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**Concluding Observations and Recommendations on
the Combined 11th, 12th, and 13th Periodic Report of
the Republic of Rwanda under the African Charter on
Human and Peoples' Rights**

and

**Initial Report under the Protocol to the African
Charter on Human and Peoples' Right on the Rights
of Women in Africa**

I. Introduction

1. The Republic of Rwanda (Rwanda) is a State Party to the African Charter on Human and Peoples Rights (African Charter or Charter), having ratified the Charter on **15 July 1983**.
2. Pursuant to Article 62 of the African Charter, Rwanda submitted its Initial Report in August 1990, its combined 1st to 5th periodic Reports in March 2000, its combined 6th and 7th periodic Reports in 2004, its 8th periodic Report in 2007, and its combined 9th and 10th periodic Report in 2009.
3. The present Report, which was submitted in January 2017, is the combined 11th, 12th, 13th and 14th periodic Report of Rwanda (covering the period 2009 to 2016), and it brings Rwanda up-to date with its reporting obligations provided for under Article 62 of the African Charter.
4. The second part of the Report encompasses Rwanda's Initial Report under the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol), covering the period 2006 to 2016.
5. The Report was presented to the Commission by the delegation from Rwanda led by **Ms. Providence Umurungi**, Head of International Justice and Judicial Cooperation, Ministry of Justice, Representing the Government of Rwanda, accompanied by **Mr. Epimaque RUBANGO KAYIHURA**, Senior State Attorney at the Ministry of Justice.
6. The Report highlights developments which took place in Rwanda in the promotion and protection of human rights, and the legislative, administrative and judicial measures put in place to comply with its obligations under the African Charter.
7. The present Concluding Observations and Recommendations give an account of the positive aspects, the factors restricting the enjoyment of human rights and the areas of concern regarding exercise of human rights in Rwanda. The Concluding Observations also cover issues relating to the Maputo Protocol. For this purpose, the Concluding Observations is divided into Part A and B.
8. In conclusion, the Commission makes recommendations to the Government of Rwanda on measures for strengthening the enjoyment of human rights as guaranteed by the African Charter, the Maputo Protocol as well as other relevant regional and international human rights instruments.

PART A: Concluding Observations and Recommendations on the Combined 11th, 12th, and 13th Periodic Report of the Republic of Rwanda under the African Charter on Human and Peoples' Rights

II. Positive Aspects

9. The Commission notes a number of positive aspects in Rwanda's efforts towards the fulfilment of its obligations under the African Charter:

Reporting Obligation and Cooperation with the Commission

10. The Commission:

- i. Welcomes the efforts made by Rwanda in preparing and presenting its Report and commends the latter for being up to date with its obligations under Article 62 of the African Charter;
- ii. Commends the efforts made by Rwanda to ensure that the preparatory process of the Periodic Report was participatory and transparent. The Report was prepared by the Ministry of Justice through the *National Task Force on Treaty Body Reporting*, composed by Members representing Government Institutions which deal with justice and human rights issues, and representatives of Civil Society Organizations (CSOs) involved in human rights in Rwanda;
- iii. Commends Rwanda for implementing some of the recommendations of the Commission in its Concluding Observations on Rwanda's 9th and 10th Periodic Report.

Ratification of International Human Rights Instruments

11. The Commission commends Rwanda for the enactment of the following international treaties during the period under review:

- i. *The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (ratified by a Presidential Order n°. 34/01 of 14/07/2009);*
- ii. *The Agreement establishing the African Rehabilitation Institute (ratified by a Presidential Order n°. 37/01 of 14/07/2009);*
- iii. *The International Convention against Doping in Sports Adopted (ratified by a Presidential Order n° 07/01 of 31/03/2009);*
- iv. *The African Union (AU) Non-Aggression and Common Defence Pact (ratified by a Presidential Order n° 35/01 of 14/07/2009);*
- v. *The Convention on the Protection of Children and Cooperation in Respect of Inter-Country (ratified by a Presidential Order n° 24/01 of 07/05/2010);*
- vi. *The Agreement between the Republic of Rwanda and the International Atomic Energy for The Application of Safeguards in Connection with the Treaty on the Non Proliferation Of*

- Nuclear Weapons and Related Protocols (ratified by a Presidential Order n° 27/01 of 07/05/2010);*
- vii. *The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ratified by a Presidential Order n°33/01 of 17/05/2010);*
- viii. *The Convention relating to International Exhibitions (ratified by a Presidential Order n° 30/01 of 17/05/2010);*
- ix. *The Additional Protocol to the Convention Relating to International Exhibitions (ratified by a Presidential Order P.O. n° 36/01 of 17/05/2010);*
- x. *The African Charter on Democracy, Election and Governance, (ratified by a Presidential Order No 27/01 of 09/07/2012);*
- xi. *The ratification of the Optional Protocol to the Convention Against Torture and other cruel, Inhumane and Degrading Treatment or Punishment(ratified by a presidential Order No 60/01 of 12/02/2014).*

Enactment of National Laws guaranteeing human rights

12. The Commission commends the adoption of the following policies to guarantee human rights and promote peace and development:

- i. *Law N° 13/2009 of 27/05/2009 Regulating Labour in Rwanda;*
- ii. *Mining Policy of 2010;*
- iii. *Law N° 34/2010 on the establishment & organisation of Rwanda correctional Services;*
- iv. *Integrated Child Rights Policy of 2011;*
- v. *Law N° 54/2011 of 14/12/2011 relating to the Rights and the Protection of the Child;*
- vi. *Law N° 03/2011 of 10/02/2011 Determining The Responsibilities, Organization And Functioning Of The National Council Of Persons With Disabilities;*
- vii. *Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code;*
- viii. *Law N° 04/2012 of 17/02/2012 governing the organization and the functioning of National Non-Governmental Organizations (NGOs);*
- ix. *Law N° 04/2013 of 08/02/2013 relating to Access to Information;*
- x. *Law N° 10/2013/OL of 11/07/2013 governing political organisations and politicians;*
- xi. *Law N° 02/2011 of 10/02/2011 which established a National Women Council;*
- xii. *Law N° 86/2013 of 11/09/2013 establishing the General Statute for Public Service;*
- xiii. *Organic Law N° 10/2012/OL of 15/01/2013 repealing the Organic Law N° 55/2008 of 10/09/2008 governing NGOs;*
- xiv. *Law N° 84/2013 of 11/09/2013 on crime of genocide ideology and related offences;*

- xv. *Law N° 02/2013 of 08/02/2013 which established Media Self-Regulatory Body in Rwanda;*
- xvi. *Law N° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) regulating the licensing of media houses operating in Rwanda;*
- xvii. *Organic Law N° 12/2013/OL of 12/09/2013 on State finances and property institutionalizing Gender Responsible Budgeting;*
- xviii. *Legal Aid Policy of 2014 to provide legal aid to juvenile offenders;*
- xix. *Law N° 41/2015 of 29/08/2015 relating to Disaster Management;*
- xx. *Law N° 13/2014 of 21/05/ 2014 relating to refugees;*
- xxi. *Health Sector Policy of 2015;*
- xxii. *Health Sector ICT Security Policy of 2016;*
- xxiii. *Rwanda Pharmacy Policy of 2016;*
- xxiv. *Law N° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions.*

Institutional and Policy Measures Promoting Human Rights

13. The Commission commends the following institutional measures in the promotion and protection of human rights:

- i. *Rwanda Agriculture Board (RAB) of 2010;*
- ii. *Law n° 30/2007 of 6 July 2007 which replaced Law n° 19/2013 of 25/03/2013 determining mission, organization and functioning of the National Commission for Human Rights (NHRC);*
- iii. *The National Food and Nutrition Strategic Plan (NFNSP) 2013-2018;*
- iv. *The Office of the Ombudsman whose authority was enhanced in 2013 with a new governing law with additional powers granted to the office;¹*
- v. *Law No. 22/2011 of 28/6/2011 establishing the National Commission for Children (NCC);*
- vi. *The National Council for Persons with Disabilities (NCPD) established by law No. 03/2011 of 10/02/2011 to coordinate activities aimed at advancing persons with disabilities and advocating on the issues affecting them;*
- vii. *The Rwanda Governance Board (RGB) established by law No 41/2011 of 30/09/2011 to promote the principles of good governance and decentralization, amongst other things;*
- viii. *The Rwanda Natural Resources Authority (RNRA).*

¹ Powers include expanded authority to investigate and report on human rights violations

Economic, Social and Cultural Rights

14. The Commission commends Rwanda on:

Right to education

- i. Legislative measures, policies, institutional and administrative measures put in place to facilitate development of education;
- ii. Primary education which is compulsory and free, in line with Article 20 of the Constitution of the Republic of Rwanda of 2003 as revised in 2015;
- iii. Facilities that enable equal access to education for all, through the “*Education for All*” (Universal Primary Education and Universal Secondary Education) program aimed at enabling Rwanda to become a knowledge based economy;
- iv. Abolition of school fees and construction of more classrooms at the administrative sector level where children can easily walk home;
- v. One Laptop per child program put in place with the objective to distribute laptops to primary schools all over the country;
- vi. The introduction of education for children with physical or mental disabilities, and training of 386 teachers on the methodology for such classes;
- vii. Improved statistics for enrollment of persons with disabilities at different education levels;²
- viii. Increasing the number of teachers in primary and secondary schools.

Right to water

- ix. Improved sources of drinking water increasing to 84.8% as well as improved sanitation.

Right to work

- x. Regulation of Labour through Law N° 13/2009 of 27/05/2009 which amongst other things: provides safeguards for workers; prohibits work for children, forced labour, discrimination, unlawful dismissal; protects workers against harassment of any kind; protects pregnant and breastfeeding women; and promotes freedom of opinion in the work place;
- xi. Establishment of the RAB with a general mission of developing agriculture and animal husbandry through their reform and using modern methods in crop and animal production, research,

² In 2015, the total number of students with disabilities was 1505, among them boys were 57.6% and girls 42.4%

agricultural extension, education and training of farmers on new technologies.

Right to food

- xii. Co-operatives which have been identified to be the key to increasing food security in Rwanda, and assisting small-scaled farmers to cope with challenges and enabling them to gain access to markets;
- xiii. The Crop Intensification Programme at the Ministry of Agriculture and its partners, which uses co-operatives as a vehicle for the distribution of improved seeds and fertilisers to farmers.

Right to housing

- xiv. Assistance to people living in rural areas to acquire low cost housing by distributing about 416 block making machines and 100 tile making machines.

Civil and Political Rights

15. The Commission commends Rwanda for the:

- i. Establishment of the RGB in 2011, whose core mission is to amongst other things, promote the principles of good governance and decentralization, conduct research and policy analysis related to governance, and enhance citizen participation;
- ii. Rwanda Governance Scorecard of 2014, a comprehensive governance assessment tool, which conducts surveys such as the Citizen Report Card (an annual perception survey that scores Government performance from the perspective of beneficiaries);³
- iii. Referendum of 2015 when Rwanda decided to change the Constitution which contributed to the positive outcome of Rwanda's 2017 peaceful elections;
- iv. Eleven political organizations officially recognized in Rwanda in accordance with the law of 2013 on political parties.⁴

³ In order to increase citizens' participation, RGB introduced home-grown initiatives such as the Governance month which mainly aims at solving citizens' complaints, fostering accountable governance and transparency

⁴ According to this law, political organizations officially recognized are permitted to organize themselves in a consultative forum

Right to Freedom of Expression and Access to Information

16. The Commission commends Rwanda for:

Freedom of Expression

- i. Freedom of the press and freedom of information provided by Article 38 of the Constitution, and national laws which regulate media in Rwanda;
- ii. Freedom of expression reflected in the increase of media outlets in the country;⁵
- iii. The National Utilities Statutory Regulator Agency which regulates audio, audio-visual media and internet;
- iv. The Media Self-Regulatory Body, established by Law No. 02/2013 of 08/02/2013, set up by journalists to ensure compliance with the principles governing media and defend general interest.

Access to Information

- v. The enactment of Law N° 04/2013 of 08/02/2013 relating to Access to Information, which applies not only to public bodies but also to some private bodies, which carry out work in the public interest;
- vi. The publication of a list of 540 Information Officers who are responsible for responding to information requests by the office of the Ombudsman which is responsible for monitoring and implementing the Access to Information law.

Right to Freedom of Assembly and Association

17. The Commission commends Rwanda for the right to free association enshrined in Article 39 of the Rwandan Constitution as revised in 2015 which states that the right to freedom of association is guaranteed and does not require prior authorization, and exercised under conditions determined by law.

Conditions of Detention

18. The Commission commends Rwanda for the:

- i. Newly established Rwanda Correctional Services (RCS) responsible for the promotion and protection of the rights of incarcerated people in accordance with the Rwandan and international laws;
- ii. Building of new prisons in the Southern, Eastern, Western provinces and in Kigali City;

⁵ The number of newspapers rose to 51 in 2015, and currently 34 radio stations are operating in the country

- iii. Rehabilitation of old prisons in Huye and Rwamagana;
- iv. Quality of the detention Centre-Mpanga prison which meets international standards;
- v. Increase of sleeping space (80cm by 2m) in prisons;
- vi. Establishment of nursery schools for children under three years old living with their mothers in prisons and the provision of a cow to provide fresh milk to the children;
- vii. Adoption of alternative measures to imprisonment including community work, otherwise known as TIG, and the reintegration of 11,000 people under the TIG programme, with some prisoners being released conditionally before the end of their prison sentences under certain conditions.

Rights of Persons with Disabilities

19. The Commission commends Rwanda for the :

- i. Establishment of the National Council for Persons with Disabilities in 2011 to coordinate activities aimed at the advancement of persons with disabilities; to gather and examine views of all persons with disabilities, and to advocate on issues affecting them;
- ii. One representative of persons with disabilities in the Parliament's Chamber of Deputies;
- iii. Code of Practice on Disability Mainstreaming in Public Service;
- iv. 7 years Government Program, with a principle of "*No one left behind*", which plans to put in place programs for persons with disabilities and other vulnerable groups to facilitate access to employment and other social programs.

HIV/AIDSs

20. The Commission commends Rwanda for:

- i. The various legislative, policy, administrative and other measures reported to have been undertaken to give effect to the right to health, and in particular, for the prevention, management and control of HIV and AIDS, as well as for the legal protection and access to legal remedies for People Living With HIV (PLHIV) and those at risk, vulnerable to and affected by HIV;
- ii. HIV/AIDS prevention measures put in place by the Government of Rwanda, including mass education and information dissemination carried out through different media, including radio and television programmes and theatre;

- iii. Popular long-running radio plays such as *Urunana* and *Musekweya* which provide critical information including adolescent sexual and reproductive health, antenatal health, nutrition and HIV prevention and management of HIV and other public health concerns.

Death Penalty

21. The Commission congratulates Rwanda for abolishing the death penalty and replacing with life imprisonment.⁶

Refugees, IDPs and Migrants Workers

22. The Commission commends Rwanda for the:

- i. Establishment of a new Ministry of Disaster Management and Refugee Affairs which is expected to provide more attention to issues related to refugees and disasters, and has been vital in steering the campaign that encourages voluntary repatriation and reintegration of refugees and asylum seekers;
- ii. Enactment of Laws relating to Disaster Management and to refugees.

Prohibition of Torture and Cruel, Inhuman and Degrading Treatments

23. The Commission commends Rwanda for the :

- i. Criminalisation of torture in Articles 176 and 187 in the Organic Law Instituting the Penal Code 2012 and Article 177 which provide for the penalties of torture;
- ii. Establishment of the National Preventive Mechanism (NPM) as a unit within the NHRC.

Extractive Industries and the Environment

24. The Commission commends Rwanda for:

- i. The RNRA created under Law No. 53/2010 of 25/01/2011 through the Ministry of Natural Resources which heads the management of promotion of natural resources which regulates use of land, water, forests, mines and geology;

⁶ See Organic law n° 31/2007 of 25/07/2007 relating to Abolition of the Death Penalty. When the death penalty was abolished, there were about 2004 accused sentenced to death penalty waiting for the execution of the sentence. The sentences were reconverted to life imprisonment in 2010, and accused persons were released.

- ii. The 2010 Mining Policy aimed at establishing a fair management of mining resources, eradicate poverty, as well as improve the wellbeing of the population;
- iii. Having legislations safeguarding and protecting exploitation of natural resources and the environment which provide a legislative framework to manage and regulate the energy sector, and provide strategic oversight over all mining activities in the country;

National Security

25. The Commission commends Rwanda for:

- i. Maintaining security across all Rwandan borders;
- ii. Ensuring that all people enjoy maximum security and safety that enables them to conduct their day and night activities;
- iii. Enhancing cooperation between leadership of all security agencies and the entire country;
- iv. Intensive sensitization campaigns of the public on national security.

III. Factors restricting the enjoyment of human rights guaranteed by the African Charter

26. Lack of knowledge by the majority of the population about regional and international human rights instruments ratified by Rwanda restricts the effective enjoyment of human rights in the country.

IV. Areas of Concern

27. While acknowledging the significant efforts made by the Government of Rwanda to promote and protect human rights, the Commission is however concerned about the following:

Reporting Obligations and Cooperation with the Commission

28. The Commission appreciates Rwanda's response to its recommendations in Rwanda's combined 9th and 10th periodic Report of 2009. It however notes that, the current Report does not provide specific and comprehensive answers to some of the questions and issues raised by the Commission. The Report does not for instance, provide comprehensive disaggregated data, including gender disaggregated data on its implementation of the rights guaranteed in the African Charter in order to allow the Commission to objectively assess Rwanda's level of compliance *vis-à-vis* the obligations contained in the African Charter.

Ratification of Regional Human Rights Instruments

29. The Commission is concerned by the withdrawal of Rwanda from the Declaration under Article 34(6) of the Protocol to the African Court on Human and Peoples' Rights (the Protocol), accepting the jurisdiction of the Court to receive cases under Article 5 (3) of the Protocol, in 2013.

Civil and Political Rights

30. The Commission is concerned about the lack of information in the Report regarding adequate awareness of the population about their rights, legal procedures and available remedies in respect of their civil and political rights.

Economic, Social and Cultural Rights

Right to work

31. Even though the Government has put in place different strategies to address youth unemployment in Rwanda, including the new Ministry of Youth which has the mission to tackle among others, the issue of unemployment, the Commission is concerned that the unemployment rate amongst youth in Rwanda is still high.

Right to Freedom of Expression and Access to Information

32. The Commission is concerned about:

Freedom of Expression

- i. Defamation, which is still a criminal offence in the Penal Code;
- ii. The Law relating to the protection of Whistle-Blowers⁷ which does not state the exact mechanisms designed to protect whistle-blowers and leaves it to the discretion of organs with powers to receive such information.

Access to Information

- i. Lack of awareness of the public on their rights with regards to access to information;
- ii. Lack of knowledge of public institutions on their duty to promote the right to access to information which limits effective implementation of the Access to Information Law.

⁷ Article 12 of Law N° 35/2012 relating

Right to Freedom of Assembly and Association

33. The Commission is concerned about lack of sufficient information in the Report concerning the protection of these rights.

Conditions of Detention

34. The Commission is concerned about the:

- i. Lack of information regarding a database on torture-related complaints in police stations;
- ii. Lack of information regarding initiatives to popularize and implement the Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa.

Older Persons

35. The Commission is concerned about lack of specific information regarding the rights of older persons in the Report.

HIV/AIDSs

36. The Commission is concerned that:

- i. There is no information about measures the Government of Rwanda is putting in place to integrate HIV/AIDS prevention and care information into the education system in Rwanda;
- ii. The Report does not indicate measures put in in place by the State to support children orphaned by and other vulnerable children affected by HIV/AIDS.

Refugees, IDPs and Migrants Workers

37. The Commission is concerned that:

- i. There is no information related to the implementation of the Kampala Convention;
- ii. Rwanda has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, but there is no information relating to the implementation of this Convention and the situation of Migrants in Rwanda.

Indigenous Populations

38. The Commission notes that according to the Report, due to Rwanda's past history and with a view to create national unity, Rwanda has banned the identification of ethnicities in the country. The Commission is concerned that while the Government has rightly identified the problem, the prescribed solution may not effectively resolve the problem as unity can be achieved in diversity.

Prohibition of Torture and Ill-treatment

39. The Commission is concerned that:

- i. The Report does not contain information on measures the Government is putting in place to raise awareness amongst members of the judiciary on their obligation to open inquiries into allegations of torture or ill-treatment particularly when they are raised during trial;
- ii. The Report is silent on the remedies that are available for suspects who have been convicted despite alleging that their confessions were obtained through torture.

Extractive Industries and Environment

40. The Commission is concerned about:

- i. Lack of information on national policy to ensure local involvement and benefit from extracted resources;
- ii. Lack of detailed information on legal framework to protect the environment which includes "various laws and ministerial orders," and lack of information regarding a regulatory body to monitor implementation of these laws and ministerial orders;
- iii. Lack of information on the level of artisanal mining, and whether any programs or policies to monitor or regulate this practice are being developed.

V. Recommendations

41. In view of the foregoing, the Commission makes the following recommendations to the Government of Rwanda:

Reporting Obligations

42. Rwanda should ensure it complies with its obligations under Article 62 of the African Charter by implementing these recommendations.

Ratification of Regional/International Human Rights Instruments

43. Rwanda should make a declaration under Article 34(6) of the Court Protocol.

Civil and Political Rights

44. Rwanda should include in its next Report, information in respect of legal procedures and available remedies on the civil and political rights of the population, and also include civic education in school curricula if this is not already done.

Economic, Social and Cultural Rights

Right to work

45. The Commission urges the Government of Rwanda to:
- i. Implement the National Employment Policy and ensure that programs intended to promote employment have a component on financial literacy. This will assist both educated and uneducated youths seeking jobs to be financially literate as most of them are usually illiterate in this regard;
 - ii. Promote skills and innovation for new types of jobs to provide employment opportunities for the youth population.

Right to Freedom of Expression and Access to Information

Freedom of Expression

46. Rwanda should:
- i. Decriminalize defamation by repealing relevant provisions in the Penal Code;
 - ii. Ensure that the Law relating to the protection of Whistle-Blowers is designed to protect whistle-blowers.

Access to Information

47. Rwanda should:
- iii. Take appropriate measures to ensure public institutions are empowered in their duty to promote the right to access information through training, advocacy, as well as material and financial resources;
 - iv. Ensure that the public is aware of their rights with regards to access to information through capacity building programs.

Rights to Freedom of Association and Assembly

48. Rwanda should:

- i. Provide more information on the abovementioned rights during its next Reporting period;
- ii. Take legislative and other measures in order to protect, and promote human rights in conformity with the UN Declaration on Human Rights Defenders, the African Charter, the Kigali Declaration and other regional and international human rights instruments that guarantee the right to freedom of association and assembly; and
- iii. Provide adequate information on several rights with respect of which the Report provided no data on measures taken for the fulfilment of those rights.

Conditions of Detention

49. Rwanda should:

- i. Ensure that the office of the Director of Public Prosecution provides statistics as to how many cases referred to them by the IPOA have been prosecuted;
- ii. Establish a database on torture-related complaints in order to determine the prevalence of torture in police stations;
- iii. Effectively implement domestic laws and policies on bail, bond and sentencing to reduce overcrowding in prisons and resultant problems of violence and adverse health consequences;
- iv. Ensure speedy processes in the judicial system, and take appropriate measures to ensure strict respect of the 48 hours duration of police custody while reviewing the regime of pre-trial detention to comply with international standards such as the Commission's Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention (the Luanda Guidelines);
- v. Continue to ensure human rights training for the police and other law enforcement officers;
- vi. Make use of the Luanda Guidelines while providing training to the police on the Guidelines, and adopting relevant laws and policies; and
- vii. Extend access to legal services to suspects in Police Custody (specifically referring to the various ways of providing legal access as listed in Part 2. 8 of the Luanda Guidelines).

Older Persons

50. Rwanda should provide more information on the rights of older persons in the country in its next Report.

HIV/AIDSs

51. Rwanda should:

- i. Ensure that the next Report includes information about measures the Government of Rwanda is putting in place to integrate HIV/AIDS prevention and care information into the education system in Rwanda;
- ii. Include information and statistics on children orphaned by HIV/AIDSs and other vulnerable children affected by HIV/AIDS in its next Report as well as measures taken to support them.

Refugees, IDPs and Migrants Workers

52. Rwanda should include information in its next Report on:

- i. Implementation of the Kampala Convention;
- ii. Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- iii. The situation of Migrants in Rwanda.

Indigenous Populations

53. While recognising Rwanda's post-genocide approach to ethnicity, the Commission is concerned that this could impact negatively on some indigenous groups such as the Batwas in the country. In this regard, the Commission urges the Government of Rwanda to recognise indigenous communities, as well as promote their cultures, traditions, ways of life so as to ensure effective unity and harmony.

Prohibition of Torture and Ill-treatment

54. Rwanda should, in its next review period:

- i. Provide information on measures the Government is putting in place to raise awareness amongst members of the judiciary on their obligation to open inquiries into allegations of torture or ill-treatment particularly when they are raised during trial;
- ii. Provide information on remedies that are available for suspects who have been convicted despite alleging that their confessions were obtained through torture.

Extractive Industries and Environment

55. Rwanda should:

- i. Adopt laws that protect the right to environment by all categories of people in the country and establish a Regulatory Body to monitor implementation of these laws;
- ii. Provide information in its next Report on artisanal gold miners and adopt Artisanal Mining policies to regulate artisanal mining.

Cooperation with the Commission

56. Rwanda Government should:

- i. Continue the regular submission of Periodic Reports on the implementation of the African Charter in compliance with Article 62 of the African Charter;
- ii. Invite the Commission and its Special Mechanisms to undertake a promotional mission to the country;
- iii. Provide, in its next Periodic Report, up-to-date statistics and data on all relevant sectors as well as on activities of institutions with a human rights mandate; and
- iv. Inform the Commission, in its next Periodic Report, of the measures taken to address the above issues of concern and to ensure the effective implementation of the recommendations contained in the present Concluding Observations.

PART B: MAPUTO PROTOCOL

57. Regarding the implementation of the Maputo Protocol, the Commission notes the following positive aspects:

I- POSITIVE ASPECTS

58. The Commission notes that there are many positive aspects regarding Rwanda's compliance with its obligations under the Maputo Protocol.

Reporting obligation and cooperation with the Commission

59. The Commission commends the Republic of Rwanda for submitting its Initial Periodic Report in accordance with Article 26 of the Maputo Protocol which is well-articulated and in line with the Guidelines for State Reporting under the Maputo Protocol.

Legal framework for the promotion of women's rights in Rwanda

60. The Commission commends Rwanda for the following:

- i. Law No.59/2008 of 10/09/2008 on the Prevention and Punishment of Gender-Based Violence (GBV);*
- ii. The Labour Law (2009) that prohibits gender-based discrimination and violence in the work place;*
- iii. GBV Policy and Strategic Plan of 2011;*
- iv. Law No. 54/2011 of 14/12/2011 relating to the rights and protection of the child;*
- v. Prime Minister's Order No 001/03 of 11/01/2012 determining modalities in which institutions prevent and respond to GBV as well as ensure that GBV cases are expedited and given priority;*
- vi. Family Planning Policy of 2012;*
- vii. The Organic Budget Law (2013) institutionalizing Gender-Responsive Budgeting;*
- viii. Land law No 43/2013 of 16/06/2013 which allows women and girls to be able to inherit land and property from their parents;*
- ix. Law No. 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions which provides for equal inheritance and property ownership rights between men and women.*

Government institutions dealing with issues related to the Maputo Protocol

61. The Commission takes note of the establishment of the following institutions:

- i. The *Ministry of Gender and Family Promotion* which is the central Government organ mandated to ensure strategic coordination of policy implementation in the area of gender equality, family promotion and children's protection.
- ii. The establishment of the *National Women Council* which is a permanent forum where women's issues are addressed;
- iii. Establishment of the *Gender Monitoring Office* which is an independent public institution with responsibilities which include among others: to monitor and supervise on a permanent basis compliance with gender indicators of the programme for ensuring gender equality;
- iv. The *Rwandan Forum for Women Parliamentarians*, which is a mechanism for women in parliament to use their strategic position as lawmakers to continuously lobby, advocate for and initiate gender-responsive laws and enhance gender equality principles within the institution of parliament, as well as improving gender-based Governmental oversight;
- v. The *Office of the Ombudsman and the NHRC* which are other monitoring and accountability mechanisms that follow up the respect, promotion and protection of human rights, including women's rights.

IMPLEMENTATION OF SPECIFIC RIGHTS IN THE MAPUTO PROTOCOL

Article 2: Elimination of Discrimination against Women

62. The Commission commends Rwanda for:

- i. Its commitment to the promotion and protection of the rights of women through the enactment of a number of progressive laws enacted to reverse previously discriminatory laws, norms and practices in the country;⁸
- ii. The Law governing matrimonial regimes, donations and successions which reversed the patriarchal marriage system where a woman traditionally entered into a marriage with

⁸ See paragraph 60 above

practically no guarantees to succession or ownership of any property acquired in the marriage.⁹ This law also provides for equal inheritance rights between women and men, girls and boys;

- iii. Ensuring gender equality and the empowerment of women in the county through several strategies, the long-term Investment Framework which recognizes gender equality as a critical dimension to be mainstreamed into all investment programmes;
- iv. The enactment of laws and programs to ensure availability of resources for effective mainstreaming of gender perspective.¹⁰ Under the Budget Law, all Government budget agencies are required to submit Gender Budget statements with their budgets to the Ministry of Finance and Economic Planning, so as to mainstream gender perspective into the analysis of public expenditure and revenue policies;
- v. The Rwandan Constitution (2003) revised in 2015 which prohibits elimination of discrimination against the girl-child and reaffirms in its Article 10(4) equality before the law between men and women, boys and girls, and the fundamental rights of all citizens of Rwanda.

Article 3: Right to Dignity

63. The Commission appreciates various initiatives taken by the Government of Rwanda in the fight against GBV, in particular its policy of “*zero tolerance*” to GBV across all sectors including the establishment of anti-GBV Directorates within the Rwandan Defence Forces, the establishment of the *Isange* One Stop Centers (IOSC) aimed at providing psychosocial, medical, police and legal services to adult and child survivors of gender based violence and child abuse occurring in the family or in the community at large. These initiatives have influenced a decrease in the number of domestic violence cases and raised awareness and improvement to the right to dignity of women.

Article 4: The Rights to Life, Integrity and Security of the Person

64. The Commission commends Rwanda, for ensuring security of women and girls through the continental initiative and the Kigali International Conference Declaration (KICD) on the Role of Security Organs in ending Violence Against Women (VAW) in Africa and the African Security Organs Centre for Coordination of Action to End VAW and Girls (AFSSOCA).

⁹ New law n°27/2016 of 08/07/2016

¹⁰ Gender Responsive Budgeting has been institutionalized since the Organic Budget Law of 2013.

Article 5: Elimination of Harmful Practices

65. The Commission notes with satisfaction, the “*Men Engage*” initiative which promotes positive masculinity through sensitization and positive male role models. This programme has influenced a positive change among communities on the elimination of negative cultural practices.

Article 6: Marriage

66. The Commission lauds Rwanda for the Law governing matrimonial regimes, donations and successions which recognizes three matrimonial regimes, community of property; and separation of property.¹¹ The Law has improved the rights of women in Rwanda as they relate to the right to property.

Article 7: Separation, Divorce and Annulment of Marriage

67. The Commission notes Article 17 of the 2003 Constitution of Rwanda revised in 2015 which guarantees equality between spouses, stating that “*Spouses are entitled to equal rights and obligations at the time of marriage, during the marriage and at the time of divorce.*”

Article 8: Access to Justice and Equal Protection before the Law

68. The Commission commends Rwanda for the:

- i. *Access to Justice Office* at district level, including educating women and girls on the risk of VAW, raising awareness of the rights of women and girls as well as giving them courage to seek protection;
- ii. *Access to Justice Bureaus (AJB)* which serve as a first point of orientation for the general public; sensitize population on their human rights; provide general legal aid services; assist prisoners and provide legal training to Abunzi among others;¹²
- iii. Multi-sectoral and interdisciplinary Programme aimed at providing, comprehensive, timely and effective psycho-social, medical, police and legal services to adult and child victims of GBV and child abuse occurring in the family or in the community at large;
- iv. Efforts to increase women’s legal literacy, including a manual for citizens of Rwanda on land registration, transfer of land, and the protection of rights to land to provide legal information about land

¹¹ new Rwandan law N°27/2016 of 08/07/2016

¹² Among the staff in the AJB, one is a Gender-based violence and child focal person who facilitates easy access to justice to women victims of GBV.

rights and how to protect them. This manual, which is particularly helpful to women with limited legal literacy, provides information about the land registration process and ways of safeguarding individual rights.

Article 9: Right to Participation in the Political and Decision-Making Process

69. The Commission commends Rwanda for:

- i. Its Constitution which reserves at-least 30% quota for women in decision making resulting to an unprecedented number of women being appointed or elected into decision-making positions at all levels. The quota is also applied to political parties to eliminate any form of discrimination in political parties. Article 7 of the law governing political parties and politicians¹³ prohibits political organizations from basing themselves on race, ethnic group, tribe, lineage, region, sex, religion or any other division which may lead to discrimination;
- ii. *The Electoral Commission* for providing guidelines and environment that ensure equal participation of women and men which resulted to women representing 64% of the seats in the lower chamber of Parliament; 38% in the Senate; 40% of the cabinet; 46% of the Judiciary, and 40% of the provincial governor seats during the September 2014 elections. This trend is also reflected in other decision-making positions in the Private sector, Central and Local Government, 40% of Provincial Governors, 43.2% of district council members and 83.3% of Vice Mayors in charge of social affairs;¹⁴
- iii. The civic and voter education specific sessions which target women and youth;
- iv. The establishment of *Women Leaders Network* to provide political, leadership and communication training in leadership for young women and girls. The Network also supports mentorship of young women and girls in institutions of higher learning in different aspects of leadership, career guidance and communication;
- v. Programmes such as *Imbuto Foundation's Toast Master clubs*, under the leadership of H.E. the First Lady Jeannette Kagame, play a key role in building leadership qualities among young women and girls. These clubs have helped young girls realize

¹³ The Organic law governing political parties and politicians was also revised in July 2013 (Organic Law N° 10/20/2013/OL of 11/07/2013)

¹⁴ NISR and GMO, National Gender Statistics Report 2013

their potential in different fields including leadership, participation and public speaking.

Article 12: Right to Education and Training

70. The Commission commends Rwanda for:

- i. Equal right to education guaranteed by the Constitution which has broken the traditional barrier of viewing girls' education as not important as that of boys. It has also served as a foundation for the Government to invest a lot in improving access to education for all, but with particular attention to reducing the gap in access between girls and boys, women and men and ensuring high education quality;
- ii. The *Ministerial Order No 001/2016 of 08/01/2016* providing sanctions against parents who do not send their children to school and against other persons who employ children in work preventing them from going to or encouraging them to drop out of school;
- iii. An integrated early childhood development strategic plan 2011/12 – 2015/16;
- iv. Adoption of the universal Nine-years Basic Education (9YBE) programme in 2009, which was extended to 12 years in 2012 (12YBE), either as a mainstream secondary school education, in a teacher training college or a Technical and Vocational Education and Training (TVET);¹⁵
- v. Increase in the number of girls in all levels of secondary school which has improved women's capacity to engage fully and contribute effectively to all aspects of national development. By 2014, the number of women in public tertiary institutions was 32.8%, compared to 54.3% in private schools and universities;
- vi. The growing number of public and private education institutions, including branches of international institutions and those from neighbouring countries, has provided women and girls with increased chances of upgrading their skills and employment opportunities. According to the 2012 Census, about 65 % of the female

¹⁵ The establishment of these programmes at local level has improved school proximity and access, especially for girls, increasing girls' access to both lower and upper secondary education

population aged 15 and above are able to read and write in at least one language compared to 72 % of males;

- vii. Establishment of 5181 literacy centres across the country. Bringing these centres closer to the community enables women to factor the unpaid care work time within the literacy programme.

Article 13: Economic and Social Welfare Rights

71. The Commission notes:

- i. Women's access to economic and productive assets, including land, which has greatly transformed women's social economic well-being and enhanced their contribution to Rwanda's economy;¹⁶
- ii. A number of programs aimed at reducing poverty and economic inequalities between men and women, including a *Women and Youth Access to Finance Guarantee Fund*, currently operated by the Business Development Fund (BDF). This fund is aimed to facilitate women's access to credit and other financial services, as well as training to improve their financial literacy;
- iii. The use of the guarantee fund which has enabled many women to gradually shift from economic dependence to self-reliance. This guarantee fund is complemented by the creation of women-focused financial institutions such as the Women's Branch of Rwanda Community Bank savings and micro-credit cooperative such COOPEDU operated by a women's association called "*Duterimbere*";
- iv. The financial inclusion of women and youth through the village Credit and Saving Scheme (Umurenge SACCO), which has greatly improved women's livelihood and their economic independence. It is envisaged that by 2017, at least 50% of borrowers in SACCO and Micro-finance Institutions will be women;
- v. Business services and capacity building in business management for women and youth.

¹⁶ Rwanda's economy has grown at an average real GDP rate of 8.2% annually from 2008 to 2012¹⁶ as compared to -4.0%¹⁶ in 1999-2000;

Article 14: Health and Reproductive Rights

72. The Commission notes with satisfaction, the:

- i. Lifting of Rwanda's reservation on the Maputo Protocol relating to abortion; and the fact that Article 165 of the Penal Code provides an exemption from the criminal liability for abortion—stating that abortions are allowed for pregnancies resulting from rape, incest, forced marriages and when the health of the woman or foetus is at risk. According to the Penal Code, the mentioned exceptions are only permitted if the woman who seeks abortion submits to the doctor an order issued by a competent Court recognizing one of cases under the exceptions;
- ii. Universal Community Health Insurance scheme (*Mutuelle de santé*) which renders quality health care affordable for the poor, especially women, for a minimal annual contribution of less than US\$ 5;
- iii. Improvement of access and proximity to health services which has increased utilization of modern health services, especially for pregnant women.
- iv. Improvement of women's nutritional status through the Health Sector Strategic Plan III (2012-2018) which envisages a number of interventions to improve the health status of Rwandans, with special attention to pregnant and lactating women and children;
- v. US\$5.7 million national Accelerated Plan for Women, Girls, Gender Equality and HIV (2010-2014), focused on addressing inequality and underlying factors that contribute to women and girls' higher risk and vulnerability to HIV and AIDS.

Article 16: Right to Adequate Housing

73. Recognition of the Government of Rwanda on the need of adequate housing especially among widows and female headed households is duly noted.

Article 22: Special Protection of Elderly Women

74. The Commission commends Rwanda for:

- i. The housing facilities provided to the most aging population without any discrimination and which considers the gender specific needs;
- ii. Efforts made in ensuring the protection of the rights of elderly women including the provision of the community based health

insurance (*Mutuelles de Santé*)” funded by the State particularly for indigent persons unable to pay their contribution/subscription and this facilitates women’s access to quality health services;

- iii. Provision in the Penal Code specifically punishing the crime of rape or harassment committed on an elderly person.

Article 23: Special Protection of Women with Disabilities

75. The Commission applauds:

- i. Significant progress in supporting the rights of persons with disabilities and in ensuring people with disabilities benefit from and can contribute to national development through policies, laws and regulations, including eight Ministerial Orders affecting six Ministries;
- ii. The number of programs which have been put in place in schools to facilitate attendance of women and girls with disabilities. According to the 2014 Education Yearbook, the statistics of girls with disabilities *vis a vis* the males at different levels of education are as follows; Pre-Primary 42.8%, Primary 45.3%, Secondary 48.4%, VTCs 35.3% and at Tertiary level 42.7% a significant increase from the previous years;
- iii. Development of strategies and guidelines for mainstreaming disability into the health system at the community level by the Ministry of Health;
- iv. The Presidential Order N°46/2011 of 29/07/2011 governing modalities for the recruitment, appointment and nomination of public servants which highlights gender promotion and promotion for people with disabilities.

Article 24: Special Protection of Women in Distress

76. The Commission appreciates special care given to women in distress, for instance, women victims of violence who are given special protection including psycho-social, legal and medical assistance from gender desks as well as at *Isange One Stop Centres*.

I. FACTORS RESTRICTING THE ENJOYMENT OF THE RIGHTS GUARANTEED IN THE MAPUTO PROTOCOL

77. Lack of awareness of the Maputo Protocol results to slow implementation of the Protocol.

III. AREAS OF CONCERN

78. In spite of the Government's efforts to promote and protect the rights of women, the Commission is concerned about the following:

Reporting obligation and cooperation with the Commission

79. The Commission appreciates the detailed responses provided by Rwanda to the various questions regarding implementation of the Maputo Protocol. However, the Commission would appreciate more information on the concerns raised by the Commission hereunder.

Article 5: Elimination of Harmful Practices

80. The Commission is concerned that there is no information on whether Rwanda has enacted specific laws on the Elimination of Harmful Cultural Practices.

Article 6: Marriage

81. Even though Rwanda prohibits child/early marriages, the Report indicates that the age of consent to marriage in Rwanda is 21 years, which is contradictory to the 18 years provided by the Maputo Protocol.

Article 13: Economic and Social Welfare Rights

82. The Commission is concerned that even though Rwanda has enacted the new Law governing matrimonial regimes, donations and successions, which guarantees equal inheritance rights, the Report does not include information about the impact of this law since its enactment in 2016, in comparison with the old law on matrimonial regimes and the extent to which it is being implemented.

V - RECOMMENDATIONS

83. In view of the foregoing, the Commission makes the following recommendations to the Government of Rwanda:

Reporting obligation

84. The Government should continue to comply with its obligations under Article 26 of the Maputo Protocol, including by implementing the Commission's recommendations.

Article 5: Elimination of Harmful Practices

85. In its next Periodic Report, the Commission would appreciate more information on other forms of harmful cultural practices that exist in Rwanda.

Article 6: Marriage

86. Article 6 (b) of the Maputo Protocol provides that the minimum age of marriage for women shall be 18 years old. The age of consent for marriage in Rwanda is 21 years old, and in this regard, the Commission urges Rwanda to harmonize its domestic laws with the Maputo Protocol.

Article 13: Economic and Social Welfare Rights

87. In its next review period, the Commission would appreciate information on the extent to which the new Law governing matrimonial regimes is being implemented and its impact in the country.

88. The Commission would also appreciate information on whether the new legislation expressly address or prohibit common discriminatory practices that still exist in Rwanda, especially under customary law as they relate to inheritance.

General

89. The Commission urges Rwanda to provide in its next Periodic Report, detailed information on the effective implementation of the recommendations made in the present Concluding Observations.

**Adopted by the African Commission on Human and Peoples' Rights at
the 62nd Ordinary Session held from 25 April to 9 May 2018 in
Nouakchott, Republic of Mauritania**