations between women and men. In addition, basket weaving has economically improved the lives of men and women involved in this very promising profession.⁷⁰

112. A number of women and men have created cooperatives to address economic issues affecting their lives. Like fishing, and carpentry, farming and bee keeping this was traditionally a male reserved profession. Women and men members of the cooperative are involved in all cooperative-related activities and no discrimination whatsoever is made to them. The number of women members of cooperative rose to around 153,912 compared to 182,348 of men. While addressing economic issues through incomes they receive from their cooperatives, these women and men are at the same time experiencing a professional life where gender equality has become a reality⁷¹.

113. The Girls' Education Policy was developed in 2008 with specific strategies which aim to promote retention/completion in schools and institutions of higher education and address factors that may be barriers to full participation. The Girls Education Task Force was put in place and annually compile the indicators in the policy matrix and develop a Gender Assessment of the Education System, to monitor gender disparities and eradicating them. Regarding the traditional division of roles and preference given to boys; government, parents and the general public are aware of the fact that all children have equal rights irrespective of sex. At present, gender parity in primary school is almost 50.8/49.2 for girls and boys respectively⁷².

114. The Government guarantees by law that every child in Rwanda has the right to fee-free and compulsory education for the first 12 years of basic (primary and lower secondary) education. Therefore, the dropout rate overall decreased from 15.2% in 2008 to 10.9% in 2012, girls dropout decreased from 14% in 2008 to 10.7% in 2012 and boys dropout decreased from 15.6% in 2008 to 11.2% in 2012, completion rate increased from 52.5% in 2008 to 72.7% in 2012, repetition rate decreased from 15.3% in 2008 to 12.7% in 2011. The Plan is for the completion rate for primary education to increase from 52% in 2006 to 112% in 2015⁷³, reduction of drop-out rate from 15% in 2006 to 5% in 2010 and 2% in 2015; reduction of repetition rate from 16% in 2006 to 8% in 2010 and 3% in 2015; reduction of double shifting of teachers from 31% in 2004 to 6% in 2015; reduction of pupil/teacher ratio from 70.1 in 2006 to 45.1 in 2015; gross enrolment rate in junior secondary from 24% in 2006

⁷⁰ Ibid.

⁷¹ As above.

⁷² Rwanda Education Statistics for 2011 year, MINEDUC, January 2012.

⁷³ The completion rate exceeds 100% because of the large number of students who are beyond school age (7-13 years), which means that the gross enrolment ratio is also above 100%.

to 69% in 2015.⁷⁴ According to education statistics, the plan is progressing in the right way. Given that the program is free of charge, this had a very positive impact on children from poor families, especially girls who would have stayed at home and let their brothers proceed with schooling due to limited finances. The promotion of private higher education paired with that of gender equality made it possible for women to access higher education especially through their evening programs. This has led to increased participation of women in private higher education amounting to 54.69% as compared to 45.30% for men⁷⁵.

115. Transmission of nationality to children by the mother is organised by laws. Shall be Rwandan any child who has at least one parent (father or mother) who is Rwandan⁷⁶. Some 165 foreigners acquired Rwandan nationality between 2009 and 2013; the number is growing and others are still applying. Records also indicate that those who have acquired citizenship are in four categories, namely: nationality by birth, nationality by marriage, nationality by naturalisation and nationality by being of Rwandan origin as provided by the law on nationality.⁷⁷

Emergency situations and war (Article 4)

116. In 2010, Article 110 of the Constitution was amended as follows: “The President of the Republic is the Commander-in-Chief of the Rwanda Defense Forces. The President of the Republic shall declare war. The President of the Republic shall sign both armistice and peace agreements. The President of the Republic shall declare a state of siege and a state of emergency, in accordance with the provisions of the Constitution and other laws”. Such situations are regulated in articles 137 to 139 of the Constitution, which stipulate that it is the President of the Republic who declares a state of emergency or a state of siege, pursuant to a Cabinet decision.

117. The reasons for taking this measure must be divulged, together with details on the part of the national territory to which it applies, its consequences, the rights, freedoms and legal guarantees to be suspended and the duration of the state of siege, which may not exceed 15 days and may only be extended with the approval of a two-thirds majority of each House of Parliament. Under no circumstances may a declaration of a state of siege or a state of emergency affect the functions of the highest authorities in the country or alter the principles of State responsibility. Article 137, paragraph 7, of the Constitution provides that a declaration of a state of siege or state of emergency shall not, under any circumstances, prejudice the right to life, physical integrity, status, legal capacity and nationality of persons, the principle of the non-retroactivity of criminal law, the right to a defence and freedom of conscience and religion.

118. Rwanda has Law N° 45/2008 of 09/09/2008 on counter-terrorism. This law provides that an act considered as terrorism shall mean an act committed or a threat to commit an act in the interest of an individual, a group or a terrorist organization. The Penal Code sets out tough penalties on individuals guilty of terrorist acts. The proposed sentences range from 5 years to life imprisonment. The government has established national committees in charge of counter-terrorism pursuant to Security Council resolution 1373 (2001). These committees were created by Prime Ministerial

⁷⁴ MINEDUC (2008), Education Strategic Plan ESSP 2008-2012, Kigali (Rwanda), July 2008, p. 10.

⁷⁵ Statistics, MINEDUC, 2012.

⁷⁶ Article 3 of the nationality law.

⁷⁷ Data from the Directorate of Immigration and Emigration.

Order N° 39/03 of 16 June 2002. They are the National Counter-Terrorism Committee and the Executive Committee on Counter-Terrorism assisted by an executive organ responsible for advising the counter-terrorism committee on what should be done in the war against terrorism. The Government of Rwanda has also established a specialized Anti-terrorism Unit within the National Police. All fundamental rights are recognised to the presumed terrorist.

119. In case of emergency due to terrorism, the law provides that security agents may arrest a terrorist suspect without an arrest warrant, but shall notify the relevant authorities not later than forty eight (48) hours. A police officer, a security agent or any other authorised person may arrest without warrant in case of clear reasons for suspecting such a person to have committed or attempts to commit acts of terrorism and shall hand him/her over to the nearest police station in a period not exceeding forty eight (48) hours. They may also enter and search all buildings in which such a suspect lives and the police authorities shall be informed in a period not exceeding forty eight (48) hours. The warrant issued by security agent shall not exceed seventy two (72) hours. The authority who issued it shall immediately notify the Police authorities. The National Public Prosecution Authority shall issue the authorization to arrest and search in order to replace the arrest warrant if deemed necessary⁷⁸.

Right to life (Article 6)

120. The Rwandan Constitution guarantees every person the inviolable and inalienable right to life⁷⁹. Accordingly, no person may be deprived of his life. In 2007, death penalty was abolished and replaced with life imprisonment.⁸⁰ Enshrinement of the right to life for children is specifically recalled under article 8 of the Law N° 54/2011 of 14/12/2012 relating to the rights and protection of the child “the child has right to life and he/she shall not be deprived”.

121. Apart from the formal abolition of death penalty in our Penal Code in 2008, Rwanda is currently taking the lead in campaigns against death penalty. On 13 and 14 October 2011, Kigali was the venue of the Regional Conference on the Abolition and/or Moratorium on the Execution of the Death Penalty. The conference was organised by the government of Rwanda and Hands Off Cain, with the support of the European Union, the African Union and the World Coalition against the Death Penalty. It aimed at launching a major debate on the need to abolish the death penalty on the African continent or at least to impose a moratorium on executions across the continent. The conference concluded with the adoption of a resolution that was unanimously approved, asking African countries to sign and support treaties and international resolutions on the death penalty and on the moratorium on executions, with a commitment by the governments to transpose the contents into the legislations of each country. Particularly, Rwanda has of recent removed from its legislation the sentence/penalty of solitary confinement and replaced by life imprisonment with special provisions.

122. Moreover, Rwanda has currently removed its reservation on the Maputo Protocol related to abortion – another milestone in promoting and protecting human rights. It is in this regard that the Penal Code permits abortion in particular circumstances. There is no criminal liability for a woman who has an abortion nor a

⁷⁸ Article 46-54 of the law N° 45/2008 of 09/09/2008 on counter terrorism.

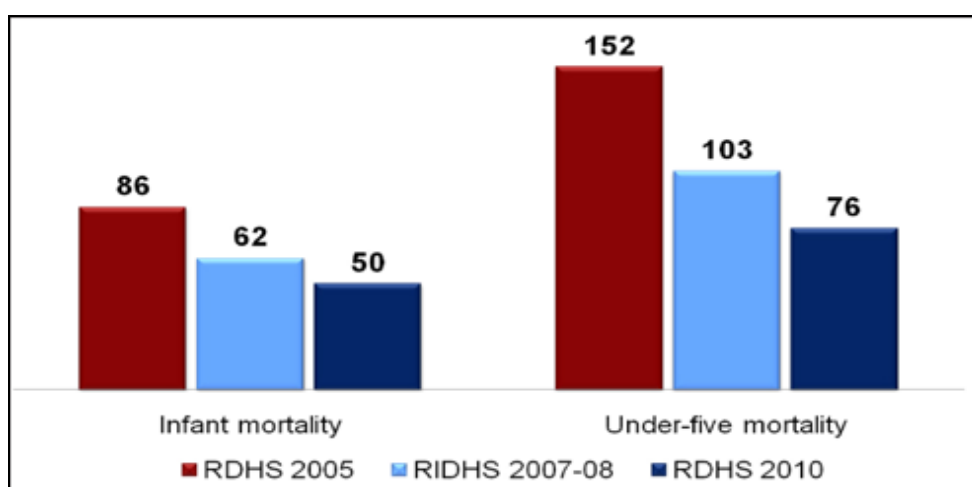
⁷⁹ Article 12 of the Constitution.

⁸⁰ See Organic law N° 31/2007 of 25/07/2007 relating to Abolition of Death Penalty.

medical doctor who helps a woman to abort, if one of the following conditions is met: 1) when a woman has become pregnant as a result of rape; 2) when a woman has been subjected to forced marriage; 3) when a woman has become pregnant due to incest in the second degree and; 4) when the continuation of the pregnancy seriously jeopardizes the health of the unborn baby or that of the pregnant woman⁸¹.

123. Infant mortality rate is 50 per 1,000 live births, while mortality rate is 27 per 1,000 live births. Neonatal mortality rate is 27 per 1,000 live births; while post-neonatal mortality rate is 23 per 1,000 live births⁸². By 2012, according to UNICEF and other international organizations, the under-five child mortality had reduced from 76/1,000 live births to 54/1,000 live births (MDG4 target: 51/1,000 live births). This performance ranks Rwanda among very few developing countries that have reached the MDG 4 related to reduction of child mortality.

Figure 3
Strategies that have positively impacted on the reduction of child mortality



Source: DHS 2010.

124. Measures have been taken to help women prevent unwanted pregnancies and to ensure they do not undergo life threatening clandestine abortions. According to the 2005 Demographic and Health Survey (DHS), the maternal mortality reduced from 750/100,000 of live births in 2005 to 476/100,000 live births in 2010 (DHS). The problem of geographical accessibility to pregnant women is being resolved by the construction of an increased number of health centres and hospitals. The number of health centres recorded in the National Health Management Information System increased from 366 in 2005, to 469 in 2012, up from 291 in 2000. The number of district hospitals increased from 38 to 42 during the same period, up from 32 in 2000, and some others were renovated and extended. The financial barrier has been addressed by the creation of the community-based health insurance (Mutuelle de santé) and free services for women who have attended the recommended four (4) antenatal care (ANC).

125. The promotion of assisted deliveries attended by skilled staff like Nurses and Midwives in Health Facilities resulted in a very quick increase of child births

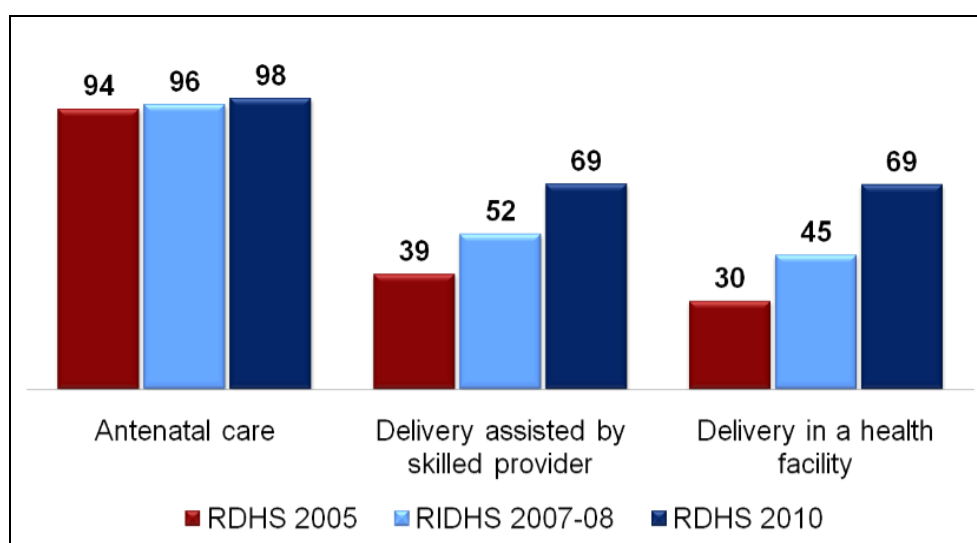
⁸¹ Article 165 of the Penal Code; Official Gazette n° Special of 14 June 2012.

⁸² DHS, 2010.

assisted in health facilities from 30% in 2005, to 69% in 2010 (DHS). Hence, through Community Health, traditional attendants have been prohibited and replaced by Community Health Workers that are trained and tasked to follow up the pregnant woman at village level and to accompany her to a health facility for delivery. Traditional attendants have been prohibited in Rwanda.

126. The promotion of assisted deliveries attended by skilled staff like Nurses and Midwives in Health Facilities resulted in a very quick increase of child births assisted in health facilities from 27% in 2005, to 69% in 2010 (DHS). Hence, through Community Health, traditional attendants have been prohibited and replaced by Community Health Workers that are trained and tasked to follow up the pregnant woman at village level and to accompany her to a health facility for delivery. Traditional attendants have been prohibited in Rwanda.

Figure 4
Trends in Maternal Health Indicators 2005, 2008, 2010 (DHS)



127. Antenatal consultations are well organised in Rwanda, and at least 98% of pregnant women undergo at least one antenatal visit, while 35% receive the recommended four antenatal care before childbirth. The mobilisation is carried out by at least three community health workers who are present at each village and elected by the population. The Ministry of Health has been distributing mobile telephone sets to community health workers, to enable them to provide health reports using Rapid SMS on a daily basis and to quickly communicate with the Health Centre in case of emergency. In this way, all stakeholders involved in the health sector have updated data and information on the status of the health of the population, especially in relation with maternal and child health.

128. The Community Health programme has been introduced as a framework by which community health workers sensitise and follow up and accompany women to give birth in health centres. The construction and the acquisition of equipment of maternity wards as well as the deployment of more qualified health personnel is another priority of the Government. At present the ratio is one doctor/16,001 inhabitants and one nurse /1,291 inhabitants, according to HMIS 2012.

129. In terms of emergency transport, at least 150 new ambulances have been acquired since 2008 and every district has at least five ambulances to ensure the link

between health centres and hospitals for the transfer of patients, but also, to transfer patients in referral hospitals, especially emergency of certain cases. Also, an emergency transportation service (SAMU) has been created and it is being developed. Currently, SAMU is provided with 15 fully equipped ambulances. In 2012-2013, a water boat ambulance has been acquired and is deployed in Kivu Lake, for the quick transportation of patients bordering the Lake. Rwanda has a National Blood Transfusion Centre that is optimally operational, in case of excess bleeding at the time of delivery. In addition, there is a special training program in the area of emergency obstetric care for Health centres and Hospitals. It should be noted that majority of health infrastructure are located in rural areas and at least 75% of qualified health personnel are currently deployed in these rural health facilities. To ensure that a performance based financing scheme providing some advantages to the staff deployed in rural and remote areas serves as an incentive to health professionals that accept to work in rural areas.

130. Maternal death audit is a recent strategy introduced to reduce maternal mortality. For every maternal death occurring in health facility or at home, an investigation is made to know the cause of death. Then a report is made, and submitted to the higher authorities of the country. Thereafter, measures are taken to prevent them. When it happens that the responsible of the death is the health provider (bad quality of service), sanctions are taken. The Post-partum haemorrhage is the leading cause of maternal mortality. Apart from blood transfusion services, the systematic provision of misoprostol, a medicine aimed at stopping post-partum haemorrhage to mother after delivery, mainly when delivery has been made at home, is essential to delay complications while the patient is being transported in a health facility.

131. The Reproductive Health Strategic Plan already exists and it is inspired by the National Health Sector Strategic Plan and the Economic Development and Poverty Reduction Strategy (EDPRS) 2008-2012. A programme for the reduction of maternal mortality has been established. The high impact interventions aimed at reducing maternal mortality are: antenatal care (4 standard visits), sensitization to deliver in health facilities, community health (community follow up of pregnant women), emergency obstetrical and neonatal care (EMONC), emergency transport (Ambulances), maternal death audits, prevention of post-partum hemorrhage, nutrition program, family planning, construction and equipment of maternity wards, construction of health facilities, prevention, treatment and control of diseases (HIV and malaria), training and deployment of Midwives and other skilled health providers. Finally, during the Maternal and Child Health week, the distribution of mosquito nets, Vitamin A, Iron and deworming contribute to the improvement of the health state of breastfeeding mothers and pregnant women.

132. The National Family Planning Programme is responsible for activities related to the prevention of unwanted pregnancies and the spacing of births. Apart from free distribution family planning products in all public health services, health posts are now constructed in the proximity of health facilities that are managed by religious communities that do not recognize family planning, to ensure easy access to family planning products and assistance by efficiently trained personnel. In addition, a quite comprehensive sensitisation programme using all communication channels is in place to sensitise and educate the population on the use of family planning methods. A marketing programme for the promotion of the condom is operational, with a double purpose to prevent Sexually Transmitted Infections (STI) and unwanted pregnancies.

133. During the sensitization sessions, men are encouraged to accompany their wives while some voluntary sterilisation services are made available to those who want them. The rate of the contraceptive prevalence increased from 27% in 2008 to 45% in 2010. MOH provides a range of different contraceptives for the population to choose from. Coverage of all the services is widely spread over the country. Training of medical doctors in performing vasectomy has been done in all districts, and District Hospitals are performing successful vasectomy. Training of CHWs in provision of modern contraceptives has been initiated and is already functioning in 22 districts.

134. However, the Government's efforts to promote family planning and the use of contraceptives have been derailed by some religious convictions and some religious leaders opposed to the use of modern contraceptive methods. As a solution, health posts are being created in the proximity of health facilities that do not provide Family planning services, but the Government of Rwanda is in constant contact and dialogue with religious leaders urging them to be logical and tolerate the use of condoms to reduce the spread of HIV/AIDS infections and other sexually transmitted infections (STI) and the use of contraceptives to control the density population growth and space births in families.

135. As for the youth, integrated services targeting the youth are being progressively created at the level of the Ministry of Health (Adolescent, Sexual and reproductive Health desk), the Ministry in charge of Youth and District (Youth Friendly Centres). A policy and strategic plan for the adolescent, sexual and reproductive health is already approved and its implementation has started.

136. Euthanasia is a prohibited practice by law. Any person who kills another at the latter's serious and insistent request and for an honorable reason, especially on compassionate grounds, shall be liable to a term of imprisonment of seven (7) years to ten (10) years (Article 179 of the Penal Code).

Torture, inhuman and degrading treatment, medical or scientific experimentation (Article 7)

137. Detailed information concerning prohibition of torture and other human ill-treatment can be found in Rwanda's initial report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/RWA/1), submitted to the United Nations on 8 April 2011.

138. Since the country's reconstruction began after the 1994 genocide, Rwanda has undergone several successive reforms. It is within this context that the new Penal Code was adopted in June 2012. Article 176 of the new Penal Code fully adopts the content of Article 1 of CAT on the definition of torture and ill treatment as follow: "torture means any act by which severe pain or suffering, whether physical or mental, inhuman, cruel or degrading, are intentionally inflicted on a person for such purposes as obtaining from him/her or a third person, especially information or a confession, punishing him/her of an act he/she or a third person committed or is suspected of having committed, or intimidating him/her or coercing him/her or a third person or for any other reason based on discrimination of any kind".

139. Article 177 of the Penal Code provides penalties in these terms: Any person, who inflicts torture on another person, shall be liable to a term of imprisonment of six (6) months to two (2) years. If torture results in either incurable illness, permanent incapacity to work, full loss of function of an organ or serious mutilation, the penalty shall be a term of imprisonment of more than five (5) years to seven (7)

years. If such torture results in the death of the victim, the punishment shall be life imprisonment with special provisions. If the offences under paragraphs 1 and 2 of this Article are committed by a Judicial Police Officer or a Prosecutor or any other security service officer or civil servant, the offender shall be liable to the provided maximum penalty.

140. The Code of Criminal Proceedings establishes the procedure to be followed throughout the course of criminal proceedings and prohibits the use of torture to obtain evidence or confessions of the alleged perpetrators of a crime, whatever it is. This Code offers sufficient guarantees to ensure that persons arrested or detained are not subjected to torture or ill-treatment, including a medical examination, access to a lawyer and contact with any person of his or her choice, including members of his or her family. This Code lays down rules on the length of police custody. These rules are mandatory and strictly applied. The duration of arrest may never exceed 72 hours at the level of judicial police, and 7 days at the level of preliminary inquiries. At this level, the Public Prosecution Officer in charge of the case shall take the suspect before the nearest competent judge to decide on the pre-trial detention, if he or she decides to pursue the investigation⁸³. In the event of continued detention of a person after an order authorizing release on bail or a decision of his or her innocence, or any violations of the criminal procedure rules concerning the duration and place of detention, violators will be punished⁸⁴.

141. Article 6 of the law on evidence and its production provides that it is forbidden to tie, beat torture, brainwash or resort to any cruel or degrading methods to extort a confession from a party or testimony from witnesses. These forms of evidence are prohibited under the law and have no legal effect before a judge⁸⁵.

142. The right of victims to obtain compensation is subject to authentic act or recognition from the perpetrator of the offence giving rise to compensation. This act may be a decision to cast force of judgment establishing the guilt of the actor and/or giving compensation to the victim. The procedure of implementing the court's decisions regarding damages is governed by the provisions of the Code of Civil Procedure relating to safety and performance. Once the victim has a final court decision, he becomes creditor to the perpetrator, and is entitled to the movable and immovable property of his debtor by voluntary or forced judgment decisions (Articles 191 to 312 of the Code of Civil Procedure). If a voluntary execution has not been observed, there will be forced execution in the legal forms (regular seizures and sales of assets of the debtor) with the assistance of the police.

143. The Government of Rwanda may be liable for acts committed by its agents in connection with their duties. Thus, it can participate in the compensation of a victim of torture committed by its agents on the basis of the provisions of the Civil Code relating to Civil Liability with respect to offences and quasi-offences (Articles 258 to LIII 262 of the Civil Code).

144. Non-governmental organisations such as FACT/RWANDA, Avocats Sans Frontiers/Belgium, PRI, LIPRODHOR, HAGURUKAKA, CLADHO, LDGL, PROFEMMES-TWESE HAMWE, among others, are very active and specialized in the field of protection from torture through legal assistance to victims, training and investigations. These organizations are in charge of sensitization for the respect of human rights and denouncement of violations. They have responsibilities to submit

⁸³ Art. 96 CCP.

⁸⁴ Art. 88 and 89 CCP.

⁸⁵ Art. 8 of law n° 15/2004 of 19/7/2004, relating to evidences and its production.

reports to the institutions in charge for the follow up, repair and prevention of future cases.

145. To ensure dissemination of information to the population at large concerning, MINIJUST, the Supreme Court, the NPPA, the National Police, the NCHR and the Office of the Ombudsman have annual plans for the training of their staff. These trainings are designed by Judicial Police staff,⁸⁶ LDF, medical doctors⁸⁷, local authorities⁸⁸ and RCS staff⁸⁹. Radio and TV shows were organized by several institutions to sensitize community about laws enforcement, civil and political rights including prohibition of torture and other ill treatment.

146. The nature and the frequency of training sessions are noticed by the creation of an Institute of Legal Practice and Development⁹⁰ to mainly ensure the continuous training of judges, PPOs, JPOs, judicial support personnel and lawyers. This staff is trained on respect for human rights, criminal procedure, the administration of evidence, support for victims and protection of witnesses of violence, investigative techniques of specific crimes (such as terrorism and domestic violence) and international law, including the implementation of treaties which Rwanda has ratified. Participants are appointed based on the theme being developed. There are successive sessions, and at least two sessions are held quarterly⁹¹. The training designed by staff of judicial professionals emphasizes respect for human rights in general, respect for limitations of detention periods, subordination of the Judicial Police to the Public Prosecutors staff, free access to a lawyer, international legal instruments related to human rights ratified by Rwanda, and the rights of the detainees in general and particularly those of vulnerable groups in detention, such as women, minors and the sick.⁹²

147. The National Police, the National Public Prosecution Authority and the Rwanda Correctional Service have inspectorate services responsible for investigating on the complaints relating to performance of the staff to avoid bad use of power which can generate torture or ill treatment of arrested person. These inspectorates have been instituted to ensure that persons arrested or detained are not subject to torture or ill-treatment. Prohibition of torture and cruel, inhuman or degrading treatment forms an integral part of the operational rules and ethical standards of law enforcement officials.

148. The legal provisions related to expulsion, removal and extradition are provided in Rwandan legislation. Extradition is only authorized within limits provided by law and in conformity with international ratified by Rwanda (Article 18 of the Penal Code). A law on extradition is being adopted in the Parliament, extradition may be denied if the requested person would not receive the minimum

⁸⁶ Training session organized by Advocates without Borders in March 2010 on the Treaty against torture intended to Judicial Police Officers (JPO).

⁸⁷ Training of 9 March 2008, on the role of medical doctors in the fight against violence committed to women and minors, New Times, 11 March 2008.

⁸⁸ Training session of June and November 2007, 1480 people were trained on the fundamental principles of human rights comprising prohibition of acts of torture and ill-treatments.

⁸⁹ Training session of June 2010, organized by Penal Reform International NGO on the rights of the detained people.

⁹⁰ This Institute was created in 2006 by the law n° 22/2006 of 28/04/2006, O.G. n° special of 06/07/2006.

⁹¹ www.ilpd.ac.rw.

⁹² Referring to the Training Programs (2009-2010) of NGOs like: ASF, PRI, and HAGURUKA with their partner's institutions.

guarantees in criminal proceedings as provided for under the International instruments. Article 8 of Organic Law N° 37/2007, on the abolition of the death penalty, provides that if a state requests extradition of a suspect and the offence for which the suspect is accused is punishable by death in the requesting State, the Rwandan Government will only agree to extradition if the requesting State provides formal assurances that the death penalty or torture will not be applied. No Rwandan can be extradited abroad⁹³.

149. More specifically, the Law N° 54/2011 relating to rights and protection of the child⁹⁴ provides for care and welfare of a child in penal proceeding of a child. Any criminal proceeding concerning a child must care his/her welfare and the judge's decision must always take into consideration his/her personality. This law prevents all forms of violence against children including corporal punishment as a form of violence. In its article 25, it is provided that "Parents, guardians or other persons legally responsible for the child have responsibility to ensure appropriate direction and guidance, education as to respecting others and loving and serving the country for the full development of capacities of the child, according to the national culture. During the education of the child, the reprimand must not consist in traumatizing him/her; it is done with humanity and dignity". Beside the legislative measure, the ICRP prohibits corporal punishment of children is prohibited everywhere in homes, communities, schools, detention/ remedial centres, police stations and other institutions.

150. Article 218 of the Organic Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code provides that: "Any person, who inflicts severe suffering on a child, harasses or imposes severe or degrading punishments on him/her shall be liable to a term of imprisonment of six (6) months to two (2) years and a fine of one hundred thousand (100,000) to three hundred thousand (300,000) Rwandan francs. If one of the offences under Paragraph One of this Article results in the child's disability, the penalty shall be a term of imprisonment of more than five (5) years to seven (7) years and a fine of five hundred thousand.

151. The Ministerial Order on general regulation of preschool, primary and secondary education in preparation together with other regulations in education sector provides that punishment shall not be used in school. The punishments are decided by the Discipline Board of the School. The misconduct of a student shall not be punished by insults, expulsion, beating or other ill-treatment of any kind. In the awareness campaigns on the rights of the child; special emphasis is placed on the prevention of violence against children, including punishment. In schools, corporal punishment has been replaced by other punishments such as asking a child to work in the school garden for a while.

152. MIGEPROF has taken initiatives aiming at putting the end on violence against children including corporal punishment through media, SMS, leaflets. In addition, MIGEPROF in cooperation with UNICEF and other partners organized a national conference on ending violence against children on 3-4 October 2011. The conference brought together representatives of national and international civil society organisations, government ministries and development partners to discuss the nature and scale of violence against children in Rwanda, its roots and impact as well as other issues including: discipline and positive parenting, sexual violence targeting

⁹³ Article 25 of the Constitution.

⁹⁴ This law repealed the law N° 27/2001 of 28 April 2001.

children, abuse through child labour, social norms impacting violence against children.⁹⁵

153. The phenomenon of female genital mutilation does not exist in Rwanda.

154. Medical or scientific experimentation: The Penal Code provides penalties to illegal remove of a human organ or some of the human body products. Any person who removes a single and essential body organ which is vital to the preservation of life which cannot regenerate even if he/she wants to transplant that organ into another person shall be liable to a term of imprisonment of seven (7) years to ten (10) years and a fine of five million (5,000,000) to ten million (10,000,000) Rwandan francs. Any person who removes an human organ or some of the body products from a person without his/her consent during his/her lifetime or if that removal prevents the determination of cause of death shall be liable to a term of imprisonment of one (1) year to five (5) years and a fine of one million (1,000,000) to three million (3,000,000) Rwandan francs. Any medical doctor who removes a human body organ without producing a prior death certificate issued by an authorized person shall be liable to a term of imprisonment of one (1) year to five (5) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs (Article 270–272).

Prohibition of slavery and servitude (Article 8)

155. The Penal Code and other laws in force in Rwanda provide for and punish contemporary forms of slavery and all other forms of servitude such as bonded labour, enforced domestic work, forced marriages, abduction of women and children, and all forms of human trafficking, and considers as an aggravating circumstance when the abducted person is under eighteen years. Enslavement and slave trade, slavery like practices and forced labour in any form as a war crimes; forcing civilians, including children to take part in hostilities or to perform works related to military service purposes are considered and punished as war crimes if they are committed in armed conflicts.⁹⁶

156. Law n° 13/2009 of 27/05/2009 regulating labour in Rwanda⁹⁷ prohibits forced labour and worst forms of child labour, slavery and similar practices⁹⁸. This law defines forced labour as any work or service required of an individual under threat of any punishment whatsoever and for which individual concerned did not offer his/her consent.

157. Rwanda ratified the International Labour Organization (ILO) Convention N° 29 of 28 June 1930 on Forced or Compulsory Labour, ILO Convention N° 105 of 25 June 1957 on the Abolition of Forced Labour, ILO Convention N° 182 of 17 June 1999 on the prohibition of the Worst Forms of Child Labour and took necessary measures for their application. Rwanda is also a party to the Slavery Convention of 1926, amended by the Protocol of 1953, the Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational

⁹⁵ MIGEPROF annual report, 2011-2012.

⁹⁶ Article 126-127 of the Penal Code.

⁹⁷ This law amended the law N° 31/2001 of 30 December 2001 highlighted in the CCPR third report.

⁹⁸ Articles 195, 250-263.

Organized Crime⁹⁹ as well as to the Palermo Convention and its Protocols and the Hague Convention on the Civil Aspects of International Child Abduction.

158. From 2011-2013, 18 suspects were arrested for trafficking girls to Asian countries for commercial sex — whose trial began early. At least three girls have so far come forward to testify against the suspects, saying they had been recruited by the duo on promises of well-paying jobs in China. Following the duo's arrest, the Embassies and diplomatic consulars in Kigali announced new stringent requirements people seeking a visa would have to fulfil¹⁰⁰.

159. Existing kinds of work or service that are an ordinary consequence of a court order for persons under detention and for persons under conditional are “Travaux d’Intérêt Général”. These are community services as an alternative penalty to imprisonment commonly known by its French acronym; “TIG” is an alternative sentence for individuals convicted of genocide or crimes against humanity. TIG is aimed at punishing, strengthening Unity and Reconciliation of Rwandans and impacting on national development. Some of the activities under TIG include speeding up the construction of classrooms under the Education for All programme, environment protection through terracing, building and repair of roads, land consolidation, construction of houses for vulnerable genocide survivors, paving stones, planting cassava, coffee/tea among others. Community service as alternative penalty to imprisonment may be imposed also in other matter than genocide cases as follows: when an offence is punishable by a term of imprisonment of six (6) months to five (5) years, in case of a convict failure to comply with court orders and when the debt arising from an offence is not paid in whole, in this case community service is imposed proportionally to the remaining amounts upon request by the Public Prosecution.¹⁰¹

160. During work camps, convicts under TIG are taught vital skills that will help them when they are reintegrated back into the community. They also receive civic education lessons and training in literacy and numeracy. They are also given an opportunity play games with local residents of areas in which they are working. A considerable number of TIG convicts have completed their sentence and have been reintegrated back in their communities. 52,284 convicts have started their sentence in TIG camps or nearby their home up to 30th June 2012 and 38,620 have completed their sentence and returned back to their home¹⁰².

Right to liberty and security of person (Article 9)

161. The information on liberty and security of person contained in the third periodic report remains valid. The paragraphs below, however, summarize the main changes that have occurred since the submission of Rwanda's previous report on the Covenant. Community policing at local levels is taking root and the assessment of the program reveals improved security and shared responsibility in peace sustenance and maintenance.

⁹⁹ A.P. n° 163/01 du 31/12/2002, J.O. n° 12 ter du 15/06/2003 p. 28.

¹⁰⁰ National Police Communiqué, June 26, 2012.

¹⁰¹ Article 47-49 of the Penal Code.

¹⁰² RCS, Completion of EDPRS/CAPF REPORT 2011/2012. EDPRS refer to the Economic Development Poverty Reduction Strategy while CPAF is meaning the Common Performance Assessment Framework.

162. The Code of Criminal Procedure and other related national laws offer sufficient guarantees for the rights of persons arrested or detained, including a medical examination, access to a lawyer and contact with any person of his or her choice, including members of his or her family. This code lays down rules on the length of police custody. These rules are mandatory and strictly applied as stated above.

163. There is no detention center for mental ill in Rwanda. There shall be no criminal liability when the accused was suffering from insanity during the commission of the offence¹⁰³. After the 1994 genocide in Rwanda, the need to educate people and establish mental health services were identified as vital aspects of rebuilding the country. In 2010, different programmes have been put in place by Government: integrate mental health services into all health facilities of the health System; revise the Mental Health Policy and elaborate a comprehensive mental health strategic plan; develop standards and guidelines for the integration of mental health into primary health care; establish a mental health service for children; strengthen IEC with regards to mental health and promote community care of mental health problems; and revise the legislation regarding mental health.

164. The national mental health policy allowed for initiating a dynamic of decentralization with the creation of referral services both in hospitals and a mobile care services. Today this policy has been revised to meet the evolution of the context and adequately respond to the challenges of mental health within the Rwandan community. Priority is to coordinate initiatives in the mental health sector, ensuring the implementation of national policy in mental health. Within the limits of its resources, this program ensures the quality of mental health care, responds to the needs of citizens as close to them as possible, and promotes community mental health.¹⁰⁴

165. The RBC/Mental Health (MH) Division conducted regular clinical supervision visits to improve the quality of mental health care and a psychiatrist at CHUK provided regular mentorship sessions. Supervisions of mental health services in district hospitals were conducted. RBC conducted several training sessions for trainers and health care providers. To increase accessibility for mental health services, the RBC/Mental Health Division organized a celebration of World Mental Health Day on 10th October each year. The main activities conducted during the World Mental Health Day campaign included a March and press conference given by mental health experts on specific topics to raise awareness and decrease stigma towards mental patients. During the 19th commemoration period, approximately 4000 people received trauma care services. During the commemoration of Genocide, RBC/Mental health division organized awareness sessions for general population in order to increase knowledge on existing services for psychological trauma cases. To increase the quality of mental health services provided through availability and accessibility of specialized mental health care services for clients, 43 district hospitals have mental health services with at least one mental health nurse. Specialized mental health services are provided at CHUK in the mental health department and at Ndera Psychiatric Hospital. Mental Health referral services are provided at CHUK for outpatient care and at Ndera Psychiatric Hospital for inpatient care.

¹⁰³ Article 101 of the Penal Code.

¹⁰⁴ National Mental Health Policy in Rwanda, 2012.

166. The Mental Health Division in the Ministry of health focuses on mental health aspects of drug dependence. The campaign against drug abuse under the following slogan “Ibiyobyabwenge: Oya! Ndabyanze, mpisemo ubuzima” (I say no to drugs, I preserve health) was initiated. As the campaign against the use and distribution of narcotics intensifies across the country, authorities have enlisted the assistance of former drug traffickers and users to help fight the vice. Rwanda has joined the world for the International Day against Drugs, held under the same theme. Young people have been mainly invited because they are the category of people among who drugs are most widespread. The national campaign against drug abuse focuses mainly on youth in school and out of school.

167. The Law N° 03/2012 of 15/02/2012 governing narcotic drugs, psychotropic substances and precursors in Rwanda has been published. Rwanda is party to the Single Convention on Narcotic Drugs, 1961 (acceded to on 15 July 1981), the Convention on Psychotropic Substances, 1971 (ratified on 21 February 1971), United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (acceded to on 13 May 2002). Article 594 of the Penal Code provides penalties to any person, who consumes, injects, inhales, anoints him/herself with or makes any other unlawful use of narcotic drugs and psychotropic substances. He or she shall be liable to a term of imprisonment of one (1) year to three (3) years and a fine of fifty thousand (50,000) to five hundred thousand (500,000) Rwandan francs. Any person who, unlawfully, makes, transforms, imports, or sells narcotic drugs and psychotropic substances within the country, shall be liable to a term of imprisonment of three (3) years to five (5) years and a fine of five hundred thousand (500,000) to five million (5,000,000) Rwandan francs. If the acts under Paragraph 2 of this Article are committed internationally, the penalties shall be doubled. In 2011-2012, 2,402 people were arrested in connection with the banned substances. Men dominated the crime with 2,139 netted. Younger people aged between 18 and 35 are the most abusers with 1,910 incarcerated in 2011 for smoking cannabis.¹⁰⁵

168. Legislation prohibiting, and safeguards against, any form of arbitrary detention has been developed since submission of the third report. Illegal detention is prohibited by the law; the victim enjoys the right to lodge an appeal before the judge to obtain compensation through the habeas corpus procedure. When the judge deems that the detention was illegal, he/she may immediately convict without any delay the person responsible for the illegal detention, whatever his/her position in conformity to punishments provided for by the Penal Code.¹⁰⁶ Rwanda Correctional Service (RCS) provides for a regular inspection of the prisons to ensure compliance with the laws and regulations. The Public Prosecution shall carry out regular inspections of the prisons to ensure that legal procedures and the sentences determined by courts are being observed. Prisons shall also be inspected by international organizations, according to international conventions ratified by Rwanda. State organs, local or international non-governmental organisations working in Rwanda, international organisations providing human rights protection or humanitarian aid and researchers may be authorized to carry out prison visits. No person shall be admitted into prison without a committal order bearing the date, number, signature and the names of the issuer, stamp of the Court that ordered the imprisonment, particulars of the incarcerated person and the date of his/her arrest.¹⁰⁷

¹⁰⁵ Rwanda National Police Report 2012.

¹⁰⁶ Article 91 of the Law N° 30/2013 of 24/05/2013 relating to the Code of criminal procedure.

¹⁰⁷ Articles 26-28 of the Law N° 34/2010 of 12/11/2010 on the establishment, functioning and organisation of Rwanda Correctional Service (RCS).

169. In case of emergency due to terrorism the law provides that arresting a terrorist suspect without an arrest warrant. The duration of detention remain strict as in the regular situation. Security agents may arrest a terrorist suspect without an arrest warrant but shall notify the relevant authorities not later than forty eight (48) hours. A Police officer, a security agent or any other authorised person may arrest without warrant in case of clear reasons for suspecting such a person to have committed or attempts to commit acts of terrorism and shall hand him/her over to the nearest police station in a period not exceeding forty eight (48) hours.¹⁰⁸

170. The law governing Rwanda Correctional Service (RCS) provides for more extensive rights of the person under detention, especially the right to be treated with dignity and the respect of human rights. The person under detention is especially protected against any forms of torture, cruel and any other inhuman or degrading treatment. No discrimination whatsoever based on ethnic origin, colour, sex, language, religion, political opinion, nationality, social origin, economic status, birth or any other status shall be permitted.¹⁰⁹

171. The Ministerial Instructions of the Minister of Internal Security N° 09/08 of 16 June 2008 related to the conditions of detention stipulates that a detainee enjoys the right to medical treatment when his/her state of health so requires, right to be visited by friends and relatives and the right to food. In Article 8, these instructions stipulate that no person can be detained contrary to what is provided for by the law and detentions in the secret places are prohibited. Article 88 of the Criminal Procedure Code stipulates that under the terms of the present provision, detention in a place other than police or military station or appropriate prison shall especially constitute an illegal detention.

172. Statistical data on the number of inmates held in remand are 7.44% while 92.56% are sentenced.¹¹⁰ RCS has currently 13 prisons facilities. To meet international standards, plan is to close old prisons to build new ones and to expand detention centers.¹¹¹ The well known and most internationally acknowledged prison facility is Mpanga Prison. It is located in Nyanza District, Southern Province and has a wing designed for international prisoners which houses eight (8) prisoners from Sierra Leone. There is also a rehabilitation centre for minors in Nyagatare District, Eastern province. There has been increase of space for sleep (80 cm by 2 m) as provided under international standards. Regular monitoring of hygiene and good prison administration is provided by supervisory institutions, including the NCHR, the Office of the Ombudsman and other NGOs like the ICRC and Detention in Dignity (DID), ARDHO and LOH. ICRC and NHRC have a permanent authorization to visit prisons to observe the respect of Human Rights for detainees.

173. In Rwanda, every person, whether a foreigner or not, arrested or whose rights and liberties have been violated has the right to judicial or administrative remedy before a competent court or administrative authority. Article 19 of the Constitution provides that “Nobody may be denied the right to appear before a judge whom the law assigns”. The authority has the obligation to examine and to make a ruling on the appeal that has been lodged before it. Its founded decision shall be communicated to

¹⁰⁸ Article 44-45 of the Law N° 45/2008 of 09/09/2008 on counter terrorism.

¹⁰⁹ Article 23 of the Law N° 34/2010 of 12/11/2010 governing Creation and Organization of Rwanda Correctional Service.

¹¹⁰ RCS Report, July 2013.

¹¹¹ The 3 prisons under construction are MAGERAGERE, BUTAMWA and GIKOMBE has been finalized.

the claimant in public session as for judicial remedies and by any other means as for an administrative remedy.¹¹²

174. Criminal cases must adhere to the following substantial principles: 1° being held in public; 2° being fair and impartial; 3° respect for the right to defence and to legal counsel; 4° adversarial proceedings and equality of parties before the law; 5° basing on evidence lawfully produced, being rendered within the time limits prescribed by law with the judgment and being rendered in the language used in the pleading. The prosecution procedure shall be carried out and completed in accordance with law.¹¹³

175. All civil cases introduced to the court shall be tried in a period not exceeding six (6) months starting from the date the court received the claim. Otherwise, the President of the seized court shall explain to the President of the Supreme Court in writing the reasons thereof and shall also inform parties to the case. Apart from hearing urgent claims that are realised in case, all cases shall be given a date for hearing in accordance with the order of recording in the roll.¹¹⁴

Treatment of persons deprived of their liberty (Article 10)

176. Rwanda implemented the philosophy of the fundamental principles on the treatment of people deprived of freedom by creating the Rwanda Correctional Service (RCS). The law N° 34/2010 of 12/11/2010 establishing the RCS guarantees the rights of all jailed persons, especially the right to be treated with dignity and protected against all forms of torture, cruel and inhuman or degrading treatment. Furthermore, no form of discrimination is authorized. Article 7 of the instructions of the Minister of Internal Security No. 09/08 of 16/06/2008 related to conditions of detention during arrest, food supply and the visits of the detainees, provides that the accused deserves medical treatment when required by his or her health state. Article 8 of these instructions provides that no one shall be arrested contrarily to what is provided by the law. Inhuman or degrading acts and torture or other ill treatment likely to extort a confession from the accused are forbidden. A code of ethics of the judicial profession, the Statute of Public Prosecution Personnel and the Statute of Police National Officers have been implemented and provide disciplinary or penal sanctions in cases of violation of the code of conduct¹¹⁵.

177. The newly established Rwanda Correctional Services (RCS) is responsible for the promotion and protection of the rights of incarcerated people in accordance with laws. It is also responsible for ensuring the respect of the life, physical and moral integrity and the wellbeing of detainees. The Presidential Order governing the construction and the organization of prisons in Rwanda stipulates that each prison facility must have dormitories, suitable toilettes, sports courts, a health center, guest's halls, a kitchen, water and electricity, as well as appropriate air conditioning system for the welfare of detainees and the preservation of safe environment. Each

¹¹² Article 93, Point 1 of the Law governing Organization, functioning and Jurisdiction of courts.

¹¹³ Article 150 of the Law N° 30/2013 of 24/05/2013 relating to the Code of Criminal Procedure.

¹¹⁴ Article 13 of the Law N° 21/2012 of 14/06/2012 Law relating to the civil, commercial, labour and administrative procedure.

¹¹⁵ Law n° 22/2004 relating to the Public Prosecution statutes and its staff, the Law n° 09/2004 relating to Judicial Code of conduct, Ministerial Order n° 004/05 of 22/12/2005 instituting, regulations, sanctions and disciplinary procedure in the National Police.

inmates/prisoners in Rwanda has a health facility with medical personnel but, in case of serious illness, prisoners are transferred to the Rwandan District hospitals.

178. In an effort to find a solution to the problem of congestion in prisons, new prisons have been constructed: Mpanga prison (Southern Province), in which are imprisoned criminals from the Special Court of Sierra Leone; children rehabilitation centre of Nyagatare (Eastern Province) for only minors; the prison of Gikombe (Western Province), as well as the prison of Mageragere (Kigali City). The Special Court for Sierra Leone agreed with the International Criminal Tribunal for Rwanda (ICTR) on the quality of the detention Center, which the UN deemed met international standards. Rwanda has also adopted alternative measures to imprisonment including community works (TIG). By end 2011, more than 11,000 people who were under the TIG programme have been reintegrated in society. Regular release on parole of prisoners before the end of their prison sentences under certain conditions is other adequate solution to overcrowding in detention centers.

179. All 14 correctional services provided treatment for tuberculosis (TB), and eight provided full TB diagnostic and treatment services. Even those who are HIV positive, receive ARV's and balanced diet so they can stay strong. The same improved conditions are provided for suspects under pre-trial detention. The government is also lenient enough to release those who are unable to complete community work due to failing health. The government established nursery schools for children under three years' old living with their mothers in prisons. Each nursery school also has a cow to provide fresh milk to the children. Children or juveniles under pre-trial detention are put in separate cells with modern facilities waiting for hearing.

180. Inspection of police practices, especially regarding custody, is regularly done by the Judicial Police Inspection, prison inspectors, Ministry of internal security, commissioners, Public Prosecution Officers, National Commission for Human Rights, the Office of the Ombudsman and non-governmental organizations. Inspections are regularly conducted upon receipt of information that violations of human rights, acts of torture inclusive, are taking place. National and international organizations like the ICRC and DID have always regularly visited detention centers and prisons. These regular visits to prisons especially aim to observe the following points: living conditions of the detainees, the detainees' dossier status, the status of women accompanied by infants, the situation of minors in detention and the situation of detainees with terminal conditions or HIV/AIDS.

181. Detention in secret places is prohibited. Article 88 of the CCP provides that secret detention is considered illegal detention, and includes any detention out of police custody, military custody or in an appropriate prison. Police or military custody as well as prisons are governed by the law.

182. The control mechanisms of law enforcement officials have been implemented to avoid abuses that may lead to torture or ill treatment. Article 89 of the CCP provides that when a person is detained unlawfully any judge who is appointed to a court which is located near the place where the person is detained and whose competence covers the offences the detained person is alleged to have committed can, upon request by any interested party, order the officer who detained that person to appear and produce the detainee in order to indicate the reason and manner under which he or she is detained. If the judge decides there has been unlawful detention, he may immediately stipulate punishment for any officer who unlawfully detained the person. The punishment is provided for under the Penal Code. When a person is arrested and detained, the Judicial Police Officer has 72 hours to instruct and forward the dossier to the Public Prosecutor Officer. The latter has 7 days of

instruction and should forward the dossier to the tribunal. The order of the judge on preventative detention is given within 24 hours. The order authorizing preventative detention is valid for 30 days, renewable each month. It may not be extended for contraventions nor be extended beyond six months for misdemeanors or beyond one year for felonies.

183. An Institute of Legal Practice and Development (ILPD) has been put in place to ensure a continuing education and courses for Judicial Police Officers, Public Prosecutors Officers, judges and lawyers. A total of 212 judges, prosecutors and lawyers have participated in the five sessions presented since 2008. In addition, the Institute has presented a total of 86 continuing legal education short courses, involving a total of 2,246 participants until 2011.¹¹⁶

184. Individuals especially at risk are specifically protected in detention. Men are separated from women and minors from adults. Practically, men and women are detained in different blocs, with their health states and sentences taken into consideration. Knowledge-improving programs and leisure are provided. A jailed pregnant or breastfeeding woman receives appropriate treatment. Infants get food appropriate for their age and are turned over to their families at the age of three years. If the infant has no family to receive it, the Government finds it a host place. Sick people, such as diabetics and people living with HIV/AIDS, receive appropriate healthcare, food, RVs and other related support. Other rights of jailed persons are also recognized, including the right to worship and right to 50% of income from any work performed (Article 25 of the law relating to creation of the RCS).

185. The RCS has an inspection service in charge of the follow up on detention conditions and the management of prison assets. It regularly conducts visits into all county prisons. At each opportunity, the inspection service writes a report and gives recommendations to improve the living conditions of incarcerated people and promote good prison administration. At the end of each visit recommendations are forwarded to the institutions in charge, so they may implement the improvements. To avoid overcrowding or detention beyond the period of conviction, release on parole is regular implemented in accordance with the law. Since January 2003, 60,278 detainees have been released. These measures are applied each year to bring solutions to detention conditions. In 2012, 2,290 detained people, among whom 59 soldiers were released¹¹⁷.

186. There are no specific detention conditions for asylum-seekers or irregular migrants.

Prohibition of imprisonment for inability to fulfill a contractual obligation (Article 11)

187. Inability to fulfil a contractual obligation does not expose person to a prison sanction pursuant to Article 17 of the Constitution of the Republic of Rwanda that stipulates that “no one shall be imprisoned on the grounds of the inability to fulfil an obligation arising from civil or commercial laws”. In civil matter, Penalty forcing the execution is provided by article 216 of the Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure. It states that: during trial of civil, commercial and labor cases a judge may, provide a sentence to the adversary

¹¹⁶ ILPD: Judicial training in Rwanda, 2011.

¹¹⁷ MINIJUST, Department of Human Rights, Archives, 2012.

to pay a fine for failure to fulfill court decision or delay of payment calculated on daily, weekly, monthly or annual basis in case of failure to respect the merits of judgment without prejudice to payment of a fine of moral damages if necessary.

Freedom of movement and circulation (Article 12)

188. Every Rwandan has the right to move and to circulate freely and to settle anywhere in Rwanda. Every Rwandan has the right to leave and to return to the country. These rights shall be restricted only by the law for reasons of public order or State security, in order to deal with a public menace or to protect persons in danger. Every Rwandan has the right to his or her country. No Rwandan shall be banished from the country (Article 23 and 24 of the constitution).

189. Rwanda is party to the following regional agreements: Treaty for the Establishment of the East African Community and its Protocol on the Establishment of the East African Community Common Market, especially Part D related to free movement of workers (01 July 2007), Convention on Free Movement of People, Goods, Services, Capital and on the Right of Establishment in Great Lakes Countries (between Rwanda, Burundi and DRC, 14 November 1986), Protocol instituting meeting of Governors of cross-borders provinces of Rwanda, Burundi and DRC (27 Mai 2009). Rwanda participated in the adoption of the Strategic Framework for the Migration in Africa and African Common Position on migration and development, adopted during the Seventh Ordinary Session of the African Union Conference held in Banjul, in July 2006. These proposals provides for a set of measures to be implemented. A new immigration policy has been designed in an effort to merge Rwanda's development strategies with the flow of people into the country. This new policy is to open Rwandan doors to foreigners while maintaining national security and integrating Rwandan Diaspora. Especially, African citizens coming to the country maximize the benefits from the new visa policy. From January 2013, visas are issued to nationals of African countries with valid passports upon entry to the country.

190. The right to asylum is guaranteed under the Rwandan law. The extradition of foreigners is permitted only if it is in line with domestic law and/or international conventions to which Rwanda is signatory. Rwanda ratified the Convention Relating to the Status of Refugees, the Protocol Relating to the Status of Refugees and the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa has been signed and is in the process of ratification. To complement the above treaties, several legislative measures have been adopted, including the law on refugees and the law on immigration and emigration. The family, which is the natural formation of the Rwandan society, is protected by the State (Article 27 of the Constitution of the Republic of Rwanda). The article 23 of law on refugees guarantees family reunion by stipulating that foreigners who permanently reside in Rwanda shall be facilitated to be joined by members of their families. Article 22 of the law on refugees states that: refugees admitted in the Rwanda benefiting from rights recognized in treaties ratified by Rwanda.

191. The Ministry in Charge of Disaster Management and Refugees and the Ministry in charge of social affairs, joined tripartite meetings with UNHCR and the countries of origin of refugees hosted by Rwanda and countries hosting Rwandan refugees in the search for durable solutions to the problem of refugees. Such countries are mainly Uganda, DRC, Malawi, Zambia, Kenya and Burundi. Returnees have been resettled, given land by the government, while UNHCR provided them

with iron sheets to construct shelter. The Ministry of Health in collaboration with local health centres provided returnees with medical care, including the community health insurance.

192. The essential role of the Directorate General for Immigration and Emigration is to facilitate entry of foreigners, tourists, investors and qualified workers into the country and to issue travel documents to Rwandan citizens and foreigners who are entitled to them; issue visas and permits to foreigners; promote national security by effective management of borders and issues related to migration and to ensure cooperation with other national or international institutions in charge of migration issues.

193. Rwanda receives a large number of migrants. According to the EICV 3 on thematic report on Economic Activity, migration rate is 10.7%¹¹⁸. The improvement of the economic situation in the last ten years and the implementation of support programmes for the growth of the economic sector facilitated the legal immigration in Rwanda. The statistics on the entries during the years 2012 demonstrate that Rwanda annually receives an ever increasing number of migrants in general.

Table 2
Migratory Flow, 2012

<i>Movements</i>	<i>Visit</i>	<i>Business</i>	<i>Transit</i>	<i>Others</i>	<i>Total</i>	<i>Month</i>
Entry	60375	62308	110081	603482	836246	JANUARY
Exit	77793	74639	96509	577362	826303	
Entry	41323	47207	108037	629880	826447	FEBUARY
Exit	51092	35059	78460	693885	858496	
Entry	44244	54113	91854	712801	903012	MARCH
Exit	40155	57979	93556	740203	931893	
Entry	49918	61512	93612	649581	854623	APRIL
Exit	53728	67998	88586	619086	829398	
Entry	38245	61640	98016	666057	863958	MAY
Exit	216897	76978	90706	699510	1084091	
Entry	51940	54445	95547	627891	829823	JUNE
Exit	55200	59074	95963	614212	824449	
Entry	53110	60515	123135	591403	828163	JULY
Exit	53262	62521	85719	555936	757438	
Entry	64419	61837	90311	539198	755765	AUGUST
Exit	63883	69181	86288	547317	766669	
Entry	64440	58005	120473	99797	342715	SEPTEMBER
Exit	67932	64048	56912	71391	260283	
Entry	46989	58658	111402	82764	299813	OCTOBER
Exit	48034	68913	40781	60149	217877	
Entry	56740	79032	76376	119415	331563	NOVEMBER

¹¹⁸ EICV 3 - Thematic Report on Economic activity. NISR 2012.

<i>Movements</i>	<i>Visit</i>	<i>Business</i>	<i>Transit</i>	<i>Others</i>	<i>Total</i>	<i>Month</i>
Exit	42597	85607	39288	82373	249865	
Total entry					5,106,423	
Total exit					4,990,070	

Source: Directorate General of Immigration and Emigration, 2013.

194. Foreign nationals who wish to obtain a Rwandan visa have to submit their applications to the Rwandan Diplomatic Mission accredited to their respective countries of residence. In the case of nationals of countries where there is no Rwandan Diplomatic Mission, they may apply online on the following website: www.migration.gov.rw and obtain a Rwandan visa at any official entry posts into Rwanda. Based on bilateral agreements, nationals from some countries receive a visa free of charge at any entry point into Rwanda for a specifically determined period¹¹⁹.

195. Populations from neighbouring countries living along the borders with Rwanda are facilitated to cross into Rwanda to carry out their activities or visit relatives and friends in the Rwandan border districts by presenting their national identity cards. They are given a token at the border post which they return to the immigration authorities on their way back to their counties. Workers from CEPGL member States and foreigners residing in CEPGL member States who do not reside in Rwanda but enter Rwanda on daily basis to exercise their activities use the "Autorisation Spéciale de Circulation CEPGL". Article 30 of the law N° 1/2011 of 21 March 2011 on immigration and emigration provides for cross-border documents for the population along common borders: "border populations shall be issued with a cross-border travel documents that enable them to carry out their daily activities on the other part of the border in conformity with bilateral or multilateral agreements signed between Rwanda and neighbouring countries or regional organisations".

196. The law on immigration and emigration provides that: a foreigner shall be refused a visa or a residence permit if: 1° he/she has a substantial criminal record; 2° he/she has or had an association with an individual, a group or an organization suspected of having been or being involved in criminal activities; 3° the Directorate General has reason to believe that he/she can be a threat to national security and public order. A foreigner cannot obtain a visa or a residence permit where: 1° he/she is subject to an arrest warrant for crimes whether committed in Rwanda or abroad provided they are recognised as such in Rwanda; 2° he/she denies or negates the genocide; 3° he/she is a deported person and is not rehabilitated; 4° he/she is a member, a supporter of an association or an organisation characterized by acts of racial discrimination or causing unrest; 5° he/she is likely to become a burden for the country; 6° the Directorate General considers that he/she may undermine good morals, public order and security of the country.

197. A foreigner may be declared undesirable in Rwanda where: 1° his/her travel document expired and he/she cannot have its validity extended or obtain another one; 2° he/she entered and stayed in Rwanda with a valid visa or residence permit but overstayed in Rwanda after the expiration of validity of his/her visa or residence permit; 3° he/she is authorized to remain in Rwanda but he/she engages in activities other than those he/she has been authorized for; 4° he/she is unable to prove that he

¹¹⁹ These countries are the following: Burundi, Democratic Republic of Congo, Germany, Great Britain, Hong Kong, Kenya, Mauritius, Singapore, South Africa, Sweden, Tanzania, Uganda, USA.

she has sufficient funds to support himself/ herself while still in Rwanda; 5° he/she has been judicially declared incapable person; 6° he/she has been declared bankrupt by a judicial decision; 7° He/she is subject to an arrest warrant for crimes committed abroad or was sentenced by foreign courts if such crimes are recognized by Rwanda.

Admission of non-citizens and asylum seekers (Article 13)

198. The requirements for the admission of non-citizens, in particular asylum-seekers, to the territory of the Republic of Rwanda are provided by the laws. Conditions of entry into and exit from Rwanda are as follows: 1° pass through a legally established border post; 2° possess a valid travel document; 3° to be registered as provided by the Law; 4° possess a valid visa or any valid permit; 5° a foreigner may use any document other than the travel document in accordance with an agreement between Rwanda and his/her country. Any Rwandan returning to the country shall be in possession of valid travel document or other acceptable proof that he/she is a Rwandan¹²⁰.

199. The requirements for the admission of asylum-seekers in particular are defined by the law on refugees¹²¹. Any person who flees his country for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall, upon his arrival on the Rwandan territory, to appear before the nearest point of authority and benefit from primary rights of the human person. Subject to the provisions of other laws, he/she must be registered at an office of the nearest migration in a period not exceeding fifteen (15) days. This office shall issue a temporary permit to stay in the country until he/she is done registered by the Office of the Executive Secretariat of the National Council for Refugees.

200. The Director General of Immigration and Emigration shall order a foreigner to be deported by issuing a deportation order. Before deporting a foreigner, he/she may be provisionally detained as provided by the law. Where the decision to deport a foreigner has been made, a copy of the decision shall be given to the person to be deported. When the decision to deport a foreigner is taken, the expenses for his/her return shall be payable from the public funds unless the person to be deported agrees to pay the expenses. A deported foreigner may appeal the decision within thirty (30) days from deportation¹²².

201. In Rwanda, every person, whether a foreigner or not, whose rights and liberties have been violated has the right to judicial or administrative remedy before a competent judicial or administrative authority. Article 19 of the Constitution provides that “Nobody may be denied the right to appear before a judge whom the law assigns”. The authority has the obligation to examine and to make a ruling on the appeal that has been lodged before it. Its founded decision shall be communicated to the claimant in public session as for judicial remedies and by any other means as for

¹²⁰ Article 6 of the law n° 04/2011 of 21/03/2011 on immigration and emigration in Rwanda.

¹²¹ Articles 1 and 12 of law n° 34/2001 of 05/07/2001 on refugees.

¹²² Article 38 of Ministerial order n° 02/01 of 31/05/2011 establishing regulations and procedures implementing immigration and emigration law.

an administrative remedy¹²³. It is worth recalling here that, in accordance with Article 190 of the Rwandan Constitution, the International Covenant on Civil and Political Rights and similar treaties are automatically domesticated and can be applied by Rwandan Courts.

202. The right of appeal is not only against decisions rendered by courts, but also against decisions made by administrative authorities (especially against excess of power or abuse of authority) whose merit and ground is appreciated at the level of appeal by the High Court or the Supreme Court concerning administrative cases or by other competent courts as for other cases¹²⁴. The High Court shall also be competent to adjudicate cases with regard to extradition and asylum¹²⁵. Judicial or administrative remedies are respected by all authorities and constitute evidence for founded appeal by and are susceptible to guarantee rights to the latter and do not give room to any form of arbitrary nature.

203. Article 17 of law on refugees¹²⁶ stipulates that when an asylum seeker is not satisfied with the decision of the Refugees National Council, he or she may inform the High Court within 15 working days following the notification of refusal. The asylum seeker has the right to stay in Rwanda until the day of the Court's decision. The High Court also assesses the legality of decisions. It may overturn decisions or give damages to repair any prejudice¹²⁷.

204. The Constitution stipulates that any citizen or foreign national lawfully in Rwanda has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to. Any Rwandan national has the right to return to his country. A person may only be prohibited from departing by an order of a court given in accordance with the law.

205. In April 2010, the Government established a new Ministry of Disaster Management and Refugee Affairs (MIDIMAR), which is expected to provide more attention to issues related to refugees and displaced people. This will not only allow Rwanda to attend to free movement of people but also cater for those hit by disasters. The same ministry has been vital in steering the campaign that encourages voluntary repatriation and settlement.

206. Rwanda has also ratified the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa, adopted in Kampala, Uganda on 23 October 2009¹²⁸. The total of refugees and asylum-seekers in Rwanda is around 57,600. The majority of these refugees live in three camps, in Gihembe, Kiziba and Nyabiheke, with a small number residing in the capital, Kigali. All camp-based refugees receive shelter, food and medical assistance and education¹²⁹.

¹²³ Article 93, Point 1 of the Law governing Organization, Administration and Judicial Competences.

¹²⁴ As above.

¹²⁵ Article 15 of Organic Law N° 02/2013/OL of 16/06/2013 modifying and complementing organic law n° 51/2008 of 09/09/2008 determining the organisation, functioning and jurisdiction of courts as modified and complemented to date.

¹²⁶ Law n° 34/2001 of 05/07/2001 modified and completed by law n° 29/2006 of 20/07/2006, O.G. n° 15 of 01/08/2006.

¹²⁷ Art. 94 of the Law determining Organization, Functioning and Jurisdiction of Courts.

¹²⁸ Ratified on 27/12/2012, deposited note on 31/01/2013.

¹²⁹ <http://www.unhcr.org/pages/49e45c576.html>.

Right to a fair trial (Article 14)

207. The Judiciary of Rwanda is divided into ordinary courts and specialised courts. As it is provided for in the Constitution, Rwanda commits herself to the Rule of Law and the respect of human rights. This commitment has been translated in the initiation of reforms in the justice sector with the view to improve and ease access to justice. These reforms reduced the case backlog and discouraged endless proceedings. Primary Courts were empowered to handle most of the cases referred to courts by Mediation Committees. Laws have been reviewed to provide for a single judge system at all levels, except for the Supreme Court, in order to reduce delays in legal proceedings. Specialized chambers for minors as well as labour, administrative and commercial courts were established.

208. Increasing of lawyer's member of Bar Association contribute to a fair trial by providing legal assistance to people, especially women, child and indigent. In 1997 the Bar Association had 37 members only, operating in the Capital City, whereas their number has increased to 1,054 members in 2013, operating in all provinces of the country. It has administrative and financial autonomy. The Kigali Bar Association is an active member of East African Law Society (TESL), African Union of Lawyers "Lawyers Pan African Union (PALU)" which is a specialized agency of the AU; International Union of Lawyers (UIA), International Bar Association (IBA) International Institute of Law Chief Executive (IILACE) Commonwealth Lawyers Association (CLA), Criminal Bar and the International Conference of Bar of Common Legal Tradition (CIB).

209. The Government has introduced a legal assistance system to ensure access to justice by vulnerable groups. Anyone with a local authority certificate proving that he/she is indigent may access justice before courts without paying court fees. In all other cases for vulnerable persons, the Bar Association appoints a counsel to assist the needy people. The Ministry of Justice has opened Access to Justice Bureaus (Maisons d'Access à la Justice) in all districts. Three staffs are appointed in the said Access to Justice Bureaus to promote access to justice and to deal with gender-based violence and children rights cases. Civil Society Organisations also, with the support of different partners, put in place a Legal aid Forum, with the mission for delivering legal aid to the people.

210. The end of the year 2012 and the beginning of 2013 saw a number of activities/projects implemented within the Legal Aid Forum. In 2012 more than 13,000 people benefited from different legal aid services provided (including legal assistance/advice, legal and human rights education, mediation, free legal representation...). These beneficiaries include detainees/prisoners especially minors, and the general population especially the poor and vulnerable in rural communities.¹³⁰ The percentage of people satisfied with services of Maisons d'Access a la Justice (MAJ) increased from 68% in 2010 to 81% 2012. In addition, even though the legal aid fund is not yet established MINIJUST has successfully allocated a budget for Legal Support of 560M RWF to support the functioning of MAJ, Abunzi and Bailiffs.¹³¹

211. The ordinary courts include: The Supreme Court which is the highest Jurisdiction and it is headed by the President. It coordinates and oversees the activities of all courts and tribunals while ensuring judiciary independence. The High

¹³⁰ Legal Aid Forum, Newsletter, April 2013.

¹³¹ Rwanda Governance Scorecard 2012.

Court is headed by the President of the High Court (HC). The seat of the High Court is established in the City of Kigali. Its jurisdiction covers the whole territory of the Republic of Rwanda. It has four (4) chambers on secondment based in all provinces respectively and they are all headed by presidents. The High Court also has a special chamber which has jurisdiction over international or cross-border crimes. There are twelve Intermediate courts at the level of District which includes specialized chambers: Specialised Chamber for minors, Specialised Chamber for administrative matters, a Specialised Chamber for social matters. There are also sixty (60) Primary Courts in Rwanda with each Primary Court having two judges and a registrar at local level. There are specialized courts notably: Commercial Courts and Military Courts.

212. Gacaca courts began in 2001 and closed trials in June 2012, and have judged over 2 million cases¹³². These courts have the competence to try all Genocide suspects except top planners. Apart from the mission of trying the mass of the 1994 Genocide-related cases in a short time, Gacaca was also used as a tool for reconciliation between genocide survivors and perpetrators. As for certain cases requiring revision or appeal, they have been taken to ordinary courts while property cases have been treated by mediators committees (Abunzi) after closing of Gacaca courts.

213. Mechanisms for solving issues that were under the jurisdiction of Gacaca courts are clearly regulated by the Organic Law N° 04/2012/OL of 15/06/2012 terminating Gacaca courts and determining mechanisms for solving issues which were under their jurisdiction stipulates that the following offences “constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity” shall be tried at the first instance by an Intermediate Court: offenses or criminal participation acts aimed at planning, organising, inciting, supervising and leading the crime of genocide or other crimes against humanity, committed by a person with his/her accomplices; acts constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity committed between October 1, 1990 and December 31, 1994 by a person who, at that time, was in the organs of leadership, at national and prefecture levels with his/her accomplices.

214. The above law indicates that the following offences are in the jurisdiction of the Primary Court: acts constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity committed between October 1, 1990 and December 31, 1994 by a person who, at that time, was in the organs of leadership at sub-prefecture or commune level: in public administration, political parties, communal police, religious denominations, or illegal militia groups or encouraged other people to commit them, with his/her accomplices; acts of rape or sexual torture, committed by a person with his/her accomplices; homicide; acts of torture; dehumanizing acts on a corpse; serious attacks against others causing death; causing injuries or committing other serious attacks against people, with intention to kill them, even if the objective was not accomplished; other criminal acts against persons without any intention of killing (Art. 5).

215. Notwithstanding of the value of the subject matter and the address of the parties to proceedings, offences related to looting and damaging of property committed between October 1, 1990 and December 31, 1994, which were within the jurisdiction of Gacaca Courts shall be tried by the Mediation Committees applying laws governing these committees regardless that they were committed by civilians, gendarmes or soldiers. Offenders shall be ordered to pay compensation (Art. 6). Acts

¹³² Administrative Report of the National Service of Gacaca Courts, Government of Rwanda, 2012.

constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity committed by a soldier or a gendarme between October 1, 1990 and December 31, 1994, which were within the jurisdiction of Gacaca Courts but not relating to looting and damaging property shall be tried at the first instance by the Military Tribunal (Art. 7).

216. Judgments rendered by the Gacaca courts can be reviewed by a “competent court” in the following cases: if a person is convicted of homicide by a Gacaca Court final judgment and after the person alleged to have been killed is found alive; if a person is definitively convicted of homicide by a Gacaca Court and it is the only crime to which he/she is convicted, and later another person is convicted of the same crime where there is no complicity between the two; if, after a person has been acquitted by a Gacaca Court final judgment, it is found beyond reasonable doubt that there is reliable information disclosed during the period of collecting information, unknown at the time of adjudicating the case and which however proves his/her criminal responsibility; if a person has been convicted or acquitted by a Gacaca Court final judgment and later it is found that the bench which rendered the decision was corrupt, as decided by a competent court (Art. 10). All judicial proceedings are governed by guarantees provided by national laws and treaties in force in Rwanda.

217. Qualified judges have been recruited. Before 2004, out of 702 judicial personnel, only 74 were qualified judges, which correspond to 11%, while at present, all the 269 judges in the judiciary have at least a degree in law, women are 39.4% while men are 60.59%.

Table 3
Number of judges, gender and qualifications

Courts	Judges			Qualifications		
	Men	Women	Total	PhD	Master's	Bacc.(A0)
SC	7	7	14	1	2	11
HC	16	9	25	0	5	20
HCC	4	3	7	0	6	1
TC	12	3	15	0	10	5
TGI	58	37	95	0	6	89
TB	66	47	113	0	3	110
Total	163	106	269	1	32	236
Gender in %	60.5%	39.4%				

Source: The Judiciary, Annual Report 2011-2012.

218. Rwanda has strongly embarked on improvement of skills of lawyers, judges, police officers and prosecutors. To this effect, the Institute of Legal Practice and Development (ILPD) was created as a national institute to provide a Rwandan “post-graduate curriculum” for practical legal training and education in the development of the law and across three legal traditions – civil law, common law and African law. Over 212 judges, prosecutors and lawyers have participated in the five sessions presented since 2008. In addition, the Institute has presented over 86 continuing legal education short courses, involving over 2,246 participants until 2011.¹³³ In

¹³³ ILPD: Judicial training in Rwanda, 2011.

January 2013, 38 Rwandan judges were trained on the application of the International Human Rights Law in national courts. Besides the above general training that is given to all judiciary stakeholders, respective institutions, such as the Bar Association in Rwanda, National prosecution for prosecutors and the Judiciary for judges always have either joint or unilateral trainings on various human rights instruments.

219. A functioning, fair and accessible justice system is vital for promoting good governance, the rule of law and eradication of poverty. The overall improvement of the Rule of Law is due to the performance of the courts and the National Public Prosecution Authority. This is illustrated by the Performance of the Courts which increased from 62.23% in the Rwanda Governance Scorecard 2010 to 75.45% (green) in the Rwanda Governance Scorecard 2012. The Performance of the Prosecution (75.10%) also shows a significant improvement in the pace of the prosecution in dealing with backlog of cases¹³⁴. Trust in the judicial process and professionalism, as well as, Rwanda's correctional services (formerly prisons) have contributed to the improved trust from abroad. As a result, a number of cases have been transferred to Rwanda from individual countries and the International Criminal Tribunal for Rwanda (ICTR). The same applies to several international criminals who were transferred to Rwanda to finish their sentences in the country.

220. The Government of Rwanda, in collaboration with development partners and civil society organisations has been working towards improving access to justice for all Rwandans by implementing measures that enhance access to justice for indigent persons. A recent review of Legal Aid baseline has been concluded in which the Ministry of Justice in collaboration with UNDP are working "on the Elaboration and Formulation of a Legal Assistance Strategy". Actually, a legal aid policy is in formulation process. A Legal aid week has been held each year to provide vulnerable people access to justice and fair trial. Initially, area of intervention was legal representation for minors in detention centres (prisons, police stations). Due to the mobilization of prison officers, courts, NPPA, the national police, the Bar Association and the Legal Aid Forum, more than 800 cases of children awaiting trial were cleared, enabling most of these children to be set free. The second area of intervention was providing legal aid services, legal information and legal advice for rural population (indigent population and vulnerable groups) and prisoners. More than 5,000 people benefited from legal aid services across the country¹³⁵.

221. In addition, human rights instruments have been codified and translated in the three official languages and are under distribution to all legal practitioners in Rwanda. Also various sensitisation campaign programs have been ran – particularly to all practitioners in the country. Besides, a dedicated program has been developed to fully sensitise and inspire all practitioners to use international human rights instruments particularly in courts of laws.

222. The right to be informed of the nature and cause of charges and the right to defense are absolutely practical at all levels and degrees of proceedings before administrative, judicial and all other decision making organs.¹³⁶ Every person accused of a crime is presumed innocent until his or her guilt has been conclusively proved in accordance with the law in a public and fair hearing in which all the

¹³⁴ Rwanda Governance Scorecard (RGS) 2012.

¹³⁵ MINIJUST, Report of the Legal aid week, 26-30 March, 2012.

¹³⁶ Article 17 of the Constitution of the Republic of Rwanda.

necessary guarantees for defence have been made available.¹³⁷ Accused persons also have the right to be represented by legal counsel of their choice; and if they do not have sufficient means to pay for the service which would result in loss of justice, the accused will be offered legal representation at state expense. The Government have also continuously provided free legal representation to vulnerable such as children and other peoples who cannot afford legal counsel of their choice.¹³⁸

223. Criminal laws shall not be interpreted to extensively, they must be construed strictly. Courts are not allowed to pronounce sentences by analogy. When several laws punish the same offence, the specific law shall take precedence over the general law, unless the law provides otherwise. The Penal Code prohibits a double jeopardy. A person shall not be punished twice for the same offence (Non bis in idem)¹³⁹.

224. Currently, there is an inspection department that has been established under the Supreme Court entrusted with the task of reviewing and advising on various issues pertaining to dispensation of justice. Accordingly, cases related to malpractice, unfair treatment, corruption and other issues suggesting suspicion of partiality are attended to by the department. In 2011, Eight (8) judicial employees including six (6) judges suspended on corruption related cases. Between 2009 and 2011, 14 people were also arrested for attempting to bribe judges¹⁴⁰. Also, case application or Electronic-Filing System (EFS) to courts has been oriented through the use of internet which has facilitated both in terms of expedition and administration of justice. Increasing of the competence of Abunzi (conciliators) is currently drastically reducing the backlog of cases in classical courts. Abunzi service is voluntary and they deliver justice freely. Between July 2012 and June 2013 Abunzi received 32,828 civil cases, 26,928 cases were resolved, and 4,716 went to primary courts while 1,184 cases are still pending at their level. This system was established in order to reduce disputes which end up in courts.

225. Rwanda in 2012 was ranked number 25 in the World by the World Economic Forum survey regarding the independence of the judiciary. The Constitution of Rwanda guarantees the independence of the judiciary. Article 140 enshrines institutional independence as follows: The Judiciary is independent and separate from the Legislative and the Executive branches of government. It enjoys financial and administrative autonomy¹⁴¹. Judicial decisions are binding on all parties concerned be they public authorities or individuals. They shall not be challenged except through ways and procedures determined by law. The constitution guarantees personal independence. It requires impartiality on the part of judges and deals with their security of tenure and their terms and conditions of service. It states: “in the exercise of their functions, judges follow the law and only the law”¹⁴². It further states that unless the law provides otherwise, judges confirmed in office shall hold life tenure. They cannot be suspended or transferred, even for the purposes of promotion, retired prematurely, or otherwise removal from office.

226. The judicial personnel as well as the performance of courts are evaluated on a quarterly basis to ensure accountability and transparency as well as effectiveness and efficiency of service delivery. All this impacted on the performance of the judiciary

¹³⁷ As above, article 19.

¹³⁸ Article 18 of the Code of Criminal Procedure.

¹³⁹ Article 6 of the Penal Code; *Official Gazette n° Special of 14 June 2012*.

¹⁴⁰ Interview with The Judiciary Spokesman, *New Times* 11/02/2012.

¹⁴¹ Article 140 of the constitution.

¹⁴² Article 142 as above.

both in quality and quantity: in 2008, the numbers of cases judged by the judiciary were 63,748, while in 2012 the judged cases increased to 78,428.¹⁴³

227. No party to the case shall be subject to a court ruling without being heard or summoned¹⁴⁴. Submissions and defenses of the suspect shall be recorded in writing. The judge shall immediately read the decision to the suspect or notify him/her of the decision through competent authorities. A witness who fails to appear after a second summons or a warrant to bring by force is issued shall not face penalties if he/she has justifiable grounds. If the summoned witness cannot appear for legitimate reasons, the Prosecutor shall travel or have another person travel to his/her place for interrogation. Any witness who is duly summoned and does not appear with no justifiable reason or refuses to testify when required to do so, may be brought before the court and face the penalties provided for by the Penal Code. In case of miscarriage of justice, victims have to recourse to the application for review procedure filed before competent court. Upon request by the party applying for review, when the case subject to review shows that a person was convicted despite his/her innocence, the court may award him/her damages for moral prejudice suffered as a result of the penalty imposed on him/her.¹⁴⁵

Non-retroactivity (Article 15)

228. Article 20 of the Constitution states that: “nobody shall be punished for acts or omissions that did not constitute an offence under national or international law at the time of commission or omission”. Article 137, paragraph 7, of the Constitution provides that a declaration of a state of siege or state of emergency shall not, under any circumstances, violate the right to life and physical integrity of the person, the rights accorded to people by law in relation to their status, capacity and nationality; the principle of non-retroactivity of criminal law, the right to legal defence and freedom of conscience and religion.

229. The Penal Code states that a person shall not be punished on account of an act or omission that did not constitute an offence at the time of commission under national or international law. He / She shall not be penalized for a heavier penalty than that which was provided for by law at the time the offence was committed. An offence shall not be punishable by penalties which were not provided for by the law published before its commission. In case of conflict of two criminal laws including the old one under which the offence was committed and the new one enacted after the offence was committed but before the final judgment is delivered, the new law shall be applied, if it provides for a lesser penalty (retroactivity *in mitius*)¹⁴⁶.

Legal personality and personal identity (Article 16)

230. The legal personality of every human being is sacred¹⁴⁷. Article 15 of the Law N° 42/1988 of 27 October 1988 governing Preliminary Title and Book One of the

¹⁴³ The Judiciary of Rwanda; Annual reports 2008–2012.

¹⁴⁴ Article 10 of the Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure.

¹⁴⁵ Articles 52, 54, 192, 197, ... of the Law N° 30/2013 of 24/05/2013 relating to the Code of Criminal Procedure.

¹⁴⁶ Article 3 of the Penal Code.

¹⁴⁷ Article 10 of the Constitution.

Civil Code stipulates that every human being shall be subjected to the law from his/her birth until his or her death. Legally constituted associations also enjoy the right to legal personality.

231. Population registration shall be a continuous process. The following registers shall be available: 1° citizens register; 2° foreigners register; 3° register for children with unknown parents; 4° adopted children register. Any person is obliged to register in the population register any child under his or her care, if the child is below sixteen (16) years of age and only when it is established that he/she has not been registered elsewhere. The guardians or persons who adopted the children shall make birth registration of the children under their care within a period not exceeding thirty (30) days from the day they acquired guardianship. Any person shall be ordered to register the birth of his or her child within a period not exceeding thirty (30) days from date of birth. Within that period, the child shall be registered on his/her registration card¹⁴⁸.

232. Information on the child registration card shall be replicated in the Sector population register in which the parents are resident. The person registering the child shall be ordered to show a birth certificate signed by a medical officer who witnessed the birth of the child. If such a certificate is not available, the informant shows an attestation signed by the Cell Executive Secretary indicating the names of the parents and the child birth date¹⁴⁹. Access to personal identity documents for all born on the territory of Rwanda have been implemented, possession of and carrying the national identity card is obligatory to every Rwandan aged sixteen (16) and above. Every Rwandan aged of sixteen (16) years shall be issued with national identity card within a period not exceeding six (6) months following the day her or she attained that age. It is every refugee's right to acquire identification document. In 2010 refugees received electronic identity cards just like the national identity cards for only refugees aged sixteen (16) and above. These documents facilitate the freedom of movement within the country and general access to other rights that necessitate identification, for example bank services.

Right to privacy (Article 17)

233. The privacy of every person in general is protected by the Constitution in its Article 22 that reads as follows: "The private life, family, home or correspondence of a person shall not be subjected to arbitrary interference; his/her honour and good reputation shall be respected. A person's home is inviolable. No search of or entry into a home may be carried out without the consent of the owner, except in circumstances and in accordance with procedures determined by law." Confidentiality of correspondence and communication shall not be subject to waiver except in circumstances and in accordance with procedures determined by law." The New Penal Code (Article 281-291) provides for sanctions against any person who, in any way, maliciously invades the privacy of another person by secretly listening and making known to the public his or her private statement without consent, by taking his/her picture or audio-visual recording without his/her permission. Article 19 of the Law N° 54/2011 of 14/12/2011 relating to Rights and protection of the child provides for respect of privacy of the child. Depending on his/her age and level of

¹⁴⁸ Articles 2 and 8 of the Law n° 14/2008 of 04/6/2008 governing registration of the population and issuance of the national identity card (*Official Gazette special number of 16/07/2008*).

¹⁴⁹ As above, articles 8.

understanding, any arbitrary interference in the child privacy in order to attack his/her honor and dignity is prohibited. Article 64 of the some law provides that: “the privacy of a child under prosecution must be respected and protected at all stages of criminal proceedings.

234. Rwanda also enforces the privacy and security rules, to protect the privacy and security of patients’ medical records and other health information maintained by health entities. These standards provide patients with access to their medical records and with significant control over how their personal health information is used and disclosed. Persons living with HIV and AIDS who believe that their health information privacy rights have been violated may file a complaint to the competent court. Since 2008 a campaign on the rights of person living with HIV and AIDS held countrywide including the right to their private life¹⁵⁰.

235. A public prosecutor charged with the investigation of a case can proceed to search any places where any evidence that can help to demonstrate the truth can be obtained. If the search involves residential premises, it cannot be carried out before 6.00 a.m to and after 6.00 p.m., unless there are serious reasons to suspect that the evidence sought is likely to disappear. In all cases search is conducted in the presence of administrative authorities in the area. Visits to the scenes of crimes and search are conducted in the presence of the suspect or the owner of the house. However, in their absence or they have refused the search, it doesn’t hinder search in case of commission of a felony or misdemeanour and in case evidence may be interfered or disappear.

236. A public prosecutor or judicial police officers who have been entrusted with the duty to search and visit suspected scenes of crimes should prove their authority and show warrants which have been signed by competent people, authorising them to carry out such activities. A copy of the warrant is given to the suspect. A search warrant is a document which is issued by the Prosecution service on the authorization of the Prosecutor General of the Republic, the Military Prosecutor General for offences committed by soldiers or their accomplices, or the Public prosecutor who heads the prosecution service at a higher instance level or a lower instance level. Such a warrant authorises the person who is supposed to execute it the power to visit any premises with view to discover evidence or property that can assist in establishing the reality of the offence and the suspects to whom it is attributed.

237. When all other procedures of obtaining evidence to establish truth have failed, the prosecutor in charge of investigations, may, after obtaining a written authorisation by the Prosecutor General of the Republic, listen, acknowledge and intercept record communications, conversations, telegrams, postal cards, telecommunications and other ways of communications. An order to listen to oral conversations and intercept written documents should be in written form and cannot be appealed. The order should contain facts relating to malls or lines to be intercepted as well as the offence that necessitate taking such measures. The order remains in force for a period which does not exceed three (3) months, subject to renewal for such period of time only once.

238. With exception of when a person is caught red handed, a public prosecutor charged with the preparation of a case file cannot search on the body of an accused person by stripping him or her naked without prior authorisation of a public

¹⁵⁰ RRP+, National campaign on the rights of people living with HIV and AIDS; Project 2012-2013.

prosecutor in charge of the prosecution service he or she is appointed to. Searching on a naked body is only conducted by a physician. In any case, anybody who is the subject of search on a naked body can choose a physician, a relative, a spouse or choose any other adult person of the same sex to be present at the time of the search. Each person who has been legally required by a judicial police officer, a public prosecutor, a Judge or a Magistrate to assist as an interpreter, a translator, a physician or an expert witness is under an obligation to do so in confidentiality¹⁵¹.

239. Generally, hearing of cases in court is conducted in public. However, if the court upon its own motion or when one of the parties or both of them request so, finds the hearing conducted in public would be dangerous to public order or good morals and people's rights or would be a detrimental invasion of privacy, the court may take a decision that the hearing be conducted in camera and the explanation thereof shall be given. This decision does not concern parties' counsels in that particular case. Nevertheless, even if the hearing of cases is conducted in public, matters concerning photography and recording shall be authorized by the judge¹⁵².

Right to freedom of thought, conscience and religion (Article 18)

240. The freedom of thought, conscience and religion is a right of every person living in Rwanda. It is provided for by the Constitution (article 33) and the practice thereof is guaranteed by the State in accordance with conditions defined by the Law. Every citizen has the discretion to practice his/her faith, without any distinction or discrimination. The majority of Rwandans belong to various religious groups and associations. More than 312 Religious Based Organisations were registered in 2012.¹⁵³ Freedom of religion and worship is exercised without hindrance as long as it does not interfere with public order. Currently, there are six faith-based radio stations in the country.

241. One of RGB's missions is to register national non-governmental and religious based organizations, grant them the legal status and monitor the conformity of their activities with the law N° 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations. Requirements for registration of religious based organization are: application letter; authenticated statutes governing the religious-based organizations with contents respecting the provisions; location of its head office as well as its full address; names of the legal representative of the religious-based organizations, his/her deputy, their duties, full address their CV and their criminal records; a document certifying that the legal representative of the religious-based organizations and his/her deputy were appointed in accordance with its statutes; a brief statement describing the major doctrine of the religious-based organizations; the minutes of the general assembly which approved the statutes of the religious-based organizations; action plan for the fiscal year¹⁵⁴.

242. Current demographics religion is distributed as follows: 56.9% of the Rwanda's population is Roman Catholic, 26% is Protestant, 11.1% is Seventh-day Adventist, 4.6% is Muslim, 1.7% claims no religious affiliation, and 0.1% practices

¹⁵¹ Article 67 – 86 of the Code of Criminal Procedure. O.G n° spécial du 27 mai 2006.

¹⁵² Article 67 of the Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, *Official Gazette n° 29 of 16/07/2012*.

¹⁵³ Rwanda Governance Board, Report 2012/2013.

¹⁵⁴ Article 5 of the law governing NGOs in Rwanda.

traditional indigenous beliefs¹⁵⁵. Faith based organisations are actively participated in the areas of population development, including human rights, education, health, women's empowerment, adolescents and youth.

Freedom of expression and no interference in political opinions (Article 19)

243. Freedom of expression is reflected in the increase of media outlets in the country. The newspapers rose from 15 in 2003 to 57 in 2012, 3 of them are public. A new Law N° 02/2013 of 08/02/2013 regulating media was also promulgated¹⁵⁶. One major change is the introduction of media self-regulation mechanism. The print media shall self-regulate entirely, while the broadcast media will partially self-regulate. Media practitioners have started to regulate themselves. The number of newspapers rose from 15 in 2003 to 57 in 2012; from one national radio that existed in 1994, currently 31 radio stations are operating in the country.

244. The national radio (only public radio) has established branches in all provinces to enable mass participation. More than 50 per cent of the adult Rwandan population own and use mobile phones for communication. It is noteworthy that some print media have evolved from weekly into dailies e.g.: the New times and Imvaho Nshya. Some international radio stations have been licensed to operate on FM frequencies in Rwanda (These include BBC, DW, VOA and RFI) and some of them (BBC and VOA) broadcast their popular programmes in the national language (Kinyarwanda). International newspapers enter freely the Rwandan market from neighbouring countries and even from American and European countries. Since 2012, five (5) private TV stations have been licensed by the Rwanda Utilities Regulation Agency (RURA) under the media liberalization policy to promote access to information, business, entertainment /culture, sports and news. Private TV stations constitute an alternative channel to the state-owned television station, Rwanda Television¹⁵⁷.

245. The Law N° 04/2013 of 08/02/2013 relating to access to information, published in March 2013, after consultations within Parliament and media fraternity is already in application and has been published in the Official Gazette¹⁵⁸. The Law guarantees citizens to access data held by the state and some private organs; previously it was a challenge for journalists to get the information they want due to unnecessary protocol in the public bodies. Notable among its objectives is the promotion of open government through disclosure of information and facilitate the right of all persons to have access to information held by public authorities and some private organs. The core principle of Access to Information Law is stipulated in the article three (3), where every person has the right to access information in possession of a public organ and some private bodies.

246. The Penal Code provides penalties to any person who has the obligation to provide information who delays to give information without legal justification, knowingly gives incorrect, incomplete or misleading information.¹⁵⁹ Penalty for

¹⁵⁵ International Religion Freedom, Report 2007 and PEPFAR Report 2012 on the Role of Faith-based Organizations in sustaining community and country leadership in the Response to HIV/AIDS.

¹⁵⁶ As above.

¹⁵⁷ These private TV stations are: TV 10, Lemigo TV, Super TV, Family TV and Contact TV.

¹⁵⁸ See *Official Gazette n° 10 of 11 March 2013*.

¹⁵⁹ Article 590 of the Penal Code.

refusal to provide information or illegal withholding of information is also provided. Any person who intentionally and without justification fails to provide information or illegally withholds information for the purpose of concealing this information, shall be liable to a term of imprisonment of one (1) month but less than six (6) months and a fine of two hundred thousand (200, 000) to one million (1,000,000) Rwandan francs or one of these penalties¹⁶⁰.

247. Law N° 02/2013 of 08/02/2013 regulating media was also promulgated to determine rights, obligations, organization and functioning of media in Rwanda for the general interest. This law provides Media Self-regulatory Body which is an organ set up by journalists themselves whose responsibility is to ensure compliance with the principles governing media and to defend the general interest. Thus, freedom of the media and freedom to receive information are recognized and provided by this law. Every journalist has the right to freedom of opinion and expression; this right includes the right to seek, receive, give and broadcast information and ideas through any media¹⁶¹.

248. Law N° 03/2013 of 08/02/2013 determining the responsibilities, organisation, and functioning of the Media High Council (MHC) was established as an independent institution responsible for media capacity building. Former role of MHC as regulatory organ has been transferred to Media Self-regulatory Body known as Rwanda Media Commission (RMC) established in 2013 with mandate to promote media self-regulation, freedom, responsibility and professionalism of media. A code of ethics of journalist was designed and adopted since 2004 and amended in 2011 not as a formal set of rules, but as a covenant to preserve the highest possible professional standards among journalists in their quest to perform a public function of news dissemination, information and exchange of ideas as well as serving as scrutinizers in the conduct of public affairs.

249. In facilitating the local media to publish their newspapers at low cost, the Government acquired a web machine with high capacity to locally print newspapers and other media products, thus reducing travel costs and associated expenses as most newspapers were printed in Kenya and Uganda. The Government has also been organizing training programmes for journalists both abroad and inside the country. The School of Journalism has been established at the National University of Rwanda, and Journalism Faculties exist in some private Universities like the Catholic University of Kabgayi. The Great Lakes Media Centre (GMLC) was launched in Kigali in 2008 to upgrade the professional level of journalists of the sub region. A total number of 93 Rwandan journalists graduated from GMLC.

250. The vision of 2011 media policy is to totally transform the media sector mindful of Rwanda's past, responsive to her present and ambitious for her future. The policy upholds the principle of media pluralism, editorial independence and freedom of expression, within a framework of professionalism, rule of law.

251. The Government of Rwanda acknowledges the centrality of an independent, professional media and ease of access to information as essential components of good governance and a sustainable social, economic and political development. The Government thus commits to rapidly reform the media sector to promote accountability and to foster public engagement and participation.

¹⁶⁰ As above, article 591.

¹⁶¹ Article 8 of the law n°02/2013 of 08/02/2013 regulating media.

252. The recent promulgation of two major laws is seen as a major breakthrough for the media in Rwanda, which has won the right to regulate itself. The media law has taken away regulatory powers from the Media High Council (MHC). Major changes introduced by the laws mean that the government has relinquished the right to regulate content in print media while it retains partial rights to regulate broadcast content through the Rwanda Utilities Regulatory Authority (RURA). Media practitioners moved quickly to take up the space, forming a body called Rwanda Media Commission. This commission is composed of seven (7) members; among them four (4) are practicing journalists while the other three (3) are from the civil society and academia. The goal of media reform is in line with Rwanda's Constitutional commitment to freedom of expression, the country's development objectives as outlined in Vision 2020 and the Government's seven year program to enhance the democratic, economic and social development of Rwanda in the interests of peace and in the service of all her people within a framework of peace, stability and national security.

253. The President of the Republic holds regular press conferences in which local and international journalists have the opportunity to ask questions on public matters. This conference is held live on radios and television. A Public open day is organised quarterly by the Ministry of Local Government, provinces, districts and sectors to provide information on service delivery to the public. Similarly, public accountability days, organised in the Parliament on quarterly basis to review the progress of districts in the implementation of the performance contracts (Imihigo), offers a good opportunity of access to information. The electronic and online media are increasing and accessible. The general public is encouraged to use ICT as a modern technique to exercise their right of access to information. Cyber cafés and Tele-centres are also available in different districts of the country. Most of rural areas are connected to internet, to allow them to have access to modern tools of information and communication. Private TV Companies operate in Rwanda (Star Africa Media, DSTV, and Tel 10) to provide a variety of choices on access to information. These information channels facilitate human rights education and sensitisation among all brackets of population.

254. The radical reform into the public information sector was initiated in 2011, when the Government decided to turn the Rwanda Bureau of Information and Broadcasting (ORINFOR) into Rwanda Broadcasting Agency (RBA) a public broadcaster. The move aims at strengthening public accountability mechanisms and enhancing good governance principles including civic participation, empowerment as well as voice and accountability. ORINFOR was funded by the government and its employees are civil servants. The Rwanda Broadcasting Agency (RBA) law changed all that. The law details the agency's responsibilities which include being a broadcaster providing the public with impartial and accurate national and international news as well as educational and recreational programs. RBA will not be a state broadcasting agency but a public one with the purpose of serving public interest. This law will enable RBA to fully run its duties and work independently in managing its affairs. RBA will therefore be supposed to serve the public's information needs rather than to being the government's mouthpiece.

255. Waiting for new regulation based on the law regulating media, currently, the license to set up and operate a broadcasting media in Rwanda is applied for in writing in the prescribed form to the Rwanda Utilities Regulatory Agency (RURA). Any person who wants to establish a local newspaper shall apply to the Rwanda Media Commission. All members of the regional, continental and international media fraternity are welcome to cover, gather and disseminate news from Rwanda. The country and Media High Council in general are ready to assist all ways possible

to ensure that foreign press in Rwanda are facilitated to carry on their work without any obstacles. Foreign journalists are required to produce: a copy of the passport; copy of a visa except journalists from countries that benefit from the visa waiver; copy of a press card of the country of origin; receipt of payment from Rwanda Revenue Authority except those exonerated.

256. Censorship of information is prohibited. However, the freedom of opinions and information shall not jeopardize the general public order and good morals, individual's right to honour and reputation in the public eye and to the right to inviolability of a person's private life and family; the freedom shall also be recognized if it is not detrimental to the protection of children. Remedies are available to the journalist whose rights recognized by the law are not respected. He or She may lodge a petition with the Media Self-regulatory Body i.e Rwanda Media Commission or any other competent organs to amicably resolve any matter. In case the journalist is not satisfied, he/she may refer the matter to the competent court¹⁶². There is a National Dialogue on Media, held each year with the general object of jointly coming up with way of discussing media issues, working together to promote media freedom and responsible journalism.

257. Defamation is defined by the law regulating media as intentional false communication, either through oral or written statements, visual elements, photographs or gestures with intention to harm a person's reputation and respect¹⁶³. The Penal Code provides penalty for any person who commit defamation, maliciously and publicly, against another person which is likely to damage the honour or dignity, or bring him/her to public contempt shall be liable to a term of imprisonment of six (6) months to one (1) year and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs or one of these penalties¹⁶⁴. Article 15 of the Rwanda Media Law N° 02/2013 empowers the media self-regulatory body which is currently the Rwanda Media Commission, to deal with the violation of journalists' rights. A part from the Media Self-regulatory Body, any journalist like any person who face harassment or other violence may lodge his or her claim before administrative instance or before competent court as provided by national laws.

Prohibition of war propaganda and advocacy of racial hatred (Article 20)

258. National Unity and Reconciliation Commission (NURC) has over made good progress in its activities, mainly through intensive mobilization, grassroots partnership with citizens in peace building and solving social conflicts. Cooperation between leadership of all security agencies and the entire Rwandans enhanced this maximum security and safety. According to Rwanda Governance Scorecard 2010, the satisfaction level of citizens on safety and security in the country is 87.26%. The same score card indicates that, citizens have high levels of trust in the Rwanda Defense Forces and Rwanda National Police at the rate of 97.4% and 94.45% respectively. Security across all Rwandan borders was maintained, all citizens and non-citizens enjoy maximum security and safety that enabled them to conduct their day and night activities.

¹⁶² Articles 9-15 of Law n° 02/2013 of 08/02/2013 regulating media.

¹⁶³ As above, article 2.

¹⁶⁴ Article 288 of the Penal Code.

Right of peaceable assembly (Article 21)

259. The right to peaceable assembly is enshrined in the Constitution¹⁶⁵. Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Prior authorization shall only be necessary if the law so requires and solely in the case of assembly in the open air, in a public place or on a public road, to the extent that such is necessary in the interests of public safety, public health or public order. The Constitution allows the imposition of restriction on the manner of exercise of this right. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration.

Freedom of association (Article 22)

260. Freedom of association is a right endowed to every Rwandan. This is in fulfilment of the obligations contained in the Rwandan constitution but also in the international instruments to which Rwanda is party. With due respect to the Law and other administrative requirements, Rwandans have the right to freely form political parties and various other types of associations. According to the Law, political organizations officially recognized are permitted to organize themselves in a consultative forum. To promote and protect the right to associate, legislative measures were adopted. These include among others the Organic Law governing Non-Governmental Organisations¹⁶⁶, the Organic Law governing political organizations¹⁶⁷ and politicians and code of politician's ethics. These Laws contain preventive measures against discrimination, divisionism and sectarianism. Nevertheless, the number of political parties continues to grow. Currently there are 11 political parties officially recognized in Rwanda. From 2009, two new political parties were authorized: Parti Social Imberakuri in 2009 and the newly registered Democratic Green Party of Rwanda in 2013. Some would be political parties were not registered due to shortfalls in meeting the legal requirements. According to the Law, political organizations officially recognized are permitted to organize themselves in a consultative forum.

261. The new Organic Law N° 10/2013/01 of 11/07/2013 governing political organizations and politicians provides more open political space and transparency of political organizations than previous law. Main changes of this law are related to: Allowance for individuals heading public institutions (director generals) to be involved in party administration, while maintaining restrictions on judges, prosecutors, military officers, policemen, prison warders and agents in the national authority in charge of security; Restrictions on financial contributions to political parties from foreign nationals, foreign companies, other entities in which foreign nationals are shareholders, public institutions or Government parastatal, non-governmental organisations and religious based organisations; prevention to political organisations from basing themselves on race, ethnic group, tribe, lineage, region, sex, religion or any other division which may lead to discrimination.

¹⁶⁵ Article 36 of the constitution.

¹⁶⁶ Law N° 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations.

¹⁶⁷ Organic Law N° 10/2013/01 of 11/07/2013 governing political organizations and politicians.

262. In the field of cooperatives and associations, the Government of Rwanda created Rwanda Cooperative Agency (RCA) his main mission is to highlight the importance of Cooperatives in the National economic development. In a large manner a policy document and a strategic plan have been designed to orient all actors who should ensure that Cooperatives become a viable tool for socioeconomic development in Rwanda. The number of associations and cooperatives continues to grow. Currently, there are 4,893 primary cooperatives, 100 unions, 13 federations and 475 Savings and Credits Cooperatives (SACCOs).¹⁶⁸

263. According to new legislative reform, political parties and association must register with the Rwanda Governance Board (RGB) to develop independence and celerity for official recognition. The trade Unions are registered according to the provisions of the Law n° 13/2009 of 27/05/2009 instituting the Labour Code. Workers or employers may set up freely and without prior authorization their respective professional organization. They are also free to join any trade union or employers' professional organization of their choice (Article 101 of the labour law). A trade union or an employer's professional organization with legal status shall have the right to go to court, to represent workers or employers, to comply with their respective articles of association and to acquire, movable or immovable property through donation or payment. A trade union or an employer's professional organization may enter into agreements with any workers' federation or employers' professional associations, companies, organizations, corporate bodies or individuals (Article 103 of the labour law).

264. The Ministerial Order N° 11 of 07/09/2010 determines the modalities and requirements for the registration of trade unions or employers' professional organizations. This Ministerial order provides that founding members of a Trade Union or of an Employers Professional Organization shall submit Statutes governing it to the Minister in charge of Labour for its registration. Requirements in order to be registered are provided as follows: An application letter addressed to the Minister in charge of labour; A statement of the Constituting Assembly of the Trade Union or of an Employers Professional Organisation certified by the Public Notary; A minimum membership of twenty (20) members for a Trade Union and ten (10) members for an Employers' Professional Organization; Statutes of a Trade Union or of an Employers' Professional Organisation certified by a public notary; Criminal clearance record of the representatives of a Trade Union or of an Employers' Professional Organisation (Article 3).

265. The Trade Union Centre of Workers of Rwanda (CESTRAR) is an older national trade union center in Rwanda. It was founded in 1985 as the sole national center. Since the 1991 establishment of a multi-party political system, CESTRAR has declared its political independence. The CESTRAR have 20 Unions affiliated and around 72,000 affiliates from many private, public and informal sectors. CESTRAR works hard to promote workers right and their interest, between 250 and 300 cases are registered by CESTRAR each year and help solution. CESTRAR is member of several bodies of public and private agencies such as the National Labour Council. In March 2007, an inter-union group bringing together the main Trade union centres in Rwanda to be more efficient: «Association des Syndicats Chrétiens», «Conseil National des Organisations Syndicales Libres au Rwanda», «Congrès du Travail et de la Fraternité» and «Confédération Rwandaise Indépendante des Syndicats et Associations des Travailleurs».

¹⁶⁸ Rwanda Cooperatives Agency, Report 2012.

266. The right to form trade unions for the defence and the promotion of legitimate professional interests is recognized by laws. Any worker may defend his or her rights through trade union action under conditions determined by law. Every employer has the right to join an employers' organization. Trade unions and employers' associations have the right to enter into general or specific agreements regulating their working relations¹⁶⁹. Exercise of trade union rights is permitted in compliance with Law. Except as otherwise stipulated in law, a registered trade union may: file a case on behalf of its members and to represent them in any court case lodged under this Law; access the firm premises upon request to conduct trade union business; have the subscription fees deducted from the member's salary; merge with other registered trade unions to form a federation; join federations of trade unions and participate in their activities; enter into agreement with an employer or take part in collective convention where it is an authorized trade union; join any international workers organizations and participate in their activities¹⁷⁰.

Family protection, right to marriage and equality of spouses (Article 23)

267. The State protects the family as the natural foundation of the Rwandan society. The Rwandan legislation stipulates that marriage has to occur by free consent and spouses have the same rights and duties during marriage and divorce. Rwanda has ratified the Convention on the Consent to Marriage, the Minimum Age of Marriage and Registration of Marriages and the Convention on the Nationality of Married Women. The institution of marriage in Rwanda is governed by law. The law on Matrimonial Regimes, Succession and Gifts give equal rights to succession to all boys and girls. Couples in common marriages are sensitised and encouraged to enter into a civil marriage, and this plays an important role in protecting the right to succession for mainly women and children.

268. Several laws and policies have been introduced to insure family protection and equality of spouses including the law governing expropriation for public utility; the Organic law determining the use and management of land in Rwanda; the Law on Intellectual Property, etc. A National Policy on Land as well as a Strategic roadmap for land tenure reform constitutes essential tools on land ownership. A Ministerial Order provides modalities of land sharing. The Instructions of the Prime Minister define implementation of client charter on land administration and land acquisition. A campaign to register property is being carried out by the Rwanda National Resources Authority (RNRA) and this will enable title holders to gain access to credit by mortgaging their land. The campaign started in all Districts and about 10,3 million land plots have been registered. Land redistribution was successfully carried out in order to address past injustices.

269. In case of divorce, law stipulates that children shall be placed under the care of the spouse who shall have obtained the divorce, unless the court of law, automatically or on request of one of the spouses or the Public Prosecution, in the best interest of the children, orders that one or some of the children be placed under the guardianship of either of the spouses or a third party. These measures shall essentially be temporary due to the fact that, whomsoever is given the guardianship of the children, fathers and mothers reserve the right of guardianship, care and

¹⁶⁹ Article 38 of the constitution.

¹⁷⁰ Article 115 of the Labour Law.

education of their children, and are obliged to contribute to proportion of their faculties, which measures may always be revocable by the court of law that ordered them (Art. 278 to 286).

270. A family visa has been introduced for family reunion. Members of non-national families receive identical resident permits as the principal migrant or refugee. Non-nationals can receive resident permits in Rwanda for the reason of joining their families. Family members of non-national can engage in any other economic, social or cultural activity on conditions that they respect laws governing immigration. The national family welfare policy recommends appropriate and transparent ways through which Rwandans living abroad maintains contacts and can be united with their families; it also provides for strategies of improving conditions of repatriating members of the Rwandan Diaspora.

271. The Ministry of Gender and Family Promotion developed the National Policy on Family Promotion (2005) aiming at outlining a framework for the implementation and monitoring of programs that ensure the protection and support of the family, in order to enable it to perform its vital role in the country's development. Other policies and laws contribute to the welfare of the family, focusing on the involvement of both husband and wife in family welfare, as well as in the development, of the protection of the child, the elderly and the disabled: National Population Policy, National Policy for Social Protection, National Policy for Family planning, National Population Policy, Law relating to protection of disabled persons and the law relating to the protection of the rights of children in Rwanda.

272. The annual Family Campaign is one of the strategies used to emphasize the importance of family in every sector of the Rwandan community. Started in 2011; the first family campaign held in September–October 2011 focused on the living conditions of families in Rwanda and laid emphasis on improving these in regard to health and wealth. Family heads were encouraged to sign performance contracts using “Ikaye y’Umuryango” family book as a sign of their commitment to improving their family status.

273. In 2012 family campaign held under the theme: “Duteze Imbere Umuryango Twimakaza Indangagaciro Z’umuco Nyarwanda” — “Sustain Families through the Promotion of Rwandan Cultural Values”. It is aimed at focusing on Rwanda's traditional values as a means to enabling the community to overcome the challenges that face the family today. Activities to be carried out as part of the campaign focused on the following issues: wellbeing of families, improving relationships among family members and promotion of child rights and positive parenting. During this period, all stakeholders and partners of MIGEPROF sensitize and support family members at all levels to focus on their families and commit to family growth and prosperity relationally, socially and economically. This year (2013) Women's Day celebration will focus on strengthening home-grown solutions to prevent and resolve conflicts in families and also facilitate forums to discuss different development programs. The theme for this year is “Gender equality that promotes family dignity”¹⁷¹.

274. The Penal Code punishes forced marriage, marital rape, refusal to provide support to spouse, descendants or ascendants, denial of freedom to practice family

¹⁷¹ MIGEPROF: Plan of action 2013.

planning, harassment of spouse, and disposal of marital property without consent of spouse, family desertion, adultery, bigamy and cohabitation¹⁷².

Child rights protection (Article 24)

275. Rwanda has ratified several regional and international conventions and treaties related to the rights of the child, including those related to the elimination of child labor. These include ILO Forced Labor Convention, N° 29, 1930 (ratified on 23/05/2001); The Convention on the Rights of the Child, 1989 (ratified on 19/09/1990); Optional Protocol to the Convention on Rights of the Child, on the sale of children, child prostitution and child pornography, 2000 (ratified on 26/02/2000); Optional Protocol on the Convention on Rights of the Child, on the involvement of children in armed conflict, 2000 (ratified on 26/02/2002); The Convention on Trafficking in Persons, 1950 (ratified 31/12/2003); Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (ratified through the Presidential Decree N° 161/01 of 31/12/2002); ILO Convention N° 138 and Recommendation N° 146 on the minimum age for admission to employment, 1973 (ratified through the Presidential Decree N° 416/06 of 07/11/1980) defining the minimum age for employment; ILO Convention N° 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999, ratified on 21/05/2000); The African Charter on the Rights and Welfare of the Child adopted in June 1990 ratified on 30/05/2000; The International Covenant on Civil and Political Rights, 1966 (adhered to through the decree-law N° 8/75 of 12/02/1975); ILO Convention N° 123 concerning the minimum age for admission to employment in mining, 1965 (adopted on 28/10/1968); ILO Convention N° 90 on night work of young persons (Industry), 1948 (adopted on 18/9/1962); The Paris Principles and Guidelines on Children and Armed Conflicts, which proclaimed commitment to ending children's recruitment in armed conflicts, February 2007; The 1997 Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces, and on Demobilization and Social Reintegration of Child Soldiers in Africa. Resolution related to the World fit for the children and Africa fit for the children are implemented.

276. National Child Labour Policy was adopted in 2008 designed to ensure effective abolition of child labour, and to raise progressively the minimum age for admission to employment or a work to a level consistent with the fullest physical and mental development of young persons. In order to have updated data on the number of children involved in the worst forms of child labour, MIFOTRA in collaboration with ILO and UNICEF undertook a national survey on child labour for updated data on the magnitude of the phenomenon both at national and decentralized levels. After data collection and analysing measures were taken to fight against whorst form of child labor. These includes: A consultative committee on child labor composed of the representatives of ministries and trade unions meets quarterly to assess the status of the situation. A five-year Plan of action on child labor has been approved by the Cabinet; There are 30 labor inspectors, one for each of its 30 districts.

277. Furthermore, the National Policy on elimination of worst forms of Child Labour and its action plan were developed in 2013 to provide an enabling environment for the prevention, protection, and progressive elimination of child labour, while guiding government and stakeholders actions towards total elimination

¹⁷² Articles 238–249 of the Penal Code.

of child labour. Therefore, the vision of this policy is to achieve a Rwandan society that is free of child labor, a society in which all children continue to enjoy their rights to education, health, and development in a dignified manner. Considering the complexity of child labor, the policy set of a comprehensive multi-pronged approach and strategies for the elimination of child labour which cover not only the educational rehabilitation of these children to prevent them from entering and re-entering child labor but also various socio-economic causal factors such as poverty, OVC consequences, illiteracy, lack of awareness on child labour, etc. The measures shall also include economically empowering the families by covering them under various schemes of the Government, community mobilization and attitudinal changes through awareness generation, creation of suitable rehabilitation infrastructure, backed by dissuasive penalties against offenders and stronger enforcement of laws.

278. In addition to the aforementioned policy context, the Government of Rwanda has put in place national legislation promoting children's rights and prohibiting child labor. These include: Rwandan Constitution of 2003 as amended to date which puts particular emphasis on children's protection; Law N° 10/2011 of 13/05/2011 determining missions, organization and power of Rwanda Defense Forces; Presidential Order n° 72/01 of 08/07/2002 establishing army general statutes; Law N° 13/2009 of 27/05/2009 regulating labor in Rwanda which prohibits employment for children under the age of 16; Ministerial order n° 06 of 13/07/2010 determining the list of worst forms of child labor, their nature, categories of institutions that are not allowed to employ children and preventive mechanisms; Law N° 54 of 14/12/2011 relating to the Rights and the protection of the children and; Organic Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code.

279. Among other administrative measures for the promotion of children rights is the establishment of the National Commission for Children (NCC) and Observatory for the Rights of the Child (ODE) to ensure the respect of children rights all over the country. National Plan of Action on Child Labour (2007) aimed at the elimination of child labour in general and combating the worst forms of child labour in particular as set forth in the ILO Convention N° 182, under MIFOTRA coordination, and whose implementation is ensured by a consultation committee on child labour composed of representatives of social government departments and unions, representatives of the National Commissions of Demobilization and Reintegration, National Commission for Human Rights), Private Sector Federation, UN agencies and Civil Society Organisations.¹⁷³

280. The Law N° 54/2011 of 14/12/2011 relating to rights and protection of the child provides that: A child is given a name immediately after birth according to the law. The name given to the child is protected by the law. It cannot be changed unless there are sound reasons, and only by the relevant authority in accordance with the law. The name given to a child should not bear any characteristics that dishonor him/her like abuse, immorality, ridiculing or slandering (Article 13). Where a child has no known identity, the Government has obligation to help him or her to obtain them. Any falsification, dissimulation or illegal modification of the identity of the child is an infringement which is punishable by the law¹⁷⁴. Article 16 of the same law states that: "any child born is registered in the civil status registry by his or her parents or his or her guardian in accordance with modalities and time limits specified by the law, and a certificate shall be issued. A child born out of wedlock is registered

¹⁷³ MIFOTRA (2007), National Five-year Plan of Action on Child Labour, Kigali (Rwanda), p. 2.

¹⁷⁴ Article 12 of the Law N° 54/2011 of 14/12/2011 relating to rights and protection of the child.

upon declaration by one of his or her parents. The one who is designated as being the father or the mother of the child is informed by the civil registrar before the registration of the child where he or she was not present at the time of declaration. When there is consent the child is immediately registered.

281. Concerning nationality, the new nationality code established through Organic Law N° 30/2008 of 25/07/2008 whose provisions are designed in such a way that no child born in Rwanda can be stateless.

282. In its article 8, paragraph 1, the Law N° 14/2008 of 04/06/2008 relating to the registration of the population and issuance of the national identity card provides that: "Everyone is required to declare the birth of their child within thirty (30) days from birth..." The last paragraph of this Article stipulates that "the adoptive parent or guardian must declare the birth of children in their care within thirty (30) days from the day they acquired custody". Appropriate penalties are provided against anyone who fails to comply with their obligations related to birth registration. In respect with the preservation of the identity of the child, this awareness-raising campaign is conducted especially for the recognition of children born out of wedlock, birth registration by the registrar and the legalization of free unions.

283. The DHS 2010 shown that 63 percent of the children have been registered with the civil authorities and 37 percent have not been registered. The percentage registered has dropped significantly since the 2005 survey when 82 percent were registered. Of those children who were registered with the civil authorities at the time of the survey, only 7 percent possess birth certificates. Those children who are age 2-4 are registered more often than those who are younger than age 2 (71 percent compared with 49 percent, respectively). Gender has little to do with whether or not the children are registered with the civil authorities. Also, level of household wealth does not seem to influence the prevalence of birth registration. Children in the fourth and middle wealth quintiles showed the highest levels of registration (67 percent and 65 percent respectively). There is some discrepancy by urban/rural residence because the rural areas show a higher percentage of birth registrations (64 percent compared with 60 percent in urban areas). Results by province show that households in the North and South provinces are the most likely to have declared their children with the civil authorities (79 percent and 66 percent, respectively).

284. Measures have been taken to facilitate and accelerate birth registration of all children. Through different communication tools, family's sensitization for child registration has already begun. Annual family campaign, decentralization of birth registration with an "Civil Status Officer" at the sector level for the purposes of registering births and other official records, child birth registration books filled at all Sectors, an open day for free birth registration held in all sectors, sensitization across Umuganda community work and during Inteko z'abaturage (population assembly) at grassroots levels produced useful impact on birth registration. 95% of birth registrations are expected by 2013¹⁷⁵.

285. In civil matters, a child attains the age of majority at 18 years. Under Article 171 of the Family Code, marriage between a man and a woman under twenty-one years of age is prohibited. However, under twenty-one years, on serious grounds, a waiver of age can be granted by the Minister of Justice or his/her representative, the person involved must be 18 years old at least.

¹⁷⁵ Integrated Child Rights Policy, MIGEPROF 2010.

286. The minimum age for criminal liability is at least 14 years old. A child under fourteen (14) years old shall not be held criminally responsible for his/her deeds. The law provides that: Any criminal proceeding concerning a child must care his/her welfare and the judge's decision must always take into consideration his/her personality. When a child has to be sentenced, the judge in charge of the law suit against the child must indicate the behaviour and antecedents that marked the child's personality which justify the sentence given. Failure to mention the elements of the child's personality in the judgment constitutes a reason for the case review. The Prosecutor shall have powers to suggest a compromise between a child, his/her parent or guardian and the victim of the offense when such an offense is punishable by a term of imprisonment not more than five (5) years (Article 59).

287. Specialised chambers and special proceedings for minors in conflict with the law were established since 2004. A juvenile offender being prosecuted must be assisted by a legal counsel starting from judicial police investigation up to court proceedings. If a juvenile offender or his/her guardians cannot choose a legal counsel for him/her, the Judicial Police or the Public Prosecution shall request the President of the Bar Association to assign a legal counsel to him/her. If the Public Prosecution fails to do so, the judge shall ask the President of the Bar Association to assign a legal counsel for the minor¹⁷⁶.

288. Access to justice for children is ensured by the Ministry of justice. There is a comprehensive policy and framework for Juvenile Justice developed by the Ministry of justice. One focal person on Child Protection and Gender Based Violence has been appointed at each of the 30 Bureau of Access to Justice (MAJ) in each district. The Kigali Bar Association avails pro bono lawyers to assist all children in the conflict with the law, thus, legal assistance become more accessible to children in their own communities. An annual one-week for juvenile justice with free legal aid to deal with outstanding caseload was organised since 2009 with a prior consultative meetings with all stakeholders. At this stage, a Juvenile Justice Act has not been promulgated.

289. The law N° 34/2010 of 12/11/2010 on the establishment, functioning and organisation of Rwanda Correctional Service (RCS) provides for special protection measures for imprisoned children. Any incarcerated pregnant or lactating woman shall be accorded special care. A child under breastfeeding shall be entitled to adequate nutritional food as required for infants and shall be given to his/her family at three years of age. In case of no family to receive such a child, the State shall provide a place where s/he shall be catered for (Article 33). The Nyagatare Rehabilitation Center is a special rehabilitation centre for minors who have committed crimes. Minors detained receive trainings, entertainment, family visits... where population is 148 detainees. In other detention centers, 167 children living with their mothers. The Rwanda Correctional Service provided nursery schools, nutrient food and fresh milk for such children, sport and entertainment facilities.

290. In respect of legislation, there is no law that establishes any form of discrimination against children and the Government of Rwanda is working hard to prevent discrimination against children. To emphasise provisions of the constitution of Rwanda, article 4 of Law N° 54/2011 of 14/12/2012 relating to the rights and protection of the child provided that "Children are born equal and entitled to the enjoyment of rights and freedoms recognized and guaranteed by the law and are provided with the protections which are required by their childhood condition without any discrimination. However, the adoption of positive measures in favor of

¹⁷⁶ Article 201 and 203 of the law relating to criminal procedure.

groups of disadvantaged children, in order to mitigate or to eliminate conditions which cause or contribute to perpetuate inequality in living conditions shall not be considered as a form of discrimination". Article 5 of the some law stipulates that, "Discrimination among children based on their birth conditions is prohibited. Terms like legitimate, illegitimate or natural or any other form of discrimination of children basing on the circumstances in which they are born shall be prohibited. No mention can be recorded in the civil status registry concerning the birth conditions of a child". Article 54 of the some law stipulates that "Handicapped children with physical or mental disability shall be entitled to a special protection from the Government and enjoy all the rights recognized to the child without any form of discrimination related to their state or any other situation which would result from it".

291. Progress made on the implementation of the National Policy of Orphans and other Vulnerable Children is characterised by the development of its strategic plan, Monitoring and evaluation system for strategic plan of action for orphans and other vulnerable children. To accurate information that will be used to assess the impact of OVC programs, Rwanda National Strategy for Child Care Reform, recognizing that transformation of orphanages is an entry point to building sustainable child care and protection systems. This document represents the national reform strategy and focuses on Alternative Family Based Care for Children Living in Institutions.

292. Children in institutions are reintegrated into families (orphanages, children on/in the street, and children with their mothers in detention centers). 1,574 children (864 from orphanages, 667 from centers for children in streets, 43 from detention centers) have been reintegrated into families from June 2012 to June 2013. They all benefited from mutual health insurance schemes, school materials, school fees and other materials¹⁷⁷. Radio and TV shows were organized to sensitize community about foster placement, adoption and de-institutionalization program once a week on Radio Rwanda and National TV.

293. Community Based Campaign around the promotion of children rights conducted, educational support (school fees) to OVC in secondary schools and OVC in Vocational Training, support of income generating activities (IGA) to foster care families/ OVC caregivers achieved. An advocacy was conducted to different partners and 122,278 OVC were supported in education, 77,111 in health, 15,413 in nutrition, 1,633 in shelter, 6,195 in legal aid and protection, 15,800 in psychosocial and 5,567 in economic development. 33,375 OVC received their school fees in secondary school under the support of Global Fund Project, 2,487 OVC were supported in vocational training school and received their school fees under the support of Global Fund Project in 2012. "Tubarere mu muryango program" (Let's raise children in families) have been developed to implement the national strategy on child care reform to insure that Rwandan children have access to, and are supported by a strengthened child protection system.

294. Center of child rehabilitation (Iwawa) is center for young teenagers who were exposed to high risk of violence and illicit drug use. In this center, delinquent youth acquire life skills and vocational skills to enable them become economically and socially productive citizens. The centre has three educational components; rehabilitation, skills training and civic education training. The youth are expected to leave the centre with positive values and equipped with skills to gain employment and play an active part in the development of their communities. Careers guidance

¹⁷⁷ National Commission for Children, Report, June 2013.

and support is given to all the young people at the centre. A total of 2,056 youths have graduated at the vocational centre since its establishment in 2010, majority of them former drug addicts and dealers and children on street. The youth are also taught how to read and write. It also boasts of a health centre, recreational centres and psycho-socio rooms to help counsel the youth. 179 former street children completed the Reach Up Program in ICT, Business and Life Skills at Iwawa Rehabilitation and Vocational Skills Development Centre graduated in May 2013¹⁷⁸. Youth from this centre are equipped, followed and reintegrated in social and economic life after completion of training.

295. The Government has embarked on the promotion of the twelve years basic education for children. Key national policies guiding education include the girl's education policy to ensure that the girl child has equal access to universal education as the boy child, the Special Needs Education Policy for certain categories of Rwandans requiring special attention, as well as the Policy on Science, Technology and Innovation. The One Laptop per child program was put in place with the mission to distribute laptops to primary schools all over the country. The education for children with physical or mental disabilities was introduced and 386 teachers were trained in the methodology for such classes. As a result, 3,333 children with disabilities were integrated in disabled friendly schools. 80 catch-up centres were introduced and currently accommodate 14,900 pupils. 680 teachers are trained to deliver practical lessons to these learners.

296. Professional social workers and community based social workers were all trained to deal with children issues in community level¹⁷⁹. In order to improve care for children without parents, social protection measures have been reinforced by the following initiatives: the national programme for economic empowerment of the poor (Ubudehe), the Girinka munyarwanda program (One cow per family), and the direct support through Vision 2020 Umurenge Programme (VUP) as well as the Universal Health Insurance (Mutuelle de santé). The establishment of 50 Earlier Childhood Centers (ECD) plays a significant role in keeping families together and ensuring that children without families are retained in single parent/extended/ foster or adoptive families. Education for all, compulsory 12 years basic education, community nutrition programs for the elimination of stunting, wasted and underweight children and all forms of malnutrition, combating childhood diseases in the community, institutionalization of mother and child health week, four (4) Community Health Workers per village dealing with issues including maternal health and childhood illnesses were strengthened.

297. Law N° 13/2009 of 27/05/2009 regulating labour in Rwanda also defines a child as "any human being below the age of eighteen (18) years" (article one, point 45) and specifies in its Article 4, Paragraph 1 that it is prohibited to employ a child in any company, even as apprentice, before the age of sixteen (16).

298. In 2010, a Ministerial Order N° 06 of 13/07/2010 determining the list of worst forms of child labour, their nature, categories of institutions that are not allowed to employ them and their prevention mechanisms was highlighted through this Ministerial Orders. Those prohibited works are worst forms of child labour; works that may affect the health, security or morality of the child, works that may be

¹⁷⁸ www.minispoc.gov.rw.

¹⁷⁹ As above.

dangerous to the health of the child and works that may be considered as slavery or servitude.¹⁸⁰

299. The establishment, by MIGEPROF, of a Stakeholders' Forum from which an OVC Technical Working Group is derived to coordinate activities undertaken for OVCs, in order to avoid waste of resources and duplication of interventions is another tool to combating child labour. The programme for demobilization of child soldiers disarmed and repatriated from the Democratic Republic of Congo (DRC), which consists in their physical and psychological rehabilitation, their reunification with their families, and their reintegration either into formal education or vocational training, or even into income generation activities¹⁸¹ remain a good practice in the field of child rights protection.

300. Rwanda joins other countries in celebrating the World Day against Child Labour which is celebrated on 12th June every year. This year the theme is "No Child Labour in Domestic Work". The commemoration of this Day was combined with the African Child Day and the International Family Day in order to achieve tangible results through pooled efforts and mobilization of all relevant partners. The National Policy on elimination of child labour draws on the special treatment that the Rwandan culture accords to the child and the consideration of childhood as a critical foundation for a productive adulthood. Therefore, the vision of the National Policy on Elimination of Child labour is to achieve a Rwandan society that is free of a child labour, a society in which all children continue to enjoy their rights to education, health and development in a dignified manner.

Right to participate in public affairs, to vote and to have access to public service (Article 25)

301. All Rwanda citizens, without distinction, have the right to exercise their political rights. They are all entitled to vote and to be elected in accordance with the law. A number of constitutional and legislative provisions lay down the organization and conduct of the different elections, as well as the conditions for participation. The right to vote, to be elected and to participate in elections on the basis of universal suffrage and to take part in the conduct of public affairs is a right for every Rwandan national to be exercised without discrimination on the ground of colour, race, sex, language, religion, political or other opinion or other status.

302. Efforts to ensure rights are equally respected for all citizens have been the core business of the Government of Rwanda. Table below shows indicators development level in the field of political rights and fundamental liberties by 2012.

Table 4
Rating of the Political Rights and Civil Liberties

<i>Sub-indicator</i>	<i>Score</i>	<i>Source of data</i>
Quality of democracy		

¹⁸⁰ Article 2 of the Ministerial Order N° 06 of 13/07/2010 determining the list of worst forms of child labour, their nature, categories of institutions that are not allowed to employ them and their prevention mechanisms.

¹⁸¹ Information collected from Child Protection Department within Rwanda Demobilization and Reintegration Commission (RDRC).

<i>Sub-indicator</i>	<i>Score</i>	<i>Source of data</i>
A competitive multiparty political system	77.50%	NFPO, Expert Survey 2012
Access of political parties to open (public places) political campaign	88.00%	NFPO, Expert Survey
% of citizens expressing confidence in the independence of the electoral commission	79.7%	CCM; Africa Governance Report 3
Political parties Registration and operations	75.83%	NFPO, Expert Survey
Vibrancy of Non-State actors in policy formulation		
Media (public and private)	56.00%	NFPO, Expert Survey
CSO in influencing public policy	67%	Civil Society Development Barometer, 2012
Basic freedoms and rights	70.8%	Civil Society Development Barometer, 2012
Right to free expression	64.8%	Civil Society Development Barometer, 2012
Safety and security	91.35%	MININTER, Perception survey 2012

Source: Rwanda Governance Scorecard 2012.

303. Participation and Inclusiveness have been prioritized based on degrees of decentralization and participation, civil society participation, gender parity in leadership, and power sharing. The year 2011 was characterized by local government elections, which again provided opportunities for citizens to participate in choosing their leaders. This is in line with the third phase of decentralization, the main objective of which is to consolidate gains from the two first phases and strengthen already existing local government institutions. Participation in Rwanda also involves engaging civil society organizations at both the local and national levels. In this regard, the Ministry of Local Government (MINALOC) in collaboration with Rwanda Governance Board (RGB) strengthened the Joint Action Development Forum (JADF), which enabled CSOs, among other actors, to participate in the development of districts.

304. At the national level, continued efforts were deployed to support the development of CSOs through direct support (financial and capacity building) and advocacy. In this regard, the support of the RGB to selected non-state actors including NGOs, academia and media has greatly contributed to the improvement of their participation in governance matters. Gender parity in leadership is also believed to be a key indicator of inclusiveness especially when governance is concerned. To this end, several institutions led by the Ministry of Gender and Family Promotion have made new efforts to improve confidence in women and young girls and encourage them to take part in leadership in general and local governance in particular. The “Akagoroba k’ababyeyi- Women’s evening” initiative launched in 2011 is a clear indication of progress though significant work still remains. Rwanda’s decentralization has been a process recognized for ease of participation by Rwandans. Umuganda and Inteko z’abatwariye at the grassroots level have also been very useful in promoting citizens’ involvement in decision-making.

305. The major recurring elections in Rwanda on a national level are the election of the President of the Republic, deputies and senators. The president is elected directly through a simple majority for a 7 years term. The president appoints the prime minister. The Chamber of deputies has 80 members, however only 53 of those (2/3) are elected directly through a closed list proportional representation system. In addition to the registered parties, individual candidates can run for elections. Each list or each candidate has to have at least 5% of the votes. 24 seats are reserved for women, Northern Province: four (4) seats; Southern Province: six (6) seats; Eastern

Province: six (6) seats; Western Province: six (6) seats; City of Kigali: two (2) seats through indirect elections, 2 are elected by the National Youth Council and 1 is elected by the executive committee of National Council for People with disability. There is no direct election for any of the 26 Senate seats. 12 Senate members are elected by an electoral college consisting of members of the Districts Councils and the bureau of Sectors Councils. Elections are held in one round, 8 members (31%) are appointed by the president, four (4) appointed by the National Consultative Forum of Political Organizations; 1 senator is elected among lecturers or researchers from public Universities and Institutions of higher learning with at least the rank of Associate Professor. Another senator is elected among lecturers or researchers from private Universities and Institutions of higher learning with at least the rank of Associate Professor.

306. Election of leaders at local administrative level shall be at the level of Village, Cell, Sector District and the City of Kigali. The term of office for elected local administrative authorities is five (5) years. The elections of local administrative leaders at District and Kigali City levels are conducted through direct or indirect suffrage and by secret ballot. In administrative local elections at Village, Cell and Sector levels, the candidate who obtains the majority of votes through direct suffrage is declared the winner of the post. In case of one candidate, he/she is the winner if he / she obtains the absolute majority of votes. Where he / she does not obtain the absolute majority of votes, election is repeated until it is obtained. There are no factors which impede citizens from exercising their right to vote, such as illiteracy, language, poverty or impediment of free movement because polling are organised in three official languages (Kinyarwanda, English and French). Polling stations are very close to the population and use of fingerprints applied.

307. Elections in Rwanda are administered by the National Election Commission (NEC), an independent and autonomous body with the mandate to conduct free, fair and transparent elections. The Chamber of Deputies has 80 members elected for a five year term. To allow participation 53 MPs are voted by all Rwandans eligible to vote; 24 (30%) female MPs are elected by women committee members at all levels, and district and sector council members; Two (2) MPs are elected by National Youth Councils at district and national levels as well as eight student representatives from secondary schools and eight from higher learning institutions; One (1) MP is elected by representatives of district, provincial, national Councils of People with Disabilities.

308. Three parliamentary elections (2003-2008-013) and two presidential elections (2003-2010) were held since the adoption of the new constitution in 2003. Local leaders' elections from the village, cell, sector, district to Kigali city level and the second senatorial elections were also held. National Electoral Commission (NEC) has accredited 1,236 observers to monitor the parliamentary elections in 2013, including 176 from outside Rwanda. International observers accredited to observe Rwandan elections include the European Union, African Union, Economic Community of the Great Lakes Countries (CEPGL) and the East African Community (EAC). The positive aspect of the conduct of elections in Rwanda is better present by international elections observer teams. The EU and Commonwealth observer mission and the Rwanda Civil Society Platform noted a positive conduct of elections in Rwanda. Voters turned out in large numbers (97.5%) and conducted themselves in calm and orderly manner.

309. Any petition relating to presidential and legislative election may be filed with the Supreme Court in forty eight (48) working hours following the announcement of provisional results by the National Electoral Commission Chairperson. The Supreme

Court shall take a decision within five (5) days starting from the day on which the petition was lodged. The decision indicates the grounds on which it is based and is communicated to the parties or their representatives. The Supreme Court shall nullify elections and declare fresh elections in a period of ninety (90) days after the first election if the petitioned flaws have altered in a determining way the result of the election. Where the Supreme Court notices that such flaws are not likely to lead to the cancellation thereof, it shall proceed with the rectification in a period not exceeding five (5) days following the decision. The rejection of claims is tantamount to the confirmation of provisional results proclaimed by the National Electoral Commission.¹⁸²

310. Electoral complaints at the local administrative levels are hindered by the higher instances according to their hierarchy. When the petitioner is not satisfied with the decision taken by the organ to which he or she filed the petition, he or she appeals to the next higher level of the National Electoral Commission, of the Province or City of Kigali and to the national level if necessary. The final decision taken at national level shall be appealed against in the competent court. The competent court that received the petition related to organisation of the elections is obliged to have instituted the proceedings in all its legal arguments and to have pronounced the final verdict before the day of elections. In case of contesting against the electoral results, the court is obliged to hear and determine the case before the day of announcement of the final electoral results¹⁸³.

311. Persons prohibited from their right are: 1) person who has been deprived of his/her right to vote by competent courts of Law and has not been rehabilitated or has not been granted amnesty in accordance with the Law; 2) person convicted of murder and manslaughter; 3) a person definitively sentenced for the crime of genocide against the Tutsi or the crimes against humanity falling under the categories of planners, organizers, instigators, supervisors and leaders; a well-known murderer who distinguished him/herself in the location where he/she lived or wherever he/she passed, because of the zeal or excessive wickedness which characterized him/her in killings together; a person who committed acts of torture against others, a person who committed rape or sexual; a person who committed dehumanizing acts on the dead body together with his/her accomplices; a person who committed acts of violence having caused death; a person who injured or committed other serious violence against people with intent to cause death, but who did not successfully carry out his/her intention; a person who committed or aided to commit other criminal acts against persons without intent to cause death and their accomplices; 4) person who pleaded guilty of the crime of genocide and crimes against humanity which categorise him or her in the categories stated above in point 3 above; 5) person who was convicted of the crime of defilement; 6) person who was convicted of the crime of rape; 7) prisoner; and 8) a refugee.¹⁸⁴

312. Rwanda has continued on its pace of enacting new laws and creation of new institutions for greater enjoyment of the equity in employment/work guaranteed under the Covenant. The Public Service Commission was created to overseeing the recruitment and placement of staff in all public institutions. It also arbitrates employment related complaints from individual workers. The National Labour Council was created in 2006 to advise the Government on the problems related to labour, employment, vocational training, social security, occupational health and

¹⁸² Law n° 27/2010 of 19/06/2010 on Elections in Rwanda. *Official Gazette n° Special of 19/06/2010*.

¹⁸³ Details are highlighted in the Law mentioned above.

¹⁸⁴ Law n° 27/2010 of 19/06/2010 on Elections in Rwanda. *Official Gazette n° Special of 19/06/2010*.

safety as well as the working and living condition of workers. The Workforce Development Agency (WDA) was established to build technical skills of employees. One of its pillars is the implementation of the Labour Market Information System (LMIS) in order to connect employers and job seekers.

313. Apart from laws detailed in the previous report that are still into force in Rwanda, new national legislations related to work have been enacted to facilitate realisation of the right to employment/work which include the following: A new Presidential Order n° 46/01 of 29/07/2011 governing modalities for the recruitment, appointment and nomination of public servants was enacted to facilitate the process of recruitment in public service and removed some barriers to application for Jobs in public Service; Prime Minister's Order n° 121/03 of 08/09/2010 establishing the procedure of performance appraisal and promotion of public servants was enacted; it gives rights to bonus and promotion to public servant who performs well; Ministerial order N° 07 of 13/07/2010 determining the modalities of functioning of the labour inspector; Ministerial order N° 05 of 13/07/2010 determining the major contents and modalities for a written contract; Ministerial Order n° 04 of 13/07/2010 determining essential services that should not stop and the terms and conditions of exercising the right to strike in these services; Ministerial Order N° 01 du 02/07/2010 fixing the period and modalities for payment and amount to be paid for funeral indemnities; and Ministerial Order N° 03 of 13/07/2010 determining circumstantial leaves.

314. The labour guarantees for remuneration, safe and healthy working conditions, equal opportunity for promotion, rest, leisure, limitation of working hours, and holiday, trade union rights, and right to social security. As a way of an update, the following regulations were enacted in 2010-2012: Prime minister's order n° 121/03 of 08/09/2010 establishing the procedure of performance appraisal and promotion of public servants has been established in 2010; it provides for gratifications to public servant who performed well without discrimination. Ministerial order N° 1 of 17/05/2012 setting up committee of health and safety at workplace. Ministerial Order N° 10 of 28/07/2010 determining the modalities of declaration of the enterprise, workers and nature of employer register; Ministerial Order determining the timeframe provided for granting of unilateral licence, a compulsory licence and opposition to registration of intellectual property; Ministerial Order N° 11 of 07/09/2010 determining the modalities and requirements for the registration of trade unions or employers professional organization; Ministerial Order N° 2 of 17/05/2012 determining conditions for occupational health and safety¹⁸⁵.

315. Ministerial Order n° 03 of 13/07/2010 determining circumstantial leaves in private sector. It states that apart from more favourable conventional provisions, every worker shall enjoy circumstantial leaves with full payment in the event of one of the following occurring in his/her family.¹⁸⁶ Ministerial order N° 11 of 07/09/2010 determining the modalities and requirements for the registration of trade unions or employers' professional organizations¹⁸⁷. It highlights modalities for registration, requirements for registrations and time frame for the registration for a trade union. It also states that trade unions and employers' professional organizations shall also apply for the registration of association of trade Unions, federations and confederations¹⁸⁸. Indeed in the same year, the Ministerial order n° 09 of 13/07/2010

¹⁸⁵ Official Gazette n° Special of 25/05/2012.

¹⁸⁶ Article 2 of Ministerial Order N° 03 of 13/07/2010 determining circumstantial of leaves.

¹⁸⁷ Official Gazette n° 30 of 26/07/2010.

¹⁸⁸ Article 8 Ministerial order n° 11 of 07/09/2010 determining the modalities and requirements for the registration of trade unions or employers' professional organizations "the distribution of seats per

determining the modalities of electing workers representatives and fulfilment of their duties was established.¹⁸⁹

316. Since 2004, specialised chambers for social matters were established. In criminal cases, the Labour Chamber shall hear offences related to labour laws, social security laws as well as offences related to the implementation of such laws. The labour chambers shall also hear: 1° disputes between individuals or groups of persons arising out of contracts of employment or contracts of apprenticeship, between private employers and their employees; collective bargaining conditions or administrative decisions in lieu thereof; 2° disputes arising out of labour relations between private employers and employees; 3° disputes between social security organisations, between employers and employees in regard to the implementation of social security laws, but without prejudice to the provisions of the laws relating to the institution of commissions empowered to hear some specific categories of disputes; suits for damages arising out of offences for breach of labour laws without prejudice to the laws which give such jurisdiction to criminal Courts when they are seized with such offences.

Rights of minorities (Article 27)

317. Minority group doesn't exist in Rwanda. Rwanda undertook an initiative to consolidate its national unity and prevent ethnic conflicts as had happened in the past. The post-conflict government adopted a new policy according to which there is only one united Rwandan community composed of all Rwandans (Banyarwanda). The former distinction of groups into Bahutu, Batutsi and Batwa was largely seen to be divisive and unproductive to Rwandans. Actually, a law was enacted to criminalise those seeking to promote ideological divisions and proscribed such qualified acts as divisionism, discrimination and sectarianism.¹⁹⁰ Furthermore, the Government of Rwanda does not consider any group of Rwandans as a distinct ethnic, religious or linguistic minority group. However, the Government recognises the particular situation of some vulnerable populations under the category of "historically marginalised populations" and, to that end; it has adopted a series of measures to improve their living conditions, as well as integrating them into mainstream Rwandan society.

318. The approach of Rwandan government not to classify people by their ethnic origin but according to their vulnerability (economic, social, etc...) to avoid stigmatization and discrimination. For that reason historically marginalized families and their children are included in the national social protection programmes according to their level of economic and social vulnerability. Rwanda as a nation, believes in finding home-grown solutions to its development challenges by preserving only positive values of the Rwandan culture and identity.

electoral college shall be agreed upon by the manager and the most representative employees' professional organization. Failing that, the issue will be settled by the competent labour inspector of that place".

¹⁸⁹ As above.

¹⁹⁰ Penal Code provides for penalties to be imposed on people found guilty of divisionism or sectarianism.

V. Conclusion

319. This report presents progress made in terms of implanting the CCPR since Rwanda submitted its 3th periodic report. Rwanda fully understands and owns its national obligation to report and highlight implementation status of the CCPR not only as an opportunity for self-evaluation but also for purposes of sharing both its success and weaknesses with the rest of Member States. Rwanda also conceives the CCPR to be a human rights instrument that provides unique opportunity to its member States to consolidate their traditional values for better protection and promotion of human rights. Besides, the progress made in the two generation rights i.e. civil and political rights and socio-economic rights; right to development remains an outstanding priority of the Government of Rwanda. Eighteen years after the worst human tragedy of the 20th century have witnessed a huge and unprecedented progress in the field of human rights than ever expected. It is however noted that challenges still remain — a reason that calls for renewed efforts to consolidate the culture of human rights respect in Rwanda. Such challenges range from ideological, structural, financial to capacity challenges.
