



*Permanent Mission of the Republic of Rwanda  
Geneva*

GE/281/16/2015

The Permanent Mission of the Republic of Rwanda to the United Nations Office in Geneva present its compliment to the Secretariat of the Human Rights Committee and has the honour to transmit the Response of the Government of Rwanda to the ICCPR List of Issues adopted during the 114<sup>th</sup> Session of the Human Rights Committee in July 2015

The Permanent Mission of the Republic of Rwanda to the United Nations Office in Geneva avails itself of this opportunity to renew to the Secretariat of the Human Rights Committee of the Committee the assurances of its highest consideration.

Geneva, 09 December 2015



**Human Rights Committee  
GENEVA**

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**Responses to List of issues in relation to the fourth periodic report of Rwanda on the International Covenant on Civil and Political Rights**

1. The Government of Rwanda is pleased to submit the following additional information to supplement Rwanda's fourth periodic report on the International Covenant on Civil and Political Rights:

**A. Constitutional and legal framework within which the Covenant is implemented (art 2)**

*Examples of Domestic Cases where the Covenant has been invoked*

2. The ICCPR has often been invoked in the domestic courts of Rwanda, particularly in criminal trials where issues concerning fair trial come up for discussion. Most recently in the case of *The Prosecution v. Uwinkindi Jean*, in the ICCPR was referred to both by the Prosecution and Defense. In particular, the Prosecution Brief in response to the accused's revocation request dated 04/09/2015 made reference to Article 14(3) (d) of the Covenant to explain the extent of an accused person's right to choose Counsel when the accused is relying on legal aid. The subsequent decision of the International Crimes Chamber of the High Court which adjudicated this issue also made reference to the said Article 14 of the ICCPR.
3. Regular training is also conducted for the Judiciary and law enforcement officials in order to provide continuous education on the application of International Human Rights standards such as those contained in the ICCPR in the conduct of their judicial function.

In that regard, the National Commission for Human Rights has a specific mandate to carry out human rights education and training with particular emphasis on Public Officials. In 2013, 80 judicial officers were trained on human rights including on the application of international instruments in domestic cases, 138 judicial officers were trained in 2014 and in 2015, 188 judicial officers have been trained so far.

4. With regard to the ratification of the Optional Protocol to the ICCPR, Rwanda is already a State Party to the ICCPR Optional Protocol on the abolition of the death penalty and national consultations are on-going regarding the possible ratification of the first Optional Protocol to the ICCPR. However, such a decision can only be taken by the Parliament with whom legislative power lies.

#### ***Improved Independence of the National Human Rights Commission***

5. The National Commission for Human Rights was created in 1999 as an independent institution. Its mandate was further strengthened through a new law promulgated in 2013 which re-affirms its independence and autonomy in performing its functions. That law requires the NCHR to present reports of its activities only to the Parliament for consideration and not to any Government Ministry.
6. In addition, funding for the NCHR has grown annually since the submission of the last periodic report. The allocated budgetary amount has been over 5.2 Billion Rwandan Francs or 7.5 million US dollars over the last 4 and a half years. The Commission also enjoys autonomy in the use and management of property and other assets.

#### **B. Non- discrimination and equality between men and women**

##### ***Legislative Review***

7. Since the last reporting period all discriminatory laws have been amended or abolished from the legal framework. In particular organic law n° 03/2013 of 16/06/2013 repealing organic Law n° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda was promulgated and has gone a long way in ensuring equal rights for men and



women in land use management. Article 4 thereof provides for equal rights to land for all people without discrimination of any form. Similarly, the new Penal Code of 2012 is more progressive than the old penal code of 1977 and guarantees equal punishment for women and men committing similar offences. For example, the punishment for the offence of adultery is imprisonment of six (6) months to one (1) year for both men and women unlike in the previous penal code where women were liable to receive a higher sentence.

8. All forms of discrimination are prohibited in Rwanda. In that regard, the penal code in Article 136 provides punishment for the crime of discrimination and sectarian practices. It provides for a sentence of five (5) years to seven (7) years imprisonment and a fine of one hundred thousand (100,000) to one million (1,000, 000) Rwandan francs once convicted of this offence.
9. In addition a new family law is in the process of adoption by Parliament along with a law governing matrimonial regimes, donations and successions. Both those laws provide for equal rights for men and women in marriage, at its dissolution and in relation to succession. A notable development from the previous legal regime is the provision that men and women in a marriage are co-heads of the household as opposed to men being the sole heads.

### ***Participation of Women in Leadership***

10. The promotion of gender equality and alleviating all discriminatory acts is embedded in the Rwandan Constitution. To this effect, the Government of Rwanda continues to foster gender equality by implementing initiatives aimed at increasing the representation of women at various levels in government. As a result, women represent 64 percent of the seats in the lower chamber of Parliament, 38 percent in the Senate, 40 percent of the cabinet, 46 percent of the Judiciary, and 40 percent of the provincial governor seats. Representation at district, sector and Kigali City consultative councils stands at 43.2 percent, 45.1 percent and 51.5 percent respectively. This trend is also reflected in other decision-making positions in the Private sector, Central and Local Government.



11. The Ministry of Gender and Family Promotion collaborates with the Forum of Women Parliamentarians, the National Women Council, Rwanda Women Leaders Network and the Gender Monitoring Office. The Ministry also supports women associations aimed at sensitizing women to take up leadership roles at all government levels and engage in income-generating activities. Every year, mentorship programs are undertaken by these institutions to increase women's confidence and self-esteem in leadership as well as development of their entrepreneurial skills. Gender mainstreaming strategies for local government and private sector are being elaborated to increase the participation of women in the two sectors.

12. Various efforts are also under way to improve the understanding of gender roles and identities at the local level. The Committees of the National Women's Council which can be found at all levels of local government play a key role in empowering women to be aware of and advocate for their rights. In addition the HeforShe campaign was launched in Rwanda on the 18<sup>th</sup> of September 2015 by the UN in partnership with the Ministry of Gender and Family Promotion. This new initiative which involves men as key actors in advocacy for gender equality is expected to play an important role in completely eradicating any inequality that may prevail.

### ***The Girls Education Policy***

13. The Government of Rwanda has implemented programs to improve school enrolment for girls which has resulted in the achievement of gender parity in school enrolment and retention at almost all levels. The 2008 girls' education policy has played a significant role in making that possible. As a result of targeted initiatives, girls' enrolment in pre-primary has remained at over 51 percent from 2011 to date. Similarly primary school enrolment has remained at over 50 percent over the last four years and secondary school enrolment has also remained at over 52 percent.




### C. Prevention and Punishment of Gender Based Violence

14. The Government of Rwanda has committed to a zero tolerance policy towards domestic and other types of gender-based violence. Evidence of the government's commitment to eradicate GBV was the adoption of a comprehensive Gender-Based Violence (GBV) Policy in 2011. This Policy strengthens both prevention and accountability mechanisms to eradicate GBV as well as providing for the treatment of victims.

15. Some Rwandan courts have started to hear GBV trials in the community where the crime was committed. This procedure, while ensuring safeguards for the dignity and sensitivity of the victims and aiming at reducing the number of GBV cases, has allowed people in communities to see perpetrators being held accountable.

16. The Penal Code provides sentencing guidelines in GBV cases, including marital rape, which if the victim dies as a result of the crime, may carry a life imprisonment term. The Prime Minister's order N°001/03 of 11/01/2012 determining modalities in which government institutions prevent and respond to GBV was also enacted with clear guidelines to prevent and respond to GBV including domestic violence. The Order provides that gender-based violence cases must be expedited and given priority.

17. The National Police and Military have established anti-GBV desks and monitoring units that oversee GBV and child protection cases. They also have anti-GBV Directorates that ensure an environment free of GBV at the institutional level and they guide the development of strategies/policies in response to GBV. Police have also established a helpline and on-line services for citizens to report child abuse and GBV. A specialized unit within the National Public Prosecution Authority has been established to prosecute GBV-related crimes and a separate department established to care for and monitor the protection of victims and witnesses.



18. Periodic awareness activities are held to create understanding about GBV in communities. GBV committees have been established from the central level down to the village "Umudugudu" level, with the purpose of ensuring prevention and reporting of GBV cases. Various community initiatives to combat sexual/domestic violence are now



operational, including among others; community policing programs, "inzego z'impuruza" (whistle blowers). Umugoroba w'ababyeyi (parents' evening forum) is a forum in which all parents of a given village meet to discuss all social and health issues. Other initiatives have been taken including radio and TV shows, the creation of "gender clubs" in all schools (primary, secondary, and higher learning institutions), public institutions and private sector institution initiatives. Additionally, door to door campaigns have been held throughout the country focusing on awareness of GBV and sexual violence against children.

19. An outstanding model of response to GBV is the Isange One Stop Centres (IOSC) initiated and piloted by Rwanda National Police (RNP) in July 2009 which provides a holistic response to GBV under one roof. This international best practice strives to minimize the risk of re-victimization/re-traumatization to victims and minimize the risk of evidence spoliation and delayed justice. The centers provide free, 24-hour medical, psychosocial counselling and medico-legal services and emergency safe houses for victims. Toll-free telephone lines that facilitate quick emergency reporting, information access and rapid response to GBV cases support the established centers. There are currently 12 such IOSC in various district hospitals in the country. Since the 2009 initial pilot, the Government has started to scale the model across the country. By the end of 2016, it is planned that there will be at least one functioning IOSC in each of the 30 districts in the country.
20. A steering committee at the Ministry of Justice has developed plans to establish a National Forensic Laboratory which will have the capacity to test DNA. Currently, there is no forensic laboratory capable of testing DNA and samples are sent abroad which can delay adjudication of cases, impact case backlogs and pre-trial detention. The Forensic Laboratory will serve the entire country including all IOSCs.
21. Each district in the country has an Access to Justice Bureau, or Maisons d'Accès à la Justice (MAJ) which is coordinated by the Ministry of Justice. One of the three staff in the MAJ is specifically in charge of the fight against GBV and domestic violence. These MAJ officials may intervene in GBV cases and assist victims through the court process. Their services are provided free of charge to the community.



22. Rwanda's commitment to end GBV has extended to a continental initiative through the Kigali International Conference Declaration (KICD) on the Role of Security Organs in ending Violence against Women in Africa. A foundation stone for an African Security Organs Centre for Coordination of Action to End Violence against Women and Girls (AFSSOCA) was laid in Kigali by the UN Secretary General, Ban Ki Moon and the President of the World Bank, Jim Yong Kim, in May 2013.
23. A Ministerial Order executed in 2014, waives all court fees for claims related to GBV and violation of children's rights. This order will facilitate victim's claims through the court process.
24. In article 165 of the Penal Code abortion is permissible in circumstances where: a woman has become pregnant as a result of rape; when a woman has been subjected to forced marriage; when a woman has become pregnant due to incest in the second degree or when the continuation of pregnancy seriously jeopardizes the health of the unborn baby or that of the pregnant woman. In each of those cases, where abortion is carried out within the four accepted legal exceptions, qualified doctors are willing and able to perform those abortions. In cases of defilement the process of obtaining the required court order is expedited since all that is needed is to prove that the victim is below 18 for it to be issued. In all other cases the courts work to ensure that the matter is expedited to the greatest extent possible.

**D. Rights to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment and liberty and security of person**

25. Unlawful and incommunicado detention are prohibited under Rwandan law specifically in Article 90 of the law relating to criminal procedure. Therefore there is no extra-judicial detention of individuals in Rwanda. All detention facilities are known and provided for by law.



26. With regard to allegations of disappearance, investigations have shown that many individuals are reported as missing when no such information has been shared with the

police or any other Government agency that may be able to effectively respond. None the less, the Rwanda National Police maintains a desk within the Criminal Investigations Department dealing specifically with unresolved cases including alleged disappearance. All cases of disappearance are handled very seriously and thorough investigations are carried out to identify whether they refer to real people and whether in fact those people are missing. Names are first run against the data base of the National Identity Authority, the body entrusted with citizen identification and issuance of ID documents to every Rwandan. It is a legal requirement for every adult Rwandan to be registered at birth and to obtain an individual ID on attainment of 16 years of age. To date this serves as the most accurate form of identification in the Country.

27. Most of the alleged cases of disappearance have not up to this point found a match when run against this electronic and secure system. This makes it difficult to verify whether those names do indeed belong to real people living in Rwanda. Those who know Rwanda, the geopolitics in the region know that such issues have shown up before in refugee numbers, in electoral population census, armed forces numbers, civil servants numbers and identities. People have turned up to claim rights belonging to such people, who on further scrutiny are found not have existed. A second step is to run the names in the data base of the Prisons System. This also has produced interesting results where individuals reported as missing are found to actually be serving a prison sentence which followed a formal trial process through a public hearing.

28. All of the cases brought to the attention of the Government Authorities are treated as a matter of the highest priority until the individual reported missing is found or until the matter is otherwise resolved.

29. For example, 175 alleged cases of disappearances were brought to the Government's attention by some members of the Diplomatic Corps in Rwanda in 2014. On checking, 158 of the reported cases were found never to have been reported to the police, 89 of the names could not be matched to our National Identification database and several others were found in prison serving lawfully imposed sentences. 93 not only found no match in the National Identification data base but also had not been reported to any Government





authority. One individual reported missing was eventually found, and claimed to be unaware that he had been reported missing. All this is on record.

30. In relation to conditions of detention in Rwanda, we take very seriously our obligations under the International Covenant on Civil and Political Rights as well as the Convention against Torture. Rwanda also recently ratified the Optional Protocol to the Convention against Torture and the process of establishing a national preventive mechanism is well underway.

31. In this regard all security forces including the military and police are required to uphold the tenets of these important international standards in the conduct of their work. Should they fail to do so, disciplinary as well as legal action may be taken. Allegations of misconduct among the security forces can be reported directly to the department of legal affairs of the Rwanda National Police, even anonymously. In addition complaints may be addressed to the Office of the Ombudsman, the National Commission of Human Rights or the two Parliamentary Committees on Human Rights.

32. All places of detention are regularly inspected by the National Commission for Human Rights as well as various independent organisations such as the International Committee of the Red Cross. All detention facilities in Rwanda are legally provided for and documented in accordance with established National and International standards.

33. Efforts have also been made to separate person in pre-trial detention from those serving sentences. Although housed in the same prison facilities, every effort is made to ensure that there is no interaction between the two groups which are housed in separate blocs. In addition the different sets of detainees wear different uniform colours for easy distinction.

34. With regard to individuals held in detention prior to deportation or extradition, every effort is made to ensure that they access all fundamental human rights. Where possible bail is granted instead of keeping them in detention. The 2013 Extradition Law of Rwanda also specifically provides that individuals may not be extradited to Countries where there is a possibility that they may experience torture. In that regard all agreements





for extradition signed between Rwanda and other Countries expressly have a prohibition of torture.

35. With regard to the offence of vagrancy, although the penal code provides for the prosecution and punishment of the offence, in practice no person has been prosecuted for this offence in the recent past. Instead individuals who commit petty offences are taken through a process of rehabilitation and re-integration into society. Centers such as Gikondo, Iwawa, Gitagata, Nyagatare and others are used for this purpose.
36. For example, Iwawa rehabilitation and vocational development center, which was created by the Rwanda Ministry of Youth to address the growing problem of youth-related drug problems in the country, includes two stages,: the first six months focus on rehabilitation and cultivating sober minds, while the second stage promotes skills development such as tailoring, building and carpentry. At the end, candidates are awarded certificates, and when they are deemed fit, are sent off of the island to start a new life. As evidence of the effectiveness of this approach, many of the rehabilitated youth have gone on to become useful members of society. Since its establishment, Iwawa has graduated over 4500 students in various disciplines. These include; 294 in animal production and bee keeping, 208 in commercial farming, 1068 in carpentry, 2467 in masonry and 583 in tailoring.
37. Gikondo as well is a transit centre set up by the Kigali City Authorities to provide social emergency assistance for petty offenders. Its establishing law of 2006 has been updated by a new directive of the City Council which provides for oversight over entry and exit into the Centre. The directive specifically provides for an oversight. This Committee is headed by Access to Justice Officers who ensure that the individual continues to enjoy his rights under the law as they go through the process. Other members include social workers, psychologists, counsellors and family where possible. In addition to this a rehabilitation law is also in the final stages of development to provide a legal framework for all transit and rehabilitation Centres including Gikondo and others.




## **E. Independence of Judiciary and Fair Trial**

### ***Administrative and other Independence of the Judiciary***

38. The independence of the judiciary is safeguarded by i) financial and administrative autonomy; ii) the independence of judges in making decisions where they are bound to only follow the law; and iii) independence in the management of judges including their appointment, promotion, removal and discipline by the High Council of the Judiciary. In particular the Constitution of Rwanda in Article 140 guarantees this independence from the legislative and executive branch and stipulates that the Judiciary enjoys financial and administrative autonomy. This Constitutional principle is elaborated in the Organic law determining the organization, jurisdiction and functioning of the courts adopted in 2008 which states in Article 65 that the courts shall be independent from other State Institutions. This law also sets out in detail the operation and functioning of the Judiciary as an Independent arm of Government. Additional legislation such as the law determining the organization, jurisdiction and functioning of the Supreme Court provide further strengthen this legislative framework.

39. The Judiciary also has an Inspectorate department that is responsible for planning for the capacity development of judges to ensure efficiency in their work. It also investigates possible cases of corruption which are then submitted to the High Council of the Judiciary for proper action. In addition, the Office of the Ombudsman is mandated to investigate cases of corruption including those in the Judiciary and initiate prosecutions against corrupt practices.

40. As a result of all these efforts and deliberate Government policy to combat corruption, Rwanda has been ranked in the top 25% countries globally by the World Economic Forum survey on the independence of the Judiciary from 2011 to date. Rwanda continues to be one of the top performers in the fight against corruption in Africa.



41. Through a collaboration framework between the Supreme Court and various development partners, judges receive continuing legal training. Since 2011, Judges were trained on the application of international human rights law in national courts. In addition, the Institute


for Legal Practice and Development (ILPD) periodically conducts capacity building trainings for judges and other judicial personnel. The Government of Rwanda has also facilitated free short courses on legal practice for judges and anticipates the inclusion of all judges by the end of 2015.

42. In Rwanda, like elsewhere, the Government is often the respondent in many of the civil cases that come before the Courts. This however has no bearing on the final outcome of the case as the Judiciary is an independent arm of Government both in law and practice. The Government like any other litigant has to invest time and resources in case preparation to avoid defeat. In 2013, the Government represented by the Attorney General won in 41 percent of cases and in 45 percent in 2014.

#### *Provision of legal aid*

43. Access to justice is a fundamental right for all Rwandans. Article 18 of the Constitution and Article 37 of the Criminal Procedure Law of 2013 guarantee the right to defense for all individuals in Rwanda. Indigent persons and minors have access to free legal representation.

44. In 2014, the Ministry of Justice placed Access to Justice Officers as permanent staff in all 30 districts. Three staff members are appointed in each Access to Justice Bureau to respond to the needs of vulnerable people and bring the formal justice system closer to the people. One Access to Justice officer in each District responds specifically to cases of gender-based violence. Another officer assists in the execution of court judgements with the support of the local government administration. The third officer represents indigent people in courts of law. Nationally, in 2014, the District Access to Justice Bureaus provided no cost legal aid in 20,748 cases.

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45. The Rwanda Bar Association coordinates the Government legal aid service provision through a framework agreement with the Ministry of Justice. In addition, Articles 58 and 68 of the law regulating the Bar Association provide for mandatory provision of legal aid to the poor by members of the Bar Association.



46. The increase of lawyer's membership in Rwanda Bar Association from 37 members in 1997 to 1,200 in January 2015, has increased access to the formal justice system for people in Rwanda. This has fostered greater due process through the provision of legal assistance to vulnerable persons including women, children and indigent persons. The Ministry of Justice encourages and coordinates civil society organisations such as the International Justice Mission and the Legal Aid Forum, a coalition of national NGOs providing legal aid services, to provide legal aid to vulnerable persons.
47. A Legal Aid Policy and a Justice for Children Policy were adopted in October 2014 to streamline the provision of legal aid and to coordinate the activities of all legal aid providers in the country. The Policies establish mechanisms to improve legal aid provision to indigent and poor Rwandans as well as minors in conflict with law. Tangible results of the Policy include the establishment of a referral system among Alternative Dispute Resolution mechanisms to prevent duplication and improve efficiency and effectiveness. The Legal Aid Policy created a legal aid fund to act as a central depository of all legal aid funding and establishing a legal aid steering committee to coordinate all legal aid activities.
48. A Legal Aid Week is held each year to provide vulnerable people greater access to justice. Legal Aid Week activities originally focused on legal representation for minors in detention centers, now activities during the legal aid week have been expanded due to the involvement of prison officers, courts, the National Public Prosecution Authority, the Rwanda National Police and the Bar Association. For example, during the 2014 legal aid week, 159 people received legal representation in courts including 137 children. Legal assistance was also provided for the execution of 112 judgements. Other forms of legal advice were provided for 1,130 people in all 30 districts as well as 1,175 prisoners.



## **F. Elimination of slavery and servitude**

### ***Human Trafficking***

49. Human trafficking is another emerging form of exploitation of vulnerable groups. The law relating to Human Trafficking is contained in Chapter 8 of the 2012 Penal Code. The law relates to both the trafficking of persons within Rwanda and transnational trafficking. Penalties range from 8 to 15 years and include fines. The Law Relating to the Rights and Protection of the Child, enacted in 2012, also outlaws child trafficking, prostitution, and slavery under Article 51. Rwanda is also a signatory to almost all the core international treaties relating to human trafficking. Human trafficking cases handled by the National Public Prosecution Authority in 2014-2015 at the Prosecution level were 57, 21 of which were transmitted to court, 20 were closed, and 6 were transferred to the concern institutions.
50. Victims of human trafficking among others benefit from gender desks that have been created at all police stations. Each gender desk has a judicial police officer that has undergone training to identify and assist victims of trafficking. The training also includes techniques on investigating and prosecuting trafficking cases. Additionally, all newly hired immigration officers receive training on the identification of trafficking victims.
51. All existing ISANGE ONE STOP CENTERS are equipped to render assistance to victims of gender-based violence, including those that may be victims of human trafficking. Rwanda cooperates with other countries to investigate transnational trafficking offenses, facilitate the repatriation of victims, and disrupt trafficking operations. One example that illustrates these efforts is the opening of an INTERPOL liaison office at Kigali International Airport, where, in 2013, the Rwandan Police intercepted Ugandan women transiting to Dubai presumably to be trafficked. These continuing efforts demonstrate that human trafficking is taken very seriously in Rwanda and ensure that impunity cannot prevail.
52. In addition, the government of Rwanda provides three months of care to children who are trafficking victims, returned from the Democratic Republic of Congo rebels. The Rwanda demobilization and reintegration Commission works with local authorities NGOs to



locate the trafficked children from DRC rebels they families and gives them the formal education, vocational training, and provides to them income generating activities.

**G. Freedom of expression, prohibition of advocacy of national, racial or religious hatred peaceful assembly and freedom association**

***Legal Framework for the Protection against Genocide and Genocide Ideology***

53. With regard to concerns that genocide ideology legislation was compromising or impeding freedom of expression, the law on genocide ideology has been modified. It is important to bear in mind however, that before 2008 there was no law relating to genocide ideology even in the penal code. Before the 2008 genocide ideology law was promulgated research was done all over the Country by the Parliament at the time. The research found that genocide ideology was still very much entrenched in the minds of ordinary Rwandans and there was therefore a need to have a tough law against it. At the time it was still possible for divisive ideas to be taught even in schools or most commonly passed on by parents to their children. The genocide ideology law was thus a response to this urgent need which is why it imposed strong penalties so as to completely deter people from harbouring or sharing a genocide ideology.

54. However, it became clear in practice that the law had significant loopholes. In an effort to plug those loopholes; research was carried out among lawyers and judges to identify the challenges faced in implementing the law. Some of the challenges noted included unclear definition of genocide ideology. The law was amended to make it clearer and remove all ambiguity in the definition of the offence of genocide ideology.

55. The rights to freedom of expression, access to information and association are recognized under the Constitution and other legislative instruments including Law N° 02/2013 of 08/02/2013 regulating media and Law No 04/2013 of 08/02/2013 relating to access to information which provides for the right to freedom of opinion and expression. The Law n°02/2013 of 08/02/2013 regulating media established a Media Self-Regulatory Body which is an organ set up by journalists themselves whose responsibility is to ensure compliance with principles governing media.






56. To promote and protect the right to associate, legislative measures were adopted. These include among others: Organic Law n° 10/2013 of 11/07/2013 governing political organizations and politicians and code of politician's ethics. Law n° 06/2012 of 17/02/2012 determining the organization and functioning of Religious- based organization. Law N° 04/2012 of 17/02/2012, governing the Organization and Functioning of National Non- Governmental organizations. Law no 13/2009 of 27/05/2009 instituting the labor code (recognition of trade Unions).

57. Article 276 of the penal code provides a penalty for defamation and harassment of a person on the basis of sex with intent to humiliate him/her or his/her work, any person who defames or harasses another person on the basis of sex with intent to humiliate him/her or his/her work shall be liable to a term of imprisonment of at least two (2) months but less than six (6) months and a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Rwandan francs or one of these penalties.

#### ***Operation of Political Parties***

58. Article 11 of organic law n° 10/2013/01 of 11/07/2013 governing political organizations and politicians provides request for the registration of a political organization. This law in article 16 provides right to appeal against the decision refusing registration. It states that if it does not agree with the decision, the political organization may lodge a complaint with the High Court on the refusal for registration. The High Court shall decide on the case within thirty (30) days from the date of submission of the complaint to the court's registrar. Currently there are 11 political parties officially recognized in Rwanda.

#### ***Civil Society Organisations***



59. In this area as well much has changed over the last several years. Between 1962 and 2011 there were only 350 registered civil society organisations in Rwanda. Today there are over 1600 registered. Before 2011, an organisation seeking registration would have to approach several different agencies to get the necessary paper work. Today all local civil society, political parties and faith based organisations are registered by the Rwanda

Governance Board. It serves as a one stop centre for all matters relating to the formal establishment and operation of national organisations.

60. In Article 18 & 22 of the law governing NGOs, the process of equal treatment in the registration for all NGOs was established. All National NGOs enjoy the same rights and obligations as stipulated in article 28 (rights) and 29(Responsibilities) of that law. The mission of RGB is to promote the principles of good governance and decentralization; monitor the practices of good governance in political, public and private institutions; coordinate and support media sector development; register, empower and monitor civil society organizations; enhance civic participation; conduct research and studies related to governance; document home grown solutions and provide policy advocacy to Government for achieving good service delivery, sustainable development and prosperity.
61. With regard to International Non-Governmental Organisations, a specific department in the national Immigration Service works to ensure that organisations seeking registration are able to do so in the shortest possible time. To date there are 174 international organisations registered and operating in Rwanda. The Directorate of Immigration is currently overhauling its registration process to make it completely accessible online. Organisations will now be able to complete the registration process online without the need of physical presence at the registration offices.
62. In the interest of continued dialogue with important stakeholders in the industry, Rwanda was pleased to receive the Special Rapporteur on the Rights to Freedom of Association and Assembly in 2014. The Special Rapporteur visited Rwanda and made some recommendations to the Country which were considered, following which the Special Rapporteur was again invited to Rwanda to dialogue with some of the key leaders in the institutions working in the areas that fall under his mandate.



## **H. Childrens' Rights**

### ***Birth Registration***

63. The right to birth registration as a fundamental right for all children is recognized in Rwanda. All efforts are being made to fully enforce the existing legal requirements to register children and where necessary penalties are enforced for non-compliance.
64. In addition, the development of a web based application common database by national Institute of Statistics of Rwanda is underway to ensure fast and easy collecting information on vital events countrywide including the registration of births .A project to centralize all national identification services within one agency and to link all information regarding a particular individual are also underway. Training of Civil Servants at Sector level and statisticians at hospital and health centers is also ongoing to facilitate registration through the web based application. Distribution of laptops and modems in all sectors countrywide has been done to support efficient registration of births, marriage and deaths.

### ***Protection of vulnerable children***


65. Rwanda is on the path to become a middle income country by the year 2020 and in order for this to happen issues such as malnutrition and extreme poverty must become a thing of the past. In that regard every effort is being made to combat malnutrition among Rwanda's children. Several programs have been initiated to that end by the Ministry of Health in partnership with other stakeholders including periodic training of community health workers on malnutrition and how to deal with it; the institution of the one cup per child program where school children are given milk at the expense of the Government while at school, the Girinka program is also still ongoing where poor families are given a cow as a source of income and the kitchen garden program where families are encouraged to have a small subsistence garden dedicated to the growing of vegetables in order to enhance the diet.




## **I. Historically Marginalised people**

66. The term 'historically marginalised people' is a unique Rwandan construct. According to our Constitution, historically marginalised people are all those who at the time in question find themselves in a situation below the national standard because of particular events in history. It is recognised that this is not a permanent state but rather one which can change after dedicated Government interventions. This categorisation was developed to prevent a repetition of the negative history where Rwandans in poverty or other vulnerability were classified along ethnic lines. Statistics have shown that marginalisation knows no ethnic barrier. Anyone can be marginalised. The issue is whether there are sufficient Government policies and programs devoted to removing people out of poverty and marginalisation.
67. All people are treated equally in every sector: education, health, culture and justice as stipulated by Article 11 of the Constitution. Rwanda undertook an initiative to consolidate national unity to prevent ethnic conflict which occurred in the past. The current Government adopted policies which promote and emphasize Rwandanness in preference to narrow ethnic identities.
68. The right to participate in political and public life is recognised for all Rwandan citizens. Functioning decentralised systems provide the ideal platform for citizen service delivery and participation that reaches the community level (Umudugudu). This includes a deep community level engagement in programs including Ubudehe (social protection) and Umuganda (community works). These home-grown systems are continually strengthened and used as platforms for community engagement. Community development and policy related issues are discussed and appropriate feedback received.

## **J. Dissemination of Information of information relating to the Covenant**

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69. As previously highlighted elsewhere in this report, the National Commission for Human Rights has the mandate to carry out human rights education for various sectors of society including on the ICCPR. These efforts are complimented by projects by the Ministry of Justice and other Government institutions.

70. Rwanda's fourth periodic report on the ICCPR was drafted under the leadership of the Ministry of Justice within the framework of the National Treaty Body Reporting Task Force. The Task Force brings together representatives from the various Government Institutions that play a key role in the implementation of human rights standards. The Task Force also has representatives from nongovernmental institutions including civil society and human rights defenders who are important partners for Government in the promotion and protection of human rights.



**BUSINGYE Johnston**  
**Minister of Justice / Attorney General**