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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Rwanda**

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## **I. Introduction**

1. The Government of Rwanda continues to ensure that all Rwandans enjoy the fundamental human rights secured by the Constitution<sup>1</sup> and other national and applicable international human rights laws. Rwanda's Constitution dedicates forty-one (41) Articles to establishing and ensuring fundamental human rights and freedoms. The commitment to realise those fundamental rights is stated in the Country's Vision 2020 and Economic Development Poverty Reduction Strategy 2 (EDPRS II) which form the baseline for every government policy and program. As Rwanda moves into the home stretch of realising the objectives of the goals set out therein, the Government welcomes the opportunity provided by the Universal Periodic Review for evaluation.

2. When the Government of Rwanda last subjected herself to review by the Human Rights Council in January of 2011, the Government was pleased to accept 67 recommendations. So far, 63 of those recommendations are considered to be implemented and actions have already begun on the remaining 4 recommendations. This report demonstrates the progress made in the implementation of those recommendations while recognising that there is always more to be done.

3. The Government believes that this review is for the benefit of Rwandans. The reason for engagement is primarily because of the Government's obligation to ensure that Rwandans enjoy the dignity and respect they are entitled to. The Universal Periodic Review is another tool to assess the Government's performance on her obligations to Rwandans.

## **II. Methodology**

4. This report was drafted under the leadership of the Ministry of Justice within the framework of the National Treaty Body Reporting Task Force. The Task Force brings together representatives from the various Government Institutions that play a key role in the implementation of human rights standards. The Task Force also has representatives from nongovernmental institutions including civil society and human rights defenders who are important partners for Government in the promotion and protection of human rights. After approval by the Cabinet the report was also presented to both Houses of Parliament for a final consultation. (Annex 1).

## **III. Development in the normative and institutional framework**

### **A. Normative framework**

5. Rwanda is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Prevention and Punishment of the Crime of Genocide, the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Culture Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the African Charter on Human and People's Rights, Convention on the Rights of Child, as well as several key Protocols related to those treaties among others.

6. In addition to the Constitution and other international conventions, the Government of Rwanda has enacted new and/or amended existing laws that emphasize the protection and respect of Human Rights. Some of the national laws include the Penal Code 2012<sup>2</sup>, labour laws 2013, laws concerning land 2013, the media laws including a specific law on

access to information 2013, Civil society law 2012, political parties law 2013, law on children rights 2012, and others.

7. Article 190 of the Constitution recognizes the precedence of international conventions ratified by Rwanda over national laws.

## **B. Institutional framework**

### **1. National Commission for Human Rights (NCHR)**

#### **Recommendation 78.3**

8. The National Commission for Human Rights was created in 1999. It is a constitutional body provided for by Article 177 of the Rwandan Constitution and is an independent institution responsible for the promotion and protection of human rights in Rwanda.

9. A new 2013 law governing the NCHR<sup>3</sup> re-affirms its independence and autonomy in performing its functions. That law requires the NCHR to present reports of its activities only to the Parliament for consideration.

10. A key mandate of the NCHR is education and sensitization of the population on their human rights. Since 2011, NCHR facilitated national education campaigns on human rights including; 220 members of the National Women's Council at the District and Provincial levels, 830 Executive Secretaries from different Districts, Sectors and Cells, 390 primary school teachers, 206 student members of human rights clubs in schools, 324 faith-based leaders, 59 Leaders of Associations of People Living with Disabilities; 49 leaders of associations for people living with HIV, and 33 local artistes in order to promote awareness of human rights. In total, the NCHR provided human rights education to 3,862 community leaders from 2011 to 2014.

11. Funding for the NCHR has grown annually since the last UPR. The allocated budgetary amount has been over 5.2 Billion Rwandan Francs or 7.5 million US dollars over the last 4 and a half years.

### **2. The Office of the Ombudsman**

12. The Office of the Ombudsman is another Constitutional institution whose authority was enhanced in 2013 with a new governing law. Additional powers were granted to the Office which include expanded authority to investigate human reported rights violations.

13. The most recent records from the Office of the Ombudsman (2013–2014) indicate that the Office received 4,492 cases in that year. The Office resolved over 80% of those cases directly and the remaining 20% were referred to other relevant institutions for further action. The Government institutions concerned must act on the recommendations made by the Office of the Ombudsman.

14. Annually, the Office of the Ombudsman organizes a national campaign commonly known as “Anti-corruption week” and a second week focusing on fighting against injustice. During those campaign weeks, the Office increases awareness of its mandate and existing reporting structures in communities across the country. Individual and collective complaints related to corruption and unfair practices by civil servants are also received during those weeks.

**3. National Commission for Children (NCC)**

15. The Government of Rwanda adopted Law No. 22/2011 of 28/6/2011 establishing the National Commission for Children<sup>4</sup> (NCC). The NCC is an independent organ under the Ministry of Gender and Family Promotion (MIGEPROF) and its responsibility is to monitor, promote and protect the rights of children in Rwanda.

16. The NCC currently supports 23,604(11,001 Females and 12,603 males) Orphans and Vulnerable Children (OVC) in secondary school, 3,009 (1,133 Females and 1,876 males) in Technical and Vocational Education Training (TVET) through the provision of school fees and health insurance. Through this program, 19,779 students had graduated by December 2013. By the end of April 2014, an additional 10,112 OVC had completed both secondary school and TVET.

17. NCC organizes an Annual Children's Summit that serves as a national consultative forum that brings together child delegates from all the administrative sectors across the country. In 2014, the Annual National Children's Summit coincided with the 25th anniversary of the UN Convention on the Rights of the Child. In that summit, 507 children from across Rwanda and 17 other children from other East Africa nations convened to discuss on child rights and protection.

**4. The Gender Monitoring Office (GMO)**

18. The Government of Rwanda established a Gender Monitoring Office, whose mandate is to monitor gender mainstreaming in all public, private, civil society and faith-based institutions and organizations, as determined by the law N° 51/2007 of 20/09/2007.<sup>5</sup> The positive rate of gender mainstreaming across the Country can be directly related to the work of this institution that is dedicated to ensuring that the laws and policies are effectively implemented. In addition, the GMO also has the responsibility to participate in the development of policies and response to cases of gender based violence. Since 2011, the GMO has received 259 cases of Gender Based Violence. All these cases have been addressed by concerned institutions.

**5. The National Council for Persons with Disabilities (NCPD)**

19. Article 14 of the Rwandan Constitution sets out the responsibility of the Government to ensure the inclusion of persons with disabilities in all national development programs. In particular, persons with disabilities have the right to have one representative in the Parliament's Chamber of Deputies (Art.76.4) from the National Council for Persons with Disabilities.

20. The NCPD was established by law No. 03/2011 of 10/02/2011<sup>6</sup> with the purpose to coordinate activities aimed at the advancement of persons with disabilities, to gather and examine views of all persons with disabilities, to advocate on the issues affecting them, to increase their capacity to be independent and collaborate with nongovernmental organizations working in the sector of persons with disabilities.

**6. Rwanda Governance Board (RGB)**

**Recommendation 77.1**

21. The Rwanda Governance Board (RGB) is a public institution established by law No 41/2011 of 30/09/2011.<sup>7</sup> It was formed from the merging of Rwanda Governance Advisory Council (RGAC) and the National Decentralization Implementation Secretariat (NDIS) with the core mission to promote the principles of good governance and decentralization.

22. In fulfilment of its mandate, one of the most successful innovations is the Rwanda Governance Scorecard, a comprehensive governance assessment tool. In the most recent Rwanda Governance Score Card of 2014, access to justice was one of the highest performing Government services at 80.2 percent. In addition, RGB conducts other surveys such as the Citizen Report Card (an annual perception survey that scores Government performance from the perspective of beneficiaries), Rwanda Media Barometer, Rwanda Civil Society Development Barometer and Rwanda Governance Review. In order to increase citizens' participation, RGB introduced home-grown initiatives such as the Governance month which mainly aims at solving citizens' complaints, fostering accountable governance and transparency.

#### **7. The National Commission for the fight against Genocide (CNLG)**

23. The National Commission for the fight against Genocide was created by law No 09/2007 of 16/02/2007 determining the attributions, organization and functioning of the national commission for the fight against genocide. The commission started operating in April 2008 and has a core mission to prevent, fight against genocide and genocide ideology; and address genocide consequences both within and outside Rwanda.

#### **8. Parliamentary Committees on Human Rights**

24. The Parliament of Rwanda has two specific committees in charge of human rights. The Committee on Unity, Human Rights and the Fight against Genocide in the Chamber of Deputies (the lower chamber) and the Committee on Social Affairs and Human Rights and Petitions in the Senate.

25. Apart from receiving individual complaints on human rights, both committees are responsible for all issues relating to the harmonization of Rwandan laws and international conventions on human rights ratified by Rwanda. The Committees also examine the functioning of the structures of administration that have a relationship with respect of human rights; unity and reconciliation of Rwandans. In that regard, both Committees conduct field visits where necessary to ascertain the situation on the ground.

### **IV. Follow-up of recommendations from previous review and developments in the human rights status**

#### **A. Cooperation with UN human rights systems**

##### **Recommendations 77.8, 77.9, 77.10, 77.12, 78.1, 79.1, 79.2, 79.21**

26. Rwanda issued a standing invitation to all UN Special Procedures on 27<sup>th</sup> June, 2011, thus reflecting its willingness to engage with UN human rights mechanisms. Following the standing invitation, 3 UN Special Procedures (UN Independent Expert on Minority Rights – 2011, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living – 2012 and the Special Rapporteur on the rights to freedom of peaceful assembly and association – 2014), visited Rwanda and had engaging dialogues with the key Government and nongovernment institutions concerned with their respective mandates.

27. Additionally, from 2011 to date, Rwanda has submitted all due Treaty Body Reports to the United Nations including: the 4<sup>th</sup> Periodic Report on the ICCPR, the 11<sup>th</sup> Report on the CERD, the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Report on CEDAW, an initial report on the CPRD as well as a Common Core Document. With this clearing of the reporting backlog, all inquiries from

treaty bodies and other UN Human Rights mechanisms have been responded to save for those which will be addressed in future treaty body cycles.

28. Rwanda has also ratified the Optional Protocol to the Convention Against Torture and the Optional Protocol to the Convention on Economic, Social and Cultural Rights in February 2014. In doing so, Rwanda became one of less than 15 UN Member States that have ratified the Optional Protocol to the CESCR. National consultation is also underway to discuss the ratification of the Convention on Enforced Disappearance. The consultations will inform the Government's position and the next steps to be taken on the issue.

## **B. Access to justice and rule of law**

### **Recommendations 79.8, 79.9, 77.2**

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

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

31. The Rwanda Bar Association coordinates the Government legal aid service provision through a framework agreement with the Ministry of Justice. In addition, Articles 58 and 68 of the law regulating the Bar Association<sup>8</sup> provide for mandatory provision of legal aid to the poor by members of the Bar Association.

32. The increase of lawyer's membership in the Rwanda Bar Association from 37 members in 1997 to 1,200 in January 2015, has increased access to the formal justice system for people in Rwanda. This has fostered greater due process through the provision of legal assistance to vulnerable persons including women, children and indigent persons (Annex 3). The Ministry of Justice encourages and coordinates civil society organisations such as the International Justice Mission and the Legal Aid Forum, a coalition of national NGOs providing legal aid services, to provide legal aid to vulnerable persons.

33. A Legal Aid Policy and a Justice for Children Policy were adopted in October 2014 to streamline the provision of legal aid and to coordinate the activities of all legal aid providers in the country. The Policies establish mechanisms to improve legal aid provision to indigent and poor Rwandans as well as minors in conflict with law. Tangible results of the Policy include the establishment of a referral system among Alternative Dispute Resolution mechanisms to prevent duplication and improve efficiency and effectiveness. The Legal Aid Policy created a legal aid fund to act as a central depository of all legal aid funding and establishing a legal aid steering committee to coordinate all legal aid activities.

34. A Legal Aid Week is held each year to provide vulnerable people greater access to justice. Legal Aid Week activities originally focussed on legal representation for minors in detention centers, now activities during the legal aid week have been expanded due to the involvement of prison officers, courts, the National Public Prosecution Authority, the Rwanda National Police and the Bar Association. For example, during the 2014 legal aid week, 159 people received legal representation in courts including 137 children. Legal

assistance was also provided for the execution of 112 judgements. Other forms of legal advice were provided for 1,130 people in all 30 districts as well as 1,175 prisoners.

35. In order to improve access to the courts and improve case management, the Judiciary has progressively introduced an electronic filing system. This has proved to be cost-effective both in terms of saving travel to/from the courts and expenses that would otherwise be incurred by parties in the judicial process. Cases are now filed electronically in all 803 courts across the Country.

36. Article 56 of the Law relating to the Rights and Protection of the Child<sup>9</sup> requires a judge adjudicating a case involving a pregnant woman or a mother with a child under three (3) years, to make every effort to impose non-custodial sentences.

37. With regard to witness protection, a 2012 law relating to protection of whistle blowers<sup>10</sup> ensures that whistle blowers are protected against any form of harassment or intimidation. The National Public Prosecution Authority and the Supreme Court also have witness protection units and safe houses to ensure the security of both prosecution and defence witnesses are guaranteed by the State.

38. The Gacaca Courts came to a celebrated and successful end on 18 June 2012 after trying over 1.9 million cases. The Organic Law N° 04/2012/OL of 15/06/2012 terminating Gacaca Courts and determining mechanisms for solving issues which were under their jurisdiction ensures that any cases with pending concerns from the decisions of Gacaca Courts can be resolved through access to the formal court system. Gacaca as a home grown transitional justice mechanism, is a model for post conflict societies across the world to continue to learn from Rwanda.

39. A home grown solution to improve access to justice was devised by the creation of local mediators known as *Abunzi*. Since 2010, these Abunzi provide immediate mediation for conflicts and often resolve them so that there is no need to go to the Courts. There are 30,768 Abunzi in the Country who handle all civil cases upto the value of 3 million francs (4,000 USD). Although an aggrieved party remains with the right to seek redress within the formal court system, they are usually satisfied with the decision of the Abunzi Committee since the Committee members are usually individuals of high regard within the Community who also understand the particular context of a specific case. For example, in the 2012-2013 year Abunzi handled 57,473 cases and 87.47% of them were satisfied with the outcome and did not proceed to courts. The rate has since gone up to 97.57% in the 2014-2015 year.

40. In addition to all these measures to increase access to justice for all Rwandans, the Government is also finalizing a draft of the National Human Rights Plan of Action for the promotion and protection of Human Rights which will be available by the end of 2015. This action plan and its accompanying policy will ensure a holistic and human rights based approach to all aspects of development in Rwanda.

## C. Independence of the judiciary

### Recommendations 79.7, 77.10

41. The independence of the judiciary is safeguarded by i) financial and administrative autonomy; ii) the independence of judges in making decisions where they are bound to only follow the law; and iii) independence in the management of judges including their appointment, promotion, removal and discipline by the High Council of the Judiciary.

42. The Judiciary has an Inspectorate department that is responsible for planning for the capacity development of judges to ensure efficiency in their work. It also investigates possible cases of corruption which are then submitted to the High Council of the Judiciary

for proper action. In addition, the Office of the Ombudsman is mandated to investigate cases of corruption including those in the Judiciary and initiate prosecutions against corrupt practices.

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

44. Through a collaboration framework between the Supreme Court and various development partners, judges receive continuing legal training. Since 2011, Judges were trained on the application of international human rights law in national courts. In addition, the Institute for Legal Practice and Development(ILPD) periodically conducts capacity building trainings for judges and other judicial personnel. The Government of Rwanda has also facilitated free short courses on legal practice for judges and anticipates the inclusion of all judges in 2015.

45. Rwanda is one of seven (7) African countries that have accepted the jurisdiction of the African Court on Human and Peoples' Rights to hear cases initiated from individuals and civil society organisations. This signifies an established independence within the judiciary and transparency in its decision-making which can withstand scrutiny by the African regional court. This signifies commitment not to violate the African Charter on Human and Peoples' Rights and to stand scrutiny by the African Court.

#### **D. Prison and detention conditions**

##### **Recommendation 78.10, 79.6, 79.21**

46. Several reforms to the prison system have been carried out in line with the UN standards of Minimum Rules for the Treatment of Prisoners so as to guarantee the fundamental rights of persons in detention. New prisons such as Rubavu, Nyanza and Nyagatare were constructed as well as Mageragere which is still under construction. The latter will accommodate inmates from Kigali prison after its relocation. Some old ones have also been rehabilitated including Huye and Rwamagana. This further improves living conditions in prisons. In particular, with the support of Unicef and DIDE (Dignity in Detention), Nyagatare rehabilitation center for minors between 14 and 18 years was built and officially inaugurated in February 2013. Two additional womens' prisons were opened in Ngoma and Nyamagabe districts in 2014. In future, Rwanda Correctional Service plan to have one female prison per Province.

47. Several alternatives to imprisonment are also in use to reduce the number of people serving custodial sentences. The use of community service as an alternative to imprisonment was customarily used in genocide cases but has now been expanded to other offences by the 2012 penal code. In addition, release on parole and conditional release of prisoners are other methods often used to offer noncustodial sentences.

48. Rwanda enjoys a remarkably low rate of 7 percent of those awaiting trial, held in pre-trial detention, compared to 35 percent elsewhere in Africa.

49. When individuals are in custody, all possible efforts are made to ensure that they receive the best care possible. For example, law N°34/2010 of 12/11/2010 on the establishment, functioning and organization of the Rwanda Correctional Service<sup>11</sup> (RCS) in its Art 29 stipulates that "prisoner shall be imprisoned near his/her family's residence. A child who is still breast feeding shall be entitled to adequate and nutritional food as required for infant and shall be removed from the prison and given to his family at 3 years of age". In Nyagatare rehabilitation center, children attend formal and informal education programs.



In other prisons special programs such as nursery and special diet for children and were established to make the environment more conducive.

50. The right to health for all prisoners is guaranteed through the provision of free community based health insurance in order for them to get all health care services similar with those of the general population. Additionally, the Ministry of Health has availed free malaria, HIV and diagnostic and treatment to all prisoners in need in all dispensaries of prisons. Prisoners also benefit from the entire national referral system from secondary to tertiary health care in the same way as the general population.

51. Separation between convicted and sentenced prisoners from others waiting for trial started with Nyanza (Mpanga) prison. Future RCS plans focus on the separation of convicted prisoners from those waiting for trial in remaining prisons for all categories of crimes.

52. Consultations are ongoing relating to the removal of solitary confinement from the penal code in order to continue to guarantee the rights of people in detention. Those consultations will be considered in the ongoing penal code review.

53. The Rwanda National Police, the National Public Prosecution Authority and the Rwanda Correctional Service have inspectorate services responsible for investigating complaints relating to staff misuse of their authority since the inspectorates may also provide appropriate remedies concerning allegations of ill treatment of detainees. These inspectorates have been instituted to ensure that persons arrested or detained are not subject to torture or ill-treatment. Prohibition of torture and cruel, inhuman or degrading treatment forms an integral part of the operational rules and ethical standards of law enforcement officials.

54. The National Commission for Human Rights also has a special mandate to conduct regular visits to prisons and submit its findings in an independent report to the President of the Republic, the Chief Justice and the Parliament. This provides secure and independent mechanisms for the reporting and investigation of any allegations relating to the treatment of prisoners.

55. The International Committee of the Red Cross and other human rights NGOs such as ARDHO, LIPRODHOR and SERUKA have free access to all detention facilities in Rwanda and regularly conduct visits and advise prison administration on how to improve services and prison administration. Aside from those organisations, all other Civil Society Organisations have access to detention facilities and can inspect them at any time to ensure that detention facilities in Rwanda continue to meet established standards.

## **E. Freedom of expression and access to information**

### **Recommendations 77.13, 78.12, 79.3, 79.4, 79.11, 79.16, 80.3, 80.5, 80.6, 80.7, 80.8**

56. The rights to freedom of expression, access to information and association are recognised under the Constitution and other legislative instruments including Law N° 02/2013 of 08/02/2013 regulating media<sup>12</sup> and Law No 04/2013 of 08/02/2013 relating to access to information<sup>13</sup> which provides for the right to freedom of opinion and expression.

57. The centrality of an independent and professional media as an essential component of good governance is acknowledged in law and practice. A list of 540 information officers to respond to information requests has been published by the office of the Ombudsman which is responsible for the monitoring and implementation of the Access to Information law.

58. Between 2011 and 2015, newspapers increased from 32 to 51. All new additions are privately owned. The number of radio stations has also increased from 24 to 34. In facilitating the local media to publish their newspapers at a low cost, the Government acquired a web machine with high capacity to print newspapers and other media products, thus reducing travel costs and associated expenses since most newspapers were printed in Kenya and Uganda. (Annex 5).

59. Electronic and on-line media outlets are increasing in number and accessibility with over 80 local news websites. Citizen engagement debates are also conducted live on radio and TV, in addition to call-in programs that provide a conducive platform for freedom of expression for all citizens. An example is the work done by PAX Press an association of 74 journalists regularly holds debates on government policies and programs at the grass root level. That forum gives a voice to citizen perspectives on government policies which are then broadcast live on various radio and TV stations. Local leaders are present during these debates. This initiative began in 2008 and so far 44 such debates have been conducted country wide. (Annex 5).

60. The Media High Council's mandate was changed through its establishing law n° 03/2013 of 08/02/2013<sup>14</sup> which transformed it into a purely capacity building institution for the media sector. Since 2011, the Government through the Media High Council has organized training programs for journalists both abroad and inside Rwanda. The School of Journalism was transferred from the University of Rwanda in Butare to Kigali to accommodate capacity building for working journalists, while others have been trained at Journalism Faculties in private Universities including the Catholic University of Kabgayi, and the Great Lakes Media Centre (GMLC).

61. The Law n°02/2013 of 08/02/2013 regulating media established a Media Self-Regulatory Body which is an organ set up by journalists themselves whose responsibility is to ensure compliance with principles governing media. Media High Council's former role as a regulatory organ has been transferred to the Media Self-Regulatory Body.

62. In 2011 a media policy was introduced with a vision to transform the media sector mindful of Rwanda's past, responsive to her present and ambitions for her future to include a strong yet responsible media. The policy upholds the principle of media pluralism, editorial independence and freedom of expression, within a framework of professionalism and rule of law. This Media Policy is currently being revised to incorporate reforms within the media sector that saw a number of laws revised and a new law on the Access to Information enacted.

63. While awaiting a Prime Minister's Order that will specify the functions of Rwanda Utilities Regulatory Agency (RURA) in regard to media in accordance with the revised law regulating media, currently, a license to set up and operate broadcasting media in Rwanda is applied for in-writing in the prescribed form to RURA. Any person who wants to establish a local newspaper shall apply to the Media Self-regulatory Body. All members of the regional, continental and international media fraternity are free to cover, gather and disseminate news in Rwanda.

64. Under the media law, censorship of information is prohibited. However, the freedom of opinion and information shall not jeopardize the general public order and good morals, an individual's right to honour and reputation in the public eye, and the right to inviolability of a person's private life and family. These freedoms are protected and recognized if it is not detrimental to the protection of children. It is important to note that, today, no Rwandan journalist is under detention for exercising his or her duties.

65. With regard to concerns that genocide ideology legislation was compromising or impeding freedom of expression, the law on genocide ideology has been modified. It is important to bear in mind however, that before 2008 there was no law relating to genocide

ideology even in the penal code. Before the 2008 genocide ideology law was promulgated research was done around the Country by Parliament. The research found that genocide ideology was still very much entrenched in the minds of ordinary Rwandans and there was therefore a need to have a tough law against it. At the time it was still possible for divisive ideas to be taught even in schools or most commonly passed on by parents to their children. The genocide ideology law was a response to this urgent need which is why it imposed such strong penalties so as to completely deter people from harbouring or sharing a genocide ideology.

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

67. A radical reform was initiated in the public information sector in 2011, highlighted by the Government's decision to move from State ownership of the Rwanda Bureau of Information and Broadcasting (ORINFOR) and turn it into Rwanda Broadcasting Agency (RBA), an independent public broadcaster with legal personality.

68. A National Dialogue on Media is organised by the Media High Council and the Rwanda Governance Board in partnership with journalists' associations and development partners each year with the general objective of collaboration between various stakeholders to promote media freedom and responsible journalism. Through this forum and others stakeholders' consultations are underway to discuss the decriminalisation of defamation in order to address any possible concerns relating to the exercise of freedom of expression. These consultations will feed into the broader review of the Penal Code that is already ongoing.

## **F. Freedom of association and assembly**

### **Recommendations 77.14, 79.17, 80.1, 80.2, 80.9, 80.10, 80.12, 80.13, 80.14**

69. Article 35 of the Constitution stipulates that, "freedom of association is guaranteed and shall not require prior authorization." To promote and protect the freedom of association of all individuals and groups such as civil society, human rights defenders and political parties various laws have been adopted since the last UPR. These include the Organic Law n° 10/2013/OL of 11/07/2013 governing political organizations and politicians<sup>15</sup>. Article 3 of that law restates the multi-party system, provides for freedom to operate freely across the Country and the principle of equality of political organizations before government institutions.

70. Currently there are 11 political parties recognized by law in Rwanda in accordance with Articles 11 and 12 of the 2013 law. In addition, political parties have the right to hold public meetings (Art.19), demonstrations (Art.20), to create their own media (Art.22) and are free to choose to subscribe to the national consultative forum for political organizations (Art.49 and 50).

71. This new legal regime has led to a proactive engagement of political organisations in Rwanda. According to the Rwanda Governance Scorecard (RGS), publication of the Rwanda Governance Board suggests that democratic rights and freedoms were rated at 83.03% (RGS 2014). These numbers represented an increase from 81.03% in 2012.

72. In order to fully support freedom of association as well as fulfil its obligations under the millennium development goals and the post 2015 sustainable development goals, the Government of Rwanda has embarked on a program to strengthen civil society

institutionally, technically and financially to enable them contribute actively in ensuring responsive and accountable governance in Rwanda. The program was launched in April 2014.

73. From 1962 to 2011 only 350 Civil Society and faith based organizations were registered in Rwanda. After the promulgation of Law no.04, Law no.05 and Law no.6 of 17/02/2012 registration was accelerated and in a period of only 2 years, 1509 local NGOs and faith based organisations were registered by RGB. In Article 18 and 22 of the law governing NGOs, the process of equal treatment in the registration for all NGOs was established. All National NGOs enjoy the same rights and obligations as stipulated in Art. 28 (rights) and 29(Responsibilities) of that law. The number of associations and cooperatives continues to grow. Currently, there are 4,893 primary cooperatives, 100 unions, 13 federations and 475 Savings and Credits Cooperatives (SACCOs). Law no. 50/2007 of 18/09/2007<sup>16</sup> provides for the establishment, organization and functions of cooperative organizations.

74. Since 2014, quarterly meetings between the Rwanda Governance Board and the civil society have been organized to strengthen cooperation. Additionally, annual policy advocacy meetings are organised by civil society in partnership with government institutions. A CSO week organised by the Civil Society Platform which is an annual event strengthens NGOs participation in national development programs. The Joint Action Development Forum (JADF) regularly organises open days at the district level to strengthen the participation and visibility of CSOs.

75. There is no requirement for annual registration of local NGOs. Registration requirements and validity of the registration certificate of International NGOs, according to the Law n°05/2012 of 17/02/2012, governing the functioning of international non-governmental organizations, are stipulated in Articles 5, 7 and 11 thereof. The validity of the registration certificate is up to 5 years and renewable. International Non-governmental Organisations may therefore be registered for a renewable period of 5 years if they fulfil they continue to fulfil the requirements under the law.

76. The civil society development barometer (2012) and the 2014 edition of the Rwanda Governance Scorecard (RGS) provide tangible indicators of a healthy political and social environment in Rwanda. Political rights and civil liberties are rated fairly high at 73.62% (RGS2012) and 77.05% (RGS2014) respectively.

## **G. The right to education**

### **Recommendations 77.7, 77.18, 77.19, 78.9, 79.18, 79.19**

77. The Government of Rwanda is committed to increasing investment in the education sector to ensure access to education for all Rwandan children. (Annex 4).

78. Achievements registered in the area of access to basic education for all include the continued guarantee of universal primary education for the first 12 years of education and the up-scaling of the one laptop per child project which started in 2007 and is on going to date. The objective of the One Laptop per Child Project is to distribute half a million lap tops to primary school pupils by 2017. Since 2011, over 140,000 laptops have been distributed to school going children across the country. This has led to increased access to information and research, promotion of ICT skills from an early age and creativity among the students. (Annex 4).

79. Rwanda has gradually overcome barriers that usually prevent children from attending primary education including the complete removal of any fees to attend school. In that regard, the Government identifies families and households that cannot afford the other

costs of education, such as uniforms and learning materials, and provides for them. Various options for social protection, such as school stipends, school feeding in partnership with parents and cash transfer schemes are provided for those children who, for economic, social or cultural reasons, tend to stay out of school (including but not limited to girl children, children affected by HIV and AIDS and other vulnerable children). Construction of more classrooms at the Administrative Sector level has also been done so that children can easily walk to school and transport costs which can be a deterrent are eliminated. This programme has been adopted to enable the country to achieve the goal of Education for All (Universal Primary Education and Universal Secondary Education) by the end of 2015.

80. Other achievements registered to foster a healthy learning environment include; the abolition of corporal punishment in schools, where by internal regulations now exist restricting the mode of correction to be used in schools to exclude corporal punishment.

81. Another significant development is the new curriculum elaborated in 2015 which will be used beginning 2016. In the new curriculum there will be more hours reserved to the learning of languages for the development of multilingualism in Rwanda.

82. Particular emphasis is also placed on education for children with disabilities to ensure that they are fully included in the Government Education policies and programs. Teachers are periodically trained in teaching methodologies for children with disabilities.

## **H. Non-discrimination and gender equality**

### **Recommendations 77.11, 78.2, 78.6, 78.7, 78.13, 78.14, 79.5**

83. Women make up 52% of Rwanda's population. This statistic alone shows that it is imperative to include women in the development process of the Country. Non-discrimination and gender equality are not done to improve women's welfare, they are done to improve national welfare and accelerate development.

84. The Constitutional foundation has led to major reforms in the legal and justice sectors and as a result, gender-sensitive laws have been passed and discriminatory laws revised. For example, the Land Law of 2005 was modified in 2013 to ensure that women are guaranteed equal rights with men regarding access, ownership, utilization of land and inheritance.

85. Similarly, the new Penal Code of 2012 is more progressive than the old penal code of 1977 and guarantees equal punishment for women and men committing similar offences. For example, the punishment for the offence of adultery is imprisonment of six (6) months to one (1) year for both men and women unlike in the previous penal code where women were liable to receive a higher sentence.

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

87. The Ministry of Gender and Family Promotion collaborates with the Forum of Women Parliamentarians, the National Women Council, Rwanda Women Leaders Network and the Gender Monitoring Office and also supports women associations aimed at sensitizing women to take up leadership roles at all government levels and engage in income-generating activities. Every year, mentorship programs are undertaken by these institutions to increase women's confidence and self-esteem in leadership as well as

development of their entrepreneurial skills. Gender mainstreaming strategies for local government and private sector are being elaborated to increase the participation of women in the two sectors.

88. In the framework of the Universal Education Program, the Government of Rwanda, through the Ministry of Education, is making additional efforts to ensure that both girls and boys have equal access to quality education and barriers to girls' access to education are removed. (Annex 4).

89. At the international level, Rwandan women have actively participated in UN peacekeeping missions, as peacekeepers and as police and military observers in Sudan, South Sudan, Haiti, Ivory Coast, Liberia, Mali and Central African Republic. From 2005 to May 2014, 446 Rwandan women police officers have served in UN and AU peacekeeping missions and currently 200 female army officers are serving in peacekeeping missions.

90. Since 2011, the Government has implemented programs to improve school enrolment for girls which has resulted in the achievement of gender parity in primary school enrolment and retention (Annex 4). Examples include; awarding best female students, encouraging girls to study science and technology courses. In addition, female students represent 44% of students in both private and public higher learning institutions.

91. From an economic perspective, gender equality and the empowerment of women have been mainstreamed as cross-cutting issues in all macro-economic policies and development strategies, including Vision 2020, EDPRS I and II and the two successive Government Seven-year Programs, (2003–2010 and 2010–2017).

92. Another program that particularly benefited women was the government led Cooperative Movement through Rwanda Cooperative Agency. This program created employment and expanded access to income-generating activities and women, through education and training, were able to increase savings and investment which improved their social well-being.

## **I. Gender-Based Violence(GBV)**

### **Recommendation 78.8**

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

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

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

96. The National Police and Military have established anti-GBV desks and monitoring units that oversee GBV and child protection cases. They also have anti-GBV Directorates that ensure an environment free of GBV at the institutional level and they guide the

development of strategies/policies in response to GBV. Police have established a helpline and on-line services for citizens to report child abuse and GBV. A specialized unit within the National Public Prosecution Authority has been established to prosecute GBV-related crimes and a separate department established to care for and monitor the protection of victims and witnesses.

97. Periodic awareness activities are held to create understanding about GBV in communities. GBV committees have been established from the central level down to the village “Umudugudu” level, with the purpose of ensuring prevention and reporting of GBV cases. Various community initiatives to combat sexual/domestic violence are now operational, including among others; community policing programs, “*inzegez’impuruza*” (whistle blowers). Umugoroba w’ababyeyi (parents’ evening forum) is a forum in which all parents of a given village meet to discuss all social and health issues. Other initiatives have been taken including radio and TV shows, the creation of “gender clubs” in all schools (primary, secondary, and higher learning institutions), public institutions and private sector institution initiatives. Additionally, door to door campaigns have been held throughout the country focusing on awareness of GBV and sexual violence against children.

98. An outstanding model of response to GBV is the Isange One Stop Centres (IOSC) initiated and piloted by Rwanda National Police (RNP) in July 2009 which provides a holistic response to GBV under one roof. This international best practice strives to minimize the risk of re-victimization/re-traumatization to victims and minimize the risk of evidence spoliation and delayed justice. The centers provide free, 24-hour medical, psychosocial counselling and medico-legal services and emergency safe houses for victims. Toll-free telephone lines that facilitate quick emergency reporting, information access and rapid response to GBV cases support the established centers. There are currently 12 such IOSC in various district hospitals in the country. Since the 2009 initial pilot, the Government has started to scale the model across the country. By the end of 2016, it is planned that there will be at least one functioning IOSC in each of the 30 districts in the country.

99. As previously highlighted in the section on access to justice, each district in the country has an Access to Justice Bureau, or Maisons d’Accès à la Justice (MAJ) which is coordinated by the Ministry of Justice. One of the three staff in the MAJ is specifically in charge of the fight against GBV and domestic violence. These MAJ officials may intervene in GBV cases and assist victims through the court process. Their services are provided free of charge to the community.

100. Rwanda’s commitment to end GBV has extended to a continental initiative through the Kigali International Conference Declaration (KICD) on the Role of Security Organs in ending Violence against Women in Africa. A foundation stone for an African Security Organs Centre for Coordination of Action to End Violence against Women and Girls (AFSSOCA) was laid in Kigali by the UN Secretary General, Ban Ki Moon and the President of the World Bank, Jim Yong Kim, in May 2013.

101. A Ministerial Order executed in 2014, waives all court fees for claims related to GBV and violation of children’s rights. This order will facilitate victim’s claims through the court process.

102. Human trafficking is another emerging form of exploitation of vulnerable groups. The law relating to Human Trafficking is contained in Chapter 8 of the 2012 Penal Code. The law relates to both the trafficking of persons within Rwanda and transnational trafficking. Penalties range from 8 to 15 years and include fines. The Law Relating to the Rights and Protection of the Child, enacted in 2012, also outlaws child trafficking, prostitution, and slavery under Article 51. Rwanda is a signatory to almost all the core international treaties relating to human trafficking.

103. Victims of human trafficking among others also benefit from gender desks that have been created at all police stations. Each gender desk has a judicial police officer that has undergone training to identify and assist victims of trafficking. The training also included techniques on investigating and prosecuting trafficking cases. Additionally, all newly hired immigration officers receive training on the identification of trafficking victims. All existing IOSCs are equipped to render assistance to victims of gender-based violence, including those that may be victims of human trafficking.

104. Rwanda cooperates with other countries to investigate transnational trafficking offenses, facilitates the repatriation of victims, and disrupts trafficking operations. One example that illustrates these efforts is the opening of an INTERPOL liaison office at Kigali International Airport, where, in 2013, the Rwandan Police intercepted Ugandan women transiting to Dubai presumably to be trafficked. These and continuing efforts demonstrate that human trafficking is taken very seriously in Rwanda and ensure that impunity cannot prevail.

## **J. Right to health**

### **Recommendations 77.16, 77.177, 78.4, 78.5**

105. The Government has made maternal and child health a priority in all development programs in line with the Millennium Development Goals (MDG). As a result, Rwanda has made considerable advancement in the guarantee of maternal and child health. For example, Rwanda's MDG goal for reduction of child mortality which was 52 deaths per 1000 live births has been achieved at a rate of 34 deaths per 1000 live births to date. This reduction of child mortality is a direct result of Government programs such as increasing coverage of child immunisation drives. During the last 10 years the child immunisation rate increased from 69.8 % to 93 %. Promotion of exclusive breast feeding for the first six months of a child's life has also reduced malnutrition among children. The breast feeding rate stands at 87% to date which has led to the reduction of chronic malnutrition from 44% in 2010 to 38% in 2015.

106. In addition, 99% of Rwandan women receive antenatal care from a skilled provider and over 91 % of children are born in health facilities. This along with the increased use of mobile technologies and rapid SMS for emergency labour and other medical complications have resulted in considerable decrease of maternal and infant mortality rates. The maternal mortality rate has decreased from 750/100,000 live births in 2005/6 to 476/100,000 in 2010/11 and 210/100,000 today. An updated status report will be released in the forthcoming demographic health survey at the end of 2015.

107. Deliberate efforts have also been made to reduce the risk of spreading HIV from mother to child at birth and to promote the overall health of children and mothers living with HIV. Ministry of Health through Ministerial Order No. 20/32 of 05/12/2013, determined programs and strategies to ensure protection and assistance to children infected or affected by HIV/AIDS. In particular, pregnant women are encouraged to do at least 4 prenatal visits which are provided free of charge at health centres. All of these new programs have led to a promising record of maternal and child health in Rwanda.

108. Aside from specific interventions relating to maternal and child health, the provision of general health services has also improved across the board. There are now 6 referral hospitals in different regions of Rwanda, one provincial hospital in each Province, one or more district hospitals in each District, and 96% of the 416 administrative sectors have at least one health centre. This resulted in the reduction of the mean time needed to reach a health centre from about 95 minutes in 2005 (EICV2) to 60 minutes in 2011 (EICV3).



109. The Government also continues to invest in community and primary care services by creating health posts at the Cell level. Currently, there are 368 Health Posts countrywide, and a plan exists to increase the number every year. Additionally, each village has elected three community health workers (CHWs). They are an important component of Rwanda's health system as they allow the community to participate in the management of their own health. One female CHW is responsible for maternal and child health, and another woman and a man for other care. They are all trained by the Ministry of Health. In total, 45000 CHWs deliver quality services countrywide, monitor health at the village level and refer sick patients to the nearest health facility. By sensitizing the local village and making themselves available, Community Health Workers improve access to care by strengthening the health system and ensuring that people don't have to take long walks for seeking care.

110. Additionally, a remarkable system for universal health insurance coverage exists. According to the law governing health insurance, every person living in Rwanda including; nationals, immigrants, expatriates, refugees and asylum seekers must hold some form of health insurance. This system has improved dramatically with the emergence and extension of the Community Based Health Insurance (CBHI) system. Under the Community Based Health Insurance system, the Government assists vulnerable people who are not able to pay for themselves by paying their premiums and co-payment for them at points of care. Civil servants as well, particular have a dedicated health insurance scheme, the Rwandan civil health insurance known as RAMA.

111. The Government has also launched deliberate efforts to reduce malaria morbidity in the Country through increased access to health centers and distribution of free mosquito nets. As a result, high coverage of mosquito net use has been reached to 74% of children and women sleeping under mosquito nets. In 2014, 96% of children under five with malaria received appropriate treatment within 24 hours at community level compared to 89% in 2010. By 2014 96% of children under five with malaria received appropriate treatment within 24 hours at community level compared to 89% in 2010. From 2010 to 2014 there has been a marked decrease in malaria mortality rates, from 12.9 % to 4.7%.

112. HIV preventive programs focusing on key drivers of the HIV epidemic are also underway including increased access to counselling and testing services. In that regard, the Ministry of Health through Ministerial Order No. 20/32 of 05/12/2013, determined programs and strategies to ensure protection and assistance to children infected or affected by HIV/AIDS among others. As a result pregnant women are encouraged to go attend at least 4 prenatal visits and receive free services at the time of delivery at health centre level. Aside from this, from June 2013 to date there are 510 health facilities now offering HIV counselling and testing services. Over 3 million tests were performed with only 0.8% testing positive.

113. Currently, 83% of health facilities in Rwanda offer anti-retroviral treatment at no cost to the beneficiary. By 2014, the total number of adults and adolescents receiving anti-retroviral treatment (ART) was 133,574. In addition, from July 2013 to June 2014, a total number of 2,212 children were enrolled in the pre anti-retroviral program bringing the total number of children receiving ART to 7,853.

114. In addition, 2012 National Family Planning Policy addresses the accessibility of family planning services and encourages its integration with services for HIV/AIDS, maternal health, child health, and other development initiatives. This policy further develops adolescent sexual and reproductive health programs to attract and retain the next generation of family planning users. All family planning services are free of charge and all non-surgical family planning commodities are available in each village through CHWs.

115. All of these holistic efforts to increase the enjoyment of the right to health among people living in Rwanda is further demonstrated by the increase in life expectancy from 49 years in 1994 to 64 years today.

## **K. Right to an adequate standard of living**

### **Recommendation 77.15**

116. Rwanda has adopted a settlement policy whereby people are advised and helped to stay in agglomerations in order to save land, space and facilitate easy access to public services and infrastructure such as schools, health centers, electricity and water. With the assistance of the Government and the participation of the population as well as the Rwandan diaspora, vulnerable families benefited from new houses through the bye-bye “*nyakatsi*” campaign. Grass thatched shelters have effectively been phased out of Rwanda since 2014.

117. The 2012 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination, appreciated Rwanda for its achievement in relation to decent housing. In that Report, the Special Rapporteur commended the Government of Rwanda on its understanding of the concept of decent housing and other efforts made including the policy of the development of village communities and the bye-bye ‘Nyakatsi’ program.

118. Various policies and strategies to promote access to clean water, sanitation and hygiene have been developed. According to a Joint Monitoring Programme (JMP) for Water Supply and Sanitation, the percentage of the national population having access to an improved water source increased from 65% in 2008 to 71% by 2012.

119. In Rwanda the improvement of the living conditions of poor and vulnerable persons is achieved through the following programs: Umuganda, Ubudehe, Vision 2020 Umurenge Programme (VUP), Labour Intensive Public Works (HIMO), Membership of Mutual Health Insurance Schemes which enables financial access to health and protects people from catastrophic health expenditure thereby contributing significantly to the economic growth as well as socio-economic development of Rwandan citizen, especially those in informal sector.

120. Umurenge SACCO and One Cow per Poor Family Programme – Girinka. To date 218,000 households have benefited from the Girinka Program. 350,000 households are targeted by 2018. The Girinka program has contributed to the reduction of malnutrition through consumption of milk and has increased agriculture production through production of organic manure and boosted family incomes through the sale of milk.

## **L. The rights of historically marginalized people**

### **Recommendation 79.20**

121. All people are treated equally in every sector: education, health, culture and justice as stipulated by Article 11 of the Constitution. Rwanda undertook an initiative to consolidate national unity to prevent ethnic conflict which occurred in the past. The current Government adopted policies which promote and emphasize Rwandanness in preference to narrow ethnic identities.

122. The right to participate in political and public life is recognised for all Rwandan citizens. Functioning decentralised systems provide the ideal platform for citizen service delivery and participation that reaches the community level (Umudugudu). This includes a

deep community level engagement in programs including Ubudehe (social protection) and Umuganda (community works). These home-grown systems are continually strengthened and used as platforms for community engagement. Community development and policy related issues are discussed and appropriate feedback received.

123. In recognition that some members of the Rwandan society have been historically marginalised especially with regard to socio-economic inclusion, remedial measures have been and continue to be taken to promote their inclusion and welfare. Historically marginalised people come from all sections of Rwandan society who have historically faced unique challenges in either economic, social or cultural spheres which have prevented their development at the national pace. The composition of this section has varied at different times and this state is not permanent. The classification is used to assist the Government to make specific interventions to uplift all those that need it.

124. Various programs have been undertaken to improve the socio-economic situation of historically marginalised people including; adult literacy, providing community health insurance, 12 years basic education and provision of free decent shelter programs has uplifted more than one million Rwandans out of extreme poverty in the last 5 years.

## **M. Rights of persons with disabilities**

125. Overall, 446,453 Persons with Disabilities aged five and above are living in Rwanda according to the 2012 Population and Housing Census, out of which 221,150 are male and 225,303 are female. Rwanda is committed to ensuring the rights of persons with disabilities in accordance with established international standards. Various measures have been taken to improve the social integration of Persons with Disabilities (PWD), through the Constitutional establishment of the National Council of Persons with Disabilities (2010), regulated by Law N°03/2011 of 10/02/2011; the representation of PWDs in the national Parliament (1 seat) and in the East African Community Parliament as well as the improvement in physical access of PWDs to public and private infrastructure by ministerial instructions providing for the modification of buildings to cater for physically disabled people. Detailed information on the implementation of the rights of persons with disabilities in Rwanda is contained in the initial report of the Government of Rwanda to the Committee on the Rights of Persons with Disabilities submitted in April 2015.

## **N. The rights of refugees and asylum seekers**

126. Despite its small geographical size and land scarcity, Rwanda has traditionally received refugees from neighbouring countries such as the Democratic Republic of Congo and Burundi. They have been systematically recognized on a prima facie basis. In partnership with UNHCR which has the mandate to provide refugee services, Rwanda also hosts refugees and asylum seekers from Uganda, Central African Republic, Kenya, Chad, Somalia, Sudan, South Sudan, Ethiopia and Eritrea.

127. The right to seek asylum is enshrined in the Rwandan Constitution in Article 25. In June 2014 a new Law No. 13ter/2014 of 21/05/2014 relating to Refugees<sup>17</sup> was published and superseded earlier Refugee Laws of 2001 and 2006. The new Refugee Law brought positive institutional changes and improved adherence to international legal principles.

128. Critical provisions of international refugee law that were previously absent have now been included, namely: non-refoulement, cessation, exclusion, revocation, naturalization, family unity, and reference to socio-economic rights as in line with the 1951 Convention.

129. There are currently 175,000 refugees living in Refugee Camps in Rwanda grouped in 16,234 households with Congolese (DRC) representing about 99, 23 % (73,915) most of whom are women and children. In addition there 25,591 Burundian refugees living in Rwanda as of May 2015 bringing the total number of refugees to 175,000.

130. The majority of refugees live in six camps: Gihembe, Kiziba, Nyabiheke, Kigeme and Mugombwa and Machama with a small number residing in the capital, Kigali. The Nkamira camp in Musanze district and the Nyagatare centre in Rusizi serve as transit centres for returning refugees. All camp-based refugees enjoy the assistance related to shelter, food, firewood, water, healthcare, vaccination of children, and refugees living with HIV/AIDS continue to receive anti-retroviral drugs under the coordination of UNHCR. Each refugee camp has a dispensary.

131. Refugees also benefit from preventive disease measures like mosquito net distribution, which has resulted in a drop of over 70% in the incidence of malaria among the refugee population. Malaria caused deaths have also dropped by 80% and additionally up to 93% of children under five receive free vaccination.

132. In order to response to the influx of refugees from Burundi, the Government has taken special measures to protect the new arrivals as well as the Rwandan Community from disease. All refugees receive screening for communicable diseases on arrival. Anti Retroviral treatment is provided for all those that need it among the refugees. Refugee children have all received immunisation and clean water has been provided in all refugee camps. Additional measures have been taken to prevent and treat incidences of malaria among the refugee population.

133. In order to protect and assist Internally Displaced Persons, Rwanda signed and ratified the 2009 Kampala Convention on Internally Displaced Persons on the 27/12/2012.

## **V. Best practices**

134. The Joint Action Development Forum (JADF) is a forum that was established by the Government of Rwanda as a home grown initiative to achieve local development objectives through a harmonized framework of mutual accountability with Civil Society and development partners in the development process as governance stakeholders. This is in line with the Partnership Commitment of the Paris Declaration to improve aid effectiveness and management for development results.

135. Another home grown initiative is the Tumurere Mu Muryango(TMM) Program where orphaned children are fostered or adopted by families instead of living permanently in orphanages. As a result of this initiative almost all orphaned children in Rwanda are living with foster or adoptive families.

136. The Isange One Stop Centres for responding to gender based violence are also a uniquely Rwandan initiative. At the one stop centres holistic care is provided for victims of GBV including investigation and gathering evidence for prosecution of the case.

137. The Nyagatare rehabilitation centre is a product of the Government's policy to promote rehabilitation rather than incarceration for minors.

138. Rwanda has a unique access to justice system which is decentralised to the local level through the Access to Justice Bureaus. The Ministry of Justice employs three access to justice officers in each of the 30 district to provide immediate legal advice when needed.

## **VI. Progress on key priorities**

139. To ensure food security as one of the poverty reduction strategies, the Government has initiated the Green Revolution and Agriculture Transformation including domestication of the International Treaty on the Plant Genetic Resource for Food and Agriculture.

140. Another key priority is the plan to scale up all the Isange One stop Centres to ensure that they are available in all 30 districts by 2016.

## **Annexes**

1. Institutions that have participated in the elaboration of the report.
2. List of recommendations accepted.
3. Legal aid statistics from 2011 to date.
4. Statistics on the Right to Education from 2011 to date.
5. Figures on increase in media outlets in the Country.
6. List of Abbreviations.

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*Notes*

- <sup>1</sup> The Constitution of the Republic of Rwanda, 2003 as amended to date.
  - <sup>2</sup> Organic Law N° 01/2012/OL of 02/05/2012 instituting the penal code.
  - <sup>3</sup> Law No 19/2013 of 25/03/2013 determining the mission, organisation and functioning of the National Commission for Human Rights.
  - <sup>4</sup> Law No. 22/2011 of 28/6/2011 establishing the National Commission for Children.
  - <sup>5</sup> Law N° 51/2007 of 20/09/2007 determining the responsibilities, organisation and functioning of the gender monitoring office in Rwanda.
  - <sup>6</sup> Law no 03/2011 of 10/02/2011 determining the responsibilities, organization and functioning of the National Council of Persons with Disabilities.
  - <sup>7</sup> Law N° 41/2011 of 30/09/2011 determining the mission, organization and Functioning of Rwanda Governance Board.
  - <sup>8</sup> Law n°83/2013 of 11/09/2013 establishing the bar association in Rwanda and determining its organization and functioning.
  - <sup>9</sup> Law No 54/2011 of 14/12/2011 relating to the rights and protection of the child.
  - <sup>10</sup> Law n° 35/2012 of 19/09/2012 relating to the protection of whistleblowers.
  - <sup>11</sup> Law N°34/2010 of 12/11/2010 on the establishment, functioning and organization of the Rwanda Correctional Service.
  - <sup>12</sup> Law N° 02/2013 of 08/02/2013 regulating media in Rwanda.
  - <sup>13</sup> Law No 04/2013 of 08/02/2013 relating to access to information.
  - <sup>14</sup> Law N° 03/2013 of 08/02/2013 determining the responsibilities, organisation, and functioning of the Media High Council.
  - <sup>15</sup> Organic Law n° 10/2013/OL of 11/07/2013 governing political organizations and politicians.
  - <sup>16</sup> Law no. 50/2007 of 18/09/2007 on the establishment, organization and functions of cooperative organizations.
  - <sup>17</sup> Law No. 13ter/2014 of 21/05/2014 relating to Refugees.
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