

# RWANDA NATIONAL COMMISSION FOR HUMAN RIGHTS



## ASSESSMENT OF THE IMPACT OF ANTI COVID-19 PANDEMIC MEASURES ON HUMAN RIGHTS IN RWANDA: FROM MARCH TO OCTOBER 2020

KIGALI, DECEMBER 2020



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## LIST OF ABBREVIATIONS AND ACRONYMS

<b>ACHPR</b>	: African Charter on Human and Peoples' Rights
<b>ACRWC</b>	: African Charter on the Rights and Welfare of the Child
<b>CESTRAR</b>	: Centrale des Syndicats des Travailleurs du Rwanda
<b>CLADHO</b>	: Collectif des Ligues et Associations de Défense des Droits de l'homme
<b>COSYLI</b>	: Confédération des Syndicats Libre
<b>CRC</b>	: Convention on the Rights of the Child
<b>CSOs</b>	: Civil Society Organizations
<b>CRPD</b>	: Convention on the Rights of Persons with Disabilities
<b>DASSO</b>	: District Administration Security Support Organ
<b>ICCPR</b>	: International Covenant on Civil and Political Rights
<b>ICESCR</b>	: International Covenant on Economic, Social and Cultural Rights
<b>LAF</b>	: Legal Aid Forum
<b>NCHR</b>	: National Commission for Human Rights
<b>NPPA</b>	: National Public Prosecution Authority
<b>NRS</b>	: National Rehabilitation Services
<b>RBA</b>	: Rwanda Bar Association
<b>RBC</b>	: Rwanda Biomedical Centre
<b>RCS</b>	: Rwanda Correctional Services
<b>RDB</b>	: Rwanda Development Board
<b>REB</b>	: Rwanda Education Board
<b>REWU</b>	: Rwanda Extractive Workers Union
<b>RIB</b>	: Rwanda Investigation Bureau
<b>RMC</b>	: Rwanda Media Commission
<b>RNP</b>	: Rwanda National Police
<b>SYNEDUC</b>	: Syndicat des Enseignants et autre personnel de l'Education dans le Secteur Privé
<b>WHO</b>	: World Health Organization

## EXECUTIVE SUMMARY

Early March 2020, Rwanda took preventive measures to curb down the spread of COVID-19 pandemic. Upon the confirmation of its first case on 14th March 2020, measures were taken gradually to contain its spread. On the 21st March 2020, a nationwide lockdown was imposed and accompanied by other measures including the closure of the airspace and land borders, the ban of non-essential outdoor movements, the ban of inter-District movements, the imposition of curfew hours and closing or suspension of non-essential business activities, the closing of schools and temporary suspension of court hearings to contain the spread of the pandemic. Those measures were taken gradually based on the daily national health assessment situation reports.

This report analyzed the measures adopted by the Government of Rwanda to curb the spread of COVID-19 pandemic through Human Rights lenses. The assessment was conducted by the National Commission for Human Rights (NCHR) pursuant to article 7 (8) of the Law N° 19/2013 of 25/03/2013 modified by the Law N° 61/2018 of 24/08/2018 determining its Mission, Organization and Functioning which mandates it inter alia to carry out researches on thematic issues and publish findings with the purpose of promoting Human Rights.

The assessment covered 15 districts whereby 3 districts were selected in each province and the City of Kigali. It focused on 11 rights namely the right to life, right to physical and mental integrity, right to due process of law, freedom of movement and residence, right to information, the right to security and liberty, freedom of expression, right to health, right to education, right to work and the right to adequate standard of living.

The assessment was conducted qualitatively focusing on respondents' views and perceptions on the impact of adopted anti COVID-19 measures on human rights. The NCHR interviewed 706 key informants who were drawn from public institutions, private sector, Civil Society Organizations as well as ordinary individual citizens. A human rights based approach desk review was conducted on documents related to COVID-19 and human rights instruments. The NCHR further collected written information from public institutions, Civil Society Organizations, Religious Leaders Forum and Trade Unions. This assessment also considered data collected by the NCHR in its preliminary assessment conducted between March and June 2020 on human rights situation during COVID-19.

The NCHR found that the adopted anti-COVID-19 pandemic measures by the Government of Rwanda objectively aimed to protect the lives of the people living in Rwanda. It was found that the Government of Rwanda has made substantial progress in putting under control the spread of COVID-19 through the adoption and implementation of various measures to curb the spread of COVID-19 though, those measures affected the enjoyment of human rights in one way or another.

**The right to life:** It was noted that the overall objective of the adopted anti-COVID-19 measures was to protect the lives of people living in Rwanda. However, the NCHR observed 3 incidents in Rwamagana, Ngoma and in Nyanza Districts that allegedly involved the death of 4 citizens by some police officers while enforcing anti -COVID-19 measures. The Commission noted the on-going criminal proceedings for those who were involved into acts which amounted to the violation of the right to life.

**The right to physical and mental integrity:** The NCHR noted incidents of power abuse in Gasabo, Kicukiro, and Musanze Districts by some soldiers, local leaders and night patrol agents during the enforcement of COVID-19 preventive measures. The Commission noted that there has been convictions in courts for offenders who abused power which led to assault and injury.

**The right to due process of law:** It was found that the right to be tried within reasonable time was temporarily affected by the suspension of court hearings as a measure adopted to curb the spread of COVID-19. The temporal suspension of court hearings and pre-trial conferences contributed to an increase of backlog of cases which rose from 13,010 in the year 2018/2019 to 25,356 in the year 2019/2020. The judiciary resorted to the use

of skype and videoconference to ensure the respect of the right of suspects to be tried within reasonable time. The use of videoconference has faced challenges as some court houses and prison facilities lack adequate information technology infrastructure. With the gradual ease of restrictions, court hearings have resumed slowly to function progressively as before.

**The right to liberty and security:** It was found that detainees were informed about the cause and nature of the crimes being prosecuted and the right to a defense and legal counsel was respected. Detainees were subjected to quarantine and COVID-19 testing, though in some cases, testing was not timely done and thus leading to delays in transferring detainees to prisons for provisional detention and/or those sentenced to imprisonment and that would cause congestion in RIB stations. It was noted that mitigating measures on congestion were adopted whereby suspects of minor offences were released to be tried out of detention to decongest RIB stations and some convicts were conditionally released to decongest prison facilities.

**The freedom of expression:** The NCHR observed that freedom of expression was generally respected and more importantly individuals freely expressed their critical and appreciative views on COVID-19 measures without any legal consequences. It was noted that journalism was among essential services allowed to continue to work even during the nationwide lockdown. The NCHR monitored cases involving journalists whose freedom of expression was allegedly violated while they were carrying out their duties especially during the total lockdown and found that the arrest of one of them as well as sanctions taken against the others were not linked to their freedom of expression. It was found that they were arrested for violation of the anti-COVID-19 measures and/or other crimes.

**The right to information:** It was generally observed that the general population received information on COVID-19 preventive measures from media, different Government institutions, private sector, religious organizations and local authorities through different means including radio talk shows and TV broadcasts, posters, billboards, mobile vehicle using megaphones, etc. In addition, the Government of Rwanda deployed drones to spread messages in relation to COVID-19 prevention. However, it was found that sign language was not extensively integrated in the communication campaign.

Importantly, the NCHR observed that the right to impart information was respected during the assessment period as journalism was classified amongst essential services and thus journalists were allowed to continue carrying out their duties even during the nationwide lockdown period and, in that regard, the Rwanda National Police issued pass cards to journalists allowing them to access information on field.

**The freedom of movement and residence:** The Commission observed that free movements were restricted in order to control the spread of COVID-19. Though Rwanda's airspace and borders were closed, an exception was given to returning citizens, legal residents, foreigners living in Rwanda wishing to leave the country and also goods were allowed to move. The Government paid all the necessities for Rwandans and legal residents who returned home during the required period of confinement, before going to their families. The NCHR noted efforts made to ensure the free movement of goods such as the establishment of Kiyanzi dry port in Kirehe District, accommodation centers for drivers of trucks and staff deployed to the port, certification of trucks for inter-districts and inter-province shipments among others. It was noted that the restrictions on the freedom of movement were eased gradually as the spread of COVID-19 came into control.

**The right to health:** The NCHR found that the right to health was respected as the Government of Rwanda put in place guidelines to prevent the spread of COVID-19 prior and after the confirmation of the first case of COVID-19. The Government has provided free of charge accommodation, food and testing to returning Rwandan citizens and legal residents when they were subjected to mandatory quarantine till 18 May 2020. The same was also provided to suspects of COVID-19 who were quarantined. The Government has continued to provide free treatment for any person tested positive. It was found that during the nationwide lockdown period the

Government made special efforts to continue providing medical care services by transferring doctors to nearby health centers and providing transport to patients transferred to hospitals among others. However, the NCHR observed that community health workers were not provided with personal protective equipment to enable them continue their work within the community in addition to the limited number of testing kits and the non-existence of a law on public health emergency.

**The right to education:** It was observed that the right to education was affected by the closure of schools as a measure to curb the spread of COVID-19. The Government provided free transportation to all boarding secondary school students to return to their respective families. In a bid to continue learning amidst schools' closure, training of teachers was organized and the Government established e-learning services through different channels including telephones, websites, YouTube, TVs and Radios for pre-primary, primary and secondary schools and university students. However, it was observed that students from remote rural areas and those from poor families faced the challenge in terms of accessibility to e-learning services. It was also noted that the e-learning programs took less consideration on the needs of students with disabilities. In order to reduce congestion in schools and more importantly to reduce the spread COVID-19, the NCHR was informed about the construction of 22,500 classrooms all over the country and the recruitment of teachers.

The NCHR noted concerns on the high likelihood of school dropout as a consequence of prolonged closure of schools which exposed children to labor and reportedly increase of teen pregnancy.

**The right to work:** The NCHR noted that the right to work was initially affected by the closing and suspension of some activities as measure to prevent the spread of COVID-19. This had led to the increase of unemployment rate between February and May 2020. However, this trend has been reversed with the gradual re-opening of businesses and activities. The unemployment rate decreased from 22.1% in May 2020 to 16% in August 2020 (NISR,2020)<sup>1</sup>.

It was found that the right to work was respected in the public service as employment contracts were neither terminated nor suspended as a consequence of anti COVID-19 measures. However, the NCHR observed that, in the private sector, this right was negatively affected as employment contracts were either terminated or suspended.

The NCHR noted the establishment of Rwanda's Economic Recovery Plan whose priority 4 is to support businesses and protect jobs. According to the said plan, companies will be supported to deliver the most immediate impact on economic performance and jobs. The Economic Recovery Plan will also support the private sector through its Economic Recovery Fund under which the Government has rolled out a number of temporary policies (monetary and fiscal including tax relief measures) to cushion the economic impact of the pandemic so as to support businesses through this period of disruption.

**The right to an adequate standard of living:** The NCHR found that the current COVID-19 crisis affected many households in realizing their right to an adequate standard of living especially casual laborers during the lockdown period and thus affecting their ability to meet their basic needs. Nevertheless, the NCHR noted that the Government, in collaboration with the private sector, religious associations and the community provided food and other basic necessities to the needy including the persons with disabilities, the elderly, people in quarantine due to COVID -19 and others including vulnerable foreigners who were in the country at the time.

In short, the NCHR found that various measures adopted by the Government of Rwanda including the restrictions of movements, temporal ban on public transport, closing schools, closing of borders and the shutting up of businesses were aimed at mitigating the adverse impact of the spread of the COVID-19 pandemic.

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<sup>1</sup> National Institute of Statistics of Rwanda (2020). Labour Force Survey . August, 2020

The Government of Rwanda provided alternative interventions to address the negative impact of some measures on the affected persons. However, COVID-19 pandemic has affected the enjoyment of human rights in different ways and its consequences are still apparent. Thus much efforts are required to build back better by putting Human Rights at the core of recovery.

# I. INTRODUCTION

## 1.1. Background

In December 2019, the World Health Organisation (WHO) Country Office in the People's Republic of China picked up a media statement by the Wuhan Municipal Health Commission which reported cases of 'viral pneumonia' in Wuhan and on the 30th of January 2020, the WHO declared coronavirus as a public health emergency of international concern<sup>2</sup>. On the 11th of February 2020, the WHO announced "COVID-19" as the name of this new pandemic<sup>3</sup>. Rwanda declared the first confirmed case of COVID-19 on 14th March 2020<sup>4</sup>.

Rwanda like other countries took different preventive measures as a response to curb the spread of the pandemic with a focus on the health and safety of the people.

The NCHR noted that upon confirmation of the first case, the Government of Rwanda immediately issued a national COVID-19 prevention and response plan and mobilized means for its implementation. This plan has been guiding the Government of Rwanda's actions in relation to COVID-19.

It was observed that the Office of the Prime Minister issued a public notice on 06 March 2020 on preventive measures despite the fact that no single case of COVID-19 was declared in Rwanda. In the same notice, a multidisciplinary team was set up to assess and strengthen preparedness and response to the epidemic. In addition, the Ministry of Health developed a national preparedness and response plan from March to August 2020.

On the 8th of March 2020, the Ministry of Health issued instructions for COVID-19 screening at points of entry which stated that all travelers arriving in Rwanda at all entry points will be screened. These instructions moreover provided contact tracing for asymptomatic traveler coming from countries with confirmed coronavirus cases. The Ministry of Health issued user friendly information aiming at raising awareness of the population on COVID-19 prevention and symptoms as well.

On the 8th of March 2020, the City of Kigali issued a communiqué to the public about the postponement of all public gatherings including entertainment concerts, exhibitions, festivals, open-days and Sports activities from 8 March 2020 until further notice as a preventive measure of COVID-19 pandemic.

The same communiqué reminded owners of Hotels, Bars, Restaurants, Night Clubs, Churches, sport centres to strengthen measures for prevention of the spread of COVID-19 by availing hand washing equipment (Kandagira ukarabe, soaps and hand sanitizers) for those accessing their facilities.

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<sup>2</sup> World Health Organization Timeline: WHO's COVID-19 response .Available at <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/interactive-timeline#>>Accessed on 23 October 2020. Read also World Health Organization WHO –Director General's statement on IHR Emergency Committee on Novel Coronavirus (2019-nCoV). Available at <[https://www.who.int/dg/speeches/detail/who-director-general-s-statement-on-ihremergency-committee-on-novel-coronavirus-\(2019-ncov\)](https://www.who.int/dg/speeches/detail/who-director-general-s-statement-on-ihremergency-committee-on-novel-coronavirus-(2019-ncov))>>. Further reading World Health Organization Timeline of WHO's response to Covid-19. Available at << <https://www.who.int/news/item/29-06-2020-covid-timeline>>> Accessed on 3 September 2020

<sup>3</sup> World Health Organization Naming the coronavirus disease (COVID-19) and the virus that causes it" Available at<[https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-\(covid-2019\)-and-the-virus-that-causes-it](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-(covid-2019)-and-the-virus-that-causes-it)> Accessed on 5 September 2020

<sup>4</sup> World Health Organization First Case of COVID-19 confirmed in Rwanda. Available at << <https://www.afro.who.int/news/first-case-covid-19-confirmed-rwanda>>> Accessed on 10 September 2020.

Upon confirmation of the first case of COVID-19, the Government of Rwanda adopted measures to curb its spread which included inter alia the closure of places of worship and schools from 15 and 16 March 2020 respectively.

On 21 March 2020, the Government of Rwanda imposed a nationwide lockdown accompanied by other strict measures to control the spread of COVID-19 pandemic.

The National Commission for Human Rights got concerned with the impact of COVID-19 pandemic on the enjoyment of Human Rights as a result of the imposed measures to prevent the spread of COVID-19 pandemic and thus conducted the assessment of the situation of Human Rights in Rwanda during this period of COVID-19.

This assessment was conducted under the Commission's powers provided for by the Law N° 19/2013 of 25/03/2013 modified by the Law N° 61/2018 of 24/08/2018 determining mission, organization and functioning of the National Commission for Human Rights in its Article 7(8o) which stipulates that in order to fulfil its mission "the Commission shall carry out research on thematic issues and publish findings with the purpose of promoting human rights".

This assessment exclusively focused on the right to life, the right to due process of law, freedom of movement and residence, the right to physical and mental integrity, the right to liberty and security, the right to information, freedom of expression, the right to health, the right to education, the right to work and the right to an adequate standard of living.

## 1.2. Objectives

### 1.2.1. General objective

The general objective of this assignment was to assess the impact of anti-COVID-19 measures on human rights in Rwanda.

### 1.2.2. Specific objectives

The specific objectives were the following:

- To identify the adopted anti-COVID 19 measures and assess their compliance with human rights principles;
- To monitor the respect of human rights during the implementation of adopted measures to curb COVID-19 pandemic;
- To formulate recommendations to the relevant institutions to ensure the respect of human rights during COVID-19 pandemic period.

## 1.3. Scope of the assessment

### 1.3.1. Time scope

The assessment covered the period between March and October 2020. March has been chosen as the starting period as the first measures related to COVID-19 were taken during this month of the year. The month of October 2020 was chosen for the only purpose of the timeframe within which the assessment was carried out in terms of field interviews and analysis of findings as well as report drafting.

### 1.3.2. Population sample

Key informants were drawn from public institutions, private sector, civil society organisations as well as ordinary individual citizens. Key informant interviews were supported by the developed questionnaire guides and they served to get first-hand information on the ground. The total number of interviewed individuals during this assessment was 706. They include 100 officials who were drawn from public institutions (Ministries and Agencies), the City of Kigali, local entities (Districts, Sectors, Cells and Villages), private sector and Civil Society Organizations. The list of institutions that provided information are in the annex.

They also include 606 individual citizens drawn from the public. Individual citizens include those who were either affected by the enforcement of anti-COVID 19 preventive measures or sanctioned for not adhering to them. With regard to the profile of interviewed individual citizens, it is useful to note that they are from various different walks of life including but not limited to primary sector actors, hotel managers, restaurant managers, transport company managers, community health workers, teachers, taxi -moto and taxi- bicycle riders, tailors, mechanics, small scale traders, etc.

### 1.3.3. Geographic Scope

Field interviews were conducted in 15 out of 30 districts as administrative entities: Gakenke, Gicumbi and Musanze Districts (Northern Province); Huye, Muhanga and Nyanza Districts (Southern Province); Kirehe, Rwamagana and Nyagatare Districts (Eastern Province); Karongi , Rubavu and Rusizi Districts (Western Province) and Gasabo, Kicukiro and Nyarugenge Districts (City of Kigali). The rationale for selection of the 15 Districts is discussed below.

Concerning the Northern Province, the selection of Musanze District was for the main reason that it is a touristic destination and it was anticipated that COVID-19 pandemic had negatively impacted the hospitality industry particularly tourism in Musanze District. The selection of Gakenke District was due to the fact that it was reported in the media that this District topped other Districts in the Northern Province in terms of taking administrative fines in relation to the breach of COVID-19 pandemic measures. Gicumbi District was selected based on the fact that media reported a number of incidents in this District where Rwandan citizens returned from Uganda crossed through un-official entry points.

With regard to the Eastern Province, the selection of Rwamagana District was influenced by the fact that this is a secondary city and more importantly it hosts the headquarters of the Eastern Province. The selection of Kirehe District was justified by the fact that Kirehe District borders with Tanzania in the Eastern part of Rwanda and the majority of its residents rely on cross border trade and other activities with Tanzanian citizens. The selection of Nyagatare District was based on the fact that it shares a border with the Republic of Uganda in the North and its residents are fully engaged in cross border trade and other activities with Ugandan citizens.

As far as the Western Province is concerned, the selection of Karongi District was based on being a tourist destination and it was anticipated that COVID- 19 had affected the tourism sector and the well-being of its residents. Rubavu and Rusizi Districts were selected for the reasons that their residents mostly rely on cross-border trade with the Democratic Republic of Congo and thus, the closure of borders affected the livelihood of Rubavu and Rusizi residents. Secondly, the residents of Rubavu and Rusizi have been put twice on lockdown.

Concerning the Southern Province, Nyanza District was chosen as it hosts the headquarters of the Southern Province and the reported incidence of 2 persons who were allegedly shot dead by Police officers while enforcing the COVID-19 pandemic preventive measures. The selection of Muhanga District was based on the fact that it is a secondary city and in addition that it hosts the headquarters of the Rwanda Cooperative Agency, one of the key institutions whose leaders and staff were to be interviewed. The District of Huye was selected because

the city of Huye hosts one of the oldest Universities (University of Rwanda) and many businesses which were strategically established there to tap students' consumption of their goods and services. The temporary closure of the campus as a result of COVID-19 pandemic negatively affected residents' livelihoods in Huye District including those involved in the supply chain.

Lastly, the selection of the three Districts of Kigali City is for two major reasons: the City of Kigali is both the economic and administrative capital of Rwanda. As an administrative capital, Kigali hosts the majority of headquarters of the institutions whose officials were interviewed. As the economic capital, Kigali hosts major economic activities including manufacturing, service industry to name but a few. Last but not least, Kigali is also the biggest city in the country with citizens mainly relying on economic activities and employment.

## II. METHODOLOGY

The assessment was qualitatively conducted whereby the Commission collected respondents' views and perceptions on the impact of adopted anti COVID-19 measures on human rights. The primary data collection was conducted through site visits, interviews and questionnaires while secondary data was gathered through the desk review as well as the written information collected from different government institutions, private sector and civil society organizations.

The assessment also considered the findings from the preliminary report on the situation of human rights in Rwanda during the Covid-19 pandemic period conducted on by the National Commission for Human Rights between March and June 2020.

### 2.1. Secondary data collection

With regard to secondary data collection, a desk review on existing literature on the adopted COVID-19 measures from a Human Rights perspective was conducted. In this regard, the first step analyzed the written adopted measures and their compliance with international and regional human rights instruments ratified by Rwanda and National laws.

The second analysis focused on the information which was previously gathered by the National Commission for Human Rights, statistical reports from the National Institute of Statistics, instructions from the Local Government and media reports on the implementation of anti-COVID-19 measures.

The NCHR further collected written information from public institutions, Civil Society Organizations, Private Sector and Trade Unions. A list of institutions that provided information is annexed to this report.

### 2.2. Primary data collection

Primary data was gathered through interviews with key informants, monitoring different facilities and investigating cases of human rights violations/abuses during the COVID-19 pandemic period. The NCHR conducted physical face to face interviews with various institutions including public, private, civil society organizations and individual citizens. In addition, the NCHR administered questionnaires and acquired information from different institutions as regard to measures taken to mitigate negative impacts of COVID-19 on the full enjoyment of human rights.

### III. FINDINGS

This chapter presents the findings against Rwanda's legal framework, international and regional human rights instruments ratified by Rwanda in relation to the rights assessed. As mentioned, this assessment exclusively focused on the right to life, the right to physical and mental integrity, the right to liberty and security, the right to due process of law, freedom of movement and residence, freedom of expression, the right to information, the right to health, the right to education, the right to work and the right to an adequate standard of living.

#### 3.1. The Right to life

The right to life can be understood as the freedom from arbitrary deprivation of life. Deprivation of life involves an intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission.<sup>5</sup> The right to life is protected under the national, regional and international legal framework. Indeed, article 12(1) of the Constitution of the Republic of Rwanda of 2003 revised in 2015 guarantees the right to life by stating that: "no one shall be arbitrarily deprived of life". It must be noted that the Law N°68/2018 of 30/08/2018 determining offences and penalties in general criminalizes murder,<sup>6</sup> infanticide<sup>7</sup> and manslaughter.<sup>8</sup>

In addition, the right to life is provided for in the article 6 (1) of the International Covenant on Civil and Political Rights (hereafter ICCPR)<sup>9</sup>, article 6 of the Convention on the Rights of the Child (hereafter CRC)<sup>10</sup>, article 4 of the African Charter on Human and Peoples' Rights (hereafter the ACHPR)<sup>11</sup>, article 5(1) of the African Charter on the Rights and Welfare of the Child (hereafter ACRWC)<sup>12</sup> and article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (hereafter the Maputo Protocol)<sup>13</sup>.

The Commission found that, in the context of enforcement of COVID-19 pandemic preventive measures, the overall objective of the adoption of these measures were to protect the lives of the people living in Rwanda.

However, the NCHR observed allegations of involvement of some police officers in incidents leading to the death of citizens while enforcing anti -COVID-19 measures. The Commission noted then on-going criminal proceedings for those who were involved in acts which amounted to the violation of the right to life in the Districts of Rwamagana ,Ngoma and Nyanza.

In Nyanza District, the NCHR investigated the deadly shooting of NYIRIMANA Jean Claude and NYANDWI Emmanuel by Inspector of Police GATERA Gilbert on 24 March 2020 and found that the suspect was detained at Karubanda Prison (Huye District) as his trial was still going on.

Regarding the death incident in Rwamagana District, the NCHR was informed by the Rwanda National Police (RNP) that on the 1st of August 2020, Police Constable GATERA Jean Pierre allegedly assaulted NGABOYAMAHINA Flavien and this physical assault led to the death the later 2 days after the incident. Police Constable GATERA Jean Pierre was detained in Rwamagana Prison awaiting his trial.

<sup>5</sup> Office of the High Commissioner for Human Rights General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life. CCPR/C/GC/36. Adopted on the 30th of October 2018

<sup>6</sup> Article 107 of the Law N°68/2018 of 30/08/2018 determining offences and penalties

<sup>7</sup> Article 108 of the Law N°68/2018 of 30/08/2018 determining offences and penalties

<sup>8</sup> Article 111 of the Law N°68/2018 of 30/08/2018 determining offences and penalties

<sup>9</sup> Rwanda ratified the ICCPR on 01/03/1975

<sup>10</sup> Rwanda ratified the CRC on 1/11/1990

<sup>11</sup> Rwanda ratified the ACHPR on 15/07/1983

<sup>12</sup> Rwanda ratified the ACRWC on 15/11 /2001

<sup>13</sup> Rwanda ratified the Maputo Protocol on 24/06/2004

In Ngoma District, BIZUMUREMYI, a police constable was detained on suspicion of shooting dead Nsengiyumva Evariste while enforcing COVID-19 measures on 30 August 2020. The suspect was later provisionally released by the Primary Court of Sake in Ngoma District.

The NCHR will continue to monitor the criminal proceedings in relation to the above mentioned incidents which negatively affected the right to life.

### 3.2. Right to physical and mental integrity

The right to physical and mental integrity should be understood as the right of an individual to be protected from torture, inhuman, cruel and degrading treatment or punishment.<sup>14</sup>

The right to physical and mental integrity is guaranteed under the Rwandan National legal framework and regional and international human rights treaties ratified by Rwanda.<sup>15</sup>

The right of everyone to physical and mental integrity is recognised under article 14 (1) of the Constitution of the Republic of Rwanda of 2003 as revised in 2015. In addition, article 14 (2) of the same Constitution prohibits torture or physical abuse, cruel, inhuman or degrading treatment. Furthermore, the Rwandan national legal framework criminalizes acts which amount to torture, cruel as well as inhuman treatment.<sup>16</sup>

As regards the regional and international human rights instruments, it is important to note that article 7 of the ICCPR, article 15 of the Convention on the Rights of Persons with Disabilities (CRPD)<sup>17</sup>, article 37 (a) of the CRC, article 5 of the ACHPR, article 4 of the Maputo Protocol and article 16 of the ACRWC guarantee the right to freedom from torture, inhuman, cruel and degrading treatment or punishment.

The Commission noted that some of the local leaders and night patrol agents commonly known in Kinyarwanda as “Abanyerondo” abused power during the enforcement of COVID-19 pandemic preventive measures. Positively, the Commission noted the prosecution of those who were involved.

Interview with the RNP revealed that ISHIMWE Moise was physically assaulted and injured in Gatenga Sector in Kicukiro District on 20 August 2020 by a team of local night patrol agents composed of KAMEGERI Emmanuel, MUTUYIMANA Eric, NZAHORANYISENGA Gilbert, NIYONSHUTI Elysé and MUKANDAYIRINGIYE Thérèse for not complying with anti COVID-19 measures. The NCHR was informed that the case involving the above-mentioned members of the local night patrol agents was handed over to RIB for further investigation.

In Musanze District, the Commission was informed about criminal proceedings and administrative sanctions taken against the Executive Secretaries of Busogo, Cyuve, Gacaca and Kinigi Sectors, the Executive Secretary

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<sup>14</sup> For an in-depth definition, please read Office of the High Commissioner for Human Rights General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment). This General Comment was adopted on 10 March 1992. The now defunct European Human Rights Commission defined inhuman treatment as “at least such treatment as deliberately causes severe suffering, mental or physical, which in the particular situation is unjustifiable.

<sup>15</sup> Rwanda is a party to the International Covenant on Civil and Political Rights, Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the African Charter on Human and Peoples’ Rights, the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa ( Maputo Protocol)

<sup>16</sup> Article 112 of the Law N°68/2018 of 30/08/2018 determining offences and penalties criminalizes torture. Articles 120 and 121 criminalize physical assault or battery with various sentences depending on the gravity of the acts.

<sup>17</sup> Rwanda ratified the CRPD on 15/12/2008. It must also be noted that Rwanda ratified the Convention against Torture and Other Punishment, Cruel, Inhuman or Degrading Treatment on 01/10/2008.

of Kabeza Cell and 2 agents of DASSO (District Administration Security Support Organ) following incidents where they were alleged to assault citizens for not complying with anti COVID-19 measures.

In Gasabo District, the NCHR noted that Private NDAYISHIMIYE Patrick and Private NISHIMWE Fidele, members of the Rwanda Defense Force were alleged of assault, injury, theft and rape committed against 3 women in Kangondo Cell. It was later noted that Private NDAYISHIMIYE Patrick was not found guilty of rape and theft, but guilty of assault and injury and was sentenced. Private NISHIMWE Fedele was not guilty of rape, assault, injury and theft but together with other two civilians MUKAMULISA Diane and NTAKAZIRAHU Donat was guilty of concealing an offence and all were sentenced<sup>18</sup>.

In brief, the right to physical and mental integrity was negatively affected as some of local leaders and security agents abused power while enforcing anti COVID-19 measures. Nevertheless, the Commission took note of subsequent prosecution of those who were involved in violation of this right.

### 3.3. The Right to liberty and security of person

The liberty of person should be understood as freedom of an individual from confinement<sup>19</sup>. This right also means that no one may be deprived of his freedom except for reasons and conditions previously laid down by laws.

Article 24(2) of the Constitution of the Republic of Rwanda of 2003 revised in 2015 recognizes the right of everyone to not be subjected to arrest or detention unless provided for by laws in force at the time the offence was committed. In addition, the Law N° 027/2019 of 19/09/2019 relating to criminal procedure sets the time limit an individual can be detained prior to his or her appearance before the court. The right to liberty and security is guaranteed under article 9 (4) of the ICCPR, article 14 of the Convention on the Rights of Persons with Disabilities (CRPD) and article 6 of the ACHPR.

The NCHR found that during the COVID-19 pandemic, the laws governing arrest and detention continued to be respected. Detainees were informed of the cause and nature of the crimes being prosecuted and the right to a defense and legal counsel was respected.

It was observed that the decision to temporarily suspending court hearings was taken as a measure to stop the spread of COVID-19 and this led to delay of hearing of criminal cases, thus going beyond the time limit as provided under the laws.

It was noted that law enforcement agencies adopted and implemented measures to curb the spread of COVID-19. In this regard, interviews with RIB and NPPA revealed that all apprehended suspects were subjected to quarantine to undergo COVID-19 testing before being interrogated by the prosecutors and then prosecuted before the Court.

It was observed that the testing of apprehended suspects was not always carried out timely and this contributed to delays in transferring detainees to prisons for provisional detention and/or those sentenced to imprisonment and that could cause congestion in RIB stations.

The NCHR took note of measures taken by RIB and NPPA in addressing the above-mentioned challenge posed by COVID-19 pandemic in relation to the respect of the right to liberty and security of person. It was also noted that RIB and NPPA released individuals suspected to have committed minor offenses in different courts and thus on 09 April 2020, 1,182 detainees were released countrywide and on 27 April 2020 a second group of 1,673

<sup>18</sup> Case RP 00259/2020/MT

<sup>19</sup> Office of the High Commissioner for Human Rights General Comment No.35 on the right to liberty and security of person (article 12). This General comment was adopted in 2014

detainees were also released countrywide. Interview with NPPA revealed that the conditional release was an effort to de-congest RIB stations as a preventive measure against the spread of COVID-19 pandemic.

The NPPA further informed the NCHR about the conditional release of suspects of minor offences across the country and particularly in September and October 2020 in the districts of Kigali namely Gasabo, Kicukiro and Nyarugenge from RIB stations.

As far as the District of Gasabo is concerned, between September and October, 276 suspects of minor offences were released in 2 different cohorts with 112 for the first cohort and 164 in September for the second cohort in October 2020. Regarding the District of Kicukiro, 75 suspects of minor offences were released in October. In Nyarugenge District, 307 suspects of minor offenses were released in 2 different cohorts with 154 for the first cohort in September 2020 and 153 for the second cohort in October 2020.

The Cabinet resolutions of 18 May 2020 approved the Ministerial order granting conditional release of 3,596 convicts. Subsequent to the mentioned cabinet decision, the said ministerial order was promulgated in the Official Gazette n° 14 of 19/05/2020.

Interviews with Rwanda Correctional Services (RCS) officials revealed that measures to control the spread of COVID-19 in prison settings were taken such as suspension of visits and establishment of temporary quarantine sites for new inmates pending COVID-19 testing.

The RCS also revealed that inmates who were released after serving their sentences were provided free transportation by RCS to enable them to return to their respective homes as there was a ban on public transport and also movement between districts as a preventive measure against COVID-19 pandemic.

Generally, it was noticed that the initial suspension of court hearings by the Judiciary in order to prevent COVID-19 contamination in courtrooms affected the right to liberty and security of person but subsequent mitigating measures were adopted to ensure the respect of the right of suspects and accused persons to liberty and security such as the conditional release of suspects of minor offenses and some convicts in addition to free transportation of released inmates. The NCHR is of the view that a better coordination is needed to ensure that detainees on pre-trial detention and convicts are timely tested and transferred to prisons.

### 3.4. Right to due process of law

Due process is a legal requirement that the State must respect all of the legal rights that are owed to a person.<sup>20</sup> The right to due process of law is recognized under article 29 of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

This constitutional provision contains guarantees which are very important in the context of COVID-19 such as the right to legal representation and the right to appear before a competent court. The right of a suspect or accused to seek a legal counsel of his or her choice and to have private communication with him or her is guaranteed under Articles 46 (1) and 68 (2) of the Law N° 027/2019 of 19/09/2019 relating to the criminal procedure.

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<sup>20</sup> OHCHR, (2014). Basic Human Rights Reference Guide: Right to a Fair Trial and Due Process in the Context of Countering Terrorism Available at << <https://www.ohchr.org/en/newyork/documents/fairtrial.pdf> >>

Article 14 of the ICCPR and Article 7 of the ACHPR recognize the right of a suspect or an accused person to inter alia choose and communicate with his or her counsel (lawyer) and be tried without undue delay.<sup>21</sup>

With regard to the right to be tried within reasonable time, it was observed that the temporary suspension of court hearings affected this right.

On the 2nd of May 2020, the High Council of Rwanda Judiciary informed the public about the suspension of all Court hearings and pre-trial conferences for a period of 2 weeks effective from May 4th, 2020 as a preventive measure to curb the spread of COVID-19<sup>22</sup>.

The Supreme Court showed that the delay caused by temporary suspension of court hearings and pre-trial conferences led to an increase of backlog cases from 1,310 in the year 2018/2019 to 25,356 in the year 2019/2020.

The NCHR noted that Judiciary gradually resumed court hearings through skype, videoconferences<sup>23</sup> as well as open hearings.

With regard to the right to choose and communicate with one's counsel, it was observed that in the first days of nationwide lockdown, this right was affected as lawyers could not communicate with their clients. It was later noted that upon the set-up of skype and videoconference hearings, it embarked on communicating with the Rwanda Bar Association (RBA) about hearing dates to enable lawyers to provide legal support to their clients. Lawyers who were to represent their clients were allowed by the police to move from their respective homes or law firms to meet their clients (accused or suspects).

Interviews with the Judiciary, NPPA, RIB and RBA revealed that poor internet connection was a challenge to skype and video-conference hearings and more importantly not all court and prison facilities had adequate infrastructure in terms of information and technology.

It was generally observed that the right to be tried within reasonable time and the right to a legal counsel as some of the guarantees of the right to due process were affected by measures adopted to curb the spread of COVID-19 but measures were gradually adopted to mitigate those challenges to ensure the respect of the right to due process. However, there is still need to improve the information technology infrastructure to ensure the respect of the right to be tried within reason time.

### 3.5. Freedom of expression

Freedom of expression refers to the ability of an individual or group of individuals to express their beliefs, thoughts, ideas, and emotions about different issues free from government censorship<sup>23</sup>.

The freedom of expression is protected under article 38 (1) of the Constitution of the Republic of Rwanda of 2003 revised in 2015. Besides the Constitution, it is useful to note that Article 8 of the Law n°02/2013 of 08/02/2013 regulating media provides that every journalist has the right to freedom of opinion and expression.

<sup>21</sup> The African Commission on Human and Peoples' Rights developed the Principles and guidelines on the right to a fair trial and legal assistance in Africa which provide a comprehensive list of guarantees in relation to the right to a fair trial. For further African Commission on Human and Peoples' Rights The Principles and guidelines on the right to a fair trial and legal assistance in Africa

<sup>22</sup> <https://twitter.com/RwandaJudiciary/status/1256671056649166849/photo/2>

<sup>23</sup> <https://www.freedomforuminstitute.org/about/faq/what-is-freedom-of-expression/>

Under regional and international legal frameworks, the right to freedom of expression is recognized under article 19 of the ICCPR, article 9 of the ACHPR and article 4 of the African Youth Charter.<sup>24</sup>

The NCHR observed that freedom of expression was generally respected and more importantly individuals freely expressed their critical and appreciative views on COVID-19 measures without any legal consequences.

The NCHR noticed that a group of 13 national non-governmental organizations petitioned the Office of the Prime Minister where they questioned some of the measures to curb the spread of COVID-19 pandemic.<sup>25</sup> None of the key informants revealed incidents where freedom of expression was infringed in the context of COVID-19 pandemic.

The NCHR monitored cases involving the journalists NIYONSENGA Dieudonné known as Cyuma, NSENGIMANA Théoneste, BYIRINGIRO David, MUHIRWA Innocent Valentin, BAGIRUWUBUSA Eric, GAHAMANYI John, MUGISHA Ivan and BUTERA Saul whose freedom of expression was allegedly affected.

Concerning the case of NIYONSENGA Dieudonné alias CYUMA who owns a Kinyarwanda tabloid website ISHEMA and YouTube channel called ISHEMA TV, he was arrested on 15/04/2020 and was detained in Mageragere Prison, accused of forgery, falsification and use of forged documents, hindering implementation of ordered works, humiliation of National authorities and persons in charge of public service as provided for in articles 276, 231 and 233 of the Law N° 68/2018 of 30/08/2018 determining Offences and Penalties in general. He was accused of forging Journalist Service Cards for himself and his driver.

As for NSENGIMANA Théoneste who owns a tabloid website, UMUBAVU and YouTube channel, UMUBAVU TV, the NCHR found that he had a Press Card given to him by RMC to facilitate the conduct of his duties. He was however, arrested on 12 April 2020 accused of seeking false information from citizens (2 women) of Nyagatovu Cell, Kimironko Sector, Gasabo District of the City of Kigali to testify that they were given food yet they didn't. He was accused of promising to give them the equivalent of 20 Euros and requested them to allow him take their videos to be shared with foreign donors. The NCHR noted that he was provisionally released on 14 May 2020.

BYIRINGIRO David and MUHIRWA Innocent Valentin, bloggers that use Afrimax YouTube channel, were accused of engaging themselves in activities of giving out food relief and gathering up people without prior authorisation to do so which violated lockdown rules by exposing the population to the risk of being infected by COVID-19. They were arrested and detained but shortly after released.

Other Journalists, BAGIRUWUBUSA Eric (VoA), GAHAMANYI John (The NewTimes), MUGISHA Ivan (The East African) and BUTERA Saul (Bloomberg freelancer) were detained for breaching lockdown and traffic rules and later released.

The NCHR found out that the arrest of the above said Journalists and Bloggers was not a violation of freedom of expression but they were accused of violating COVID-19 Pandemic rules and/or committing other offenses.

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<sup>24</sup> Rwanda ratified the African Youth Charter on 15/06/2007

<sup>25</sup> Newtimes Civil society petitions government over some Covid-19 guidelines. Available at <<https://www.newtimes.co.rw/news/civil-society-petitions-government-over-some-covid-19-guidelines>> Accessed on 10 October 2020. Read also The Chronicles 13 NGOs Petition Government Over "Contradiction" in COVID-19 Measures, "Unaffordable" Fees. Available at <<https://www.chronicles.rw/2020/09/08/13-ngos-petition-government-over-contradiction-in-covid-19-measures-unaffordable-fees/>>> Accessed on 10 October 2020

### 3.6. Right to information

The right to information must be understood as a right to seek and receive information on one hand and on the other hand the right to impart information.

The Article 38 (1) of the Constitution of the Republic of Rwanda of 2003 revised in 2015 protects the right of everyone to access information. More importantly, Article 9 of the Law n° 04/2013 of 08/02/2013 relating to access to information recognizes the right of an individual or a group of persons to request information in any of the official languages provided for by the Constitution. In addition, article 12 of the Law N°02/2013 stipulates that “a journalist shall have free access to all sources of information and the right to freely inquire on all events of public life, and to publish them in respect of the provisions of this Law and other laws”.

Furthermore, article 8 of the Law n°02/2013 of 08/02/2013 regulating media provides that “journalists have the right to seek, receive, give and broadcast information and ideas through any media”.

The right to information is recognized under regional and international human rights instruments. Indeed, Article 19 (2) of the ICCPR, Article 21 (b) of the CRPD, Article 9 (1) of the ACHPR and Article 4 (2) of the African Youth Charter guarantee the right of every individual to seek and receive information.

The NCHR observed that various government institutions, including the Ministry of Health, the Ministry of Local Government and the Rwanda National Police (RNP) to name but a few played a critical role in delivering messages urging Rwandans to comply with COVID-19 preventive measures. In addition, religious, private and non-governmental organizations were also involved in imparting information on anti-COVID 19 measures.

Interviews with key informants revealed that the population got information on COVID-19 preventive measures through different channels including Radios, TVs, Newspapers, posters, billboards and mobile vehicles using megaphones, etc. In addition, the Government of Rwanda deployed drones to spread messages in relation to COVID-19 preventive measures<sup>26</sup> and the daily updates on the status of the pandemic by the Ministry of Health.

However, it was brought to the attention of the NCHR that sign language was less used in the mass communication campaign and this prevented persons with deaf disability from access to information on COVID-19 prevention measures.

### 3.7. Freedom of movement and residence

Freedom of movement implies the right to move freely within a country for those who are lawfully within the country, the right to leave any country and the right to enter a country of which you are a citizen<sup>27</sup>.

As far as freedom of movement and residence is concerned, article 26 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 provides that “every Rwandan has the right to move freely and to reside anywhere in Rwanda, and every Rwandan has the right to leave Rwanda and to return”.

Article 12 (1) of the ICCPR, article 18 of the CRPD and article 12 of the ACHPR recognize the right of every individual to freedom of movement and residence within the borders of a State provided he or she abides by the law.

<sup>26</sup> World Health Organization COVID-19 response in Rwanda: Use of Drones in Community awareness. Available at <<https://www.afro.who.int/news/covid-19-response-rwanda-use-drones-community-awareness>>. Accessed on 25 October 2020

<sup>27</sup> OHCHR (1999). CCPR General Comment No. 27: Article 12 (Freedom of Movement)

On 21 March 2020, the Government of Rwanda issued a communiqué banning unnecessary outdoor movements and imposing movement restrictions including the closing of Rwanda borders in a bid to curb the spread of COVID-19<sup>28</sup>. Citizens were allowed to move from their homes for seeking essential services including food, medical care, financial services among others.

Despite the fact that borders were closed as a preventive measure against COVID-19, an exception was made for Rwandan citizens and legal residents returning to Rwanda and foreigners willing to leave Rwanda as well as cargo of essential goods.

The NCHR found that the right of Rwandans to return to their homeland was respected without any discrimination. In order to prevent the spread of COVID-19 pandemic, for Rwandans and legal residents who returned home, the government covered all the logistics during quarantine period before going to their families. The Government of Rwanda also availed a weekly flight charter to facilitate the return of Rwandan nationals and legal residents who could not fly back to Rwanda due to COVID-19 restrictions adopted by many countries.

As regards the foreigners living in Rwanda, it was noticed that the Government of Rwanda, in collaboration with accredited diplomatic missions, facilitated the repatriation of foreigners as to ensure that their right to leave the territory of Rwanda was respected.

The NCHR found that trucks carrying goods were allowed to move within and outside the country. Efforts were made to prevent COVID-19 pandemic both on borders and inter-provincial shipments while ensuring the free movement of goods. Those efforts include the construction of Kiyanzi dry port in Kirehe District, where all custom services were deployed; the establishment of accommodation centers for drivers of trucks carrying goods and staff deployed to the port, and certification of trucks for inter-districts and inter-province shipments among others.

The NCHR also monitored different places hosting individuals who breached COVID-19 measures including those who violated curfews outdoor circulations and found that those who had good reasons were immediately released and those with unfounded reasons were released after being sensitized on the importance of adherence to COVID-19 preventive measures.

The NCHR found that the right to freedom of movement and residence was restricted in order to prevent the spread of COVID-19. It must be emphasized that restrictions on the freedom of movement were eased gradually as the spread of COVID-19 came into control.

### 3.8 Right to health

The right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health<sup>29</sup>.

Article 21 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 stipulates that “every Rwandan has the right to good health”.

From regional and international human rights law perspective, the right to health is protected under article 12 (1) of the ICESCR article 24 (1) of the CRC, article 25 of the CRPD, article 16(1) of the ACHPR and article 14 (1) of the ACRWC.

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<sup>28</sup> Office of the Prime Minister Announcement on enhanced Covid-19 prevention measures.

<sup>29</sup> Office of the High Commissioner for Human Rights General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)

The NCHR monitored the respect of the right to health by assessing different initiatives adopted to curb down the spread of COVID-19 and how people continued to access medical care during this period.

It was found that a committee headed by the Prime Minister at national level and committees at district level were put in place to coordinate COVID-19 interventions in the country.

In order to ensure full compliance by Rwandan residents, councils of Districts and the City of Kigali later issued directives which provided for administrative sanctions including fines for deviants and/or taking them to designated places to be sensitized on COVID-19 related preventive measures.

Rwanda made use of robots with the capacity of temperature screening as many as 150 people per minute in treatment centers. They were used detect people walking in not wearing masks so that the command post can quickly be informed and respond<sup>30</sup>. From the Ministry of Health, it was noted that Rwanda digitalized its COVID-19 reporting system for an effective update and planning.

Rwanda Biomedical Centre (RBC) brought to the attention of the NCHR that all COVID-19 suspects were tested free of charge and those found positive were given free medical care. The NCHR conducted monitoring in 14 quarantine centers hosting COVID-19 suspects in different Districts and found they were given not only free medical care services but food and sanitation equipment as well.

According to the Ministry of Health, as of 1st October 2020, Rwanda conducted 495.793 COVID-19 tests among which 4843 individuals were tested positive, 3181 recovered and thus discharged from health facilities where as 29 died from COVID-19.

Concerning health care services delivery, the NCHR visited various health facilities including hospitals and clinics to monitor the continued availability of medical care services in the wake of COVID-19 prevention measures calling upon the public to stop unnecessary outdoor movements including the use of public transport.

The NCHR found that during the nationwide lockdown period, patients were allowed to go to hospitals and medical care services continued to be provided. It was also observed that doctors had to find patients in nearby health centers and clinics where they were treated and hospitals only treated patients with serious illnesses. In villages, community health workers continued to provide medical services to people with minor illnesses.

It was further noticed that patients with chronic diseases were referred to medical services at the nearest health centers and Health Posts. Those who went to the hospital for medication every month were given two months of medication and were facilitated by community health workers.

The NCHR learned that due to the suspension of public transport, patients who had medical appointments and those who were in urgent need for care, including pregnant women, were able to get to and from public health facilities using government vehicles in different districts, police and hospital emergency services during the lockdown period. The vehicles were also used to transport patients who had been discharged from health facilities.

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<sup>30</sup> Madison J. Gray Rwanda Uses Robots And Other Efficient Ways To Keep Coronavirus Cases Low. Published on 16 July 2020 at <<https://www.bet.com/news/global/2020/07/16/rwanda-coronavirus-testing-africa.html>>>. Accessed on 20 September 2020.

The NCHR noted the engagement of the Government of Rwanda with other stakeholders from the private sector as well as civil society organizations in responding to COVID-19 challenges and this multi-sectoral approach was recognized by the World Health Organization (WHO).<sup>31</sup> Likewise, the Africa Centre for Disease Control and Prevention recognized Rwanda's involvement in the partnership to accelerate COVID-19 Testing platform that promotes efficient testing and contact tracing<sup>32</sup>.

Nevertheless, the NCHR was informed about the limited number of testing kits and some of the community health workers did not have appropriate personal protective equipment and relevant training on COVID-19. The NCHR also took note of the challenges faced by patients with minor health cases during the nationwide lockdown in terms of physical access to health facilities as public transport was banned.

In general, the NCHR noted that remarkable efforts were made by the Government of Rwanda, in collaboration with its partners, to ensure the respect of the right to health during this COVID-19 pandemic period. However, the NCHR found that there is need of initiating a specific legislation on public health emergency to ensure harmonization and conformity of interventions.

### 3.9. Right to education

The article 20 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 guarantees the right to education to all Rwandan citizens and primary education is free and compulsory in public schools.

The right to education is also provided for by Article 28 of the CRC, article 13(1) of the ICESCR, article 11 of the ACRWC and article 17 (1) of the ACHPR.

The NCHR assessed the respect of the right to education during the period of COVID-19 following adopted measures to curb its spread.

Following the unexpected closure of schools, the Government provided free transportation to all boarding secondary school students to return to their respective families in a bid to prevent the spread of the COVID-19.

In addition, following the decision that schools would remain closed as a preventive measure to limit the spread of the virus, the Government of Rwanda decided that salaries of teachers and other employees in public schools will continue to be paid. However, the NCHR observed that some contracts of teachers and other employees in private schools were either suspended or terminated as their employers could no longer afford to continue paying them.

In order to reduce congestion in schools and more importantly to reduce the spread of COVID-19, the NCHR was informed about the construction of 22,500 classrooms and there was recruitment of teachers in this regard.

In April 2020, the Ministry of Education developed and adopted the Education Sector COVID-19 Response Plan which aimed inter-alia to support the continuation of quality learning while protecting the health and well-being of approximately 3.6 million students and an estimated 96,000 teachers targeted in the short, medium and long terms.

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<sup>31</sup> Agence de Presse Africaine Rwanda's Covid response draws praise from WHO. Available at << <http://apanews.net/en/news/rwandas-covid-response-draws-praise-from-who>>> . Accessed on 5 December 2020

<sup>32</sup> Deutsche Welle Africa's varied COVID-19 rates and responses. Available at <<https://www.dw.com/en/africas-varied-covid-19-rates-and-responses/a-54307533>>> Accessed on 20 September 2020

It is useful to note that the above mentioned plan aims to address immediate education challenges posed by the pandemic, but also contribute to building a more resilient education system for future possible crises.

It was observed that Telecommunication companies such as MTN Rwanda and Airtel-Tigo Rwanda partnered with the Ministry of Education to support students access online learning and henceforth, announced different resources available free of charge in a bid to continue learning amidst schools' closure due to COVID-19 health prevention guidelines.

For pre-primary, primary and secondary schools, an online platform was set up and all courses as per national curriculum were uploaded. Rwanda Education Board (REB) also revitalized its YouTube channel to air model lessons intended to benefit both students and teachers. On a weekly basis, Rwanda Education Board shared programs with different radios and Televisions for learning.

The right to education was affected by the closing of school to prevent the spread of COVID-19. This led to the disruption of the education cycle of students and other learners. Nevertheless, the NCHR observed that the Ministry of Education made an attempt to continue e-learning while students and learners where required to remain at their respective homes as a preventive measure of COVID-19. The NCHR also observed the adoption of other measures by the Ministry to ensure that the reopening of schools takes place in a safe environment for learners and teachers which takes into consideration health guidelines in the context of COVID-19.

Despite the above efforts, it was revealed that access to e-learning was a challenge to students living in remote rural areas as its accessibility was made difficult by limited internet coverage and lack of TV sets or radios. The prolonged schools closure affected the right to education as it disrupted the academic calendar and thus putting a number of children at risk of labor exploitation as well as sexual abuse that led to increase of teen pregnancies and subsequent school dropout.

### 3.10. Right to work

The right to work is provided for by article 30 (1) of the Constitution of the Republic of Rwanda of 2003 revised in 2015 stipulating that “everyone has the right to free choice of employment”.

Under regional and international human rights instruments, articles 6 (1) and 7 of the ICESCR, article 15 of the ACHPR and article 15(1) of the African Youth Charter and article 13(e) of the Maputo Protocol guarantee the right of every person to choose a gainful employment.

The NCHR monitored the respect of the right to work by assessing different initiatives adopted to curb down the spread of COVID-19 and how people continued to access employment during this period.

Information from the Ministry of Public Service and Labor (MIFOTRA) indicated that employment contracts of civil servants were not affected by COVID-19 while representatives of Trade Unions reported to the NCHR that many employment contracts in the private sector were either terminated or suspended. Managers of hotels and restaurants brought to the NCHR's attention that they had to reduce salaries of their staff in order to continue running their business as the number of their customers/clients had sharply declined.

MIFOTRA, through labor inspectors, played a key role in amicable settlement of disputes between employees and employers in relation to the suspension or termination of their employment contracts in the private sector. In this regard, 738 out of 920 labor (80.2%) disputes were settled amicably whereas 182 (19.8%) were sent to court.

The anti-COVID-19 measures particularly the lockdown led to an increase in unemployment. According to the Ministry of Finance and Economic Planning, the unemployment rate was 13.1% in February 2020 and attained 22.1% in May 2020<sup>33</sup>. The same report highlights that in May 2020, the unemployment rate was higher among women (25%) than men (19.6%) and higher among young people 16-30 year (27.2%) than adults 31 years and above (17.7%). It was higher in rural areas as compared to urban areas (22.3 and 21.0 percent respectively). The sector that proportionately lost most of its jobs is arts, entertainment and recreation, which lost about 72% of all its jobs.

The number of employed population gradually increased after lifting the general lockdown and the reopening of different businesses since May 2020. Latest figures from the National Institute of Statistics indicate that the unemployment rate had reversed from 22.1% in May 2020 to 16% in August 2020 (NISR, 2020)<sup>34</sup>.

The NCHR noted the establishment of Rwanda's Economic Recovery Plan (May 2020 – December 2021) which clearly states that businesses which either protect jobs or will contribute to job creation will be given priority among the eligibility criteria.

The economic recovery plan will also support the private sector through its Economic Recovery Fund under which the Government has rolled out a number of temporary policies (monetary and fiscal including tax relief measures) to cushion the economic impact of the pandemic so as to support businesses through this period of disruption.

However, some of the key informants revealed to the NCHR that the eligibility criteria to access the economic recovery fund were not well known by a number of potential beneficiaries.

The NCHR found that the right to work was respected in the public service as no employment was neither terminated nor suspended as a consequence of COVID-19 measures. It was observed that the right to work was affected as employments in some private sector institutions were either terminated or suspended and this led to labor disputes. Nevertheless, the NCHR noted the efforts put in place by the Ministry of Public Service and Labor to settle amicably labor related disputes which arose from COVID-19 measures. The NCHR commends the establishment of Rwanda's Economic Recovery Plan (May 2020 – December 2021) whose Priority 4 is to support businesses and protect jobs.

### 3.11. The Right to an adequate standard of living

The right to an adequate standard of living is provided for in article 10 para 5 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 which stipulates that: "Rwanda commits itself to upholding the fundamental principle of building a State committed to promoting social welfare and establishing appropriate mechanisms for equal opportunity to social justice".

It is also defined in article 11 of the International Covenant on Economic, Social and Cultural Rights which states that "The States parties to the present Covenant recognize the rights of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living condition."

The NCHR monitored the respect of the right to an adequate standard of living by assessing different initiatives adopted to curb down the spread of COVID-19.

<sup>33</sup> MICOFIN-Macro Division - Office of the Chief Economist, 2020. Summary impact of COVID-19. 1. Economic impact – revised projections and performance

<sup>34</sup> National Institute of Statistics of Rwanda Labour Force Survey Trends: Impact of COVID 19 on Labour force ,May August 2020 (Q3) , October 2020. Available at << <https://www.statistics.gov.rw/publication/labour-force-survey-trends-august-2020q3>>> . Accessed on 17 October 2020

It was found that COVID-19 crisis affected many households, as the opportunities to supplement household incomes by casual labor were not available or limited especially during the lockdown, in addition to the raising staple food prices that put an additional burden to households particularly, low income earners.

With regard the right to food, the Ministry of Local Government, in close partnership with other institutions and the well- to- do citizens, provided foodstuffs and other basic domestic items to the needy persons, including casual laborers, persons with disabilities, elderly persons, elderly survivors of Genocide committed against the Tutsi in 1994 (intwaza), isolated persons due to coronavirus infection among others.

The needy population received food assistance in accordance with pre-established criteria and regulations. For example, according to the Ministry of Local Government's report, as of 1st May 2020, out of 215,052 targeted households in the City of Kigali, 213162, that is 99% were given foodstuffs from the National Strategic Grains Reserve in the Ministry of Agriculture and Animal Resources, besides food relief donated by other stakeholders and the well- to-do citizens.

The Ministry of Local Government, in collaboration with its relevant stakeholders, supervised the implementation of foodstuff distribution to the citizens affected by Lockdown, and it was done without any discrimination. It is worth mentioning that, even needy foreigners who resided in Rwanda received foodstuff.

The NCHR found that there were some cases where grass root community leaders who deviated food support dedicated to the above-mentioned persons were sanctioned.

Furthermore, from 06 April to 12 May 2020, the City of Kigali established a toll free telephone line (3260) for individuals who had queries and claims concerning food distribution during lockdown period. In total, 9,432 cases were received and addressed.

The NCHR noted that in May 2020 the Ministry of Trade and Industry instituted a maximum price on a number of essential food items and hygienic products to ensure affordability.

As for the living conditions of inmates, the Rwanda Correction Services (RCS) established mobile money transfer channels (MOMO PAY) in all prisons whereby inmates could receive money from their families and buy supplementing items from canteens. In addition, the NCHR was informed that RCS provided special diet to inmates with weak health conditions including people with diseases like HIV, Diabetes, hypertension, gastric chronic, asthma, inmates who had undergone surgery and the elderly.

However, the NCHR found that enjoying the right to an adequate standard of living was affected to some extent by the job losses or suspension of jobs for some employees in private and informal sectors though the situation is now normalizing.

The NCHR noticed that the Government of Rwanda developed and adopted an economic recovery plan whose third Priority is to ensure Food Self-Sufficiency by increasing Agricultural production. Concerning the quick Win Activities, nutrition sensitive direct support and extension of food distribution and stocking up food reserves are considered as immediate relief response. The Strategic Food Reserves will help to keep enough food to mitigate any shortage due to drought, flooding and any other disasters.

## IV. GENERAL CONCLUSION AND RECOMMENDATIONS

### 4.1. General Conclusion

The Government of Rwanda has made substantial progress in putting under control the spread of COVID-19. Rwanda has shown its commitment to curb the spread of COVID-19 through adoption and implementation of various measures.

Based on the findings of this assessment of the respect of human rights during the COVID-19 pandemic, the NCHR found that the measures adopted by the Government including the restrictions of movements, temporary ban on public transport, closing schools, closing of borders and the shutting up of businesses were aimed to mitigate the adverse impact of the spread of the COVID-19 and, affected in one way or another, the enjoyment of human rights.

Nevertheless, the NCHR found that people were allowed to leave their homes for reasons of seeking or providing essential goods and services. For Rwandans and legal residents who did not find way to return to Rwanda, they were facilitated and the same was done to foreigners living in Rwanda who wanted to return to their home countries. The restrictions on the freedom of movements have been gradually eased following the updates of health guidelines on the spread of COVID-19 Pandemic.

The NCHR found that the needy population including persons with disabilities, the elderly, people in isolation due to COVID-19 and other vulnerable foreigners who were in the Country at the time was provided with food and other basic necessities.

The right to education was affected by the closing of school to prevent the spread of COVID-19. This led to the disruption of the education cycle of students and other learners. Nevertheless, the NCHR observed that the Ministry of Education initiated e-learning programs whereby students continued learning from their respective homes. The NCHR also observed the adoption of other measures by the Ministry to ensure that the reopening of schools takes place in safe environment for learners and teachers which takes into consideration health guidelines in the context of COVID-19.

Concerning the right to health, the NCHR found that COVID-19 testing and care services were provided free of charge and those suspected of encountering COVID-19 patients, placed in quarantine and provided with essentials including free food and sanitation equipment.

The usual medical care services continued to be provided in a way that doctors had to find patients in nearby health centers and clinics and hospitals only treated patients with serious illnesses. In the villages, community health workers continued to provide medical services to people with minor illnesses and patients who went to the hospital for medication every month were given two months of medication and were facilitated by community health workers.

The right to fair trial was affected by the suspension of court hearings as measure to prevent the spread of COVID-19. The NCHR noted alternative use of video conference and Skype the newly adopted IT tool to continue court hearings and conduct court judgments countrywide. The NCHR noted that the adoption of the alternative use of videoconference and Skype in courts would help speeding up the judgment processes and thus the respect of suspects' right to be tried within a reasonable time. The NCHR however recommends the Judiciary to address the problem of inadequate technology equipment and poor internet.

Regarding the right to liberty and security of person, the NCHR found this right was affected as a consequence of the temporary suspension of court proceedings to control the spread of COVID-19 pandemic. Nevertheless,

the NCHR notes the measure taken by NPPA to grant conditional release to suspects with minor charges with the view of respecting the right to security and liberty of persons and more importantly to prevent the likelihood of contamination of COVID-19 in police stations.

The NCHR is of the view that there is a need for the Supreme Court to sensitize judges on systematically imposing fines where the law allows them to impose either fine or imprisonment as to prevent overcrowding in detention facilities which can increase the risk of COVID-19 contamination.

With regard to the freedom of expression, the NCHR found that during COVID-19 pandemic, this right was respected as revealing opinions regarding COVID-19 preventive measures were allowed.

Concerning the right to receive and impart information, the NCHR noted that this right was respected as the general population received information in the context of Covid- 19 pandemic in terms of prevention through different platforms while the journalists imparted information in the context of COVID-19 without any hindrance. However, the NCHR observed that the needs of persons with disabilities were not taken into consideration in the design and implementation of COVID-19 prevention communication campaign.

Despite the remarkable efforts put in place to curb and mitigate the spread of COVID-19, the NCHR strongly believes that there is still room for improvement in terms of human rights protection in relation to the challenges posed by of COVID-19.

## 4.2. Recommendations

The NCHR is of the view that the following recommendations if fully implemented will contribute to the improvement of the enjoyment of the assessed human rights in the context of COVID-19 in Rwanda.

**The National Public Prosecution Authority (NPPA):** To consider more alternative measures in cases of minor offences to pre-trial detention such as bail, release under judicial control as to avoid delays which may infringe on the right to liberty and security of a person more importantly congestion in police stations and prevent the spread of Covid-19;

**The Ministry of Justice and Supreme Court:** To upgrade the information technology infrastructure with the view of expanding and improving videoconferencing in court hearings in different courthouses and prison facilities to ensure the respect of the right to be tried within reasonable time;

**The Rwanda Investigation Bureau, National Public Prosecution Authority (NPPA) and Rwanda Biomedical Centre:** To expedite the testing of detainees awaiting to be transferred to prisons;

**The Ministry of Health:** To initiate the bill on public health emergency to insure harmonisation and conformity of interventions;

**The Ministry of Health and Ministry of Local Government:** To ensure that communication campaign against Covid-19 accommodates the needs of persons with disabilities to ensure the respect of the right to information in the context of Covid-19 for all.

**The Ministry of Finance and Economic Planning and the Ministry of Commerce and Trade:** To disseminate widely information on the Economic Recovery Fund to realize the right to work to as many as possible eligible beneficiaries.

## V. BIBLIOGRAPHY

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2. African Charter on the Rights and Welfare of the Child
3. African Youth Charter
4. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
5. Convention on the Rights of Persons with Disabilities
5. Convention on the Rights of the Child
6. International Covenant on Civil and Political Rights
7. International Covenant on Economic, Social and Cultural Rights
8. Protocol to the African charter on Human and Peoples' Rights on the Rights of Women in Africa

### B. National laws

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3. Law N° 027/2019 of 19/09/2019 relating to the criminal procedure
4. Law N° 04/2013 of 08/02/2013 relating to access to information
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## ANNEX: LIST OF INSTITUTIONS WHICH PROVIDED INFORMATION

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2. Association of Rwandan Journalists
3. CESTRAR (Centrale des Syndicats des Travailleurs du Rwanda)
4. Civil Society Platform
5. CCOAIB (Conseil de Concertation des Organisations d'Appui aux Initiatives de Base)
6. CLADHO (Collectif des Ligues et Associations de Défense des Droits de l'homme)
7. COSILY (Conseil National des Organisations Syndicales au Rwanda)
8. COTRAF (Congrès du Travail et de la Fraternité des Travailleurs)
9. Ministry in Charge of Emergency Management
10. Ministry of Agriculture and Animal Resources
11. Ministry of Defense
12. Ministry of Education
13. Ministry of Finance and Economic Planning
14. Ministry of Foreign Affairs and International Cooperation
15. Ministry of Gender and Family Promotion
16. Ministry of Health
17. Ministry of Information ,Communication , Technology and Innovation
18. Ministry of Infrastructure
19. Ministry of Local Government
20. Ministry of Public Service and Labour
21. National Rehabilitation Services
22. Ministry of Sports
23. Ministry of Trade and Industry
24. National Public Prosecution Authority
25. Pax Press
26. Private Sector Federation
27. Pro-Femmes Twese Hamwe
28. Religious Leaders Forum
29. Rwanda Extractive Workers Union
30. Rwanda Bar Association
31. Rwanda Biomedical Centre
32. Rwanda Cooperative Agency
33. Rwanda Correctional Services
34. Rwanda Development Board
35. Rwanda Education Board
36. Rwanda Investigation Bureau
37. Rwanda Media Commission
38. Rwanda Mining Association
39. Rwanda Standards Bureau
40. Rwanda National Police
41. SYNEDUC (Syndicat des Enseignants et autre personnel de l'Education dans le Secteur Privé)

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