



## International Covenant on Civil and Political Rights

Distr.: General  
21 August 2015

Original: English  
English, French and Spanish only

---

### Human Rights Committee

#### List of issues in relation to the fourth periodic report of Rwanda\*

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

1. In light of the previous concluding observations (CCPR/C/RWA/CO/3, para. 8) and with reference to the information provided by the State party in its report (CCPR/C/RWA/4, paras. 17 and 18), please provide detailed examples of judicial proceedings in the lower courts in which the provisions of the Covenant have been invoked by either party or applied by the judiciary. Please also clarify whether judges and law enforcement officials are regularly trained on the provisions of the Covenant and on their direct applicability. Please indicate whether the State party intends to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

2. Please provide information on the measures taken to implement effectively law No. 19/2013 and ensure in practice the independence of the National Commission for Human Rights, particularly with regard to the selection process of its members and to its financial status. Please also provide information on the human and financial resources allocated to the Commission to enable it to fulfil its mandate effectively.

##### Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. Please provide updated information on the legislative review process (CCPR/C/RWA/4, paras. 19 and 92) to amend discriminatory provisions in the Civil Code and the Family Code (CCPR/C/RWA/CO/3, para. 9).

4. Please provide statistical data on female representation in decision-making posts in the local public administration at the provincial, district, sector and cell levels, as well as in the private sector. Please also report on the measures taken to reduce the gender wage gap and the horizontal segregation of women in the informal sector as well as to eradicate traditional patriarchal stereotypes on the role of women and men, particularly regarding access to property. Please also indicate the effect that the 2008 Girls' Education Policy (CCPR/C/RWA/4, paras. 22 and 113) has had on gender parity between boys and girls in secondary and higher education (CCPR/C/RWA/CO/3, para. 10).

5. Please provide information on measures taken to eradicate discrimination, harassment and other forms of abuse against lesbian, gay, bisexual, transsexual and intersex persons.

---

\* Adopted by the Committee at its 114th session (29 June-24 July 2015).



**Violence against women and children, including domestic violence, and abortion (arts. 2, 6, 7 and 24)**

6. With reference to the State party report (see CCPR/C/RWA/4, para. 28), please provide annual information, starting from 2009, disaggregated by the victims' sex, age and urban/rural location, on: (a) the number of complaints received regarding gender-based and/or domestic violence; (b) the investigations into and prosecutions of those complaints; (c) the convictions and types of penalties imposed on the offenders; (d) the number of protection measures granted, if any; and (e) the compensation awarded to the victims. Please also elaborate on the scope and geographical coverage of the support services provided by the Isange One-Stop Centre in relation to the demand, and explain whether the State party intends to provide legal assistance and free medical services to all victims of gender-based and/or domestic violence. In relation to the information provided in the State party report (CCPR/C/RWA/4, paras. 149-151), please mention the legislative measures taken to fully abolish, and combat effectively, corporal punishment of children in all settings, as established in the National Integrated Child Rights Policy.

7. In view of the amendments in 2012 to the Penal Code in relation to abortion (CCPR/C/RWA/4, para. 122), please indicate the number of cases of legal abortion requested, the average period of time taken by the courts to make a decision, and the number of legal abortions actually carried out since the amendment came into force, also indicating the number of cases that were denied authorization and the reasons for the denials. In addition, please indicate the impact that this amendment has had on the mortality and morbidity rates of women. Furthermore, please report on the legislative status of the Reproductive Health Bill and the changes that it would introduce to the current legislation on abortion. What steps have been taken to ensure access to family planning services and information, including emergency contraception, and to address the disparities in access?

**Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and liberty and security of person (arts. 2, 6, 7 and 9)**

8. With reference to the Committee's previous concluding observations (CCPR/C/RWA/CO/3, para. 12), please comment on reports that cases of unlawful and incommunicado detention and enforced disappearance continue to occur, and indicate the measures taken to end, effectively, arbitrary and secret detentions by the security forces, and to ensure that detainees are afforded all legal safeguards from the outset of their detention. Please also provide updated information on the investigations, prosecutions, convictions and punishments relating to reported cases of summary or arbitrary execution or enforced disappearance, including the disappearances of political figures such as Augustin Cyiza, Léonard Hitimana and Jean-Damascène Munyeshyaka, and the executions of André Kagwa Rwisereka and Denis Ntare Semadwinga. Please also comment on reports that the assassinations and attempted assassinations of political dissidents abroad, such as the killing of Patrick Karegeya and the attempted killing of Kayumba Nyamwasa in South Africa, and the killing of Charles Ingabire in Uganda, were allegedly committed with the acquiescence of State officials. In addition, please indicate whether such allegations have been investigated, and if so, whether the persons responsible have been brought to justice.

9. Please comment on reports on the use of torture and ill-treatment during interrogations allegedly carried out by Rwandan military intelligence in the Kami and Kinyinga military camps and by other security personnel in unofficial places of detention. Please provide information on investigations into such acts and into other cases of torture or ill-treatment perpetrated by State officials since 2009, on any disciplinary action taken and/or criminal action brought against the perpetrators, and on the convictions and penalties imposed and the reparation granted to victims.

10. In light of the previous concluding observations (CCPR/C/RWA/CO/3, para. 13) and taking into account the activity of the International Criminal Tribunal for Rwanda and its upcoming closure, please indicate whether there have been any investigations or prosecutions in connection with allegations of war crimes and crimes against humanity reportedly committed in Rwanda from 1994 onwards by the Rwandan Patriotic Army in the course of its operations. Please also indicate whether investigations have been initiated in respect of allegations of gross human rights violations reportedly committed by Rwandan armed forces in the Democratic Republic of the Congo.

11. Please comment on reports by the Group of Experts on the Democratic Republic of the Congo that the “Mouvement du 23 mars” armed group (M23), involved in various human rights abuses in eastern Democratic Republic of the Congo, received support from Rwandan territory, including recruitment, troop reinforcement, ammunition deliveries and fire support by soldiers of the Rwanda Defence Force. Please indicate whether the State party has initiated any investigations and prosecutions of individuals who allegedly provided such support, including those who reportedly recruited children and fraudulently recruited men in support of the group.

#### **Treatment of persons deprived of their liberty (arts. 9, 10 and 24)**

12. With regard to the previous concluding observations (CCPR/C/RWA/CO/3, para. 16), please report on the State party’s progress towards abolishing the offence of vagrancy from its criminal legislation. Please also clarify whether the detention of persons on the basis of that offence, including children in a street situation, complies with the requirements of articles 9 and 24 of the Covenant. Additionally, please report on the procedure of admission and regime, material conditions and occupancy rate of the Gikondo Transit Centre and the Iwawa Rehabilitation and Vocational Development Centre.

13. In light of the previous concluding observations, please provide updated information on the progress made: (a) in separating accused persons from sentenced persons (CCPR/C/RWA/4, para. 32); and (b) in improving conditions in police and military detention centres with regard to hygiene, access to health care, and food (CCPR/C/RWA/CO/3, para. 15). Please also provide statistical data on the number of pretrial detainees, including those in police and military detention centres, on the total number of persons deprived of their liberty and on the average and maximum duration of pretrial detention, by year (CCPR/C/RWA/4, paras. 31, 32 and 171). Please comment on the efficacy of the measures in place to ensure the prompt release of prisoners who have completed their sentences and to facilitate access to independent organizations that monitor places of detention.

14. With reference to the information provided in the State party report (CCPR/C/RWA/4, paras. 197-205), please indicate whether steps have been taken to adequately assess whether a foreigner subjected to a deportation or extradition order could be in danger of being subjected to torture in the country of destination. Please also clarify whether foreigners subjected to deportation orders, including children, can be detained in correctional facilities with other prisoners, and report on the average duration and the conditions of their detention. Please also report on measures taken to provide for non-custodial alternatives to such detention and to ensure that detention is used only as a measure of last resort and for as short a period of time as possible.

#### **Independence of the judiciary and fair trial (art. 14)**

15. Please provide information on the measures adopted to safeguard the independence of the judiciary, including on disciplinary and dismissal proceedings, and to prevent undue interference in the administration of justice, for example by making public statements prior to sentencing in regard to individuals’ culpability. Please also report on the measures taken

to uphold in practice the principle of equality of arms and to ensure that lawyers are able to access, at the earliest appropriate time, the prosecution file in order to prepare the defence. Please provide also information on the competence of military courts to hear cases against civilians.

16. In relation to the information provided in the State party report (CCPR/C/RWA/4, paras. 34, 35 and 208), please report on the State party's progress in ensuring legal assistance at State expense for those who do not have the means to pay for it (CCPR/C/RWA/CO/3, para. 18).

**Elimination of slavery and servitude (art. 8)**

17. With reference to the information provided in the State party report (CCPR/C/RWA/4, para. 157), please provide annual statistical data, disaggregated on the basis of gender, age and country of origin, on persons trafficked to and transited through the State party, as well as information on prosecutions and convictions and on the sanctions imposed on perpetrators and the remedies awarded to victims. Please also indicate the measures taken to improve the identification of victims of trafficking among vulnerable populations, in particular street children and children in domestic servitude.

**Right to privacy and family life (art. 17)**

18. Please explain the existing legal safeguards against arbitrary interference with the privacy of individuals in law No. 60/2013 regulating the interception of communications, and the observance of those safeguards in practice. Is there any judicial oversight over the application of the law?

**Freedom of conscience and religious belief (art. 18)**

19. In light of article 18 of the Covenant, please comment on reports that Jehovah's Witnesses have been expelled from schools or dismissed from their jobs on the basis of their conscientious objection to singing the national anthem, participating in religious ceremonies in schools, paying church taxes or taking an oath while holding the national flag. Please also report on the progress made in guaranteeing conscientious objectors the opportunity to perform alternative civilian service in lieu of military service.

**Freedom of expression, prohibition of advocacy of national, racial or religious hatred, peaceful assembly and freedom of association (arts. 19, 20, 21 and 22)**

20. In light of the previous concluding observations (CCPR/C/RWA/CO/3, para. 20), please report on the State party's efforts to review the legal framework to prevent and punish the crime of genocide, with a view to ensuring that the use of broadly defined crimes such as "genocide ideology" and "sectarianism" does not interfere with the full enjoyment of the rights to freedom of expression, peaceful assembly and freedom of association. In that regard, please comment on information that those offences continue to be used against publicly critical dissidents, such as Victoire Ingabire, leader of the Unified Democratic Forces (FDU-Inkingi) opposition party, Bernard Ntaganda, president of PS-Imberakuri, and the journalists Agnès Nkusi Uwimana and Saidati Mukakibibi. Please also indicate whether there are any plans to decriminalize defamation (CCPR/C/RWA/4, para. 256) and the crime of "insulting by words, gestures, threats, writings or drawings". In addition, please clarify whether journalists' sources are protected under the current media legislation.

21. Please elaborate on the compatibility of law 33/91, which provides for a system of prior written authorization for demonstrations, which if not obtained leads to the imposition of penalties, with the right to freedom of peaceful assembly. Please also comment on reports that peaceful protests against government policies or actions are allegedly not

permitted, as in the case of the arrest and conviction of Sylvain Sibomana and Dominique Shyirambere, from the DU-Inkingi opposition party, for demonstrating against the trial of Victoire Ingabire. Please also respond to allegations that the same provisions are used to deny permission to opposition parties to hold their congress meetings, as in the case of the Democratic Green Party of Rwanda and FDU-Inkingi in the run-up to the 2010 presidential elections.

22. With reference to the Committee's previous concluding observations (CCPR/C/RWA/CO/3, para. 21) and the information provided in the State party report (CCPR/C/RWA/4, paras. 39, 40, 259 and 260), please comment on allegations that the new law 10/2013/OL, governing political organizations and politicians, sets out burdensome preconditions for complying with registration requirements and imposes penalties of imprisonment for illegally forming a political organization, or claiming to belong to a suspended or dissolved political organization. Please also respond to reports that the registration process set out in laws 4/2012 and 5/2012, governing the organization and functioning of national and international non-governmental organizations (NGOs) respectively, entails onerous conditions for registration and places excessive discretion in the hands of the Government. In that regard, please also comment on allegations about the invasive role that the Rwanda Governance Board — an official body tasked with supervising NGOs — exerts in determining their leadership.

23. Please report on the measures taken to provide effective protection against intimidation, threats and arbitrary detention, for human rights defenders and journalists reporting on human rights-related issues and issues of public interest. Please provide information on the number of complaints and the outcome of the investigations into those complaints, and on the convictions and penalties imposed in cases of assault, threats, harassment and murder believed to be linked to the victims' activities as journalists or reporters of human rights violations. In particular, please specify the status of the investigation into the murder in July 2013 of Gustave Sharangabo Makonene, coordinator of Transparency International Rwanda's Advocacy and Legal Advice Centre.

#### **Children's rights (art. 24)**

24. With regard to paragraphs 281-283 of the State party report, please provide updated information on the number of non-registered children and report on measures taken to address the obstacles impeding immediate registration of the birth of all children born in the State party, regardless of their nationality.

25. Please report on the protection measures adopted to combat stigmatization of children with disabilities, children affected by HIV/AIDS, children in street situations and children born as a result of rape. Please also describe the measures taken to reduce the high prevalence of child labour in rural areas and to combat the worst forms of child labour and economic exploitation, including in the informal sector.

#### **Rights of persons belonging to minorities (art. 27)**

26. In light of the Committee's previous concluding observations (CCPR/C/RWA/CO/3, para. 22), please report on measures taken to combat discrimination against members of the Batwa community in the public and the private sphere, including the stigma that confronts Batwa children in schools. In that regard, please provide information on how the State party has addressed the findings of the Senate's "Report on the conditions of some Rwandans disadvantaged throughout history" (2007). Please also report on the measures taken to: (a) increase the participation of the Batwa community in public affairs and decisions that affect them; (b) recognize their rights to the natural resources of the forests and ensure that they are consulted regarding matters that directly affect their interests; and (c) compensate Batwa communities that have been forcibly removed from their ancestral forestlands.

**Dissemination of information relating to the Covenant (art. 2)**

27. Please provide information on the steps taken to disseminate information on the Covenant, and on the submission of the fourth periodic report of the State party and its forthcoming examination by the Committee. Please also provide information on the involvement of representatives of minority groups, civil society, non-governmental organizations and national human rights institutions in the preparatory process for the report.

---