FOREWORD

Pursuant to the provisions of article 13 of Law n° 19/2013 of 25 March 2013 determining missions, organization and functioning of the National Commission for Human Rights, the Commission has pleasure to present to the Parliament, both Chambers, the report of its activities for the year 2016-2017 and to submit copies thereof to His Excellency the President of the Republic, the Government and the Supreme Court.

This report presents achievements of the Commission related to the promotion and protection of human rights. This report also presents the situation of human rights particularly with regard to civil and political rights, economic, social and cultural rights and the rights of special categories for the year 2016-2017.

Regarding the protection of Human Rights, this report includes investigations conducted on violations of various categories of human rights, based on complaints received by the Commission as well as those it investigated at its own initiative and the measures taken by relevant organs upon request by the Commission.

This report also presents activities related to monitoring the respect for human rights within prisons and Police Station cells. The report also includes the survey that was conducted on the respect for the rights of the children that were transferred from orphanages to be raised in foster families and the monitoring of the use of health insurance, the respect for human rights in industries and the situation of human rights at Nduba dumping site, the rights of persons with disabilities and those with mental diseases or disabilities as well as the monitoring conducted in facilities housing for elderly persons.

Regarding the promotion of human rights, this report includes activities related to educating and sensitizing different categories of Rwandans on human rights as well as the Commission’s contribution on bills related to the promotion and protection of human rights. The report also highlights the contribution of the Commission in urging relevant institutions to ratify international treaties related to human rights and to submit on time the reports required by these treaties.

Another important activity included in this report is the monitoring of preparations for the Presidential Election held on 04th August 2017. This report also presents activities done relating to the Commission’s collaboration with other institutions, including Government institutions, commissions of other countries, national associations and international organizations operating in human rights.

In general, the Commission is of the view that there is a remarkable improvement with regard to the protection of human rights as evidenced by the fact that most of the complaints of human rights violations referred to different organs have been resolved. This progress is also evidenced by various policies, aimed at promoting human rights, adopted by various Government institutions and other partners.

During this activity year, the Commission welcomed 3 new Commissioner and the Vice-Chairperson, replacing those whose term of office expired in February 2017; and also towards the end of August 2017, during the preparation of this report, a new Secretary General was also appointed to the Commission.

NIRERE Madeleine,
Chairperson of the Commission
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PREAMBLE

The National Commission for Human Rights is an independent Commission provided for in the Constitution. The Commission has the overall mission of promoting and protecting human rights in Rwanda. The Commission was established by Law No 04/99 of 12/03/1999. The Constitution of the Republic of Rwanda of 2003 revised in 2015, in its article 42, stresses the Commission’s responsibility for promoting human rights. Currently, the Commission is governed by Law no 19/2013 of 25/03/2013 determining its missions, organization and functioning.

The Commission was established based on the Resolution No A/RES/48/134 of 20/12/1993, adopted in Paris by the United Nations General Assembly, establishing the Fundamental Principles determining the organization and functioning of National Institutions in charge of human rights. Owing to its compliance with the requirements of those Principles, the Commission was endowed with A Status by the Sub-committee of accreditation.

With this Status, the Commission has the right to attend international conferences and to play a role in activities where National Institutions in charge of the promotion and protection of human rights are invited. As a member, it has the right to make declarations and vote in those conferences, to attend conferences of the United Nations Human Rights Council, to provide views on the Council’s agenda and to submit reports to it. The Commission is also recognized by and has a place in the Bureau of the Forum of National Institutions in charge of the promotion and protection of human rights and in Committees.

Vision of the Commission

The Vision of the Commission is to have a Rwandan society that respects human rights and to build the rule of law.

Missions

The Commission has the overall mission of promoting and protecting human rights. The Commission has also the attribution to receive and examine complaints and matters related to human rights violations, to educate and sensitize the population on human rights.

Organizational structure of the Commission

The National Commission for Human Rights comprises of seven (7) Commissioners who hold office on a full-time basis, including the Chairperson and the Vice-Chairperson. The term of office for the Commissioners is four (4) years which may be renewed only once. Commissioners are selected by an independent Committee in charge of selecting candidates for the position of commissioners. The Committee is governed by the Presidential order no 72 of 12 March 2004 establishing the Committee in charge of selecting candidates for the position of Commissioners in the National Commission for Human Rights and determining its mission, organization and functioning.

The administrative organs are as follows:
The Council of Commissioners;
The Bureau of the Commission;
The General Secretariat of the Commission.

The Council of Commissioners is the supreme organ of the Commission and comprises of seven (7) Commissioners.

The Bureau of the Commission is composed of the Chairperson and the Vice Chairperson and coordinates the implementation of activities decided upon by the Council of Commissioners.

The General Secretariat is headed by the Secretary General. In his/her duties, the Secretary General is under the supervision of the Bureau to which he/she submits reports of activities.

In its daily activities, the Commission is assisted by three (3) support services including: The Administration and Finance Unit, the Legislation and Human Rights Protection Unit as well as the Human Rights Promotion, Research and Planning Unit.

The Commission also has full time staff that help it achieve its mission according to its organizational structure, mandate and mission.

Special missions of the Commission

Regarding the promotion of human rights, the Commission has the following special missions:
- To educate and sensitize the population on matters related to human rights and participate in the development of Human Rights educational programs;
- To collaborate with other organs in designing strategies aimed to prevent violations of Human Rights;
- To prepare and disseminate reports on the respect for Human Rights in Rwanda, annually and whenever necessary;
- To provide views, upon request or at its own initiative, on laws, regulations of public organs in force in the country and bills so as to ensure their conformity to fundamental principles of Human Rights;
- To urge relevant Government institutions to ratify international treaties related to Human Rights and incorporate them in the existing domestic laws;
- To urge relevant Government institutions to submit on time reports related to international treaties on Human Rights ratified by Rwanda;
- To propose to relevant Government authorities measures to be taken to address and punish any violation of Human Rights in accordance with law;
- To collaborate with other foreign National Human Rights institutions, local associations and international organizations in Human Rights promotion and protection activities.

With regard to the protection of human rights, the Commission has the mission:

- To receive, examine and investigate complaints related to Human Rights violations;
- To examine Human Rights violations in Rwanda committed by State organs, those who work in the public service abusing their powers, associations and individuals;
- To carry out visits to custodial places with the purpose of inspecting whether the rights of detainees are respected and urge relevant authorities to address identified cases of violation of the rights of detainees;
- To particularly monitor the respect for the rights of the child, women, persons with disabilities, people living with HIV/AIDS, refugees, migrant workers and members of their families and the elderly;
- To monitor the respect for Human Rights throughout elections process and submit reports to relevant organs;
- To propose to relevant Government authorities measures to be taken to address and punish any violation of Human Rights in accordance with law.

Powers of the Commission

The National Commission for Human Rights has the following powers:
- To receive and consider testimonies on Human Rights violations;
- To have access to any place where human rights violations are allegedly committed or reported including custodial places for the purpose of investigations;
- To contact, interrogate and seek explanations from any person likely to have testimony, information, responsibility and expertise deemed to enlighten the Commission on scrutinizing and collecting Human Rights violation evidence;
- To have access to documents, consult them on the spot or get their copies as well as any other document required by the Commission to be able to analyze and collect Human Rights violation evidence. Documents or items given to the Commission shall be returned to owners or organs of origin in a period not exceeding three (3) months;
- To conduct mediation and conciliation between parties with Human Rights litigations where the mediation or conciliation does not contravene the law;
- To request relevant organs to unconditionally restore the rights of any person where it appears that his/her rights have been violated;
- To request relevant organs to bring to justice any person having committed offences related to the violation of Human Rights;
- To carry out research on thematic issues and publish findings with the purpose of promoting Human Rights.

Regarding judicial police powers, Article 8 of Law n° 19/2013 of 25th March 2013 determining the mission, organization and functioning of the National Commission for Human Rights gives Commissioners of the Commission judicial police powers throughout the territory of Rwanda. The Commission’s staff members may be given these powers by a competent authority upon request by the Chairperson of the Commission. In addition, Article 24 of this Law provides for the immunity of Commissioners during and after their term of office regarding acts they have committed in carrying out their duties.

With regard to filing legal proceedings, Article 9 provides that the Commission shall have powers to file legal proceedings in civil, commercial, labour and administrative matters for violation of Human Rights provided by the Constitution of the Republic of Rwanda, international treaties ratified by Rwanda and other laws.
LIST OF ABBREVIATIONS AND ACRONYMS

1. CBHI: Community-based Health Insurance
2. CESTRAR: Rwanda Workers’ Trade Union Confederation
3. CHUK: University Teaching Hospital of Kigali
4. CNLG: National Commission for the Fight against Genocide
5. CLADHO: Rwanda Civil Society Human rights organizations Umbrella
6. CSOs: Civil Society Organizations
7. DASSO: District Administrative Security Service Organ
8. DNA: Deoxyribonucleic acid
9. EICV: Integrated Household Living Conditions Survey
10. EUCL: Energy Utility Corporation Limited
11. GBV: Gender-based Violence
12. GMO: Gender Monitoring Office
13. IECMS: Integrated Electronic Case Management System
14. ILPD: Institute of Legal Practice and Development
15. LAF: Legal Aid Forum
16. MAJ: Access to Justice Bureau
17. MAP: Provisional arrest warrant
18. MHC: Media High Council
19. MIGEPROF: The Ministry of Gender and family Promotion
20. MINALOC: Ministry of Local Government
21. MINEDUC: Ministry of Education
22. MINIJUST: Ministry of Justice
23. MINISANTE: Ministry of Health
24. NANHRI: Network for African National Human Rights Institutions
25. NCC: Nation Council for Children
27. NCPD: National Council of Persons with Disabilities
28. NPPA: National Public Procurement Authority
29. NUDOR: National Union of Disability Organizations in Rwanda
30. NWC: National Women Council
31. OCR: Observatory of Child Rights
32. PVA: Statement of arrest
33. RCS: Rwanda Correctional Service
34. RCN: Citizens Network
35. REMA: Rwanda Environmental Management Authority
36. REWU: Rwanda Extractive Workers Union
37. RGB: Rwanda Governance Board
38. RIM: Rwanda Institute of Management
39. RNP: Rwanda National Police
40. RSSB: Rwanda Social Security Board
41. RURA: Rwanda Utilities Regulatory Authority
42. SACCO: Savings and Credit Cooperatives
43. AIDS: Acquired Immunodeficiency Syndrome
44. UNDP: United Nations Development Program
45. UNICEF: United Nations Children's Fund
46. UPR: Universal Periodic Review
47. VUP: Vision 2020 Umurenge Program
48. WASH: Water Supply, Sanitation and Hygiene project
INTRODUCTION


This report consists of sections that highlight current situation of human rights in the country, how the Commission processed the population’s complaints, achievements in the framework of promoting human rights, Commission’s budget execution, as well as the conclusion and recommendations.

Regarding the situation of human rights in 2016-2017, the Commission presents the main achievements of Rwanda regarding the respect for civil and political rights. In this part, the report presents the progress made by Rwanda in the respect for the right to life, the right to justice, the right to liberty and security of person, the right to vote and to be elected and freedom of press, of expression and of access to information.

The part also covers achievements of Rwanda in the respect for economic, social and cultural rights based on the principle that every person can meet their basic needs in their daily life in order to have dignity, respect and freedom. These include to the right to property, the right to adequate housing, the right to education and the right to work.

Also the Commission conducted a survey on the use of health insurance and identified some issues regarding the categories of Ubudehe, whereby some population are not classified while others complained that they have been put in wrong categories that did not match with their financial standing. Regarding the survey conducted by the Commission on the respect for the rights of children that were transferred from orphanages to foster families, the Commission established that most of those children are not registered in the civil status registry, thus causing other hindrances in accessing some social services.

The Commission also monitored the respect for human rights in the industries and identified problems that need immediate resolutions including the lack of insurance coverage for occupational accidents, professional disability and diseases, unpaid leave and overtime and some factories that release polluting wastes. The monitoring of the respect for human rights at Nduba dumping site revealed problems including the lack of work contracts for employees in charge of collecting, transporting and sorting the wastes, lack of accident insurance and the fact that the dumping site is hazardous to the environment.
Regarding special categories of the population, the Commission monitored the respect for the rights of persons with disabilities, the respect for human rights within prisons, the respect for human rights in Police Station cells, the respect of the right of elderly people,

The respect of the rights of refugees among others. Regarding the respect for the rights of persons with disabilities, the Commission established that the centers that were visited did not have adequate means to take care of people living there. The findings of the monitoring of the respect for the rights of persons with mental diseases or disabilities also highlight serious problems including the small number of medical specialists in the treatment of mental diseases compared to the number of patients received by hospitals every day.

The Commission also monitored the respect for human rights in prisons to assess the number of detainees, their cases and their living conditions in general. Other issues that were monitored with regard to detainees included to investigate if those ordered by courts to pay crime-related damages actually do so and to monitor the respect for the rights of detainees with disabilities concerning their living conditions in prisons according to the type of disability. In general, the Commission found that average congestion was 100.2% in 13 prisons that were visited; 12 detainees were facing hard living conditions as they were sleeping on prisons floor or in health facilities of prisons. Regarding those who were ordered by courts to pay damages for the crimes they have committed, the Commission established that only 3% of the money that was to be paid has been received. Many who are yet to pay, claim that they do not have means or any property from which they can pay those damages.

The Commission also monitored the respect for human rights in Police Station cells to assess the number of persons detained there, their cases and their living conditions in general. The Commission identified several issues, including the lack of bedding facilities and detainees who are not timely transferred to prison after being subjected to a 30 day provisional detention ordered by a judge.

Regarding the special category of the elderly, the Commission visited retirement homes that care for the elderly persons. The Commission believes that the following actions should be done: designing a policy aimed at taking care of the elderly, supporting centers that take care for persons with disabilities and putting in Category One of Ubudehe the elderly who live in those centers as they have no other means.

The National Commission for Human Rights visited refugee camps in order to identify donor organizations that assist the Ministry in charge of refugees in various activities and to monitor the respect for refugees’ living conditions and rights. The Commission found that there are different organizations that have special missions of assisting refugees. Among the issues raised during the exercise include the small houses that are not consistent with the size of families and basic tools that need replacing as they are worn out.

In the framework of protecting human rights, at its own initiative or upon request, the Commission processed 2,174 complaints including 1,031 new complaints received in the year 2016-2017 in addition to 1,143 complaints that were not yet processed by the end of 2015-2016 and taken
forward in the new fiscal year. The Commission referred complainants in (113) complaints to other relevant institutions, while (34) complaints did not meet the requirements for admissibility. Furthermore, among the 2,027 complaints, 528 (75.38 %) were investigated and forwarded to relevant institutions for solutions, 930 (60.86 %) complaints were resolved, while 598 (39.14 %) were yet to be resolved at the time of drafting this report. In general, the complaints that come foremost are related to the right to property, the right to justice, rape of adults and defilement, the right to education and the child’s right to know its parents and be raised by them.

Regarding the promotion of human rights, the Commission delivered lectures to various targeted audiences including inmates living in Kigali Rehabilitation Center population of different Districts, demobilized soldiers, members of Parent and Teachers’ Committees from primary and high schools and to the population during public hearing of their complaints. Lectures were delivered to 31,972 persons including 14,763 women and 17,209 men.

The National Commission for Human Rights also trained people from different categories in order to raise their awareness of human rights for them to know, strive for and protect these rights. The training also help decision makers or councilors to base more on laws and respect human rights principles while taking decisions. 255 persons were trained, including 148 men and 107 women. Categories that were trained included professional bailiffs, members of Tabarwanda Cooperative composed of historically marginalized persons, those in charge of taking care of persons with disabilities from the Seventh Adventist Church and members of PRODCO Cooperative.

The Commission also delivered lectures about human rights via radio stations and television; it also delivered specific messages related to the topics of annual human rights days that were celebrated or the day on which we commemorate the victims of the 1994 Genocide against the Tutsi.

The Commission also provided views on bills related to the promotion and protection of human rights and continued to urge relevant institutions to ratify international treaties related to human rights and to submit on time the reports required by these Conventions. The Commission also continued cooperating with the Network for African National Human Rights Institutions, as well as collaborating with local institutions, including government institutions, national associations and international organizations operating in human rights.

An annual budget of one billion twenty one million six hundred ninety five thousand four hundred thirteen francs (1.021.695.413 Frw) from the State Budget was allocated to the Commission to carry out the above mentioned activities. In addition, one hundred ninety five million three hundred thirty five thousand two hundred forty seven francs (195.335.247 Frw) was received from donors, bringing the Commission’s annual budget to one billion two hundred seventeen million thirty thousand six hundred sixty francs (1.217.030.660 Frw).

This activity report for 2016-2017 also presents the implementation of the recommendations provided in the activity report of 2015-2016. It also presents the conclusion and the Commission’s recommendations to relevant organs and institutions deemed appropriate for solving problems
identified during the Commission’s follow up on complaints received directly, during its surveys or from thematic investigations on the respect for the rights of different categories.

I. THE SITUATION OF HUMAN RIGHTS IN RWANDA IN 2016-2017

Human rights are interrelated, interdependent, and inalienable to which every person is entitled in order to have dignity, to live with others in harmony and ensure their welfare and inviolability.

Human rights are provided for in the Constitution of the Republic of 2003 revised in 2015, in other laws and in international conventions signed by Rwanda. The State has the duty of protecting and promoting them.

This part of the report presents an overview of the respect for human rights in Rwanda in 2016-2017. Categories of those rights include civil, political, economic, social and cultural rights and the rights of special categories.

This part also covers the Commission’s activities concerning the surveys and monitoring sessions conducted in assessing the respect for human rights.

1.1. Civil and political rights

Civil and political rights are rights that ensure a person’s liberty and freedom in their private life in compliance with the provisions of laws.

These rights are provided for in:
- The Universal Declaration of Human Rights of 1948;
- The International Covenant on civil and political rights of 16 December 1966;

Civil and political rights covered in this report include: the right to life, the right to justice, the right of press, freedom of expression and the right to access the information, the right to vote and to be elected and the right to liberty and security of person.

1.1.1. The right to life

The right to life is a fundamental human right on which other rights are based because a person cannot enjoy any other rights if he/she is not alive. Everyone is entitled to enjoy this right without any discrimination.
The Constitution of the Republic of Rwanda of 2003 revised in 2015 stipulates in its article 12 states that everyone has right to life and that no one shall be arbitrarily deprived of life.

In the framework of protecting the right to life in Rwanda, the death penalty was abolished by Organic Law n° 31/2007 of 25 July 2007. Article 140 of Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code provides for life imprisonment with special provisions for anyone who commits murder.

In the framework of promoting and protecting the right to life, the following activities were carried out in 2016-2017:

➢ Preventing and punishing violations against the right to life

In the framework of preventing and punishing violations against the right to life, the National Public Prosecution reports that, from July 2016 to March 2017, it received 407 complaints related to murder. Case files of 361 complaints (88.7%) were prepared, among which 271 files (75%) that were forwarded to courts.

Regarding the prevention of violation against the right to life resulting from road accidents, the use of speed governor devices was introduced in public transport system.

In the framework of preventing genocide and its ideology, activities aimed at commemorating the Genocide against the Tutsi were organized for the 23rd time, from 7th April to 3rd July 2017.

Commemoration theme was “Remember the Genocide against the Tutsi – Fight Genocide Ideology – Build on Our Progress”. Commemorative events were organized countrywide. In addition, activities such as the burial of the remains of victims of the genocide against the Tutsi continued.

In the framework of commemorating the 1994 Genocide against the Tutsi for the 23rd time, the Commission called upon other National Human Rights Institutions of other countries requesting them to join Rwandans in the commemoration of the genocide against the Tutsi and to organize commemorative activities in their respective countries. Some Institutions joined Rwandan communities in their countries; others organized special activities related to the commemoration.

Also, in this framework, on 21st April 2017, lectures on « The role of governance in the genocide against the Tutsi and in building our country today » were delivered at the Commission’s head office.

The Chairperson of the Commission recalled the role of the Commission in sensitizing the population on fighting the genocide ideology and underscored Commission’s role in the process of legislat ing laws that protect human rights. She reiterated that commemorating the victims of the genocide is giving them the dignity they were deprived of; she stressed that a human being is sacred and inviolable and, therefore, the State and other organs have the duty of protecting him/her.
In order to prevent crimes of murder, the Commission, in collaboration with various organs including judicial and administrative institutions, continued to sensitize the population against taking justice in their own hands, to avoid family conflicts and urged them to report timely their litigations to relevant organs.

The Commission processed 44 complaints related to violations against the right to life efforts to bring perpetrators to justice. Among those complaints, 23 were solved while 21 are still under investigation.

1.1.2. The right to justice

Article 29 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 provides for the right to justice. This right to justice includes the following rights:

- The right to be informed of the nature and cause of charges;
- The right to defense and to be assisted by a lawyer before a court;
- The right to be presumed innocent until proven guilty by a competent court;
- The right to be tried by a competent court;
- The right not to be arrested, detained or not to be punished for an offence committed or not committed when local laws and international laws did not consider it as an offence when it occurred;
- The right not to be punished for an offence not committed;
- The right not to be detained for an offence committed by lack of power to fulfill attributions linked with a certain contract;
- The right not to be pursued or punished for an expired offence.

In the framework of promoting and protecting the right to justice, the following activities were carried out in 2016-2017:

- **Laws that were adopted:**
  - Law n° 12/2017 of 07/04/2017 establishing the Rwanda Investigation Bureau and determining its mission, powers, organization and functioning;
  - Law n° 41/2016 of 15/10/2016 establishing the Rwanda Forensic Laboratory and determining its mission, organization and functioning;

- **Regarding the right to defense and to be assisted by a lawyer before a court**
The Government assisted 1,141 children, including 991 boys and 150 girls, in finding legal counsels. Such assistance was also provided to 972 vulnerable persons, including 629 men and 343 women.

While monitoring the respect for the rights of detainees in 50 Police Station cells, the Commission found that detainees are informed of their right to be questioned in the presence of their lawyers. The Commission also established that children are questioned in the presence of their lawyers as provided by law.

➤ The right to judgment enforcement

Judgments, judicial decisions and acts affixed with the executory formula are executed in a period not exceeding three (3) months of the date the winning party or one with the court’s order so requests or from the date the act affixed with enforcement formula is received.

In order to improve the enforcement of judgments, the Ministry of Justice says that there are reforms under way regarding the Law governing the Bailiff Function and the Ministerial Order determining the scale of fees for professional Bailiffs.

In 2016-2017, the Commission processed 553 complaints related to violations of the right to justice. Among those complaints, 258 were solved while 295 are still under investigation.

Based on the complaints received, the Commission finds that there are still some hindrances in the enforcement of civil procedure because most of the complaints relating to the right to justice are about the enforcement of judgments.

1.1.3. The right to liberty and security of person

The right to liberty and security of person is provided for in the Constitution of the Republic of 2003 revised in 2015, in its article 24 which states that: “A person's liberty and security are guaranteed by the State. No one shall be subjected to prosecution, arrest, detention or punishment unless provided for by laws in force at the time the offence was committed. No one shall be subjected to security measures except as provided for by law and for reasons of public order or State security.”

Offences which infringe people’s freedom and security are punished by Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code.

In the framework of promoting and protecting the right to liberty and security of person, the following activities were carried out in 2016-2017:

---

1 The Ministry of Justice, in March 2017
2 Law n° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, in its article 202.
Law n° 17/2017 of 28 April 2017 establishing the National Rehabilitation Service and determining its mission, organization and functioning was adopted.

The Commission monitored the respect for human rights in the Transit centers.

1.1.3.1. Monitoring the respect for human rights in the Transit centers

A Transit center refers to premises used for accommodating on a temporary basis, of the people whose behaviors may constitute a cause for placement in the rehabilitation center.

A rehabilitation center refers to premises used for the conduct of activities dedicated to reforming, educating and providing professional skills and reintegrating any person exhibiting deviant acts or behaviors.

Rehabilitation centers and Transit centers are established pursuant to Article 31 of Law n° 17/2017 of 28/04/2017 establishing the National Rehabilitation Service and determining its mission, organization and functioning.

From October 2016 to February 2017, on different occasions, the National Commission for Human Rights monitored transit centers located in the following 14 districts: Bugesera, Nyagatare, Ngoma, Gatsibo, Kamonyi, Ruhango, Huye, Muhanga, Rusizi, Nyamasheke, Rutsiro, Gicumbi, Burera and Gakenke.

The Commission visited only 14 transit centers, including newly established ones while others were facing problems at the time. Most of others that were not visited in the current reporting year were previously monitored in 2015-2016.

The goals of the monitoring were:

- To get more insight on the establishment of transit centers;
- To get more insight on the functioning of transit centers;
- To monitor the rights of detainees therein and to get more insight on their living conditions.

Table n° 1: Transit centers that were monitored and the number of detainees

<table>
<thead>
<tr>
<th>N°</th>
<th>District</th>
<th>The Centre</th>
<th>Number of detainees</th>
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<tr>
<td></td>
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<td></td>
<td>Children</td>
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<td></td>
<td></td>
<td></td>
<td>Boys</td>
</tr>
<tr>
<td>1</td>
<td>Ngoma</td>
<td>Remera</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Huye</td>
<td>Mbazi</td>
<td>23</td>
</tr>
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3 Law n°17/2017 of 28/04/2017 establishing the National Rehabilitation Service and determining its mission, organization and functioning.
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</table>

Source: The Commission’s monitoring report

The above table shows that the Commission monitored 14 transit centers where 621 inmates are detained. Among those detainees, 496 (79.9%) were over 18 years of age while 125 (20.1%) were under years 18.

A. Creation of Transit centers

At the time of the visit, the Commission established that the transit centers were established by decisions of District Councils based on the Ministerial Order n°001/10 of 17/03/2010 establishing the organization and functioning of rehabilitation centers for minors. Currently, those centers are governed by Law n°17/2017 of 28/04/2017 establishing the National Rehabilitation Service and determining its mission, organization and functioning. The Commission found that these centers receive vagrants and people with deviant behaviors.

The Commission found that people brought to Transit centers are those arrested by security organs (Community Policing, DASSO and Police); others are brought in by local leaders for being uncontrollable in their families. Some children are brought in by their own parents or guardians.

B. Functioning of Transit centers

Regarding the functioning of Transit centers, the Commission focused on their administration and strategies that help to dissuade detainees from deviant practices that caused their detention.

Regarding administration, Commission learnt that Transit centers are generally headed by a Coordinator appointed by the District who is assisted by the National Police concerning security matters.

Regarding the assistance offered to detainees, the Commission established that detainees are given lectures that help them to change their behaviors. Thereafter, detainees whose behaviors who
display signs of improvement are sent back in their families; while some others stay in the centers for more time, and others transferred to Iwawa Rehabilitation Center in Rutsiro District for long-term training.

C. Living conditions of detainees in Transit centers

The Commission monitored the right to medical care, the right to food, the right to live in a safe place and the right to be visited.

- The right to medical care

The Commission found that detainees with health insurance are allowed to use them when they fall sick; medical treatment of those who do not have health insurance is covered by District where the center is located. The Commission established that the majority of detainees received in Transit centers do not have health insurance.

- The right to food

The Commission found that detainees of Transit centers are offered two meals per day.

- The right to live in a safe place

The Commission established that transit centers buildings have enough air and lighting. Inside the centers that were monitored, hygiene is ensured both in dormitories and toilets.

- The right to be visited

Detainees at transit centers enjoy the right to be visited.

D. Conclusion and recommendations

Though some of the transit centers are newly established, the 14 monitored Transit centers respect human rights in general.

The Commission requests the Ministry of Local Government to accelerate the publication of the Ministerial Order determining the mission, organization and functioning of Transit centers. This Order will also determine the criteria for selection and determination of people with deviant behaviors, competent authorities to determine such people and the period of stay for those placed in those centers as provided for by Article 33 of Law n° 17/2017 of 28/04/2017 establishing the National Rehabilitation Service and determining its mission, organization and functioning.
1.1.4. Freedom of press, of expression and of access to information

The Constitution of the Republic of Rwanda of 2003 revised in 2015 stipulates in its article 38 that freedom of press, of expression and of access to information are recognized and guaranteed by the State.

Freedom of press and of access to information are also provided for in article 19 (2°) of the International Covenant on Civil and Political rights adopted in 1966 and ratified by Rwanda. That article states that everyone shall have the freedom of expression. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The freedom to receive information and the freedom of expression are also provided for in article 19 of the Universal Declaration of Human Rights of 1948 that says that everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 9 (1°) of the African Charter on Human and People’s rights says that every individual shall have the right to receive information.

Article 8 of the law n°02/2013 of 08/02/2013 regulating media in Rwanda stipulates that freedom of the media and freedom to receive information are recognized and respected by the State.

In the framework of access to information, article 3 of the law n°04/2013 of 08 February 2013 relating to access to information in Rwanda stipulates that every person has the right of access to information in possession of a public organ and some private bodies.

In the framework of promoting and protecting the freedom of press, of expression and access to information in 2016-2017, some laws, policies, programs and strategies aimed at strengthening media and bringing information to persons with disabilities were adopted.

Table n° 2: Strengthening media and ensuring access to information by persons with disabilities

<table>
<thead>
<tr>
<th>Strengthening the media</th>
<th>Skills</th>
<th>The Media High Council as well as institutions (public and private) that teach journalism continued to build journalists’ capacity and to</th>
</tr>
</thead>
</table>
receive and train new journalists; thus the number of graduates from those institutions and that of trained journalists keeps increasing every year. Survey findings show that the number of journalists trained on different skills increased from 27.7% in 2003 up to 72.7% in 2016 (Rwanda media Barometer 2013 & 2016). The survey also shows that 815 persons graduated from institutions teaching journalism between 1998 and 2016. In addition, 300 journalists received continued training through those institutions.

The training focused on professionalism in journalism, the role of media in promoting democracy, good governance, justice, social welfare and other sectors. Also, managers of media were trained on sound management of media for productive exploitation.

<table>
<thead>
<tr>
<th>Equipment</th>
<th>The survey conducted in 2013 (Rwanda media Barometer 2013) revealed that 68.1% journalists could access ICT tools while this rate increased up to 71% in 2016, based on the survey conducted in that year (Rwanda media Barometer 2016).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>There was an increase in availability of media infrastructure, including the increasing use of social media, number of printed newspapers. Specifically for social media, there was an increase from 9.4% in 2013 up to 17% in 2016 according to the surveys (Rwanda Media Barometer 2013 &amp; 2016).</td>
</tr>
</tbody>
</table>

| Ensuring access of information by deaf, blind and dumb persons | Expectations target from different categories of the population increased from 39.9% in 2013 up to 54.4% according to those surveys (Rwanda Media Barometer 2013 & 2016). Media houses increased efforts to also cover stories from different categories of people, including people with disabilities such as deaf, blind and mentally disabled people to help them access information, education and leisure. However, a lot remains to be done. |

Regarding the right to access information, in 2016-2017, the 89.0% of the population had access to radio, 33.4% to television and 13.8% to print media⁴.

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⁴ The Media High Council (MHC, 2017).
Table n° 3: Population’s access to media

<table>
<thead>
<tr>
<th>Access to media services</th>
<th>2015/2016</th>
<th>2016/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate of Rwandans’ access to media</td>
<td>Radio</td>
<td>95,5%</td>
</tr>
<tr>
<td></td>
<td>Television</td>
<td>26%</td>
</tr>
<tr>
<td></td>
<td>Print media</td>
<td>15,3%</td>
</tr>
<tr>
<td></td>
<td>Online newspapers</td>
<td>9,4%</td>
</tr>
<tr>
<td></td>
<td>Other sources of information: Public meetings/Umuganda/churches;</td>
<td>59,2%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>33,8%</td>
</tr>
</tbody>
</table>

Source: The Media High Council (MHC, 2017)

1.1.5. The right to vote and to be elected

In Rwanda, the right to vote and to be elected is provided for in the following laws:

- The Constitution of the Republic of Rwanda of 2003 revised in 2015 stipulates in its article 2 that suffrage is universal and equal for all Rwandans.

- Law n° 27/2010 of 19/06/2010 relating to elections

In the framework of promoting and protecting the right to vote and to be elected, the following activities were carried out in 2016-2017:

- The Presidential Order n° 02/01 of 16/01/2017 relating to the day of elections and electoral campaigns was promulgated;

- Instructions n° 01/2017 of 04/04/2017 of the National Electoral Commission related to the Presidential elections in 2017 were promulgated;

- Instructions n°02/2017 of 31/05/2017 modifying and complementing Instructions no 01/2017 of 04/04/2017 of the National Electoral Commission relating to the Presidential elections in 2017 were promulgated;

As provided for by Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights, in its article 6, paragraph 5°, which confers to the Commission the special mission to monitor respect for human rights throughout elections process and submit report to relevant organs, in 2016-2017, the Commission monitored preparations for the Presidential Election of 04/08/2017 as follows:
- The Commission delivered lectures in public meetings in some Districts where the population was sensitized on human rights and on their duties during elections.

- The Commission made advocacy for persons with disabilities, especially the blind so that they shall be able to vote.

- The Commission drafted forms that were to be used during election monitoring and organized teams composed of its commissioners and staff who were to monitor the respect for human rights during elections;

- The Commission prepared modules that were to be used in training of different organs including journalists, NGOs and religious leaders on the monitoring the respect for human rights in elections.

- The Commission monitored the implementation of the recommendations submitted to the National Electoral Commission following the previous elections and found that they had been implemented.5

1.2. Economic, social and cultural rights

Economic, social and cultural rights are human rights related to basic needs of a person in order to live in dignity, enjoy human value and liberty. This refers to the right to work, the right to social security, the right to health, the right to education, the right to food, the right to water, the right to shelter, the right to culture and the right to a safe environment. Those rights are acquired depending on economic resources of the country.

These rights are provided for in:


- The Universal Declaration of Human Rights of 10 December 1948;

- The International Convention on economic, social and cultural rights of 1966;


The rights covered in this part include the right to property, the right to education, the right to health, the right to adequate housing, the right to work and the right to a safe environment.

5 The monitoring of elections will be reported in the next report (July 2017-June 2018).
1.2.1. The right to property

The right to property refers to having private property, whether individually or collectively owned, that one cannot be arbitrarily deprived of. The property can be an immovable, movable property or intellectual.

The right to property is provided for in the following laws:

- The Constitution of the Republic of Rwanda of 2003 revised in 2015 in its articles 34 and 35;
- Law n° 43/2013 of 16/06/2013 governing land use and management in Rwanda
- Law n° 32/2015 of 11/06/2015 relating to expropriation for public interest.
- Law n° 31/2009 of 26/10/2009 on the protection of intellectual property

In the framework of promoting and protecting the right to property, the following activities were carried out in 2016-2017:

- Law n°05/2017 of 03/02/2017 establishing Rwanda Land Management and Use. Article 5 (18°) of this Law entrusts this Authority with the mission to resolve conflicts relating to land use and management which were not resolved at the District or Kigali City levels.
- In the framework of monitoring and solving conflicts relating to compensation paid to persons expropriated for public interest, the Ministry of Infrastructure has set up a team responsible for monitoring the payment of expropriated persons.

The Commission monitored 704 complaints related to violation of the right to property. Among them, 289 were solved while 415 are still under investigation. Complaints related to the right to property come foremost with 34.73% of all complaints received by the Commission in 2016-2017. Most of those complaints are related to land conflicts.

1.2.2. The right to decent housing

The right to decent housing refers to living in a place that meets the following criteria: availability of services and infrastructures, affordability and availability of basic needs. Decent housing also refers to the habitat that facilitates people in special categories including persons with disabilities, children, the elderly and other vulnerable people.6

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The right to decent housing is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015, in its article 22 which stipulates that everyone has the right to live in a clean and healthy environment.

In the framework of promoting and protecting the right to property, the following activities were carried out in 2016-2017:

- The Prime Minister's instructions n° 004/03 of 13/11/2015 determining the conditions and procedures for obtaining Government support for affordable housing projects were revised.

- The National Hygiene and Sanitation Policy was established with strategies of its implementation.

- Strategies to reform slums and distribute electricity in rural areas were adopted.

- Special mechanisms to expropriate people living in high risk zones were set up and 2,423 households were moved from such zones and re-settled in grouped habitats (Imidugudu); 255,835 persons were given access to potable water while 71,891 households were supplied with solar energy7.

- In the framework of protecting the right to decent housing, the Commission monitored 29 complaints most of which were received from individuals requesting the Commission’s advocacy to be offered residential houses as they are destitute. Among those complaints, 12 were solved while 15 are still under investigation.

1.2.3. The right to education

The right to education implies the existence of sufficient schools in the country, inclusive and non-discriminatory that ensure quality education8.

In Rwanda, the right to education is provided for in the following laws:


- Law n°23/2012 of 15/06/2012 governing the organization and functioning of nursery, primary and secondary education;

In the framework of promoting and protecting the right to education, the following activities were carried out in 2016-2017:

Laws that were adopted:

- Law n° 01/2017 of 31/01/2017 governing the organization and functioning of Higher Education;

- Presidential Order n° 24/01 of 24/11/2016 establishing special statutes governing teachers in nursery, primary and secondary education.

In the framework of promoting nine-year and twelve-year basic education programs, 369,870 children are offered meals at school compared to 323,022 children in 2015-2016.

Regarding comparison of 2015 and 2017 statistics in terms of enrollments in nursery, primary and secondary schools, the following can be observed:

- In nursery schools, the rate of enrollment increased from 14.20% in 2015 up to 17.5% in 2016;

- In primary schools, the rate of enrollment was 136.9% in 2016;

- In secondary schools, the rate of enrollment was 42.5% for Ordinary Level and 31.2% for Advanced Level in general;

In the framework of protecting the right to education, the Commission monitored 102 complaints mainly related to failure of parents to live up to their responsibility in raising their children and family conflicts which hinder children’s education. Among those complaints, 53 were solved while 49 are still under investigation.

1.2.4. The right to health

The right to health implies the existence of sufficient hospitals, medical services and equipment designed for all citizens without any discrimination.

In Rwanda, the right to life is provided for in some of the following laws:

- The Constitution of the Republic of Rwanda of 2003 revised in 2015, in its article 221;

- Law n° 48/2012 of 14/01/2013 modifying and complementing Law N° 54/2010 of 25/01/2011 establishing Rwanda Biomedical Center (RBC) and determining its mission, organization and functioning;

- Law n° 03/2015 of 2/03/2015 governing the organization the health insurance scheme;

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9 MINEDUC, 2016, Education Statistical Yearbook
10 CESC, 2000, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)

In the framework of promoting and protecting the right to health, the following activities were carried out in 2016-2017:

- At the level of every hospital, one staff member and 2 police officers were assigned to monitor the services of “Isange One Stop Center”;

- In the framework of reducing the mortality rate of delivering mothers, new instructions governing post-delivery care for mothers and their babies within 42 days were issued;

- Regarding the rights of people living with HIV, “Vura Bose Program” was launched in July 2016. In this Program, every person who tests HIV positive is immediately put under treatment with antiretroviral.

- In general, there was continued promotion of the right to health by increasing the number of hospitals and health centers, reducing infant mortality, fighting against malaria, increasing the number of medical doctors and the rate of enrollment in health insurance. The following table shows the progress achieved.

**Table no 4: Progress made in the promotion of the right to health**

<table>
<thead>
<tr>
<th>Achievements</th>
<th>In 2015-2016</th>
<th>In 2016-2017</th>
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<tbody>
<tr>
<td>Increasing the number of hospitals and health centers</td>
<td>The number of health centers 495</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td>The number of District hospitals 35</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>The number of health posts 471</td>
<td>488</td>
</tr>
<tr>
<td>Fighting against malaria</td>
<td>The number of families with impregnated mosquito nets 79.95%</td>
<td>81%</td>
</tr>
<tr>
<td>Fighting infant mortality among the under 5 year children</td>
<td>The number of children who die before the age of 5 years 6,209</td>
<td>5,606</td>
</tr>
<tr>
<td>Care for pregnant mothers</td>
<td>The number of women who attend 4 antenatal consultations 37%</td>
<td>44%</td>
</tr>
<tr>
<td>Promoting medical services and enrollment</td>
<td>The number of citizens per doctor 1/9454</td>
<td>1/8484</td>
</tr>
<tr>
<td></td>
<td>The number of persons insured in health insurance 84.60%</td>
<td>84.03 %</td>
</tr>
</tbody>
</table>

*Source: MOH, July 2017*

The above table shows that the number of health centers increased by 4, District hospitals by 1 and health posts by 7 in 2016-2017; the number of under 5 infant mortality decreased by 603; the
number of women who attend 4 antenatal consultations increased by 7%; the number of people per
doctor decreased by 970 while the rate of enrollment in health insurance was 84.03%.

Although enrollment health insurance is 84%, the Commission received complaints from the
population related to problems the face in health insurance services. In this framework, the Commission
carried out a survey on the use of health insurance to investigate the respect for citizens’ rights.

1.2.4.1. Survey on the use of health insurance

After receiving population complaints related to the use of health insurance services, the
Commission conducted a survey on the use of health insurance in order to monitor the respect of the
rights of beneficiaries.

The survey investigated people’s enrollment in health insurance and the population’s access to
health insurance. Particular attention was paid to services offered to persons with disabilities and people
living with HIV because they need special medical services.

A. Methodology, geographical and time scope

The survey was conducted in all the Districts of Rwanda, through focus group interviews, interviews with persons with disabilities, people infected with HIV, the Directors of hospitals and health
centers Managers, Authorities at District level, Executive Secretaries of one Sector per District and one
Executive Secretary of Cell in that Sector. At the level of cells, the Commission met the members of
Health Insurance Mobilization Committees.

Table no 5: Districts, Sectors, Cells, hospitals and health centers covered by the survey

<table>
<thead>
<tr>
<th>District</th>
<th>Hospital</th>
<th>Health Center</th>
<th>Sector</th>
<th>Cell</th>
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<td>Nyamata</td>
<td>Nyamata</td>
<td>Nyamata</td>
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<td>Kiziguro</td>
<td>Agakomeye</td>
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<td>Nyanza</td>
<td>Nyanza</td>
<td>Busasamana</td>
<td>Kavumu</td>
</tr>
<tr>
<td>NYARUGURU</td>
<td>Munini</td>
<td>Kibeho</td>
<td>Munini</td>
<td>Ngarurira</td>
</tr>
<tr>
<td>Ruhango</td>
<td>Ruhango</td>
<td>Kigoma</td>
<td>Ruhango</td>
<td>Nyamagana</td>
</tr>
</tbody>
</table>
In order to cover all the districts, the Commission conducted the survey in 4 different phases. Bugesera, Gatsibo, Kayonza, Kirehe, Ngoma, Nyagatare, Burera, Gakenke, Musanze, Huye, Muhanga, Ruhango and Nyamagabe districts were visited in March 2017. Rusizi, Nyabihu, Rubavu, Nyaruguru and Nyanza were visited in April 2017. The following Districts were visited in June 2017: Rutsiro, Karongi, Nyamasheke, Gisagara, Rulindo, Gicumbi, Ngororero, Kamonyi, Rwamagana, Kicukiro, Nyarugenge and Gasabo

B. Findings of the Commission

- Enrollment in paying contributions by health insurance beneficiaries

In this regard, the Commission assessed means in which the population are mobilized to pay contributions, the number of beneficiaries who paid contributions compared to expected ones and reasons of non payment.

In order to increase the number of beneficiaries of the health insurance, local authorities mobilize the population during public meetings, community works (Umuganda) and parents’ evening (Umugoroba w’ababyeyi) programs. Mobilization methods differ depending on one area to another. The methods include encouraging people to organize themselves in saving groups also known as *Ibimina* (tontines); mobile loudspeakers, announcements through religious leaders, establishing household performance contracts and finding development partners to support needy families which are not in the first category of *Ubudehe as their* contributions are covered by the Government. In addition, the CBHI scheme mobilization committees urges the population to pay their contributions and report to the Cell and Sector levels.

Diagram n°1: Enrollment in health insurance per District in 2016-2017
According to data compiled in March 2017, among the Districts assessed by the Commission, the highest enrollment rate was 97.8% while the lowest one was 74.8%. According to data compiled in April 2017, the 1st District paid contribution at 77.8% while the lowest one was at 66.3%. According to data compiled in June 2017, the 1st District paid contributions at 95.1% while the lowest one was at 71%.

The population revealed to the Commission that enrollment in health insurance is beneficial as insurance holders can access medical care easily and at a lower cost. Further, enrollment in the CBHI scheme allowed them to access to upper referral hospitals across the country and access to an ambulance when needed.

However, the population highlighted challenges associated with their failure to pay contributions or delay. Those challenges include:
- lack of financial means;
- *Ubudehe* categories which do not match with their economic standing;
- Uncategorized population;
- Reduced number of people supported by the Government;
- Families with a large number of dependants, needing enough resources pay contributions for each family member;
- Children who no longer live with their parents and do not enroll in the CBHI scheme;
- People who are initially supported by development partners but are not enrolled since they are required to pay for all the members of the beneficiary families;
- Residents who move from another place and don’t report to be registered at the new place;
- *Ineffective ICT use in Ubudehe* categorization services, including lack of computers, electricity, internet connection and printer;
- A required waiting period of 30 days after paying contributions in order to be allowed to access medical care and in the meantime, members are treated as if they are not enrolled.

- **Medical services provided to members of the CBHI scheme**

  Regarding medical care that are delivered to beneficiaries of health insurance scheme, the requirements for the patient enrolled in the CBHI scheme were assessed.

  Although they said they were satisfied with the way enrollment in the scheme facilitates their access to medical care at lower cost, they nonetheless pointed out some challenges as regard the services that are provided. Those challenges include the following:

  - The limited number of RSSB staff in charge of the CBHI scheme at hospitals and health centers leads to long queuing while awaiting services;

  - Brand-name drugs are usually not available in hospital pharmacies; they are purchased from private pharmacies and paid 100% of the costs. They noted that such drugs are often so expensive that most of the patients cannot afford them;

  - The fact that private pharmacies do not contract with the CBHI scheme whereas they have in their stores most of the needed drugs which are not available in the hospital pharmacies;

  - Long distance to the hospitals as some services previously provided by the health posts are no longer available.

  Hospitals and health centers face different challenges while providing services to patients enrolled in community-based health insurance scheme that. Those challenges are the following:

  - **Delay in reimbursing invoices submitted to Rwanda Social Security Board “RSSB,”**

  Hospitals and health centers pointed out that delays in reimbursement have consequences including late salaries of staff, lack of drugs and other medical equipment.

**Diagram n° 2: Arrears owed by RSSB to Hospitals**
In general, the above diagram presents amount of arrears RSSB owes to the hospitals that were visited. The data from 27 hospitals indicate that RSSB owe an amount of 4,662,933,795 Frw.

Diagram n° 3: Amount of arrears that RSSB owed to Health Centers in Frw

The above diagram shows in general the amount of arrears RSSB owes to the health centers that were visited. The data from 27 health centers indicate that RSSB owed an amount of 196,219,805 Frw of arrears.

The hospitals and health centers also pointed out that they were still keeping unpaid invoices that were issued at the time the community based health insurance scheme was managed by Districts.

Apart from arrears, hospitals and health centers face other challenges while providing medical services to community based health insurance scheme members. Those challenges include:
- The fact that MOH determines the maximum number of medical materials allowed to treat one patient. Exceeded materials are not reimbursed by RSSB while a patient may use more materials than expected depending on their specific case;

- Issue of unpaid materials includes laboratory equipment;

- Prices that were fixed by MOH for some medical equipment are lower than market prices from which hospitals and health centers purchase the materials. Such materials include “oxygen” and rods.

**Enrollment in the health insurance scheme for persons with disabilities and persons infected with AIDS/HIV**

Regarding enrollment in the health insurance scheme by persons with disabilities and people living with HIV/AIDS, they noted that contributions to the CBHI scheme were based on their Ubudehe categories like other Rwandan citizens. Although they were put in the category of persons with disabilities, such category was not considered while paying contributions to the community based health insurance scheme.

Persons with disabilities also pointed out the fact that some of them fall in Ubudehe categories which do not correspond to their disability status and are not strong enough to perform some income generating activities, affects their capacity to pay contribution to the CBHI scheme.

People infected with HIV/AIDS suggested that in the case their contributions are paid by development partners, they should be allowed to access health care without waiting for other family members who have not yet paid their contributions, since they are often exposed to diseases.

**Medical care services provided to persons with disabilities and people infected with HIV/AIDS**

Persons with disabilities alleged that no special attention is given to them once they are at the hospital or health centres as they are considered like other patients. They added that when they seek medical treatment, they are unable to queue and would like to be given due priority once they are looking for medical care.

Many persons with disabilities face the challenge of long distances they have to cover from their homes to hospitals. In addition, they said that they fail to access some services provided in buildings that are not accessible by persons with disabilities.

Concerning the challenge of long distance, persons with disabilities added that health care services for specific people were provided at District level. They wish such services could be decentralized at Sector and Cell levels.

As for medical services provided to people infected with HIV/AIDS, they noted that they get antiretroviral, CD4 count, Hepatitis B vaccination and treatment free-of-charge.
People living with HIV/AIDS pointed out challenges of unavailable antiretroviral drugs in hospital and health center pharmacies as they were referred to private pharmacies to purchase and pay 100% at their own fees while they could not afford the cost.

C. Conclusion and recommendations

In general, according to the survey conducted by the Commission, the right of the citizens regarding the payments of contribution is respected, though some challenges prevail.

Based on issues that were raised by the survey, the National Commission of Human Rights requests relevant organs the following:

1. Rwanda Social Security Board (RSSB)

   - Increase the ratio of permanent auditors at each hospital and health center comparing to the number of patients that the hospital receives. This will speed up audits and timely reimbursements to the hospital;

   - Contract with private pharmacies which can provide drugs that are not available in public hospital and health center pharmacies;

   - Reimburse arrears that RSSB owes to hospitals and health centers to enable them to discharge their duties effectively and ensure timely payments of invoices.

2. Ministry of Health

   - Request relevant organs to enforce provisions of the Ministerial Order N°20/19 of 27/7/2009 determining the modalities of facilitating persons with disabilities access medical care;

   - Increase the availability of drugs in hospital and health center pharmacies to deal with shortage of such drugs; patients are obliged to purchase them at their costs in private pharmacies which do not collaborate with the CBHI scheme;

   - Agreement between RSSB and hospitals/health centers on the quantity of materials to be used per patient which should depend on its specific case as well as on medical tolls that are not covered by the CBHI scheme whereas they are basics in the medical care;

   - Accurately calculate the amount of materials and health care services covered per patient as it has been noted the amount of materials may vary from one person to another.

3. The Ministry of Local Government.

   - Pay particular attention to needy persons with disabilities and people living with HIV/AIDS while Ubudehe categorization process;

   - Continued sensitization of the population to enroll in the community based health insurance scheme;
- Facilitate families to remove from the family member list, members who no longer live in the household so that they can afford to pay the contributions to CBHI insurance scheme;

- Address the issue of limited resources including computers, internet, electricity and printers which assist in compiling data related to Ubudehe categorization process. Such shortage leads to poor performance especially in rural areas;

- Determine the maximum age for the children to be covered by the family premium since it has been observed that adult children do not enroll in the CBHI scheme, which affects their families;

- Harmonize criteria to put the population in Ubudehe categories and promptly address complaints from the population who appeal for their social and economic categorization.

1.2.5. Right to work

The right to work means existence of a conducive environment in the country enabling people to seek and obtain jobs, an open labour market for every individual without any discrimination and employment that are exercised without jeopardizing the rights of the employee\textsuperscript{11}.

The right to work in Rwanda is stipulated in the following laws:

- The Constitution of the Republic of Rwanda of 2003 revised in 2015 in its article 30, article 31, article 32 and article 33;

- Law n° 13/2009 of 27/05/2009 regulating Labour in Rwanda provides for the obligations and rights of the worker and the employer and determines the working conditions.


In the framework of promoting the right to work, in 2016-2017 the following actions were undertaken:

- The Presidential Order n°144/01 of 13/04/2017 determining modalities for recruitment, appointment and nomination of public servants was promulgated;

- Existence of a number of centers to train and assist unemployed persons to get job. Such centers include “Kora wigire Centers”\textsuperscript{30},“Employment Service Center” 2 and “Incubation Centers, 2\textsuperscript{12};

\textsuperscript{11}CESCR, 2005, THE RIGHT TO WORK, General comment No. 18, Article 6 of the International Covenant on Economic, Social and Cultural Rights

\textsuperscript{12}MIFOTRA, Letter N° 3096/1922 of 09/06/2017
With the aim to reduce unemployment, various programs have been put in place including providing short term training, training within Industry, certification to various professionals although they did not pass through the formal education to pursue the profession, short courses for specific skills needed by industries and training University graduates to hands-on experience needed in the labour market and that was not taught in school.

In the framework to defend and promote the right to work, the Commission monitored 73 complaints among which 33 have been solved and 40 are under examination.

As stated above, the right to work means that employment is exercised in manner that does not infringe on the worker’s rights. In this regard, the Commission carried out investigation on the rights of workers and residents neighboring the factories.

1.2.5.1. Monitoring of the respect for human rights in industries

In February 2017, the Commission carried out monitoring of the respect for human rights in the factories to determine the status of respect of human rights of employees. During the monitoring exercise, interviews were conducted with the representatives of employees and employers in the factories.

A. Objectives of the monitoring

In overall, the exercise aimed at monitoring whether the factory owners or factory activities do not infringe upon human rights. In particular, the monitoring aimed at:

- Monitoring respect for the rights of workers;
- Investigating if there are minors who are employed in factories;
- Monitoring respect for the rights of residents neighboring the factories and rights to clean environment in general;
- Monitoring respect for the rights of the residents who have been relocated by the factories;

B. Monitored factories

Monitoring on the respect for human rights in factories was conducted in 10 factories manufacturing different products grouped into 5 categories located in the City of Kigali, Bugesera, Kayonza and Rwamagana Districts.

<table>
<thead>
<tr>
<th>No</th>
<th>Categories of factories</th>
<th>Factory</th>
<th>District</th>
<th>Number of employees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Male</td>
</tr>
</tbody>
</table>

Table no 6: Monitored factories and the number of their employees
<table>
<thead>
<tr>
<th></th>
<th>Industry</th>
<th>Company Name</th>
<th>Location</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Food industry</td>
<td>BAKHRES (AZAM)</td>
<td>Gasabo</td>
<td>140</td>
<td>30</td>
<td>170</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MOUNT MERU SOYCO Ltd</td>
<td>Kayonza</td>
<td>54</td>
<td>10</td>
<td>64</td>
</tr>
<tr>
<td>2</td>
<td>Beverages</td>
<td>SKOL BREWERY Ltd</td>
<td>Nyarugenge</td>
<td>120</td>
<td>60</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CRYSTAL BOTTLING</td>
<td>Bugesera</td>
<td>50</td>
<td>68</td>
<td>118</td>
</tr>
<tr>
<td></td>
<td></td>
<td>AQUA SAN</td>
<td>Gasabo</td>
<td>39</td>
<td>11</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SULFO RWANDA</td>
<td>Nyarugenge</td>
<td>630</td>
<td>22</td>
<td>652</td>
</tr>
<tr>
<td>4</td>
<td>Metal and by-products</td>
<td>STEEL RW</td>
<td>Rwamagana</td>
<td>234</td>
<td>6</td>
<td>240</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MASTER STEEL</td>
<td>Kicukiro</td>
<td>222</td>
<td>12</td>
<td>234</td>
</tr>
<tr>
<td>5</td>
<td>Clothing and by-products</td>
<td>UTEXRWA</td>
<td>Gasabo</td>
<td>238</td>
<td>302</td>
<td>540</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KIGALI LEATHER Ltd</td>
<td>Bugesera</td>
<td>43</td>
<td>2</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td>1,770</td>
<td>523</td>
<td>2,293</td>
</tr>
</tbody>
</table>

As the above table shows, the Commission visited two food manufacturing factories, 4 beverage manufacturing factories, 2 metal manufacturing factories, 2 textile factories. The total of workers in those factories are 2293 including 1770 males and 523 females.

C. Respect for human rights in those factories

During the monitoring, the NCHR focused on the respect of the following specific rights of workers and the residents neighboring the factories:

- **Right to health**

The Commission established that employees were covered by health insurance; the letter being a recruitment criteria to work in the factory.

There are employees who have been trained on first aid so that they can help their colleagues in case of illness or injury at work place. The Commission noted that the factories did not have ambulances.

- **Right to a safe and secure work environment**

The Commission established that employees worked in a clean environment with enough air, lighting and equipment that protect them against accidents. The equipment include helmets, safety boots, clothes, respirators, masks and gloves. As regards to security, there are security companies or permanent agents of the factories who are in charge.

- **Right to work insurance**

The Commission established that factory employees are not affiliated to insurance covering accident, disability, illnesses occurred at workplace. The Commission realized that the factories had an inclusive insurance used to cover accident occurred at workplace.
- Right to social security

The Commission found that the factories pay their social security contributions on time, except CRYSTAL BOTTLING Co.Ltd and AQUA-SAN (AFRITANK) which do not pay contributions in the social security fund for their employees.

- Right not to be subjected to worst forms of labour

The Commission found no cases of workers subjected to worst forms of labour.

- The right to non-discrimination

The Commission established that there was no discrimination whatsoever against industrial workers.

- Right to not working unpaid overtimes

In general, the Commission noted that working hours are respected as provided for by the law.

- Right to fair wages

In general, the Commission established that the factory employees were paid on time, with no illegal fees being deducted from their salaries; except in the case of CHRISTAL BOTTLING Co.Ltd where employees can work for three months without being paid.

- Right to annual leave

The Commission noted that employees were allowed to go for annual paid leave except in the case of MASTER STEEL and KIGALI LEATHER Ltd factories, in which workers decide not to go for annual leave since it is unpaid leave.

- Right to professional training

The Commission established that employees were given professional trainings though some raised that the latter were not enough.

- Right to promotion

The Commission established that some factories were promoting their employees based on their work experience or their behaviour at workplace.

- The right to join trade unions

Apart from SULFO Rwanda and SKOL BREWERY Ltd which have workers ‘representatives, in other factories, employees are not organized in trade unions to defend their interests.

- Child’s right to be protected against the worst forms of labour

The Commission noted that no child was employed in the factories.
- **Rights of the residents neighbouring the factories**

The Commission established that the factories were useful to the neighboring residents because apart from employing opportunities for the residents, they provide clean water, health insurance etc.

- **Right to property for people expropriated by the factories**

The Commission established that no reported cases of people who were denied the right to property since people expropriated by the factories received compensation.

- **Right to environment**

The Commission found that used water from some factories were kept in water tanks, while other factories have machines that recycle used water so that it can be reused.

In KIGALI LEATHER Ltd factory, used water are canalized in open pits, which emit bad smell, thus creating a health hazard for the factory employees as well as the neighbouring population.

Regarding air pollution, it was noted that visited factories had no specific mechanism to reduce air pollution except STEEL RWA Ltd that filters emissions using tubes.

The Commission noted that water from MASTER STEEL factory had destroyed houses and lands of the population without any compensation.

**D. Conclusion and recommendations**

During the monitoring on respect of human rights in the factories, the Commission noted some issues that required particular attention by concerned organs but in the overall, rights of workers were respected.

Issues that were raised include the lack of insurance against accidents, disability and diseases occurred at workplace, unfair wages; unpaid leave, overtime and unfair job promotion procedures. In addition, wastes from some factories have had negative impact on the environment.

In this regard, the Commission suggests the following to relevant organs:

1. **Ministry of Trade, Industry and Tourism**

   - Conduct regular inspections to check whether factories have necessary equipment to protect health and security of workers.

   - Request factories to affiliate each employee to be insured against accident, disability and diseases occurred at workplace;

2. **Ministry of Public Service and Labour**

   - Fix the minimum wages which will be a guideline in determining employee salaries;
- Ensure regular monitoring of respect for the rights of industrial workers;

3. Ministry of Environment

- Conduct regular inspections to check whether used water and other industrial wastes are managed in a way that does not harm environment

1.2.6. Right to environment

Environment is a surrounding made of natural resources including land, forests, water, air and living organism. It is a set of elements that are related to human being activities.

The right to healthy environment consists of having an environment without short-term and long-term consequences on the health and well-being of people.

In Rwanda the right to environment is provided for in the following laws:

- The constitution of the Republic of Rwanda of 2003 as revised in 2015, article 22;

- Organic Law no 04/2005 of 08/04/2005 determining modalities of protection, conservation and promotion of environment in Rwanda;

- Law no 63/2013 of 27/08/2013 determining the mission, organization and functioning of Rwanda Environment Management Authority (REMA);

- Law n° 18/2016 of 18/05/2016 governing the preservation of air quality and prevention of air pollution in Rwanda;

- Law no 43/2103 of 16/06/2013 governing land use and management in Rwanda;

- Law no 70/2013 of 02/09/2013 governing biodiversity in Rwanda;

- Law no 57/2008 of 10/09/2008 relating to the prohibition of manufacturing, importation, use and sale of polythene bags in Rwanda;

- Law no 62/2008 of 10/09/2008 putting in place the use, conservation, protection and management of water resources regulations.

In the framework of promoting, protecting and defending the right to a healthy environment, in 2016-2017, the Commission processed a complaint from the population of Nduba Sector, in Gasabo District, concerning wastes of Nduba dumpsite which are harmful to their health.

In this regard, the Commission carried out a monitoring on the mentioned dumpsite to check the respect of human rights.

1.2.6.1. Monitoring of the respect for human rights at Nduba dumpsite

In March 2017, the Commission carried out a monitoring exercise on the respect of human rights at Nduba dumpsite located on Musezero hill, Gasanze Cell, Nduba Sector in Gasabo District.
During the monitoring, the Commission used a questionnaire and conducted interviews with the residents around the areas surrounding the site, workers at dumpsite, authorities of the City of Kigali and managers of companies that collect and transport wastes to and from the dumpsite.

The Commission visited the companies: UMURIMO MWIZA LTD, COPED, AGRUNI and BAHEZA GENERAL SERVICES, contracted to collect, transport and treat solid wastes from the City of Kigali to be disposed of at Nduba dumpsite. The commission also visited PIVOT project operating at the dumpsite that treats latrine wastes.

A. Findings from the monitoring

During the monitoring of human rights respect at Nduba dumpsite, the Commission focused on the following:

- Disposal and management of solid wastes at the dumpsite;
- Right to a healthy environment;
- Right to property of residents expropriated from the dumpsite location;
- Rights of workers.

➢ Disposal, management and recycling of solid wastes at the dumpsite

Prior to the monitoring, the Commission was aware that the City of Kigali had carried out a study at the dumpsite in accordance with the General Guidelines of Rwanda Utilities Regulatory Authority (RURA) since they issue transport permits to vehicles that carry solid wastes and determines the criteria to use the dumpsite.

Article 39 of RURA instructions guiding firms that collect, transport, treat solid wastes, creation and maintenance of dumpsites provides that the dumpsite should be surrounded by a fence of 1.8m high to keep solid wastes inside the compound. Article 40 of the instructions stipulates that the dumpsite shall be located at one hundred meters (100m) from the public highway, four hundred (400) meters from residential houses or offices, 1 kilometer from a river, four hundred (400) meters from water sources and four hundred (400) meters from the cemetery.

➢ Disposal and management of solid waste at the dumpsite

Instructions of the City of Kigali assign the residents to categorize and separate solid wastes prior to being corrected and transported to the dumpsite to protect (and promote healthy) environment. The Commission realized that some people do not separate solid wastes and the firms had to do that prior to their transport to the dumpsite.

When the solid wastes are disposed off at the landfill, Kigali City employees spread them in thin layers and cover them with laterite soil and other waste are added and so on. The Commission is worried that those solid wastes that have formed a hill-like structure may collapse on the residents at the lower side of the landfill.
Apart from the hill-like structure formed by the solid wastes, noxious liquid (leachate) from the solid wastes streaming down to the residential area has a bad smelling.

*The picture showing the run-off discharges from the landfill streaming down the hill to the residential area and in the valley (picture:NCHR, 2017)*

- **Recycling solid wastes disposed at landfill**

  The Commission noted that out of 13 companies contracted for disposal of solid wastes at Nduba landfill, only 3 can recycle solid wastes.

  PIVOT project uses appropriate machines to treat latrine wastes and make charcoal used in metallic factories manufacturing construction metals.

  COPED and AGRUNI separate decomposed solid wastes to make fertilizers while non decomposed solid wastes are sent to different factories to be reused.

- **Right to healthy environment**

  The Commission noted some issues that infringe on the right of neighboring residents of Nduba dumpsite. Such problems include the following:

  - Bad smelling and flies from the landfill;
  
  - Poor road conditions with traffic jam likely to cause accidents;
  
  - Children and adults enter the landfill to look for items “imani” including empty bottles to be sold to local brewers and tins containing spices they go to use at home;
- Deaths resulting from accidents by trucks that transport solid wastes as people climb into them to pick up items to be sold.

*Pictures showing items they usually pick up to be sold (photo: CND, 2017)*

- **Right to property for people relocated from the landfill site**

  The Commission noted that some of the former residents at the landfill site were relocated and given compensation. However 25 families were not compensated while their properties were valued.

- **Right of workers**

  The Commission carried out monitoring on salaries, working hours, training of workers, health and accident insurance, equipment to be protected against accident risks at work place and social security of workers.

  **Salary:** The Commission established that some workers based at the company head office are paid on contract basis, there are also part time employees working at the landfill site.

  The Commission is of the view that all workers should be given and sign contracts as provided for by the Rwanda Labour Law.

  **Working hours:** The Commission established that generally employees work 9 hours per day. Workers benefit from one hour of break from 12:00 to 13:00 PM

  **Training:** The Commission established that employees did not receive any professional training. It however established that such employees held meetings with the company management in efforts raise protection concerns from accidents that may occur at work place.

  The Commission is of the view that workers should be trained to strengthen their capacity at work.

  **Affiliation to health insurance:** The Commission established that the workers whose job consists of collecting, transporting and treating solid wastes cover their health insurance themselves while employees in the company management are affiliated to RSSB health insurance.
Equipment that protect employees against accidents that may occur at work place: The Commission established that all workers were given clothes to protect them against accident that occur at work place. However, such clothes are not used as workers allege they are very hot.

Accident insurance: The Commission established that only three truck drivers transporting solid wastes are covered by accident insurance since they are part of the vehicle insurance. The rest of the workers are not covered by accident insurance.

Social security of workers: The Commission established that contributions in the social security fund were only paid for the Company management team. The management do not pay contributions in social security fund for others employees without work contract.

Lunch and clean water: The Commission found that no canteen, clean water and wash hands were available. The Commission is of the view that the companies need to avail a canteen where their workers can have lunch and as well access clean water.

Hygiene at the workplace: The Commission realized that no toilets and bathrooms were provided for the workers at Nduba landfill site. Besides, there was no enough hygiene due to an open pit for latrine wastes.

The Commission is of the view that bad smelling and flies from that open pit can affect the health of the workers at the landfill site.

B. Conclusion and recommendations

During the monitoring on the respect of human rights at Nduba landfill, the Commission established that in general, the rights of neighboring residents and the workers at landfill site were respected although some issues need to be addressed.

Problems raised by the neighboring residents of the landfill site include the complaint of 25 families whose properties were valued but were not yet given compensation, accidents on the road heading to the landfill site and the issue of residents who enter the landfill to look for the so-called “imari” items to be sold.

It was noted that there is environment degradation due to the disposal and management of the solid wastes at Nduba landfill; dirty water kept in open pits and infiltrate in the soil or streaming on the hill down to the neighboring residents and valleys.

Among issues that were raised by workers in charge of collecting, transporting and separating solid wastes include lack of work contract, training, non-affiliation to accident insurance and social security fund.

Based on the problems that were identified, the Commission issues the following recommendations to the relevant authorities:
1. **Ministry of Environment**

- Establish instructions guiding management of landfills in the country in order to prevent negative impact on environment resulting from poor management of solid wastes;

- Adopt specific strategies to protect health of workers at landfill sites in order to prevent illnesses likely to result from their job.

2. **City of Kigali**

- Accelerate compensation process for the 25 families awaiting relocation;

- Request companies treating solid wastes to respect the rights of workers as provided for by Rwandan labour Law,

- Fence the landfill in a sustainable manner and prevent the residents from entering;

- Rehabilitate the road leading to the Nduba landfill site in order to prevent from accidents.

3. **Rwanda National Police**

- Reinforce the security on the road heading to Nduba landfill site as to prevent accidents due to people who climb into trucks that transport solid wastes.

1.3. **Rights of special categories;**

The special categories are people whose rights are likely to be infringed on due to physical weakness, age and their living conditions, in such way they need particular attention for their development, protection and care.

Law N°19/2013 determining missions, organization and functioning of the National Commission for Human Rights article 6 (4°) assigns the Commission with special missions to particularly monitor the respect of the rights of the child, women, persons with disabilities, people living with HIV/AIDS, refugees, migrant workers and members of their families and the elderly.

The rights of special categories highlighted in this section consist of child rights, refugee rights, rights of the elderly and rights of persons with disabilities.

1.3.1. **Child’s rights;**

A child is any person who is below the age of eighteen(18). The child, by reason of his physical and mental immaturity, needs special safeguards and care.\(^\text{13}\)

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\(^{13}\) Law N°54/2011 of 14/12/2011 relating to the rights and the protection of the child, article 3.
The rights of child in Rwanda is provided for in the following laws:

- The Constitution of the Republic of Rwanda of 2003 as revised in 2015 article 19;
- Law n°54/2011 of 14/12/2011 relating to the rights and the protection of the child;

To promote, protect and defend the child’s rights during 2016-2017, the following activities were undertaken:

- **Enacted laws:**
  - Law n° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions
  - Law n° 32/2016 of 28/08/2016 governing persons and family;
  - Ministerial Order n° 001/MIGEPROF/2017 of 16/01/2017 determining conditions to be considered in intercountry adoption and the procedure thereof;
  - Ministerial Order n° 002/MIGEPROF/2017 of 16/01/2017 determining procedures for guardianship of minor by the state.

- **From 23rd November 2016 to 23rd January 2017,** in order to promote the rights of the child to be registered in the civil status records, in collaboration with different organs\(^\text{14}\), a campaign on child registration was organized. At the end of the campaign, 621,862 children were registered;

- **Construction of a center of excellence in which all data on gender-based violence including violence against children shall be compiled;**

- **On 8 December 2016,** the 11th National Children's Summit brought together representatives of children from Districts and Sectors across the country and children refugee representatives took place. The theme of the summit was “Positive Parenting: Foundation of Culture”.

During 2016-2017, the Commission conducted a campaign to prevent and denounce gender-based violence against children, it also carried out an investigation on the respect for the rights of children who were taken from the orphanages to foster families. The Commission also continued monitoring the respect for the child’s rights through its volunteers deployed in sectors, to receive and process cases on violation of child’s rights.

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\(^{14}\) The Ministry of Local Government, the Ministry of Justice, the Ministry of Gender and Family promotion, the National Identification Project, National Institute of Statistics of Rwanda
1.3.1.1. Commission’s mobilization campaign to prevent and denounce gender-based violence against children

Based on the survey on child defilement conducted in May 2016, which addressed the situation of defilement issues in Rwanda, the Commission, thanks to UNICEF support, launched a sensitization project to prevent child violence that will last two years.

The sensitization aimed at preventing gender-based violence against children and raising awareness of children as regard to protect themselves against this kind of violence.

In this regard, a mobilization walk to prevent and denounce gender-based violence against children was organized on 30 March 2017 to which different organs participated.

![Photo: Walk to denounce and for the prevention of gender-based violence against children](image)

At different occasions, radio and television programs were broadcasted in the framework of the campaign and 2,473 members of teachers and parents committees including 1,464 men and 1,009 women from 30 Sectors around the country were trained.

Lectures and training organized in the framework of the campaign to prevent and denounce gender-based violence against children focused on the following themes:

- Fundamental principles of child’s rights;
- Child’s rights in International Conventions and in Rwandan laws and in international instruments;
- Causes of gender-based violence against children;
- Consequences of gender-based violence against children;
- Prevention and punishment of gender-based violence against children;
- The role of everybody in fighting against gender-based violence against children.
1.3.1.2. Investigation on respect for the rights of children who were settled in foster families from orphanages

In monitoring the respect of child’s rights, the Commission carried out investigations on the respect of rights of children who were settled in foster families from orphanages in the framework of “Tubarere mu Muryango” program.

The investigation sought to establish how those children were placed in families and how their rights were respected in the foster families.

A. Geographical scope, methodology and monitored issues

The monitoring focused on 63 children settled in families located in Rubavu, Gasabo, Gatsibo, Musanze and Kamonyi Districts.

The Commission visited children and foster parents, and interacted with them using a questionnaire.

The Commission also interviewed Government organs responsible with the follow-up of “Tubarere mu Muryango” program. Those institutions include the National Commission of Children, Districts and Sectors where the monitoring was carried-out. Besides orphanages that were keeping children before were visited.

Table n°7: Number of visited children in each District

<table>
<thead>
<tr>
<th>District</th>
<th>Sex</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Boys</td>
<td>Girls</td>
<td></td>
</tr>
<tr>
<td>Rubavu</td>
<td>11</td>
<td>17</td>
<td>28</td>
</tr>
<tr>
<td>Gatsibo</td>
<td>3</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Musanze</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Gasabo</td>
<td>7</td>
<td>9</td>
<td>16</td>
</tr>
<tr>
<td>Kamonyi</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td><strong>36</strong></td>
<td><strong>63</strong></td>
</tr>
</tbody>
</table>

As presented in the table n°7, out of 63 children visited, 28 were from Rubavu District, 16 from Gasabo District, 9 from Gatsibo District, 5 from Musanze District and 5 from Kamonyi District. Among those children, 27 were boys and 36 were girls.

The monitoring focused on the following:

- How foster families are identified and how they are settled in those families;
- Right to education
- Right to be registered in the Civil Status Records;
- Rights to rest and leisure
- Child's right to assistance;
- Welfare of the child
- Right not to be subjected to worst forms of labour
- Right not to be subjected to cruel punishments
- The right to health;
- Rights of children with disabilities
- Right to non-discrimination

B. Findings of the Commission

➤ How children are placed in foster families

For children to be placed in a family, the National Commission for Children (NCC) first briefs the foster family on how to treat that child. The second step is to introduce the child to the family and arrange frequent visits to be familiar with the family members. Once briefing is done, the decision is made.

By the time of receiving the child, an agreement is made between the Sector and the foster family clarifying the responsibilities of both sides. The responsibilities include, on the side of authorities, to carry-out regular follow-up to make sure that the child is in good living conditions, and in the foster family, to care for the welfare of the child on the side of the foster family.

As to help them to up bring children, foster families stressed that they were given an amount of Frw 200,000, a cow or in some instances were assisted to build a house. Unfortunately there are some families who reported that they did not receive any support.

Although foster families received children under their request or consent, some families revealed that they were given children simply because they were relatives to the children and did not consent. Furthermore, they denied that any prior assessment of challenges that may affect the welfare of the child was done. Some children pointed out they were placed in the foster families without prior preparation.

➤ Respect of child’s rights in the families

- Right to education

Among 63 children that were visited by the Commission, it was found out that 48 were enrolled in school, 8 children at school age were not enrolled, 6 children had not yet attained the school age and 1 child had completed the secondary school.
As the above diagram indicates, among children visited, the Commission noted that 86% children were enrolled in school, while 14% of children were not attending school. According to the Commission, the reasons behind non-enrollment include gender-based violence (1), disability (1) and poor financial means of the parents.

**Table no 8: Levels of schools attended by children**

<table>
<thead>
<tr>
<th>Levels of schools</th>
<th>Sex</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Boys</td>
<td>Girls</td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery schools</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary schools</td>
<td>14</td>
<td>18</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary schools</td>
<td>5</td>
<td>7</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>21</td>
<td>27</td>
<td>48</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As presented in the table no 8, a big number of children attend primary schools (32), including 18 girls and 14 boys.

- **Right to be registered in the Civil Status Records**

**Table no 9: Number of registered children as per investigated Districts**

<table>
<thead>
<tr>
<th></th>
<th>Rubavu</th>
<th>Gatsibo</th>
<th>Musanze</th>
<th>Gasabo</th>
<th>Kamonyi</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered</td>
<td>9</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>Not registered</td>
<td>17</td>
<td>6</td>
<td>3</td>
<td>8</td>
<td>5</td>
<td>39</td>
</tr>
<tr>
<td>Total</td>
<td>26</td>
<td>9</td>
<td>5</td>
<td>13</td>
<td>5</td>
<td>58</td>
</tr>
</tbody>
</table>

As shown by table no 9, in each District, in which the investigation was conducted, a large number of children were not registered in the civil status records. The following diagram shows the proportion of children registered in the civil status records.
The above diagram shows that out of 58 children, for whom the Commission found civil status registration data, 19 children, that is 33% were registered while 39 this is 67% were not registered in the civil status records.

Reasons for non-registration in the civil status records include:

- Unknown parents (father and mother);
- Civil Status Officers in Sectors oblige foster families to file cases in court;
- Civil Status Officers in Sectors do not have enough knowledge concerning child registration processes in case the foster family does not register them as their biological children. Such cases are usually referred to the Ministry of Justice for more details.

The Commission established that not registered children could not apply for ID card and other official documents needed by Rwandans.

- Rights to leisure

The Commission established that among 57 children visited, 46 children that is 80.7% enjoy the right to leisure, while 11 that is 19.3% said they do not enjoy the right to leisure.

Reasons for not having enough time for leisure include household activities and the fact that their parents do not allow them to go to play to avoid the risk of delinquency.
- **Right of the child to adequate food**

  Of 46 visited children, the Commission established that 37 children (80.4%) enjoy their right to food, while 9 children (19.6%) reported that they do not get enough food.

  The reasons why children did not get enough food was due to the households’ limited capacity.

- **Child’s right to clothing**

  Out of the 57 children’s cases investigated by the Commission, 41 children representing 71.9% reported that they got enough clothes while 16 children representing 28.1% said they did not have enough clothes.

  Children did not have enough clothes mainly due to the family’s limited capacity

- **Right to health**

  Out of 57 children’s cases investigated by the Commission, it was observed that 46 children representing 80.7% were enrolled in the CBHI scheme while 11 children representing 19.3% were not. The following Diagram shows the current enrollment status to the CBHI scheme.

  **Diagram n° 6: Current situation of health insurance**

  Children not enrolled in health insurance // Children enrolled in health.

  The reasons why some children were not enrolled in the CBHI scheme include:
  - Foster families were denied to make payment of health insurance contributions in respect of those children as they were not included on the list as family members “Ubudehe” categories
- Some families failed to pay for the CBHI scheme due to lack of means.

- Right not to be subjected to cruel punishments

In general, the Commission established that children were not subjected to cruel punishments. The children reported that they were rebuked and punished reasonably for good education purposes.

- Child's right to be protected against the worst forms of labour

The Commission established that children are usually tasked to do ordinary household work according to their capacity. The children affirmed that they were happy because they learn how to work. They added that it was good to be raised in normal families: because they never performed such work when they were in centers.

- The right to non-discrimination

The Commission observed that the children who had been taken from orphanages were not discriminated in foster families. The children were happy the foster families cared for them equally as other children.

C. Conclusion and recommendations

During its monitoring on the right of the children who were placed in foster families from orphanages, the Commission established that rights were respected in general.

However, some problems and challenges were raised as some families of relatives stressed that their financial capacity as well as their consent were not considered prior to the decision. Due to their limited financial capacity, it was noted that those families had challenge to meet children's basic needs such as finding school materials, enrollment in the CBHI scheme, clothes and food.

Another issue that was noticed was the problem of children who were not registered in the civil status records or those who were refused enrollment in the CBHI scheme because they were not registered in the foster family's “Ubudehe” categorization records.

Having realized the problems and challenges raised relating to the respect of rights of children who were taken from orphanages to foster families, the Commission recommends the following:

1. Ministry of Gender and Family Promotion

- Improve the program of identifying foster families by checking thoroughly the foster family's capacity to meet the children's basic needs and to care for their education;
- Train foster families about strategies of providing special care to those children with special needs.
- Monitor the process through which foster families receive financial support;
- Monitor the children placed in foster families to check their living conditions and respect for their rights.
2. The Ministry of Local Government.

- Establish regulations for the registration of the children taken from orphanages to foster families in civil status records.
- Facilitate foster families to register those children during the Ubudehe categorization process.

1.3.2. Rights of Persons with disabilities.

A person with disability is any person born without physical health capacity like others or who has lost it due to a disease, an accident, wars or other causes of disability\(^\text{15}\).

Persons with disabilities are put in different categories on the basis of their disability\(^\text{16}\):

- Physically disabled persons;
- Visual impaired persons;
- Deaf-mute persons;
- Mentally disabled persons;
- Persons with disabilities not included in the above categories but recognized by a Doctors’ Committee.

Disabled persons should be protected in a special way because they have lost the health capacities they ought to have or lacked something compared to other persons and thus do not have equal opportunities as others.

The rights of persons with disabilities are provided for by the following laws:

- The Constitution of the Republic of Rwanda of 2003 as revised in 2015 in its Article 51;
- Law n° 01/2007 of 20 January 2007 relating to protection of disabled persons in general;
- Law n° 03/2011 of 10/02/2011 determining the responsibilities, the structure and the functioning of the National Council of Disabled Persons.

In the framework of monitoring the respect for the rights of disabled persons, in 2016-2017, the Commission monitored the respect of rights in the following centres for disabled persons. It also monitored respect for the rights for the mentally disabled persons.

1.3.2.1. The monitoring of the respect for the rights of disabled persons

During 2016-2017, the Commission monitored the respect for the rights of disabled persons in 11 centres.

\(^{15}\) Law n°01/2007 of 20 January 2007 determining the persons with disabilities, Article 2, Paragraph 2.

\(^{16}\) Ministerial Order n° 20/18 of 27/07/2009 determines the modalities of classifying persons with disabilities into basic categories.
The monitoring focused on the right to non-discrimination, right to health care, right to social welfare, right to education and leisure. The Commission also monitored the centre structures, hygiene, and their various activities.

The Commission met with the management, employees and some disabled persons including disabled children living in such centres.

A. Findings of the Commission

The Commission established that there were children with combined disabilities, mental, deaf and mute disability, visual impairment and physical disability who need various types of assistance.

In general, disabled persons accommodated in those centres were cared for, as they get medical care through health insurance from their parental or from development partners. The Commission found out that their bedrooms, kitchens, dining rooms, toilets and bathrooms were cleaned. Disabled persons were given enough and adequate foods; they were assisted in education and were trained to perform some jobs in accordance with their knowledge and capacity.

However, the Commission identified some general and particular issues; which relevant public institutions and Ministries are called upon to address t to better guarantee the rights of disabled persons.

The Table no 10: Table no 20: Issues found in disabled persons’ centres

<table>
<thead>
<tr>
<th>№</th>
<th>The Centre</th>
<th>The District in which the centre is located</th>
<th>Accommodated disabled persons</th>
<th>Raised issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Saint Vincent Centre</td>
<td>Musanze</td>
<td>mentally disabled persons, physically disabled persons, visual impaired persons and those with combined disabilities</td>
<td>- They were unable to ensure adequate health care because they were registered in the 3rd category of Ubudehe.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Lack of enough resources to pay for workers’ salaries</td>
</tr>
<tr>
<td>2</td>
<td>BARERWE CENTRE SCHOOL</td>
<td>Musanze</td>
<td>The deaf and mute persons</td>
<td>- From the P4, deaf and mute children study with others in ordinary schools: they do not follow well because teachers are not trained in sign languages</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Lack of enough resources to feed the children</td>
</tr>
<tr>
<td>3</td>
<td>INSHUTI ZACU CENTRE</td>
<td>Kicukiro</td>
<td>Mentally disabled persons and those with combined</td>
<td>- The Centre was not fenced and mentally disabled children could get out into streets where they are likely to</td>
</tr>
<tr>
<td>N°</td>
<td>The Centre</td>
<td>The District in which the centre is located</td>
<td>Accommodated disabled persons</td>
<td>Raised issues</td>
</tr>
<tr>
<td>----</td>
<td>--------------------------------</td>
<td>--------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>disabilities</td>
<td>be exposed to road accidents.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Since the Centre is for children only, those who reach adult age do not find where to go;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Disabled children who completed secondary school studies and who were not qualified for University studies could not find where to go because the Centre did not have enough resources to cover further studies in private universities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Lack of enough resources to feed the children</td>
</tr>
<tr>
<td></td>
<td>HVP GATAGARA</td>
<td>Kicukiro</td>
<td>Mentally disabled persons, physically disabled persons, visual impaired persons and others</td>
<td>- Lack of enough well-trained teachers as there were only 6 out of 16 required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- The CBHI scheme does not pay for prostheses</td>
</tr>
<tr>
<td></td>
<td>HVP GATAGARA</td>
<td>Nyanza</td>
<td>Mentally disabled persons, physically disabled persons, visual impaired persons and others</td>
<td>- Lack of enough resources due to assistance from development partners that reduced;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Beneficiaries were unable to cover for health services provided to them;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Lack of ambulances.</td>
</tr>
<tr>
<td></td>
<td>ST FRANÇOIS D’ASSISE CENTRE</td>
<td>Ruhango</td>
<td>Physically disabled persons</td>
<td>- Lack of enough doctors as there was only 1 doctor out of 4 doctors required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- No ambulances to take children to hospital.</td>
</tr>
<tr>
<td></td>
<td>ROSA MYSTICA CENTRE,</td>
<td>Kamonyi</td>
<td>Mentally disabled persons, physically</td>
<td>- Lack of enough resources to pay for physiotherapist. They employ</td>
</tr>
<tr>
<td>No</td>
<td>The Centre</td>
<td>The District in which the centre is located</td>
<td>Accommodated disabled persons</td>
<td>Raised issues</td>
</tr>
<tr>
<td>----</td>
<td>------------</td>
<td>---------------------------------------------</td>
<td>-------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>1.</td>
<td>CEFAPEK-</td>
<td>Welsera</td>
<td>physically disabled persons, visual impaired persons and others</td>
<td>volunteers but could not give them incentives.</td>
</tr>
<tr>
<td>2.</td>
<td>ST FRANÇOIS D’ASSISE CENTRE</td>
<td>Rusizi</td>
<td>Mentally disabled persons, physically disabled persons, visual impaired persons and others</td>
<td>No ambulances to take children to hospital.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Children without enrollment in the CBHI scheme due to the fact that they were classified in the same category as their families and the latter are unable to pay contributions for their children in CBHI scheme</td>
</tr>
<tr>
<td>3.</td>
<td>URUGWIRO CENTRE</td>
<td>Rusizi</td>
<td>Mentally disabled persons</td>
<td>Children without enrollment in the CBHI scheme as they were classified in the same category as their families and the latter were unable to pay for their children’s contributions to the CBHI scheme</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sexual violence against mentally disabled external students as they could never know the perpetrators.</td>
</tr>
<tr>
<td>4.</td>
<td>APAX JANJA</td>
<td>Gakenke</td>
<td>Mentally disabled persons</td>
<td>The CBHI scheme does not pay for prostheses</td>
</tr>
<tr>
<td>5.</td>
<td>CENTRE DE CHIRURGIE ORTHOPÉDIQUE-PÉDIATRIQUE</td>
<td>Bugesera</td>
<td>Physically disabled persons</td>
<td>The Centre has not yet got the Government’s authorization to use the CBHI scheme while the latter is used by the children’s families</td>
</tr>
</tbody>
</table>

### Conclusion and recommendations

In general, through its monitoring activities, the Commission established that disabled children’s rights were respected. Some issues need to be addressed by different public institutions including the following:

1. The Ministry of Local Government.
- Facilitate and assist vulnerable disabled children and centres to be enrolled in the CBHI scheme as provided for by the Ministerial Order n° 20/19 of 27/7/2009 determining the Modalities of Facilitating Persons with Disabilities Access to Medical Care;
- Set up mechanisms of assistance to disabled persons’ centres with special needs.

2. Ministry of Education

- Provide training to teachers on sign languages
- Increase the number of teachers specialized in teaching disabled persons.

3. Rwanda Social Security Board

- Allow people enrolled in the CBHI scheme to use it to access to prostheses and amputations as provided for in the Ministerial Order n° 20/19 of 27/7/2009 determining the Modalities of Facilitating Persons with Disabilities Access to Medical Care.

1.3.2.2. The monitoring of the respect of the rights of persons with mental diseases or disabilities

In October 2016, the Commission visited the CARAES Ndera Hospital and its agencies: CARAES Butare and I CYIZERE Centre to monitor the respect of the rights of persons with mental diseases or disabilities cared for in these hospitals.

The Commission monitored the respect for rights to non-discrimination, rights to better health and rights to social welfare.

For this end, the Commission met with the management of these hospitals and in some cases, persons with mental diseases or disabilities.

In this monitoring session, the following issues were raised:

- A small number of doctors specialized in mental diseases/disabilities compared to the number of the patients the hospitals receive daily;
- Unidentified patients brought by the National Police or local administrative authorities who are left at the hospitals without any assistance;
- Heavy debts that the Districts owe to the hospitals.
- The patients whose families provided false identifications and were abandoned there;
- Unidentified foreign patients who stayed in the hospitals for a long time as they did not know where to go once they are discharged from the hospitals;
- The District hospitals did not have drugs for mental diseases, and patients from different districts attend the Ndera Hospital on a monthly basis to get drugs;
- The private drugstores which did not recognize the CBHI scheme while many mental patients are affiliated to it;
- Mental patients who came to get treated while they had got other diseases that are not treated in Ndera hospital: the hospital took them in other hospitals and had to pay for the costs while this was not part of the agreement with the Government;
- In CARAES Butare Hospital, male patients in critical conditions share the same room with those who are recovering as the hospital is unable to build another room.

After the monitoring activity, the Commission issued recommendations to various institutions to improve health services provided for the persons with mental disabilities or diseases;

**Table n° 11: The recommendations on the respect for the rights of persons with mental diseases or disabilities**

<table>
<thead>
<tr>
<th>No</th>
<th>Category</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ministry of Health</td>
<td>- Increase medical personnel specialized in mental diseases</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Empower the District hospitals to enable them to help patients with mental diseases to get drugs near where they live.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Accelerate the adoption of the Ministerial Orders provided for in the Law n° 49/2012 of 22/01/2013 establishing medical professional insurance.</td>
</tr>
<tr>
<td>2</td>
<td>The Ministry of Local Government.</td>
<td>- Provide for special assistance to unidentified mental disease patients brought in CARAES hospitals by local administration authorities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Pay the debts the Districts owe to the CARAES Ndera Hospital amounting to one hundred and twenty-five million eight hundred and twenty-four thousand nine hundred and thirteen Rwandan Francs (125,824,913Frw) and set up strategies enabling the Districts to pay regularly the hospital services delivered to the patients with mental disease treated by them.</td>
</tr>
<tr>
<td>3</td>
<td>Rwanda National Police</td>
<td>- Establish good cooperation mechanisms between National Police and hospitals relating to the patients they bring from around the country so that the Police should make necessary inquiries to identify the patients’ families.</td>
</tr>
<tr>
<td>4</td>
<td>Rwanda Immigration Department</td>
<td>- Facilitate foreign patients in CARAES hospital to get travel documents to go back home after they get better.</td>
</tr>
</tbody>
</table>

After the visit to CARAES hospital and Icyizere Centre, the Commission visited the Ministry of Health on 23 March 2017 to do advocacy on raised issues. The discussions focused on the implementation of the Law n° 49/2012 of 22/01/2013 establishing medical professional insurance.

Participants in the meeting included the NCHR Commissioners, the State Minister in the Ministry of Health, the Director in charge of Mental Diseases and the Advisor to the Minister of Health.

50
Apart from them, the Director of CARAES Ndera Hospital and the Human Resource Manager of HVP Gatagara took part to the meeting too.

The Ministry of Health exposed to the Commission the strategies that were set up to address the issues raised in the mental disease treatment services. The strategies included the increase of mental disease specialized doctors since there were a number of students enrolled in the mental disease studies who are about to finish their studies, Ruhengeri Hospital and CHUK were granted with mental disease-related medical tools and psychiatrists were deployed too. It was also noticed that drugstores of hospitals that have psychiatrists were supplied with needed drugs.

1.3.2.3. The National Council on mental health and human rights

On 29 June 2017, the National Commission for Human Rights organized a meeting with the following theme: « Persons with mental diseases are persons like any other persons and have their own dignity which should be respected ». The main aim of this meeting was to jointly assess what should be done to ensure increased respect for the right to life for persons with mental diseases.

This meeting was held in Golden Tulip Hotel in Nyamata in Bugesera District and brought together the Commission and other public institutions including MINALOC, MIGEPROF, MINIJUST, NCPD, RNP, representatives of the Parliament, both Chambers, RGB, the High Court of the Republic, the United Nations Senior on Human Rights Advisor in Rwanda, representatives of faith based organizations, the Civil Society and Non-Governmental Organizations for the welfare of persons with mental diseases.

Participants in this meeting highlighted some problems faced by persons with mental diseases as follows:

- Persons with mental diseases are stigmatized and called mad people;
- Persons with mental diseases are victims of gender-based violence and harmful corporal acts;
- The mentality of some people who think that mental illness is caused by demons or poisons and are thus not taken to hospital for treatment;
- When people with disabilities and mental diseases are treated successfully, they are segregated at work place, in schools and everywhere because they keep treating them as ill people.
- Most persons with mental diseases are not taken to hospital for medical treatment;
- There is no law to protect those with mental illness;
- Failure to differentiate those with mental disabilities from those with mental illness
- Insufficient number of psychiatry centers;
- Some of the people with mental illness are placed in hidden places and are prevented from appearing in public;
- Women and daughters with mental illness are victims of gender-based violence such as sexual abuse, while married women who suffer from mental illness are repudiated or their husbands marry other women;

After analyzing and sharing ideas on the problems faced by persons with mental disability and illness, the meeting made the following recommendations:
Table n° 12: Recommendations of the National Council on Mental Health and Human Rights

<table>
<thead>
<tr>
<th>No.</th>
<th>Recommendation</th>
<th>Responsible Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To take out of and from the streets and treat persons with mental illness who have no families and whose families were not identified</td>
<td>MINALOC, RSSB, RNP</td>
</tr>
<tr>
<td>2</td>
<td>To sensitize the Rwandan society on taking care of persons with mental disability and illness, be informed about their rights and protect them</td>
<td>MINALOC (Coordination) - MIGEPROF - NCPD - Non-Governmental organizations taking care of those with mental disability and illness - MINISTRIES AND CHURCHES - MEDIA</td>
</tr>
<tr>
<td>3</td>
<td>To show the data and identification of persons with mental disability and illness so that they can be taken care</td>
<td>MINALOC</td>
</tr>
<tr>
<td>4</td>
<td>To build the capacities of psychiatry centers that accommodate persons with mental illness</td>
<td>MINISANTE</td>
</tr>
<tr>
<td>5</td>
<td>To increase the number of psychiatrists</td>
<td>MINISANTE</td>
</tr>
<tr>
<td>6</td>
<td>To provide views on the bill on the protection of persons with mental illness</td>
<td>NCPD</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Non-Governmental Organizations that take care of persons with mental illness and disabilities</td>
</tr>
<tr>
<td>7</td>
<td>To put in place a mechanism to bring together those involved in taking care of persons with mental illness and disabilities.</td>
<td>MINISANTE</td>
</tr>
<tr>
<td>8</td>
<td>To put in place special services for those with mental illness detained in correctional facilities</td>
<td>MINJUST</td>
</tr>
<tr>
<td>9</td>
<td>To assist and reintegrate into normal life those who recovered from mental illness without families and helping them to find a home</td>
<td>MINALOC</td>
</tr>
</tbody>
</table>

The Commission will continue to sensitize Rwandan citizens to take care of persons with mental illness and disabilities, to know their rights and protect them. It will provide views on the bill on the protection of persons with mental illness, and will organize an annual meeting that shall bring together the National Commission for Human Rights, different public institutions and Non-Governmental organizations that take care of persons with mental illness and disabilities as part of examining their problems and assessing the implementation of the recommendations made in the previous meetings.

1.3.3. The rights of detainees and prisoners

The Commission based on article 6, point 3° of the Law n° 19/2013 of 25/03/2013 determining its missions, organization and functioning, which entrusts it with the mandate to monitor detention facilities in order to check how the rights of detainees and prisoners are respected; based also on the provision of article 27 of the Law n° 34/2010 of 12/11/2010 establishing Rwanda Correctional Services and determining its organization and functioning as modified and complemented to date by Law.
N°19bis/2017 of 28/04/2017 which stipulates that the National Commission for Human Rights may visit Prison facilities; visited 14 Prisons and 50 Police Stations cells in 2016-2017. The aim was to monitor how the rights of detainees and prisoners are respected and to request the concerned institutions to address issues of identified cases of human rights violations.

1.3.3.1. Monitoring the respect of human rights in prisons

In May 2017, the Commission monitored the respect of human rights in 14 Prisons, namely: Rwamagana, Nyarugenge, Musanze, Huye, Nyanza, Bugesera, Rusizi, Nyamagabe, Rubavu, Muhanga, Nyagatare, Ngoma, Gicumbi and Mulindi.

During this monitoring activity, the Commission wanted to:
- Verify the number of detainees in prison in order to monitor the population density of prisons;
- monitor the respect for human rights for those detained in Prison cells against corporal and intellectual harmful punishments or degrading acts;
- check whether court ordered damages arising from their offences are paid by prisoners;
- monitor the respect for the rights of prisoners with disabilities related to their living conditions in the prison following.

A. The number of inmates in the visited prisons

The following table shows the number of inmates in each prison and their categories as per prison log books.
Table 13: Monitored Prisons, date of monitoring, number and categories of inmates, offences, the capacity of accommodation and density of prisons.

<table>
<thead>
<tr>
<th>Prisons</th>
<th>Date of monitoring</th>
<th>Common law offences</th>
<th>Genocide</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Prisoners</td>
<td>Detainees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>1. Rwamagana prison</td>
<td>9/5/2017</td>
<td>5880</td>
<td>0</td>
</tr>
<tr>
<td>2. Nyarugenge prison</td>
<td>16/5/2017</td>
<td>2134</td>
<td>137</td>
</tr>
<tr>
<td>3. Musanze prison</td>
<td>9/5/2017</td>
<td>1182</td>
<td>385</td>
</tr>
<tr>
<td>4. Huye prison</td>
<td>12/5/2017</td>
<td>3424</td>
<td>0</td>
</tr>
<tr>
<td>5. Nyanza prison</td>
<td>10/5/2017</td>
<td>1093</td>
<td>0</td>
</tr>
<tr>
<td>6. Bugesera prison</td>
<td>9/5/2017</td>
<td>966</td>
<td>0</td>
</tr>
<tr>
<td>7. Rusizi prison</td>
<td>9/5/2017</td>
<td>1476</td>
<td>4</td>
</tr>
<tr>
<td>8. Nyamagabe prison</td>
<td>10/5/2017</td>
<td>15</td>
<td>416</td>
</tr>
<tr>
<td>9. Rubavu prison</td>
<td>9/5/2017</td>
<td>3130</td>
<td>0</td>
</tr>
<tr>
<td>10. Muhanga prison</td>
<td>9/5/2017</td>
<td>2733</td>
<td>242</td>
</tr>
<tr>
<td>11. Nyagatare prison 2</td>
<td>9/5/2017</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>12. Ngoma prison</td>
<td>9/5/2017</td>
<td>1</td>
<td>549</td>
</tr>
<tr>
<td>13. Gicumbi</td>
<td>9/5/2017</td>
<td>1465</td>
<td>1</td>
</tr>
<tr>
<td>prison</td>
<td>29/5/20</td>
<td>190</td>
<td>2</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>14. Mulindi</td>
<td>prison</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| TOTAL           | 2369         | 4   | 1738| 220 | 14  | 2566| 3869| 432 | 32  | 6   | 4339| 3005| 2611| 14  | 15  | 28225| 58230| 57481| 100.2% |

1. Girls and Boys are children aged below 18
2. Nyagatare Prison is the prison reserved for child offender rehabilitation.

Density of a detention facility = \( \frac{\text{the number of inmates incarcerated in a Prison}}{\text{Prison capacity}} \times 100 \)

55
Explanations of Table n° 13

- At the time of monitoring, inmates in the 14 monitored Prisons were 58,230 (males 53,691, females 4,267, 252 boys and 20 girls).
- Among these, inmates accused of common law crimes are 30,005 among them 25,666 prisoners (23,634 males, 1738 females, 220 boys and 14 girls) and 4,339 detainees (3,869 males, 432 females, 32 boys and 6 girls).
- Inmates accused of genocide are 28,225, including 28,210 prisoners (26,114 males, and 2,096 females) and 15 detainees (14 males and one (1) woman).
- In order to implement the Government program of detaining males and females in separate prisons, Nyamagabe and Ngoma prisons are particularly designed for women only. Males detained in these two prisons are those who were transferred following manual works which they must perform there, especially building activities. Bugesera, Rwamagana, Gasabo and Rubavu prisons are for men only. Nyagatare Prison is reserved for children rehabilitation. The prisons of Muhanga, Musanze and Nyarugenge accommodate both males and females inmates.
- In Rwamagana Prison, was noticed an overpopulation because most of the time they accommodate inmates who are tried by Intermediate Courts of Ngoma and Nyagatare.

The Commission established that the number of detainees is small compared to that of prisoners who are detained to serve their sentences as convicted by courts, because they are 7.4%, which indicates that the right to be heard within a reasonable period is respected.

The comparison of density in the Prisons visited in 2015-2016 and 2016-2017

The Commission made a comparison of the density in 13 Prisons visited in 2015-2016 and 2016-2017 as indicated in the following table.

Table n° 14: The comparison of density in visited Prisons in 2015 -2016 and 2016-2017

<table>
<thead>
<tr>
<th>Visited prisons</th>
<th>Maximum number of inmates the prison was supposed to accommodate in 2015-2016</th>
<th>Year 2015-2016 Number of inmates</th>
<th>Density</th>
<th>Maximum number of inmates the prison was supposed to accommodate in 2016-2017</th>
<th>Year 2016-2017 Number of inmates</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rwamagana prison</td>
<td>5055</td>
<td>8701</td>
<td>172.1%</td>
<td>5055</td>
<td>10519</td>
<td>208.8%</td>
</tr>
<tr>
<td>2. Gicumbi prison</td>
<td>1600</td>
<td>-</td>
<td>-</td>
<td>1600</td>
<td>2300</td>
<td>143.7%</td>
</tr>
<tr>
<td>3. Bugesera prison</td>
<td>2490</td>
<td>2916</td>
<td>117.1%</td>
<td>2490</td>
<td>3423</td>
<td>137.8%</td>
</tr>
<tr>
<td>4. Rusizi prison</td>
<td>2500</td>
<td>2896</td>
<td>115.8%</td>
<td>2500</td>
<td>3252</td>
<td>130%</td>
</tr>
<tr>
<td>5. Musanze</td>
<td>1870</td>
<td>2049</td>
<td>109.5%</td>
<td>1870</td>
<td>2242</td>
<td>119.9%</td>
</tr>
<tr>
<td>Visited prisons</td>
<td>Maximum number of inmates the prison was supposed to accommodate in 2015-2016</td>
<td>Year 2015-2016</td>
<td>Maximum number of inmates the prison was supposed to accommodate in 2016-2017</td>
<td>Year 2016-2017</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------------------------------------------</td>
<td>----------------</td>
<td>---------------------------------------------------------------------</td>
<td>----------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of inmates</td>
<td>Density</td>
<td>Number of inmates</td>
<td>Density</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Huye prison</td>
<td>9000</td>
<td>100.1%</td>
<td>9000</td>
<td>112.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Muhanga prison</td>
<td>5000</td>
<td>76.8%</td>
<td>5000</td>
<td>97.6%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Nyanza prison</td>
<td>7488</td>
<td>93.5%</td>
<td>7488</td>
<td>94.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Nyamagabe prison</td>
<td>2500</td>
<td>76.7%</td>
<td>2500</td>
<td>76.9%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Ngoma prison</td>
<td>1500</td>
<td>53.5%</td>
<td>1500</td>
<td>71.6%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Nyarugenge prison</td>
<td>2800</td>
<td>103.1%</td>
<td>8000</td>
<td>59.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Nyagatare prison</td>
<td>500</td>
<td>51%</td>
<td>500</td>
<td>58%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Rubavu prison</td>
<td>9980</td>
<td>37.1%</td>
<td>9980</td>
<td>57.4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>52283</td>
<td>-</td>
<td>57483</td>
<td><strong>100.2%</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Remark:**

- Gicumbi Prison was not monitored in 2015-2016;
- In 2015-2016, the Prison of Nyarugenge had the capacity to accommodate 2,800 inmates, while in 2016-2017 it had the capacity to accommodate 8,000 as it has got a new facility located in the Sector of Mageragere, District of Nyarugenge in which detainees and prisoners were transferred.

➢ **Explanations of Tables n° 14:**

Table n° 10 shows 13 visited Prisons were supposed to accommodate 57,483 inmates while the Commission found that 57,596 inmates i.e. 100.2%, were detained in those prisons.

Overcrowded prisons with a big density to the extent that they accommodated inmates who are beyond their capacity are Rwamagana (208.8%), Gicumbi Prison (143.7%), Bugesera Prison (137.8%), Musanze Prison 119.9% and Huye Prison (112.2%).
Prisons in which there was no overpopulation include the Prison of Muhanga (97.6%), Nyanza (94.3%), Nyamagabe (76.9%), Ngoma (71.6%), Nyarugenge (59.8 %), Nyagatare (58%) and Rubavu (57.4%).

What the Commission noticed is that the number of inmates in each of the prisons in 2016-2017 has increased compared to 2015-2016 because of detainees and prisoners who were detained in Gasabo Prison who were transferred in those prisons after that Prison caught fire on 31 March 2017. In general, this led to increased density in other prisons.

B. The respect for the right not to be subjected to torture and other corporal punishments and mental harmful acts

Torture is “any act by which severe pain or suffering, whether physical or mental, inhuman, cruel or degrading, are intentionally inflicted on a person for such purposes as obtaining from him/her or a third person, especially information or a confession, punishing him/her of an act he/she or a third person committed or is suspected of having committed, or intimidating him/her or coercing him/her or a third person or for any other reason based on discrimination of any kind”\(^{17}\).

During the monitoring, the Commission did not find any case sign or cases in which inmates are victims of torture in prison’s cells. However, 48 detainees and prisoners were found in prisons’ cells of Rwamagana, Huye, Nyanza, Mulindi, Rubavu, Muhanga and Gicumbi Prisons without beddings. They were sleeping on the floor of their cells and these acts can be qualified as harmful to the body.

In Gicumbi, Mulindi and Rusizi prisons cells, the light is not enough, while the Musanze Prison cell is not well ventilated and has limited lightning. Also the Rubavu Prison cell is not adequately vantillated, which may have consequences on the life of inmates.

In Rwamagana Prison, there was a shortage of latrines due to overcrowding prison population, which may negatively affect the living conditions of inmates in that Prison.

\(^{17}\) Article 176 of Organic Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code in Rwanda.
C. Respect for the right of Inmates with disability

Pursuant to Law n° 01/2007 of 20/01/2007 on the protection of persons with disability in general, especially in Articles 3, 10, 14 and 15 which gives persons with disability the right to being facilitated by Government to get medical treatment and prostheses when needed, and giving the State the obligation to ensure their medical treatment, provision of prostheses when needed for poor inmates;

The Commission monitored the respect for the rights of Inmates with disability with the aim of assessing their living conditions and the difficulties they may be facing due to their disability.

The following table shows the number of disabled prisoners and detainees in the visited Prisons and the categories of their disabilities.

<table>
<thead>
<tr>
<th>Prison</th>
<th>Visual impairment</th>
<th>Hearing disability</th>
<th>Speech disability</th>
<th>Blindness</th>
<th>Physical disability</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Disability of both legs</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Disability of one leg</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Disability of both arms</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Disability of one arm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Disability of both arms and legs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Persons with hemiplegia</td>
<td>Disability of the backbone</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Rwamagana prison</td>
<td>6 0 0 0</td>
<td>1 10 0</td>
<td>7 5</td>
<td>3 0</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>2. Nyarugenge prison</td>
<td>1 0 0 0</td>
<td>1 1 0</td>
<td>0 1</td>
<td>1 0</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>3. Musanze prison</td>
<td>0 0 0 0</td>
<td>1 3 0</td>
<td>4 0</td>
<td>0 0</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>4. Huye prison</td>
<td>0 0 0</td>
<td>12 10 5</td>
<td>0 2</td>
<td>8 3</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>5. Nyanza prison</td>
<td>7 1 0</td>
<td>0 7 5</td>
<td>1 3</td>
<td>2 11</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>6. Bugesera prison</td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>1 0</td>
<td>0 0</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>7. Nyamagabe prison</td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>0 0</td>
<td>0 0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>8. Rusizi prison</td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>0 0</td>
<td>0 0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>9. Rubavu prison</td>
<td>4 0 1</td>
<td>0 0</td>
<td>7 0</td>
<td>3 0</td>
<td>2 0</td>
<td>14</td>
</tr>
<tr>
<td>10. Muhanga prison</td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>6 5</td>
<td>1 0</td>
<td>4 1</td>
<td>17</td>
</tr>
<tr>
<td>11. Ngoma prison</td>
<td>0 0 0</td>
<td>0 1 0</td>
<td>4 0</td>
<td>1 3</td>
<td>3 2</td>
<td>14</td>
</tr>
<tr>
<td>12. Gicumbi prison</td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>0 2</td>
<td>0 0</td>
<td>1 2</td>
<td>2 7</td>
</tr>
<tr>
<td>13. Mulindi prison</td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>0 0</td>
<td>0 0</td>
<td>0 0</td>
<td>0</td>
</tr>
<tr>
<td>14. Nyagatare prison</td>
<td>0 0 0</td>
<td>0 0 0</td>
<td>0 0</td>
<td>0 0</td>
<td>0 0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>18</strong></td>
<td><strong>1</strong></td>
<td><strong>12</strong></td>
<td><strong>54</strong></td>
<td><strong>3</strong></td>
<td><strong>23</strong></td>
</tr>
</tbody>
</table>
As indicated in Table no 15, in the 14 visited Prisons, the Commission found 200 inmates with different disabilities, and as result, they do not enjoy normal living conditions.

The Prisons of Huye, Nyanza and Rwamagana have a big number of inmates with disabilities because out of 200 inmates with disabilities, 109 i.e. 54.5% are detained at these facilities. Forty (40) inmates are detained in Huye Prison, the majority of them; 12 inmates suffer from hearing and speech disability/impairment. Those with both legs disabled are 10, while 8 of them are one leg disabled. and those with one leg and one arm disability are 8. In the Prison of Nyanza, there are 37 inmates with disabilities including 11 inmates whose one side is paralyzed, 7 blind inmates and 7 with both legs disability. In Rwamagana Prison, there were 32 inmates with disabilities including (10) that have one leg disabled and 7 with arm disability and 6 with visual disabilities.

Tables no 16: Types of disability of Prison inmates

<table>
<thead>
<tr>
<th>Type of Disability</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability of one leg (one leg amputated or one leg disabled due to different reasons)</td>
<td>54</td>
<td>27%</td>
</tr>
<tr>
<td>Disability of both legs (either the both legs amputated or are not disabled due to various reasons)</td>
<td>30</td>
<td>15%</td>
</tr>
<tr>
<td>Disability of one side of the body (case of one side of the body (right or left) which is disabled or both the arm and leg of one side are disabled)</td>
<td>29</td>
<td>14.50%</td>
</tr>
<tr>
<td>Disability of arms and legs</td>
<td>24</td>
<td>12%</td>
</tr>
<tr>
<td>Disability of one arm</td>
<td>23</td>
<td>11.50%</td>
</tr>
<tr>
<td>Blindness (both eyes)</td>
<td>18</td>
<td>9%</td>
</tr>
<tr>
<td>Hearing and speech disability</td>
<td>12</td>
<td>6%</td>
</tr>
<tr>
<td>Disability of the back</td>
<td>5</td>
<td>2.50%</td>
</tr>
<tr>
<td>Disability of both arms</td>
<td>3</td>
<td>1.50%</td>
</tr>
<tr>
<td>Hearing disability</td>
<td>1</td>
<td>0.50%</td>
</tr>
<tr>
<td>Speech disability</td>
<td>1</td>
<td>0.50%</td>
</tr>
<tr>
<td>Total</td>
<td>200</td>
<td>100%</td>
</tr>
</tbody>
</table>

As indicated in the Tables no16, a large number of persons with disabilities detained in prisons are those with only one amputated leg, those with both disabled or amputated legs, those with one side of the body, right or left, which is disabled or an arm and a leg of one side which are disabled and those with either one leg or one arm which are disabled.

The Commission found that persons with disabilities detained in Prisons are assisted in their living conditions according to their disabilities including sleeping on the lower part of the bunk bed. It also found
that detainees and prisoners who have medical certificates are allowed to get food from their respective families.

However the Commission found that some of the inmates with disabilities have difficult living conditions due to their disabilities, and cannot help themselves on their own such as fetching water to bathe, to clean clothes, to eat, to go to the latrines etc. They are helped by their fellow inmates in all these activities.

D. Monitoring the payment of compensation resulting from penalties as ordered by the court

The Commission, based on the fact the court may oblige a person who causes damage to property to repair it\textsuperscript{18}, and the fact that no person should only be liable for their own acts, but should also be liable for the damages resulting from his/her negligence or carelessness;\textsuperscript{19}

It verified how compensation arising from offence as ordered by court are paid to beneficiaries with the aim of establishing if whether the rights to reparation are respected. Compensations that are given priority are those from child defilement cases, murder, assault and battery, robbery, embezzlement, extortion and damage to property.

The following table shows the number of cases that required compensation, the amount of compensation paid and the reasons for the nonpayment of compensation.

\textsuperscript{18} The Civil Code Book III article 258
\textsuperscript{19} Article 259 idem
Table n° 17: The number of those ordered to pay compensation, the amount of compensation ordered by courts, reasons for failure to pay and their respective Prisons.

<table>
<thead>
<tr>
<th>Prison</th>
<th>Number of those ordered to pay damages</th>
<th>Number of those who have paid all the damages or half</th>
<th>Amount of damages ordered by the court</th>
<th>Amount of paid damages</th>
<th>Amount of unpaid damages</th>
<th>Raised reasons for non-payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rwamagana prison</td>
<td>44</td>
<td>2</td>
<td>29.695.186</td>
<td>550.000</td>
<td>29.145.186</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>2. Nyarugenge prison</td>
<td>24</td>
<td>0</td>
<td>43.021.905</td>
<td>0</td>
<td>43.021.905</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>3. Musanze prison</td>
<td>7</td>
<td>1</td>
<td>17.545.500</td>
<td>1.220.000</td>
<td>16.325.500</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>4. Huye prison</td>
<td>27</td>
<td>5</td>
<td>80.990.755</td>
<td>10.660.000</td>
<td>70330755</td>
<td>Lack of financial means; There are some who promised to pay after they have been released</td>
</tr>
<tr>
<td>5. Nyanza prison</td>
<td>39</td>
<td>1</td>
<td>86.617.100</td>
<td>300.000</td>
<td>86.317.100</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>7. Rusizi prison</td>
<td>48</td>
<td>0</td>
<td>86.967.975</td>
<td>0</td>
<td>86.967.975</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>9. Muhanga prison</td>
<td>20</td>
<td>0</td>
<td>46.980.808</td>
<td>0</td>
<td>46.980.808</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>10. Ngoma prison</td>
<td>5</td>
<td>0</td>
<td>800.000</td>
<td>0</td>
<td>800.000</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>11. Gicumbi</td>
<td>10</td>
<td>4</td>
<td>29.080.000</td>
<td>750.000</td>
<td>28.330.000</td>
<td>Lack of</td>
</tr>
<tr>
<td>Prison</td>
<td>Number of those ordered to pay damages</td>
<td>Number of those who have paid all the damages or half</td>
<td>Amount of damages ordered by the court</td>
<td>Amount of paid damages</td>
<td>Amount of unpaid damages</td>
<td>Raised reasons for non-payment</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>------------------------</td>
<td>-------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>prison</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>financial means</td>
</tr>
<tr>
<td>12.Nyamagabe prison</td>
<td>11</td>
<td>0</td>
<td>6.051.950</td>
<td>0</td>
<td>6051950</td>
<td>Lack of financial means</td>
</tr>
<tr>
<td>Total</td>
<td>254</td>
<td>14</td>
<td>449.319.611</td>
<td>13.839.200</td>
<td>435.480.411</td>
<td></td>
</tr>
</tbody>
</table>
As indicated in Table no 17, among 254 inmates who had to pay compensation 14 inmates had already paid at the time of the monitoring, i.e. 5.5%.

Out of an amount of 449,319,611 Frw claimed for compensation, 13,839,200 Frw were paid, i.e. 3%. Outstanding amount of compensations is worth 435,480,411 Frw, i.e. 97%.

According to some inmates, reasons for non payment include the lack of financial means, while others stress that they pay once they are released; which may be interpreted as the lack of will to do so.

E. Conclusion and recommendations

While monitoring the respect for the rights of detainees in May 2017 in different Prisons, the Commission found the rights are respected in general given that:

- In all monitored Prisons, seven (7) have a density which is between 57.4% and 97.6%, while the average rate is 100.2%.
- The right not to be subjected to torture or other harmful acts is respected as described in the previous sections;
- Persons with disabilities detained in the Prison are assisted in their living conditions within the prison’s capacity including sleeping on lower parts of buck beds, those with medical certificates are being allowed to get food from their families.

However, the Commission established that in some prisons the following problems persist:

- Overcrowding in the Prisons of Rwamagana, Bugesera, Rusizi, Musanze and Huye;
- Some prisoners have no beddings;
- The fact that prisoners do not pay compensation ordered by courts.

➢ Recommendations

The Commission notes that for the rights and obligations of those detained in prisons to be respected, relevant institutions should do everything possible to address the issues mentioned above.

➢ The Ministry of Justice

- To continue the rehabilitation of buildings that were found without enough air and lighting and addressing the problem of overcrowding in some Prisons;
- To particularly monitor the follow up of disabled inmates so as to know their problems, conduct special advocacy for them given that many of them are in need of prostheses including wheelchairs, crutches and those in need of specialized medical treatment;
Regarding the right to compensation, to determine within a short period of time, how inmates who fail to pay compensation due to lack of financial means and who are able to perform activities that can generate income, can do some supervised jobs so that the income can be deposited in the appropriate fund so that it can help pay victims of perpetrators

Resort to legal ways of execution of judgments for those having means to pay;

To provide inmates detained in cells bedding equipment;

➢ Ministry of Health

To assist and facilitate inmates with disability to get prostheses for those in need and to repair old ones.

1.3.3.2. MONITORING OF THE RESPECT FOR HUMAN RIGHTS IN POLICE STATIONS HOLDING CELLS

In 2016-2017, the National Commission for Human Rights monitored the respect for human rights in 50 Police Stations holding cells with the aim of assessing whether the rights of detainees are respected and to request relevant institutions to solve identified human rights violations cases.

The Commission monitored the following:

- Number of detainees in order to assess the cell’s population and the issue of overcrowding;
- To monitor issues related to detainees files including the statement of arrest and detention, provisional warrant arrest, Order of the Judge (PVA, MAP, Order of the Judge);
- Checking if the due process is respected including access to lawyer/legal counselor and the right to be interrogated in the presence of a lawyer;
- To check whether no detainee is victim of torture or harmful acts.
- To monitor the respect for the rights of detainees in Police Stations holding cells, including living conditions (the right to adequate food, potable water and hygiene, medical treatment, non-subjection to torture, not to be detained in facilities without enough air and lighting, not to be detained with handcuffs).

The Commission established the following:

A. Number of detainees in police custodies and their detention orders

The Commission verified the number of those who were detained in the Police Stations holding cells with the aim of assessing the overcrowding. The findings of this monitoring are indicated in the following table:
Table n°18: Monitored Police Stations Custodies, Districts, Date of Monitoring, the number of detainees and their gender categories

<table>
<thead>
<tr>
<th>District</th>
<th>Monitored cell</th>
<th>Date of monitoring</th>
<th>Number of inmates in Police Station cells</th>
<th>Male</th>
<th>Female</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nyagatare</td>
<td>1. Nyagatare</td>
<td>29/11/2016</td>
<td>58</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Rwimiyaga</td>
<td>2/12/2016</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Gatunda</td>
<td>1/12/2016</td>
<td>19</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Mimuri</td>
<td>1/12/2016</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Bugesera</td>
<td>5. Ruhuha</td>
<td>20/12/2016</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Nyamata</td>
<td>22/12/2016</td>
<td>57</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>62</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7. Gasora</td>
<td>20/12/2016</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Rweru</td>
<td>20/12/2016</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
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<tr>
<td>Gakenke</td>
<td>9. Gakenke</td>
<td>8/12/2016</td>
<td>31</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. Rushashi</td>
<td>6/12/2016</td>
<td>15</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Nyabihu</td>
<td>11. Jomba</td>
<td>7/12/2016</td>
<td>13</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. Mukamira</td>
<td>7/12/2016</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13. Rugera</td>
<td>7/12/2016</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Muhanga</td>
<td>14. Nyamabuye</td>
<td>12/12/2016</td>
<td>80</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>90</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15. Muhanga</td>
<td>12/12/2016</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>16. Mushishiro</td>
<td>12/12/2016</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Gatsibo</td>
<td>17. Kiramuruzi</td>
<td>13/12/2016</td>
<td>78</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td></td>
<td>18. Ngarama</td>
<td>14/12/2016</td>
<td>26</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td></td>
<td>19. Kabaro</td>
<td>15/12/2016</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Rutsiro</td>
<td>20. Gihango</td>
<td>10/11/2016</td>
<td>24</td>
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<td>0</td>
<td>0</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>Burera</td>
<td>21. Cyanika</td>
<td>22/11/2016</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22. Gahunga</td>
<td>23/11/2016</td>
<td>18</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Ruhango</td>
<td>23. Nyamagana</td>
<td>3/1/2017</td>
<td>29</td>
<td>9</td>
<td>0</td>
<td>0</td>
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<tr>
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<td>24. Kabagari</td>
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<td>25. Kinazi</td>
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</tr>
<tr>
<td></td>
<td>26. Byimana</td>
<td>17/1/2017</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>5</td>
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</tr>
<tr>
<td>Kicukiro</td>
<td>27. Gikondo</td>
<td>11/1/2016</td>
<td>15</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Musanze</td>
<td>28. Muhoza</td>
<td>25/10/2016</td>
<td>78</td>
<td>8</td>
<td>1</td>
<td>0</td>
<td>87</td>
<td></td>
</tr>
<tr>
<td></td>
<td>29. Busogo</td>
<td>26/10/2016</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30. Kinigi</td>
<td>27/10/2016</td>
<td>7</td>
<td>0</td>
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<td>7</td>
<td></td>
</tr>
<tr>
<td>Nyarugenge</td>
<td>31. Muhima</td>
<td>9/1/2017</td>
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<td>0</td>
<td>0</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>32. Nyarugenge</td>
<td>9/1/2017</td>
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<td>0</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td></td>
<td>33. Rwezamenyo</td>
<td>10/1/2017</td>
<td>129</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td></td>
<td>34. Mageragere</td>
<td>12/1/2017</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>35. Kimisagara</td>
<td>12/12/2017</td>
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<td>3</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Nyanza</td>
<td>36. Busasamana</td>
<td>26/10/2016</td>
<td>18</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td></td>
<td>37. Muki</td>
<td>25/10/2016</td>
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<td>0</td>
<td></td>
</tr>
<tr>
<td>Kamonyi</td>
<td>38. Remera-Rukoma</td>
<td>16/1/2017</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>39. Musambira</td>
<td>16/1/2017</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40. Mugina</td>
<td>18/1/2017</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>
During its monitoring, the Commission found that 1,158 persons comprised of 1,056 males, 98 females and seven (7) boys were detained in 50 Police Stations holding cells. The Commission also found that 590 i.e. 50.9% of the detainees were accommodated only in 7 out of 50 visited cells. Those cells include Rwezamenyo, Nyamabuye, Muhoza, Kiramuruzi, Runda, Nyamata and Nyagatare

### B. Verifying detainees’ files in Police Station cells

Out of 1,158 detainees, 1,121 i.e. 96.8% were legally detained under Detention Orders (PVA, MAP, Order of the judge and copy of judgment). Those detainees were found in the following categories:

- 364 i.e. 31.4 % were detained on PVA (Arrest Statement issued by a judicial police officer);
- 719 i.e. 62 % were detained on MAP (Arrest Warrant issued by a prosecution officer);
- 38 i.e.3.2% were detained following the provisional detention order issued by a judge for a 30 days period or following a judge’s order convicting detainees to be returned to Prison and on the file for the detainee awaiting to be transferred to rehabilitation centers;
- 25 i.e. 2.1% without any detention order, the majority of whom were motorcyclists without driving license, who were recently arrested, vagrants and street beggars who were waiting for transfer to rehabilitation centers;
- 12 i.e. 1% were detained under a Police transfer to Transit centres.

In particular, in Rwezamenyo, Muhima and Kimisagara Police Station holding cells, 12 persons were detained under a Police transfer to Gikondo rehabilitation centre.

The Commission found that Police Stations holding Cells of Rwezamenyo, Nyamabuye, Muhoza, Kiramuruzi, Runda, Nyamata and Nyagatare had a large number of detainees as they are those close to Primary Courts because they accommodate detainees waiting for trial, those awaiting pronouncement of judgment and those waiting for their transfer to Prisons.

192 detainees i.e.17.7% were illegally detained because their PVA and MAP had exceeded the five days provided for by the law.\(^{20}\)

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\(^{20}\) Article 37, paragraph 4 of the Law n° 30/2013 of 24/5/2013 relating to criminal procedure
C. The right to a Lawyer

During its monitoring, the Commission found that in the Judicial Police and the National Prosecution Authority, detainees are informed of their right to be interrogated in the presence of their lawyers. In visited cells, it was also noticed that children were interrogated in the presence of their lawyers.

D. Right to not be tortured and subjected to other cruel, mental or inhuman degrading treatment

In general, the Commission found that in the Police Stations holding cells, detainees are not tortured or subjected to cruel or inhuman degrading treatment.

E. Right of detainees to social welfare

- Right to adequate food

The Commission found that detainees in Police Stations holding cells are given food by the Government twice a day except detainees of Mageragere, Gashora and Rweru Police Stations Cells who are provided food by their families.

The Commission found that in Gikondo, Nyagatare, Gatunda, Nyakabuye, Kanjongo, Shangi, Bugarama, Mimuri, Rwimiyaga and Kimisagara Police Stations holding cells, detainees are given food once a day.
The Commission recommends the government of Rwanda to provide same feeding to all detainees.

- **Right to medical care**

  The Commission established that medical treatment is provided from a nearest Health center or hospital when a detainee falls ill. A detainee uses his/her health insurance (mutuelle de santé), in the absence of the insurance, the detainee pays for him/herself, and when he/she is unable to pay, medical treatment cost is covered by the District, Sector or the Police Station.

- **The right to be detained in a room with enough air and lightening**

  Concerning aeration and lighting, the Commission found that many detention facilities are adequately aerated and lighted, while others are not adequately aerated or lighted to the extent that this may cause problems to detainees.

  In the Police Stations holding cells of Jomba, Nyamabuye, Gahunga, Muhoza, Byumba, Kamembe, Gashonga, Bugarama, Nyakabuye, Rwezamenyo and Kimisagara, there is no enough aeration and lighting.

  The Commission recommends that the Ministry of Justice should do everything possible to ensure that all detention facilities are extended, aerated and lighted, with special attention to Nyamabuye Police Station cell.

- **Right to be detained in a clean place**

  During the monitoring on the level of sanitation in the holding cells, the Commission inspected detention premises and latrines, and established that holding cells are generally tidy/clean.

- **Detainees’ right to beddings**

  The Commission found that some of these detention facilities at the Police Stations allow detainees to bring their beddings, while others don’t. The later cases include police stations of Ruhuha, Gashonga, Byumba, Nyamata, Nyamabuye, Nyarugenge, Kimisagara, Muhoza, Kinigi, Rwimiya, Gatunda, Nyagatare, Mimuri, Nyakabuye, Gashora, Rweru, Gakenke, Rushashi, Mukamira, Rugera, Cyanika, Gahunga, Gikondo and Busasamana.

- **Right not to be detained handcuffed**

  The Commission found that the right not to be detained handcuffed is respected.

F. **Conclusion**
The Commission, based on the monitoring of the respect for the rights of detainees conducted in 50 Police Stations Custodies between 25 October 2016 and 17 February 2017, can generally conclude that the rights to legal detention is respected, as the legal provisions related to detention are respected, except in the case of 192 detainees i.e. 17.7% which were detained on PVA and MAP which had exceeded the period provided for by the laws as highlighted in the previous section.

For the right to social welfare of detainees, the Commission found that the right is respected since inmates are given food by State twice a day except for some Police Stations holding cells where detainees are given food once a day, and sick detainees received medical treatment.

Dormitories, bathrooms as well as latrines of Police Stations are clean. Most detention facilities are adequately aerated and lighted, except in the case of Police Stations holding cells of Jomba, Nyamabuye, Gahunga, Muhoza, Byumba, Kamembe, Gashonga, Bugarama, Nyakabuye, Rwezamenyo and Kimisagara.

Concerning the right to beddings, the Commission found that some Police Stations allow families of detainees to bring them beddings while others don’t.

Concerning the right not to be tortured and subjected to other cruel, mental or inhuman degrading treatment, the Commission found that this right is respected in all inspected Police Stations holding cells.

The right to a lawyer is respected because prior to interrogation in the Judicial Police and in the National Prosecution Authority each detainee is first informed that he/she is allowed to be interrogated in the presence of a lawyer and may bring a legal counsel if he/she so wish.

➢ **Recommendations**

After the monitoring exercise in Police Stations holding cells, the Commission recommends that for the right of a detainee to be respected, concerned institutions should put in place strategies to address the problems raised in this report.

Below are the recommendations that Commission requests the following institutions to implement:

➢ **The Ministry of Justice**

- To ensure that all detainees for which an order was taken by a judge to be detained provisionally for 30 days be immediately transferred to prisons;
- Establish a sustainable rationing system where all detainees at police stations are provided with same feeding;
- To rehabilitate detention facilities to avoid overcrowding and to adequately aerate them, and more specifically police stations holding cells of Nyamabuye and Gahunga;
- To set strategies to provide medical care to persons detained in the Cells of Police Stations who have no health insurance who cannot afford to cover medical care costs.
The National Public Prosecution Authority

- Submit to the judge a case file within the five (5) days provided for by Article 49 of Law n° 30/2013 of 24/5/2013 relating to criminal procedure.

1.3.4. The right of the elderly

The elderly need to be specifically taken care due to their weakness. The Constitution of the Republic of Rwanda of 2003 revised in 2015, in Article 51, paragraph 3, provides that the State has an obligation, at its discretion, to plan activities aimed that improve the welfare of vulnerable persons, the elderly and other indigent persons.

As part from helping the elderly as vulnerable persons to improve social welfare, the Government provides support through VUP program, which also covers the cost of medical insurance. The Government provides supports to some of the centres for the elderly.

As part of monitoring the respect for the right of the elderly, as provided for in article 6, paragraph 4 of the Law n°19/2013 of 25/03/2013 determining its mission, organization and functioning, in 2016-2017, the Commission inspected centres of “Home Sainte Thérèse de L’enfant Jesus” and “Mpinga Nzima”.

In that inspection, the aim assess how they are brought into those centers and services that are provided for in those centers, including the types of support that the Government provides. The Commission also wanted to identify specific problems that the elderly living in those centers have specific problems.

A. Findings of the Commission

In the centre of “Home Sainte Thérèse de l’Enfant Jesus”, there was nine (9) old women while in the center of Mpinga Nzima owned by “AVEGA AGAHOZO” there were seven (7) old women. Visited centres only take care of female old persons because there are no available facilities for male.

How the elderly are brought into the centre

The Commission learnt that the elderly persons are brought to the centre upon requests by local authorities, religious leaders or an individuals. A written request from local authorities, accompanied by a certificate attesting the need for assistance in respect of their vulnerability status (childless, vulnerable, poor or neglected by their families) in required.

How the elderly are taken care of once in the centre

The Commission established that old persons kept in centres are provided with medical treatment using mutual health insurance scheme. Besides that, dormitories, kitchen, dining rooms, the latrines and
bathrooms were found clean because the centers have permanent employees who are responsible for the sanitation of those facilities. The elderly are given healthy food three times a day and are also given clothes.

“Home Sainte Thérèse de l’Enfant Jesus” centre has no donor while Mpinga Nzima centre do have donors.

Some of old women living in the Centre Home Sainte Thérèse de l’Enfant Jésus (Pic. NCHR, 2017)

B. Conclusion

In general, the Commission found that both centres for the elderly “Home Sainte Thérèse de L’enfant Jesus” and “Mpinga Nzima” have the basic amenities to take care of elderly persons accommodated there despite some challenges which include insufficient, old and not fenced buildings as well as the issue of classification of those elderly, whereby some are classified in the third category of Ubudehe whereas they are poor.

Based on the above, the Commission recommends the following to the Ministry of Local Government:

- To put in place a policy for the elderly;
- To put in place a mechanism to assist centres for the elderly with specific problems;
- To classify in the first category of Ubudehe the elderly living in the centres because they do not have any other economic or financial means;
- To ratify the Additional Protocol to the African Charter on Human and People’s Rights relating to the elderly.

1.3.5. The rights of Refugees

A refugee is any person granted asylum in a country which is not theirs and who fears to be persecuted due to his/her race, religion, citizenship, membership or whose opinions are different from those of the governance of his/her country and cannot seek protection from that country because of fear.

The refugee’s rights are among the rights provided for in article 28 of the Constitution of the Republic of Rwanda of 2003 revised in 2015, which provides for the right to seek asylum which is recognized under conditions determined by law.


This Convention provides in its articles 20, 21, 22 and 24 the right to food of refugees, the right to education for child refugee, the right to housing and the right to employment; these rights are also provided for in the Optional Protocol of 1967 relating to the rights of refugees.

The rights of refugee are further provided for by the International Declaration on Human Rights of 10 October 1948, in its Article 14 stating that « in case there is persecution any person has the right to seek asylum in other countries ».

In the Rwandan laws, the rights of refugees are provided for by Law n° 13/ter/2014 of 21/5/2014 relating to refugees in its article 18 which stipulates that «In conformity with the law, every person who is granted a refugee status in Rwanda shall have the rights and freedom as provided for in the International Convention relating to refugees ratified by the Government of Rwanda».

This Law also establishes a refugee status determination provided for in its article 3 and determines its responsibilities provided for in article 4. The National Commission for Human Rights is represented in that Committee as provided for in article 5 of the mentioned law.

Law n° 19/2013 of 25/03/2013 determines the mission, organization and functioning of the National Commission for Human Rights in its article 6 paragraph 4 states that the Commission shall specifically monitor «the respect for the rights of the child, the rights of the wife, the rights of persons with disabilities and the rights of persons infected by HIV and the rights of refugees».
Pursuant to the Constitution of the Republic of Rwanda, to other laws and to the International Convention mentioned in this report, in 2016-2017 the Commission monitored Gihembe Refugee Camp in Gicumbi District, Kiziba Refugee Camp in Karongi District, Mahama Refugee Camp in Kirehe District, Kigeme Refugee Camp in Nyamagabe District and the transit centre of Gashora in Bugesera District, in order to assess how the rights of refugees are respected.

The aim was to assess how the living conditions and the rights of refugees are respected as well as identify partners, including humanitarian organizations that assist the Ministry in charge of refugees in various activities. The following rights were monitored:

- The right to housing;
- The right to live in a clean place and clean water;
- The right to health;
- Right to education
- Right to security;
- Right to social welfare

Table n° 19: Visited camps and the number of refugees

<table>
<thead>
<tr>
<th>Visited camps</th>
<th>refugee camps</th>
<th>District</th>
<th>Date of visit</th>
<th>Number of refugees</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gashora camp</td>
<td>Bugesera</td>
<td>20/12/2016</td>
<td>56 41 116</td>
<td>213</td>
</tr>
<tr>
<td></td>
<td>Kigeme Camp</td>
<td>Nyamagabe</td>
<td>22-23/12/2016</td>
<td>8.703 10.728 11.336</td>
<td>30.767</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
<td>48.552 52.372 52.556</td>
<td>153.480</td>
</tr>
</tbody>
</table>

As indicated in Table n° 18, at the time of the monitoring, refugees living in the camps were 153,480, while some 2,330 refugees were registered in the refugee log books but were living outside the camps, including in towns and agglomerations across the country.

A. Findings of the Commission
In general, the findings of the Commission during the monitoring of the respect for the rights of refugees are the following:

The Commission learnt that 16 organizations are operating in the camps, including 4 local and 12 international organizations. All these organizations assist the camps in various activities related to shelter, basic equipment, food, potable water, firewood, hygiene kits, medical treatment and education for children in the camps.

Local organizations are PAJER, CARITAS Rwanda, Maison Shalom and Kepler Rwanda.


- **Right to shelter**

In the camp, refugees are provided with houses built based to UNHCR Standards, but have proved to be too small compared to the number of household members.

- **The right to live in a clean place and to access clean water**

In the monitored camps, the Commission established that there is adequate sanitation, including tanks that enable each person to get at least 20 liters of drinking water per day. In Gihembe refugee camp, there are new mobile latrines under construction to replace the old ones that are in use since the establishment of the camp. Additionally, refugees are given soaps and necessary hygienic kits.

- **Right to health**

The Commission established that monitored camps had health posts, doctors, nurses and nurse assistants. Patients with diseases beyond the capacity of health posts are transferred to nearest health centres and hospitals or to District hospitals using ambulances. Persons with HIV/AIDS are given ARVs.

- **Right to education**

All refugee children attend primary school within the camps except those in Kigeme refugee camp. Children in secondary schools attend ordinary schools outside the camp. High school finalists wishing to go to University have to look for their own donors/sponsors because the United Nations High
Commissioner for Refugees does not pay university academic fees. *Hope Impact* pays university academic fees for best performing children.

As part of promoting the rights of the refugee children through the Ministry in charge of Disaster Management and Refugees, the United Nations Children’s Fund, the United Nations High Commissioner for Refugees and other international organizations, in collaboration with other public institutions, refugee children are included in the following government activities: early child development, representation in the National Council for children, medical care, family reunification for unaccompanied children, services in Isange *One Stop Center* in case of sexual abuse.

- **Right to security;**

  Regarding security, in general, police and DASSO assure the security in all refugee camps except for Kiziba refugee camp which ensures its own security in collaboration with security agents of Rwinkuba Sector.

- **Right to social welfare**

  Concerning the right to social welfare, refugees are given food ration, beddings, kitchen utensils, firewood and clothes for those in need.

  In the meeting of “*Refugee Camps Committee*” held once in a month, a decision was made to renovate classrooms, increase land portion, replacing roofs made in plastic sheeting with iron sheets and increase clean water supply system in the camp.

**B. Raised issues**

In visited refugee camps, the following problems were identified:

- **Concerning the right to social welfare**
  - Basic equipment which are not replaced and became old;
  - Small number of families who receive lamps compared to the number of families in the camp;
  - 210 Frw for daily food ration per refugee are no longer enough compared to current prices at the market.

- **Concerning the right to shelter**
  - The houses built for refugees are overcrowded because they are built without taking into account the number of family members.
Concerning the right to health

- In Gihembe camp, there is a problem related to delay in medical transfer due to administrative procedure to the extent that a patient may risk his/her life.

Other problems

In Kigeme Camp, the cemetery is full to the extent that they bury in already used graves.

C. Conclusion and recommendations

As far as the rights of refugees are concerned, the Commission found that their rights are generally respected. However, the Commission underscores the need for relevant institutions to address the problems highlighted above. The Commission therefore requests such institutions to implement the following:

The Ministry of Education

- To facilitate and avail required and enough teaching materials for schools which are inside the camps;
- To help the youth who dropped out of school, unemployed youth who completed primary and secondary schools to get opportunity to learn vocational skills;
- To increase the number of classrooms and renovate old ones so as to reduce overcrowding in classes.

The Ministry in charge of Disaster Management and Refugees

- To conduct advocacy for an increase of the amount of money allocated to refugee per day for food ration since the current allocated amount is not enough comparing to market food prices;
- To replace old tents in which refugees are received in Gashora Camp;
- To build and avail houses that can accommodate larger families.

II. RECEPTION AND PROCESSING COMPLAINTS RELATED TO VIOLATION OF HUMAN RIGHTS

The National Commission for Human Rights has the mandate to receive, examine complaints and investigate violation of human rights by Public Institutions, abuse of power by public officials, associations
and individuals. The Commission also has the power to request concerned institutions to render justice without conditions to any person whose rights are violated\(^{21}\)

In 2016-2017, the Commission continued with its mission to protect human rights, by receiving and investigating complaints which were left pending during the year 2015-2016.

### 2.1. Complaints submitted to the Commission in 2016-2017 and those taken forward from the year 2015-2016

The Commission processed 2174 complaints of human rights violations. 1031 of these were submitted to the Commission in 2016-2017 while 1143 are complaints that were taken forward from year 2015-2016.

**Table n° 20: Complaints submitted to the Commission in 2016-2017 and those taken forward from 2015-2016**

<table>
<thead>
<tr>
<th>Complaints handling process</th>
<th>Number of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adults</td>
</tr>
<tr>
<td>1 Complaints still under process by end of 2015-2016</td>
<td>Male</td>
</tr>
<tr>
<td>2 Complaints submitted to the Commission from 1st July 2016 to 30th June 2017</td>
<td>413</td>
</tr>
<tr>
<td>3 The total number of complaints received during the year 2016-2017 and those that were left unprocessed by the end of the year 2015-2016</td>
<td>854</td>
</tr>
<tr>
<td>3.1 Complaints analyzed and for which the Commission advised the complainants to forward them to other relevant institutions</td>
<td>40</td>
</tr>
<tr>
<td>3.2 Complaints that the Commission did not processed because they do not meet the requirements for admissibility</td>
<td>15</td>
</tr>
<tr>
<td>3.3 Number of complaints processed by the Commission</td>
<td>799</td>
</tr>
<tr>
<td>3.4.1 Number of complaints for which the</td>
<td>637</td>
</tr>
</tbody>
</table>

\(^{21}\) Law n° 19/2013 of 25/03/2013 determining the mission, organization and functioning of the National Commission for Human Rights, articles 6 and 7 (6°)
As indicated in the table above, in 2016-2017, the Commission processed 1,143 complaints which were still under investigation by the end of 2015-2016 including 441 complaints i.e. 38.58% for men, 311 complaints i.e. 27.21% for women, 128 complaints i.e. 11.20% for boys and 263 complaints i.e. 23.01% for girls.

In 2016-2017, the Commission received 1,031 complaints including 413 i.e. 40.06% from adult men, 391 i.e. 37.92% from adult women, 82 i.e. 7.95% from boys and 145 complaints i.e. 14.07% from girls.

34 complaints were not received and processed as they did not meet the receivability criteria. The Commission also advised complainants in 113 complaints to approach relevant institutions as their cases did not reflect any human rights violation.

Out of 2,027 complaints processed by the Commission, 1,528 i.e. 75.38% were fully investigated and submitted to relevant institutions for action, 312 complaints i.e. 15.39% are still being investigated while investigations have not yet begun for 187 complaints i.e. 9.23%.

Out of 1,528 complaints for which the Commission completed investigations and forwarded to relevant institutions for action, 930 complaints i.e. 60.86% were solved while for 598 complaints i.e. 39.14% solutions are yet to be solved.

### Table no 21: Complaints processed by the Commission per categories of rights

<table>
<thead>
<tr>
<th>No</th>
<th>Violated rights</th>
<th>Adults</th>
<th>Children</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Boys</td>
<td>Girls</td>
</tr>
<tr>
<td>1</td>
<td>Right to property</td>
<td>383</td>
<td>296</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>2</td>
<td>Right to Justice</td>
<td>291</td>
<td>251</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>Right not to be protected against sexual abuse</td>
<td>1</td>
<td>7</td>
<td>14</td>
<td>213</td>
</tr>
<tr>
<td>4</td>
<td>Right to education</td>
<td>-</td>
<td>-</td>
<td>56</td>
<td>46</td>
</tr>
</tbody>
</table>

22 Complaints not meeting the requirements are complaints containing insults, hearsays, rumours and exaggeration.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Count</th>
<th>Percent</th>
<th>Count</th>
<th>Percent</th>
<th>Count</th>
<th>Percent</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Right to know parents and be raised by them</td>
<td>-</td>
<td>1</td>
<td>44</td>
<td>43</td>
<td>88</td>
<td>4.34%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Right to work</td>
<td>69</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>73</td>
<td>3.60%</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Right to Life</td>
<td>11</td>
<td>10</td>
<td>10</td>
<td>13</td>
<td>44</td>
<td>2.17%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Right to registration in civil status registries</td>
<td>2</td>
<td>5</td>
<td>7</td>
<td>19</td>
<td>33</td>
<td>1.63%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Right to decent housing</td>
<td>10</td>
<td>19</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>29</td>
<td>1.43%</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Domestic violence</td>
<td>4</td>
<td>15</td>
<td>3</td>
<td>5</td>
<td>27</td>
<td>1.33%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Right to be raised in a family</td>
<td>-</td>
<td>2</td>
<td>18</td>
<td>6</td>
<td>26</td>
<td>1.28%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Right to Health</td>
<td>6</td>
<td>7</td>
<td>5</td>
<td>4</td>
<td>22</td>
<td>1.09%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Right to well being</td>
<td>4</td>
<td>8</td>
<td>1</td>
<td>2</td>
<td>15</td>
<td>0.74%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Right not to be subjected to cruel punishment</td>
<td>-</td>
<td>-</td>
<td>11</td>
<td>4</td>
<td>15</td>
<td>0.74%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Right not to be subjected to worst forms of labour</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>5</td>
<td>13</td>
<td>0.64%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>The right not to be subjected to corporal punishment</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>12</td>
<td>0.59%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Right to freedom</td>
<td>2</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7</td>
<td>0.35%</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Right to Citizenship and identity card</td>
<td>2</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>0.25%</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Right to be protected against discrimination</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>5</td>
<td>0.25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Right of detainees</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>0.20%</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Right of the elderly</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>0.20%</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Right to a population Census</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>0.15%</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Right to environment</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>0.10%</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Right to be protected against Human trafficking</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>2</td>
<td>0.10%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Right of Refugees</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>0.10%</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Right not to be subjected to inhuman treatment</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0.10%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>799</strong></td>
<td><strong>636</strong></td>
<td><strong>199</strong></td>
<td><strong>393</strong></td>
<td><strong>2027</strong></td>
<td><strong>100%</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The table above indicates that the majority of the complaints processed by the Commission in 2016-2017 were related to the right to property (704 [34.73%]), right to justice (553 [27.28%]), Sexual abuse (235 [11.59%]), right to education (102 [5.03%]) and right of the child to know his/her parents and be raised by them (88 [4.34%]).

Complaints related to the right to property comes foremost as they are mainly based on land conflicts, while complaints on the right to justice are mainly related to execution of judgment and the right to redress.
Complaints related to sexual abuse are mainly resulting from child defilement, including 213 girls i.e. 90.6% and 14 boys i.e. 5.9%. Complaints related to the rights of the child to upbringing are mainly the result of parents failing to fulfill their obligation to raise them.

Table n° 22: Processed complaints according to categories of the rights

<table>
<thead>
<tr>
<th>No</th>
<th>Categories of rights</th>
<th>Complaints already investigated</th>
<th>Complaints under investigation</th>
<th>Complaints not yet investigated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Solved complaints</td>
<td>Unsolved complaints</td>
<td>Solved complaints</td>
<td>Unsolved complaints</td>
</tr>
<tr>
<td>1</td>
<td>Right to property</td>
<td>289</td>
<td>267</td>
<td>76</td>
<td>72</td>
</tr>
<tr>
<td>2</td>
<td>Right to justice</td>
<td>258</td>
<td>162</td>
<td>85</td>
<td>48</td>
</tr>
<tr>
<td>3</td>
<td>Right to be protected against sexual abuse</td>
<td>117</td>
<td>60</td>
<td>39</td>
<td>19</td>
</tr>
<tr>
<td>4</td>
<td>Right to education</td>
<td>53</td>
<td>21</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>Right to know parents and be raised by them</td>
<td>47</td>
<td>13</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>Right to life</td>
<td>33</td>
<td>22</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>Right to registration in civil status register</td>
<td>23</td>
<td>8</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>Right to decent housing</td>
<td>12</td>
<td>6</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>9</td>
<td>Domestic violence</td>
<td>12</td>
<td>13</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Right to be raised in a family</td>
<td>13</td>
<td>4</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>11</td>
<td>Right to health</td>
<td>13</td>
<td>1</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>12</td>
<td>Right to social</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>13</td>
<td>Right to not to be subjected to extreme punishment</td>
<td>11</td>
<td>2</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>Right not to be subjected to worst forms of labour</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>15</td>
<td>The right not to be subjected to cruel punishment</td>
<td>9</td>
<td>1</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>16</td>
<td>Right to freedom</td>
<td>6</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>17</td>
<td>Right to citizenship and identity card</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>18</td>
<td>Right to be protected against discrimination</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>19</td>
<td>Right of detainees</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>20</td>
<td>Right of the elderly</td>
<td>1</td>
<td>3</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
The table above shows that out of 2027 complaints processed by the Commission, 1528 complaints i.e. 75.38% were fully investigated and submitted to relevant institutions for action. Out of 1528 complaints fully investigated, 930 complaints were solved i.e. 60.86% while 598 complaints i.e. 39.14% are not yet solved.

2.2. Processed complaints on the rights of the child

The Commission has the mandate to specifically monitor the respect for the rights of persons in special categories including children. This mandate is provided for by Law n° 19/2013 of 25/03/2013 determining its missions, organization and functioning, in article 6, point 4.

As a part of exercising its mandate, from 2006, the Commission has put in place an Observatory for the Rights of the Child (ODE) that helps the Commission to monitor the respect for the rights of the child. This observatory is composed of volunteers working at the level of the Sector, District and a Committee at national level.

In 2016-2017, the Commission processed 592 complaints on violation of the rights of the child in respect of the following rights:

Table no 23: Complaints processed on the violation of the rights of the child

<table>
<thead>
<tr>
<th>No</th>
<th>Categories of rights</th>
<th>Boys</th>
<th>Gls</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Right to be protected against sexual abuse</td>
<td>14</td>
<td>213</td>
<td>227</td>
<td>38.34%</td>
</tr>
<tr>
<td>2</td>
<td>Right to education</td>
<td>56</td>
<td>46</td>
<td>102</td>
<td>17.23%</td>
</tr>
<tr>
<td>3</td>
<td>Right to know his/her parents and be raised by them</td>
<td>44</td>
<td>43</td>
<td>87</td>
<td>14.70%</td>
</tr>
<tr>
<td></td>
<td>Right to be registered in civil status registries</td>
<td>7</td>
<td>19</td>
<td>26</td>
<td>4.39%</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------</td>
<td>---</td>
<td>----</td>
<td>----</td>
<td>-------</td>
</tr>
<tr>
<td>5</td>
<td>Right to Property</td>
<td>11</td>
<td>14</td>
<td>25</td>
<td>4.22%</td>
</tr>
<tr>
<td>6</td>
<td>Right to be raised in a family</td>
<td>18</td>
<td>6</td>
<td>24</td>
<td>4.05%</td>
</tr>
<tr>
<td>7</td>
<td>Right to Life</td>
<td>10</td>
<td>13</td>
<td>23</td>
<td>3.89%</td>
</tr>
<tr>
<td>8</td>
<td>Not to be subjected to cruel punishment</td>
<td>11</td>
<td>4</td>
<td>15</td>
<td>2.53%</td>
</tr>
<tr>
<td>9</td>
<td>Right not to be subjected to worst forms of labour</td>
<td>8</td>
<td>5</td>
<td>13</td>
<td>2.20%</td>
</tr>
<tr>
<td>10</td>
<td>Right to justice</td>
<td>5</td>
<td>6</td>
<td>11</td>
<td>1.86%</td>
</tr>
<tr>
<td>11</td>
<td>The right not to be subjected to harmful act</td>
<td>4</td>
<td>5</td>
<td>9</td>
<td>1.52%</td>
</tr>
<tr>
<td>12</td>
<td>Right to Health</td>
<td>5</td>
<td>4</td>
<td>9</td>
<td>1.52%</td>
</tr>
<tr>
<td>13</td>
<td>Domestic violence</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>1.35%</td>
</tr>
<tr>
<td>14</td>
<td>Right to be protected against discrimination</td>
<td>-</td>
<td>5</td>
<td>5</td>
<td>0.84%</td>
</tr>
<tr>
<td>15</td>
<td>Right to well being</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0.51%</td>
</tr>
<tr>
<td>16</td>
<td>Right to be protected against human trafficking</td>
<td>-</td>
<td>2</td>
<td>2</td>
<td>0.34%</td>
</tr>
<tr>
<td>17</td>
<td>Right not to be subjected to inhuman treatment</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0.34%</td>
</tr>
<tr>
<td>18</td>
<td>Right to Population Census</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>0.17%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>199</td>
<td>393</td>
<td>592</td>
<td>100%</td>
</tr>
</tbody>
</table>

As indicated in the above table, the Commission processed 592 complaints related to the violation of the rights of the child including 199 violations against boys i.e. 33.6% and of 393 violations against girls i.e. 66.4%.

The majority of complaints processed by the Commission are related to the rights of the child against sexual abuse, 227 complaints 227 i.e. 38.34%, the right to education, 102 i.e. 17.23%, right to know their parents and be raised by them, 87 complaints i.e. 14.70% and the right to be registered in the civil status registries, 26 complaints i.e. 4.39%.

2.3. Complaints processed by the Commission in the last three years

This section is a summary of the complaints processed by the Commission from 2014-2015 to 2016-2017

Graph no 8 COMPLAINTS PROCESSED BY THE COMMISSION IN THE LAST THREE YEARS
The graph above indicates that in 2015-2016, 836 complaints were solved, there was an average increase of 3.7% of complaints compared to 806 complaints solved in 2014-2015. In 2016-2017, solved complaints were 930, the number increased to the average of 11.2% compared to 836 complaints solved in 2015-2016. This increasing level of solving population complains is the results of the increasing will of the authorities to follow up on recommendations of the Commission in addressing the issues referred to them.

Majority of complaints received were related the right to property, right to justice, child rights against sexual abuse, the right of the child to education, right of the child to know his/her parents and to be raised by them and the rights to work.

**Graph n°9: Complaints that came foremost for the last three years according to the categories of rights**
Complaints on the right to property come foremost for the last three years since many of these complaints are related to land conflicts. The rights to justice monitored by the Commission include execution of judgment and the right to redress.

Complaints against sexual abuse are predominantly those of young girls. According to the survey conducted in 2015-2016, the Commission found that sexual abuse is mainly the results of drunkeness, drug abuse and inappropriate/ill behaviors of perpetrators. It is in this context that from 23rd December 2016, the Commission launched a two year project to prevent this violence.

The complaints related to the right to education are in relation with parents who fail to fulfill their obligations of raising their children, including men who do not recognize children they had with wives to whom they are not legally married and some parents who do not enroll their children in schools.

Complaints related to child rights to know their parents and to be raised by them are in relation with children born from illegally married or unmarried parents, and unknown men or men who refuse to recognize their children.

2.4. Unresolved complaints of human rights violations processed by the Commission

This section consists of cases of human rights violations processed by the Commission which are not yet solved. Given the big number of these complaints, the Commission selectively highlights specific and complex cases from which lessons can be drawn.
2.4.1. Right to work

From 1st July 2016 to 30th June 2017, the Commission processed 73 complaints related to the right to work. Of these complaints, 33 were solved, while 40 complaints are under investigation. The main complaints in this category is related to companies/entrepreneurs who do not pay salaries to their employees.

1. The complaint by HAGENIMANA Joseph and his colleagues

During the public hearing exercise on 9 February 2017, the Commission received complaint from HAGENIMANA Joseph of Nyamagabe district, Bunyonyo Village, Gahira Cell in Uwinkingi Sector, and his 39 fellow masons and their assistants saying that in January 2016, they built primary school classrooms and were paid a half of contracted amount and the remaining amount of five hundred thousand (500,000 Frw) were not paid. In addition, they stressed that they built primary school classrooms of Magumira and were not paid the total contracted amount. The unpaid amount was four hundred thousand (400,000 Frw), they claimed. The Sector owes them a total amount of nine hundred thousand (900,000 Frw).

Commission established that the Ministry of Education had transferred less amount of money than the total budgeted for school construction activities, the remaining amount was supposed to be paid by the Authorities of the District and of the Sector. Acknowledging the debt, local authorities stressed they were expecting the funds from citizen contributions; which could delay the payment.

On 9 May 2017, the Commission did a follow up to the Mayor of Nyamagabe District in a letter n° CNDP/MAY/541/16.17 requesting him to update the Commission on what had been done in this regard; and in the Nyamagabe District’s letter dated 11 August 2017, he indicated that HAGENIMANA Joseph and his colleagues were still not paid in fuyll for the works done. A portion of two hundred seventy nine thousand (279,000 Frw) out of the nine hundred thousand (900,000 Frw) was the only payment made, the letter indicated. By the time of drafting this report, their complaint had not yet been solved.

The Commission is of the view that HAGENIMANA and his colleagues continue to be deprived of their rights to remuneration for the works done for Uwinkingi Sector. The Commission requests the Authorities of Nyamagabe District and those of Uwinkingi Sector to pay in full without delay HAGENIMANA Joseph and his colleagues the money for the job done.

2.4.2. Right to property

From 1st July 2016 to 30th June 2017, the Commission processed 704 complaints related to the right to property. Among them, 289 were solved, while 415 complaints are still under process. The big number of processed complaints are related to land conflicts and those related to unpayment of compensation for expropriation.

Below are some typical complaints processed by the Commission related to violation of the right to property:
1. Complaint of MUKAMULIGO Marie

On 1st June 2016, MUKAMULIGO Marie on behalf of the family of RUSABYAMBUAGA Martin, a victim of 1994 genocide against Tutsi, who used to live in Kabeza Village, Gako Cell, Masaka Sector in Kicukiro District in a place commonly known as Gahoromani, wrote to the Commission requesting for justice on the issue that the above mentioned family was not given compensation for the land plot on which the market of Gahoromani in Kabuga is built. MUKAMULIGO Marie claims that since 2002, when the Town of Kabuga took this land plot till now, she made a follow up with Kicukiro District authorities in vain.

In its investigations, the Commission found that there are documents that were signed by the Head of Kabeza Village asserting that Kabuga Town built the market in Gahoromani on the plot of land owned by RUSABYAMBUAGA Martin and that his family did not received any compensation. This was also indicated in the report by the Executive Secretary of Masaka Sector dated 17 February 2012. Also in these investigations, the Commission learned that the Authorities are going to hand over the market of Kabuga to an entrepreneur who will build a modern market though this problem of compensation has not yet been solved.

At various occasions, the Commission discussed with Authorities of Kicukiro District regarding this problem, and the Commission was assured that they were going to find a solution to no avail.

In its letter n° CNDP/MAY/589/16 of 26 May 2017 to the Minister of Local Government, the Commission informed him about the problem, and requested to do everything possible so that RUSABYAMBUAGA Martin family can receive compensation for its property.

At the time of writing this report, the Commission learned that the Minister of Local Government has considered the Commission’s request and wrote a letter n° 1044/07.01 to the Mayor of Kicukiro District requesting him to solve the problem of MUKAMULIGO Marie and her siblings.

Based on the findings of the investigations the Commission is of the view that MUKAMULIGO Marie, and her siblings were deprived of their rights to property of their parents by Kicukiro District.

The Commission requests the Ministry of Local Government to find a permanent settlement to in regards to the property owned by RUSABYAMBUAGA Martin.

2. Complaint of MUGEMAYIRE Désiré

On 14 April 2015, MUGEMAYIRE Désiré residing in Ruramira Village, Rusera Cell, Kabarondo Sector, Kayonza District wrote letter to the Commission requesting justice because the land property of their family was used for grouped houses without any compensation. He says that on 3 December 2013, he wrote a letter to the Mayor of Kayonza District and provided a copy to the District Council requesting for justice to no avail.

In its investigations, the Commission established that MUGEMAYIRE Désiré repatriated in 2007 from Tanzania and found that the authorities of Rusera Sector had settled 12 families in his property. This problem had also been examined by grassroots administrative entities from the Village, the Cell, the Sector
and the District but was not solved; the authorities declared that there are other people who share the same problem and that it is to be solved along with others in general.

On 25 November 2016, the Commission wrote letter n° CNDP/Nov/222/16.17 to the Mayor of Kayonza requesting him that MUGEMAYIRE Désiré becompensated. At the time of drafting this report, the Commission had not received any reply from Kayonza District. The Commission is of the view that MUGEMAYIRE Désiré was deprived of his right to property, and requests the Authorities of Kayonza District to immediately solve this problem, by granting MUGEMAYIRE Désiré fair compensation for his plot of land on which it settled other people.

3. Complaint of NDAYISABA Célestin, NYIRABAVAKURE Drocella and HARELIMANA Viateur

On 14 April 2015, NDAYISABA Célestin and his colleagues of Twisunge Village, Mukoyoyo Cell, Rwinkwavu Sector, Kayonza District, requested assistance from the Commission in case related to the construction of Nyankora-Nasho road, claiming their property was damaged and they did not receive any compensation. NDAYISABA Célestin, representing his colleagues, stressed that the construction took place in 2010 and they sought help from various institutions to no avail.

In its investigations, the Commission established that the Ministry of Infrastructure tried to intervene in its letter dated 3rd August 2010, requesting the authorities of Kayonza district to forward original documents and to update the list of pending payments. Further, on 4 August 2012, the Executive Secretary of Rwinkwavu Sector had written a letter to the Mayor of Kayonza District submitting the payment request for NDAYISABA Célestin, NYIRABAVAKURE Drocella and HARELIMANA Viateur for their damaged property.

There is also a report prepared by the Authorities of Rwinkwavu Sector indicating that NDAYISABA Célestin, NYIRABAVAKURE, HARELIMANA Viateur were to be paid an amount nine hundred thirty five thousand six hundred twenty five (935,625 frw), one hundred twenty three thousand five hundred (123,500) and eight hundred sixty two thousand four hundred (862,400 Frw) respectively.

On 13 June 2016, the Commission did a follow up with the Mayor of Kayonza District regarding the issue and the latter promised to solve it without delay.

On 25 November 2016, the Commission wrote letter n°CNDP/NOV/221/16.17 to the Mayor of Kayonza District requesting that these citizens be compensated for their damaged property, but until the time of drafting this report, there has been no development towards settlement.

The Commission is of the view that NDAYISABA Célestin, NYIRABAVAKURE Drocella and HARELIMANA Viateur were deprived of their rights to their property, and requests Kayonza District to address the issue without any further conditions.

4. The complaint of BIYANDUJIKI Stefano and his colleagues

On 6 April 2016, BIYANDUJIKI Stefano and his colleagues of Karambo Village, Tangabo Cell, Manihira Sector, Rutsiro District, seized the Commission in relation to the loan worth nine million (9,000,000 Frw) granted to them as part of VUP program in 2009. They allege that the authorities of the Sector want them to
pay back this money which was meant to construct a modern furnace to fire bricks and clay tiles, whereas the entrepreneur did not complete construction works.

During its investigations, the Commission established that the issue affected 90 other people from the Villages of Karambo, Kabeza and Kadehero in Tangabo Cell, in Manihira Sector, whom Sector Authorities had encouraged to joint efforts and take up a VUP loan to build the furnace. Sector authorities had arranged and contracted entrepreneurs on their behalf.

The entrepreneurs, HABIMANA Sosthène of Musanze District, and BAPFAKWITA François of Rutsiro District contracted for the construction of that furnace were represented by a group of three persons, NZAMWITAKUZE Théophile, NYIRANDAYISENGA Esther and BIHOYIKI Anastase and signed the contract on their behalf while the Executive Secretary of Manihira Sector represented the interests of the citizens and signed the contract on their behalf.

The contract stipulated that the entrepreneur was supposed to hand in a completed furnace, including presentation of well-fired bricks and clay tiles and that the authorities of the Sector were to monitor the implementation of the project and help each side to prosecute whoever would not comply with the contract.

The Commission learned that the loan was transferred to the SACCO account of Manihira sector and for the entrepreneur to get money, the citizens had to fill a request form for further approval by the authorities of the Sector. This document served as a basis for SACCO to transfer the money to the entrepreneur’s account from the Manihira Sector’s SACCO account.

The Commission further learnt that BIYANDUJIKI Stefano and his colleagues had written letters to the Executive Secretary of Manihira Sector on 10 September 2011, on 7 December 2011 and 31 January 2012 respectively, informing him that the furnace was not well built because it had collapsed.

In a meeting with the Executive Secretary of Manihira Sector, he told the Commission that beneficiaries were obliged to pay the loan, because the money had been deposited on their accounts in Umurenge SACCO of Manihira Sector, and they themselves would prepare signed requests to transfer the money from their account to the account of entrepreneurs.

In its letter n° CNDP/NOV/230/16.17 dated 25 November 2016, the Commission requested the Mayor of Rutsiro District to make a follow up to the issue and solve it without delay. At the time of drafting this report, this was yet to be solved.

The Commission is of the view that these people who were supposed to benefit from the loan were deprived of their rights to property, and requests the Executive Secretary of the Sector of Manihira to solve this problem without delay.

5. **The complaint of NTEZIYAREMYE Michel and his colleagues**

On 10 January 2015, Commission received the complaint of NTEZIYAREMYE Michel, of Kabana Village, Nyamabuye Cell, Kagogo Sector, Burera District, alleging that in the year 2008, he and his 50 colleagues had their properties consisting of avocado, coffee and banana trees damaged by MTN company while it was constructing a road leading to its tower in that Sector. The first estimation signed by the complainants for damaged property was sixteen million eight hundred eighty one hundred thousand ten
francs (16.881.010 Frw), but MTN paid three million one hundred seven thousand (3.107.000 Frw) based on another estimation carried out by the authorities of Kagogo Sector and MTN in the absence of the property owners. The Sector authorities allege that they submitted to MTN management the first estimation and found that it was overestimated and requested for re-evaluation.

In its investigations, the Commission learned that the second estimation led to an amount of three million one hundred seven thousand (3.107.000 Frw) and was carried out by the authorities of Sector of Kagogo in collaboration with MTN without informing the property owners, the latter never signed it as confirmed by both the Executive Secretary of that Sector and the Mayor of Burera District.

The Commission also found that on the list of claimants there was one person whose name is SIBOMANA Athanase who did not own any land property in that area, and was supposed to receive one hundred fifty thousand he had been given (150.000 Frw) that was in turn allocated to the Executive Secretary of Gitare Cell. On this issue, the Executive Secretary of Kagogo Sector explained to the Commission that that amount was a bonus given to the Executive Secretary of this Cell because he assisted these complainants to work on the estimation, and he is also the one who had signed the request that enabled them to withdraw money from the BPR Bank of Cyanika.

Pursuant to article 17(2°) of law n° 18/2007 relating to expropriation for general interest that was then in force, the Commission is of the view that these people were deprived of their rights to their property because the second estimation did not involve them.

In its letter n° CNDP/May/531/16.17 of 3 May 2017, the Commission requested the Mayor of Burera District to solve this problem in a reasonable period, but at the time of drafting this report, the problem was not yet solved. The Commission once again calls upon the authorities of Burera District to urgently resolve this issue.

6. The complaint of IMANIRAKIZA Raphaël

On 10 January 2015, IMANIRAKIZA Raphaël, residing in Gitare Village, Nyamabuye Cell, Kagogo Sector, Burera District, filed a complaint alleging that in 2006, authorities of the former Bukamba District took his land property located in Musarara Village, Nyamabuye Cell, Kagogo Sector, in which they settled a population who fled the Country back in 1959. As he was in need of a home since he had himself returned from exile, the authorities gave him another plot of land within the boundaries of Burera Lake, in Mfashe Village, Nyamabuye Cell, Kagogo Sector. However, he alleged that in the year 2007, he was prevented to conduct any agricultural activities on the land as it was located within 50 meters of Burera lake shore. He petitioned local authorities requesting another land to no avail.

The Executive Secretary of Kagogo Sector confirmed to the Commission that indeed that the land of IMANIRAKIZA Raphaël had been allocated to a returnee who had fled the country in 1959; and the Commission confirmed further, m after a filed visit, that land allocated to IMANIRAKIZA as a compensation was indeed within 50 meters of the lake shore. The Commission submitted this complaint to the authorities of Burera District, who propmised to compensate the complainant, but even after the Commission’s follow up letter n° CNDP/May/532/16.17 of 3 May 2017, the issue was not yet resolved at the time of writing this report.
The Commission is of the view that IMANIRAKIZA Raphaël was deprived of his right to property since he was not properly compensated for his land allocated to another citizen.

The Commission requests the authorities of Burera District, especially the Mayor, to take a lead in the compensation of IMANIRAKIZA Raphaël with another plot of land on which he can enjoy full rights, including right to farming.

2.4.3. Right to justice

In 2016-2017, the Commission processed 553 complaints related to the right to justice, among which, 258 complaints were resolved while 295 are not yet solved.

1. The complaint of MUSABWASONI Primitiva

On 14 March 2016, MUSABWASONI Primitiva residing in Rukiri I Cell, Remera Sector, Gasabo District, seized the Commission requesting justice on the complaint related to nonpayment of the property of his family located in Gikondo Sector, Kicukiro District which was damaged during the 1994 genocide against Tutsi.

MUSABWASONI Primitiva stressed that in 2001, she petitioned the Gacaca court of Kanserege, in Gikondo Sector against MUNYAKAZI Janvier and his son MUNYANGAJU Justin. She subsequently won the case, sentencing took place but not enforced, because the property to be used for repayment had been purchased by SIBONIYO Jean Paul in 2008. This was done without taking into consideration the Kanserege Gacaca Court order of 11 June 2006 that had placed that property under cover.

In its investigations, the Commission learned that MUNYAKAZI Janvier and MUNYANGAJU Justin had to pay to MUSABWASONI Primitiva an 18,195,200 Frw as indicated by the copy of judgment. The Commission also learnt that MUNYAKAZI Janvier died while MUNYANGAJU Justin had secretly sold his property located in Gikondo Sector from which the compensation for the damages would have come. He subsequently relocated to Nyanza Village, Nyanza Cell, Gatenga Sector.

In a letter dated 22 May 2012 the Executive Secretary of Gikondo Sector, transmitted copies of judgments of Gacaca Court to Executive Secretary of Gatenga Sector, in which MUNYANGAJU Justin had lost the case, and requested him to help to execute the judgment.

On 16 August 2012, the Executive Secretary of Gatenga Sector replied and asked the prosecution of the purchaser of the property, because there is no property owned by MUNYANGAJU Justin in Gatenga Sector.
The Commission also petitioned the Mayor of Kicukiro District in a letter n° CNDP/MAY588/16.17 of 26 May 2017 and requested her to execute the judgment of MUSABWASONI Primitiva without conditions.

The Commission finds that MUSABWASONI Primitiva was deprived of the right to redress, and requests authorities of Kicukiro District to execute the judgment without further delays.

2. The complaint of MUKACYUMA Drocella

On 14 April 2015, MUKACYUMA Drocella residing in Gikwene Village, Rwimishinya Cell, Rukara Sector, Kayonza District, the wife of KAJE Jean petitioned the Commission requesting justice because the court’s decision in which they won in case RCAA 0029/05/HC/RWG against KANANURA Moses who had to pay them one million three hundred thirty two thousand (1.332.000 Frw) has not been executed.

In its investigations, the Commission established that MUKACYUMA Drocella and her husband were repatriated in 2000 and upon their arrival, KANANURA Moses who was living in their home, refused to vacate the houses alleging that he had built them. The Commission established further that KANANURA moved to the houses already built and did not build them as alleged.

The Commission found that the cases related to that property started in 2004 in Rukara primary Court and were decided in the High Court, Chamber of Rwamagana on 9 March 2008, whereby in the Judgment n° RCAA0029/05/HC/RWG, the Court ruled in the favour of KAJE Jean and ordered KANANURA Moses to pay a compensation of the total amount of one million three hundred thirty two thousand (1.332.000 Frw), composed of the value of the house he demolished when he misappropriated the plot, moral damages and transport fees.

The Commission is aware that KAJE Jean had continued to request institutions to execute the judgment in vain until he died and his wife MUKACYUMA Drocella continued to make a follow up of the issue. The Commission met with the Mayor of Kayonza District who promised that the matter would be solved in a reasonable time but in vain. In its letter CNDP/NOV/224/16.17U of 6 May 2016, the Commission further requested Mayor of Kayonza District the execution of judgment RCAA0029/05/HC/RWG, but until the time of drafting this report, the matter had not been resolved.

The Commission is of the view that MUKACYUMA Drocella was deprived of the rights to what her husband had won nine (9) years back and calls upon the authority of Kayonza district to execute the judgement RCAA0029/05/HC/RWG without conditions.

3. The complaint of MUKANKUSI Marciana

On 14 April 2015, MUKANKUSI Marciana of Bitoma Village, Kinzove Cell, Kabarondo Sector, in Kayonza District, seized the Commission alleging she was repatriated in 1997 and was given a plot of land during land sharing. When land registration activity began, she was not given a land title because someone named RUKUNDO Charles claimed ownership over that plot of land.

In its investigation, the Commission learned that in the case n° RC0056/15/TB/KDO, the Primary Court of Kabarondo on 15 October 2015, ruled that the late NYARWAYA Janvier was a husband to MUKANKUSI Marciana, and had shared land with KAREKEZI Manassé as was attested by authorities of
the Village and the Cell in their certificate dated 10 January 2014, hence the land is the property of MUKANKUSI Marciana granted during the land sharing exercise in 1997.

The Court ruled that there was no evidence that RUKUNDO Charles had ownership over the land and ordered him to pay MUKANKUSI Marciana an amount of fifty thousand (50,000 Frw) for court procedure and pay back the costs to MUKANKUSI Marciana in the amount of five hundred thousand (500,000 Frw) she spent to her lawyer; in addition to twenty-five thousand (25,000 Frw) as court fees.

The Commission met with the Mayor of Kayonza District and discussed the case of MUKANKUSI Marciana which had not been executed, and the Mayor promised to help execute the judgement.

The Commission did a follow up with the Mayor in its letter N°CNDP/NOV/225/16.17 of 25 November 2016, but the issue was yet to be resolved at the time of drafting this report.

The Commission once again calls upon the authority of Kayonza District to resolve the issue by executing judgment n° RC0056/15/TB/KDO without any further conditions.

2.4.4. IMPLEMENTATION OF THE POWERS OF THE COMMISSION OF FILING LEGAL ACTION

The National Commission for Human Rights has the power to file legal action as provided for by Law n° 19/2013 of 25 March 2013 determining the Mission, organization and functioning of the National Commission for Human Rights. Article 9 stipulates that the Commission has the power to file action in civil, commercial, social and administrative matters in case there is violation of human rights provided for by the Constitution, international Convention ratified by Rwanda and other laws. The Commission also has the power of judicial police as provided for in Article 10 of this law.

In 2016-2017, the Commission followed up on two (2) complaints in which the Commission was providing legal assistance. One of these complaints was filed with the Primary Court of Nyarugenge and is related to the rights of a child, while the other is related to the right to life and was filed with the Intermediate Court of Nyagatare. The complaints are the following:

1. The complaint of UWASE Nadia

On 14 March 2017, the National Commission for Children wrote to the National Commission for Human Rights submitting the problem of UWASE Nadia, a child who lives in the family of GASANA Evariste, in Gasabo Village, Kabeza Cell, Kanombe Sector, Kicukiro District, requesting the Commission to petition the Court against the judgment related to guardianship of UWASE Nadia and to make a third party opposition against the complaint filed against GASANA Evariste who is the guardian of this child.

UWASE Nadia, aged 6, was born from mental disabled mother named MUHIMAKAZI and an unknown father. UWASE Nadia was first taken care by MUKAMURANGWA Charlotte, and was later proved to be unable to provide adequate care, prompting authorities to look for a guardian among the relatives of the child but to no avail.

UWASE Nadia was entrusted to a guardian named VAN EYCK Marleen Gabriella Margaretha; a Belgian national who lives in Belgium. A Guardianship council was put in place, chaired by VAN EYCK and
the vice chair RUTAGENGWA Jacques, the paternal uncle of the child who was also requested to take care of the child but explained that he did not have enough financial capacity to provide care to the child.

Through NCC (National Commission for Children), a benefactor named GASANA Evariste was accepted to take care of the child and the authorities entrusted him with this responsibility in the presence of her mother on 07/01/2013 and the child is still under his care to date.

Aware that a benefactor has been found to take care of the child, RUTAGENGWA Jacques, the paternal uncle of the Child, filed a complaint against GASANA Evariste with the Primary Court of Nyarugungna alleging that he wanted to take care of the child and the accused him that he refused to give him the child. In judgment RC0056/15/Nyrga the Primary Court of Nyarugungna Court ruled in favour of Gasana Evariste and UWASE Nadia continued to be under his care.

GASANA Evariste also filed a legal action seeking to invalidate the composition of the Guardian Council in judgment n° RC 00248/2016/TB/Nyge heard by the Primary Court of Nyarugenge. The National Commission for Human Rights voluntarily intervened in this case and filed a complaint under n° RC 00307/2016/TB/Nyge. Both complaints were jointly heard under the request of the Commission; they aimed to oppose the validity of decision n° 0008/14 appointing a guardian for UWASE Nadia and to invalidate the guardianship because it was illegally set.

The Case was adjourned five times, and was only heard on 25 April 2017, and the judgment was pronounced on 26/5/2017. The Court ruled that Van Eyck Marleen Gabriella Margaretha should appear before the Court in person for more explanations. The Court disregarded its previous ruling that had ruled the judgment be heard in his absence.

At the time of drafting this report, the Court took the decision that it may change or remove the Guardian Council because UWASE Nadia was taken care as determined by the Court and the fact that she may go to Belgium does not violate her rights or any human rights. The Certificate n° 0008/14 of 24/10/2014 was issued in accordance with the law and does not violate any human right. The Commission appealed against this order.

2. The complaint of GISAGARA Bernard

On 14 December 2015, at its own initiative, the Commission followed up on the complaint related to the murder of GISAGARA Bernard who was residing in Nyarubungo Cell, Ngarama Sector, Gatsibo District, who died on 13 December 2015 following beating by the village security officers, Jean Pierre UWIZEYE a.k.a Mahungu, MUSABIREMA Cyprien and MUBERUKA, on the allegations that he has been absent on night patrol and had not paid fees for mutual health insurance.

Based article 9 of law n° 19/2013 of 25 March 2013 determining its missions, organization and functioning, the Commission decided to find a lawyer for the family of GISAGARA to help the family file a civil action with the Intermediate Court of Nyagatare.
At the time of drafting this report, the legal action for damages had been filed with the Intermediate Court of Nyagatare by the lawyer under the case n° RC00026/2017/TGI/NYG, but the date for hearing was not yet set.

2.4.5. Receiving and processing complaints related to the rights of persons in special categories

The National Commission for Human Rights has specific mandate provided by Law n° 19/2013 of 25/03/2013 determining its mission, organization and functioning to specifically monitor the respect for the rights of persons in special categories including child rights, women’s rights, right of persons with disabilities, of persons living with HIV/AIDS, the rights of refugees, the rights of migrant workers and their families and the rights of the elderly.

2.4.5.1. The complaints related to the rights of the child

From July 2016 to June 2017, the Commission processed 592 complaints related to violations of the rights of the child.

1. The complaints of NALIBOWA Djamila

In June 2016, the Commission learnt about the case of a 17 years old NALIBOWA Djamila, of Kabeza Village, Ruli Cell, Shyogwe Sector, Muhanga District who was deprived of her right to education, to be raised by her parents and the right to free movement because she was living locked in a pig’s shed by her grandmother MUKANDAMAGE Espérance and her maternal uncles.

This child was born in 1999 from UWIMANA Agnès and RUBOWA Djamir, of Ugandan nationality. She was raised by her mother until 2007 and thereafter, she brought to her grandmother MUKANDAMAGE Espérance after her mother divorced with RUBOWA Djamir. The mother then married to another man, and the couple lives in Rugarama Village, Kigese Cell, Rugarika Sector, Kamonyi District.

At various occasions, the Commission interacted with various stakeholders on this issue, including the Executive Secretary of Shyogwe Sector who also made a follow up and found that the child was locked in a pig’s shed. Despite her grandmother, MUKANDAMAGE Espérance promising that she would release the child from the pig’s shed, the Commission visited the home of MUKANDAMAGE Espérance on 13 December 2016 and found NALIBOWA was still locked up in the pig’s shed, and was evident that she was in inhuman living conditions.
On 14 December 2016, the Mayor of Muhanga District referred the case to the Director of Kabgayi Hospital letter n° SE/3/25/0207 requesting him to treat the young girl, and that the District would cover medical fees.

The Commission also registered the complaint N° 448/AK/UF/NYBYE/MHNGA/2016 to Nyamabuye Police Station to prosecute those involved in the ill-treatment of NALIBOWA and MUKANDAMAGE Espérance was arrested and detained for abandoning the child she was obliged to take care of. She was later released.

On 30 January 2017, the Commission followed up with the Mayor of Muhanga District in a letter n° CNDP/JAN/342/16.17 requesting him to follow up the issue of NALIBOWA for proper care and the Mayor replied on 27 February 2017 in a letter n° 0926/16.17, informing the Commission that the District allocated an amount to the family of MUKANDAMAGE Espérance an amount of 100.000 for living allowances for NALIBOWA, and ordered the authorities of Shyogwe Sector to make a follow up to ascertain the living
conditions of NALIBOWA and to continue to provide the support to the family to ensure the child gets sufficient food and care.

At the time of drafting this report, NALIBOWA was still under poor living conditions at her grandmother’s house and the authorities never followed up again on her issue.

Pursuant to the provision of Article 19 of the Constitution of the Republic of Rwanda of 2003 revised in 2015, articles 26 and 27 of the law n° 54/2011 of 14/12/2011 relating to the protection of the rights of the child, the Commission is of the view that NALIBOWA was subjected to cruel and degrading acts and that she was deprived of the rights to be raised by parents.

The Commission believes that MUKANDAMAGE Espérance, grandmother to NALIBOWA Djamila should be prosecuted based to case n° 448/AK/UF/NYBYE/MHNGA/2016 filed in Nyamabuye Police Station for the offence of abandoning the child she was obliged to raise and take care of.

The Commission calls upon the authorities of Muhanga District to ensure that the authorities of Shyogwe Sector implement recommendations by the District in relation to taking care of and ascertain the living conditions of NALIBOWA Djamila.

The Commission requests Muhanga District authorities to liaise with local authorities from the UWIMANA Agnès’s residence, mother of NALIBOWA Djamila, and work on ways in which NALIBOWA can be taken back by her biological mother, ailure to which would warranty to prosecution with the laws.

2.4.5.2. Complaints related to the rights of persons with disabilities

Some of the complaints followed up by the Commission are related to violation of the rights of persons with disabilities including the issue of children with disabilities living in the Centre Inshuti Zacu:

1. The problem of children in the Centre Inshuti Zacu

The Centre Inshuti Zacu located in Gahanga, Kicukiro District, is home to 37 children (20 girls and 17 boys) who are physical, mental disabled or combined mental and physical disabilities. This centre is managed by the Nuns of the Congregation of Inshuti z’Abakene meaning “Friends of Poor People”.

On 3 December 2016, during celebration of the International Day of Persons with Disabilities, the Commission performed Umuganda community works at this centre and exchanged with the Nuns who manage this centre on issues relating to the living conditions of children under their care.

In their discussions, the Nuns highlighted some challenges that needed immediate interventions including:

- Lack of food in the Centre Inshuti Zacu when the harvest had not been good as the Nuns rely only on produce from their own farming;
- Children at the age of maturity between 21 and 30 years old have nowhere to go and the Nuns do not have capacity to keep them;
- The security of children in the centre is not assured as the centre is not fenced, the Nuns say they do not have the capacity to build a fence.

The Commission conducted advocacy with the authorities of Kicukiro District and the District accepted to build the fence for the centre.

In its letter no CNDP/MAY/602/16.17 of 31 May 2017, the Commission also highlighted these challenges to the Ministry of Local Government, and requested for immediate action to ensure the rights of the persons with disabilities living in that centre are properly respected, including decent living conditions and adequate security, and to ensure that those that reached the maturity age are attended to to find places to live.

III. PROMOTION OF HUMAN RIGHTS

Promoting human rights includes teaching and sensitizing Rwandan citizens on human rights, broadcasting programmes in the media and celebrating the annual human rights days.

The responsibility to promote human rights is entrusted to the Commission by the Constitution of the Republic of Rwanda of 2003 revised in 2015, in Article 42.

Promotion of human rights is also provided for in Article 2(6c) of Organic Law no 02/2011/OL of 27/07/2011 determining education system; in article 26(2) of the International Declaration on Human Rights and in article 13 of the International Covenant on Economic, Social and Cultural Human Rights.

Promotion of human rights is again provided for in African Charter on Human and People’s Rights, in its article 25, and in Law no 19/2013 of 25/03/2013 determining the mission, organization and functioning of the National Human Rights Commission, in article 5 (10), giving to the Commission the mandate to educate and sensitize Rwandan citizens on human rights.

In general, training sessions and programmes on human rights are aimed to give and enhance the knowledge of trainees to help them prevent violations and build a culture of human rights within the Country.

From July 2016 to June 2017, activities related to the promotion of human rights conducted by the Commission are as follow:

3.1. Educating people on human rights

Educating people on human rights include all activities related to education and training on human rights.
Training sessions organized by the Commission are aimed at enhancing the knowledge of the trainees in matters related to human rights so that they can fight for and protect their rights. The training also helps decision makers or councilors to make their decisions/judgements based on laws and respect human rights principles while taking decisions.

In 2016-2017, the Commission trained people who play a role in promoting and protecting human rights from various categories included in the following table.

Table 24: Categories of trained people

<table>
<thead>
<tr>
<th>No</th>
<th>Trainees</th>
<th>Date</th>
<th>District of venue</th>
<th>Number of beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Femal</td>
</tr>
<tr>
<td>1.</td>
<td>Professional court bailiffs</td>
<td>03-04/01/2017</td>
<td>Kicukiro</td>
<td>43</td>
</tr>
<tr>
<td>2.</td>
<td>Members of Tabarwa Cooperative of historically</td>
<td>5-6/01/2017</td>
<td>Muhanga</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>marginalized persons</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Volunteers caring with people with disabilities in</td>
<td>02/04/2017</td>
<td>Gasabo</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>the Seventh Day Adventists Church</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Members of PRODCO</td>
<td>25-26/5/2017</td>
<td>Gasabo</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td>107</td>
</tr>
</tbody>
</table>

3.1.1. Professional court bailiffs

From 3 to 4 January 2017, in Kicukiro District, the Commission trained 88 court bailiffs including 45 men and 43 women from all the districts of the Country.

Training sessions for bailiffs were aimed at enhancing their knowledge in areas of human rights so that in fulfilling their obligation relating to executing judgments, they can uphold laws and respect human rights.

While choosing to educate professional bailiffs, the Commission based on the fact that they are among people who come into contact with many people at the time of executing judgments.

The lectures focused on the following themes:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Modalities for executing final judgments rendered by courts
- Execution of final judgments and human rights
- Code of ethics of professional court bailiffs

After explanation of issues related to human rights, trained court bailiffs committed to always base on the laws in the decisions in order to continue protecting and respecting human rights in their daily business.

3.1.2. Members of Tabarwa Cooperative of Historically marginalized people

From 5 to 6 January 2017, in the Youth Center of Muhanga, the Commission trained 60 members of Tabarwa Cooperative, including 50 men and 10 women. This cooperative operates in Muhanga District.

Historically marginalized people are nationals who need special care, reason why the sensitization target this specific group.

When the Commission trained historically marginalized persons, it was aimed at helping them to better understand human rights, including their won rights as human being, so that they are able to promote and protect them.

The campaigns focused on the following themes:
- The Commission and its mission;
- Economic, social and cultural rights;
- Child’s rights;
- Role of members of the cooperative in promoting human rights.

This training enabled historically marginalized persons to be aware of their rights, and committed themselves to sensitize their colleagues who are not in the cooperatives.

1.3.1. Leaders in the Seventh Day Adventists Church

On 22 April 2017, the Commission trained leaders of the Seventh Day Adventists Church who specifically take care of disabled church members in the City of Kigali. Trained people were 57 including 47 men and 10 women.

Training sessions of those who take care of persons with disabilities in the Seventh Day Adventist Church were aimed at enhancing their knowledge in matters related to human rights so that they can be able to protect human rights, in particular, the rights of persons with disabilities.

By choosing to train this category, the Commission based on the fact that taking care of those with disabilities was among its responsibilities and that they have requested such training sessions.
The training focused on the following subjects:
- The Commission and its mission;
- Fundamental principles of human rights;
- Civil and political rights;
- Economic, social and cultural rights;
- Rights of Persons with disabilities.

After the training sessions, trainees decided to put in place a network of persons with disabilities of Seventh Day Adventists for the protection of human rights, especially the rights of persons with disabilities.

3.1.4. Members of Cooperative PRODCO

PRODCO Cooperative operates in Gasabo District and has 1.200 members. From 25 to 26 June 2017, the Commission trained 50 of its representatives including 46 men and 4 women on their rights and the rights of passengers.

Training sessions for members of PRODCO Cooperative of Drivers were aimed at increasing their knowledge in areas related to human rights so that they can adhere to the respect of human rights in their daily activities.
Members of PRODCO Cooperative members after the training organised by the Commission (photo: CNDP, 2017)

The rationale behind the training of members of PRODCO Cooperative (Professional Drivers Cooperative) was that the latter were interacting with people from diverse background, hence the need to familiarize themselves with core principles of human rights to avoid the possibility of their violations.

The training focused on the following subjects:
- The Commission and its missions;
- Fundamental principles of human rights;
- Civil and political rights;
- Economic, social and cultural rights;
- Law no 13/2009 of 25/05/2009 regulating labour;
- Ministerial Order no 3 of 13/07/2010 determining incidental leaves;
- Rules governing cooperatives.

Trainees benefitted much from the training as it allowed them to better understand their rights and duties. Trainees had the chance to highlight issues that violate their rights in their daily activities, including working without employment contracts, nonpayment of contributions to the Social Security (RSSB), and requested the Commission to advocate in their favour in order to solve all those issues.
3.2. Sensitizing the Rwandan population on human rights

Sensitization on human rights include lectures given by the Commission to various categories of Rwandan population on human rights, including lectures that the Commission delivers to local communities during its field visits, lectures to pupils in primary and secondary schools, lectures through media organs and elsewhere.

In 2016-2017, the Commission gave lectures to 31,972 people in different categories on human rights in efforts to promote and protect human rights in Rwanda.

### Table no 25: Beneficiaries of lectures on Human Rights

<table>
<thead>
<tr>
<th>№</th>
<th>Trainees</th>
<th>Date</th>
<th>District</th>
<th>Number of beneficiaries</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Those in Kigali Rehabilitation Centre</td>
<td>23 - 24/08/2016</td>
<td>Kicukiro</td>
<td>600</td>
<td>16</td>
<td>584</td>
<td>600</td>
</tr>
<tr>
<td>2</td>
<td>Residents of Rutsiro District</td>
<td>23/9/2016</td>
<td>Rutsiro</td>
<td>800</td>
<td>540</td>
<td>260</td>
<td>800</td>
</tr>
<tr>
<td>3</td>
<td>Former combatants who returned from Congolese forests</td>
<td>27/9/2016 - 9 - 10/12/2016</td>
<td>Musanze</td>
<td>115</td>
<td>0</td>
<td>115</td>
<td>115</td>
</tr>
<tr>
<td>4</td>
<td>Lectures given to citizens during the exercise of receiving their complaints in public</td>
<td>07/09/2016 – 13-17/2/2017</td>
<td>Nyabihu Gakenke Nyagatare Nyamagabe Rusizi Ngororero Ruhango Gicumbi</td>
<td>27,984</td>
<td>13,198</td>
<td>14,786</td>
<td>27,984</td>
</tr>
<tr>
<td>5</td>
<td>Lectures given to members of Committees of Parents and Teachers Of primary and secondary schools</td>
<td>14-24/03/2017 - 21-23/06/2017</td>
<td>In all the Districts</td>
<td>2,473</td>
<td>1.009</td>
<td>1.464</td>
<td>2,473</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td>31,972</td>
<td>14,763</td>
<td>17,209</td>
<td>31,972</td>
</tr>
</tbody>
</table>

#### 3.2.1. Lectures given in the Kigali Rehabilitation Centre

From 23 August 2016 to 24 August 2016, the Commission sensitized detainees in Kigali Rehabilitation Centre located in Kicukiro District, in Gikondo Sector. 600 persons including 584 men and 16 women benefited from this lecture.

The lectures focused on the following themes:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;

3.2.2. Lectures given to residents of Rutsiro District

From 23 September 2016, in collaboration with MIGEPROF, the Commission gave lectures on human rights in Rutsiro District. 800 people, including 540 women and 260 men were trained.

The following lectures were given:
- Law n° 32/2016 of 28/08/2016 governing persons and family
- Gender-based violence and prevention strategies;
- “He for She” Programme.

3.2.3. Lectures given in Mutobo solidarity camp

On 27 September 2016 and from 9 to 10 December 2016, the Commission targeted Mutobo Camp which accommodates former combatants who returned from forests in the Democratic Republic of the Congo. The lectures focused on the following themes:
- International Convention and Rwandan laws punishing discrimination and sectarianism.

Beneficiaries of lectures were 115 men.
Lectures delivered to population during public hearing

Public hearing engages both the population and the administrative authorities. Lectures contribute in raising awareness of both parties on their rights and duties.

Commissioner UWIZEYE Marie Thérèse lecturing to the population of Rutare Sector of Gicumbi District (picture:NCHR:2016)

Table no 26: Lectures delivered during public hearings

<table>
<thead>
<tr>
<th>No</th>
<th>Date</th>
<th>District</th>
<th>Number of persons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>1</td>
<td>07/09/2016</td>
<td>Nyabihu</td>
<td>236</td>
</tr>
<tr>
<td>2</td>
<td>09-13/1/2017 13-17/2/2017</td>
<td>Gakenke</td>
<td>3109</td>
</tr>
<tr>
<td>3</td>
<td>19-23/12/2016 09-13/01/2017</td>
<td>Nyagatare</td>
<td>4670</td>
</tr>
<tr>
<td>4</td>
<td>27-30/01/2017 06-10/02/2017</td>
<td>Nyamagabe</td>
<td>898</td>
</tr>
<tr>
<td>5</td>
<td>13-17/2/2017</td>
<td>Rusizi</td>
<td>676</td>
</tr>
<tr>
<td>6</td>
<td>31/10/2016-04/11/2016</td>
<td>Ngororero</td>
<td>1440</td>
</tr>
<tr>
<td>7</td>
<td>14-18/11/2016 23-27/01/2017</td>
<td>Ruhango</td>
<td>854</td>
</tr>
<tr>
<td>8</td>
<td>12-14/12/2016 and 19-23/12/2016</td>
<td>Gicumbi</td>
<td>535</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>12.418</td>
</tr>
</tbody>
</table>
Delivered lectures:
- Lecture on the missions, organization and functioning of the National Commission for Human Rights;
- Complaint filing process and procedures;
- Lecture on fundamental principles of human rights;
- Lecture on the Constitution and the duties of a Citizens;
- Lecture on the rights of the Child.

3.2.4. Lectures delivered to the parents and teachers committees

Based on the findings of the survey conducted by the Commission in 2015 on defilement, sensitization campaigns were organized with the aim to raise awareness of those committees so that everyone can be involved in the campaign and mobilize others on this activity.

*Members of parents and teachers’ committees of primary and secondary schools in Burera District (picture: NCHR, 2017)*
Table n° 27: The table shows the number of members of parents and teachers’ committees of primary and secondary schools

<table>
<thead>
<tr>
<th>Nº</th>
<th>District</th>
<th>Date</th>
<th>Number of beneficiaries</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MUSANZE</td>
<td>15/03/2017</td>
<td>36 47 83</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>BURERA</td>
<td>14/03/2017</td>
<td>24 52 76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>GASABO</td>
<td>21/03/2017</td>
<td>18 23 41</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Bugesera</td>
<td>17/03/2017</td>
<td>69 66 135</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>KICUKIRO</td>
<td>16/03/2017</td>
<td>30 36 66</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>KIREHE</td>
<td>21/03/2017</td>
<td>44 54 98</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>NGOMA</td>
<td>22/03/2017</td>
<td>43 55 98</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>KARONGI</td>
<td>14/03/2017</td>
<td>30 55 85</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>RUTSIRO</td>
<td>15/03/2017</td>
<td>33 63 96</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>NYAMAGABE</td>
<td>14/03/2017</td>
<td>57 45 102</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>NYARUGURU</td>
<td>15/03/2017</td>
<td>43 37 80</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>RUHANGO</td>
<td>23/03/2017</td>
<td>35 47 82</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>NYANZA</td>
<td>24/03/2017</td>
<td>24 46 70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>KAMONYI</td>
<td>23/03/2017</td>
<td>32 52 84</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>MUHANGA</td>
<td>24/03/2017</td>
<td>27 41 68</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>GATSIBO</td>
<td>22/03/2017</td>
<td>20 71 91</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>NYAGATARE</td>
<td>21/03/2017</td>
<td>7 20 27</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>HUYE</td>
<td>21/03/2017</td>
<td>38 36 74</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>GISAGARA</td>
<td>22/03/2017</td>
<td>39 57 96</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>KAYONZA</td>
<td>24/03/2017</td>
<td>25 66 91</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>RWAMAGANA</td>
<td>23/03/2017</td>
<td>18 64 82</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>RUBAVU</td>
<td>21/06/2017</td>
<td>35 41 76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>NYAMASHEKE</td>
<td>21/06/2017</td>
<td>37 43 80</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>GAKENKE</td>
<td>21/06/2017</td>
<td>35 49 84</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>RUSIZI</td>
<td>22/06/2017</td>
<td>28 36 64</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>GICUMBI</td>
<td>22/06/2017</td>
<td>21 66 87</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>NGORORERO</td>
<td>22/06/2017</td>
<td>36 64 100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>NYARUGENGE</td>
<td>22/06/2017</td>
<td>41 38 79</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>RULINDO</td>
<td>22/06/2017</td>
<td>56 45 101</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>NYABIHU</td>
<td>23/06/2017</td>
<td>28 49 77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>1009 1464 2473</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The table above shows that lectures were delivered to 2473 persons, including 1464 male and 1009 female

Topics of lectures:
- The Commission and its missions;
- Fundamental principles of human rights;
- Children’s rights in International Conventions and in Rwandan laws;
- Prevention and Repression of the offence of defilement

3.2.5. Lectures delivered through media

In the framework of sensitization on human rights, the Commission delivered messages through different media, including different radios, print press and audiovisual media.

3.2.5.1. « Rights at Home » is an emission that is broadcasted on radio

One of sensitization means is “Uburenganzira iwacu » broadcasted emission which means “Rights at Home” that is broadcasted on Radio Rwanda every Wednesday of the first and third week of the month. Lectures delivered focused on the following topics:

<table>
<thead>
<tr>
<th>№</th>
<th>Date</th>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/9/2016</td>
<td>Women’s rights in sustainable development</td>
</tr>
<tr>
<td>2</td>
<td>19/9/2016</td>
<td>The Commission meets the population, receives their complaints and solves them in public</td>
</tr>
<tr>
<td>3</td>
<td>5/10/2016</td>
<td>Public hearing facilitates complainants to resort to the Commission easier</td>
</tr>
<tr>
<td>4</td>
<td>19/10/2016</td>
<td>Characteristics and fundamental principles of human rights</td>
</tr>
<tr>
<td>5</td>
<td>2/11/2016</td>
<td>Categories of Human Rights</td>
</tr>
<tr>
<td>6</td>
<td>16/11/2016</td>
<td>Obligations relating to human rights;</td>
</tr>
<tr>
<td>7</td>
<td>7/12/2016</td>
<td>Strive for promoting child upbringing and rights</td>
</tr>
<tr>
<td>8</td>
<td>21/12/2016</td>
<td>Child upbringing must be a concern for everyone</td>
</tr>
<tr>
<td>9</td>
<td>4/1/2017</td>
<td>Receive the complaints of the population is among the missions of the Commission</td>
</tr>
<tr>
<td>10</td>
<td>18/1/2017</td>
<td>Education on human rights changes the well-being of the population</td>
</tr>
<tr>
<td>11</td>
<td>15/2/2017</td>
<td>Domestic violence is a threat to human rights</td>
</tr>
<tr>
<td>12</td>
<td>15/3/2017</td>
<td>Good service delivery is the respect for human rights</td>
</tr>
<tr>
<td>13</td>
<td>12/4/2017</td>
<td>There is a need to prevent defilement as this offence is punished by the law</td>
</tr>
<tr>
<td>14</td>
<td>17/5/2017</td>
<td>Fighting against defilement is protecting human rights</td>
</tr>
</tbody>
</table>

The lectures included different messages on the promotion and protection of human rights in their different categories. The population testified that the lecture helped them to know their rights which they previously ignored; thus now that they are aware of their rights, they can benefit from the Commission’s work by submitting complaints to the Commission once they arise.

3.2.5.2. Lectures to the Mayors of Districts

On 30th March 2017, in the framework of fighting against defilement, the Commission organized a video conference with all Mayors of Districts. The video conference aimed at introducing a project of
sensitization campaign against defilement. Moreover, the video conference aimed at explaining their role in the campaign and requesting them to urge the population to take part in it.

3.2.5.3. Lectures on Radio and Rwanda Television

In 2016-2017, the Commission delivered lectures on National Radio and TV aimed at sensitizing the population on human rights in the framework of preparations for the commemoration of the Human Rights Day that was scheduled to take place on 10 December 2016.

On 4th December 2016, the Commission delivered a lecture on the theme: “Stand Up for Someone’s rights”, which was an international theme adopted by the OHCHR. At the National level, the theme was “Stand up for Someone’s rights today and promote child’s rights to education”. The day’s message focused on the upbringing of the child, prevention of any violence against children and repression of such violence according to the law.

Additionally, on 18th February 2017, the Commission in collaboration with the Ministry of Gender and Family Promotion and the National Police, delivered messages in which they explained the campaign against defilement prepared and implemented by the Commission. They presented the Government’s strategies for the family and child protection in general as well as the penalties against perpetrators of defilement, stressing that the family was the centre of the child care and upbringing.

On 24th June 2017, the Commission delivered a lecture on Radio Huguka whose theme was the protection of the child’s rights.

3.2.6. Commemoration of annual human rights days

Every year, the National Commission for Human Rights commemorates annual human rights days. The commemoration of human rights days aims at promoting human rights provided for in international treaties.

Table no 29 : Annual human rights days that were commemorated

<table>
<thead>
<tr>
<th>No.</th>
<th>Annual Day</th>
<th>Date of celebration</th>
<th>Venue of celebration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>International Day of Persons with Disabilities</td>
<td>3/12/2016</td>
<td>Rwamagana</td>
</tr>
<tr>
<td>2.</td>
<td>International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime</td>
<td>9/12/2016</td>
<td>Ngoma</td>
</tr>
<tr>
<td>3.</td>
<td>International Human Rights Day</td>
<td>10/12/2016</td>
<td>Rubavu</td>
</tr>
</tbody>
</table>
4. International Women’s Day 8/03 2017 Nyabihu
5. 23rd Commemoration of the genocide against the Tutsi 21/04/2017 Gasabo (at Commission Headquarters)
6. International labour Day 1/05/2017 Nyandungu (Gasabo)
7. International Day of the African Child 16/6/2017 Rwamagana

<table>
<thead>
<tr>
<th>No</th>
<th>Prison</th>
<th>Number</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ngoma</td>
<td>857</td>
<td>0</td>
<td>857</td>
</tr>
<tr>
<td>2</td>
<td>Rubavu</td>
<td>3,986</td>
<td>3,986</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Gasabo</td>
<td>320</td>
<td>320</td>
<td>0</td>
</tr>
</tbody>
</table>

During the commemoration, the Commission delivered different messages related to the themes encouraging relevant institutions to implement the provisions of international treaties related to those international days.

3.2.6.1. International Day of People with disability

The Commission joined other institutions in the celebration of the International Day of People with Disability at the national level; the celebration took place in Rwamagana District on 3rd December 2016. The theme of the day at the international level was “Achieving 17 Goals for the Future We Want” At the national level the theme was “Achieving 17 Goals while promoting inclusive employment”.

In the framework of the commemoration, the Commission joined the population of Gahanga Sector in community work in the center for children with mental disability owned by Inshuti z’Abakene Sisters.

Speakers including the Mayor of Kicukiro and the Vice President of the Commission both reminded parents and all Rwandans that they have the obligation to protect the child as provided by article 19 of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

3.2.6.2. International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime

In September 2015, the UN General Assembly adopted 9 December as the International Day against Genocide. The aim of the Day is to promote the Convention on the Prevention and Punishment of the Crime of Genocide and Commemoration the Victims of the Crime of Genocide. The theme was «Fighting against Genocide and its ideology».

In the framework of commemorating that Day, the Commission joined “Never Again” organization and delivered lectures in different prisons during the Human Rights Week launched by the Commission from 3rd December 2016.

Table nº 30: Prisons and number of lectured inmates
According to the above table, lectured inmates included 5,413 including 4,505 men and 908 women. In Ngoma prison, the lectures were delivered to women who are the sole inhabitants of the facilities. The same goes for Rubavu and Gasabo prisons who house only men in the facilities and were the only targeted audience.

3.2.6.3. International Human Rights Day

The International Human Rights Day is celebrated every 10th December of each year, commemorating the Universal Declaration Human Rights Day of 10 December 1948. The 2016 theme at the international level was: "Stand up for someone's rights today". At the national level the theme was “Stand up for someone's rights today and promote child's rights to education".

In line with the preparation for the International Human Rights Day, on 3rd December 2016, the Commission launched a Human Rights Week during which different activities were organized including lectures and competitions in universities and higher learning institutions, lectures in public meetings, on radio and television.

- Lectures

The topics for lectures delivered in higher learning institutions and universities were: "Fundamental principles of human rights, civil and political rights; economic, social and cultural rights"

Table n° 31: The table shows higher learning institutions and universities that were lectured

<table>
<thead>
<tr>
<th>Date</th>
<th>Higher learning institution</th>
<th>Number</th>
<th>Girls</th>
<th>Boys</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/11/2016</td>
<td>UTAB/Byumba</td>
<td>300</td>
<td>120</td>
<td>180</td>
</tr>
<tr>
<td>09/11/2016</td>
<td>INES/Ruhengeri</td>
<td>200</td>
<td>50</td>
<td>150</td>
</tr>
<tr>
<td>09/11/2016</td>
<td>Polytechnique Musanze</td>
<td>159</td>
<td>42</td>
<td>117</td>
</tr>
<tr>
<td>09/11/2016</td>
<td>INILAK/Rwamagana</td>
<td>213</td>
<td>55</td>
<td>158</td>
</tr>
<tr>
<td>09/11/2016</td>
<td>UNIK/Kibungo</td>
<td>178</td>
<td>75</td>
<td>103</td>
</tr>
<tr>
<td>09/11/2016</td>
<td>ULK/Rubavu</td>
<td>200</td>
<td>80</td>
<td>120</td>
</tr>
<tr>
<td>09/11/2016</td>
<td>RTUC/Rubavu</td>
<td>120</td>
<td>70</td>
<td>50</td>
</tr>
<tr>
<td>16/11/2016</td>
<td>Université Catholique du Rwanda/Save</td>
<td>146</td>
<td>26</td>
<td>120</td>
</tr>
<tr>
<td>16/11/2016</td>
<td>University of Rwanda/Huye Campus</td>
<td>1200</td>
<td>800</td>
<td>400</td>
</tr>
<tr>
<td>16/11/2016</td>
<td>IC/Kabgayi</td>
<td>150</td>
<td>54</td>
<td>96</td>
</tr>
<tr>
<td>16/11/2016</td>
<td>UAAC</td>
<td>2,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>2,866</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Moreover, in the framework of commemorating the International Human Rights Day, lectures were delivered in public meetings in Kigali City on the following topic: “Stand up for Someone’s rights today and promote child’s rights to education”.

Table n° 32: Messages delivered in public meetings.

<table>
<thead>
<tr>
<th>No</th>
<th>District</th>
<th>Sector</th>
<th>Number of beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Gasabo</td>
<td>Kinyinya</td>
<td>215</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>Jabana</td>
<td>1.500</td>
</tr>
<tr>
<td>3.</td>
<td>Nyarugenge</td>
<td>Rwezamenyo</td>
<td>250</td>
</tr>
<tr>
<td>4.</td>
<td>Kicukiro</td>
<td>Nyarugunga</td>
<td>300</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td>Gatenga</td>
<td>400</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>2,665</td>
</tr>
</tbody>
</table>

The table above shows that the Commission delivered messages to 2,665 persons during public meetings in Gasabo, Nyarugenge and Kicukiro Districts.

- Competitions that marked the commemoration in higher learning institutions and universities

The competition focused on situation of human rights in Africa in general and in Rwanda in particular, based on “the principle of freedom of worship”.

The population of Kinyinya Sector that were lectured (Picture: NCHR, 2016)
Best essays were selected and awards were given to best contestants.

The activity that closed the Human Rights Week was the celebration of the International Human Rights Day that took place in Rubavu District on 10th December 2016. The Day was marked by the presence of different representatives of UN agencies in Rwanda, members of the Diplomatic Corps, representatives of Government Institutions and non-governmental organizations.

Messages delivered by different, including the UN Representative his Excellency Lamin Maneh, the Chairperson of the National Commission for Human Rights, Honorable Nirere Madeleine and the Minister of State in Charge of Constitutional & Legal Affairs in the Ministry of Justice Honorable Evode Uwizeyimana urged the population to be mindful of human rights in their daily activities.

The same message was also delivered through songs and dances. The Commission also delivered messages on the Human Rights Day through print press and audiovisual media. The message recalled the duty to educate population on human rights, to ensure they enjoy those rights without discrimination.

The National Commission for Human Rights joined other institutions and the population to commemorate the Human Rights Day in Rubavu District (picture: NCHR, 2016)

Furthermore, the message emphasized child rights in particular recognizing that, some of those responsible for the child upbringing do not fulfill their obligations, which leads to school dropout school, defilement, drug abuse, unwanted pregnancies for young girls, street children and employment in worst labour. The parents, the Government and the teachers were urged to collaborate in educating the Child as he/she is the hope of the Country.

A football match between the police and motorcyclists marked the day and awards were given.
3.2.6.4. The International Women’s Day

The Commission joined other institutions in the commemoration of the International Women’s Day celebrated which, at the national level, was held in Nyabihu District on 8th March 2017. The theme of the Day at the international level was “Be bold for change to promote a better working world – a more gender inclusive world”, while the national theme was “step it up for gender equality, strive for women empowerment”.

The Day was preceded by a women empowerment month from 1st -31st March 2017 marked by different activities based on the three Government Pillars: social affairs, justice and economic affairs.

3.2.6.5. International labour Day

The International labour Day was commemorated on 1st May 2017 under the following theme: “Promote labour, preserving progress based on good governance, foundation for inclusive development”.

Commissioners and the staff were lectured under best service delivery with the aim to increase the income and good governance, as these are the pillars of developing a productive service.

3.2.6.6. International Day of the African Child

The International Day of the African Child was commemorated on 16th June 2017 under the international theme «Accelerating protection, empowerment and equal opportunities for the African Child by 2030», while at national level the theme was: “Let’s build the future of Rwanda preserving our progress by protecting the Child”.

The Commission delivered lectures in secondary schools of Rwamagana District, and joined blind children from HVP Gatagarar/ Rwamagana branch. The lectures delivered focused on the missions of the Commissions, human rights principles and child rights.

The Commission also joined other institutions in the commemoration of 16th June 2017 that took place in Rusizi District at the national level.

3.3. Providing views on bills related to the promotion and protection of human rights

The Commission has the mission to provide views, upon request or on its own initiative, on laws, regulations of public organs in force in the country and on bills so as to ensure their conformity with fundamental principles of Human Rights as provided for in Article 5, paragraph 4, of Law n° 19/2013 of 25 March 2013 determining missions, organization and functioning of the National Commission for Human Rights.
In this framework, the Commission prepared and submitted written views on 4 bills to the Parliament, Ministry of Justice and the Rwanda Law Reform Commission.

3.3.1. Bill establishing the National Rehabilitation Service and determining its mission, organization and functioning

On 6 March 2017, the National Commission for Human Rights, through its letter n° CNDP/MAR/399/16.17, submitted to the Parliament, the Chamber of Deputies, views on the bill related to the bill establishing the National Rehabilitation Service and determining its mission, organization and functioning. The Commission submitted these views at its own initiative as provided by article 5, paragraph 4 of the law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights.

The views submitted by the Commission on that bill were considered during its revision as illustrated by the law n° 17/2017 of 28/04/2017 establishing the National Rehabilitation Service and determining its mission, organization and functioning published in the official gazette n° 20 bis of 15/05/2017.

3.3.2. Bill related to employment aimed damages payment

On 9th February 2017, the Ministry of Justice wrote to the National Commission for Human Rights the letter n° 305/08.25KA/LSD requesting to provide views on the Bill related to employment aimed damages payment.

On 10th April 2017, the National Commission for Human Rights, in its letter n° CNDP/APR/471/16.17, submitted its views on that bill to the Ministry of Justice. The Bill was not yet submitted to the Parliament at the time of drafting this report.

3.3.3. Law n° 15/2014 of 28/5/2014 modifying and complementing Law n° 21/2012 of 14/06/2012 relating to civil, commercial, labour and administrative matters

On 28 September 2016, the Rwanda Law Reform Commission requested the National Commission for Human Rights through its letter nº 503/C.P/RLRC/2016, to provide views on the revision of Law n° 21/2012 of 14/06/2012 relating to civil, commercial, labour and administrative matters.

On 16 January 2017, the National Commission for Human Rights, in its letter nº CNDP/JAN/320/16.17, submitted to the Rwanda Law Reform Commission its views on that bill. The Bill was not yet submitted to the Parliament at the time of drafting this report.

3.3.4. Revision of the Law n° 30/2013 of 24/5/2013 related to the code of criminal procedure.

The National Commission for Human Rights through its letter n° CNDP/JAN/321/16.17 of 16 January 2017 transmitted to the Rwanda Law Reform Commission its views on that law. The Bill was not yet submitted to the Parliament at the time of drafting this report.

3.4. Urging relevant institutions to ratify international treaties related to human rights and incorporate them in the existing domestic laws and to submit reports on time

Law n°19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights, in article 5 (5°,6°), gives the Commission special missions of urging relevant government institutions to ratify international treaties related to Human Rights and incorporate them in the existing domestic laws and submitting on time the reports related to international treaties on Human Rights ratified by Rwanda.

3.4.1. Urging relevant government institutions to ratify international treaties related to human rights

During the year 2016/2017, the Commission urged government institutions to ratify the following (table 33) International Treaties as:

<table>
<thead>
<tr>
<th>N°</th>
<th>International Treaties</th>
<th>Action of the Commission</th>
<th>Action to undertake</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>International Convention concerning decent work for domestic workers enforced on 5th September 2013 [N°. 189]</td>
<td>The Commission wrote to the Ministry of Public Service and Labour letter n° CNDP/APR/571/15-16 of 8 April 2016 requesting the ratification of the International Convention concerning decent work for domestic workers.23</td>
<td>The Commission urges relevant institutions such as (the Ministry of Public service and Labour and the Ministry of Foreign affairs and Cooperation) to examine the possibility of ratifying this Convention;</td>
<td>Those two Conventions have always been referred to in the Concluding Observation of the Treaty Bodies.</td>
</tr>
<tr>
<td>2.</td>
<td>International convention for the protection of all persons from enforced disappearance.</td>
<td>The Commission in its letter n° CNDP/APR/580/15-16 of 13 April 2016 sent to the Ministry of Justice recalled that the International convention for the</td>
<td>The Commission recommends that all relevant institutions should tackle on the possibility of ratifying the above</td>
<td></td>
</tr>
</tbody>
</table>

3.4.2. Urging relevant Government institutions to submit required reports on time


In the framework of implementing its attribution of urging relevant government institutions to submit on time the reports related to international treaties on Human Rights ratified by Rwanda, the Commission prepared a document on the reporting status.

At different occasions, in 2016 and early 2017, the Commission carried out an assessment on the level of implementation of the concluding observations issued to Rwanda from the 2nd to the 4th reports on economic, social and cultural rights. The assessment aimed at determining the level of implementation of those observations as little time is left for the preparation of the 5th report whose submission is scheduled on 31st May 2018.

The Commission found that the concluding observations were implemented at 48.85%, and recommended concerned institutions to accelerate the implementation of the remaining observations by the submission of the next report scheduled next year.

3.5. Collaboration of the Commission with other Organs

3.5.1. Collaboration of the Commission with other organs

The Collaboration of the Commission with international institutions and non-governmental organizations is provided for in article 5(8o) of the Law n° 19/2013 of 25/3/2013 determining the missions, organization and functioning of the National Commission for Human Rights. This collaboration was mainly marked by meetings, training workshops to which the Commission was requested to send its representatives or trainees.

In those meetings and workshops, the Commission’s delegates met representatives of regional and international human rights institutions, at African and world levels, as well as representatives of government institutions and local human rights organizations.

3.5.2. Collaboration at International level
From 5-10 March 2017, the National Commission for Human Rights was represented in the annual session jointly organized by the Global Alliance for National Human Rights Institutions and the High Commissioner for Human Rights. The Session took place in Geneva and focused on conflicts related to elections, political conflicts, the causes of conflicts, early warnings and detection of conflicts before they erupt, the protection of human rights activists, protection and strengthening the independence of National Human Rights Institutions (NHRIs).

Some of the recommendations were to urge NHRIs to make a follow up of the implementation of the 2030 agenda and establish the strategies to identify to causes of conflicts on time.

The session focused on the following points:

- Conflict resolution strategy before it arises;
- Good governance, the role of NHRIs in the implementation of the 2030 agenda.

The Chairperson of the Commission addressed and the participants shared the achievements of Rwanda regarding the implementation of SDGs and the 2030 agenda. She explained that Rwanda has been making progress in good governance, the rule of law and promotion and strengthening of government institutions.

The session was preceded by a conference of the Network of African National Human Rights Institutions (NANHRI), a network in which Rwanda holds the Vice Presidency of NANHRI. The NANHRI Conference adopted the following three main recommendations:

- Approve the strategies related to 2017-2018 Action Plan of NANHRI, Report of the Network for the year 2016 and the annual contribution of every NHRI member;
- Contribution of the NHRIs members of the Network in human rights programs at African and international levels in order to get a common understanding on human rights issues;
- Establish working groups on specific categories (migrant and refugees, business and human rights, rights of disabled persons and the elderly). The National Commission for Human Rights was part of the business and human rights working groups as well as the elderly.

The Representative of the Commission in both meetings was the Chairperson of the NCHR, Mrs. NIRERE Madeleine. She attended also the general assembly of Commonwealth Forum of NHRIs which was held in Geneva as well; the meeting focused on the implementation of Kigali Declaration. The Declaration is about “prevention and ending child marriage”. The latter was one of the recommendations of the Commonwealth Forum meeting held in Kigali, in 2015.

During the meeting, NHRIs that worked on specific rights were given the opportunity to highlight and share their achievements. It is worth mentioning that Rwanda is among the business and human rights working group. The Representative of the Commission presented its achievements including the survey on the situation of human rights in mining industries, as well as the capacity building training sessions that targeted employers and the staff of mining trade unions.
The Commission also participated in another meeting of the Francophone Association of NHRIs. One of the items on the agenda of this meeting was to approve the Action Plan of the Association for 2017-2018.

The Commission also participated in a meeting organized by UNICEF. The meeting focused on the SDGs and the protection of the child and the role of NHRIs in monitoring the implementation of the goals and the communication of submissions. It was advised to raise awareness regarding the procedure of communicating submissions based on the management of each country. Thus, children should be informed about how to resort to the Commission, and provision of this information to the population through media is the Commission’s duty.

### 3.5.3. Collaboration at African level

From 19-28 October 2016, the National Commission for Human Rights participated in the 59th session of the African Commission on Human and People’s Rights. The session took place in Banjul, Gambia. The session focused on the annual theme: “2016, the year of human rights with more focus on women’s rights.” Other items that were developed include the situation of human rights in some African countries, the increasing expansion of terrorist activities in Africa, human rights violation in some African countries, the position of the African Commission for Human and People’s Rights vis à vis those issues as well as the way forward.

From 8-15 May 2017, the National Commission for Human Rights also participated and sent its in the 60th session of the African Commission for Human and People’s Rights that took place in Niamey, Niger. On the agenda of the session was the issue related to migrants in Africa and the role of African NHRIs in negotiations aimed at the adoption of the International convention on safe, orderly migration that respects the requirements.

The Chairperson of the National Commission for Human Rights as the Vice President of the NANHRI told the participants that the African Union reform shall help in the overall implementation of all its programs as well as the Resolutions of African NHRIs.

### 3.5.4. Collaboration at national level

The National Commission for Human Rights collaborates with institutions in the justice and the rule of law sector. This collaboration is provided for in law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights, in article 5, 2. The Commission collaborates with the following institutions:

- The Parliament;
- National Public Prosecution Authority;
- The Ministry of Justice and
- The Ministry of Local Government.
This collaboration is also provided for in article 5, 8. The Commission also collaborates with other non-governmental organizations operating in human rights.

3.5.5. Collaboration with Government institutions

In the framework of collaborating with Government Institutions, the Commission collaborated with the Parliament, both chambers, in its activities including the provision of views on draft bills and presentation of its Annual Activity Report for 2015-2016. The Commission attended in which it was invited and which were convened by those institutions, including the parliamentary session to discuss the Commission’s report regarding the promotion and protection of human rights.

3.5.5.1. The Parliament


The Parliament, both chambers followed the presentation of Commission’s report (Picture: NCHR 2016)

At different dates, the report of the Commission was considered by the standing committees on Human Rights of both chambers with the aim to submit the report to the Parliament in its plenary session
for action. Issues of human rights violations in the report were referred to the various relevant institutions for resolutions.

The members of the Commission and the standing committee on Social and Human Rights Affairs and Petitions/Senate (Picture: NCHR, 2016)

3.5.5.2. The Judiciary

The Commission a member of the High Council of the Judiciary as provided by article 2, 16 of Organic Law n° 07/2012/OL of 19/09/2012 determining organization, powers and functioning of the High Council of the Judiciary. Within this framework, on different dates, the Chairperson of the Commission attended meetings of the High Council of the Judiciary. Among the recommendations of these meetings, is the speed up of the implementation of the recommendations of the Commission by concerned institutions so that the complainants are restored in their rights.

3.5.5.3. National Public Prosecution Authority

At different dates, the Chairperson of the Commission attended the meetings of the High Council of the Prosecution as provided in article 22, 6° of Organic Law n° 03/2004 determining organization, powers and functioning of the High Council of the Prosecution revised and modified by Organic Law n° 15/2006 of 24/03/2006, published in the Official Gazette special number of 24 March 2006.

The collaboration with the National Public Prosecution Authority focused on human rights violations complaints received by the Commission during the implementation of its mission of monitoring the respect for human rights, in order to find joint solutions while others are forwarded to relevant institutions for solution.
3.5.5.4. The Ministry of Justice

On different dates, as one of the members of the Justice Sector, the Commission attended the meetings and retreats organized by this sector. The Commission joined other organs and delivered lectures aimed to raise awareness of the population on laws and human rights. Specifically, lectures were delivered during the legal aid week and in the good governance month.

3.5.5.5. The Ministry of Local Government.

Collaboration with the Ministry of local government focussed mainly on joint awareness sessions on human rights, reception and handling of complaints on human rights violations. Other activities that characterized this collaboration included discussions on the complaints raised during the Commission’s visits of Transit centers, unexecuted judgments, entrepreneurs who do not pay their employees, non-payment of expropriation compensation and the problem of domestic conflicts.

Within this framework, on different dates, the Commission in collaboration with local administrative authorities in some Districts throughout the country, conducted public hearings during which they received the population’s complaints.

Before receiving the population’s complaints, the Chairperson of the Commission, Mrs. NIRERE Madeleine, delivers a lecture on human rights.

Picture: (NCHR 2017)
3.5.6. Collaboration of the Commission with non-governmental organizations.

The Commission’s collaboration with non-Governmental and international organizations was reflected in events organized by the Commission for the Consultative Meeting with those NGOs as well as in human rights promotion and protection activities.

Upon invitation of other organizations, the Commission attended meetings and various activities related to human rights promotion.

3.5.6.1. General Assembly of the Consultative Meeting

On 22nd June 2017, the Commission organized a consultative meeting with local NGOs operating in the areas of human rights which took place in Kigali. The meeting aimed to present the report on the implementation of the Action Plan for 2016-2017 and share information on joint strategies that should be adopted against defilement as the most serious child’s rights violation. After the presentation of the report, participants to the meeting adopted strategies that include the implementation of pending recommendations of the meeting held on 26 June 2016, evaluation of annual report of the Forum prior to next meetings and establishing an efficient communication strategy among the members through which they can all be informed of planned activities.
Participants to the Consultative Meeting (Picture: NCHR 2017)

During the meeting, the Commission had an opportunity to share with participants the information pertaining to the campaign project against defilement financed by UNICEF. After the presentation of the problem and achievements thereof, participants adopted resolved to sensitize children to refrain from sex, educate parents and teachers on how to follow up children, establish counseling sessions to help children victims of violation feel comfortable in the community and use social media as a tool to denounce defilement for fast intervention.

3.5.6.2. Guests on official mission in the Commission

From July 2016 to June 2017, the National Commission for Human Rights received different guests including those coming from abroad for official missions. They visited and discussed with different institutions including the Commission. The Commission’s guests included visitors from local institutions as well. In general, the guests wanted to learn more about the missions, organization and the functioning of the National Commission for Human Rights. Some of them came to Rwanda for a study tour, learning Rwanda’s achievements in the respect for human rights and share best practices in this regards.
Visitors from IDEA exchanging with the Commission on human rights issues.
(Picture: NCHR, 2016)
Table no 34: Guests on official mission in the Commission

<table>
<thead>
<tr>
<th>No</th>
<th>Date</th>
<th>Guests</th>
<th>Objective of the visit</th>
<th>Benefits from the visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>15/07/2016</td>
<td>Guest from the International Institute for Democracy and Electoral</td>
<td>To learn the functioning of the Commission as regards the respect for human rights.</td>
<td>They were explained the missions, organization and functioning of the Commission; They shared their activities including training workshops that they organize on the electoral process, the functioning of political parties and involvement in leadership, on democracy and development.  They discussed on gender equality, conflicts and security as components that are related to democracy and human rights.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assistance (IDEA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>4/11/2016</td>
<td>Guests from the Republic of Central Africa</td>
<td>They came to Rwanda for a study tour on Justice, unity and reconciliation as they want</td>
<td>Rwanda’s achievements in Justice, unity and reconciliation thanks to the respect human rights principles were shared with guests</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>to establish a Unity, Truth and Justice Commission in their Country.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>2/6/2017</td>
<td>Guests from Australia</td>
<td>They wanted to be informed about Rwanda’s activities related human rights. In different</td>
<td>They were explained the missions, organization and functioning of the National Commission for Human Rights and its collaboration with NGOs working on human rights issues; The Guests shared women’s and girls’ rights promotion in their Country, good governance, establishing institutions that are built on true democracy, promotion and protection of the freedom of expression.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>categories</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>14/6/2017</td>
<td>Guests from RCN Justice and Democracy</td>
<td>They discussed the functioning of both institutions and the framework of collaboration in</td>
<td>They discussed RCN activities pertaining to its assistance to its partners as well its support to refugees - They tackled the collaboration between the Commission and national, international NGOs operating in the areas of human rights area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the field of human rights.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>22/6/2017</td>
<td>Visit of the United Kingdom Deputy High Commissioner to Rwanda Rwanda</td>
<td>To be informed about major human rights violations and how the Commission resolves them; To be informed on the level of collaboration of different Rwandan institutions in general and in particular the Commission with those directly concerned with human rights issues.</td>
<td>The Commission explained its missions, organization and functioning, frequent human rights violations and how it collaborates with other institutions to resolve them.</td>
</tr>
</tbody>
</table>
IV. ADMINISTRATION AND FINANCE

4.1. Capacity building for the Commission

In the framework of increasing the capacity of the Commission, from July 2016 to June 2017, the members of the Commission and its staff attended different training workshops inside and outside the country. The training workshop focused on economic, social and cultural rights, archive management and legal practice.

5.1.1. Training workshops inside the Country

Table n° 35: Training workshops inside the Country

<table>
<thead>
<tr>
<th>Date</th>
<th>Venue</th>
<th>Topics</th>
<th>Beneficiaries</th>
<th>Objective</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-23/09/2016</td>
<td>Centre St André Kabgayi</td>
<td>Economic, social and cultural rights;</td>
<td>Commissioners and staff</td>
<td>Training Commissioners and the staff on economic, social and cultural rights</td>
<td>The training will help Commissioners and the staff fulfill their attributions.</td>
</tr>
<tr>
<td>5/10/2016</td>
<td>Classic Hotel in Kigali</td>
<td>- Mechanisms to investigate human rights violations;</td>
<td>Commissioners and staff</td>
<td>- Investigation on human rights violations, evidences and tools that are used during the investigation;</td>
<td>Gained knowledge shall help them in the fulfillment of their attributions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- The Universal Periodic Review (UPR) process.</td>
<td></td>
<td>- The UPR process and the role of NHRIs in monitoring the implementation of issued recommendations.</td>
<td></td>
</tr>
<tr>
<td>From July to</td>
<td>Institute of Legal Practice and</td>
<td>Training on legal practice</td>
<td>One staff in charge of human rights</td>
<td>Training on legal practice</td>
<td></td>
</tr>
<tr>
<td>December 2016</td>
<td>Development (ILPD Nyanza)</td>
<td></td>
<td>protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-9/12/2016</td>
<td>La Palisse Gashora</td>
<td>Reintegration of genocide survivors and perpetrators</td>
<td>One staff in charge of human rights</td>
<td>To educate persons to overcome their past and forgive one another so that they can</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>protection</td>
<td>accelerate the process</td>
<td></td>
</tr>
</tbody>
</table>
who admitted the offences and who have fully served their sentence. edify themselves and build their country with the participation of authorities.

<table>
<thead>
<tr>
<th>Date</th>
<th>Organization</th>
<th>Activity Descriptions</th>
<th>Training Focus</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>27/11-2/12/2016</td>
<td>Institute of Legal Practice and Development (ILPD Nyanza)</td>
<td>Identify property based offences</td>
<td>Four staff member in charge of human rights protection</td>
<td>They acquired knowledge of legal prevention of property based offences to help them in protecting their country.</td>
</tr>
<tr>
<td>30/03/2017</td>
<td>National Commission for the Fight against Genocide (CNLG)</td>
<td>Archive management in government institutions</td>
<td>One staff in charge of archives</td>
<td>Knowledge on document filing and archiving by their respective institutions.</td>
</tr>
<tr>
<td>From January to June 2017</td>
<td>Institute of Legal Practice and Development (ILPD Nyanza)</td>
<td>- Knowledge on legal drafting - Legal drafting and practice</td>
<td>Two staff members, one in charge of protection of human rights and another in charge of legal matters</td>
<td>Training on legal practice Knowledge on analyzing and mastering laws that will be used in protecting human rights.</td>
</tr>
<tr>
<td>5/05/2017</td>
<td>RIM i Muhanga</td>
<td>Explaining the provisions of the Presidential Order n°144/01 of 13/04/2017</td>
<td>Two staff member, one in charge of human resource management and another in charge of planning</td>
<td>Implementing the provisions of this Order while keeping the deadline fixed.</td>
</tr>
<tr>
<td>5-9/06/2017</td>
<td>Golden Tulip Hotel</td>
<td>Explaining the new procurement process</td>
<td>The staff member in charge of procurement</td>
<td>Practice of what they learned with the aim to reduce frequent errors in procurement process.</td>
</tr>
</tbody>
</table>
4.1.1. **Training workshops attended by Commissioners and the staff outside the Country**

In 2016-2017, Commissioners and the staff attended short and long training workshops outside the Country as follows:

**Table nº36: Training outside the Country**

<table>
<thead>
<tr>
<th>Date</th>
<th>Venue</th>
<th>Topics/Lessons learnt</th>
<th>Beneficiaries</th>
<th>Objective</th>
<th>Objective Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10/03/2017</td>
<td>Nairobi/Kenya</td>
<td>Reporting to treaty bodies on the respect for the international human rights treaties ratified by countries</td>
<td>One staff member in charge of legal affairs, monitoring and protection of human rights</td>
<td>To know how to educate Adults, preparation of human rights reporting</td>
<td>Knowledge of treaties and international conventions.</td>
</tr>
<tr>
<td>September 2015-September 2016</td>
<td>Beijing/China</td>
<td>International laws</td>
<td>One commissioner</td>
<td>Capacity building in international laws</td>
<td>The training with the beneficiary.</td>
</tr>
<tr>
<td>May 2015-February 2017</td>
<td>London/United Kingdom</td>
<td>International laws</td>
<td>One staff in charge of human rights protection</td>
<td>Capacity building in international laws</td>
<td>The training with the beneficiary daily activities.</td>
</tr>
</tbody>
</table>
4.2. Financial report

4.2.1. Introduction

The financial report is provided for by chapter VI of Organic Law n° 12/2013/OL of 12/09/2013 on State finances and property on Accounting, Reporting and Audit. Article 66 of this law reveals the preparation and submission of financial statements by public entities and article 13 of Law n° 19/2013 of 25/03/2013 determining its missions, organization and functioning provides for the period of reporting and organs to which it is submitted.

The financial report of 2016-2017 indicates the funds allocated from the Ordinary Budget for the financial year starting from 1st July 2016 to 30th June 2017 and funds received from donors that were spent during that financial year.

4.2.2. Funds allocated to the Commission for the financial year 2016-2017

According to Law n° 31/2016 of 30 June 2016, for the year 2016-2017, the Commission was allocated a budget of One billion forty-three million four hundred thousand sixty hundred seventy Rwandan francs (1,043,400,670 Frw).

Table n° 37: Source of the Commission’s budget

<table>
<thead>
<tr>
<th>№</th>
<th>Source of funds</th>
<th>Allocated budget (Frw)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ordinary State Budget</td>
<td>1,034,056,170</td>
</tr>
<tr>
<td>2</td>
<td>The United Nations Development Programme (UNDP)</td>
<td>9,344,500</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>1,043,400,670</td>
</tr>
</tbody>
</table>

4.2.3. Funds allocated after financial revision for the year 2016-2017

Under Law n° 08/2017 of 20 March 2017 modifying and complementing Law n°31/2016 of 30/06/2016 determining the State finances for the 2016-2017 fiscal year, the Commission was allocated a budget of one billion forty eight million four hundred thousand six hundred seventy Rwandan francs (1,048,400,670 Frw).

Table n° 38: Source of funds allocated to the Commission during budget revision.

<table>
<thead>
<tr>
<th>No</th>
<th>Source of funds</th>
<th>Allocated budget (Frw)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ordinary State budget</td>
<td>1,039,056,170</td>
</tr>
<tr>
<td>2</td>
<td>Funds allocated to the Commission by the United Nations Development Programme (UNDP)</td>
<td>9,344,500</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>1,048,400,670</td>
</tr>
</tbody>
</table>
4.2.4. Other funds received by the Commission after the budget revision for the year 2016-2017.

Article 40 of Law n° 19/2013 of 25/03/2013 determining the missions, organization and functioning of the National Human Rights Commission provides for the source and management of the property of the Commission. Paragraph three states that: “The property of the Commission may also come from partners’ grants, donations and bequests”.

After the budget revision, the Commission received other funds as follow:

Table no 39: Funds received by the Commission after the budget revision

<table>
<thead>
<tr>
<th>№</th>
<th>Source of funds</th>
<th>Amount (Frw)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Old equipment sold at auction sales^24</td>
<td>3,020,000</td>
</tr>
<tr>
<td>2</td>
<td>The United Nations Development Programme (UNDP)</td>
<td>28,494,386</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>191,769,426</strong></td>
</tr>
</tbody>
</table>

4.2.5. Funds allocated to the Commission from ordinary budget and donors based on the Activity Plan of the Commission 2016-2017.

Table no 40: the table below shows the total of funds received by the Commission form ordinary budget and donors according to the Commission’s Action Plan for 2016-2017.

<table>
<thead>
<tr>
<th>№</th>
<th>Source of funds</th>
<th>Action Plan</th>
<th>Allocated budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Ordinary budget</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Support services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salaries and related expenses</td>
<td>546,552,176</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Furniture and Services</td>
<td>344,937,821</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Capital expenditures</td>
<td>8,230,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other various activities</td>
<td>11,285,704</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total (1)</strong></td>
<td><strong>911,005,701</strong></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Promoting and protecting human rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Promotion of human rights</td>
<td>51,137,049</td>
<td></td>
</tr>
</tbody>
</table>

^24 Proceeds from the sale of assets of a public institution having financial and administrative autonomy shall be deposited onto the institution’s bank account as provided for by article 18 of Law n° 50/2008 of 09/09/2008 determining the procedure for disposal of state private assets and based on article 3 of Law n° 19/2013 of 25/03/2013 determining the missions, organization and functioning of the National Commission for Human Rights.
Protection of human rights | 86,257,920  
---|---  
Total (2) | 137,394,969  
TOTAL (1+2) | 1,048,400,670

### B. Funds from donors

| Support service |  
|---|---  
| United Nations Development Program | Furniture and Services | 28,494,386  
Total (3) | 28,494,386  
Promoting and protecting human rights; |  
Total (4) | 160,255,040  
Total (1+2+3+4) | 1,237,150,096

As illustrated by table n° 40 above, the total amount allocated to the Commission for the financial year 2016-2017, including the amounts from ordinary budget and donors is one billion two hundred thirty seven million one hundred fifty thousand ninety six Rwandan francs (1,237,150,096 Frw).

### 4.2.6. Financial statement of Commission’s budget for the year 2016-2017

Table n° 41: The table below shows the financial statement of the Commission by 30th June 2016, allocated budget for the financial year 2016-2017 and how it was executed during that year. It also shows the balance as of 30th of June, 2017.

| A. Allocated budget | Amount of money  
|---|---  
| 1. Allocated budget for the year 2016-2017 |  
Allocated funds from Ordinary budget by June 30th, 2017 | 1,018,675,413  
Total (1) | 1,018,675,413  
| Other funds received by the Commission |  
Funds from auction sales | 3,020,000  
Total (2) | 3,020,000  
The total amount of received funds for the year 2016-2017 (1+2) | 1,021,695,413  
| 2. Money received by the Commission from donors |
2. The total amount received by the Commission from donors: 195,335,247

The total amount received by the Commission for the year 2016-2017 (1+2+3) 1,217,030,660

B. Expenditures

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>534,288,465</td>
</tr>
<tr>
<td>2. Promotion and protection of Human Rights, Capacity building of the Commission and support service</td>
<td>621,078,442</td>
</tr>
<tr>
<td>Total (4)</td>
<td>1,155,366,907</td>
</tr>
<tr>
<td>Balance between received and spent funds (2+3-4)</td>
<td>61,663,753</td>
</tr>
</tbody>
</table>

C. Money owned by the Commission on 30 June 2017

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening balance</td>
<td>62,899,831</td>
</tr>
<tr>
<td>Petty cash</td>
<td>78,722</td>
</tr>
<tr>
<td>Total</td>
<td>62,978,553</td>
</tr>
</tbody>
</table>

C. Explanations on the money owned by the Commission on 30th June, 2017

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance between received and spent funds</td>
<td>61,663,753</td>
</tr>
<tr>
<td>Money owned by the Commission on June 30, 2017</td>
<td>1,314,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>62,978,553</td>
</tr>
</tbody>
</table>

As shown in Table n° 41, the financial statement of the Commission from ordinary budget and donors by 30th June 2017 is one billion two hundred seventeen million thirty thousand six hundred sixty Rwanda francs (1,217,030,660Frw), the money used by 30th June 2017 is equivalent to one billion one hundred fifty-five million three hundred sixty-six thousand nine hundred seven Rwandan francs (1,155,366,907 Frw).

The money was spent to pay Commissionners and staff salaries, in carrying out activities of promoting and protecting Human Rights, in the capacity building of the Commission as well as in its daily activities.

On 30th June 2017, the Commission had balance on its bank account, an amount of sixty-two million eight hundred ninety nine thousand eight hundred thirty one Rwanda francs (62,899,831 Frw) and seventy eight thousand seven hundred twenty-two Rwanda francs (78,722 Frw) in petty cash.

4.2.7. Allocated budget from ordinary budget in 2016-2017

Budget allocated to the Commission for the financial year 2016-2017 is one billion thirty four million fifty six thousand one hundred seventy Rwanda francs(1,034,056,170 Frw). Allocated budget after budget revision is one billion thirty-nine million fifty six thousand one hundred seventy Rwanda francs(1,039,056,170 Frw).
### 4.2.8. Use of funds allocated to the Commission for the year 2016-2017

**Table n° 42: The table** below shows the use of allocated budget from ordinary budget 2016-2017 according to main budget lines.

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name of the budget line</th>
<th>Allocated budget</th>
<th>Allocated budget after budget revision</th>
<th>Used money</th>
<th>Balance</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Expenditures related to Commissioner and Staff</td>
<td>556,552,176</td>
<td>546,552,176</td>
<td>534,288,465</td>
<td>12,263,711</td>
<td>98 %</td>
</tr>
<tr>
<td>22</td>
<td>Furniture and support service</td>
<td>456,488,290</td>
<td>478,318,290</td>
<td>473,346,373</td>
<td>4,971,917</td>
<td>99 %</td>
</tr>
<tr>
<td>23</td>
<td>Capital expenditures</td>
<td>10,930,000</td>
<td>2,900,000</td>
<td>2,834,826</td>
<td>65,174</td>
<td>98 %</td>
</tr>
<tr>
<td>28</td>
<td>Other various activities</td>
<td>10,085,704</td>
<td>11,285,704</td>
<td>11,200,027</td>
<td>85,677</td>
<td>99 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1,034,056,170</strong></td>
<td><strong>1,039,056,170</strong></td>
<td><strong>1,021,669,691</strong></td>
<td><strong>17,386,479</strong></td>
<td><strong>98 %</strong></td>
</tr>
</tbody>
</table>

### 4.2.9. Explanations on the use of funds the Commission received from the State Budget 2016-2017

- **Budget line 21 is related to salaries for Commissioners and the Staff:**

  The money allocated for salaries of Commissioners and the Staff was not fully used as there was a balance is **twelve million two hundred sixty-three thousand seven hundred eleven Rwanda francs** (12,263,711 Frw). This was due to the following reasons:

  - Transport allowances for two staff members who were in ILPD Nyanza for a short course and one staff who was in Master’s program in the United Kingdom were not used as provided for by article 21 of the Prime Minister’s Order n°151/03 of 10/06/2016 determining modalities of training for public servants.
  - Allocated money for salaries of the Administrative Assistant in Administration and Finance Unit was not used because she resigned before the end of financial year.
  - The money allocated for salaries of new Commissioners who were to replace those whose term of office had expired was not used because they delayed to take office as they began in May 2017 towards the end of fiscal year.
- The budget line 22 related to support service and furniture has got a balance of unused money amounting to four million nine hundred seventy one thousand nine hundred seventeen Rwanda francs (4,971,917 Frw). The amount was allocated for the entrepreneur who was supposed to help the Commission relocate but the Commission was informed that relocation would not take place in the middle of the financial year.

As it is shown in the table, the Commission’s budget was executed at 98%.

4.2.10. Allocated funds from donors:

Table n° 43 below shows the use of funds from donors for the year 2016-2017 according to budget lines.

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name of the budget line</th>
<th>Allocated budget</th>
<th>Allocated budget after budget revision</th>
<th>Used money</th>
<th>Balance</th>
<th>Percent age</th>
</tr>
</thead>
<tbody>
<tr>
<td>221</td>
<td>Office furniture</td>
<td>2.755.000</td>
<td>14.105.716</td>
<td>13.507.934</td>
<td>597.782</td>
<td>96 %</td>
</tr>
<tr>
<td>2214</td>
<td>Communication</td>
<td>405.000</td>
<td>2.920.000</td>
<td>2.060.000</td>
<td>860.000</td>
<td>71 %</td>
</tr>
<tr>
<td>2216</td>
<td>Bank charges</td>
<td>4.500</td>
<td>49.500</td>
<td>49.500</td>
<td>0</td>
<td>100 %</td>
</tr>
<tr>
<td>2217</td>
<td>Conferences inside the Country</td>
<td>0</td>
<td>11.272.889</td>
<td>9.669.273</td>
<td>1.603.616</td>
<td>86 %</td>
</tr>
<tr>
<td>222</td>
<td>Support services</td>
<td>0</td>
<td>59.177.593</td>
<td>58.575.800</td>
<td>2.601.793</td>
<td>99 %</td>
</tr>
<tr>
<td>2231</td>
<td>Mission allowances</td>
<td>2.316.000</td>
<td>58.431.486</td>
<td>29.182.913</td>
<td>29.248.573</td>
<td>50 %</td>
</tr>
<tr>
<td>2261</td>
<td>Training workshops</td>
<td>6,640.000</td>
<td>49.378.063</td>
<td>20.642.796</td>
<td>29.493.946</td>
<td>42 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>12.120.500</strong></td>
<td><strong>195.335.247</strong></td>
<td><strong>133.688.216</strong></td>
<td><strong>64.405.710</strong></td>
<td><strong>68 %</strong></td>
</tr>
</tbody>
</table>

The donors’ budget year is different from the State budget year. The former starts in January and ends in December. This is the reason why the budget allocated by donors was used at a small percentage of 68 % because the spending of funds from donors started late in the third quarter of the State fiscal year, which begins in June.

The following budget lines highlights funds allocated when the State fiscal year had ended while their respective activities were ongoing:
- **Budget line 2214 for communication**: Communication fees were used at 71% because the activity of sensitization against defilement is still ongoing until December 2017.

- **Budget line 2231 for mission allowances**: The budget allocated for the above budget line was used at 50% because activities in which UNICEF supports the Commission were launched in March 2017 in the mid-way of the State financial year, thus all activities for which mission allowances were allocated started in that month. All those activities will continue until December 2017.

- **Budget line 2261 for training workshop**: Funds allocated for training workshops were used at 42% because those training activities funded by UNICEF started in the mid-way of the financial year 2016-2017. Activities sponsored by this UN Agency were launched in March 2017 and shall continue until December 2017.

  As explained above, funds from donors were used at 68% due to the fact that the donors’ financial year starts in January and closes in December. Therefore, at the time of drafting the Commission’s activity report for July 2016 to June 2017, activities supported by donors were at mid-way and were still ongoing.
V. IMPLEMENTATION OF CONCLUSIONS AND RECOMMENDATIONS FOR THE YEAR 2015-2016

This section consists of two main sections namely the implementation of the recommendations issued in the Commission’s Annual Activity Report for 2015-2016 and implementation of the conclusions on typical complaints identified by the Commission in its annual report for 2015-2016.

5.1. Implementation of the recommendations issued by the Commission in its 2015-2016 annual report

Table no 44: Implementation of the recommendations issued by the Commission in its 2015-2016 annual report

<table>
<thead>
<tr>
<th>No</th>
<th>Recommendations issued by the Commission in its 2015-2016 annual report</th>
<th>Level of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Commission recommends the establishment of strategies that should speed up the handover of judgment copies between courts and prisons for prompt implementation of court decisions.</td>
<td>Fully implemented. An Integrated Electronic Case Management System (IECMS) jointly used by the judiciary, the Prosecution, RCS and Police was established. Due to this system, the prison management is automatically informed of court decisions.</td>
</tr>
<tr>
<td>2.</td>
<td>The Commission once again recommends to the institutions to which it submitted cases of human rights violations for solution to address them without waiting for constant reminders by the Commission;</td>
<td>Fully implemented</td>
</tr>
<tr>
<td></td>
<td>- Different organs including MINALOC, Districts, Courts, Prosecution and Police were informed.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Community councils were established around the Country to handle complaints of the population.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>The Commission suggests that unprofessional bailiffs should be sensitized on how to speed up judgment execution so that the victims may be restored in their rights.</td>
<td>Fully implemented</td>
</tr>
<tr>
<td></td>
<td>- Institutions that have unprofessional bailiffs in their attributions urged them to speed up judgment execution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- In every District there is a staff of the Ministry of Justice (MAJ) who has the power of a non-professional bailiff.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- A legal aid week was adopted to execute court decisions.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>The Commission once again recommends the establishment of a compensation fund that would pay indemnity in case the losing party is unable to pay damages;</td>
<td>Ongoing implementation</td>
</tr>
<tr>
<td></td>
<td>- A Bill on the establishment of a compensation fund is under process.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>5.</strong></td>
<td>The Commission suggests the abolishment of the penalty of life imprisonment with special provisions because, it finds that there is no need to keep a punishment that is not implemented.</td>
<td><strong>Ongoing implementation</strong> A revision of the Penal Code is under process. The Commission shared its views requesting that life imprisonment with special provisions be removed in the Rwandan laws because, it finds that there is no need to keep a punishment that is not implemented.</td>
</tr>
<tr>
<td><strong>6.</strong></td>
<td>The Commission recommended to increase the number of police officers dealing especially with defilement cases.</td>
<td><strong>Fully implemented</strong> - The number of Isange One Stop Centers in every District was increased to make a follow up on defilement cases. - Every police station at Sector level has a police officer in charge of GBV and child related complaints.</td>
</tr>
<tr>
<td><strong>7.</strong></td>
<td>The Commission recommends to speed up the establishment of a forensic laboratory.</td>
<td><strong>Fully implemented</strong> The Rwandan forensic laboratory was established. - Rwanda Forensic Laboratory is going to be operational in few days. This forensic Laboratory will be in charge of analyzing all offence-related evidences.</td>
</tr>
<tr>
<td><strong>8.</strong></td>
<td>The Commission recommends the extension of Police Station cells to reduce overcrowding.</td>
<td><strong>Ongoing implementation</strong> - Police Station cells are being re-built based on the availability of financial means. New police stations cells have been built in Nyabihu, Musanze, Rubavu and Rwamagana)</td>
</tr>
<tr>
<td><strong>9.</strong></td>
<td>The Commission recommends that parents can be sensitized on how to take care of their children and protect them from violence.</td>
<td><strong>Fully implemented</strong> - A parents’ evening known as “umugoroba w’ababyeyi” was launched where they are sensitized at how to take care of their children and protect them from violence. - Thanks to UNICEF support, the Commission launched a campaign on defilement prevention. The campaign is conducted jointly with MIGEPROF, POLICE and MINALOC.</td>
</tr>
</tbody>
</table>
As mentioned in Table no 43, out of 9 recommendations that were issued by the Commission to Parliament, 6 that is 67 % were implemented; 3 that is 33% are still under process.

5.2. Implementation of recommendations on the complaints mentioned by the Commission in its annual report of 2015-2016.

Table no 45: Complaints mentioned in the Commission’s annual report for 2015-2016 and their level of implementation

<table>
<thead>
<tr>
<th>N°</th>
<th>Names</th>
<th>District of residence</th>
<th>Status of the complaint</th>
<th>Page number in the annual report 2015-2016</th>
<th>Current status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>NIKUZE Xavérine</td>
<td>Musanze</td>
<td>On 24th December 2014, NIKUZE Xavérine, was murdered after being raped; her body was thrown near Rwebeya river, in Nyange Sector.</td>
<td>Page 64</td>
<td>Under process Perpetrators were convicted by the High Court and appealed in the Supreme Court. The Case was not yet heard.</td>
</tr>
<tr>
<td>2.</td>
<td>NGIRIMANA Michel</td>
<td>Kirehe</td>
<td>He submitted a written complaint to the Commission, alleging that Nyakabungo School, for which he carried out construction works, has paid him half of the total amount due and owes him an amount of 260,000Frw.</td>
<td>Page 65</td>
<td>Solved: He was paid the remaining amount</td>
</tr>
<tr>
<td>3.</td>
<td>HABAZIMANA Faustin</td>
<td>Kirehe</td>
<td>HABAZIMANA Faustin was asking to be paid two million hundred fifty thousand Rwanda fracs(2,750,000Frw) for construction works he executed at G.S Nyawera.</td>
<td>Page 66</td>
<td>Solved because he was paid in full</td>
</tr>
</tbody>
</table>

<p>| 4. | MUKANTWARI     | NYARUGUR MUKANTWARI  |                                                                                         | Page 75-76                                   | Under                                                                      |</p>
<table>
<thead>
<tr>
<th><strong>5.</strong></th>
<th>NDAGIJIMANA Innocent</th>
<th>GATSIBO</th>
<th>His land located in Matunguru Cell, Rugarama Sector in which they build grouped houses when he was still a refugee in Tanzania. NDAGIJIMANA Innocent and his family have no land and did not receive any compensation.</th>
<th>Page 94-95</th>
<th>Not yet solved</th>
</tr>
</thead>
<tbody>
<tr>
<td>In letter n° CNDP/AUG/055/16.17 of 18 August 2016, the Commission requested the Minister of MINALOC to resolve NDAGIJIMANA Innocent’s complaint.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>6.</strong></th>
<th>UWIMANA Solina</th>
<th>MUHANGA</th>
<th>Nyarusange Sector took her sewing equipment including sewing machines, etc. to transform her sewing workshop into a police officers’ residence. Her equipment was not given back.</th>
<th>Page 95</th>
<th>Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>UWIMANA Solina was paid back the money and the sewing machines were given back to her.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>7.</strong></th>
<th>The Complaint of the population from Ninzi and Rwesero cells, Kagano Sector, Nyamasheke District, represented by</th>
<th>Nyamasheke</th>
<th>They alleged that in 2013, Nyamasheke District destroyed their crops including coffee, banana, bean and tree plantations in order to comply with the master plan</th>
<th>Page 65</th>
<th>Resolved as the compensation was paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case</td>
<td>Name</td>
<td>Location</td>
<td>Issue Description</td>
<td>Resolution</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>-----------------------</td>
<td>----------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>NTIGURIRWA Aphrodis</td>
<td></td>
<td>of the prospective City of Nyamasheke District without any compensation.</td>
<td>Under process Kicukiro District accepted to find another plot for him.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>NKUNDIMANA Célestin</td>
<td>Kicukiro</td>
<td>In 2003, Kicukiro District divided his land into plots and distributed them, leaving him without land.</td>
<td>Pages 69-70 Kicukiro District accepted to find another plot for him.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>KARAMIRA Cyprien</td>
<td>Kirehe</td>
<td>His complaint related to a shelter because his land was divided into plots that were distributed during his absence.</td>
<td>Resolved He was offered a new house</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>UWIMANA Vénéranda</td>
<td>Kirehe</td>
<td>UWIMANA Vénéranda complained for a shelter because their family land was divided into plots that were distributed, leaving them with 40m x 50m only.</td>
<td>Resolved She was given compensation</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>KANZAYIRE Jacqueline and her neighbours</td>
<td>Bugesera</td>
<td>EUCL destroyed their properties while installing electricity in Rweru Sector without compensation.</td>
<td>Resolved They were paid compensation thanks to letter n° CNDP/MAY/674/15. From the Commission to the Mayor of Bugesera District requesting to resolve the problem.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>NZABAMWITA Gaspard and his 18 neighbours</td>
<td>Bugesera</td>
<td>They were not paid compensation for their properties destroyed by SOGEA while installing water pipes.</td>
<td>Resolved They were paid compensation thanks to letter n° CNDP/MAY/673/15.16 to the Mayor of Bugesera District</td>
<td></td>
</tr>
</tbody>
</table>
Right to justice

| 13. | MAPFURIRO Canisius | Kirehe | Gahogo Gacaca Court convicted Mathias SEBUTURO, KWITONDA Ezéchiel and NZABAHIMANA of damaging the property of MAPFURIRO Canisius during the genocide against the Tutsi. The Court decided that they pay him four hundred ninety-five thousand Rwanda francs (495,000 Frw) but till then the court decision had not yet been enforced. The property that was damaged was located in Rurenge Village, Mareba Cell, Nyarubuye Sector, Kirehe District. | Page 73 | Not yet resolved |

| 14. | UWAMWEZI Rose | GATSIBO | She filed a divorce case against her husband before Kiramuruzi Primary Court. The court’s verdict ordered the divorce. Her husband was supposed to pay for child alimony and they had to share equally their properties consisting in a plot of land and a tree plantation. | Page 102 | Resolved |

| 15. | MUHAWENIMANA Marc | RUSIZI | MUHAWENIMANANA Marc, he was shot dead | Page 109 | Not yet resolved |
on 1 June 2010 by a forest ranger of Nyungwe forest, MUSABYEMUNGU Gérard. He was convicted of murder in criminal case no RP 0009/11/HC/RSZ. MUSABYEMUNGU Gérard was ordered to pay damages amounting to 3,000,000Frw to MANIRARORA Vérène and MANIRAFASHA Réponse and 1,500,000F as Lawyer’s fees, making a total of 4,500,000Frw. Judgment was not yet executed because the offender has relocated to another District. Nyamasheke District will make a follow up of this case for solution.

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<th>CHILD’S RIGHTS;</th>
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<td><strong>16. S.U</strong></td>
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<td><strong>17. HABIMANA MUNYEKAHWA</strong></td>
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As shown in the above table, out of 17 complaints submitted by the Commission to Parliament, both chambers, 11 complaints that is 66% were fully resolved; 3 complaints that is 17% were still under investigation while 3 complaints that is 17% were not yet resolved.

VI. CONCLUSIONS AND RECOMMENDATIONS

As provided by article 42 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 conferring to the National Commission for Human Rights the responsibility to promote Human Rights and

Regarding the promotion of human rights, the Commission’s activities were characterized by training workshops and lectures that were delivered to different categories of population on human rights in order to prevent human rights violations and build a human rights culture throughout the Country. The activities also included providing views on Bills and urging relevant institutions to ratify human rights conventions and submit reports on time.

Concerning the protection of human rights, the Commission monitored the respect for human rights in different places where violation of human right may occur. At its own initiative or upon request, the Commission made investigations on complaints related to human rights violations. The Commission made a follow up on the implementation of recommendations previously issued to relevant institutions.

The Commission is of the view that significant progress has been made in human rights promotion; this is evidenced by the increased effort from administrative organs especially local leaders in resolving complaints that were submitted to them. In 2015-2016, statistics on complaints show that 836 complaints were resolved. There was an increase of 3.7% compared to complaints that were solved in 2014-2015. In 2016-2017, resolved complaints totalled 930 in addition to the average of 11.2% compared to 836 complaints resolved in 2015-2016.

Based on its findings in its daily activities of promotion and protection of human rights in Rwanda, including civil and political rights, economic, social and cultural rights as well the rights of specific categories, the Commission is of the view that there is a remarkable progress in the respect for human rights in the country.

The Commission urges the following institutions to implement the following recommendations:

- **The Ministry of Local Government.**
  - Adopt a Ministerial Order determining missions, organization and functioning of Transit centers. The Order shall also determine criteria for selection and determination of people with deviant behaviors and will specify competent authorities to determine such people and the period of stay for those placed in the center as provided by article 33 of Law n° 17/2017 of 28/04/2017 establishing the national rehabilitation service and determining its mission, organization and functioning.
  - Establish regulations related to the registration of orphans that were placed in foster families in civil status records;
  - Establish strategies to help foster families to register children during the *Ubudehe* categorization process.
- Adopt a policy for the protection of the elderly;

- Make a follow up of the *Ubudehe* categorization for the poor elderly who live in conurbation;

- Establish strategies to treat mentally disabled persons who are brought to CARAES and left there without identification.

- Continue to raise awareness of the population against the culture of taking justice into their own hands and sensitize people to submit their complaints to the authorities in the framework of preventing murder offences.

➢ The Ministry of Justice

- Make a follow up on the living conditions of disabled prisoners in order to identify their problems and make advocacy for them, especially regarding the provision and repair of orthotics and prostheses.

- Ensure that all detainees on a 30 days provisional detention are transferred to prison.

➢ The Ministry of Gender and Family Promotion:

- Establish efficient strategies to punish careless parents and resolve domestic conflicts which jeopardize the child’s welfare and right to education.

- Finalize the program of finding foster families for children who are still in orphanages taking into account their financial capacity to meet children’s basic needs and to ensure their education.

➢ B. Ministry of Public Service and Labour:

- Ratify the International Convention on decent work for domestic workers enforced on 5 September 2013;

- Establish regulations governing industries regarding the insurance against accident, professional disability and diseases occurred at work place;

- Adopt strategies to monitor the respect of Law regulating labour in industries especially insurance against accident, professional disability and diseases occurred at workplace.

➢ Ministry of environment
- Establish rules and regulations governing dumping sites to avoid consequences that may be caused by wastes mismanagement;

➢ **Ministry of Health**

- Establish special procedures to protect the health employees at dumping sites for the prevention of professional diseases;

- Establish strategies to help poor disabled persons to access health insurance as provided by Order nº 20/19 of 27/7/2009 determining strategies to help persons with disability to access medical care;

- Accelerate the adoption of the Ministerial Orders provided for in the Law nº 49/2012 of 22/01/2013 establishing medical professional insurance.
VII. PLANNED ACTIVITIES FROM JULY 2017 TO JUNE 2018

During 2017-2018, in the framework of fulfilling its mandate entitled to it by the Constitution of 4th June 2003 as revised in 2015 and the law governing it, the National Commission for Human Rights will undertake the following activities:

- Continue to raise awareness of the population on human rights issues through different training workshops and lectures;

- Continue to receive, examine and monitor complaints on various categories of human rights violations aiming to solve them;

- Continue monitoring the respect for human rights around the country in their different categories including civil and political rights, economic, social and cultural rights as well as the rights of specific categories.

The Commission will continue to collaborate with other institutions operating in the field of human rights. Within this framework, in November 2017, the Commission will host the International Conference of NANHRI. The conference will focus on the role of NHRIIs in the implementation of the Sustainable Development Goals (SDGs- Agenda 2030).