ANNUAL ACTIVITY REPORT

July 2014 – June 2015

Kigali, September 2015
National Commission for Human Rights

Legal Framework


Particularly, the National Commission for Human Rights was established by Law n° 04/99 of 12th March 1999 which was later modified and complemented by Law n° 37/2002 of 31st December 2002. This Law was replaced by Law n° 30/2007 of 6th July 2007, determining the organization and functioning of the National Commission for Human Rights for its conformity with the Constitution of 4 June 2003 as amended to date, with the purpose of giving more powers to the Commission. This Law was in turn replaced by Law n° 19/2013 of 25 March 2013 determining the mission, organization and functioning of the National Commission for Human Rights.

The second paragraph of Article 177 of the Constitution of the Republic of Rwanda state that the National Commission for Human Rights shall submit each year its program and activity report to both Chambers of the Parliament and provide copies thereof to other State organs as may be determined by the Law.

Mission and Powers

The missions and powers of the Commission are determined in articles 4 and 7 of Law n° 19/2013 of 25 March 2013 determining the missions, organization and functioning of the National Commission for Human Rights.

• MISSIONS

The Commission has special missions as stipulated by articles 5 and 6 of Law n° 19/2013 of 25 March 2013 determining the missions, organization and functioning of the National Commission for Human Rights. Those missions include:

➢ With regard to the promotion of human rights:
  - To educate and sensitize the population on matters relating to human rights and participate in the development of Human Rights educational programmes;
  - To collaborate with other organs in designing strategies to prevent violations of human rights;
  - To prepare and disseminate reports on the respect of Human Rights in Rwanda, annually and whenever necessary;
  - To provide views, upon request or at its own initiative on laws, regulations of public organs in force in the country and bills so as to ensure their conformity to fundamental principles of Human Rights;
  - To urge relevant Government institutions to ratify international treaties related to Human Rights and incorporate them in the existing domestic laws;
  - To urge relevant Government institutions to submit on time the reports related to international treaties on Human Rights ratified by Rwanda;
  - To collaborate with other foreign National Human Rights institutions, local associations and international organizations in Human Rights promotion and protection activities.
With regard to the protection of human rights:

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

• Powers

Ordinary powers

The ordinary powers of the Commission are stipulated in Article 7 of Law n° 19/2013 of 25th March 2013 determining the missions, organization and functioning of the National Commission for Human Rights, and it empowers the Commission to fulfill its mission mentioned above.

- Recevoir et examiner les témoignages sur les violations des droits de la personne ;
- Avoir accès à tout lieu où les violations des droits de la personne sont alléguées ou signalées notamment les lieux de détention aux fins d’enquête ;
- Approcher, interroger et requérir des explications de tout individu susceptible d’avoir quelque témoignage, information, responsabilité et expertise de nature à éclairer la Commission dans l’examen et la collecte des éléments de preuve de violation des droits de la personne;
- Avoir accès aux documents, les consulter sur place ou en obtenir les copies ainsi que toute autre pièce de nature à aider la Commission dans l’analyse et la collecte des éléments de preuve de violation des droits de la personne. Les documents ou pièces remis à la Commission doivent être restitués à leurs propriétaires ou aux organes de provenance endéans trois (3) mois ;
- Faire la médiation et la conciliation entre les personnes ayant entre elles des litiges liés aux violations des droits de la personne au cas où cette médiation ou conciliation n’est pas en violation avec la loi ;
- Demander aux organes compétents de rétablir dans ses droits, sans condition, toute personne à l’égard de laquelle la Commission constate la violation des droits ;
- Demander aux organes habilités de poursuivre en justice toute personne ayant commis des infractions relatives aux violations des droits de la personne ;
- Faire des recherches sur les questions thématiques et en publier les résultats en vue de promouvoir les droits de la personne.
➢ **Special powers**

Special powers of the Commission are provided for in Law n° 19/2013 of 25th March 2013 determining the mission, organization and functioning of the National Commission for Human Rights, in its articles 8 and 9. Those special powers are the following:

- Commissioners shall have judicial police powers throughout the territory of Rwanda; members of the staff of the Commission may be given these powers by a competent authority upon request by the Chairperson of the Commission.

- The Commission has powers to file legal proceedings in civil, commercial, labour and administrative matters for violation of human rights provided by the Constitution of the Republic of Rwanda, international treaties ratified by Rwanda and other laws. In that regard, the Commission may be represented in courts by its employees authorized by the relevant authority on the request of the Chairperson of the Commission or it may also be represented by a council of its choice.
MEMBERS OF THE COMMISSION

NIRERE Madeleine
Chairperson of the Commission

NIYONZIMA Etienne
Commissionner

NKONGOLI Laurent
Commissionner

KAREMERA Pierre
Commissionner

KANYEMERA Samuel
Commissionner

UWIZEYE Marie
Thérèse
Commissionner
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The Commission, based on Article 177 of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date, and Law No 19/2013 of 25th March 2013 determining the missions, organization and functioning of the National Commission for Human Rights, has the pleasure to submit the report of its activities for the year 2014-2015 and to submit copies thereof to His Excellency the President of the Republic, the Supreme Court and to the Government.

This report presents the achievements of the Commission for the year 2014-2015 concerning the overall mission of the Commission of promoting and protecting human rights in their different categories, namely civil and political rights, economic, social, and cultural rights, development and environment rights.

Activities relating to the promotion of human rights focused mainly on lectures and training workshops designed for different categories of the population in order to raise their awareness in human rights matters and enable them to strive for their rights. Regarding the protection and promotion of human rights, this report presents the Commission’s achievements in the framework of carrying out investigations on complaints received from people whose rights were violated, as well as those that the Commission investigated on its own initiative owing to their gravity. The Commission investigated all those cases and requested relevant authorities to solve them and restore the victims into their rights.

The Commission also monitored the respect of human rights in mining sector in prisons and police custodies as well as in transit centers. Summaries of the reports on this monitoring are included in this report.

Another important achievement of the Commission is viewed through its collaboration between the National Commission for Human Rights of Rwanda and other foreign National Human Rights Institutions, local associations, international organizations and Government institutions involved in Human Rights promotion and protection activities. In this framework, the Commission is proud that Rwanda had the privilege and honour to host and chair the workshop training of the Forum of Commonwealth National Human Rights Institutions and the one of the Network of African National Human Rights Institutions. Both seminars were held in May 2015.

The Commission is pleased that, during the year 2014-2015, the Government of Rwanda continued to ratify international conventions relating to human rights.

Although a big step was made in the respect of human rights during the year 2014-2015, there are still hindrances in some places and in everyday life of the Rwandan population. This is the reason why, in this report, the Commission is submitting to state organs in particular and to the Rwandan population in general, the recommendations that can help in building and enhancing the culture of human rights respect in Rwanda.

The National Commission for Human Rights reiterates its gratitude to the Government of Rwanda for its support which helps to achieve its missions and to various partners and volunteers of the Commission who played a considerable role in carrying out the activities contained in this report.
I. INTRODUCTION

This report covers activities carried out in the framework of the overall mission entrusted to the National Commission for Human Rights by Article 177 of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date. Specifically, paragraph 2 of this Article stipulates that every year, the Commission presents its program and activity report to the Parliament and provides copies thereof to such State Organs as determined by a Law. Those activities are based on the overall mission of the Commission of promoting and protecting Human Rights as provided for in Law n°19/2013 of 25th March 2013 determining the missions, organization and functioning of the National Commission for Human Rights, especially in its Articles 4, 5 and 6.


Apart from the section of highlights on Rwanda which shows the step made by our Country in general in the promotion and protection of human rights, this report includes activities carried out by the Commission from July 2014 to June 2015.

With regard to the promotion of human rights, the Commission trained 1,726 persons and sensitized 8,403 persons on human rights. Training workshops and awareness sessions were delivered to persons of different categories on basis of the action plan of the year 2014-2015.

The Commission continued to provide views on bills to help the Parliament to adopt laws that comply with the principles of human rights. It also continued to urge relevant Government institutions to ratify international treaties related to Human Rights and incorporate them in the existing domestic laws and to submit on time the reports related to international treaties ratified by Rwanda.

The Commission collaborated with international institutions in charge of human rights, international and national non-Governmental organizations involved in human rights promotion and protection operating in Rwanda and Governmental institutions. This collaboration was mainly characterized by meetings and training workshops to which the Commission was invited, and delivered lectures or provided views in those meetings. The Commission also hosted the meeting of Network of National Human Rights Commissions of the Commonwealth, in May 2015 as well as the meeting of the Network of African National Human Rights Institutions.

In the framework of protecting human rights, the Commission made a follow up of 1,705 complaints relating to human rights violation, upon request or at its own initiative. After investigation, 1,056 complaints were submitted to relevant institutions for action. Among those complaints, 806 were solved whereas 250 are still pending.

Among the complaints followed up by the Commission, those coming foremost in decreasing order are related to the right to property (531 [31%]), the right to justice (298 [17%]), the right to redress (223 [13%]), the right to education (113 [7%]) and gender-based violence (104 [6%]).

In general, complaints relating to property come foremost because the population is now aware of economic and social rights. Complaints related to justice and executions of judgements are many because most cases are based on conflicts related to land, which constitutes the basic property of Rwandans. Many other complaints are from the people who are not given fair compensation when they are expropriated for public interest.
Another issue to be mentioned is that the large number of complaints relating to the right to justice results from the fact that this right embodies many sub-categories of rights. Among others, the right not to be arrested and detainted illegally, the right to a fair trial rendered in a reasonable time, the right to be tried by a competent court, the right to judgement execution, the right to access the copy of judgment, right to redress and the right to be presumed innocent until proven guilty.

The right to redress is normally one of the sub-categories of the right to justice, but it was given special emphasis in this report owing to the big number of complaints thereof followed up by the Commission during the year 2014-2015. Those complaints are related to enforceable judgements that have not been executed or were executed with delay.

Another big number of complaints are those relating to the right to education due mainly to the fact that children living in families face consequences thereof, which prevents them from studying as their parents do not fulfill their responsibility to raise them.

The majority of the victims of gender-based violence are women and girls who were raped. These complaints on sexual abuse were submitted to the Commission by the Observatory of Child’s Rights (ODE) operating in all Sectors of the Country.
The following table shows the complaints received and followed up by the Commission during 2014-2015.

<table>
<thead>
<tr>
<th>N°</th>
<th>COMPLAINTS RECEIVED BY THE COMMISSION AND THOSE IT HAD UNDER INVESTIGATION</th>
<th>NUMBER OF COMPLAINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Adults</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Men</td>
</tr>
<tr>
<td>1</td>
<td>Complaints the Commission had under investigation at the end of the year 2013-2014</td>
<td>259</td>
</tr>
<tr>
<td>1.2</td>
<td>Complaints received by the Commission from 1st July 2014 to 30th June 2015</td>
<td>501</td>
</tr>
<tr>
<td>1.2.1</td>
<td>Complaints scrutinized by the Commission and for which complainants were advised to forward them to other relevant authorities</td>
<td>44</td>
</tr>
<tr>
<td>1.2.2</td>
<td>Complaints not examined by the Commission because they did not meet the requirements for admissibility</td>
<td>43</td>
</tr>
<tr>
<td>1.2.3</td>
<td>Complaints not yet examined</td>
<td>69</td>
</tr>
<tr>
<td>1.2.4</td>
<td>Received complaints (Receivables)</td>
<td>345</td>
</tr>
<tr>
<td>2</td>
<td>Total complaints examined by the Commission</td>
<td>599</td>
</tr>
<tr>
<td>2.1</td>
<td>Complaints fully investigated by the Commission and forwarded to relevant authorities for action</td>
<td>363</td>
</tr>
<tr>
<td>2.1.1</td>
<td>Solved complaints</td>
<td>281</td>
</tr>
<tr>
<td>2.1.2</td>
<td>Complaints not yet solved</td>
<td>82</td>
</tr>
<tr>
<td>2.2</td>
<td>Complaints still under investigation</td>
<td>222</td>
</tr>
<tr>
<td>2.3</td>
<td>Complaints not yet investigated</td>
<td>33</td>
</tr>
</tbody>
</table>

As reflected in the table above, the National Commission for Human Rights followed up seven hundred fifteen (715) complaints that were still under investigation at the end of the year 2013-2014, and received one thousand three hundred twenty-three (1323) new complaints. The total number of complaints amounts to two thousand thirty-eight (2038) complaints.

Ninety-eight (98) of these complaints were scrutinized and complainants were advised to forward them to other relevant authorities. Eighty-five (85) complaints were not examined because they did not meet the requirements.

The Commission followed up one thousand seven hundred and five (1705) complaints of which one thousand fifty-six (1056), that is 61.93%, were submitted to relevant authorities for action after being investigated by the Commission. Four hundred ninety-four (494) complaints, that is 28.97% are still under investigation, while one hundred fifty-five (155) complaints, that is 9.09%, are not yet investigated.

Of one thousand fifty-six (1056) complaints that were submitted to relevant authorities for action, eight hundred and six (806) complaints, that is 76.32%, were solved, whereas two hundred fifty (250) complaints, that is 23.67% are not yet solved.
The following table shows the categories of rights reflected in the complaints that the Commission followed up during the year 2014-2015.

<table>
<thead>
<tr>
<th>No</th>
<th>Categories of rights</th>
<th>Adults</th>
<th>Children</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The right to life</td>
<td>6</td>
<td>3</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>The right to health</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>The right to education</td>
<td>0</td>
<td>1</td>
<td>64</td>
<td>57</td>
</tr>
<tr>
<td>4</td>
<td>Right to employment</td>
<td>39</td>
<td>13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>The right to property</td>
<td>269</td>
<td>225</td>
<td>16</td>
<td>21</td>
</tr>
<tr>
<td>6</td>
<td>The right to justice</td>
<td>244</td>
<td>232</td>
<td>13</td>
<td>44</td>
</tr>
<tr>
<td>7</td>
<td>Rights of Persons with disabilities</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>8</td>
<td>The right to be protected against the worst forms of labour</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>Rights of historically marginalized people</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>The right to environment</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>11</td>
<td>The right to freedom of movement</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>12</td>
<td>The right to respect of human dignity</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>13</td>
<td>The right not to be raped</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>72</td>
</tr>
<tr>
<td>14</td>
<td>Gender-based violence</td>
<td>1</td>
<td>10</td>
<td>5</td>
<td>90</td>
</tr>
<tr>
<td>15</td>
<td>Domestic violence</td>
<td>4</td>
<td>25</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>16</td>
<td>The right to be registered in the Civil Status Registry</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td>17</td>
<td>Child’s right to know both parents and be cared by them</td>
<td>0</td>
<td>0</td>
<td>44</td>
<td>41</td>
</tr>
<tr>
<td>18</td>
<td>Child’s right to receive the maximum for his survival and be raised by his parents</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td>19</td>
<td>Child’s right to be raised in a family</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>20</td>
<td>Cruel punishments</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>21</td>
<td>Rights of detainees</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>22</td>
<td>Unlawful arrest and detention</td>
<td>13</td>
<td>2</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>23</td>
<td>The right to decent housing</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>24</td>
<td>The right to non-discrimination</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>25</td>
<td>Other rights</td>
<td>8</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>599</td>
<td>519</td>
<td>202</td>
<td>385</td>
</tr>
</tbody>
</table>
The following diagram shows the percentages of the categories of human rights that were monitored by the Commission:

- The right to justice: 533; 31%
- The right to property: 531; 31%
- The right to education: 122; 7%
- The right to employment: 52; 3%
- The right to life: 7; 0%
- Other rights: 12; 1%
- Domestic violence: 37; 2%
- Gender-based violence: 106; 6%
- The right to health: 7; 0%
- The right to education: 122; 7%
- Right to employment: 52; 3%
- The right to decent housing: 3; 0%
- The right to non-discrimination: 1; 0%
- The right to be registered in the Civil Status Registry: 27; 2%
- The right to freedom of movement: 1; 0%
- The right to respect of human dignity: 1; 0%
- The right to freedom of movement: 1; 0%
- The right to education: 122; 7%
- The right to employment: 52; 3%
- The right to life: 7; 0%
- Other rights: 12; 1%
- Domestic violence: 37; 2%
- Gender-based violence: 106; 6%
- The right to health: 7; 0%
- The right to education: 122; 7%
- Right to employment: 52; 3%
- The right to decent housing: 3; 0%
- The right to non-discrimination: 1; 0%
- The right to be registered in the Civil Status Registry: 27; 2%
- The right to freedom of movement: 1; 0%
- The right to respect of human dignity: 1; 0%
- The right to freedom of movement: 1; 0%
- The right to education: 122; 7%
- The right to employment: 52; 3%
- The right to life: 7; 0%
- Other rights: 12; 1%
- Domestic violence: 37; 2%
- Gender-based violence: 106; 6%
- The right to health: 7; 0%
- The right to education: 122; 7%
- Right to employment: 52; 3%
- The right to decent housing: 3; 0%
- The right to non-discrimination: 1; 0%
- The right to be registered in the Civil Status Registry: 27; 2%
- The right to freedom of movement: 1; 0%
- The right to respect of human dignity: 1; 0%
- The right to freedom of movement: 1; 0%
- The right to education: 122; 7%
- The right to employment: 52; 3%
- The right to life: 7; 0%
- Other rights: 12; 1%
- Domestic violence: 37; 2%
- Gender-based violence: 106; 6%
- The right to health: 7; 0%
- The right to education: 122; 7%
- Right to employment: 52; 3%
- The right to decent housing: 3; 0%
- The right to non-discrimination: 1; 0%
- The right to be registered in the Civil Status Registry: 27; 2%
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- The right to freedom of movement: 1; 0%
- The right to respect of human dignity: 1; 0%
- The right to freedom of movement: 1; 0%
- The right to education: 122; 7%
- The right to employment: 52; 3%
- The right to life: 7; 0%
- Other rights: 12; 1%
- Domestic violence: 37; 2%
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- The right to education: 122; 7%
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- The right to decent housing: 3; 0%
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- The right to freedom of movement: 1; 0%
- The right to respect of human dignity: 1; 0%
- The right to freedom of movement: 1; 0%
- The right to education: 122; 7%
- The right to employment: 52; 3%
- The right to life: 7; 0%
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- The right to education: 122; 7%
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- The right to decent housing: 3; 0%
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- The right to respect of human dignity: 1; 0%
- The right to freedom of movement: 1; 0%
- The right to education: 122; 7%
- The right to employment: 52; 3%
- The right to life: 7; 0%
- Other rights: 12; 1%
- Domestic violence: 37; 2%
- Gender-based violence: 106; 6%
- The right to health: 7; 0%
- The right to education: 122; 7%
- Right to employment: 52; 3%
- The right to decent housing: 3; 0%
- The right to non-discrimination: 1; 0%
- The right to be registered in the Civil Status Registry: 27; 2%
- The right to freedom of movement: 1; 0%
- The right to respect of human dignity: 1; 0%
The following table shows solved complaints and those still pending according to the categories of rights.

<table>
<thead>
<tr>
<th>N°</th>
<th>Categories of human rights</th>
<th>Solved Complaints</th>
<th>Pending Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The right to life</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>2</td>
<td>The right to health</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>The right to education</td>
<td>63</td>
<td>59</td>
</tr>
<tr>
<td>4</td>
<td>Right to employment</td>
<td>10</td>
<td>42</td>
</tr>
<tr>
<td>5</td>
<td>The right to property</td>
<td>270</td>
<td>261</td>
</tr>
<tr>
<td>6</td>
<td>The right to justice</td>
<td>257</td>
<td>276</td>
</tr>
<tr>
<td>7</td>
<td>Rights of Persons with disabilities</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>8</td>
<td>The right to be protected against the worst forms of labour</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>Rights of historically marginalized people</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>10</td>
<td>The right to environment</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>11</td>
<td>The right to freedom of movement</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>The right to respect of human dignity</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>13</td>
<td>The right against rape</td>
<td>18</td>
<td>55</td>
</tr>
<tr>
<td>14</td>
<td>Gender-based violence</td>
<td>48</td>
<td>58</td>
</tr>
<tr>
<td>15</td>
<td>Domestic violence</td>
<td>13</td>
<td>24</td>
</tr>
<tr>
<td>16</td>
<td>The right to be registered in the Civil Status Registry</td>
<td>15</td>
<td>12</td>
</tr>
<tr>
<td>17</td>
<td>Child’s right to know both parents and be cared by them</td>
<td>33</td>
<td>52</td>
</tr>
<tr>
<td>18</td>
<td>Child’s right to the maximum of survival and to be raised by his parents</td>
<td>34</td>
<td>0</td>
</tr>
<tr>
<td>19</td>
<td>Child’s right to be raised in a family</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>20</td>
<td>Cruel punishments</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>21</td>
<td>Rights of detainees</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>22</td>
<td>Unlawful arrest and detention</td>
<td>19</td>
<td>3</td>
</tr>
<tr>
<td>23</td>
<td>The right to decent housing</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>24</td>
<td>The right to non-discrimination</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>25</td>
<td>Other rights</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>806</td>
<td>899</td>
</tr>
</tbody>
</table>
The following diagram shows solved cases and those still pending according to the categories of rights.

As reflected in the above Diagram and according to human rights categories, complaints related to the right to property keep coming foremost among pending cases (261). Cases relating to the right to justice come on the second position among pending cases (136). In the third position of pending cases come those related to the right to redress (135). Pending cases related to gender-based violence are ranked fourth (58). In the fifth position of pending cases come those related to the right against rape (55). Among complaints relating particularly to child’s rights, cases which were not solved are those relating to the right to education (59).

The Commission continued to implement its powers to file legal actions as provided for by Article 9 of the law n° 19/2013 of 25/3/2013 determining its missions, organization and functioning.

This report also contains the Commission's activities regarding the rights of persons in special categories. Among those categories we can mention child’s rights, the rights of Persons with disabilities and the rights of refugees.

The Commission also monitored the respect for human rights in mining activities, in prisons and police stations as well as in transit centres. Findings of the Commission and recommendations on this monitoring to relevant institutions are included in this report.

This report also covers activities relating to capacity building of the Commission, the use of budget received by the Commission from the Ordinary Budget and funds from donors, as well as planned activities for the year 2015-2016.
II. HIGHLIGHTS ON RWANDA

This section of highlights on Rwanda includes different activities related to the promotion and protection of human rights in respect of the categories of civil and political, economic, social and cultural rights as well as the rights of persons in special categories. In this framework, laws, orders and instructions related to human rights were adopted and published in the Official Gazette of the Republic of Rwanda. It also includes International Conventions relating to human rights that were ratified by Rwanda.

2.1. WITH REGARD TO CIVIL AND POLITICAL RIGHTS

In this category of civil and political rights, highlights on Rwanda are mainly related to good governance, the right to life, freedom of expression and the right to access the information as well as the right to security.

- Good Governance

  ✓ The Good Governance Month

In the framework of promoting Good Governance, the Ministry of Local Government and Rwanda Governance Board (RGB), in collaboration with other public institutions including the National Commission for Human Rights, organized for the fourth time a Good Governance Month.

Activities of that month were launched on 18 March 2015 and ended on 2 April 2015. The theme for the Good Governance Month in 2015 was formulated as follows "Better Service Delivery: Epicenter for Good Governance and Development".

The following were the main objectives of the month:

- To receive and handle complaints of the population, to share ideas with them and give them the floor to provide their views;
- To introduce to the population different services offered to them via the Districts Open Days Program where the population is explained about the services offered to them at the Districts level;
- To inform the population about the role of NGOs in the development of the Country, through the enhancement of Good Governance;
- To urge the population to fight against gender-based violence, human trafficking and to denounce teenage pregnancies;
- To urge leaders to deliver quality services by using means that enable the population to know where they can access those services;
- To mobilize the population for the Programme of self-reliance and job creation for self-development.

The Commission joined other institutions in the organization and smooth running of this Good Governance Month.

During the Good Governance Month, a sensitization campaign was conducted for the delivery of quality service and integrity, both aimed at development.

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1 MIGEPROF, THE OFFICE OF THE OMBUDSMAN, MINJUST, NGOs, the Private Sector Federation, Provinces and Districts
In addition, about three thousand (3,000) complaints were received from the population, of which 65% were solved while terms of resolution were established for 35% remaining complaints. Complaints identified were related to gender-based violence, injustice, land and conflicts based on polygamy and the civil status.

In the framework of the Self-reliance program, in all four (4) provinces and the City of Kigali, investors and job creators were awarded for their innovation and Job creation.

This Month was end up with a consultative meeting. In collaboration with the Ministry of Local Governance, the Rwanda Governance Board (RGB) organized this meeting to communicate the general public and decision makers about the output of the month; these include views, recommendations and challenges encountered during the Good Governance month.

- **Orders promulgated relating to Good Governance:**
  In the framework of Good Governance, Presidential Orders were promulgated with the aim to improve the functioning of administrative entities. Those orders are the following:
  - Presidential Order n° 105 of 10/07/2014 determining the organization and functioning of the administrative organs of the Village;

- **The right to life**
  In the framework of due regard to the respect of human dignity, preventing and fighting any violation against the right to life especially the genocide and its ideology, the Genocide perpetrated against the Tutsis in 1994 was commemorated for the 21st time in 2014-2015. The commemoration focused on the following theme: “Let's fight denial and trivialization of the Genocide against the Tutsis”. Lectures on how survivors of the Genocide managed to strive for self-reliance, how the Genocide was stopped and Rwanda's self-edification at international level were delivered countrywide.

- **Freedom of expression and access to information**
  In the framework of promoting and protecting freedom of expression and access to information, the following laws and instructions were promulgated:
  - Law n° 08/2015 of 28/03/2015 authorizing the ratification of the final acts of the World Conference on International Telecommunications related to the International Telecommunication Regulations adopted at Dubai, in United Arab Emirates, on 14 December 2012;
  - Presidential Order n° 115/01 of 15/07/2014 appointing inspectors in charge of monitoring whether the interception of communication is in accordance with the law;
  - Prime Minister's Order n° 90/03 of 11/09/2014 determining modalities for the enforcement of the Law regulating interception of communication.

- **The right to security**
  In the framework of promoting security of persons and goods, the following were promulgated:
  - Law n°31/2014 of 19/08/2014 governing private security services providers; this Law aims to improve the functioning of private security services providers and their collaboration with security organs;
  - Presidential Order n° 10/01 of 18/06/2014 establishing the special statutes for the District Administration Security Support Organ;
  - Prime Minister's instructions n° 001/03 of 11/07/2014 relating to fire prevention in Rwanda.
Also, Presidential Orders ratifying International treaties on the right to security were promulgated.

- Presidential Order nº 158/01 of 18/11/2014 ratifying the Mutual Defence pact signed in Kampala, Uganda on 20 February 2014;
- Presidential Order nº 159 /01 of 18/11/2014 ratifying the Tripartite Mutual Peace and Security Pact, signed in Kampala, Uganda on 20 February 2014;
- Presidential Order nº 171/01 of 23/12/2014 ratifying the Convention on Cluster Munitions signed in Oslo, Norway on 3 December 2008;
- Presidential Order n° 109/01 of 10/07/2014 ratifying the East African Community Protocol on Peace and Security, signed in Dar Es Salaam, Tanzania on 15 February 2013;
- Presidential Order n° 25/01 of 25/02/2015 modifying and complementing Presidential Decree n° 85/01 of 2/09/2002 regulating general traffic police and road traffic as modified and complemented to date.

• The right to justice
In the field of justice, the following new laws aimed to promote the respect of the right to justice were adopted. Those laws are the following:

- Organic law nº 01/2015/OL of 05/05/2015 modifying and complementing Organic Law nº 51/2008/OL of 09/09/2008 determining the organization, functioning and jurisdiction of courts;
- Law n° 42/2014 of 27/01/2015governing recovery of offense-related assets;
- Law n° 35/2014 of 28/11/2014 modifying and complementing Law n° 44/2013 of 16/06/2013 establishing the Rwanda Law Reform Commission (RLRC) and determining its mission, organization and functioning;
- Practice Directions n° 002/2015 of 18/05/2015by the Chief Justice governing civil, commercial, labour and administrative procedure;
- Instructions n° 32 of 11/09/2014 of the Bar Association fixing the scale of fees for Advocates.

In the framework of access to justice to the Rwandan population in general and to children in particular, the Ministry of Justice adopted policies aimed to offer legal aid to the population.

Those policies are the followings:

- National Legal Aid Policy, which was adopted in September 2014;
- Justice for Children Policy, which was adopted in October 2014.

2.2. WITH REGARD TO ECONOMIC, SOCIAL AND CULTURAL RIGHTS

• Economic Rights
In order to promote the economic rights, laws relating to trade, promotion of investments and organization of microfinance activities were adopted.

Those laws are the following:

- Law n° 01/2015 of 25/02/2015 modifying and complementing Law n° 40/2008 of 26/08/2008 establishing the organization of micro finance activities.

This Law aims to establish a Deposit Guarantee Fund. The Fund aims to help the population in case of liquidation of a microfinance institution. Membership to the Deposit Guarantee Fund shall be mandatory for all licensed micro finance institutions.
- Law n° 15/2015 of 5/05/2015 modifying and complementing Law n° 07/2009 of 27/04/2009 relating to companies as modified and complemented to date;
- Law n° 14/2015 of 5/05/2015 modifying and complementing Law n°12/2009 of 26/05/2009 relating to commercial recovery and settling of issues arising from insolvency, as modified and complemented to date;
- Law n° 06/2015 of 28/03/2015 relating to investment promotion and facilitation;
- Law n° 12 ter/2014 of 19/05/2014 regulating the Tourism Industry in Rwanda.

In the framework of facilitating investors, the Prime Minister's Order was promulgated:

- Prime Minister's Order n° 125/03 of 23/12/2014 authorizing the allocation of public land in private domain for investment.

In the framework of promoting economy, laws authorizing the ratification of treaties signed by Rwanda were adopted. Those laws are the following:

- Law n° 07/2015 of 28/03/2015 authorizing ratification of the protocol on development and operation of the standard gauge railway within the framework of the northern corridor integration projects signed at Nairobi, Kenya, on 11 May 2014, between the Republic of Kenya, the Republic of Rwanda, the Republic of South Sudan and the Republic of Uganda;
- Law n° 25/2014 of 14/08/2014 authorizing the ratification of the revised agreement establishing the African Solidarity Fund, adopted in Niamey, Niger, on 20 December 2008;

• **Social and cultural rights**

✓ **Social rights**

In order to promote the social welfare, laws and orders relating to health insurance and pension schemes were promulgated.

- Law n° 03/2015 of 2/03/2015 governing the organization the community-based health insurance scheme;
- Law n° 05/2015 of 30/03/2015 governing the organization of pension schemes.

This Law governs matters relating to pension schemes focuses especially on their components, categories of pension benefits and their managers. It contains many new elements such as the functioning of private pension scheme service providers, the establishment of personal retirement savings accounts, authorized pension scheme service providers, inspections conducted by the Regulator (BNR) and organization of pension scheme related activities. The rights of a beneficiary imprisoned or unable to receive benefits were also added to this Law.

- Law n° 04/2015 of 11/03/2015 modifying and complementing Law n° 45/2010 of 14/12/2010 establishing Rwanda Social Security Board (RSSB) and determining its mission, organization and functioning;
- Prime Minister's Order n° 113/03 of 19/06/2015 establishing the Inter Ministerial Committee responsible for fighting against illicit use of narcotic drugs, psychotropic substances and precursors, and determining its organization and functioning.
• The right to land

Regarding the right to land, the following orders were promulgated:

- Presidential Order n° 97/01 of 18/6/2014 determining the functioning and the competences of the Registrar of Land Titles;
- Prime Minister’s Order n° 114/03 of 19/06/2015 determining conditions for authorization to carry out real estate development operations;
- Ministerial Order no 04/Cab.M/015 of 18/05/2015 determining urban planning and building regulations.

✓ The right to employment

Regarding the right to employment, the following policies and an order were adopted in the framework of protecting the health and security of workers at their workplace:

- Workplace Health and Safety Policy of 15/10/2014;
- Presidential Order n° 107/01 of 10/07/2014 determining responsibilities and functioning of the Security Committee.

• Cultural rights

Regarding cultural rights, the following instructions were promulgated:

- Ministerial Instructions n° 001/2014 of 8/10/2014 governing the orthography of Kinyarwanda.

2.3. WITH REGARD TO THE RIGHTS OF SPECIAL CATEGORIES

• Child’s rights

Regarding the child’s rights, the 10th Forum of the National Children’s Council was held on 20th November 2014. Children from all Districts of Rwanda and East Africa attended the Forum.

In that Forum, children representing others meet, provide views, submit their wishes to the leaders; they also show their role in the development of the country. The 10th Forum of National Children’s Council took place while Rwanda was celebrating its 20 years achievements after its liberation. Moreover, the Forum was held when Rwanda and the entire World were celebrating the 25th Anniversary of the adoption of the International Convention on the Child’s rights.

• Refugees’ rights

Regarding refugees’ rights, on 24 April 2015, the Government of Rwanda decided to grant refugee status to Burundian refugees. The decision was taken on basis of the Convention relating to the Status of Refugees of 1951 on Refugees and Law no 13 ter/2014 of 21/05/2014 relating to refugees in its Article 13 which stipulates that refugees in mass influx situations may be unconditionally granted prima facie refugee status.

The following order was also promulgated:

- Prime Minister’s Order n°112/03 of 19/06/2015 determining the organization and functioning of the National Refugee Status Determination Committee and benefits granted to its members.

• The right to adult education

In this category of adult education, the following Ministerial Order was promulgated:

- Ministerial Order n° 008/2015 of 22/01/2015 determining the organization and functioning of adult education.

3.1. PROMOTION OF HUMAN RIGHTS

In the framework of educating and sensitizing the Rwandan population on human rights, as provided for by Article 5 of Law no 19/2013 of 25 March 2013 determining the missions, organization and functioning of the National Commission for Human Rights, from July 2014 to June 2015, the Commission organized training workshops and seminars for various categories, including local authorities, security organs, Members of Health Centers Committees, Representatives of cooperatives and NGOs as well as other categories that requested for trainings in human rights matters.

Trainings and awareness sessions were aimed at building its beneficiaries capacities including local authorities, the council committees and other decision makers in order to refer to the laws and human rights in their dairy activities.

In general, training and awareness sessions on human rights contribute to the prevention of violence and reinforcing the culture of respect for human rights in the country.

3.1.1. Educating the Rwandan population on human rights

During the year 2014-2015, the Commission trained different categories of people on human rights as shown in the following table:

<table>
<thead>
<tr>
<th>No.</th>
<th>Participants</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Religious leaders</td>
<td>660</td>
</tr>
<tr>
<td>2.</td>
<td>Representatives of Persons with disabilities in Rulindo and Burera Districts</td>
<td>114</td>
</tr>
<tr>
<td>3.</td>
<td>Health Centres Committees</td>
<td>91</td>
</tr>
<tr>
<td>4.</td>
<td>Historically marginalized persons from CELPAR Church/Muhanga District</td>
<td>200</td>
</tr>
<tr>
<td>5.</td>
<td>Members of District Councils in Southern Province</td>
<td>99</td>
</tr>
<tr>
<td>6.</td>
<td>Rwanda National Police, Rwanda Correctional Service, the Prosecution General</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>and the Judiciary</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Executive Secretaries of all Sectors (except those of Kigali City)</td>
<td>378</td>
</tr>
<tr>
<td>8.</td>
<td>Vice-Mayors in charge of social affairs</td>
<td>30</td>
</tr>
<tr>
<td>9.</td>
<td>Representatives of people living with HIV/AIDS in Gasabo District</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,726</td>
</tr>
</tbody>
</table>

All these trained categories play a significant role in the promotion and protection of human rights, reason why the commission pays special attention to them.

In 2014-2015, the Commission trained different categories of people including:

- Local authorities

In their daily duties, local authorities are in charge of addressing the population’s problems and sensitizing people on Government programs relating to their social welfare. These leaders need enough knowledge in human rights matters in order to fulfill their duties successfully as provided for in Article 10 of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date.
In this context, the Commission trained Executive Secretaries of Sectors, Vice-Mayors in charge of social affairs as well as members of District Councils.

**Executive Secretaries of all Sectors**

In collaboration with the United Nations Development Program (UNDP), the Commission trained 378 Executive Secretaries including 47 women and 331 men, from the Southern, Eastern, Western and Northern Provinces.

 Themes of the lectures

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Mechanisms of protecting human rights in International Conventions and Rwandan laws;
- Human rights and good governance: the role of local leaders in the protection and promotion of human rights;
- Law governing the non-professional bailiffs.

At the end of the workshop, participants committed themselves:

- To approach the population and sensitize them on their rights;
- To deliver quality service to the population by respecting laws;
- To enhance collaboration with human rights organizations.

**Vice-Mayors in charge of social affairs**

From 4 to 5 September 2014, in collaboration with the United Nations Development Program (UNDP), the Commission trained 24 women and 6 men Vice-Mayors in charge of social affairs from all the Districts of Rwanda at Nobleza Hotel located in Kicukiro District, Kigali City.

The lectures focused on the following themes:

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Good governance and human rights;
- Organs in charge of monitoring the implementation of International Conventions and responsibilities of the Government;
- Human rights based development;
- Universal Periodic Review;
- Human rights violation: Causes and consequences.

Participants committed themselves:
- To be human rights based in their daily decision making;
- To promote good governance by enhancing the respect for human rights in their daily activities.

✓ District Councils

From 3 - 4 March 2015, at "Centre St André" located in Muhanga District, and from 21 - 22 May 2015, at "Centre Mère du Verbe" located in Huye District, the Commission trained 99 members of District councils, including 51 men and 48 women, from Kamonyi, Muhanga, Ruhango, Gisagara, Nyamagabe and Nyaruguru districts of the Southern Province.

Themes that were discussed include:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Rights of special categories (children, women and Persons living with disabilities);
- Mechanisms of human rights protection;
- Human rights and good governance;
- International mechanisms for the protection of human rights.

Participants committed themselves to play a role in disseminating the principles of human rights and to find solutions to potential hindrances against human rights in their respective Districts. They also promise:
- To respect the human rights principles in their decisions;
- To ensure the respect for human rights in the implementation of Government programs;
- To ensure the respect of the rights of persons in special categories in the decisions taken by the District councils or other organs.

✓ Health Centres Committees

Health Centres Committees are composed of representatives of different categories of the population, including medical professionals, teachers, traders, etc. They make up an efficient channel that can help diffusing messages relating to human rights to the majority of the population. In this framework, the Commission continued to train the members of these committees, that activity was launched in 2012-2013.

From 11 - 12 February, and 6 - 7 April 2015, at "Centre AVEGA", located in Rwamagana District, the Commission trained 91 members of Health Centres Committees, including 73 men and 18 women, from Rwamagana, Kayonza, Bugesera, Ngoma and Kirehe districts, in the Eastern Province.

Covered subjects are the following:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Civil and political rights;
- Economic, social and cultural rights;
- Rights of special categories;
- The right to health;
- Law no 49/2012 of 22/01/2013 establishing medical professional liability insurance.

Participants appreciated the workshop as it raised their awareness on human rights principles and the laws protecting human rights. They committed themselves to diffuse human rights principles among the population and to urge health care service providers to give due care to their clients.

**Organs of the Judiciary**

As provided for in the Article 44 of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date, the Judiciary is the safeguard of human rights and freedoms of the population. From 5 - 6 March 2015, in collaboration with the United Nations Development Program (UNDP), the Commission trained members of various organs of the Judiciary in order to comply with International Conventions on Human rights in their daily activities. The workshop was held at "Centre St André" Kabgayi located in Muhanga District, and gathered 54 persons, including 39 men and 15 women.

The lectures focused on the following subjects:

- Core International Human Rights Instruments;
- International, Regional and National Human Rights Protection Mechanisms;
- Human rights in the Constitution of the Republic of Rwanda;

Participants expressed their commitment to respect International Conventions in their decisions and requested the Commission to disseminate the list of International Conventions ratified by Rwanda to different organs of the Judiciary in order to base their decisions on those conventions.
✓ **Religious leaders and youth members organizations**

In their daily activities, religious leaders preach and advise people, for the Commission this is an efficient channel to diffuse human rights principles to a large number of the population. Therefore, they need trainings so that they should base on human rights principles while providing advices to those who come to them.

The following table shows the training workshops of religious leaders and their Youth members organizations

<table>
<thead>
<tr>
<th>Date</th>
<th>Participants</th>
<th>Venue</th>
<th>Number</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>29-31/10/2014</td>
<td>Leaders of ecclesial centers and communities, catechists, peace and justice mobilizers, members of “Seeds of Peace” of Janja Parish</td>
<td>Janja/Gakenke</td>
<td>300</td>
<td>173</td>
<td>127</td>
</tr>
<tr>
<td>11/11/2014</td>
<td>Members of the Muslim youth of “Foundation for the Youth Future”</td>
<td>Kigali/La Palisse</td>
<td>100</td>
<td>25</td>
<td>75</td>
</tr>
<tr>
<td>6/01/2015</td>
<td>Representatives of Catholic youth and some of their leaders from all 9 Dioceses of Rwanda together with some staff and leaders in charge of the youth.</td>
<td>Mbare/Muhanga</td>
<td>68</td>
<td>41</td>
<td>27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>468</td>
<td>239</td>
<td>229</td>
</tr>
</tbody>
</table>

Subjects that were discussed include:

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Civil and political rights;
- Economic, social and cultural rights;
- Child’s rights in Rwandan laws;
- Women’s rights;
- Human trafficking and narcotic drugs.
After the lectures, participants committed themselves to strive for the respect of human rights and to sensitize other people on these rights.

**Training workshops for special categories**

One of the missions of the Commission in the framework of promoting human rights is monitoring the respect of the rights of persons in special categories. In this framework, the Commission trained representatives of the following categories to enable them to strive for their own rights and for the rights of the people they represent, so that they can also assist the Commission in monitoring the respect of human rights by providing to it with information.

- **Representatives of Persons with disabilities**

  From 4 - 6 February 2015, in Rulindo District, and from 5 - 6 March 2015, in Burera District, the Commission trained 114 members of Committees of Persons with disabilities, including 76 men and 38 women.

  Themes that were discussed include:
  
  - Missions, organization and functioning of the National Commission for Human Rights;
  - Fundamental principles of human rights;
  - Rights and duties of a citizen in the Constitution of the Republic of Rwanda;
  - Child’s rights;
  - Rights of Persons with disabilities.

  Participants committed themselves to sensitize the people they represent on their rights.

- **People infected with HIV/AIDS**

  From 15 - 16 June 2015, in the conference hall of La Palisse Hotel Nyandungu, located in Gasabo District, and from 29-30 June 2015, in the meeting room of Gatenga Sector, located in Kicukiro District, the Commission trained 208 representatives of people infected with AIDS Virus from all Sectors of both districts, including 146 women and 62 men.

  Themes that were discussed include:
  
  - Missions, organization and functioning of the National Commission for Human Rights;
  - Fundamental principles of human rights;
  - Civil and political rights;
  - Economic, social and cultural rights;
  - Rights and duties of a citizen in the Constitution of the Republic of Rwanda;
  - Rights and duties of people living with AIDS Virus.

  Participants appreciated the workshop because it contributed to raise awareness of their rights. They committed themselves to sensitize the people they represent and to play their role in the promotion of human rights in their respective communities.
Historically marginalized persons

From 25 - 26 March 2015, upon the request of CELPAR Church operating in Muhanga District, the Commission trained historically marginalized members of this Church, in order to raise their awareness of human rights. The training workshop was held in the meeting room of Nyamabuye Sector for 200 persons, including 136 women and 64 men.

Subjects that were discussed include:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Child's rights;
- Women's rights.

Participants committed themselves to share with their colleagues what they acquired in the training.

3.1.2. Sensitizing the Rwandan population on human rights

In the framework of providing the Rwandan population with basic knowledge about their rights and disseminate widely the principles of human rights, the Commission organizes awareness sessions for different categories of the Rwandan population through messages broadcast in the media and through the commemoration of International human rights days.

In that context, from July 2014 to June 2015, at its own initiative or upon request, the Commission delivered lectures on human rights designed for: those who were preparing to join DASSO (District Administration Security Support Organ), Students of Kigali Independent University, the youth of "Magirirane Development in Peace", the Catholic youth, members of cooperatives, ex-combatants from the Democratic Republic of Congo, housekeepers and local authorities from Nyamirambo and Nyarugenge sectors.

- Lectures delivered to the youth
  - The Catholic youth

On different occasions, the Commission delivered lectures to 2,162 persons, including 1271 girls and 891 boys of the Catholic youth from Nyundo and Kabgayi Dioceses.

Subjects of the lectures
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Child's rights;
- Human trafficking and narcotic drugs.

Participants committed themselves to sensitize the youth in particular and the Rwandan population on human rights.

- Youth Associations

On 23rd May 2015, the Commission delivered lectures to the youth of Kimironko Sector members of "Magirirane Development in Peace". They were 21 members, including 12 boys and 9 girls. On 26th June 2015, lectures were delivered in the University of Kigali, MINAGRI Campus, for 60 students of this University, all members of GYLATA (Global Young Lawyers Africa Transformation”), including 34 boys and 26 girls.
The following themes were discussed:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;

Participants committed themselves to avoid anything that may destabilize human rights, and to contribute to the promotion of human rights.

• Members of cooperatives

Cooperatives play a big role in the development of the Country and of their members. For the cooperatives to function well, every member should have a clear understanding of his/her rights and responsibilities. In this framework, on different occasions, the Commission delivered lectures relating to human rights to members of cooperatives of rice, banana, tea and coffee farmers as well as fishermen in Rusizi District. All the participants were 444, including 353 men and 91 women.

Themes that were discussed include:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Civil rights;
- Economic, social and cultural rights.

Participants committed themselves to transmit the knowledge they acquired to their colleagues and neighbours.

➢ Lectures delivered in Burera District

On 4 February 2015, the Commission delivered lectures to 547 students of "Groupe Scolaire Jean La Mennais" located at Kirambo, including 318 boys and 229 girls while, on 5 February 2015, the lectures were delivered to 512 people, who were in VUP (Vision Umurenge Programme) activities in Rusarabuye Sector.

Subjects that were discussed include:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Civil and political rights;
- Economic, social and cultural rights.

Lectures of the Commission in training workshops organized by other organs

• Lectures delivered in training workshops of DASSO

On 9 June 2015, in Rwamagana District, the Commission delivered lectures in the training of 2,178 people who were preparing to join DASSO, including 1,879 men and 299 women.

The following subjects were discussed:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Civil and political rights;
- Economic, social and cultural rights;
• **Housekeepers**

In February 2015, the Commission delivered lectures in the training workshop organized by ADBEF (Association pour la Défense des Droits, du Développement durable et du Bien-Etre Familial) for 272 housekeepers from Kimisagara Sector, including 182 girls and 90 boys.

**Themes that were discussed include:**

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Right to employment.

• **Lectures in the training workshop organized by Nyamirambo Sector**

Upon the invitation of the leaders of Nyamirambo Sector, the Commission delivered lectures in the training workshop organized by the Sector for 125 persons preparing to join the night security guards including 123 men and 2 women, from all the villages of that Sector. The lectures were delivered in the conference room of the Sector.

**Themes that were discussed include:**

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights.

• **Lectures in the training workshop organized by Nyarugenge Sector**

Upon the invitation of Nyarugenge Sector Authorities, on 30th April 2015, in the conference room of the Sector, the Commission delivered lectures in the training workshop organized for night security guards, leaders of villages, members of the National Youth Council and members of the National Women Council. They were 81 participants in total, including 74 men and 7 women.

**The following themes were discussed:**

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;

• **Lectures in a solidarity camp of ex-combatants from the Democratic Republic of Congo**

Upon the invitation of the National Commission for Demobilization and Reintegration, in 2015 on different dates, the National Commission for Human Rights delivered lectures to 118 ex-combatants in Mutobo Solidarity Camp, located in Musanze District.

**Themes that were discussed include:**

- Human rights and duties of a citizen in the Constitution of the Republic of Rwanda;
- International Convention and Rwandan laws on the prevention and punishment of the crime of Genocide and war crimes;
- International Convention and Rwandan laws punishing discrimination and sectarianism;
- Role of the judiciary in the respect of human rights;
- History of the Genocide ideology;
- International laws on the elimination of all forms of discrimination.
• Comemoration of the International days related to human rights

From July 2014 to June 2015, the National Commission for Human Rights played a role in the commemoration of the international days related to human rights. In this framework, the Commission delivered different messages aimed to sensitize Rwandan citizens on human rights through the media and on hanged banners.

The Commission celebrated the following international days:

- **On 3 December 2014**: International Day of Disabled Persons. The theme of the Day at international level was "Disability-inclusive sustainable Development Goals", while at national level the theme was "Sustainable Development Goals based on Disability-inclusive Technology".

The Commission joined other institutions in the celebration of this Day which took place in Karongi District at national level. In her speech, the Chairperson of the Commission said that this Day was established by the United Nations in 1992, in the framework of respecting Disabled Persons and protecting them against any form of discrimination, as provided for in International Conventions and Rwandan laws, especially in Article 11 of the Constitution of the Republic of Rwanda of 4 June 2003, as amended to date.

As stipulated in its attributions, the Commission will continue to urge different organs to respect the rights of Disabled Persons, in order to implement programs set up in the framework of protecting the disabled. The Chairperson of Commission also requested people living with disabilities to be self-confident and promised to make an advocacy for them.

On 9 December 2014: 66th anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide. On that Day, the Commission visited a Village of 31 families of disabled military veterans, located in Rusheshe Cell, Masaka Sector, Kicukiro District. In her speech, the Chairperson of the Commission reminded that the objective of this day is to awaken the world as regard the value and human dignity, so that everyone should strive to prevent the Genocide to happen again. Disabled military veterans asked the Commission to advocate on their behalf on the challenges they face, including:

✓ The problem of small plots, as everyone among them was granted 10 x 15m only;
✓ Health insurance for the members of their families (only former military members are covered while their wives and children are not).
✓ Lack of recreation facilities (they have a hall without any equipment);

The Commission offered them 100 chairs for their conference room.

Also in the context of this Anniversary, the Commission delivered lectures in higher learning institutions, on the following theme: «Prevention and Punishment of the Crime of Genocide at international level and in Rwanda». The following table shows how the lectures were delivered:
Table showing how lectures were delivered in higher learning institutions

<table>
<thead>
<tr>
<th>Learning institution</th>
<th>Number of participants</th>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPRC/Kigali (Integrated Polytechnic Regional Center)</td>
<td>300</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>INILAK/Kigali (Independent Institute of Lay Adventist of Kigali)</td>
<td>1256</td>
<td>604</td>
<td>672</td>
</tr>
<tr>
<td>KIM (Kigali Institute of Management)</td>
<td>114</td>
<td>33</td>
<td>81</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1670</strong></td>
<td><strong>837</strong></td>
<td><strong>853</strong></td>
</tr>
</tbody>
</table>

**Subjects of the lecture**

- Fundamental principles of human rights;
- Punishment of the Crime of Genocide at international level and in Rwanda;

**On 10th December: International Day of Human Rights**

The Day's theme at international level: «Human Rights 365». This means human rights throughout 365 days of a year.

At national level, the theme was: **Twenty years of fostering Human Rights**

Rights and dignity in Rwanda: Let’s enhance this practice by fighting human trafficking and narcotic drugs".

The Commission joined the population of Bugesera District in celebrating the International Day of Human Rights.

In the context of preparing this Day, the Commission organized competitions of songs and poems in Kimisagara, Bugesera, Huye, Rulindo and Rubavu youth centers. Before the competition, lectures were delivered in the youth centers as illustrated in the table below.

Table showing how lectures were delivered in youth centers

<table>
<thead>
<tr>
<th>Date</th>
<th>Youth center</th>
<th>Number of participants</th>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/12/2014</td>
<td>Huye</td>
<td>30</td>
<td>18</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Bugesera</td>
<td>70</td>
<td>51</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Rulindo</td>
<td>28</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>3/12/2014</td>
<td>Rubavu</td>
<td>35</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
<td>5/12/2014</td>
<td>Kimisagara</td>
<td>50</td>
<td>45</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>213</strong></td>
<td><strong>165</strong></td>
<td><strong>48</strong></td>
</tr>
</tbody>
</table>
Subjects that were discussed include:

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Human trafficking and narcotic drugs.

Inspired by the lectured topic, a competition of poems and songs was organized and 4 children were selected from youth centers. On 9 December 2014, a competition of 20 children from the above-mentioned centers was organized. On 10 December 2014, the author of the best poem was given the opportunity to present it in the ceremonies which took place in Bugesera District and awards were given to 20 best authors.

Among the main Speakers, there was the Resident Coordinator of the UN System in Rwanda, the Representative of Police, the Chairperson of the National Commission for Human Rights and the Minister of Justice, who was also the Guest of Honour. All of them delivered messages relating to the theme of that Day. They recalled the heinous history that characterized Bugesera District where severe violations of human rights have been committed for long ago. Speakers requested the population of this District in particular and the Rwandan population in general to promote the values of human rights.

- On 8 March: International Women's Day

The Day's theme at the level of the United Nations was "MAKE IT HAPPEN". At national level, the theme invited Rwandan female citizens to: "Strive for sustainable development." The Commission joined other institutions in the celebrations of that Day which were held in Ngoma District, in the Eastern Province.

- On 1 May: Labour Day

The theme of the day was: "Employment Promotion for Fast Development". Members and staff of the Commission celebrated that Day in Kicukiro District. It was recalled that work is important as it contributes to the development of both the employee and the Country. Employees are urged to like their work, to do it fast and produce quality work with zeal. Workers were advised to use technology, avoid being slaves of time and work overtime if necessary, without complaint.

A lecture was also delivered on the following theme: "Be hard working and do quality work". Employees were recalled that the Labour Day is an opportunity to think again about the oath they swore before starting their job. Regarding the delivery of quality service, staff members were requested to respect the documents governing them, including the Constitution, the Law determining the missions, organization and functioning of the Commission and Internal Rules and Regulations of the Commission. This brings everyone to think on their role and how they fulfill their obligations, which helps the Commission achieve its mission.

- On 16 June: The African Child Day

The theme of the Day at the level of the African Union was: "25 years have elapsed since the Law governing protection of the African Child was adopted: All together, let's fight against early marriage for the African child."

At national level, the theme was "Accelerating our effort for Early Childhood Development."

The ceremonies were held at Serena Hotel where a Representative of the Commission joined other institutions while the Chairperson was the Guest of Honour in the ceremonies that held at Nyagatare Transit Center.
• **Radio broadcasts**

Within the framework of its daily activities, the Commission produces radio broadcasts aimed at educating and sensitizing the Rwandan population on their rights. From July 2014 to June 2015, the Commission produced emissions on the following themes:

- Awareness of human rights is the foundation of any type of development;
- Let's know the National Commission for Human Rights;
- Characteristics of human rights;
- Obligations relating to human rights;
- Categories of human rights;
- The role of the Commission in assisting people whose rights are violated;
- Some persons are grateful to the Commission for its contribution in solving their problems.

**Other lectures delivered by the Commission**

- On 16 July 2014, the Commission organized a press conference with journalists in which they shared about the functioning, achievements and planned activities of the Commission;
- On 1 September 2014, the Commission held a press conference with journalists of Radio Flash FM in which they shared about the situation of human rights in Rwanda;
- On 16 September 2014, the Commission held a press conference with journalists of Radio Contact FM in which they shared about the functioning, mission, achievements, challenges and image of the Commission;
- On 7 November 2014, the Commission held a press conference with journalists of Radio Isango Star in which they shared about gender-based violence perpetrated against women;
- On 13 December 2014, the Commission held a press conference with journalists of Rwanda Television on the Commission's achievements regarding the respect of human rights;
- On 30 June 2015, the Commission held a press conference with journalists of Imvaho Nshya in which they shared about the situation of human rights in Rwanda 21 years after Rwanda's liberation.

### 3.2. PROVIDING VIEWS ON BILLS RELATED TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

In the framework of implementing the Commission’s mission provided for in Article 5, paragraph 4, of Law n° 19/2013 of 25 March 2013 determining the mission, organization and functioning of the National Commission for Human Rights, stating "to provide views, upon request or at its own initiative on laws, regulations of public organs in force in the country and on bills so as to ensure their conformity to fundamental principles of Human Rights", from July 2014 to June 2015, the Commission prepared and submitted to the Parliament written views on two (2) bills and one Draft Bill.

The Commission also followed up, in both Chambers of the Parliament, the activities aimed at analyzing five (5) bills for Rwandan laws to harmonize them with International Principles of Human Rights included in the Constitution of the Republic of Rwanda and International Conventions ratified by Rwanda.

The Commission provided those views at its own initiative except those related to the project of revising the Organic Law n° 01/2012/OL of 2/05/2012 instituting the Penal Code.
3.2.1. Providing written views on bills

From July 2014 to June 2015, the Commission provided views on the following bills:

- Draft Organic Law modifying and complementing Organic Law no 02/2010/OL of 09/06/2010 on the organization, jurisdiction, competence and functioning of the Mediation Committee;
- Draft Law governing the organization the community-based health insurance scheme;
- The project to review Organic law n° 01/2012/OL of 02/05/2012 instituting the penal code.

Views on the Draft Organic Law modifying and complementing Organic Law n° 02/2010/OL of 09/06/2010 on the organization, jurisdiction, competence and functioning of the Mediation Committee

The National Commission for Human Rights, in its letter n° CNDP/AUG/045/14.15 of 4 August 2014, submitted its views to the Parliament/Senate on the Draft Organic Law modifying and complementing Organic Law no 02/2010/OL of 09/06/2010 on the organization, jurisdiction, competence and functioning of the Mediation Committee. The views were mainly provided on the following articles:

- To base the Bill on International Conventions relating to the right to access to justice.

The Commission showed that the Bill was not based on International Conventions that have been ratified by Rwanda. Those International Conventions are:

- The International Convention on civil and political rights of 19 December 1966, ratified by the Presidential Order n° 8/75 of 12/02/1975, in its Articles 2 and 14;

- To analyze thoroughly articles contained in that Bill relating to the jurisdiction of the Mediation Committee based on the subject-matter in criminal cases.

The Commission found that, in Article 2 of that Bill, there are about seventeen (17) offenses that fall under the jurisdiction of the Mediation Committee at Cell level. Some of those offenses require sufficient knowledge to determine whether a given offense was committed or if the perpetrator was convicted of it. This is the reason why the Commission advised that those offenses should be removed from that list and be maintained under the jurisdiction of the organs which normally investigate and prosecute them.

The main reason on which the Commission based its argument is that members of the Mediation Committee are not lawyers and their duty is not to act as judges, but to reconcile the parties with litigation. It is good that they are not selected on basis of their knowledge of laws but they should avoid handling offenses that require mastery of laws.

According to the Commission, the following offenses should be removed from the jurisdiction of the Mediation Committee:

- Defamation in public;
- Concealment of objects obtained from an offense;
- Fraud and deceit committed by and against either of the spouses;
- Mistreating, injuring or killing domestic animals;
- Demolishing or damaging another person's buildings;
- Intentional minor violence or throwing at another person anything likely to disturb or dirty him/her;
- Night disturbance;
- Blackmail.

**Views on the Draft Law governing the organization of the community-based health insurance scheme**

The National Commission for Human Rights, in its letter no CNDP/SEP/143/14.15 of 24 September 2014, submitted its views to the Parliament/Chamber of Deputies on the Draft Law governing the organization of the community-based health insurance scheme. The views were mainly provided on the following articles:

- To base the Draft Law on the articles of the Constitution of the Republic of Rwanda of 4 June 2003 as amended to date and on International Conventions relating to the right to health;

With regard to articles of the Constitution, the Commission found that some of them should be based on, while other articles of the Draft Law should be removed.

The Commission noticed that Article 41 relating to the right to health should be added to the preamble of the Draft Law. Article 41 of the Constitution provides: “All citizens have the right and duties relating to good health. The State shall have the duty of mobilizing the population for activities of promoting good health and assist them in the implementation of these activities.”

After analyzing the preamble, the Commission found that there are some articles of the Constitution of the Republic of Rwanda unrelated to the right to good health and the right to health insurance that were based on in the preamble. The Commission requested that they be removed from the Draft Law. Those articles are the following:

- Article 37 relating to the right that every person has free choice of employment;
- Article 38 relating to the right to form trade unions for the defense and promotion of legitimate professional interests;
- Article 39 relating to the right of workers to strike;
- Article 45 relating to the right of citizens to participate in the government of the country, whether directly or through freely chosen representatives in accordance with the Law.

**3.2.2. Basing the Bill on international instruments related to the rights to health**

The Commission pointed out that the Bill was not based on International Instruments ratified by Rwanda. Those International Instruments are the following:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) of 16 December 1966, ratified by the Presidential Order no 8/75 of 12/02/1975, in its article 12;
- The Convention on the Rights of Persons with disabilities, adopted by the General Assembly of the United Nations on 13/12/2006 was ratified by the Presidential Order nº131/01 of 27/12/2012 in its article 25;
- The Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, ratified by the Presidential Order nº 431/16 of 10 November 1980 in its article 12(1);
- The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa was ratified by the Presidential Order No 11/01 of 24/6/2004 in its article 14(2) (a).
- Explaining some articles of the Bill

  ▶ Article 8, paragraph one stated that "affiliate members to Health Insurance Schemes seek healthcare in public and private healthcare facilities that have signed agreements with the Institutions in charge of providing health insurance schemes."

  The Commission noted that the article does not specify how affiliate members will seek healthcare from any public healthcare facility.

  The Commission noted that paragraph one of this article should be rewritten as follows: “Affiliate members seek healthcare from all Public Healthcare Facilities”. They are also entitled to medical treatment in private clinics that have signed agreement with the Institution in charge of Health Insurance Scheme”.

  ▶ Article 20 was stating that "Prior to filing any claim pertaining to insurance decision or act to the court of law by the affiliate member or any other individual, the matter should first pass by the Director General of Rwanda Social Security Board."

  The Commission considered such article which states that individuals are offered opportunities to settle their problems through mediation before filing the claim to the Court since issues are quickly settled and at low cost.

  The Commission expressed the need for clarification as regard to the Authority to whom the complaint should be submitted to before filing it to the Court. The Commission noted that it should be stated that a complaint is first of all submitted to the Management of the Rwanda Social Security Board, instead of submitting it to the Director General of the Rwanda Social Security Board.

  The Commission also noted that the Draft Law does not provide for the following:

  - The proof that shows that the complaint was received in the secretariat of the Director General of Rwanda Social Security Board;
  - The deadline for the Management to provide a solution;
  - The institution that decides whether the complaint can be filed to the court in case the complainant is not satisfied by the decision taken by the Management of the Rwanda Social Security Board after deliberation;
  - The deadline to issue the proof showing that the complainant has first submitted the claim to the Management of the Rwanda Social Security Board;
  - Measures to be taken in case RSSB does not respect the deadline provided for by the law. The Commission finds that, in case the deadline expires before the issuance of the decision, the complainant can file the case to the competent Courts.

  The Commission noted that filing the case should be made in written and an acknowledgement should be given in order to verify the deadline provided for by the law. A copy of the complaint should be reserved to the concerned Ministry as an information on the case and benefit a prompt consideration by the receptionists of the Rwanda Social Security Board.

  Considering the above explanations, the Commission finds that article 20 needs to be revised to clarify modalities for health insurance conflict settlement.

- Removing criminal sanctions from the Draft Law

  While examining the Draft Law, the Commission found that the Bill contains provisions concerning penalties to insurance related offenses. Such articles are the following:
Ø Article 21: Failure to be enrolled to Health Insurance Schemes or discouraging others to enroll to the health insurance scheme;
Ø Article 23: An affiliate member using membership card in fraudulent ways;
Ø Article 24: A healthcare facility or pharmacy staff.

The Commission noted that some offenses provided for in those articles of the Bill and penalties related thereto are already provided for in the Penal Code, and those articles are contradictory.

The Commission provided views that if the Draft Law governing the organization and functioning of Health Insurance Schemes is voted still bearing provisions regarding penalties, it would be contradictory to the Constitution of the Republic of Rwanda since its article 93 states that in any case an organic law may not contradict with the Constitution; neither may an ordinary law or decree-law contradict an organic law and a decree may not contradict an ordinary law.

Based on the above explanations, the Commission noted that article 21, 23 and 24 should be removed from the Bill.

- The project to review Organic Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code

In the framework to review Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code, the Ministry of justice wrote to the National Commission for Human Rights Letter nº 526/0825/BNV/LSD of 24 March 2015 requesting the Commission to provide views on this review.

The Commission submitted to the Ministry of Justice Letter nº526/14.15 of 17 April 2015 bearing views on the revision of the Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code. The following points were stressed on:

- Gender based violence and indecent assault offenses;
- Human Trafficking offenses;
- Conspiracy offense;
- Corruption offenses.

- Concerning gender based violence and indecent assault offenses

The Commission noted that article 183 providing for indecent assault against a child should specify penalties against indecent assault offense against perpetrators regarding consequences towards victim such as ordinary illness, chronic illness or death.

The Commission also noted that the penalty provided for in article 184 on indecent assault with violence, trickery or threats against a person aged eighteen (18) or above should be increased since the perpetrator has committed a felonie and consequences to the victim can lead to undermine his/her dignity and reputation in their family, at the work place or in the society in general.

The Commission pointed out that article 206 on encouraging, inciting or manipulating a person for the purpose of prostitution should have an additional paragraph that provides for the penalties for the perpetrator of this offense against a child, since it provides for the adult person only.

The Commission noted that offense regarding advertisement for facilitation of prostitution stated in Article 208 has been provided for a lesser penalty since the advertised act reaches out to many people within a short time. Usually an advertised activity should be useful to many people, but when it consists of advertising an offense, it should be exemplarily punished.
- Regarding human trafficking offenses

> The Commission considered the human trafficking offense as a serious offense that requires a heavier punishment than the penalty provided for.

> The title of Article 251 should be clarified since “participating in trafficking persons out of the country” as such does not mean it is for commercial purposes and should be rewritten as follow: “Participating in trafficking persons out of the country for commercial purpose”.

- Conspiracy offense

The Commission noted that conspiracy offense and attempt offense provided for in Article 26 should not be considered as the same since they are two different offenses. Conspiracy and attempt are two stages that lead to offenses but are not at the same level, thus each offense should be reserved its own penalty.

- Corruption offenses

Regarding corruption offenses, the Commission notes that the person who has been asked for bribe and given it, but became cooperative to justice, should have his/her punishment reduced for confession and cooperation with justice are mitigating circumstances. Not punishing him may incite all people who have been asked for bribe to offer it or bribing when none asked for it under the pretext that no penalty is provided.

The Commission also noted on the one hand increasing penalties can contribute to offense prevention. But on the other hand, the Commission considers penalties for individual guilty of corruption should not be increased for the following reasons:

- When an individual is in jail, he/she is unable to carry out productive activities which help to get fines imposed by the court,
- When an individual is in jail, he/she becomes a burden to the family and to the Government since the latter has to cater for the prisoner’s living.

Thus, the Commission notes that penalties stated in the Organic Law should not be increased since if they are applied as such, they can correct those guilty of corruption offenses.

Follow up of the process of analyzing bills in standing committees of the Parliament, in the Chamber of Deputies

The Commission followed up, in different committees of the Parliament, the Chamber of Deputies, the process of analyzing five (5) bills on which it had provided views.

Those Bills include:

- The Bill governing persons and family;
- The Bill governing the organization of pension schemes;
- The Bill regarding matrimonial regimes, family donations and successions;
- The Draft Organic Law modifying and completing the Organic Law on organization, jurisdiction, competence and functioning of the mediation committee;
- The Bill governing the organization, functioning and management of health insurance schemes in Rwanda.

Most of the views the Commission submitted to the Parliament were accepted.
3.3. URGING RELEVANT INSTITUTIONS TO RATIFY INTERNATIONAL TREATIES RELATED TO HUMAN RIGHTS AND INCORPORATE THEM IN THE EXISTING DOMESTIC LAWS

After a session which took place from 25th to 26th November 2014 and from 1st to 3rd December 2014 in which the Commission together with different concerned institutions discussed on the implementation of the recommendations issued from the Universal Periodic review/UPR) for Rwanda in 2011, the Commission realizes that Rwanda had been given recommendations on how some of the international treaties should be ratified. The session was organized in collaboration with some non-government organizations involved in the promotion and protection of Human Rights as well as some Government institutions and media organs.

Based on these conclusions and recommendations and on Article 5 (5°) of the Law n°19/2013 of 25/03/2013 determining the missions, organization and functioning of the National Commission for Human Rights that invests the Commission with the mission to urge the relevant Government institutions to ratify international treaties related to Human Rights and incorporate them into the existing domestic laws, on 23rd February 2015, the Commission wrote to the Minister of Foreign Affairs and Cooperation Letter n°CNDP/FEB/450/14.15 requesting them to do everything possible so that the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2) establishing an individual complaints mechanism and the International Convention for the Protection of All Persons from Enforced Disappearance be ratified by Rwanda.

Moreover, the Commission mentioned the problem of speeding the process of submitting to the General Secretary of the United Nations the ratification documents of the Optional Protocol on the Convention Against Torture (OP-CAT) and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

By the time this report was being prepared, Rwanda was put on the list of countries that have ratified both treaties.

3.4. URGING RELEVANT INSTITUTIONS TO SUBMIT ON TIME THE REPORT ON INTERNATIONAL TREATIES RATIFIED BY RWANDA

In the framework of implementing the mission entrusted to the National Commission for Human Rights by Article 5, section 6 of Law n° 19/2013 of 25 March 2013 determining missions, organization and functioning of the National Commission for Human Rights: “To urge the Government Institutions to submit on time the report related to international treaties on Human Rights ratified by Rwanda”, the Commission carried out an important activity advising on the preparation of national reports on the respect of International Treaties that Rwanda has ratified.

Another key activity pertains in advising on the 2nd national report that was submitted to the United Nations Human Rights Council in the framework of preparation of the Universal Periodic Review of Rwanda.

3.4.1. Advising on the preparation of national reports on the respect of International Treaties ratified by Rwanda

In the framework of urging relevant institutions to submit on time periodic reports provided for by international conventions on Human Rights, at both international and African levels, the Commission advised on the preparation of the following national reports:

- The initial report on International Convention on the Rights of Persons with disabilities;
- The 7th, 8th and 9th Report on the Convention on the Elimination of All Forms of Discrimination against Women that had to be submitted in September 2014;
- The initial report on African Charter on Democracy, Elections and Good governance;

3.4.2. The 2nd National Report to be used for the second cycle of the Universal Periodic Review on the respect of Human Rights

In the framework of preparing the 2nd National Report to be submitted to the United Nations Human Rights Council for the Universal Periodic Review regarding the respect of Human Rights, the Commission participated in various meetings on its preparation. The Commission provided views and advice to improve it.

The Commission provided views at technical level so that those resolutions are implemented before the Second Cycle of UPR due to take place in November 2015.

The Commission’s suggestions mainly consisted of completing information included in the report taking into account the conclusions and recommendations addressed to Rwanda during the International Periodic Review conducted in 2011.

The Commission’s advised relevant institutions especially on the fully implementation of all recommendations. In this regard, the Commission has published the findings of an assessment conducted from 25th to 26th November 2014 and from 1st to 3rd December 2014 on the implementation of the recommendations issued in 2011 during the Universal Periodic Review on the respect of human rights in Rwanda.

On 23rd February 2015, the Commission wrote letters to the relevant Ministries requesting them to implement the recommendations addressed to Rwanda during the Universal Periodic Review on the respect of human rights. The letters were submitted to the following Ministries:

- Ministry of Foreign Affairs and Cooperation, Letter n° CNDP/FEB/450/14.15;
- Ministry of Education, letter n° CNDP/FEB/452/14.15;
- Ministry of Justice /Attorney General, letter n° CNDP/FEB/453/14.15;
- Ministry of Gender and Family Promotion, letter n° CNDP/FEB/454/14.15;
- Office of the Prime Minister, letter n° CNDP/FEB/452/14.15.

Particularly, in the letter submitted to the Office of the Prime Minister, the Commission clarified that the report contained recommendations addressed to relevant institutions requesting the latter to give priority to recommendations that are not yet implemented before the 2nd Universal Periodic Review of Rwanda scheduled in November 2015. The Commission mentioned that the Ministries concerned with the implementation of remaining recommendations are the following: MINIJUST, MINISTRY OF INTERNAL SECURITY, MINECOFIN, MIGEPROF, MINAFFET, MINEDUC and MINALOC.


Although the country report has already been submitted, the Commission keeps reminding all the relevant institutions that they ought to implement (hundred per cent) all the recommendations issued in the 2011 UPR by November 2015.
3.4.3. Report the Commission submitted for the Universal Periodic Review

In the framework of the Universal Periodic Review, the Commission prepared the report known as shadow reports provided for by the United Nations Human Rights Council. On 23rd March 2015, the Commission submitted to the United Nations Human Right Council its report to be considered in the 23rd meeting due to take place in November 2015. The report contains major achievements in the respect of human rights.

3.5. COLLABORATION WITH HUMAN RIGHTS COMMISSIONS OF OTHER COUNTRIES, NON-GOVERNMENTAL NATIONAL AND INTERNATIONAL ORGANIZATIONS INVOLVED IN ACTIVITIES RELATED TO HUMAN RIGHTS PROTECTION AND PROMOTION

As it is stipulated by the article 5, paragraph 8 of Law no 19/2013 of 25 March 2013 determining the missions, organization and functioning of the National Commission for Human Rights, the Commission has the mission to collaborate with other foreign national human rights institutions, local associations and international organizations in human rights promotion and protection activities.

The Commission collaborated with national and foreign human rights institutions operating in human rights promotion and protection. This collaboration was mainly reflected by meetings, training and workshops for which the Commission was requested to send its representatives and trainees.

At international level, the Commission was represented in meetings and training workshops organized by Organs and the Office of the High Commissioner for UN Human Rights, the International Coordinating Committee of the National Human Rights Institutions, the African Commission on Human and Peoples' Rights, the Network of African National Human Rights Commissions and the Network of National Human Rights Commissions of the Commonwealth Countries.

At national level, the Commission strengthened existing collaboration with Government institutions and non-government organizations operating in human rights promotion and protection in the country. Among them include those of Persons with disabilities and other National and International organizations involved in human rights operating in Rwanda. The collaboration was focused on meetings and training workshops organized by the Commission or to which the Commission was invited.

The Commission Members held talks with various delegations who visited the Commission.

3.5.1. Collaboration with international human rights institutions

3.5.1.1. Collaboration with the UN High Commissioner for Human Rights

Based on the conclusions of the United Nations Human Rights Council within the framework of promoting and protecting the rights of Persons with disabilities, the Commission played a role in research activities and surveyson the rights of Persons with disabilities prepared by the UN High Commissioner for Human Rights as follows:

- Based on the resolution n° 26/10 of the 26th meeting of the UN Human Rights Council taken in the framework of promoting and protecting the rights of Persons living with albinism, on 1st April 2015, the Commission submitted to the Office of the UN High Commissioner for Human Rights a document containing activities planned by the Commission relating to the promotion and protection of the rights of Persons living with albinism as to celebrate the International Day to sensitize on the respect of Persons living with albinism's rights celebrated on 13th June.

2 Persons living with albinism
- Based on the resolution n° 26/20 taken in the framework of promoting the rights of Persons with disabilities on social welfare, on 26th May 2015, the Commission submitted to the Office of the UN Commissioner for Human Rights, a document containing the necessary information for the preparation of the study of the right of Persons with disabilities to social welfare.

Major highlights in the above documents shows the strategies taken by the Government of Rwanda in protecting and promoting the human rights of Persons with disabilities in general, their rights to social wellbeing and the rights of Persons living with albinism; and the awareness activities planned by the Commission on the protection of the rights of Persons living with albinism in the event of celebrating the 13rd June, the International Albinism Awareness Day.

3.5.1.2. Collaboration with the International Coordinating Committee for the Promotion and the Protection of Human Rights

Under the invitation of the International Coordinating Committee for the Promotion and the Protection of Human Rights, the Chairperson of the National Commission for Human Rights attended the 28th meeting of this Committee from 9th to 14th March 2015 that took place in Switzerland. She also gave a presentation in the meeting on 2015-2030 Development Goals and the role of the National Commissions for Human Rights in these development goals. The meeting highlighted four major issues: Development perspective after 2015, how National Commissions for Human Rights should conduct investigations, how research at country level is conducted by National Commissions for Human Rights, good governance of National Commissions for Human Rights and the violence against women.

3.5.1.3. Collaboration with the African Commission on Human and Peoples’ Rights

Invited by the African Commission on Human and Peoples’ Rights, from 19th to 21st January 2015, the Chairperson of the National Commission for Human Rights participated in the workshop that brought together delegates from East Africa and the team of the African Commission in charge of mining industries, environment and violation of human rights in Africa.

The meeting which was held in Nairobi brought together non-governmental organizations, national human rights institutions and some of the mining operators in East Africa. The meeting discussed about challenges, good practices and how environment friendly mining should be carried out in East Africa under the respect of human rights.

From 21st April to 7th May 2015, the 56th ordinary session of the African Commission on human and peoples’ rights was held in Banjul in Gambia. The Chairperson of the National Commission for Human Rights attended the session and delivered a presentation on the situation of human rights in Rwanda.

Further, participants discussed on the project called “Projet 2016” which embodies planned activities for the celebrations of the year 2016 as the Human Rights Year in Africa, particular emphasis being put on women. Rwanda reiterated its will to support implementation of that project.

3.5.1.4. Collaboration with the Network of African Human Rights Institutions

From 19th to 21st April 2015, a training workshop for the staff of the National Commissions for Human Rights from 26 African countries including Rwanda was held in Kigali on the reduction of the pre-trial detention. The training focused on the following theme: “Reducing overuse of pre-trial detention”.

ANNUAL ACTIVITY REPORT  ( July 2014 – June 2015)
This workshop was prepared in collaboration of the Network of African Human Rights Institutions, the Association for the Prevention against Torture and the National Commission for Human Rights also was aimed at showing how pre-trial detention relates to torture and ill-treatment of detainees.

The purpose of the workshop held in Kigali was to exchange ideas following another long training session held online from 8th to 20th May 2015 on the above mentioned topic.

The training helped participants to understand better the pre-trial detention, when it should apply and its consequences including congestion of detention centers, some detainees found innocent after long detention, torture, ill treatment and other aspects of violation of human rights against detainees.

From 11th to 12th December 2014, delegates from the National Commission for Human Rights, together with other delegations from National Commissions for Human Rights in East African countries participated in a training workshop held in Kigali on conflict resolution and peace building. The workshop was organized in collaboration with the Network of African Human Rights Institutions, the Raoul Wallemberg Institute and the National Commission for Human Rights.

The workshop aimed at assessing achievements made in the framework of implementing its action plan adopted in 2013, sharing ideas on possible challenges and what should be done by the National Commissions for Human Rights in East African countries.

The workshop took the resolution to provide for in each Commission's action plan some of the activities envisaged in the East Africa action Plan and assess how each Commission can put in place early warning systems during election periods.

From 22nd to 26th March 2015, the Commission participated in the training workshop that was held in Nairobi, Kenya, organized by the Network of African Human Rights institutions and the Raoul Wallemberg Institute. The workshop for the National Commissions for Human Rights in East African countries focused on their role in election activities and learning how to assess systems to early warn possible conflicts that may occur during election period. In the training, the Commission was represented by one Commissioner and a Human Rights Protection Officer.
3.5.1.5. Collaboration with the Network of National Human Rights Commissions of the Commonwealth

On 5-7 May 2015, the Commonwealth Secretariat in collaboration with the National Commission for Human Rights of the Republic of Rwanda co-organised a CFNHRI Working Session on Early and Forced Marriage and Sexual Violence in Conflict. The Working Session, which was held in Kigali, Rwanda, saw the participation of over 50 participants, who included representatives from CFNHRI member-institutions, the Commonwealth Secretariat as well as experts and resource persons.

The meeting was aimed at building capacity of Commonwealth Forum of National Human Rights Institutions (CFNHRI) and shared their experience in the regard of preventing the early forced marriage and gender based violence in conflict situations.

The Working Session concluded with the adoption of the “Kigali Declaration” on Early and Forced Marriage, which sets out a comprehensive framework for NHRIs to take forward and strengthen their efforts in prevention and elimination of early and forced marriage in their respective countries.

3.5.2. Collaboration with Government institutions

• The Parliament.

Collaboration with the Parliament is reflected in the provision of views on bills of Laws by the Commission, upon request or at its own initiative. The collaboration was again reflected by the submission to the Parliament of the Commission’s Annual Activity Report for the year 2013-2014 and its Action Plan for the year 2014-2015, as well as through finding together sustainable solutions to problems identified in the report.

• The Ministry of Justice


Again, the Commission collaborates with the Ministry of Justice through the Teamworking to prepare the periodic report on International and Regional Conventions ratified by Rwanda. The Commission keeps collaborating with the Ministry in a continued effort to solve the population’s problems relating to the right to justice.

• The Ministry of Local Government.

The Commission continued to collaborate with the Ministry of Local Government by organizing training workshops on human rights for Vice-Mayors in charge of Social Affairs, all Sector Executive Secretaries and members of the District Councils and on solving the populations’ problems relating to the enforcement of good governance.

For the fourth time, from 18th March to 2nd April 2015, the Commission participated in the Governance month organized by the Rwanda Governance Board (RGB) in collaboration with the Ministry of Local Governance. This month was aimed at promoting good governance and the Commission actively contributed by providing solutions on matters related to human rights.

• Ministry of Internal Security

The National Commission for Human Rights collaborated with the Ministry of Internal Security in the regard of respecting rights of suspects, detainees and prisoners.

This continuous collaboration is also characterized by various meetings where the Commission was invited by the National Police.
• The National Unity and Reconciliation Commission.
The Commission continued its collaboration with the National Unity and Reconciliation Commission through different lectures delivered to it regarding the «Ndi Umunyarwanda Program».

• Rwanda Demobilization and Reintegration Commission.
Upon the invitation of Rwanda Demobilization and Reintegration Commission, in 2014-2015 on different dates, the National Commission for Human Rights delivered different lectures on human rights in solidarity camps of ex-combatants from FDLR armed militias in the Democratic Republic of Congo. The lectures were delivered at Mutobo in Musanze District.

• Judicial institutions
The Commission partners with judicial institutions in the framework of monitoring the respect of the principle of fair and transparent trial in reasonable time. The Chairperson of the National Commission for Human Rights is one of the members of the Supreme Council of the Judiciary as provided for by Organic Law no 07/2012/OL of 19/9/2012 governing the organization, powers and functioning of the Supreme Council of the Judiciary in its Article 2, paragraph 16, thus she/he participates in the meetings of this organ.

• Prosecution services
The Commission collaborates with Prosecution services in the framework of monitoring the respect of laws regarding the arrest and detention as well as complementing investigations on the accused. The Chairperson of the National Commission for Human Rights is among the members of the Supreme Council of the Prosecution Service as provided for by Organic Law no 11/2006 of 10/3/2006 governing the organization, powers and functioning of the Supreme Council of the Prosecution Service in its Article one, so she takes part in its meetings.

3.5.3. Collaboration of the Commission with other Institutions and Organizations involved in the promotion and protection of human rights at the national level

3.5.3.1. Collaboration with Institutions and Organizations of Persons with disabilities
Article 10 of Law nº 01/2007 of 20 January 2007 relating to the protection of disabled persons in general authorizes the National Commission for Human Rights to monitor how the rights of Persons with Disabilities are respected. Thus, the Commission collaborates with the National Council of Persons with Disabilities and non-government organizations supporting Persons with disabilities.

In the framework of promoting and protecting the rights of Persons with disabilities, the Commission collaborated with other public and private institutions that care for Persons with disabilities in activities aimed to their development. This collaboration was reflected in the seminar where the Commission provided views, as well as in advocacy for this category of the Rwandan population. In this regards, main views were provided on the research findings on the reasons why Persons with disabilities become beggars, on the draft document of the project to promote rights of blind and deaf persons and on the document containing views on the modalities to celebrate the International Day of Persons living with albinism on 13th June 2015.

Again, the National Commission for Human Rights, upon invitation by the National Council for Persons with disabilities (NCPD), on different dates, attended the Quarterly Meeting for Disability Coordination Forum. The purpose of the meeting was to exchange ideas on activities by different partners in promoting the rights of Persons with disabilities and assess what should be done to better protect these rights.
In this regard, the National Commission for Human Rights, during the meeting of the forum of 3rd June 2015, informed representatives of Government institutions and non-government organizations that 13th June is annual International Albinism Awareness Day as it was adopted by the United Nations Organs: the United Nations Human Rights Council on 26th June 2014 and the United Nations General Assembly on 18th December 2014.

### 3.5.3.2. Meetings and other events where the Commission was invited in the framework of its collaboration with institutions and organizations of Persons with disabilities

In the framework of its collaboration with Persons with disabilities, the Commission attended various meetings and other activities to which it was invited. They include:

- Quarterly meetings on 12th September 2014, 24th December 2014, 3rd June 2014 and 25th March 2015 of the National Disability Coordination Forum;
- A Dialogue in the Dark designed for persons without disabilities to explain and change peoples’ attitudes on the rights of the blind that was held in Umubano Hotel on 22nd October by the National Union of Disabilities’ Organizations of Rwanda (NUDOR);
- A seminar on the social welfare for persons with combined disabilities of deafness, dumbness and blindness organized at Hill Top Hotel on 13th November 2014 by the Rwanda Union of the Blind (RUB);
- A training workshop on the rights of Persons with disabilities held at Hill Top Hotel organized by the National Union of Disabilities’ Organizations of Rwanda (NUDOR) from 18th to 20th November 2014;
- A study visit in Rubavu District from 10th to 13th February 2015, organized by the National Council of Persons with disabilities, aiming at assessing problems met by children with disabilities in special centers for disability and examined modalities to place them in families.
- The First Inaugural Meeting of the National Partnership on Children with Disabilities organized by the Ministry of Internal Security held at Serena Hotel on 27th March 2015;
- Round table discussion on how to improve the accessibility of information to Deaf and Hard hearing people in Rwanda organized by the Rwanda National Union of the Deaf (RNUD) held at Hill View Hotel on 11th August 2015;
- Celebrating the International Day on the rights of Persons living with albinism on 13th June at Hill Top Hotel organized by the National Council of Persons living with disabilities (NCPD);
- The meeting of the Team of experts in the rights of Persons with disabilities (that meets at different times as to exchange information on activities carried out by various institutions in promoting education for children with disabilities). The meeting was held at the Head Office of The National Union of Disability Organizations of Rwanda (NUDOR) on 17th June 2015.

The National Commission for Human Rights was invited in the above meetings and events, and exchanged ideas with delegates from Government Institutions and non-governmental Organizations in the regard of promoting the rights of the Persons with disabilities. Further, advocacy was conducted for this group through the recommendations that were formulated for different institutions.

### 3.5.3.3. Collaboration with Non-Governmental Human Rights Organizations

The collaboration of the National Commission for Human Rights with non-governmental Human Rights Organizations is reflected by various meetings and lectures. The latter aimed at exchanging views and reinforcing the capacity for the members of Human Rights organizations as it was decided when the Network of Human Rights Organizations and the Commission was created in 2006.
Among the activities that marked the year 2015, we can mention the Consultative Meeting which brought together the Commission and 32 representatives of various non-governmental organizations involved in human rights protection and promotion in Rwanda that was held on 30th June 2015 at La Palisse Hotel Nyandungu. Members of the Network examined the implementation of the 2014-2015 action plan, resolutions from the 2014 meeting and took strategies to fundraise for the implementation of 2015-2016 action plan.

The meeting resolutions included devising modalities to follow-up implementation of the decisions made by the Network, reinforcing the capacity for human rights activists through training, fundraising for the implementation of the 2015-2016 action plan. Further, based on activities planned in the action plan 2014-2015 that were not realized, it was decided such activities be given priority in the action plan of 2015-2016. Such activities include:

- Monitoring the electoral process;
- Research on child rights especially on 12 Years Basic Education Program and in the vicinity of 12YCE schools;
- Training specific categories of people on the resolutions that have been taken (Committees for fighting against torture, rights of migrant workers, economic and social rights and the Universal Periodic Review);
- Joint annual celebrations of International Human Rights Day (Organizing competition on Human Rights based on the theme of the year);
- Organising training workshops on human rights for Directors in charge of Education in Districts);
- Training journalists on their role in human rights promotion and in enforcing the Law governing information and rights to expression;

In order to implement the above resolutions without delay, a team composed of the representatives of the following organizations: ADL, CLADHO, KANYARWANDA, LAF and LIPRODHOR, was established to monitor the implementation of the concertative meeting action plan and the National Commission for Human Rights will be coordinating activities of the meeting.

Visitors of the Commission

From July 2014 to June 2015, representatives from various National or International organizations visited the Commission. In general, their discussions focused on the mission and activities of the Commission; they also shared about the collaboration between the Commission and those Organizations.

The visitors include the followings:

- From 20th to 24th July 2014, the Commission received Hon. Mabedle Lawrence Mushwana, the President of the South African Human Rights Commission and also the Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights during his working mission in Rwanda. In his visit, he had talks with top authorities of the country including the Speaker of the Parliament, the Prime Minister and the Ministry of Justice. Both Commissions also exchanged views on how to reinforce their mutual collaboration; furthermore, he visited the Genocide memorial of Kigali and Mpanga Prison;
- On 17th September 2014, the Chairperson of the Commission received Mr. Francis Bogie Boggere, “Regional Coordinator Sub Saharan African of International Rehabilitation Council for Torture Victims” together with the Officer of Uyisenga ni Imanzi; they discussed on the collaboration of the Commission with the two organizations;
- On 29th October 2014, the Chairperson of the Commission, together with the Commissioners, received Ambassador Michael Ryan, the Head of European Union and exchanged on the functioning of the Commission and the collaboration between the two institutions;
- On 26th November 2014, the Chairperson of the Commission together with the Commissioners received the Ambassador of Germany in Rwanda and exchanged on the functioning of the Commission and the collaboration of the two institutions particularly as regards the culture of human rights promotion and protection through training programs;

- On 19th March 2015, the Chairperson of the Commission together with the Commissioners received the Ambassador of the United States of America in Rwanda, Ms. Erica J. Barks-Ruggles. They exchanged on the role played by the National Commission for Human Rights in the promotion and protection of human rights in conjunction with National and international Civil society organizations operating in Human Rights;

- Within the framework of the meeting jointly organized by the Commission and the Commonwealth Secretariat that was held in Kigali from 4th to 8th May 2015 to combat early marriage and gender based violence in conflict situations, the Chairperson of the Commission together with visitors from Commonwealth were received by some of the Top Leaders of Rwanda including the President of Senate, the Minister of Justice and the Minister of Gender and Family Promotion. All the talks pertained to collaboration in promoting and protecting human rights in different categories of Rwandans. They further discussed on Rwanda achievements in the field of human rights protection.

3.6. PROTECTION OF HUMAN RIGHTS

This part is related to activities of human rights protection that were planned in the Commission’s action plan of the year 2014-2015 in its different categories. Those categories comprise the right to life, the right to education, the right to employment, the right to property, the right to justice, the right of free movement, the right to a fair trial rendered in reasonable time, the right to redress, the right to non-discrimination, the right on environment and the rights of detainees.

3.6.1. Right to Life

The right to life is a fundamental human right on which all other rights are based. Theright to life is inherent to human nature and is recognized to everyone with any discrimination though, the hope to live gives a person the strength to strive for the enjoyment of other rights. The Constitution of the Republic of Rwanda of 4 June 2003 as amended to date, in its Article 12, paragraph One reaffirms this basic human right in the following terms: “Every person has the right to life”.

The International Covenant on Civil and Political Rights of 16th December 1966 in its article 6 stipulates that "every human being has the inherent right to life. This right shall be protected by the law. No one shall be arbitrarily deprived of his/her life”.

Furthermore, the right to life is provided for under the article 4 of the African Charter on Human and Peoples' Rights. The Charter states that human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person.

In order to enhance the right to life, Rwanda has abolished the death penalty through Organic Law n° 31/2007 of 25th July 2007 on the abolishment of the death penalty. Article 2 of this Organic Law states: “The death penalty is abolished”.

Concerning the crime of infanticide, there were two (2) pending cases at the end of June 2014. In the year 2014-2015, 68 cases were registered of which 58 were filed to courts, 6 were closed.
As for the crime of parricide, no cases were pending at the end of June 2014. The Commission received 19 cases in the year 2014-2015; among them 16 were taken to courts while 3 were closed.

Concerning the crime of battery and bodily injuries resulting in death, there were three (3) pending cases at the end of June 2014; 183 cases were received in 2014-2015, of which 150 were taken to courts while 14 were closed. The monitoring and priority reserved for crimes of homicide show the importance and value of the right to life in our country.

Regarding the protection of the right to life, the Commission received 21 related cases in the year 2014-2015. Among them, 10 were handled while 11 were still pending. Below is the typical example:

- **The murder of MUSINDIKAZI Germaine**

  On 16\textsuperscript{th} March 2015, NSANGANDE Narcisse, who lives in Masoro Village, Masoro Cell, Ndera Sector, Gasabo District, the City of Kigali, wrote to the Commission seeking advocacy for legal proceedings for the crime of murder committed against his daughter MUSINDIKAZI Germaine. She worked as a house girl in the family of BUHENDWA Miradj resident of Inshuti Village, Rukatsa Cell, Kagarama Sector, Kicukiro District. NSANGANDE Narcisse requested the Commission to deeply investigate this case since he was not convinced the result of the conducted investigation.

  Narcisse said that, on 17\textsuperscript{th} January 2014, BUHENDWA Miradj filed an action with the Police alleging that he found a body buried into his garden near the house wall, and that he suspected it could be his house girl. He said that they left home on 15\textsuperscript{th} January 2014 and went to work; when they came back from work at 3:00 p.m, they did not find their house girl; they tried to call her on her mobile telephone but it was offline.

  The Police went to BUHENDWA Miradj and exhumed the body of MUSINDIKAZI Germaine. The Police began the investigation on the crime suspects and sent the case to the Prosecution. On 9\textsuperscript{th} May 2014, the Prosecution decided to temporarily close the case because found evidences were not convincing enough to convict the suspects of this crime namely MUHENDWA Miradj, NYIRAKIMONYO Akda, RUGIRA Richard and HABARUREMA Edouard.

  On 8\textsuperscript{th} May 2015, the Commission met with the Deputy Prosecutor in the Intermediate Court of Nyarugenge and the latter said that prosecuting the case of MUSINDIKAZI Germaine’s murder required more attention. He promised the Commission that he would talk with the Prosecutor who pursued it to decide on a further action.

  On 17\textsuperscript{th} June 2015, the Commission filed with the General Prosecutor Letter n° CNDP/JUN/710/14.15, requesting a re-investigation for legal proceedings against those involved in the case of MUSINDIKAZI Germaine’s murder.

  By the time of drafting this report, the Commission had not received any response from the General Prosecution and the investigation about this murder had not resumed yet.

  The Commission considers that the case of MUSINDIKAZI Germaine’s murder should be resumed as requested in the above-mentioned letter filed by the Commission with the Prosecution.

**3.6.2. Right to Health**

The right to health includes the right to medical care and the protection against epidemics. The State has an obligation to do everything so that the entire population has this category of rights.
The right to health is provided for in the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date, in its Article 41. This right is also provided for by the International Covenant on Economic, Social and Cultural Rights of 1966.

The right to health is also provided for by the Law n° 62/2007 of 30th December 2007 determining the organization, functioning and management of Mutual Health Insurance Scheme.

Based on Law n° 19/2013 of 25/3/2013 determining its mission, organization and functioning of the National Commission for Human Rights, in its Article 4 which stipulates that “The Commission has the overall mission of promoting and protecting the human rights”, and in its Article 5, paragraph 2, which invests the Commission with the mission to collaborate with other institutions and set up preventive strategies against human rights abuses, the Commission wrote to the Minister of Health Letter n° CNDP/May/636/14.15 of 21st May 2015 requesting the enactment of a Ministerial Order provided for in the Article 22, paragraph one of Law n° 49/2012 of 22/1/2013 determining the Insurance for the Rwanda Allied Health Professions. The article provides that “The Minister in charge of Health is entitled to issue a Ministerial Order determining the District and National Committees in charge of mediating and determining the medical service risk benefits”.

On 21st May 2015, the Commission wrote to the Minister of Finance and Economic Planning a letter n° CNDP/MAY/635/14.15 requesting the enactment of a Ministerial order provided for in the article 17 of the Law n° 49/2012 of 22/1/2013 determining the Health Service Insurance.

To promote the health-related human rights, the Ministry of Health, pursuant to the Ministerial Order no 20/32 of 12/5/2013, set up a program and strategies of protecting HIV/AIDS infected children.

Regarding the protection of the right to health, the Commission received 21 cases related to the right to health in the year 2014-2015. Among these cases, 3 were satisfactorily resolved. Four cases are still being investigated.

3.6.3. Right to Education

The right to education is provided for in Article 40 of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date, it stipulates that “Every person has the right to education”. And that “Freedom of learning and teaching shall be guaranteed in accordance with conditions determined by law”. It also states that “Primary education is compulsory and free in public schools...”

The right to education is also provided for in Article 13, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights of 16th December 1966 and in article 28 of the Convention on the Rights of the Child of 20th November 1989.

The right to education is also provided for in Article 11 of the African Charter on the rights and welfare of the child of July 1990.

In Rwanda, Organic Law n° 02/2011/OL of 27/7/2011 determining the organization of education, Law n° 23/2012 of 15/6/2012 determining the organization and functioning of Nursery, Primary and Secondary Schools, and Law no 54/2011 of 14/12/2011 related to the rights and protection of the child, are typical laws among others that guarantee the right to education.

In the year 2014-2015, the Commission received 122 complaints. Among them, 63 were solved, and 59 were still pending.
Many Complaints received by the Commission are related to school drop-out, vagrancy and children looking for jobs, others were related to children enrolled in the nine-year basic education (9YBE) and twelve-year basic education (12YBE) programs who dropped out due to lack of money to pay for lunch meals provided at school, and girls who dropped out school due to pregnancies resulting from defilement.

Among 59 pending complaints, 17 are related to children who dropped out and went to look for jobs in towns, especially housekeeping jobs, 14 claims are related to the 9YBE and 12YBE pupils who dropped out due to lack of money to pay for lunch meals; 10 complaints are related to girls who became pregnant due to defilement. These complaints have been repeatedly a matter of conversation between the Commission, the administrative entities and the Police.

In the year 2015-2016, the Commission plans to conduct special investigation on identified problems which go against the right to education, especially those related to defilement.

3.6.4. Right to Employment

The right to employment mentioned in this report includes the right to free choice of employment, the right to a fair salary, the right to be promoted in his employment to an appropriate higher level, considering seniority and competence, the right to training, the right to security and safety as well as to cleanliness at work, the right to the rest and to leisure, the right to join a trade union, the right to stop the work and the right to the social security and employer’s liability insurance.

The Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, especially in its articles of 29, 37, 38, 39 and 49, provide for the right to employment. This right includes the right to property, the right of non-discrimination at work, the right to join trade unions, the employees’ right to stop the work, the right to a safe and clean working environment.

The International Covenant on Economic, Social and Cultural Rights of 16th December 1966, especially in articles 6, 7, 8 and 9, provides for various employees’ rights.

The African Charter on the Human and People’s Rights of 27th June 1981 as ratified by Law n° 10/1983 of 17/05/1983 in its Article 15 stipulates that every individual shall have the right to employment under equitable and satisfactory conditions, and shall receive equal pay for equal work.

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

Public servants are governed by the Law n° 86/2013 of 11/09/2013 establishing the general statute for public service.

The Law n° 05/2015 of 30/03/2015 governing the organization of pension schemes provides for the worker’s right relating to pension.

The Law n° 03/2015 of 02/03/2015 governing the organization of community-based health insurance scheme provides for the rights relating to healthcare matters.

During the year 2014-2015, the Commission received and investigated 52 claims relating to the right to employment: 10 have been solved, 42 are still being monitored. Those complaints include mainly cases relating to unpayment of teachers’ salary arrears, contractors who employ individuals and do not pay them, failure to get social security allowances, as well as illegal dismissal.
The following case was taken as a typical example in this report:

- **The Complaint of NIYIBIZI Valens**

On 7th January 2015, NIYIBIZI Valens, resident of Makoko Village, Kiziho Cell, Nyakabuye Sector, Rusizi District, wrote to the Commission seeking advocacy to get allowances related to the accident he had at his workplace.

He said that in 2012, when he was working at Gisakura Tea Company, he had an accident at work which caused him physical disability. The accident resulted from another worker who ran the engine when NIYIBIZI Valens was cleaning and damaged his arm.

He went to the office of Rwanda Social Security Board (RSSB), Nyamasheke Branch, filled out the required forms. He was requested to provide them with a job termination letter from his employer (Gisakura Tea Company), but he could not get it immediately as he was still being paid his salary. The employer of NIYIBIZI Valens asked him to write a resignation letter, which he did on 30th February 2013. His resignation was accepted in the employer’s letter of 30th May 2013.

Throughout its investigations, the Commission found that there was an RSSB form which was filled out by a CHUB Physician on 24th July 2012 indicating that NIYIBIZI Valens was victim of an accident on 21st April 2012 in Gisakura Tea Company and that he was the Company’s employee. The document indicated that he had not yet recovered and that he had provision incapacity of 10%, resulting from the accident at work.

Further, the Commission found that after the accident he was immediately taken to Bushenge Hospital which transferred him to the University Teaching Hospital of Butare (CHUB) in Huye. The Company closely followed his hospitalization, paid all the required medical fees and established a work accident statement allowing him to get RSSB allowances.

The Commission continued to monitor the issue at RSSB Headquarters and learnt that the file A007970 of NIYIBIZI Valens was prepared and followed up, but did not contain the original copy of the job termination letter. Further, NIYIBIZI was examined by an RSSB doctor who determined that his incapacity was 60%, meaning that he was eligible to allowance benefits.

The Commission found also that when the original copy of the job termination statement was handed to RSSB, the officer in charge of handling this issue said that NIYIBIZI had to be diagnosed again by the RSSB doctor before he could receive accident allowances.

When drafting this report, the Commission was informed that on 10th August 2015 NIYIBIZI Valens was brought to RSSB head Office and medically checked up by the RSSB doctor. The results confirmed his incapacity to 60%. In addition, the Commission knew that at the end of August 2015, NIYIBIZI Valens was paid an amount of three hundred and ninety-three thousand three hundred and ninety Rwandan Francs (Frw 393,390) as the code number of “Banque populaire-Nyakabuye Branch” shows it as a payment proof.

The Commission considers that RSSB should quickly handle work-related accident files to allow the victim to receive deserved allowances as soon as possible so that the victim can use it during his illness and meet his needs in case of permanent infirmity.
3.6.5. Right to property

The right to property mentioned in this part of the report is related to the possession of a property, the right to sell, donate it or use it freely without any interference, except in case of public interest activities providing a fair and prior compensation. The property can be an immovable one (land, buildings), movable property (equipment, money) or intellectual property (creative activities, arts).

Article 29 of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date, stipulates that every person has the right to private property, whether personal or owned in association with others. The article also stipulates that private property, whether individually or collectively owned, is inviolable. The third paragraph of the article stresses that the right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.

The right to property is also provided for in Article 14 of the African Charter on the Human and People’s Rights of 27th June 1981, that the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in general interest of the community and in accordance with the provisions of appropriate laws. Article 21 of this Charter states that: “All people shall freely dispose of their wealth and natural resources.” This right shall be exercised in the exclusive interest of the people. In no case shall a people do deprived of it.

Regarding the protection of the right to property, Rwanda enacted Law no 31/2009 of 26 October 2009 on the protection of the intellectual property; Law no 24/2012 of 15th June 2012 relating to the Planning of Land Use and Development in Rwanda and penalties to crimes against the management and use of land, and Law no 43/2013 of 16th June 2013 governing Land in Rwanda.

In the framework of protecting the right to property, the Commission received and monitored 531 cases. Among them, 270 have been handled, and 261 are still pending. Most of cases that were monitored are related to land conflicts, non-payment of fair compensation to those who were expropriated for public interest.

The following cases are typical examples of all the cases monitored by the Commission:

- **The Complaint of MUNYAGIHUGU Fidèle**

On 7th May 2013, by the time the Commission was receiving complaints of the population on human rights violation in Gishubi Sector, Gisagara District, CYAKA Gérard resident of Gabiro Cell, Gishubi Sector, Gisagara District on behalf of MUNYAGIHUGU Fidèle family, claimed that in 2000 the Sector Office was built in their family plot, without any compensation.

Further, he said that at that time, the District promised to pay a fair compensation equivalent to one million and six hundred Rwandan Francs (Frw 1,600,000). However, they have not received this amount although MUNYAGIHUGU Fidèle repeatedly expressed this problem to the authorities.

In the investigation conducted on the complaint at different times, the Commission learnt that MUNYAGIHUGU Fidèle, on behalf of their family, continued to submit the claim to Gisagara District authorities who accepted to give compensation for the land and other properties that were in it.

In 2014, Gisagara District carried out a valuation of the land and all the properties in it, and the value rose at one million and four hundred thousand (Frw 1,400,000). However, the family did not receive the money up to now. The Commission considers that the right of MUNYAGIHUGU Fidèle’s family to property has been violated. In this regard, the Commission wrote to the Mayor of Gisagara District the letter nº CNDP/JUL/043/15.16 of 27 July 2015 requesting him to examine the complaint and resolve it definitely since it has taken long time.
At the time of drafting this report, Gisagara District authorities had not yet replied to the letter and the Family of MUNYAGIHUGU Fidèle had not yet received its compensation.

The Commission requests Gisagara District authorities to solve the problem of MUNYAGIHUGU Fidèle's family.

**• The Complaint of MUKAGATARE Consolée**

On 31st October 2014, MUKAGATARE Consolée, resident of Amasangano Village, Kabuye Cell, Jabana Sector in Gasabo District, wrote a letter to the Commission requesting its assistance and advice on the issue she shared with her siblings of being deprived of the right to the property inherited from their father KABERUKA. The property consists of forest plantations, lands and house located in Kinyovu Village, Kamegeri Cell, Kamegeri Sector, Nyamagabe District in the Southern Province.

During the investigations conducted on various occasions, the Commission arrived at the place of the subject-matter and met with the population and the authorities among others, local leaders and the Mayor of Nyamagabe District.

During its investigations, the Commission was informed that in 1963, KABERUKA, MUKAGATARE Consolée’s father, was murdered as other Tutsi of the former Gikongoro Prefecture. Thereafter, his children fled and KIYOGE MUNYANEZA François who was the Mayor of the former Commune Nyamagabe, seized the property.

On 13th October 2006, local authorities decided to give back the property to the family of KABERUKA, represented by his son SEBAHUTU KABERUKA Charles.

In 2008, MUKARUBUGA Violette, the wife of KIYOGE MUNYANEZA François lodged a complaint against SEBAHUTU KABERUKA Charles in order to regain possession of the property that her husband had taken over after the assassination of KABERUKA.

On 3rd February 2011, the Intermediate Court of Nyamagabe, in the Case no RCA0374/09/TGI/NYBE, decided that the properties belong to KIYOGE MUNYANEZA François.

While enforcing the court’s decision, KABERUKA's heirs were once again chased from their properties. Especially, GASHAGAZA Thomas, KABERUKA's son, who had been a refugee in his own country in former Cyangugu Prefecture before the genocide perpetrated against the Tutsi in 1994, was deprived of all his property: he was left with only a small house that Kamegeri Sector built for him as a vulnerable genocide survivor.

As shown in the photo below, the house of Thomas Gashagaza is wedged between the road which serves as a courtyard, and the land of the family where Gashagaza lost all right.
This is the small house in which GASHAGAZA Thomas lives.

The Commission considers that the non-professional bailiff who executed the judgment did not respect the general principle according to which, the losing party should not be deprived of all his/her property to become a burden to the Government as it is the case for GASHAGAZA Thomas.

The Commission considers that the conflict opposing KABERUKA's children and grand-children on the one side, and the family members of KIYOGE MUNYANEZA François on the other side, should be settled through mediation.

The Commission recommends that Nyamagabe District authorities should consider the complaint of GASHAGAZA Thomas and find him another plot of land where he can be settled.

The Complaint of NYIRAVAKURE Asteria

NYIRAVAKURE Asteria, resident of Rugerero Village, Kaguriro Cell, Mushonyi Sector, Rutsiro District, submitted his complaint to the Commission claiming that in 2011, EWSA, which sold its assets to two commercial Companies including Rwanda Energy Group/REG, damaged her plantation composed of eucalyptus and cypress, fruit and bean plantations during the installation of the electricity supply pillars but they did not pay her any compensation. She added that she shared the same problem with 825 citizens of Mushonyi, Boneza, Ruhango, Kigeyo and Kivumu Sectors.

This case was mentioned in the Commission's annual report of July 2013 - June 2014 on pages 68 - 69, where the Commission mentioned that, EWSA in collaboration with local authorities and the residents, made a list of people whose properties were damaged, and the total compensation amounted to thirty-nine millions Rwandan Francs (Frw 39,000,000). The list was handed to EWSA management for payment; but the victims have not yet been paid.
On various occasions, the Commission followed up this case and met with Rutsiro Mayor and the Chief Executive Officer of Rwanda Energy Group/REG, one of the commercial Companies which inherited EWSA's assets, and found out that the population was paid eighteen millions (Frw 18,000,000) out of thirty-nine millions Rwandan Francs (Frw 39,000,000) due.

The Commission considers that NYIRAVAKURE Asteria and her neighbors were deprived of the right to their property because REG damaged their property long time ago and they have not been give them fair compensation.

The Commission recommends that REG should pay NYIRAVAKURE Asteria and her neighbours the remaining money amounting to twenty-one millions Rwandan Francs (Frw 21,000,000).

• The Complaint of PFUKAMUSENGE Olive

On 28th October 2013, PFUKAMUSENGE Olive, resident of Bwiza Village, Rurambi Cell, Nyamirama Sector, Kayonza District, wrote to the Commission requesting the to follow up the conflict that exists between her and MUTETERI Placidia who wants to corner her house. She reported that, in 2008, houses were built for children genocide survivors who were homeless. In that framework, Kayonza District offered her a house in that Village and requested her to accommodate MUTETERI Placidia who was waiting for her own house.

When the land registration activity began, the land was registered under PFUKAMUSENGE Olive’s name; she was given a certificate of land registration.

She also said that Placidia was harassing her and trying to chase her out of the house whereas she has property titles for that house.

In the Commission’s investigations, PFUKAMUSENGE Olive showed a written proof that the house she lived in belongs to her. The Commission also learnt that PFUKAMUSENGE Olive and MUTETERI Placidia maintain bad relationships because they fight every day, insult, steal and damage each other’s household equipment.

Furthermore, the Executive Secretary of Rurambi Cell confirmed he knew the issue. He added that they tried to reconcile PFUKAMUSENGE Olive and MUTETERI Placidia so that they could go on living together while the District is looking for the means to build MUTETERI Placidia’s house. Nyamirama Executive Secretary said that the problem would be settled very soon even if the solution is delaying because of lack of funds.

The Mayor of Kayonza District said he knew the case and that the District was looking for means to solve it. However, he added that although PFUKAMUSENGE got the house registered under her name, the house was not given to her; and she continues to disturb her housemate under the pretext that the house was registered under her name. Kayonza District Land Officers said that they will correct the error.

On different occasions, the Commission has conducted investigations to check on the evolution of the situation and realized that nothing has been done. The fact is that the authorities of Kayonza District and those of Nyamirama Sector do not agree on the owner of the house.

On 11th June 2015, the Commission wrote to the Mayor of Kayonza District the Letter n° CNDP/JUN/678/14.15 requesting him to do everything possible and find another home for MUTETERI Placidia until the District will find the required funds to build her a house because their conflict become increasingly a source of insecurity and injuries.
At the time of drafting this report, the Commission had not got any reply to the letter. The Commission recommends that Kayonza District authorities to solve this case.

• **The Complaint of KOKARU Cooperative**

On 23rd March 2015, the members of KOKARU Cooperative located in Nyarugenge Village, Busoro Cell, Kayumbu Sector, Kamonyi District, represented by its Accountant KUBWIMANA Jean de Dieu and HABARUREMA Albert, the Chairman of the Cooperative’s Board of Directors, lodged a complaint to the Commission that Kamonyi District closed their activities due to tax arrears while the house that served as the Cooperative’s office was offered to Nyamabuye Banque Populaire. The causes of that closure, was due to KOKARU’s debtors who refused to reimburse which caused the Cooperative’s failure to pay its creditors.

During its investigations, the Commission found that KOKARU’s management wrote to the District Council a letter on 8th November 2009 requesting the District to give them back the house because it was built thanks to the members’ contributions and donations from SNV. They were promised that the reply to their letter will be given by the District Council’s Resolution that was to be held on 22nd December 2009. The Commission did not get any decision of the District Council about this case.

The Commission did not find any written agreement between Kamonyi District and the Banque Populaire du Rwanda, Nyamabuye Branch, indicating the conditions under which the District had yielded the house to the Bank of the contract. The management of Nyamabuye Banque populaire, without showing any proof, said that the District wrote them a letter authorizing the Bank to use that house for ten years for free.

The Commission met with the Vice-Mayor in Charge of Social Affairs, the Vice-Mayor in Charge of Finance and Economic Development and the Mayor himself on 18th June 2015 and got a promise that the problem was going to be solved and KOKARU Cooperative would soon recover its house.

On 10th July 2015, the Commission wrote to the Mayor of Kamonyi District the Letter no CNDP/JUL/009/15.16 suggesting that KOKARU Cooperative should get back the property it had been deprived and lent to Banque populaire du Rwanda, Nyamabuye Branch. However, at the time of drafting this report, the Commission had not received any reply to this letter yet.

The Commission recommends again the Mayor of Kamonyi District that KOKARU Cooperative should be given back its house and that the Cooperative’s long-term loss due to this seizure should be assessed for fair compensation to the Cooperative.

• **The Complaint of KARERA Boniface’s family.**

On 23rd March 2015, NYIRAMBABAZI Eugénie and her sons, namely MIHIGO Emmanuel, NIYOMUGABO Assoumana and KARERA Valens, from the family of KARERA Boniface, resident of Gafonogo Village, Mwirute Cell, Rukoma Sector, Kamonyi District, wrote to the Commission complaining that, on 15th April 2011, the Executive Secretary of Mwirute Cell secretly sold the property which was given to the above-mentioned children in order to pay the properties that late KARERA Boniface had damaged during the genocide perpetrated against the Tutsi in 1994. The remaining money, instead of being given to KARERA Boniface’s children whose inherited properties, was used to pay for GASEDERI Jean Pierre, KARERA Boniface’s son to his second wife, because he also made damages of other properties whereas he had been given his own heritage. As a consequence, the children remained without any property.
During its investigations, the Commission learnt that on 9th May 2009 the family of KARERA Boniface, with the help of the authorities of Gafonogo Village, shared inheritance to all KARERA Boniface’s four children. Gasederi’s share was sold for seventy thousand Rwandan Francs (Frw 70,000). This amount was paid for the properties he damaged during the 1994 genocide perpetrated against the Tutsi, but did not cover all the debt, so he was put in the category of insolvent people.

The Commission further knew that the Executive Secretary of Mwirute Cell sold the inheritance of the three children of Boniface without any auction procedure as provided for by law. He rather contacted individually potential buyers and KAREKEZI François; one of them bought the plots. The family of KARERA remained in possession of a parcel of less than half a hectare.

When he was asked about this case by the Commission, the Executive Secretary of Mwirute Cell said that he sold the properties four hundred thousand Rwandan Francs (Frw 400,000) through auction, and deduced from this amount two hundred thirty thousand Francs (Frw 230,000) for the payment of compensation for the properties damaged by late KARERA Boniface. However, he did not give back the balance that amounts to one hundred and seventy thousand Rwandan Francs (Frw 170,000), to land owners. He said that the amount was used to pay GASEDERI’s remaining debt for the properties he damaged during the genocide. When he was asked to show any proof for the auction, he was unable to provide any document.

The Commission knew that KARERA Boniface’s family wrote to the Mayor of Kamonyi District seeking justice for their properties sold by Mwirute Executive Secretary without informing them. The Mayor asked the Executive Secretary of Rukoma Sector to follow up the case and to make a report thereof.

On 18th June 2015, the Commission met with the Mayor of Kamonyi District who told him that the investigations were still undergoing, assuring that the problem would be settled soon.

The Commission considers that the Executive Secretary of Mwirute Cell deprived KARERA Boniface’s family of the right to property since the sale of their land was contrary to the law governing auctions. Also, he did not give him the balance of one hundred and seventy thousand Rwandan Francs (Frw 170,000) remaining after the payment of damages caused by KARERA Boniface.

The Commission wrote to the Mayor of Kamonyi District a letter n° CNDP/JUL/010/15.16 of 10th July 2015 requesting him to follow up this issue and resolve it according to the law.

At the time of drafting this report, the Commission had not received any reply to this letter and the case was still unsolved.

The Commission considers that KARERA Boniface’s right to property was severely violated; therefore, it strongly recommends Kamonyi District authorities to solve this problem as soon as possible.

• The Complaint of the population from Ninzi and Rwesero cells, Kagano Sector, Nyamasheke District, represented by NTIGURIRWA Aphrodis

On 18th November 2014, the population of Ninzi and Rwesero cells, Kagano Sector, Nyamasheke District, represented by NTIGURIRWA Aphrodis, wrote to the Commission seeking assistance.

They alleged that in the year 2013, Nyamasheke District destroyed their plantations including coffee, banana, bean and tree plantations in order to comply with the master plan of the prospective City of Nyamasheke District.
There was no inventory carried out for the above plantations in order to allow the inhabitants to claim for compensation as provided for by the law. They also claim for the destruction of their plantations happened by the time they were about to be harvested.

During its investigations, the Commission met with some of the claimants including NTIGURIRWA Aphrodis and NYAGUHEKA who said that in 2013, Nyamasheke District constructed roads in their lands but did not give them any compensation for the damaged plantations. They complained to the District authorities and they were told that they would not get any compensation as these infrastructures were being developed in the public’s interest.

The Commission found out that NTIGURIRWA Aphrodis’ plot located in Kamasera Village, Rwesero Cell, Kagano Sector was crossed by three quite wide roads (two parallel roads and one cross road). NTIGURIRWA Aphrodis said that he lost 250 coffee trees, 4 eucalyptus trees, one mango tree and a lot of cassava plants.

The Commission realized that NYAGUHEKA, resident of Ninzi Cell, Kagano Sector, had a forest and three roads crossed it where he lost 100 trees (two parallel roads and one cross road).

The Commission realized that NYAGUHEKA’s house is located in the limit of the road he must be expropriated and given compensation.

This house of Nyaguheka located at the junction of the roads (it is surrounded by roads).

The Executive Secretary of Nyamasheke District and the Land Officer told the Commission that the population had been informed beforehand about the master plan for the City of Nyamasheke District and that no crops were uprooted because the works took place during the dry season when the harvest was over.

Regarding the issue of NYAGUHEKA, the District said that it will compensate her for her house located in the junction of the roads as well as those with similar cases.
The Commission wrote the letter n° CNDP / 708 / 14.15 of 22nd May 2015 to the Mayor of Nyamasheke District requesting the restoration of these people rights but at the time of drafting this report, the Commission had not received any reply to the letter.

The Commission considers that people are still being deprived of their right to property since they have not got fair compensations before implementing public works in their properties and strongly recommends Nyamasheke District to fairly compensate them according to the value of the damaged properties.

- **The Complaint of HABIYAKARE Thomas and his 55 neighbors**

On 21st May 2014, HABIYAKARE Thomas and 55 other persons, residents of Nyundo Village, Nsanga Cell, Rugendabari Sector, Muhanga District in the Southern Province, wrote to the Commission requesting assistance to be restored in their rights.

They said that in 2008-2009, Rugendabari Sector and Muhanga District constructed 13 roads in their Village. These roads damaged their properties including houses and crops, but they did not receive any compensation.

HABIYAKARE Thomas and his neighbours said that they complained to the Sector, District and Province authorities through various letters dated 24th April 2009, 30th March 2011, 30th May 2011, and 17th July 2012, but did not receive any feedback.

In its investigations, the Commission met with Muhanga District Vice-Mayor in charge of Finance and Economic Development who said that the road works began after a common agreement with the population, when the authorities had convinced the population that their Village was going to serve as a model Village and thus would get development infrastructures which would be useful to them.

Through further monitoring, the Commission learnt about a report drafted on 4th September 2014 by the District team that followed up the case after the Commission had informed the District of the issue. In the report, it was decided that the District would compensate only four people, namely UWIMFURA Béata, MUKASHAKA Florence, NYIRABAGANDE Philomène and MUNYANEZA Ferdinand whose houses had been found seriously damaged or destroyed. Five (5) representatives of those whose properties were damaged said that the District team considered only people whose houses were destroyed but ignored other properties that were damaged by the roads.

The Executive Secretary of Rugendabari Sector said that before the presentation of Nyundo as a model village, there had been prior agreement between authorities and the population; individuals owning the crops in that area were requested to harvest them in 2008. He also talked about the existence of a report prepared by the team set up by the Sector indicating prior agreement between authorities and the population; which was sent to the District. The Commission also knew about a report of 6th November 2014 including the list of damaged properties drafted by the population itself.

In its investigations, the Commission saw the roads and realized that some damaged properties deserved to be compensated by the District as provided for in the Law n° 18/2007 of 19/04/2007 relating to expropriation in the public interest.

The Commission went further in this case and learnt that on 28th April 2015, Muhanga District paid UWIMFURA Béata, MUKASHYAKA Florence and MUNYANEZA Ferdinand an amount of one million three hundred and sixty-two thousand Rwandan Francs (Frw 1,362,000).
On 26th May 2015, the Commission wrote a letter n° CNDP/MAY/648/14.15 to Muhanga District requesting the authorities to solve the case of the remaining citizens so that they can be paid fair compensation for their damaged property.

By the time of drafting this report, on 30th July 2015, the Mayor of Muhanga District wrote a letter to the Governor of the Southern Province informing him that the District had already paid 3 out of 55 individuals whose properties were damaged, and reserved a copy to the Commission.

The Commission considers that the 52 persons who did not receive compensation were deprived of their rights to property. The Commission strongly recommends Muhanga District to pay them fair compensation.

- The Complaint of MUGABO Emmanuel

On 14th March 2013, MUGABO Emmanuel, resident of Rwasama Village, Rumuri Cell, Muhura Sector, Gatsibo District, wrote to the Commission requesting its assistance so that he may be restored in his rights. He said that the authorities of Cells Mamfu and Taba, and those of Muhura Sector in Gatsibo District have been unable to return to his mother, MUKANTAGARA Evanise, some acquired property with her late MURIMA Augustin, that are currently held by KAZANA Valentine. This case was mentioned in the Commission's 2012-2013 annual report on page 67.

During the investigations on this case, the Commission learnt that authorities of Gatsibo District decided to solve it through mediation but this was not done.

On 26th May 2015, the Commission wrote to the Mayor of Gatsibo a letter n° CNDP/MAY/645/14.15 reminding him the Letter n° CNDP/SEP/124/13.14 of 10th September 2013, where the Commission had recommended that this case should be solved urgently; but at the time of drafting this report, the Commission had not received any reply to both letters yet.

The Commission considers that Gatsibo District neglected the case of MUGABO Emmanuel and should solve this case very quickly as it has delayed too much.

- The Complaint of MUKAMULIGO Perpétue

MUKAMULIGO Perpétue resident of Imena Village, Bibare Cell, Kimironko Sector, Gasabo District, wrote to the Commission on 30th June 2014, requesting to help in the settlement of the conflict she has with her neighbor, GAKUBA Charles.

She said that it is a land-related dispute and is a very old case; Gasabo District authorities already knew it. She claimed that GAKUBA Charles encroached on her land when he uprooted the bounds, blocked the path to her home, and even dug a rainwater hole at the entrance of her compound causing dirty and is likely to destroy her house. She added that she informed the authorities of the District of the problem since 2003, and only the problem of the road to his home has been resolved while others raised issues remain.

In its investigations, the Commission met with MUKAMULIGO Perpétue, the Executive Secretary of Kimironko Sector, and the Gasabo District land officers. It also arrived to the site of the subject-matter. The Commission tried to meet with GAKUBA Charles in vain; he rather sent her wife who refused to show the certificate of land registration.
MUKAMULIGO Perpétue showed to the Commission the documents granting her free access to her home because before, his neighbor used to sell coal in that area. In the framework of solving the problem of uprooted bounds, the District officers in charge of Land registration requested her to look for a cadastral registrar whereas she possess a certificate of land registration bearing measures of the plot that the local authorities issued her.

Considering the certificate of land registration of MUKAMULIGO Perpétue; considering the Letter no 1205/070102/08 of 12th August 2008 of the Mayor to the Executive Secretary whereby the former advised the latter how to definitely solve this case; based on plot size as indicated in the documents issued by former Kacyiru District authorities, the Commission finds that the case of MUKAMULIGO was neglected for a long time and was deprived of her right to property.

On 11th June 2015, the Commission wrote to the Mayor of Gasabo District Letter n° CNDP/JUN/677/14.15 requesting him to do everything possible to urgently solve the conflict opposing MUKAMULIGO Perpétue to GAKUBA Charles taking into account the measurements as indicated by the land registration certificate n° 2272/2005 issued by former Kacyiru District.

At the time of drafting this report, the Commission had not received any reply from Gasabo District.

The Commission considers that MUKAMULIGO Perpétue’s right to property was seriously violated, and recommends Gasabo District authorities to solve this problem urgently.

• The Complaint of HABYARIMANA Paul

On 25th March 2015, when the Commission was receiving the population’s complaints during the Good Governance Month, it received the complaint of TWAGIRAYEZU Cyprien on behalf of his father HABYARIMANA Paul, resident of Nyamiyaga Village, Kidaho Cell, Nyamiyaga Sector, Kamonyi District.

He states that in 1997, Kamonyi District has divided his land located in Nyamiyaga into parcels, and distributed them to the population in order to build a Village, but HABYARIMANA Paul did not receive any compensation.

In its investigations, the Commission learnt that people who were resettled into HABYARIMANA’s land by the District authorities within the framework of grouped habitat program had their own fields. HABYARIMANA Paul complained before Kamonyi District authorities who promised him to assess the issue and pay compensation on behalf of those who did not have any plot to pay for and request those who are able to give compensation and unfortunately this promise was not kept.

On 16th June 2015, the Commission met with the Executive Secretary of Nyamiyaga Sector who said that he was aware of the case and assured that soon he was going to solve it in collaboration with Kamonyi District.

The Commission wrote to the Mayor of Kamonyi a letter n° CNDP/JUL/056/15.16 of 31st July 2015 requesting him to do everything to restore HABYARIMANA Paul’s family in his rights.

At the time of drafting this report, the Commission had not received the reply and the case was not solved.

The Commission considers that HABYARIMANA Paul’s family was deprived of the right to property since Kamonyi District did not pay him any compensation.

The Commission also recommends Kamonyi District to solve this issue so that HABYARIMANA Paul should be paid a fair compensation.
• The Complaint of NYIRABAHIRE Appollinarie

On 24th March 2015, when the Commission was receiving complaints from the population during the Good Governance Month, NYIRABAHIRE Appollinarie resident of Mbati Village, Mbati Cell, Mugina Sector, Kamonyi District, submitted a complaint according alleging that the authorities of Mugina Sector refused to give her documents for the houses she won in the Case RCA 0233/11/HC/NYA tried on 18th May 2012 by the High Court, Nyanza Chamber after appealing for the Case RC0122/010/TGI/MHG tried on 22nd July 2011 by the Intermediate Court of Muhanga.

In its investigations, the Commission found that NYIRABAHIRE Appollinarie had been legally married with RWABUREBA Jean, who later on abandoned her and secretly sold their houses to BIDASHOBOKA Evariste without his wife’s consent. When she got the information, she took her complaint to the Mediators’ Committee which decided that the property should be returned to the family for NYIRABAHIRE Appollinarie to have a space where to bring up her children as she did not have any other land property while her husband had properties located in different places.

The Commission also found that NYIRABAHIRE Appollinarie lodged a complaint against BIDASHOBOKA Evariste, RWABUREBA Jean and MUKUNZI Zabulon about the sale by auction of the marital property in the Case RC0122/010/TGI tried on 22nd July 2011 by the Intermediate Court of Muhanga: she lost the case. She appealed in the Case RCA0233/11/HC Nyanza tried by Nyanza High Court on 18th May 2012. This time verdict was that NYIRABAHIRE Appollinarie won the case. The Court decided that she should be given back those houses.

The judgment was executed on 17th August 2012 by the Executive Secretary of Mugina Sector: NYIRABAHIRE Appollinarie was given the properties, namely three houses, but the losers in that case refused to give back the documents thereof. She kept on requesting the assistance of Sector authorities: they promised to help her, but they did not act.

The Commission wrote a letter n° CNDP/JUL/046/15.16 of 28th July 2015 to the Mayor of Kamonyi District requesting him to solve this case.

At the time of drafting this report, the Commission had not received the reply and the case was not solved.

The Commission strongly recommends Kamonyi District’s authorities to solve the issue by enabling NYIRABAHIRE Appollinarie to get the titles for the properties she legally won.

• The complaints from Burera District population

In January and February 2015, some residents of Burera District in the Northern Province brought to the Commission their complaints alleging that they were denied the right to live on their land, cultivate it or carry out any other activity on their immovable properties. In addition, they cannot be granted land titles as their land is located in a marshland.

Their complaints to the Commission fall into three categories:

- The complaints of about 17 families settled within the boundaries of Rugezi Marshland in Butaro Sector;
- The complaints of about 200 former refugees of 1959, who returned from exile in 1996 and were allowed by former Butaro Commune to settle in Karingorera Valley, in Butaro Sector;
- The complaints of people who were compensated with the land located in Rubogeka marshland in exchange for their land which used as a site for schools construction.
1. The complaints of 17 families living within Rugezi marshland boundaries

The Commission conducted investigations on the complaints related to the houses and land of the people settled within the boundaries of Rugezi Marshland, in Butaro Sector. They said that they were settled by former Butaro Commune and issued certificates for their properties, but they are now requested by Burera District to relocate as the marshland is a protected area. Some of those who brought complaints to the Commission included BIZIMUNGU Jean, SINDIKUBWABO Ignace and MUSABYIMANA Christine, residents of Butaro Village, Rusumo Cell, Butaro Sector of Burera District.

BIZIMUNGU Jean, a Pastor in the Adventist Church of the Seventh Day, complained to the Commission that his Church, located in Buhita Cell, was not given the certificate of land registration as its premises are located within the boundaries of Rugezi Marshland. The District authorities informed him in writing that his Church was not allowed to carry out any activity there and should relocate. He added that the Church was offered this land in 1996 by former Butaro Commune and acquired an attested affidavit thereof in 2002. During the land registration campaign, this plot was not registered because it is located in Rugezi Marshland boundaries.

In its investigations, the Commission visited Rugezi Marshland and held talks with these claimants. They informed the Commission that about 17 families are facing the same problem as well as other individuals and institutions that have commercial buildings there, such as the Banque Populaire/Butaro Branch, the market and the bus station.

The Commission also held talks with the District authorities and discussed the issue of residents who were not given land titles during the land registration campaign, and who were neither relocated nor given compensation. The Mayor of the District informed the Commission that Rugezi Marshland is a protected area as it is part of the universal natural heritage and, therefore, no one is allowed to settle on it or carry out any activity within its boundaries.
The Commission noticed that one of these 17 families, named MILITA Rwema, was the only one person to be issued the certificate of land registration.

The Commission considers that, even though these residents should resettle out of the protected marshland area, they should be paid fair compensation as it is obvious that some of them were settled there and granted land titles by the District authorities.

2. The Complaint of the population settled in Karingorera Valley

Commission conducted investigations on the case of about 200 families who were settled in Karingorera Valley in Butaro Sector; they were settled in 1996, the time they returned to Rwanda from exile (they went to exile in 1959). During the land registration period, they were issued provisional registration certificates for their houses but not for their lands. Some of these residents include KANYARWANDA Gaston, GASINDANI Fréderic, MUNYANDEKWE Etienne and MBONEZA Jerôme.

In its investigations, the Commission visited Karingorera Valley and found out that the residents of Gatsibo Trade Centre, located in the same valley, were given titles for their houses and lands.

The Commission discussed this issue with the District authorities. They said that they were informed of it and added that they had reported it to the Ministry of Natural Resources but, at the time of drafting this report, the case was still pending.

The Commission considers that the population of Karingorera Valley should be issued titles for their houses and land, just like their neighbors of Gatsibo Trade Centre located in the same valley.
3. The Complaint of NTIBARWOGA Augustin and his 26 colleagues who were given compensatory plots in Rubogeka Marshland

NTIBARWOGA Augustin, resident of Runaba Village, Rusumo Cell, Butaro Sector, Burera District, brought his complaint to the Commission and said that there were other 26 people facing the same problem. These residents owned ancestral lands in Butaro Sector. In 1980, the authorities of former Butaro Commune decided to build Runaba Primary School and Runaba High School on their lands. They were given compensation in Rubogeka Marshland located in Kamonyi, Kabingo and Runaba villages.

NTIBARWOGA Augustin added that during the land registration campaign, they had their land registered, but they were not issued land registration certificates: they were told that all marshland areas are considered as state-owned properties.

The Commission investigated this issue and visited the marshland. It was found that one resident among them, named BUMBOGO Félicien, was given the certificate of land registration for the land he had obtained as compensation in the same marshland.

Houses located in Karingorera Village
The Commission submitted this case the authorities of Burera District. They said that they already knew the case. They added that, even though the residents were not issued certificates of land registration, they continued to exploit that marshland.

Based on its analysis of the complaints submitted by the residents of Burera District relating to immovable properties, the Commission concluded that their problems occurred long ago and were known by authorities.

As for Rugezi Marshland, the Commission realizes that the marshland became a protected area pursuant to the RAMSAR International Convention of 2nd February 1971 on Wetlands of International Importance, especially as waterfowl habitats, ratified by Law n° 37/2003 of 29/12/2003.

The Commission also considers that this marshland is very important since it is a huge reservoir of water which flows into Burera Lake and Mukungwa River. This water flows into Ntaruka hydro-electric power plant to produce electricity that is very useful to the Country. This is the reason why the marshland needs special protection.

On the other hand, even though no one is allowed to settle in the marshland, the above residents had been offered the land in Rugezi Marshland by administrative authorities, and one of them was given the certificate of land registration. Some residents were expropriated from their properties and they were given compensation in the marshland; others were relocated to Karingorera Valley by authorities but were given the land registration Certificates.

More particularly, the Commission considers that, although these residents were compensated with the land in Rubogeka Marshland and though they exploit it, this does not mean that the land belongs to them since they do not have the certificate of land registration. Therefore, they should be given fair and adequate compensation.

The Commission recommends that this problem be examined and solved by the organs concerned as soon as possible.
3.6.6. The right to non-discrimination

The right to non-discrimination is provided for by the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date in its article 11, paragraph 2, which states that “Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law”.

This right is also provided for by the International Convention on the Elimination of All Forms of Racial Discrimination of 21st December 1965, ratified by Rwanda on 4th January 1969, (through the Order N° 8/75 of 12/02/1975, Official Gazette N° 5 of 12/02/1975).

The right to non-discrimination is implemented by Law n° 47/2001 of 18/12/2001 instituting punishment for offenses of discrimination and sectarianism as amended to date, in its article one which provides for the definition of discrimination and Article 3 which stipulates that discrimination and sectarianism constitute crimes. Article 15 states that discrimination and sectarianism constitute imprescriptible crimes.

Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code in Rwanda, in its article 136, provides for the punishment of the crime of discrimination and sectarian practices.

Concerning the right to non-discrimination, the Commission received and monitored one case which was considered as a typical example in this report.

1. The Complaint of NYIRANEZA Esther and her husband MUSONERA Vincent

On 21st October 2011 NYIRANEZA Esther and her husband MUSONERA Vincent, residents of Kamabuye Village, Kagunga Cell, Ntyazo Sector, complained to the Commission about the violence perpetrated against NYIRANEZA Esther by her husband’s family members consisting of beating her, making their livestock destroy, uprooting her crops under the pretext that MUSONERA Vincent refused to marry a woman his family had chosen for him. This harassment caused them to flee to Rutete Cell, Kibirizi Sector in Nyanza District.

In its investigations, the Commission realized that:

- On 19th July 2010, NYIRANDAYISABA Godelive, who is NYIRANEZA Esther’s sister-in-law, was fined by the local leaders with an amount of one hundred twenty-seven thousand Rwandan francs (Frw 127,000) for making her livestock destroy Esther’s crops, but she refused to pay the fine. The local authorities did not react to this;

- On 5th September 2010, MUKESHIMANA Damascène who is a member of this family, beat and NYIRANEZA Esther and broke her arm. She brought her case before the Court. On 29th April 2011 the Primary Court of Busasamana in the case RP 0265/10/TB/Bssamana sentenced him to one-year imprisonment with a fine amounting to six hundred thousand Rwandan Francs (Frw 600,000) which was to be paid within eight days (8). So far he has only paid her one hundred twenty thousand Rwandan Francs only (Frw 120, 000);

- On 5th December 2010, NYIRANEZA Esther was again beaten in an ambush laid by the above-mentioned MUKESHIMANA Damascène, SEKAROMBAAbiyasi, NYIRANDAYISABA Godelive, MUBANDAKAZI Drocella, MUNYAMPUNDU Wellars and NZAYIRAMBAHO Lazaro;
- NZAMURAMBAHO Lazaro, who was jailed in Huye Prison following the Prosecution file RONJ 02441462/S1/10/RG/ny and the Court file RP 0040/11/TB/Bssmana, was prosecuted but the trial was postponed for five times because the accomplices who were not in jail refused to appear before the Court. Finally, a judgment was rendered and the court ordered them to pay NYIRANEZA Esther a fine equivalent to three hundred thousand Rwandan Francs (Frw 300,000) and the judgment was executed. Even though they paid that money, it is obvious that NYIRANEZA Esther was subjected to violence in different times.

The Commission submitted this case to the authorities of Ntyazo Sector, those of Nyanza District as well as those of Southern Province requesting them to solve this problem but to no avail.

On 18th June 2015, when the Commission brought again this issue to the District authorities, they said this issue may had been settled but if this was not the case, they were going to convene a general meeting of the Cell where this case would be discussed and solved.

By the time of drafting this report, the Commission wrote to the Mayor of Nyanza District a letter n° CNDP/SEP/100/15.16 of 9th September 2015 and urged him to solve the problem of NYIRANEZA Esther and her husband.

The Commission considers that no one has the right to persecute NYIRANEZA Esther and MUSONERA Vincent for their voluntary marriage as stipulated by Article 26, paragraph 3 of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date, which stipulates that “No person may be married without his or her free consent.”

The Commission also considers that the threats against NYIRANEZA Esther and her husband resulted in the deprivation of the right to settle in a place of their choice and the right to their property provided for in articles 23 and 30 of the Constitution of the Republic of Rwanda.

The Commission strongly recommends the institutions concerned to solve this issue and restore NYIRANEZA Esther and her husband in their rights.

3.6.7. Right to environment

The right to environment stipulates that everyone has the right to a clean and healthy environment. The State is responsible for ensuring its protection through strong measures aimed at preventing environment pollution. In addition, everyone is individually responsible for the protection and promotion of the environment in the interest of present and future generations.

The right to environment referred to in Article 49 of the Constitution of the Republic of Rwanda of 04th June 2003 as amended to date which states that every citizen is entitled to a healthy and satisfying environment. This Article further states that everyone has the duty to protect, safeguard and promote the environment, whereas the State shall ensure the protection of the environment. Finally, this article provides that an organic law shall determine modalities for protecting, safeguarding and promoting the environment.

The right to environment is also stipulated in Article 12 of the International Covenant on economic, social and cultural rights of 16 December 1966. Paragraph 2b of that article stipulates that the enjoyment of the highest attainable standard of physical and mental health relies on appropriate protection of environment.

Article 24 of the African Charter on Human and Peoples Rights 1981 also provides that all peoples shall have the right to a general satisfactory environment favorable to their development.
At national level, the following laws have already been adopted to protect the environment: Organic Law n° 04/2005 of 8 April 2005 determining the modalities of protection, conservation and promotion of environment in Rwanda, Law n° 18/2007 of 19 April 2007 relating to expropriation in the public interest, Law n° 16/2012 of 22nd May 2012 determining the organization, functioning and mission of the National Fund for Environment- FONERWA, Law n° 24/2012 of 15 June 2012 relating to the planning of land use and development in Rwanda, Law n° 43/2013 of 16 June 2013 governing land use and management in Rwanda and Law n° 13/2014 of 20/05/2014 on mining and quarry operations (This law repealed Law n° 37/2008 of 11/08/2008 on mining and quarry exploitation and its enforcement ministerial orders).

As part of the protection and promotion of the right to environment, from 13 to 18 April 2015, the National Commission for Human Rights conducted investigations on the respect of human rights in mining sector in Rwanda as well as the protection of the rights to environment. During that monitoring the Commission received two complaints related to the population’s land that was damaged by water flowing from mines and quarries and both were solved.

The section of this report on the monitoring the respect of human rights includes a summary of the findings of the investigation on the respect of human rights in the mining industry in Rwanda as well as a list of cases submitted by the Commission to institutions in charge of the protection of environment.

3.6.8. Right to justice

The right to justice includes the following rights: The right to free movement, the right to defense and to be assisted by a lawyer before a court, the right to free, fair and transparent judgment rendered in a reasonable time, the right to case tried by a competent court, the right to have a copy of a judgment and the right to be presumed innocent until proven guilty.

The right to justice is provided for by the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date, in Article 18 which stipulates that "no one shall be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute a crime under the law in force at the time it was committed". Further, this Article stipulates that every person accused of a crime shall have "the right to be informed of the nature and cause of charges and the right to defense are absolute at all levels and degrees of proceedings before administrative, judicial and all other decision making organs".

Article 19 stipulates that "every person accused of a crime shall be presumed innocent until his or her guilt has been conclusively proved in accordance with the law in a public and fair trial in which all the necessary guarantees for defense have been made available". This Article also provides that "no one shall be denied the right to appear before a competent judge to hear his/her case".

The right to justice is also provided for in the International Convention on civil and political rights especially in Article 14 [1] which stipulates that “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”. Furthermore, Article (14 [7]) stipulates that "no one shall be liable to be tried or punished again for an offense for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country".

That right is also reaffirmed by Law No 30/2013 of 24 May 2013 relating to criminal procedure.

In 2014-2015, the Commission received 533 complaints. Out of these complaints, 257 were solved; 276 are either being examined by jurisdictions or are still under investigation.
3.6.9. The right to a fair trial

This right is provided for in the International Convention on civil and political rights, especially as regards criminal matters in Article 9, paragraph 3 which states that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release...".

This is also reaffirmed by Article 13 of the Law n° 21/2012 of 14 June 2012 which stipulates that "all cases introduced to the court shall be tried in a period not exceeding six months starting from the date the court received the claim".

The following complaint was considered as typical.

- **The complaint of MUSOMANDERA Emiriana**

On 17th February 2015, the Commission received the complaint of MUSOMANDERA Emiriana resident of Cyeru Village, Kayonza Cell, Mukarange Sector, Kayonza District, Eastern Province. She complained that she was dispossessed of a portion of her land in the execution of the judgement n° RP 0054/12/TB/KDO of 8 June 2012 tried by the Primary Court of Kabarondo, in which she was accused of encroaching on land. In this case, MUSOMANDERA Emiriana appeared before the court against MUKANKUBANA Emerance, resident of Cyeru Village, Kayonza Cell, Mukarange Sector, Kayonza District. She claims that the judgment was not correctly executed as it did not respect the dimensions on a drawing made by the Judicial Police which indicated that she encroached on ten (10) meters, whereas she was deprived of all her plot.

During its investigations, the Commission was informed that the judgment of Case RP 0054/12/TB/KDO of 8 June 2012 tried by the Primary Court of Kabarondo was not correctly executed because it did not specify the boundaries on which the execution should be based whereas those boundaries had been determined in the reports on investigations conducted by the Judicial Police.

The Commission was also informed that, on 13 December 2012, MUSOMANDERA Emiriana requested the Primary Court of Kabarondo to interpret Case RP0054/12/TB/KDO tried by this court. On 8 June 2012, the case was recorded under no RP 0190/12/KDO; the Court explained that there had been a 10-meter encroachment on the land of MUKANKUBANA Emerance located in Cyeru Village, Kayonza Cell, Mukarange Sector, by MUSOMANDERA Emiriana as indicated by the drawing made by the Judicial Police.

Based on its own investigations, case law, the minutes of the execution of the judgement of 7 August 2012 and other documents related to this issue, the Commission considers that MUSOMANDERA Emiriana's right to property was violated because the execution of the judgement was not based on ten (10) meters land in dispute. On 16 July 2015, the Commission wrote to the Mayor of Kayonza District Letter Ref No. CNDP/JUL/021/15.16 requesting that the Case opposing MUSOMANDERA Emiriana to MUKANKUBANA Emerance be executed in accordance with Case RP 0190/12/TB/KDO interpreting Case RP0054/12/TB/KDO tried by Kabarondo Primary Court on 13 December 2012 so that MUSOMANDERA Emiriana could recover her plot of land excluding ten (10) meters of encroachment.

MUSOMANDERA Emiriana's judgement should have been executed by Kayonza District within fifteen (15) days starting from 30 July 2015. Unfortunately, the Commission learned that there has been an administrative reshuffle, with Mukarange Executive Secretary being transferred elsewhere.

By the time of drafting this report, the Commission was informed that the Mayor of Kayonza District addressed a letter to the new Mukarange Executive Secretary requesting him to execute the judgement.
The Commission realizes that MUSOMANDERA Emiriana’s right to property was violated following the incorrect execution of the judgement. The Commission considers that MUSOMANDERA Emiriana has constantly been mistreated by authorities which should have solved her problem. They did not do so whereas they had an enforceable title.

The Commission recommends the judges to pronounce clear judgements to avoid confusing those who carry out their execution.

3.6.10. Right not to be arrested and detained illegally

The right not to be arrested and detained illegally is provided for under Article 18 of the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date. Paragraph 2 of this Article stipulates that "no one shall be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute a crime under the law in force at the time it was committed".

In the framework of protecting the right to not be arrested and detained illegally, the Commission received and investigated 22 complaints. Of these complaints, 19 were solved whereas 3 are still under investigation. The complaints were mostly followed up during the Commission’s inspection of the respect of human rights in prisons and detention cells.

3.6.11. Right to redress

The right to redress is based on the principle that decisions of courts must be respected by everybody. This is stipulated in paragraph 5 of Article 140 of the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date, which states that "judicial decisions are binding on all parties concerned, be they public authorities or individuals". The paragraph states that: “they shall not be challenged except through ways and procedures determined by the law”.

The right to redress is also provided for under Law n° 21/2012 of 14/06/2012 relating to civil, commercial, labor and administrative matters, in its Article 202, paragraph one, which provides that "judicial decisions and acts affixed with the executory formula shall be executed in a period not exceeding three (3) months of the date the winning party or one with the court’s order so requests or from the date the act affixed with enforcement formula is received”.

The Commission received and investigated a total of 223 complaints related to redress. Of these complaints, 88 were solved while 135 are still being monitored. The large number of unsolved complaints consists of cases that were referred to Local Governments to be settled. They also include complaints which are still being investigated by the Commission and others on which the Commission has not yet started investigation.

Below are some of the typical complaints:

1. The complaint of GAKWAYA Evariste

On 10th September 2014, GAKWAYA Evariste, resident of Kabutora Village, Buvumo Cell, Mukura Sector, Huye District, addressed a letter to the Commission requesting its assistance to recommend the Executive Secretary of Mukura Sector or the Executive Secretary of Buvumo Cell to execute the decision of the Mediation Committee of 4th June 2015.
During its investigations on this case, the Commission found that in the Case RC 0198/11/TB/Ngoma of 31st October 2012 tried by Ngoma Primary Court, at UWIZEYIMANA Stéphanie’s request, who did not receive her share, the Court identified MUGASA’s heirs, including UWIZEYIMANA Stéphanie, and each rightful heir was allocated a share. Upon mutual agreement between the heirs, they shared their grandfather’s property regardless of the Court decision. Each of them was issued a land title.

During the sharing process, KALINDA Yamin, son of KALINDA Innocent and UWIMANA Rose, on behalf of his absent parents, was given GAKWAYA Evariste’s share, whereas the share of KALINDA Yamin’s parents was given to GAKWAYA Evariste. Unfortunately, KALINDA Yamin refused to leave his old share and combined it with the new share.

GAKWAYA Evariste filed a claim against KALINDA Yamin before the Mediation Committee and won the case. The decision of mediators became enforceable. By the time of the execution of the Mediation Committee’s decision, UWIMANA Rose, KALINDA Yamin’s mother, opposed this execution and claimed that she had the land titles of the plots in question. The Sector Executive Secretary ran out of options following the challenge raised by UWIMANA Rose and GAKWAYA Evariste was confused.

During the Commission’s analysis, it was found that the Court decision on Case RC 0198/11/TB/Ngoma of 31st October 2012 was not implemented despite being final. The Commission also found that a mutual agreement or a Mediation Committee’s decision should not supersede the final court decision. Therefore, the Commission wrote to the Mayor of Huye District a letter No CNDP/JUL/042/15.16 of 27th July 2015 requesting him to implement the Court decision on the Case RC 0198/11/TB/Ngoma.

By the time of drafting this report, the Commission was not yet receive the answer from the Mayor of Huye District and GAKWAYA Evariste had not been yet given what he was entitled to by the Court decision.

The Commission requests that the Court decision on Case RC 0198/11/TB/Ngoma tried by Ngoma Primary Court on 31st October 2012 be implemented.

2. The Complaint of NTAGANIRA David

On 18th September 2006, NTAGANIRA David, resident of Kamembe Sector, Rusizi District, Western Province, suspected of stealing a mobile telephone, was tortured by policemen at Kamembe Police Station who caused him severe bodily injuries.

During the Criminal Case RP 0271/06/TGI/RSZ tried on 14th November 2007, TWAGIRAMUNGU Alexis and NDEKEZI Jean Claude were found guilty of assault and battery NTAGANIRA David; the Court sentenced them to one year of imprisonment. They were released on 15 November 2007 as they had already served longer than their actual sentence. The complaint was included in the Commission’s annual activity report for 2012-2013.  

NTAGANIRA David’s leg eight (8) years after his torture

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3 The Commission’s annual activity report for 2012-2013, pp. 69-70
During the Civil Action No. RC0009/08/TGI/RSZ, based on the Criminal Case No. RP 0271/06/TGI/RSZ, tried on 2 April 2009, the Court ordered TWAGIRAMUNGU Alexis and NDEKEZI Jean Claude to jointly pay Frw 20,304,000 of compensation for pecuniary loss and Frw 432,000 as compensation for body injuries to NTAGANIRA David; thus a total of Frw 20,736,000 plus 4% of the total amount for Public Treasury equivalent to Frw 829,440. The amount was to be paid within the time limits provided for by Law or, otherwise, by forced execution on Government orders.

During its investigations, the Commission found that NTAGANIRA David’s wound kept on getting worse.

In its letter No. CNDP/614/14.15 of 28 April 2015 to the Inspector General of Police, the Commission requested him to use all possible means to find TWAGIRAMUNGU Alexis and NDEKEZI Jean Claude so that they could be informed of the civil action pertaining to the crime of which they have been convicted.

In the Inspector General of Police’s letter No. 1207/14.15 of 19 May 2015 replying to the Commission’s aforementioned letter, he stated that TWAGIRAMUNGU Alexis and NDEKEZI Jean Claude had stopped serving as staff members of Rwanda National Police since 2007.

By the time of drafting this report, TWAGIRAMUNGU Alexis and NDEKEZI Jean Claude were not yet informed of the civil action pertaining to the crime of which they have been convicted.

The Commission finds that NTAGANIRA David, the victim of the 2006 crime, was deprived of his right to compensation decided by the Court; his rights were severely violated. Thus, Rwanda National Police should find the perpetrators for the enforcement of the Court decision.

3. Murder of GASHEMA Théophile

On different occasions, the National Commission for Human Rights led an investigation on the murder of GASHEMA Théophile, former resident of Mubumbano Cell, Kagano Sector, Nyamasheke District, Western Province. This complaint was detailed in the Commission’s annual activity report for the year 2011-2012.

During the civil action No. RP0008/13/HC/RSZ tried on 26th September 2013, the High Court, Rusizi Chamber, ordered MUNYABUHORO Emmanuel to pay Frw 1,500,000 for damages caused to MUKAMUSHINZIMANA, whereas KALISA Cyrille and his siblings, who filed the claim, should receive an indemnity equivalent to Frw 2,500,000, which would make a total of Frw 4,000,000.

On 20th October 2014, the Commission met GASHEMA Théophile’s family members who stated that they were saddened by the murder and the fact that the perpetrator was still at large instead of being arrested and convicted in order to pay damages and compensation for economical prejudice.

In its Letter No. CNDP/709/14.15 of 22 October 2015 to the Prosecutor General, the Commission requested him to use all possible means to find MUNYABUHORO and inform him of the Court decision and implement it.

By the time of drafting this report, the Commission was not yet received any reply to that letter.

The Commission considers that GASHEMA Théophile’s family has been deprived of their right to damages ordered by the Court. Thus, the Rwanda National Police must find the criminal for the implementation of the Court decision.

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4 The Commission’s annual activity report for 2011-2012, p. 48
4. The complaint of HABARYKARE Shema

On 05th December 2014, HABARYKARE Shema a resident of Rwakabanada village, Ryamanyoni cell, Murundi Sector, Kayonza District, wrote a letter to the Commission requesting to be restored in his rights for the non-execution of the decision of the Mediation Committee of Ryamanyoni Cell on 22nd November 2012 in a conflict opposing him to HABARUREMA Peter.

He stated that he filed a claim against HABARUREMA Peter for defamation as the latter wrongfully accused him of stealing cows of RUSAGARA Frank, who was his employer. According to the decision of the Mediation Committee, HABARUREMA Peter lost the case and had to pay one million five hundred thousand Rwandan Francs (Frw 1,500,000) to HABARYKARE Shema not later than 22nd October 2012. There was no appeal against the decision.

During the Commission’s investigations, it was found that HABARUREMA Peter wrote a letter to the Public Prosecution informing them that HABARYKARE Shema stole 1,300 cows from RUSAGARA Franck. On 25th April 2011, the Public Prosecution referred to the letter and accused HABARYKARE Shema of breach of trust before Rukara Primary Court. During Case RP0068/11/TB/RU, the Court decided that HABARYKARE Shema had lost the case and ordered him to serve one year of imprisonment.

On 30th March 2012, HABARYKARE Shema filed an appeal against the decision before Ngoma Intermediate Court. During Case RPA 0027/11/TG/Ngoma, the Court decided that Case RP 0068/11/TB/RU was annulled as the Public Prosecution filed the claim based on HABARUREMA Peter’s letter whereas nobody mandated him to write one. Therefore, he had no right to make a follow up of somebody else’s property without any "Power of Attorney" from the owner.

After HABARYKARE Shema was acquitted of the crime of breach of trust, he filed a claim before Ryamanyoni Cell Mediation Committee on 22nd October 2012 according to which HABARUREMA Peter defamed him. The latter was ordered to pay the aforementioned damages.

The Commission also learned that the Mediation Committee’s decision was not implemented due to the challenge that HABARUREMA Peter registered under his name properties which did not belong to him. Therefore, to the decision was not implemented because they could not identify his own property.

The Commission visited the Office of the Registrar of Land Titles in the Eastern Province and was shown Certificate N°. 6760 of the plot located in Kaneke Village, Rwamanyoni Cell, Murundi Sector, Kayonza District registered under HABARUREMA Peter’s name. The Commission informed the Executive Secretary of Murundi Sector of this. On 10th April 2015, the Executive Secretary wrote a letter to the Registrar of Land Titles in the Eastern Province and requested further information pertaining to HABARUREMA Peter’s land after the latter’s refusal to pay.

At the time of drafting this report, the Commission learned that HABARUREMA Peter’s land was auctioned on 31st August 2015 and sold for four million one hundred and one thousand Rwandan Francs (Frw 4,110,000) in order to repay HABARYKARE Shema’s one million five hundred thousand Rwandan Francs (Frw 1,500,000).

Given the Constitution of the Republic of Rwanda of 4 June 2003 as amended to date, especially in its article 140, Paragraph 5, given Law N°.21/2012 of 14 June 2012 relating to the Civil, Commercial, Labor and Administrative Procedure, especially in its article 202 stipulating that Judicial decisions and acts affixed with the executory formula shall be executed in a period not exceeding three (3) months of the date the winning party or one with the court’s order so requests or from the date the act affixed with enforcement formula is received;
Given also the investigations and the analysis of cases conducted;

The Commission finds that HABIYAKARE Shema constantly complained before competent organs and his damages were not awarded within the time limit provided for by the Law.

The Commission requests the Authorities of Kayonza District and other organs in charge executing judgements to abide by the time limits provided for by the Law in order to spare the citizens from constant complaints.

5. The complaint of MUKAZAYIRE Marie

On 25th July 2014, MUKAZAYIRE Marie, resident of Kabagendwa Village, Kamashami Cell, Nyarugunga Sector, Kicukiro District, addressed a letter to the Commission requesting its help so that the children she had with MUDAHERANWA Ferdinand could obtain the properties they won in the cases RC 0058/13/TGI/GSBO and RC0059/13/TGI/GSBO tried by Gasabo Intermediate Court on 14th June 2013.

The Case opposed MUKAZAYIRE Marie, on behalf of her children ABANJYE Vanessa (aged 16) and NIYONSHUNGU Yvan (aged 14) to MURENZI Fred (MUDAHERANWA Ferdinand's brother). The disputed property was composed of nine million five thousand six hundred and nineteen Rwandan Francs (Frw 9,005,619) of compensation due to MUDAHERANWA Ferdinand’s death, three million Rwandan Francs (Frw 3,000,000) of compensation due to accident awarded by SORAS, a house worth eighteen million Rwandan Francs (Frw 18,000,000) located at Kabeza Village, Kabuga Cell, Rusororo Sector, Gasabo District and a Corolla brand car with plate number RAB 237 M.

All those claims were made because MURENZI Fred is benefiting from MUKAZAYIRE’s husband’s property as he takes care of MUDAHERANWA Ferdinand’s other children born from the first wife. Besides, he was awarded the compensation for his brother’s death equivalent to nine million five thousand six hundred and nineteen Rwandan Francs (Frw 9,005,619) and three million Rwandan Francs (Frw 3,000,000) of compensation due to his accident.

The Court declared that ABANJYE Vanessa and NIYONSHUNGU Yvan alongside MUDAHERANWA Ferdinand’s other children, namely MUKAMURENZI Pamela and MUNYENSANGA Igor, have equal rights to inheritance of the actual property including a Corolla brand car and a house registered under No.0942/GAS/RUS since the other properties were used by MURENZI Fred by the time the children that MUDAHERANWA Ferdinand had with MUKAZAYIRE Marie were not yet legally recognized. MURENZI Fred did not recognize those children as MUDAHERANWA Ferdinand’s because MUKAZAYIRE Marie was his second wife.

During its investigations, the Commission met the Executive Secretary of Rusororo Sector who stated that, on 16th July 2014, he wrote a letter to the Mayor of Gasabo District requesting the execution of MUKAZAYIRE Marie’s judgement as he had not yet taken oath of office. However, he did not get any reply.

On different occasions, the Commission investigated on this case and learned that MUKAZAYIRE Marie’s judgement was not yet executed.

Another issue raised by the Executive Secretary of Rusororo Sector is that the house in question is occupied by the mother of MUDAHERANWA Ferdinand and MURENZI Fred who lives with 2 children of MUDAHERANWA Ferdinand, namely MUKAMURENZI Pamela and MUNYENSANGA Igor. Thus, any attempt to throw them out of the house would only create another problem.
On 17th June 2015, the Commission wrote Letter No CNDP/JUN/711/14.15 to the Mayor of Gasabo District requesting him to urgently consider MUKAZAYIRE Marie’s case for its execution so that she could receive the properties she won.

At the time of drafting this report, the Mayor of Gasabo District wrote Letter No 132/07.01.02/2015 of 27 July 2015 to the Commission informing that the District will execute MUKAZAYIRE Marie’s case.

The Commission recommends that the Executive Secretary of Rusororo Sector should implement the Court decision as this problem has existed for too long time.

6. The complaint of HABUMUGISHA Thomas

On 5th May 2015, HABUMUGISHA Thomas, resident of Gako Cell, Masaka Sector, in Kicukiro District, wrote to the Commission requesting assistance in order to recover his house won in the Case RC0195/11/TB/NYRGA of 2nd December 2011 opposing him to MUKAMASABO Emeritha. The judgement was executed by a professional bailiff on 31st January 2014 but the loser refused to leave the house.

The Commission analyzed all the documents enclosed to HABUMUGISHA Thomas’ letter to the Commission including:

- Minutes of the execution of the judgement RC0195/11/TB/NYRGA;
- Copy of Case RC0195/11/TB/NYRGA tried by Nyarugunga Primary Court on 2nd December 2011, whereby the Court declared that the decision of the Mediation Committee of Gako Cell of 13th April 2011 and the decision of the Mediation Committee of Masaka Sector of 12th May 2011 should remain in force and implemented. Therefore, MUKAMASABO Emeritha should get out of HABUMUGISHA Thomas’ house;
- The letter of 17th April 2014 by the Minister of Justice to HABUMUGISHA Thomas in reply to his letter of 11th March 2014 requesting justice. In that letter, the Minister advised HABUMUGISHA Thomas to tell his bailiff to request help from the District Police Commander and both District and Sector Executive Secretaries where the house is located in order to solve the issue;
- The letter of the Minister of Justice to MUKAMASABO Emeritha in a reply to her letter of 9 June 2014 requesting justice. The letter of the Minister of Justice requested MUKAMASABO to implement the Court decisions and give HABUMUGISHA Thomas his house to avoid any consequence from the compulsory execution on Government orders;
- The copy of Case RCA 0306/14/HC/KIG of 12 August 2014, whereby Kigali High Court declared that Case RC 0371/13/TGI/GSBO tried by Gasabo Intermediate Court on 23rd April 2014 is revoked as MUKAMASABO Emeritha’s claim filed before the this Court and which was examined was not admissible at the first instance because its related Case RC0195/11/TB/NYRGA was already final;
- The letters of 6th June 2013 and 4th May 2015 that HABUMUGISHA Thomas wrote to the Ombudsman in which he explained to him his violated rights.

The Commission found that none of these documents and decisions was implemented. Based on its analysis of Article 140 of the Constitution of the Republic of Rwanda, the Commission considers that judicial decisions are binding on all parties concerned, be they public authorities or individuals and shall not be challenged except through ways and procedures determined by Law. Therefore, the Commission considers that HABUMUGISHA Thomas’ rights to his property have been violated.

On 17th June 2015, the Commission wrote a letter No CNDP/JUN/712/14.15 to the Mayor of Kicukiro District requesting that HABUMUGISHA Thomas be given his house. However, the Commission did not get any reply and the issue was still pending by the time of drafting this report.
The Commission requests that the Court decision be implemented. In case MUKAMASABO Emeritha continues to resist to the court decision, there should be applied Article 589 of the Organic Law No. 01/2012 of 2/05/2012 instituting the Penal Code which stipulates that “any person who loses a case which requires execution and does not execute the Court decision is guilty of contempt of justice and shall be liable to a term of imprisonment of six (6) months to two (2) years” shall be applied.

7. The complaint of MWIZERWA Jérôme

On 15th January 2014, MWIZERWA Jérôme, resident of Rujumbura Village, Nyabisindu Cell, Musha Sector, in Rwamagana District, wrote to the Commission requesting to be restored in his rights with his brother NIZEYIMANA Jean Claude and his sister MUKASHYAKA Epiphanie, so that Case RC 0511/12/TB/KGRO of 2 July 2013 tried by Kigabiro Primary Court, located in Rwamagana District in which they won against their father, KAMUHANDA Félicien, could be executed.

During that case, the Court ordered KAMUHANDA to pay his children’s tuition fees equivalent to two hundred and forty thousand Rwanda Francs (Frw 240,000) per term and give them a monthly alimony equivalent to twenty-three thousand Rwandan Francs (Frw 23,000).

During its investigations, the Commission found that KAMUHANDA Félicien resides and has properties in Nyenyeri Village, Bwerankori Cell, Kigarama Sector, Kicukiro District. He also has houses for rent at Uwateke Village, Rwampara Cell, Kigarama Sector, Kicukiro District. The Commission also learned that he sold some of his properties including a forest plantation and 2 plots of land for twenty-eight million five hundred thousand Rwandan Francs (Frw 28,500,000) and the Civil Status Officer at Kigarama Sector was informed of the sale.

On 5th September 2013, the Executive Secretary of Kigarama Sector wrote a letter No. 266/07.01.03/KIG./013 to KAMUHANDA Félicien requesting him to execute the decision of the case he lost so that his children could go back to school as they were suspended for not paying tuition fees and give them their alimony. In that letter, KAMUHANDA Félicien was given a time limit of 15 days to settle the issue. He was also requested to deposit that money on the account No. 400-1007454-11.

On 3rd January 2014, the Sector Executive Secretary wrote another letter No. 001/07.01.03/KIG./013 to KAMUHANDA Félicien as he did not implement the recommendations. He was also informed that the amount should be deducted from his property in case he resisted the execution of the court decision until 8 January 2014. In that letter, the Sector authorities stated that the money from the rent would be given directly to his children if he failed to execute the decision.

During the investigation, the Commission also learned that KAMUHANDA Félicien requested his tenants to pay annual rents for lease contracts that were due to expire in May 2015. For those reasons, MWIZERWA Jérôme’s son, NIZEYIMANA Jean Claude, continued to study without paying tuition fees and therefore owes three hundred thousand Rwanda Francs (Frw 300,000) to APEGA Gahengeri (“Association des Parents des Elèves de Gahengeri”) as can be seen from the notice issued by the school authorities on 30/8/2013, while MWIZERWA Jérôme and MUKASHYAKA Epiphanie dropped out of school following the lack of tuition fees.

On 17th June 2015, the Commission wrote Letter No. CNDP/JUN/713/14.15 to the Mayor of Kicukiro District requesting him to give priority to the case of MWIZERWA Jérôme and his siblings so that they can be restored in their rights. By the time of drafting this report, the Commission had not yet received any reply to its letter.
The Commission considers that MWIZERWA Jérôme and his siblings have deprived of their right to the property they won, which led them to drop out of school. The Commission requests Kicukiro District authorities to urgently solve this issue for these children to be restored in their rights.

8. The complaint of TUYIZERE Claudine, represented by MUSHAMBOKAZI Jeanne

On 25\textsuperscript{th} March 2015, the Commission was receiving people’s complaints during the Good Governance Month when it received MUSHAMBOKAZI Jeanne’s complaint, mother of TUYIZERE Claudine, resident of Ruyumba Village, Kabashumba Cell, Nyamiyaga Sector, Kamonyi District. She complained that Nyamiyaga Sector authorities failed to enforce the judgement on her case in which she won a plot of land in Case N\textsuperscript{o} RC027/13/TB/GBWE tried by Gacurabwenge Primary Court on 12 June 2014 opposing her to IRAFASHA Alphonse, MUKAMANA Agnès and KAYITESI Donatille, NDAYISABA Théogène’s siblings. At that time, the Court declared that TUYIZERE Claudine had the right to inherit her father’s plot of land.

The investigations conducted by the Commission revealed that the plot of land was sold by NDAYISABA Théogène’s siblings back in 2000 and is now occupied by forty (40) families.

The Commission met the Executive Secretary of Nyamiyaga Sector and requested him to execute TUYIZERE Claudine’s case. However, he stated that the execution was impossible given that they had no space where the occupying families could be relocated. He also added that authorities must take into account of the public interest.

The Commission wrote to the Mayor of Kamonyi District Letter n\textsuperscript{o} CNDP/JUL/055/15 of 31\textsuperscript{st} July 2015 requesting him to execute the judgment of TUYISENGE Claudine and thus respect the court decisions.

By the time of drafting this report, the Commission has not receive yet the answer to that letter and the problem was not solved yet.

The Commission further requested Kamonyi District to handle that issue in accordance with the provisions of Article 140 of the Constitution of 4\textsuperscript{th} June 2003, paragraph 5, stipulating that “judicial decisions are binding on all parties concerned”.

9. The Complaint of NIYITEGEKA François

On 26\textsuperscript{th} March 2015, when the Commission was receiving people’s complaints during the Good Governance Month when it received the claim of NIYITEGEKA François, resident of Nyakizu Village, Nyamirembe Cell, Karama Sector, Kamonyi District, in which he claimed that Authorities of Karama Sector refused to execute the judgment on his Case n\textsuperscript{o} RC1393/4 tried on 4 March 1975 by the Court of Gacurubwenge, where he appeared before the Court against RUGARAVU Ibrahim (Charles). The claim consisted in that RUGARAVU had sold a plot of land to NIYITEGEKA; he refused to give it to the buyer and sold it to third parties instead.

The investigations conducted by the Commission revealed that RUGARAVU, after losing the case, lodged an appeal for the aforementioned judgment before the First Instance Court of Gitarama, which was registered under n\textsuperscript{o} RCA3616/09 and did not make any follow up.

NIYITEGEKA François has often reminded the Court about that appeal, but the Court told him that they will be called upon; he waited in vain until the 1994 genocide perpetrated against Tutsi occurred. Due to the fact that the plot of land was sold twice, there were challenges to execute the judgment because it meant first to remove from the case those who bought it for NIYITEGEKA François to be given back the plot of land that he won in a case as ordered by the Court.
The Commission also learned that on 27th February 2013, NIYITEGEKA François again reminded about that appeal. This matter was recorded under RCA0045/13/TGI/MHG /RCA3616/09 and the judgment was rendered on 30/9/2013 by the Intermediate Court of Muhanga where RUGARAVU lost the case. The Court decision was based on the fact that the judgement which was appealed against had already the force of a res judicata. RUGARAVU lodged an appeal which was recorded under RCAA0220/13/HC/NYA in the High Court, Nyanza Chamber; the tenants of the plot were subject of forced intervention; the Court issued its judgment on 11th April 2014 and confirmed that the decisions of the Muhanga Intermediate Court are still valid.

As this issue is a long-standing problem, the Commission wrote to the Mayor of Kamonyi District Letter no CNDP/JUL/047/15.16 of 28 July 2015 where it requests that NIYITEGEKA François be restored in his rights by accessing the property he won in his case.

By the time of drafting this report, the Commission had not yet received any reply to that letter and the judgment had not been executed.

The Commission considers that NIYITEGEKA François was deprived of the right of judgment execution under the pretext that the plot of land is occupied by many persons while a judgment must be executed as it has been pronounced.

The Commission further requests Kamonyi District to handle this issue in compliance with the provisions of Article 140 of the Constitution of 4th June 2003, paragraph 5, where it is stipulated that "judicial decisions are binding on all parties concerned"; therefore NIYIGENA François will have right to the property referred to in the case he won.

10. The Complaint of MUKAMINANI Charlotte

On 24th December 2012, MUKAMINANI Charlotte, resident of Muhororo Village, Gatagara Cell, Mukingo Sector, Nyanza District, wrote a letter to the Commission requesting assistance for the execution of judgment RC0317/06/TB/BSSMANA tried on 19th February 2007 by the Primary Court of Busasamana for her son to be given the property he won through this judgement.

The Commission’s investigations revealed that MUKAMINANI Charlotte became pregnant by NZARAMBA Michel at the time she was fostered at his home. Later on, he denied being the father of the child.

The Commission also found that:

- During judgment RC0317/06/TB/BSSMNA tried by the Primary Court of Busasamana on 19th February 2007, the Court confirmed that NDIKUMWENAYEZU Germain is a son of NZARAMBA Michel and ordered that the son should be registered under him as parent; the Court ordered him to give MUKAMINANI Charlotte a monthly alimony equivalent to seven thousands Rwanda francs (Frw 7,000) and pay damages amounting to twelve thousands Rwanda francs (Frw 12,000);
- During the appeal RCA 0020/TGI/HUYE tried by the Intermediate Court of Huye as pronounced on 15 June 2007, the Court confirmed that the decisions of the first trial remained valid.
- During Judgment RCAA 2424/08/HC/NYANZA tried by the High Court of Nyanza, as pronounced on 24th November 2009, that Court refused to receive an appeal by NZARAMBA Michel, and therefore the decisions of the first judgment were kept valid;
- In judgment RC0830/013/TB/RHGO tried by the Primary Court of Ruhango, NZARAMBA Michel was requesting the Court to entrust him the care of NDIKUMWENAYEZU Germain to benefit from better living conditions. The case was removed from the list on 17th October 2014 on the grounds that NZARAMBA Michel did not appear before the Court whereas he was the one who filed the case.
The Commission also found that MUKAMINANI Charlotte requested the Executive Secretary of Gatagara Cell to execute her judgment RC0317/06/TB/BSSMANA tried on 19th February 2007, but he refused. Later on, she requested the Sector Officer in charge of social affairs and civil status to execute her judgment but received no assistance. Until now, NZARAMBA Michel paid twelve thousands Rwanda francs (Frw 12,000) for damages and seven thousands Rwanda francs (Frw 7,000) only for alimony, paid on 25th December 2009, whereas MUKAMINANI Charlotte leads a tough life and is indigent.

Due to the fact that the repetitive requests of MUKAMINANI Charlotte relating to the execution of her judgment have been neglected, the Commission met the Mayor of Nyanza District and some staff members of the District, on 18th June 2015, and requested them to do their best to execute this judgment. An Officer in charge of the Access to Justice Bureau (MAJ), who had started following up this issue, told the Commission that he thought the case of MUKAMINANI Charlotte was resolved because she told that she had agreed with the father of her child about the monthly alimony to be paid. The Officer added that, if the issue was not yet settled, he would follow it up in order to execute her judgment within one month at latest.

MUKAMINANI Charlotte informed the Commission that NZARAMBA Michel, instead of paying the alimony as ordered by the Court, took the child away and lives with him currently. At the time of drafting this report, the judgment was not yet executed.

The Commission considers that the rights of MUKAMINANI Charlotte were severely abused by NZARAMBA Michel who first made her pregnant whereas he was in charge of bringing her up and later on denied paternity. It also finds that, for so long time, MUKAMINANI Charlotte’s legitimate claims relating to the execution of her judgement have been neglected by the authorities until NZARAMBA Michel took the child away from her and they did not make any reaction to this situation.

The Commission requests the authorities of Nyanza District to execute unconditionally the judgment no RC0317/06/TB/BSSMANA ruled on 19th February 2007 and to return the son to his mother.

3.6.12. Rights of detainees

Prisoners are persons detained in an appropriate place in the context of serving sentences inflicted by the courts or those prosecuted before their trial.

The rights of prisoners stipulated in the following section include: the right to legal detention, right to social welfare and right to be released once acquitted or have fully served their sentence.

The right to legal detention implies not to be subjected to illegal arrest and detention this right is entitled to everybody by the Constitution of the Republic of Rwanda of 04th June 2003, as amended to date, in Article 18 which, in its paragraph 2, stipulates that no one shall be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute a crime under the law in force at the time it was committed.

Unlawful detention as stipulated in Article 90 of Law no 30/2013 of 24/5/2013 relating to the code of criminal procedure means detaining a person in a place other than a relevant custody facility; holding a person in detention for a period that exceeds the period specified in the arrest statement and provisional detention warrants; retaining a person under custody while there is an order invalidating or rejecting extension of provisional detention or granting provisional release; retaining a person in custody despite of acquittal granted by a court decision.
The right to be released shall be enjoyed by any prisoner after serving his/her sentence or when he/she is acquitted and is provided for in Article 51 paragraph 30 and Article 52 paragraph 10 of Law no 34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correctional Service (RCS), where is stipulated that the prison management shall release any prisoner after serving his/her sentence as decided by the court.

This right is also provided for in Law no 30/2013 of 24/5/2013 relating to the code of criminal procedure in its Article 228 where it is stipulated that an accused who is acquitted shall be immediately released by the Prison Director upon presentation of a copy of judgment.

The prisoner’s rights are also provided for in Law no 34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correctional Service (RCS) in its articles 36-48, and this has been reinforced by the Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955. Those Standard Minimum Rules have been approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1975; and resolution 2076 (LXII) of 13 May 1977, and are included in the codes of Standard Minimum Rules for the Treatment of Prisoners. In general, the treatment of prisoners as stipulated in the Standard Minimum Rules includes to be provided with food of nutritional value adequate for health and strength, drinking water, bedding and accommodation, minimum air and lighting conditions, general and personal hygiene and other facilities for prisoners to maintain a good appearance compatible with their self-respect.

In order to preserve the right of every prisoner, the Commission received and monitored 5 complaints; among which; one has been solved and 4 others are still under investigations.

### 3.7. IMPLEMENTATION OF THE RECOMMENDATIONS ISSUED BY THE COMMISSION IN ITS ANNUAL ACTIVITY REPORT FOR THE YEAR 2013-2014

This part includes the implementation of recommendations on the complaints mentioned by the Commission in its annual report of 2013-2014.

The following table shows the complaints included in the annual report of 2013 – 2014 and their level of implementation

<table>
<thead>
<tr>
<th>No</th>
<th>Violated rights</th>
<th>Names</th>
<th>District</th>
<th>Description of the complaints</th>
<th>Level of implementation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Right to property</td>
<td>MUGABUSHAKA Amani</td>
<td>Nyarugenge</td>
<td>December 10, 2013, Mugabushaka Amani, submitted his complaint to the Commission requesting help because he wanted to be given back five thousand seven hundred dollars (US $ 5,700) that were confiscated by Nyarugenge prison during his imprisonment that he didn't receive when he was released on October 29, 2013.</td>
<td>Implemented</td>
<td>67</td>
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<td>Right to</td>
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<td>2.</td>
<td>Right to property</td>
<td>NYIRAVAKURE Astérie</td>
<td>Rutsiro</td>
<td>NYIRAVAKURE Asiteriya submitted her complaint to the Commission stating that in 2011 EWSA damaged his eucalyptus, cypresses, fruit trees and planting of beans during the installation and did not benefit of compensation.</td>
<td>Submitted to REG to be handled</td>
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<td>3.</td>
<td>Right to property</td>
<td>RWAMUGIRA Gérard</td>
<td>Nyagatare</td>
<td>The Nyagatare district seized his land title documents.</td>
<td>Fully implemented</td>
<td>64</td>
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<td>4.</td>
<td>Right to property</td>
<td>NKURUNZIZA Aimable</td>
<td>Nyarugenge</td>
<td>Heir of his father</td>
<td>NKURUNZIZA Aimable lost the trial and is preparing to file an appeal in the Intermediate Court</td>
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</tr>
<tr>
<td>5.</td>
<td>The right not to be subjected to torture</td>
<td>NSENGIYUMVA Jean de Dieu</td>
<td>Nyarugenge</td>
<td>On January 20, 2014, NSENGIYUMVA Jean de Dieu wrote a letter to the Commission alleging that he was beaten and injured by Manariyo Salvator; a prison guard when he was in Nyarugenge prison</td>
<td>Fully implemented</td>
<td>60-61</td>
</tr>
<tr>
<td>6.</td>
<td>Right to life</td>
<td>MUHAWENIMANA Marc</td>
<td>Rusizi</td>
<td>On 24th November 2011 IRASUBIJE Daniel was shot in Nyungwe Forest by a forest ranger called NKURIYIMANA Jean.</td>
<td>Waiting for the judgement on 27/11/2015.</td>
<td>78</td>
</tr>
<tr>
<td>7.</td>
<td>Right to judgement execution</td>
<td>NYIRAHATEGEKIMANA Béate</td>
<td>Rusizi</td>
<td>A Complaint on the murder of Beata NYIRAHATEGEKIMANA who resided in the Nyakarenzo Sector, Rusizi District by Jacques NDAHAYO the night of August 1, 2011 submitted to the Commission on August 11, 2011,</td>
<td>The judgement execution was implemented as NDAHAYO Jacques possesses no property to be seized</td>
<td>78-79</td>
</tr>
<tr>
<td>8.</td>
<td>Exaggerated punishment of child</td>
<td>AKAYEZU ABAKIRA Georges</td>
<td>Rwamagana</td>
<td>Akayesu ABAKIRA Georges, 9 year old child was burned by his own father, Alexis Akayesu, as punishment because he had taken food without permission.</td>
<td>Fully implemented</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td><strong>Right to Justice</strong></td>
<td><strong>SIBOMANA Innocent</strong></td>
<td><strong>KARANGAZI NYAGATARE</strong></td>
<td><strong>KARANGAZI NIZEYIMANA</strong> submitted a complaint to the Commission on the behalf of his son SIBOMANA Innocent, 22 years old, who was shot by a police officer in the night of 21st February 2014 during night</td>
<td><strong>SIBOMANA Innocent treated and released:</strong></td>
<td><strong>Fully implemented</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>68</td>
</tr>
</tbody>
</table>

|   | **Right to be registered in the records of the Civil status and to be cared for by his parents.** | **KWIHANGANA Alexis** | **BURERA** | The Commission seized the Primary Court of Cyeru Intermediate in the case RC 0203/13/TB/CYE rendered on 17/9/2013, the Court decided that KWIHANGANA Alexis is the son of Jean Bosco HARERIMANA, and ordered his registration in the records of the Civil Status and Frw 20,000 per month. | **KWIHANGANA Alexis was registered in the records of civil status and his mother received a land that will help her to survive** | **Fully implemented** |
| 10. |  |  |  |  |  | 77 |

|   | **Right to be registered in the records of the Civil status and to be cared for by his parents.** | **YAMBABARIYE** | **BURERA** | Nyirasafari Beatrice, mother of YAMBABARIYE asked the Commission to be restored in her rights because MANIRIHO Olivier with whom they have had a child refused to recognize him The Commission seized the Primary Court of Cyeru in the case RC 0244/012/TB/CYE03/13/ TB/CYE rendered on 17.9.2013, the court decided that a DNA test is required to confirm that YAMBABARIYE is the son of MANIRIHO Olivier | The Commission made an advocacy to the Police so that the required test could be done for free because Nyirasafari Béatrice cannot afford that the cost. | **Not yet implemented** |
| 11. |  |  |  |  |  | 74 |

<p>|   | <strong>Defilement</strong> | <strong>MUKAMANA Sifa</strong> | <strong>RUSIZI</strong> | October 28, 2013, the National Commission for Human Rights received the complaint of defilement perpetrated by NIYIBIZI Daniel perpetrated against MUKAMANA Sifa, child of 17 years resident of Village Karusimbi, Karusimbi Cell, Bushenge Sector District Nyamasheke. | Not yet Implemented | <strong>Not yet Implemented</strong> |
| 12. |  |  |  |  |  | 85 |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Right to</th>
<th>Name</th>
<th>Location</th>
<th>Description</th>
<th>Status</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Right to judgement executed</td>
<td>MANIRIHO Sylvanie</td>
<td>Rutsiro</td>
<td>His right to exploit his property won in the trial is being violated because Ntihabose Silvère who lost the case has refused to give it back.</td>
<td>Fully implemented</td>
<td>71</td>
</tr>
<tr>
<td>14</td>
<td>Right to judgement executed</td>
<td>NYIRANEZA Espérance</td>
<td>Nyaruguru</td>
<td>It has been 5 years that the execution of the judgement RCA No. 033/09/TGI/ NYBE is not implemented. This family was deprived of the right to their property.</td>
<td>Fully implemented</td>
<td>72</td>
</tr>
<tr>
<td>15</td>
<td>Right to judgment within a reasonable time</td>
<td>REKAYABANZI Daniel and his 11 colleagues</td>
<td>Karongi &amp; Rutsiro</td>
<td>They were deprived of the right to judgment within a reasonable time because they were imprisoned for more than 17 years without any prosecution document. One of them was sentenced to life imprisonment while others continue to be imprisoned.</td>
<td>Waiting for judgement scheduled on 2nd October 2014</td>
<td>69</td>
</tr>
<tr>
<td>16</td>
<td>Right to property</td>
<td>HAKUZUMUKIZA Déogratias</td>
<td>Rutsiro</td>
<td>Their land was given to the «Pfunda Tea Limited» Factory in 2000 without any compensation.</td>
<td>Fully implemented</td>
<td>66</td>
</tr>
<tr>
<td>17</td>
<td>Right to property</td>
<td>MUNEZERO Jean Claude and his colleagues</td>
<td>Rulindo</td>
<td>Rulindo district gave their forest plantations to SORWATHE sarl in 2002 without any compensation.</td>
<td>Fully implemented</td>
<td>61</td>
</tr>
<tr>
<td>18</td>
<td>Right to education</td>
<td>DUSANGE Olivier</td>
<td>Karongi</td>
<td>He was refused to pass the final exam because the Gasenyi High School authorities asked the police to arrest him because he has broken windows.</td>
<td>Fully implemented</td>
<td>59</td>
</tr>
<tr>
<td>19</td>
<td>Right not to be tortured</td>
<td>NDENDAHAYO Mohamed</td>
<td>Gicumbi</td>
<td>He was tortured by police officer, Sergeant Ruhinda Issaa k.a Sanyu on 15/07/2012, he was not arrested for trial.</td>
<td>Fully implemented</td>
<td>56</td>
</tr>
<tr>
<td>20</td>
<td>Right to life</td>
<td>Gisagara</td>
<td></td>
<td>This child was deprived of the right to life by his mother who killed him immediately after delivery.</td>
<td>Waiting for judgement scheduled on 2nd November 2014</td>
<td>55</td>
</tr>
</tbody>
</table>
Eight (8) complaints filed by the following persons to the Commission have not yet solved:

1. **VUGUZIGA Jean Baptiste**, resident of Marabuye Village, Nyakarera Cell, Ruhango Sector, Rutsiro District, was deprived of the right to his job promotion benefits from 1997 to 2008 when he works as a teacher;

2. **NKURUNZIZA Aimable**, resident of Mumanzi Village, Rugenge Cell, Muhima Sector, Nyarugenge District, was deprived of the right to a fair trial related to being known by his parent;

3. **NYIRAVAKURE Asiteriya**, resident of Rugerero Village, Kaguriro Cell, Mushonyi Sector, Rutsiro District, was deprived of the right to her property which was damaged by EWSA/REG;

4. **KANDAMUTSA Stéphanie** (1948), resident of Gisozi Village, Kamataba Cell, Rubengera Sector, Rutsiro District, was deprived of the right to the property whose case she won that is still being exploited by the looser;

5. **YAMBABARIYE**, resident of Ngundu Village, Ruhanga Cell, Rusarabuye Sector, Burera District, and her daughter **NYIRASAFARI Béatrice** whose father is **MANIRIHO Olivier**, was deprived of the right to a fair trial because he couldn't pay the DNA test.

6. **MUKANGANGO Virginie**, resident of Muzi Village, Bambiro Cell, Nyange Sector in Ngororero District, was deprived of the right to property the property she won that is still being exploited by the looser;

7. The complaint of 9 prisoners namely **NTAGANIRA Emmanuel a.k.a Muturage, NZUNGIZE Azarias, TEGIBANZE Célestin, HISHAMUNDA Charles, KANYESHYAMBA Faustin, NIYIRORA Evariste, MUSONI Anselme, NTIBITANGIRA Clément** and **RUGUMIRIZA David**, detained in Nyamagabe Prison, they were denied the right to a fair trial;

8. **SEBISHWI Juvénal**, representing the Community of Potters in Rwanda (COPORWA), resident of Rwufe Village, Mujuga Cell, Kitabi Sector, District Nyamata, who have been denied the right to property consisting of the damaged houses and whose perpetrators were not prosecuted;

As shown in the above table, on 28 illustrative complaints that the Commission has submitted to the Parliament and for which it issued recommendations, 20 (71.4%) were already resolved, 8 recommendations, or 28.5% are not yet implemented. The Commission thanks different public organs including the Parliament, both Chambers and other relevant public organs that played a role in the implementation of these recommendations.

In particular, as regards the Parliament, both chambers, after analyzing the annual activities report of the Commission for the year of 2013-2014, each chamber has taken the decisions which have been submitted to the Prime Minister so that the institutions in charge can proceed with implementation.

The Commission recommends that the eight (8) complaints of those mentioned in the annual report for 2013-2014 should also be resolved in a reasonable time.
3.8. COMPLAINTS FOLLOWED UP BY THE COMMISSION IN THE LAST THREE YEARS

This part of the report shows the total number of complaints related to violation of human rights that were examined by the Commission in the last three years (2012-2013, 2013-2014 and 2014-2015) as illustrated in the table and graphic below.

The following table shows the complaints received and examined in the last three years.

<table>
<thead>
<tr>
<th>Complaints</th>
<th>Year 2012-2013</th>
<th>Year 2013-2014</th>
<th>Year 2014-2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of complaints received by the Commission and those it already had under examination</td>
<td>1576</td>
<td>1269</td>
<td>2038</td>
</tr>
<tr>
<td>Number of complaints investigated by the Commission</td>
<td>1172</td>
<td>1116</td>
<td>1705</td>
</tr>
<tr>
<td>Number of complaints for which the Commission fully investigated and forwarded to relevant authorities for action</td>
<td>835</td>
<td>654</td>
<td>1056</td>
</tr>
<tr>
<td>Number of complaints which were solved</td>
<td>626</td>
<td>401</td>
<td>806</td>
</tr>
</tbody>
</table>

The following graph shows the complaints received and followed up in the last three years.

In the year 2012-2013, the Commission received 1576 complaints and examined 1172 (74.3 %); in the year 2013-2014, the Commission received 1269 complaints and followed up 1116 (87.9 %) while in the year 2013-2014, the Commission received 2038 complaints and followed up 1705 (83.6 %). It is obvious that the number of complaints received and examined by the Commission in year 2014-2015 is superior to those in the two previous years.
The above table shows that the number of complaints investigated by the Commission and submitted to relevant authorities for action has increased compared to the number of complaints the Commission examined. This is indicated by the fact that in the year 2013-2014, the Commission had received 1116 complaints and submitted 654 (58.6 %) to other organs while in the year 2014-2015, the Commission followed up 1705 complaints and submitted 1056 (61.9 %) to other organs. The increase of complaints that have been forwarded to other institutions was caused mainly by the fact that many complaints followed up by the Commission are related to the right to property and to the right to justice and the relevant institutions are the ones that have prior responsibilities to handle them.

Another observation is that the number of solved complaints has doubled a lot because they were 401 in 2013-2014 while they reached 806 in 2014-2015. This increase of solved complaints in a one year period is due to two major factors: the first is that the Commission took the strategy of finding the claimants in their respective Sectors to help them find solutions rather than obliging them to come to its office in Kigali. The second factor is that many authorities from different organs are willing to solve the complaints forwarded to them by the Commission.

The Table and Graph below give a comparison of complaints the Commission followed up in according to their categories of human rights in the last three years (2012-2013, 2013-2014 and 2014-2015).

As it was clearly explained in the introduction of this report, complaints which come foremost are those related to the right to property and the right to justice.

<table>
<thead>
<tr>
<th>Year</th>
<th>Right to life</th>
<th>Right to health</th>
<th>Right to education</th>
<th>Right to property</th>
<th>Right to justice</th>
<th>Right to employment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Women</td>
<td>Men</td>
<td>Total</td>
<td>Women</td>
<td>Men</td>
<td>Total</td>
</tr>
<tr>
<td>2012-2013</td>
<td>6</td>
<td>12</td>
<td>18</td>
<td>30</td>
<td>42</td>
<td>72</td>
</tr>
<tr>
<td>2013-2014</td>
<td>8</td>
<td>15</td>
<td>23</td>
<td>6</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>2014-2015</td>
<td>8</td>
<td>13</td>
<td>21</td>
<td>6</td>
<td>8</td>
<td>14</td>
</tr>
</tbody>
</table>

![Graph showing complaints by year and category]
3.9. IMPLEMENTATION OF THE POWERS OF THE COMMISSION OF FILING LEGAL ACTION

The power of filing legal actions are provided to the National Commission for Human Rights by the Law no 19/2013 of 25 March 2013 determining missions, organization and functioning of the National Commission for Human Rights, in its Article 9, which stipulates that the Commission has the power to file legal proceeding in civil, commercial, labor and administrative matters for violation of human rights provided by the Constitution, international treaties ratified by Rwanda and other laws. That article also provides that the Commission may be represented in courts by its employees authorized by the relevant authority at the request of the Chairperson of the Commission or by a counsel of its choice.

However, while exercising judicial police powers and power to file legal action, the Commission shall respect the provisions of Article 10 of the aforementioned law relating to the exercise of its judicial police powers and power to file legal action.

The cases filed by the Commission to courts are those it has examined including those relating to child right violation, violation of the right to life, the right to not be raped and the right to not be tortured.

Since July 2014 to June 2015, the Commission exercised its power of filing legal actions in nine (9) proceedings, including two (2) relating to the right to be recognised their parent, three (3) relating to damages arising from the right to life, three (3) relating to the right to property deprived from children, and one (1) relating to the right not to be subjected to rape. Out of nine (9) complaints filed to courts by the Commission, five (5) complaints were considered as typical in this report. These typical complaints are the following:

1. The murder of NYIRAHATEGEKIMANA Béata

The issue regarding the murder of NYIRAHATEGEKIMANA Béataresident of Mugerero Village, Kabuye Cell, Nyakarenzo Sector, Rusizi District, Western Province, was submitted to the National Commission for Human Rights on 11th August 2011. NYIRAHATEGEKIMANA Béata was murdered by NDAHAYO Jacques in the night of 1st August 2011. This case was mentioned in the annual activity reports of the Commission for the years 2011-2012, 2012-2013, and 2013-2014.

The Commission hired for a Lawyer to assist the family of NYIRAHATEGEKIMANA Béata in the judgment n° RP 0009/11/HC/RSZ, in the High Court, Rusizi Chamber. The Court convicted NDAHAYO Jacques of the crime of murder and sentenced to life imprisonment. The Court also ordered him to pay IRANZI Drocelle and MBARUSHIMANA Samuel, children of the late, and to KANTARAMA Perpétue, mother of the late, damages amounting to nine million Rwandan francs (Fwr 9,000,000). NDAHAYO Jacques was not satisfied by this court decision and appealed against it to the Supreme Court. His appeal was registered under No RPA 0096/13/CS.

On 4th September 2013, the Commission sent to the Supreme Court Letter n° CNDP/SEPT/117/13.14 requesting that the judgment n° RPA 0096/13/CS be tried in a very short time so that the damages issue be solved.

The Commission, after following up this case and realizing that almost nothing was done, on 24th June 2014, it resent to the Supreme Court a letter no CNDP/JUN/696/13.14 reminding the above mentioned letter, and requested that the judgment RPA 0096/13/CS be tried in a very short time and the Commission reserved a copy

\(^5\) Commission’s annual activity report for 2011-2012, p. 49  
\(^6\) Commission’s annual activity report for 2012-2013, p. 54-55  
\(^7\) Commission’s annual activity report for 2012-2013, p. 78-79
to the Minister of Justice/Attorney General. The year 2013-2014 ended with no response to the Commission on both letters. Also, the case no RPA 0096/13/CS was not tried.

The case was later on tried on 19th September 2014; the Supreme Court confirmed that the decisions of the previous judgment no RP 0009/11/HC/RSZ remained applicable.

In the execution of the judgment, the bailiff found out that NDAHAYO Jacques did not possess any property that could be seized to pay the damages he was ordered to pay.

The Commission still recommends that a fund for damages be created to assist in paying damages for insolvents losers.

2. The Complaint of NTAKIRUTIMANA Mariam

On 26th August 2013, NTAKIRUTIMANA Mariam resident of Nyabigoma Village, Murwa Cell, Bweyeye Sector, Rusizi District, Western Province, sent a letter to the Commission requesting justice as regards the murder of her son IRASUBIJE Daniel who, as she says, was shot dead on 24th November 2011 in Nyungwe Forest by a forest ranger named NKURIYIMANA Jean.

Referring to the claim of the Prosecution, the Commission hired for a Lawyer to assist the family of IRASUBIJE Daniel in the civil case. The Lawyer followed up the case in the Prosecution and in the High Court, Rusizi Chamber, in judgment no RP 0006/13/HC/RSZ.

On 31st December 2013, the judgment was pronounced in public; the Court confirmed that NKURIYIMANA Jean together with RDB (Rwanda Development Board) had to pay NTAKIRUTIMANA Mariam with her fellows an amount of damages equivalent to seven million Rwandan francs (Frw7,000,000).

On 30th January 2014, the Lawyer of the Commission referenced the appeal of the Prosecution and appealed for the above mentioned judgment because he found that the damages reserved to the family of IRASUBIJE Daniel were not sufficient.

On 6th May 2015, the appeal judgment should have taken place, but RDB accepted to give the damages upon a mutual understanding. At that date, the hearing was adjourned and family members of IRASUBIJE Daniel were called upon in the hearing alone. The judgment was declared to resume on 5th October 2015.

On 14th July 2015, the Commission which represented the plaintiff discussed with the RDB and they accepted to pay the damages upon mutual understanding. On 6 August 2015, RDB paid the money to right beneficiaries as agreed by both parties.

The Commission is happy with the way the issue was handled and requests all the institutions that receive complaints to resolve them upon a mutual understanding without filing legal actions.

3. The complaint on defilement of children named U. G, B. G and I. D.

On 23rd July 2014, JENI Félicien, a volunteer of the Commission in Kagano Sector sent a letter to the Commission requesting justice for 3 children whose initials are U. G, B. G and I. D. resident of Ryarutungura Village, Gako Cell, Kagano Sector, Nyamasheke District, Western Province.
The investigations conducted by the Commission revealed that U. G. aged eight (8) years, B. G. aged eight (8) years, and I. D. aged six (6) years were raped by a man of 58 years whose name is KAYEGO Modeste. When they told their parents that they were raped, the parents urgently informed the Chief of Ryarutungura Village. KAYEGO Modeste was detained and kept at Kanjongo Police station; the children were taken to KIBOGORA Hospital for medical expertise while investigations were still undergoing. After medical checkup, the children received medicines because one of them was seriously wounded and was urinating blood.

The Police prepared a file that it submitted to the Prosecution at the First instance in Kagano, but the Prosecutor did not call upon the parents and their children to hear them. KAYEGO Modeste was arrested and imprisoned. On 22nd July 2014 he was released. Parents of these children wonder what the Prosecutor based on to release him.

The Commission has followed up this complaint until the Prosecution filed it to the Intermediate Court of Rusizi; the file was recorded under no RP 0170/14/TGI/RSZ. The Commission hired a lawyer to assist the children’s families in the civil case that was tried at the same time with the one of the Prosecution. On 14th April 2015, the case was heard and pronounced the same day. KAYEGO Modeste was sentenced to 10 years of imprisonment, and ordered to pay damages amounting to four million five hundred thousand Rwanda francs (Frw 4,500,000). KAYEGO Modeste was not satisfied with the decision of the Court and appealed before the High Court, Rusizi Chamber. His appeal was heard on 2 June 2015; the Court decided that the doctor who examined the children should also appear to give explanations on the findings of the abovementioned medical test. The case will be heard again on 8 September 2015.

At the time of drafting this report, the Commission was informed that the case has been heard and was expected to be pronounced on 30 September 2015.

3.10. RIGHTS OF PEOPLE IN SPECIAL CATEGORIES

All human beings are born equal in dignity and rights; they are equal before law and equally protected by the law without any discrimination. This principle of equality of all humans in dignity, this right is reaffirmed by the Constitution of the Republic of Rwanda of 4 June 2003 as amended to date, especially in its Article 16. This principle is also found in Article 26 of the International Covenant on Civil and Political Rights of 16 December 1966, and in Article 1 of the Universal Declaration of Human Rights adopted by the United Nations General Assembly of 10 December 1948.

People in special categories like Children, women, Persons with disabilities, people living with HIV/AIDS, the elderly, refugees and migrant workers, should be particularly protected in order to prevent any form of violence they can be subjected to.

The Commission has the mission to particularly monitor the respect of the child’s rights, as stipulated in Article 6, paragraph 4 of Law no 19/2013 of 25 March 2013 determining the mission, organization and functioning of the National Commission for Human Rights.

From July 2014 to June 2015, the Commission followed up the respect for the rights of following specific categories:
3.10.1. Child’s rights

Children’s rights are prior based on the aforementioned Fundamental Principles of Human Rights, and are especially based on the following principles of the children rights: The best interests of the child, non-discrimination, the right to life, right to healthier development and the respect of his views for the views of the child.

Those rights are set forth in the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, in its Articles 27 and 28.

Moreover, the child’s rights are reaffirmed in Rwandan laws, especially Law No. 54/2011 of 14 December 2011 relating to the rights and protection of the child.

There is also the Ministerial Order no 01/MININTER/16 of 14/11/2013 that establishes programs and strategies for education and care of children under three (3) years living with their mothers in prison.

In order to implement the provisions of the Convention on the Rights of the Child, the Commission established in 2006 the Observatory of Child’s Rights (ODE/ Observatoire des Droits de l’Enfant) to assist the Commission in monitoring how the child’s rights are respected in the country.

This Observatory is composed of volunteers working at Sector and District levels, and having a national committee composed of various institutions experiencing the promotion and protection of children’s rights.

Every month, the Commission’s volunteers at Sector and District levels report to the Commission on the violation of children’s rights. The Commission examines those reports and follows up reported cases related to child’s right violation.

From July 2014 to June 2015, the Commission followed up 587 complaints relating to violations of the child’s rights in the following categories:
<table>
<thead>
<tr>
<th>No</th>
<th>Categories of Human Rights</th>
<th>Solved Complaints</th>
<th>Pending Complaints</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Boys</td>
<td>Girls</td>
<td>Total</td>
</tr>
<tr>
<td>1</td>
<td>Right to life</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>Right to health</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Right to education</td>
<td>33</td>
<td>25</td>
<td>58</td>
</tr>
<tr>
<td>4</td>
<td>Right to property</td>
<td>12</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
<td>5</td>
<td>Right to justice</td>
<td>12</td>
<td>35</td>
<td>47</td>
</tr>
<tr>
<td>6</td>
<td>Rights of Persons with disabilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>Right not to be subjected to worst forms of labor</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>Right to redress</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>Right not to be subjected to rape</td>
<td>0</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>10</td>
<td>Gender-based violence</td>
<td>1</td>
<td>60</td>
<td>61</td>
</tr>
<tr>
<td>11</td>
<td>Domestic violence</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>Right to be registered in the Civil Status Registry</td>
<td>7</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>13</td>
<td>Child’s right to know both parents and be raised by them</td>
<td>21</td>
<td>12</td>
<td>33</td>
</tr>
<tr>
<td>14</td>
<td>Child’s right to nutrition and parental education</td>
<td>20</td>
<td>14</td>
<td>34</td>
</tr>
<tr>
<td>15</td>
<td>Child’s right to family upbringing</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>16</td>
<td>Right not to be subjected to torture</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>17</td>
<td>Right not to be subjected to cruel punishments</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>18</td>
<td>Unlawful arrest and detention</td>
<td>0</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>19</td>
<td>Right to security (disappearance of persons)</td>
<td>1</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>20</td>
<td>Other rights</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>118</td>
<td>177</td>
<td>295</td>
</tr>
</tbody>
</table>
Of 587 complaints related to children’s rights violation that were followed up by the Commission from July 2014 to June 2015, about 295 have been solved while 292 are still under investigation.

Those complaints were solved by relevant organs after the Commission informed them the complaints relating to right to education among others. After holding talks with the Commission, relevant organs especially Sector and School authorities quickly resolved the issue and children returned to school.

According to the table, in general, young girls are more subjected to violence in comparison with young boys because, among 587 cases that were reported, 385 are related to young girls’ violence while the number of boys that were subjected to violence is 202 out of 587. The table shows that gender-based violence ranks first, whereby 168 cases out 587 have been reported, which equals to 28.6%.

Most of the abused children are those in nine and twelve year basic education who do not get lunch at non-school: they are often raped on their way home. Those who raped them take advantage of them because of hunger and tiredness of the travel back home. There are also some little children who are raped due to the carelessness of their parents who leave them in the hands of untrusted people while they leave for job.

Violation of right to education ranks second with 112 cases out of 587, which equals to 19.03%.

The Commission found that most of the children dropped out of school because of extreme poverty in their families; children chose to leave school to seek for income generating jobs or to induce themselves in vagrancy. There are some children in the nine and twelve year basic education program who drop out of school due to the fact that they do not get lunch at school because their parents failed to pay the required fees.

Violation of the child’s right to know his/her parents and being cared for by them comes after the violation of right to education whereby there are 83 cases, that is 14.14%.

This is a frequent problem for children born of unmarried mothers who get pregnant while they still leave at their parents’ home. Such a child grows up at his/her grandfather’s home without knowing his/her own father. The child’s mother often does not reveal the name of the father to the child because the father does not want to recognize him.

The following is typical complaint related to the category of children’s right:

- **The complaint of U. D., U. F. and U. J.**

  U. D. and U. F. aged 12 and U. J. aged 8 are daughters of B. J. D. and M. J. resident of Bwotamana Village, Rubumba Cell, Kabare Sector in Kayonza District. Those children were raped by their father, he is now jailed in Rwamagana Prison; he infected them with HIV/AIDS.

  The complaint was submitted to the Commission by a volunteer of the Observatory of Children’s Rights (ODE) on 7 November 2014. In that report, the mother of those children said that she saw the police taking her husband but did not know if he was imprisoned because of raping his children; that she was not aware of the case. The mother declares that her children are discriminated and stigmatized by their neighbors and that they live in bad condition because they receive insufficient assistance.

  In the investigations carried out by the Commission in Kabare Sector, the Social Affairs Officer and the Executive Secretary of Rubumba Cell were asked about the assistance provided to those children U.D, U.F and U.J, who were infected with HIV/AIDS by their parents and reports said that they are stigmatized by neighbors.
These leaders said that these children are not stigmatized, but they pledged to follow-up this case in order to know if this really happened. These children said that they are studying very well; they are not stigmatized and they are given assistance and medicines.

With regard to assistance, these leaders say that the family is supported as much as possible, because Cyarubare Health Center gives them 15 kg of beans, 3 liters of vegetable oil, 12 kg of porridge flour (SOSOMA) and 3 kg of sugar every month. They also receive Frw1000 each child once she goes for the monthly medical checkup and another Frw 1200 for each child once she goes for the monthly counseling session. These authorities also explained that all these children were paid mutual health insurance and that they also attend school. This was confirmed by the children themselves.

In a bid to follow-up this issue, the Commission met B. J. D. in Rwamagana Prison, where he is jailed, and asked him on the issue of raping his own children as he is accused in case no RP0364/14/TGI/NGM but he pleaded not guilty. He said that he appeared before Ngoma Intermediate Court on 15 December 2014, and the judgment was to be pronounced on 30 December 2014 but he could not appear before the Court. The Commission went to the secretariat of the Prison and learned that B. J. D. was found guilty of raping his children and harassing his wife and was sentenced to life imprisonment with special provisions.

The Commission confirms that the children U. D., U. F. and U. J. are victims of extreme violence perpetrated by their father B. J.D. Even though he was punished and those children are getting the assistance as mentioned above, the Commission recommends the leaders of Kayonza District to keep giving them care and especially to protect them from depression and to increase the assistance provided to them.

3.10.2. Rights of Persons with disabilities

The Rights of Persons with disabilities are based on Fundamental Principles of Human Rights to respect the incomparable dignity and respect for Humanity, people’s equality in dignity and rights and non-discrimination, which affirm that all people are born equal in dignity, respect and in rights; so any disability-based discrimination is the denial of respect and dignity deserved to Humanity.

The rights of Persons with disabilities are reaffirmed in the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, in Article 9, paragraphs 4 and 5 relating to fundamental principles to which the State of Rwanda has resolved itself to conform and in Articles 11, 14 and 16 in the section related to fundamental human rights. All those articles promote the right of non-discrimination of Persons with disabilities, to have equal liberties and rights as all other Rwandans.

These rights are also emphasized by the non-discrimination Principle in the International Convention on Civil and Political Rights in Article 2, sub-paragraph one and Article 26 as well as in the International Convention on economic, social and cultural rights in Article 2, sub-paragraph 2.

Those articles state that the Human Rights comprised in these International Conventions ratified by the Government of Rwanda, are recognized to everyone, that countries which have ratified these conventions shall respect and protect rights included in these Conventions for everyone inside the country, and that rights included in these conventions shall be respected with no discrimination whatsoever whether on physical or mental disabilities.

Those rights are especially provided in the International Convention on the Rights of Persons with disabilities of 13 December 2006 ratified by the Government of Rwanda on 15 December 2008, aiming at promoting, protecting and help Persons with disabilities to enjoy full and equal rights like other people as well as fundamental freedom; aiming at promoting the respect of Human dignity for Persons with disabilities.
Particularly, Article 3, sub-paragraph 3 of this Convention provides for General Principles that should be considered in promoting the rights of Persons with disabilities:

- Respect for inherent dignity of man; Individual autonomy and independence of persons including the freedom to make one’s own choices;
- Non-discrimination, full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

In the framework of implementing the provisions of this International Convention in Rwanda, there was adopted Law nº 01/2007 of 20 January 2007 relating to the protection of disabled persons in general, and various measures were put in place for the promotion and protection of the rights of disabled persons.

In the framework of promoting the rights of disabled persons, from July 2014 to June 2015, the Commission delivered lectures and conferences to raise awareness of Rwandans about the rights of disabled persons. The Commission joined the organs of Persons with disabilities and participated in meetings and various events organized by those organs including the celebration of the International Day of Persons with disabilities on 3 December. The Commission also attended the consultative meeting on the rights of Persons with disabilities prepared by their organs. In those meetings and events, the Commission held talks with representatives of various organs of Persons with disabilities, and provided its views and recommendations to promote the rights of Persons with disabilities.

In the framework of protecting the rights of Persons with disabilities, the Commission particularly followed-up some cases of violation of the rights of Persons with disabilities. In this regard, from July 2014 to June 2015, the Commission followed up twelve (12) complaints related to violation of the rights of disabled persons. Among those complaints, eight (8) were forwarded to concerned organs for a solution while four (4) are still under investigation.

Typical complaints on the violation of the rights of Persons with disabilities that were followed up by the Commission are as follows:

1. The complaint of MUKARORA Florida

On 19th March 2014, during its visits to centers which care for Persons with disabilities in a bid to monitor the respect of rights of Persons with disabilities in those centers, the Commission visited the Center which takes care of children with disabilities known as "Centre des Handicapés de Saint François d’Assise" located in Mururu Sector, Rusizi District, and met MUKARORA Florida, resident of Bucuzi Village, Uwimpara Cell, Bushenge Sector, Nyamasheke District, who reported to the Commission how she was raped by HUMURE HABIMANA Jean Paul, and how she gave birth to a child named GANZA with combined disabilities. The child was taken care of at that center.

This is GANZA who has combined disabilities including blindness, deafness, dumbness and he is a cripple …
In its investigations, the Commission found out that MUKARORA Florida was raped in 2004 while she was 16 and was a pupil in primary 6 at Nyamasheke Primary School. The suspected rapist, HUMURE HABIMANA Jean Paul, worked at Nyamasheke Parish by that time.

The Commission also learned that, after giving birth to that child with combined disabilities, MUKARORA Florida was chased away by her family and was not supported because of that child. She was not cared for by HUMURE’s family because of the disability of the child, even though HUMURE’s sisters namely MUKASHIMWE, MUKASHYAKA and MUSANABERA knew very well that their brother is the child’s father.

Another point is that the child was abandoned by both families because he was born with serious disability. MUKARORA Florida cannot work to sustain herself because she never puts down this child. She urged the Commission to advocate for her so that she can get support and also to track down the child’s father so that they can bring up their child together.

The Commission learned that HUMURE HABIMANA Jean Paul is now in Bwishyura Village, Bwishyura Cell, Bwishyura Cell, in Karongi District where he is working as motorcyclist.

The Commission reported that case to the Police Commander in Nyamasheke District, who promised to do his best to arrest HUMURE and bring him to justice.

By the time of drafting this report, HUMURE HABIMANA Jean Paul was not arrested yetto be heard about the alleged crimes of raping MUKARORA Florida and not caring for their child.

The Commission found also that the child was abandoned and deprived of his right to be raised by his father and being treated by him mostly because of the disabilities he was born with. The Commission request Nyamasheke District authorities to help MUKARORA Florida and to identify the child’s father who must help the mother to raise the child; local leaders in charge of Social affairs should reserve her particular care.

• The complaint of NYIRANZANYWAYINGOMA Candide

On January 27, 2015, a physically disabled person named NYIRANZANYWAYINGOMA Candide resident of Misave Village, Rusayo Cell, Gashonga Sector, Rusizi District, wrote to the Commission to seek for assistance and justice. She says that she lent three hundred forty nine thousand Rwandan francs (Frw 349,000) to HABIMANA Alphonse resident of Kirehe Village, Hangabashi Cell, Gitambi Sector, Rusizi District. In their agreement of July 29, 2012, they agreed that he had to reimburse this money on September 29, 2012. HABIMANA gave his house located in Kamukobe Center as collateral.

HABIMANA Alphonse did not honor the agreement and sold the collateral without informing the other party in the agreement because she is disabled.
The Commission carried out investigations and founded that NYIRANZANYWAYINGOMA Candide filed a case with Nyakabuye Primary Court. Unfortunately, on the day of the hearing, she arrived late because of her disability. Later on, her case was deleted in Court registers on the grounds that she did not appear in court on time.

Given the responsibilities of the Commission to protect especially the right of Persons with disabilities, the Commission followed up her case and went to Nyakabuye Primary Court and requested that the case be re-opened because NYIRANZANYWAYINGOMA Candide arrived late to court because of physical disability, which is a valid reason.

The case was re-opened, with HABIMANA Alphonse as a defendant. It was given the number RC187/14/TB/NYKB. The hearing took place on February 10, 2015 and the Court concluded that NYIRANZANYWAYINGOMA Candida won the case.

The Commission noted that some people are deprived of their rights and subjected to contempt because of their disabilities. The Commission requests administrative organs to give them special care.

3.10.3. Rights of refugees

The rights of refugees are included in the human rights set forth in the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, especially in its Article 25 that provides for the right to asylum under conditions determined by the law.

Those rights are provided especially in Geneva International Convention of July 28th 1951, relating to the Status of Refugees, which came into force on March 22nd, 1954, and ratified by the Republic of Rwanda on 15 November 1979 (Decree Law n° 29/79 of 22/10/1979, J.O. n° 22 of 15/11/1979), especially in its Article one which gives the definition of refugees, Article 2 which states that refugees have the obligation to respect domestic laws of the hosting country, and Article 4 which stipulates the obligations of refugees’ hosting country.

Those rights are also mentioned in the Optional Protocol to the Convention of Geneva of July 28th, 1951 relating to the Status of Refugees adopted on January 31st, 1967 completing the previous one.

In Rwandan laws, refugees’ rights are provided for in Law n° 13ter/2014 of 21/05/2014 relating to refugees in its Article 18 stating that “without prejudice to other laws, any person having obtained refugee status in Rwanda shall enjoy the rights and liberties provided for by international instruments on refugees ratified by Rwanda”.

This Law also establishes a Refugee Status Determination Committee as provided in its article 3, and determine its organization and functioning provided in its article 4. The National Commission for Human Rights has a representative in that Committee as provided in article 5 of that law.

The Commission has the mission to particularly monitor respect of the rights of refugees, as stipulated in Article 6, paragraph 4 of Law no 19/2013 of 25 March 2013 determining the mission, organization and functioning of the National Commission for Human Rights.

From 1 July 2014 to 30 June 2015, as highlighted by the Ministry of Disaster Management and Refugees, in Rwanda there are one hundred seventeen thousand and seven hundred and fifty seven refugees (117,757), including thirty one thousand and five hundred seventy nine women (31,579), twenty four thousand eighty men (24,080) and sixty two thousand and ninety eight children (62,098). Besides these figures, there are also other nine hundred eighteen refugees (918) from Muyira camp who were not yet categorized in terms of age and gender.
Those refugees live in nine (9) camps namely Gihembe, Kiziba, Nyabiheke, Kigeme, Mugomwa, Mahama, Bugesera, Nyagatare, Muyira and in the City of Kigali

➢ The Commission’s achievements relating to the protection of the rights of refugees

• Dialogues with the Minister of Disaster Management and Refugees Affairs

On different occasions, the Commission visited Gihembe, Kiziba, Nyabiheke, Kigeme and Mugomwa refugee camps and found that there are some problems relating to the right to education, right to medical care and the problem of refugees’ welfare in general. The Commission forwarded all these problems to the Ministry of Disaster Management and Refugee Affairs on 16 February 2015.

With regard the right to education, the Commission highlighted the problem of old classrooms, insufficient nursery schools and kindergartens, the problem of some children who cannot pursue their studies after completing the ordinary level of nine years basic education, as well as the imbalance in salaries of refugees’ teachers comparing to their national fellows.

The Minister of Disaster Management and Refugee Affairs informed the Commission that in collaboration with the United Nations High Commission for Refugees (UNHCR) inaugurated a program of building classrooms, so as to respect the twelve years basic education for all children. She also noted that the Government is planning to build classrooms near camps so that refugees’ camp children can attend those schools and promised that the Ministry will follow-up the problem of salaries for teachers.

With regard to the right to medical care, the Commission highlighted the problem of Persons with disabilities who do not get orthotics and prosthetics because they are not provided by donors. The Minister said that this problem was among the priorities to be solved soon in collaboration with the United Nations High Commission for Refugees (UNHCR).

With regard refugees’ welfare in general, the Commission raised the problem of refugees in Kiziba, Gihembe and Nyabiheke camps who have spent a long time in those camps (20 years), which has various consequences on their lives.

In order to solve this problem, the Minister said that they initiated a program of relocating some of the refugees in other countries such as the United States of America and others. There is also a program of sensitizing them for voluntary repatriation, and giving resident permits to those who wish to live in Rwanda. The Presidential Order shall determine refugee resettlement modalities.

• Visit to Burundian refugee camps

From 11 to 12 May 2015, the Commission visited the camps for Burundian refugees who arrived in Rwanda since early April 2015. The visit aimed at monitoring how their rights are respected. The total number of refugees in 3 camps visited by the Commission, namely Gashora in Bugsesera District, Mahama in Kirehe District and Muyira in Nyanza District, was nineteen thousand one hundred seventy four (19,174) refugees.
The figures given by the Ministry of Disaster Management and Refugee Affairs show that, until 30 June 2015, the number of refugees was forty three thousand three hundred and eight (43,308) in those three camps.

Findings of the Commission during its visits to Burundian refugee camps

That visits aimed at monitoring how the living conditions and rights of refugees are respected based on national laws and on International Conventions ratified by Rwanda. The Commission found that Burundian refugees are assisted by various donor organizations with regard to finding shelter and basic materials, food, firewood, safe drinking water, hygiene equipment and medical treatment.

In terms of medical care, there are doctors in the camps that were visited as well as nurses and other auxiliaries who help the doctors in various medical activities. Refugees with serious sicknesses are transferred to health centers and hospitals neighboring the camps; pregnant women are taken care of in a particular way.

In terms of security, refugee camps are protected and enjoy enough security.

Among special the problems identified by the Commission, in Gashora camp located in Bugesera District, there is a serious problem of children who arrived in Rwanda being extremely weak and sick due to malnutrition. As for the children who can be fed with food, apart from the porridge given to them, they cannot eat beans and maize while their families are too poor to afford any other type of food. There are also children who lost their families and are being assisted by the International Committee of Red Cross (ICRC) in family reunification.

Particularly, Mahama camp was receiving refugees from other camps who arrived in mass. This caused congestion, insufficiency of food and materials delivered. There were also few medical doctors for patients compared to the number of sick people seeking treatment.
Another problem is that of children who have not yet been integrated in school because they have recently arrived in the camp.

**Conclusion**

Based on the problems identified while the Commission was visiting refugee camps, it was found that the refugee rights are respected but there are still some problems that need advocacy to be solved. The Commission, therefore, requests all concerned authorities to keep addressing them in a special way. In this regard, the Commission requests the Ministry of Health to keep focusing on the insufficient number of doctors and nurses compared to the number of patients seeking medical care, the problem of refugees suffering from tuberculosis and those with HIV/AIDS virus who do not get drugs on time and are not offered food rich in nutrients as well as the problem of malnourished children.

The Commission also requests the Ministry of Education to keep on dealing with the issue of Burundian refugees’ children who are not attending school.

Again, the Commission requests the Ministry of Disaster Management and Refugee Affairs to keep handling the problems of congestion in Mahama Camp and the insufficiency of food.

### 3.11. MONITORING THE RESPECT FOR HUMAN RIGHTS

#### 3.11.1. Monitoring Human rights in Transit Centers

The National Commission for Human Rights, based on Article 177 of the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, which provides for the overall mission of the Commission;

Based on Article 7, paragraph 2 of Law no 19/2013 of 25 March 2013 determining the mission, organization and functioning of the National Commission for Human Rights, which provides for the Commission’s power “to have access to any place where human rights violations are alleged or reported”;

Based on the Ministerial Order no 001/10 of 17/03/2010 establishing the organization and functioning of rehabilitation centers for minors, especially in its Article 11, stipulating that, in order to screen minors eligible to be taken to the rehabilitation centers, the Executive Committee of the City of Kigali or the Executive Committee of the Districts shall establish a transit center for that purpose at the City of Kigali and District levels whenever it appears that a high number of minors are in the social classes referred to in Article One of this Order.

**Purpose of the monitoring**

Based on powers invested with the National Commission for Human Rights by the Law, the Commission carried out a monitoring in transit centers aimed at assessing if the rights of people are respected and to request relevant authorities to address issues relating to violations of those rights as they are identified.

Particularly, in this exercise, the Commission aimed at the following two goals:

- To get more insight on the establishment of Transit centers and their functioning;
- To know followed criteria in receiving in Transit centers, how their families get informed, if they are visited, and how they are registered in Transit centers.
Within the framework of reaching these objectives and in order to implement its responsibilities, especially the monitor the respect of rights of those in Transit Centers, in January and February 2015, the Commission monitored following 28 Transit centers:

1. Gashora in Bugesera District,
2. Rusarabuye in Burera District,
3. Gakenke in Gakenke District,
4. Gatsibo in Gatsibo District,
5. Kageyo in Gicumbi District,
6. Gikonko in Gisagara District,
7. Mbazi in Huye District,
8. Kayenzi in Kamonyi District,
9. Mwendo in Karongi District,
10. Rukara in Kayonza District,
11. Nyamugari in Kirehe District,
12. Muhanga in Muhanga District,
13. Kinigi in Musanze District,
14. Remera in Ngoma District,
15. Kabaya in Ngororero District,
16. Karago in Nyabihu District,
17. Nyagatare in Nyagatare District,
18. Tare in Nyamagabe District,
19. Kagano in Nyamasheke District,
20. Mpanga in Nyanza District,
21. Rusenge in Nyaruguru District,
22. Mudende in Rubavu District,
23. Ntongwe in Ruhango District,
24. Bushoke in Rulindo District,
25. Gashonga in Rusizi District,
26. Murunda in Rutsiro District,
27. Kigabiro in Rwamagana District and
28. Gikondo in the City of Kigali.

➤ Findings of the Commission

- Detained people in the above Transit Centers and reasons for their detention

In this human rights monitoring, the Commission founded that there were 1854 persons, including 1800 males and 54 females.

The Commission noted that those people were arrested for various reasons including: lack of identification documents and thus being considered as vagrants, drunkenness which lead to sabotage, vagrancy, minor theft, drug sellers and consumers.

The Commission found that most of the centers do not have sufficient correctional skilled staff to deal with inappropriate behavior. The Commission recommends that all transit centers should have an integrated administration composed of police and district representatives; also the leaders and staff members of transit centers should be appointed in the same way.

- Rights of detained people in Transit centers

The Commission monitored following rights: right to be recorded in registers, right to communicate with families and visits, right to life, right to food and right to welfare. The Commission monitored the condition of buildings in Transit centers as well as their hygiene.
a. Right to be registered in the records

The Commission found out that the inmates of Transit centers are recorded in registers.

b. Right to communicate with families and visits

The Commission found that some families of those in Transit centers are not informed about their detention so that they can visit them.

c. Right to health

The Commission noted that treatment for detained persons who fall sick in Transit centers are paid by the districts but it is not easy for those suffering from HIV/AIDS to get anti-retrovirals for those who normally take them.

d. Right to food

The Commission found out that people in Transit centers get porridge and have maize and beans as lunch at daytime but those in centers located in Gashora Transit Center in Bugesera District, Gikonko Transit Center in Gisagara District and Rusenge Transit Center in Nyaruguru District do not get porridge.

Inmates in Transit centers have access to safe drinking water or cleaned water apart from those in Mudende Transit Center in Rubavu District, Ntongwe Transit Center in Ruhango District, Murunda Transit Center in Rutsiro District, Mwendo Transit Center in Karongi District, Gakenke Transit Center in Gakenke District, Gikonko Transit Center in Gisagara District and Rusarabuye Transit Center in Burera District who do not have access to safe drinking water or cleaned water.

e. Right to social welfare

In some Transit centers, the Commission found that inmates have bedding facilities. The Commission found out that there is not enough hygiene in the toilets and showers in Mudende, Muhanga, Kageyo and Gikonko and Tare Transit Centers. As for Rwasarabuye Transit Center, there are no toilets because the inmates use the market toilets.

f. Infrastructure

Mwendo Transit Center is the sole Center which operates in buildings designed for this purpose because it was especially built to receive vagrants and has enough space; other centers operate in old buildings which were originally built for other purposes.

The Commission found that buildings in those centers are sufficiently aerated apart from the buildings of Muhanga, Rusarabuye and Gashora transit centers which are smelly. In Rusarabuye and Gashora, for instance, the inmates urinate in jerrycans which are kept in their dormitories. Kinigi Center is not aerated enough; as for Muhanga center, it has old buildings.

As for separating girls from boys, the Commission found that in most centers there are merely males. For centers with females, they live in separate building away from males.
Conclusion and recommendations

• Conclusion
During the monitoring, the Commission found that human rights in transit centers are respected, but some changes need to be done including informing families of inmates in Transit centers about their family members detention, lack of access to safe water (drinking water), lack access to anti-retroviral for those infected with HIV/AIDS, lack of bed covers, poor hygiene and old buildings.

• Recommendations
The Commission requests concerned organs to do their best so as to solve the problems that were identified. More particularly, the Commission requests:

A. THE MINISTRY OF INTERNAL SECURITY
- To amend the Ministerial Order no 001/10 of 17/03/2010 so as to harmonize it with the purpose for which Transit centers were created.

B. DISTRICTS
- To establish mechanisms through which authorities of Transit Centers can inform the detainees’ families of their whereabouts;
- To provide those Centers with enough staff and appoint their leaders in same way in all the Centers;
- To facilitate inmates living with HIV/AIDS to get anti-retroviral and to check if there are no other people with diseases in order to prevent infection to their fellows;
- To supply the centers’ inmates with bedding facilities;
- To improve hygiene in Transit centers and to renovate all transit centers in old buildings.

3.11.2. Monitoring the respect for Human Rights in the mining sector

Today, many different parts of the world are fast developing, and this development most often goes together with human rights abuses. Although the purpose of this development is to promote economic, social and cultural rights, there have been some concerns about the respect of human rights concerning mainly the rights to health and security of miners and the local population, respect of laws on protection of environment, right to property for land owners where mines are extracted, and respect of the labour law for employees working in mining.

In this respect, from April 13 to 18, 2015, the National Commission for Human Rights monitored the respect for human rights in the Rwandan mining sector in a bid to assess the respect for rights of employees working in mines and quarries and the neighbouring population. In this monitoring, the Commission referred to the provisions of the Constitution of the Republic of Rwanda of 4 June 2003 in its articles 29, 37, 38, 39, and 49 concerning right to property, right to work without discrimination, right of association, right to stop working, right to a clean and healthy environment and the duty to protect it.

The Commission also referred to the provisions of the International Covenant on economic, social and cultural rights of 16 December 1966 in its articles 6, 7, 8 and 9 on fair wages and equal remuneration for work of equal value, competence and ability, right to gain decent living by work, right to training, right to a healthy and clean environment, right to leave, right to work reasonable working hours and extra hours payment, right to social security and work accident, and right to medical insurance, etc.
In this monitoring, the Commission also referred to the African Charter on Human and Peoples’ Rights of 27 June 1981 as adopted by the law n° 10/1983 of 17/05/1983 in its Article 15 concerning the right to work under equitable and satisfactory conditions and equal pay for equal work;

Among other Rwandan laws, the Commission referred to the provisions of the law n°13/2009 of 27/05/2009 in the articles 4, 6 and 46 concerning the rights and obligations of an employee and employer;

The Commission also referred to the law n° 05/2015 of 30/03/2015 governing the organization of pension schemes; law n° 03/2015 of 2/03/2015 relating to Health Insurance, and the law n° 13/2014 of 20/05/2014 in its articles 16, 22, 25, 28, 30, 31, 32, 33 and 38 concerning the responsibilities of mineral license holders have to comply with in order to respect environment, health, safety and property rights.

➤ Purpose of the monitoring

The general purpose of the monitoring was to inspect the respect for rights of miners and the local population. Specific objectives were:

- To inspect the respect of rights to health, social welfare and other rights of miners in Rwanda;
- To inspect the respect of economic rights of the local population where mines and quarries are extracted in Rwanda;
- To inspect the respect of environment rights in mining areas of Rwanda;
- To inspect the respect for rights of the child in mining in Rwanda.

➤ Methodology

The Commission designed questionnaires and interviews for employers, miners, the local population as well as local leaders in the areas where mines are located. The Commission also visited the mines and observed how mining operations are performed in order to collect enough information.

Among 30 Districts of Rwanda, the Commission visited the following 26 districts with mining and quarry operations:

1. Bugesera: sites of Karambi, Kiyogoma, Gitaraga, Rusekera, Muyoboro and Gisororo;
2. Gasabo: site of Nyagasayo;
3. Burera: site of Gifurwe;
4. Gicumbi: site of Gisororo;
5. Rulindo: sites of Nyakabingo, Gasambya and Mahaza;
6. Musanze: site of Kanyana;
7. Gakenke: sites of Rukore, Rukore B, Gasebeya, Minazi, Gikamba and Gitongo;
8. Gatsibo: sites of Gitoki, Nyabicwamba and Kabeza;
9. Ngoma: sites of Buhunga, Rutare, Mbuyel, Mbuyell and Umuyange;
10. Rwamagana: sites of Karuganwa and Nyamatele;
11. Nyanza: sites of Nyamagana, Gashenge and Mpaza;
12. Huye: sites of Rurembo and Gakomeye;
13. Nyagatare: sites of Nyagatabire I and Nyagatabire II;
14. Kayonza: sites of Rwinkwavu, Ndago and Ruramira;
15. Muhanga: sites of Kavuza, Nyamabondo and Gisiza;
16. Rutsiro: sites of Waruganzu, Gakomeye, Giseke, Kamujyambere and Bitongo;
17. Gisagara: site of Gasharu;
18. Nyamasheke: sites of Banda and Ngoma;
19. Ngororero: sites of Gasasa, Rusebeya, Ruhanga A and Buranga;
20. Rubavu: sites of Kiburungu and Busoro;
22. Ruhango: sites of Rukira and Gitinda;
23. Rusizi: sites of Mashyuza and Kibangira;
Findings of the Commission

- Rights for miners

The Commission inspected the respect for human rights in 65 sites with 7,669 miners of whom 6,763 were males and 906 females. The Commission focused on the rights of miners, rights of the local population, environment rights and the child’s right to be protected against the worst forms of labour.

Regarding the right to health, the Commission found that miners in the 65 visited sites have health insurance (mutuelle de santé), while miners in the sites of CIMERWA and Rwinkwavu have RSSB health insurance.

As for workplace accident insurance, 52 sites out of 65 visited have workplace accident insurance from different insurance companies such as SORAS, CORAR, UAP, RADIANT, PHOENIX, COGEAR, BRITAM, SONARWA and PRIME LIFE INSURANCE. The Commission found that the number of miners with workplace accident insurance at every site is smaller than the number of miners employed at those sites.

Some examples of workplace accident insurance with the number of staff insured are illustrated in the following table:

<table>
<thead>
<tr>
<th>District</th>
<th>Site</th>
<th>Company</th>
<th>Number of staff</th>
<th>Number of insured staff</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Muhanga</td>
<td>Kavuza</td>
<td>COMINYA Cooperative</td>
<td>53</td>
<td>15</td>
<td>28%</td>
</tr>
<tr>
<td></td>
<td>Nyamabondo</td>
<td>COMAR Cooperative</td>
<td>294</td>
<td>40</td>
<td>15%</td>
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<tr>
<td></td>
<td>Gisiza/Shori</td>
<td>MISAGO JMV</td>
<td>29</td>
<td>15</td>
<td>51%</td>
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<tr>
<td>Rutsiro</td>
<td>Gakomeye</td>
<td>TUHAGERE Cooperative</td>
<td>90</td>
<td>46</td>
<td>51%</td>
</tr>
<tr>
<td></td>
<td>Kamujyambere</td>
<td>COOMUKIRU</td>
<td>30</td>
<td>20</td>
<td>66%</td>
</tr>
<tr>
<td></td>
<td>Bitango</td>
<td>AMKG Cooperative</td>
<td>86</td>
<td>46</td>
<td>53%</td>
</tr>
<tr>
<td>Nyanza</td>
<td>Nyamagana</td>
<td>Havila Mines</td>
<td>30</td>
<td>20</td>
<td>66%</td>
</tr>
<tr>
<td></td>
<td>Mpaza</td>
<td>Merci Jesus</td>
<td>78</td>
<td>30</td>
<td>38%</td>
</tr>
<tr>
<td>Gakenke</td>
<td>Minazi</td>
<td>SINDAMBIWE Simon</td>
<td>70</td>
<td>25</td>
<td>35%</td>
</tr>
<tr>
<td></td>
<td>Gitongo</td>
<td>Standard Mining Company Ltd</td>
<td>55</td>
<td>15</td>
<td>27%</td>
</tr>
</tbody>
</table>

- Protective equipment

- Among the sites that were visited, 47 provided miners with appropriate boots to be used at work, 27 offered torches to use inside the mines in case of power cut, 23 provided gloves to wear at work and 49 sites provided appropriate dungarees.

- Regarding the first aid, among the 65 visited sites, 29 have first aid kits, 25 have a car that can be used in case of accident, 2 have an accident alarm system, 5 have a stretcher and 8 use other means such as motorcycles or traditional stretchers.
The following table illustrates the picture of the respect for rights to health insurance, workplace accident insurance, protective equipment and first aid equipment at each site.

<table>
<thead>
<tr>
<th>N°</th>
<th>District</th>
<th>Site</th>
<th>Health insurance</th>
<th>Workplace accident insurance</th>
<th>Social security</th>
<th>Protective equipment</th>
<th>First aid equipment</th>
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<td>Rusekera</td>
<td>MS</td>
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ANNUAL ACTIVITY REPORT (July 2014 – June 2015)
• Right to social welfare

During this monitoring, the Commission focused on rights to fair salary, working hours, meal, safe drinking water and hygiene.

Regarding the salary of employees in the mining sector, there are three modes of payment used: paying the employee or group of employees per day according to the production; paying on daily basis employees who work in quarries and transport residues from mines to smelting areas; and paying employees on monthly basis according to the set salary.

The Commission found that 15 sites pay their staff on a daily basis between six hundred (Frw 600) and one thousand five hundred francs (Frw 1,500) per day. These employees load Lorries in quarries while others transport residues from mines to smelting areas.

The Commission found that there are 32 among the visited sites that pay their staff on a daily basis between one thousand and eight hundred francs (Frw 1,800) and four thousand francs (Frw 4,000) per one kilo of cassiterite and other minerals. 2 sites also pay between five thousand francs (Frw 5,000) and fifteen thousand francs (Frw 15,000) per one kilo of cassiterite and other minerals. The Commission finally found that there are sites that pay between twenty thousand francs (Frw 20,000) and twenty-five thousand francs (Frw 25,000) per one kilo of coltan. Other 24 sites didn’t reveal their payment modes due to the absence of their owners during the monitoring.

The Commission’s major finding is the problem of salary differences among the visited sites, delayed payment of salaries and miners working without work contracts (except sites owned by CIMERWA and Rwinkwavu).

Regarding the working hours, miners work between 7 and 9 hours per day, but there is one site where miners relentlessly work 11 hours per day. They work from 7 am to 6 pm.

Regarding the meal, 13 out of 65 visited sites provide lunch valued between twelve thousand (Frw 12,000) and fourteen thousand francs (Frw 14,000) per month, in 35 sites employees have their meal at home during lunch break while 7 sites observe a continuous working day.

Regarding drinking water and hygiene, 12 sites out of 65 get clean drinking water for their staff from stream water, boiled water or treated with chemicals (Sur’eau); for the 53 remaining, it is up to each and every staff to find drinking water by him/herself. Regarding hygiene, 23 sites out of 65 visited have adequate and clean toilets and bathrooms. 32 sites have toilets and bathrooms far from the mining operations, while 3 sites of Kamuzi, Rubare and Mahaza do not have any.

The Commission also inspected issues related to training and found that 16 out of 65 visited sites provide training to their staff. 49 sites provide job instructions on accident prevention and protection of their colleagues.

The Commission also inspected issues related to employees’ unions and found that 19 sites out of 65 visited were able to elect their representatives to voice their problems and solve conflicts while in 5 sites employees get together to form savings and lending schemes.

The Commission’s finding is that there is a small number of sites that provide training to their staff and a small number of sites with miners grouped in unions for common interests.
• **Rights of the local population**

Regarding the respect of rights of the local population, the Commission focused on economic and property rights in order to know the gains of the local population in the mining areas and to know whether they get substitutes or a fair compensation for their lands.

Regarding economic rights, the local population is employed and acquires different development infrastructures. Vulnerable households get health insurance and there are some investors who were able to construct a stadium and airport for local people, and even initiated literacy programs starting with their illiterate staff.

Regarding property rights, a substitute or fair compensation is paid by mutual consent. There are mining companies that enter into mining agreements with the land owners with the consent to pay three hundred francs (Frw 300) per one kilo of cassiterite from their land.

There are also some mining companies with mining license that breach agreements entered between them and land owners. These agreements are respected for a short time and then after, the land owner is left in the air. During the inspection, the Commission found that, in some areas, mining operations damage people's houses due to the fact that in their search for minerals, miners reach unknowingly some unexpected people's lands due to inside excavations. For example, MUTUNGIREHE Thérèse from Gakenke District, Rukore Cell, Kigote village saw her living house falling down because she had not noticed when miners arrived and excavated under her house.

The Commission noted that there are people who are deprived from their property rights in case they are not informed about mining operations under their land in order to be given a substitute and compensated for their properties.

• **Environment rights**

Regarding environment rights, the Commission found that some sites have tree nurseries used for reforestation in steep slopes to prevent erosion.

Although there are some sites that complied with protection of environment requirements by filling in the trenches and reforestation or reed plantation in the contoured area, the Commission found that there are places where mining operations really damage environment due to the fact that all sites do not have suitable means to prevent soil erosion, disorder in mining operations and in some areas they operate within populated villages, reinstallation of holes which are no longer in use, lakes and rivers protection, a fence between site and other local people's land. There are still some areas with unreinstalled trenches which are no longer in use.
Regarding erosion from mines that damages the environment, the Commission found that some sites dig trenches to control erosion from damaging rivers or lakes. However, there are some sites whose water was spotted to damage Rivers or mines whose residues are spread in the people's fields during the rainy season.

Places where mining operations clearly damage environment

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

Regarding the rights of the child, the Commission did not find any children who are given worst forms of labour on mining sites, except in Rutsiro District where the Commission found local children smelting residues from minerals to get coltan for sale.
CONCLUSION AND RECOMMENDATIONS

• Conclusion

Among 30 districts of Rwanda, the Commission visited 26 districts with mining and quarry operations. 59 sites with minerals and 6 with quarry operations were visited in 47 Sectors. During the monitoring, the Commission focused on miners’ rights, rights of the local population, environment rights and the Child’s right to be protected against the worst forms of labour. It was found that all these rights are respected but some should be monitored by relevant authorities.

Regarding rights of miners, the Commission found that all of them have health insurance (mutuelle de santé), except CIMERWA and Rwinkwavu sites that have RSSB insurance. The Commission also found that mining companies pay for workplace accident insurance to a small number of miners compared to the whole manpower. In addition, the Commission found that miners are not subscribed for social security except at CIMERWA site in Rusizi District and Rwinkwavu site in Kayonza District.

Regarding workplace accident protection, the Commission found that all miners receive accident prevention instructions, but there is a problem of a small number of protective equipment owned by a few visited sites; and finally, few sites have first-aid equipment.

Regarding salaries and working hours, the Commission found that miners are paid according to the production, but there is a problem of salaries set differently from all the sites, delayed salaries in some sites and long-serving miners without work contracts.

Regarding working hours, many sites respect them, except one site whose miners relentlessly work for 11 hours per day.

Regarding the meal, drinking water and hygiene, the Commission found that there are some sites which provide meal and drinking water to their staff, and have clean toilets and bathrooms, but the latter are far from mining areas at some sites.

Regarding training and unions, the Commission found there are some sites that provide job training and employees form unions to promote their interests, but the number is still small.

Regarding the property rights for the local population, the Commission found the local population gains because they get jobs and some companies pay health insurance for vulnerable people and construct development infrastructures.

Regarding the mining areas, land owners are given substitutes or fair compensation by mutual consent. But there are also some who enter into leasing agreements and companies respect them for a short time. The Commission also learnt about damaged houses due to excavations under houses.

Regarding environment rights, the Commission found they are not well respected everywhere in such a way that some areas are not reinstalled and reforested. There are even some areas where rivers are polluted by water from mines.
Regarding the child’s right to be protected against the worst forms of labour, the Commission found no child working in the mines, except local children who smelt residues from minerals to get coltan for sale.

- **Recommendations**

Based on the problems that were identified, the Commission requests the relevant authorities to monitor the following:

**A. Ministry of Natural Resources**

- Every employee in the mining and quarry sector should have a workplace accident insurance;
- To collaborate with other institutions to set regulations related to salary review of employees in the mining and quarry sector;
- To ensure that the substitute or compensation is paid by mining companies with mutual consent and anything that can infringe land owner’s rights;
- To request mining companies to comply with the provision of laws, fix boundary fence to separate the mining area and living area;
- To set up a monitoring organ in charge of monitoring the implementation of regulations related to mining and quarry operations;
- To monitor and evaluate if mineral and quarry license holders provide protective equipment to their employees;
- To inspect if mine owners provide first-aid equipment especially an ambulance in case of workplace accident.

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

- To request labour inspectors in districts to strengthen the monitoring of all the provisions of the labour law in Rwanda, mostly with regard to salary, working hours, accident insurance, etc.

**C. Rwanda Environment Management Authority (REMA)**

- To set up mechanisms to monitor if regulations for protection of environment are implemented.

**D. Trade Union of Workers of Rwanda (CESTRAR)**

- To sensitize miners to join unions in order to get training on labour law, so they can fight for and protect their rights.
3.11.3. Monitoring the respect for rights of detainees in Prisons and Police Station Cells

Pursuant to the Constitution of the Republic of Rwanda of 4 June 2003 as amended to date especially in Article 15 stipulating that every person has the right to physical and mental integrity, Article 18 stipulating that no one shall be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute a crime under the law in force at the time it was committed, the right to be informed of the nature and cause of charges and the right to defense are absolute at all levels and degrees of proceedings before administrative, judicial and all other decision making organs; and Article 19 stipulating that every person accused of a crime shall be presumed innocent until his or her guilt has been conclusively proved in accordance with the law in a public and fair hearing in which all the necessary guarantees for defense have been made available;

Pursuant to General Principles relating to the rights of prisoners adopted by the First Congress of the United Nations held in Geneva, Switzerland, in 1955, also approved by the Economic and Social Council in its Resolution 663 (XXIV) of 31 July 1975 and Resolution 2076 (LXII) of 13 May 1977 contained in the Standard Minimum Rules for the Treatment of Prisoners;  

Pursuant to the law no 30/2013 of 24/5/2013 relating to the code of criminal procedure especially in its Articles 37, 39, 40, 41, 43, 44, 49, 61, 96, 97, 98, 99, 100, 101, 103, 104 relating to arrest and detention for the suspect;  

As provided by Article 27 of Law No. 34/2010 of 12 November 2010 establishing the Rwanda Correctional Service (RCS) and determining its organization and functioning which states that “State organs, local or international non-governmental organizations working in Rwanda, international organizations providing human rights protection or humanitarian aid and researchers may be authorized to carry out prison visits”;

Pursuant also to Article 6 (3) of Law n° 19/2013 of 25 March 2013 determining missions, organization and functioning of the National Commission for Human Rights, which confers to it the responsibility “to carry out visits to custodial places with the purpose of inspecting whether the rights of detainees are respected and urge relevant authorities to address identified cases of violation of the rights of detainee”;

In May 2015, the National Commission for Human Rights carried out visits to prisons and police station custodies in a bid to inspect if the rights of detainees are respected.

During this monitoring, 14 prisons and 52 police stations were visited.

- Monitoring the respect for the rights of detainees is prisons

In the framework of inspecting the respect for the rights of detainees, the Commission visited the following 14 prisons: Muhanga, Huye, Nyanza, Bugesera, Rwamagana, Gasabo, Rusizi, Musanze, Gicumbi, Ngoma, Rubavu, Nyarugenge, Nyagatare and Nyamagabe.

In these prisons, the Commission inspected the following:

- Number of detainees in prison in order to monitor on congestion;
- Respect for the the rights of detainees in prisons on basis of a decision of provisional detention of 30 days by a Judge, management and follow up of their case files;
- To know whether there are detainees without order of detention in prisons.
• **Findings of the Commission:**

In the prisons that were visited, the Commission found a population of **54,144** of whom **50,528** were men (245 young boys under-18 excluded) and **3,616 women** (9 young girls under-18 excluded).

The following table illustrates the number of detainees and prisoners from visited prisons according to the charges against them:

<table>
<thead>
<tr>
<th>Visited prisons</th>
<th>Number of detainees in accordance with their accusations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Common Law Offenses</td>
</tr>
<tr>
<td></td>
<td>Prisoners</td>
</tr>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>1.Bugesera Prison</td>
<td>516</td>
</tr>
<tr>
<td>2.Gasabo Prison</td>
<td>1443</td>
</tr>
<tr>
<td>3.Gicumbi Prison</td>
<td>1014</td>
</tr>
<tr>
<td>4.Huye Prison</td>
<td>2057</td>
</tr>
<tr>
<td>5.Muhanga Prison</td>
<td>1302</td>
</tr>
<tr>
<td>6.Musanze Prison</td>
<td>1292</td>
</tr>
<tr>
<td>7.Ngoma Prison</td>
<td>2</td>
</tr>
<tr>
<td>8.Nyagatare Prison</td>
<td>195</td>
</tr>
<tr>
<td>9.Nyamagabe Prison</td>
<td>16</td>
</tr>
<tr>
<td>10.Nyanza Prison</td>
<td>1127</td>
</tr>
<tr>
<td>11.Nyarugenge Prison</td>
<td>1144</td>
</tr>
<tr>
<td>12.Rubavu Prison</td>
<td>1115</td>
</tr>
<tr>
<td>13.Rusizi Prison</td>
<td>1033</td>
</tr>
<tr>
<td>14.Rwamagana Prison</td>
<td>3040</td>
</tr>
<tr>
<td></td>
<td>15296</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>16535</td>
</tr>
</tbody>
</table>
From the table above, among the 54,144 of detainees in the prisons that were visited, 20,524 (16,535 prisoners and 3,989 detainees) committed common law offenses while 33,620 (33,587 prisoners and 33 detainees) committed genocide related crimes. The total number of prisoners is 50,122 whereas detainees are 4,022. The number of detainees is far smaller (8%) than the number of prisoners who are serving sentences.

The Commission found that the number of prisoners of genocide related crimes has decreased because they were 35,099 in 2013-2014 while they are currently 33,620 in 2014-2015 due to the fact that, with time, many of them complete their sentences and get released. As for the number of detainees, it increased from 3,530 last year to 4,022 in 2014-2015.

In order to implement the Government programme of detaining males and females in separate prisons, Nyamagabe and Ngoma prisons are particularly designed for women only, but there are also male prisoners for manual work that they have to do, more specifically construction works. Bugesera, Rwamagana, Gasabo and Rubavu prisons are populated by men only. Nyagatare Prison (Rehabilitation Center for Minors) is particularly designed for children’s rehabilitation, adult prisoners who do manual work and one woman (1) who takes care of young girls.

Muhanga, Gicumbi, Musanze and Nyarugenge prisons are populated by both men and women. Children met in these prisons were detained waiting for appearing before the court.

The following table compares congestion in prisons visited in 2013-2014 and 2014-2015:

<table>
<thead>
<tr>
<th>Prison</th>
<th>Prison capacity</th>
<th>Year 2013-2014</th>
<th>Congestion rate</th>
<th>Year 2014-2015</th>
<th>Congestion rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of</td>
<td></td>
<td></td>
<td>Number of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>prisoners</td>
<td></td>
<td></td>
<td>prisoners</td>
<td></td>
</tr>
<tr>
<td>01. Rwamagana Prison</td>
<td>6,500</td>
<td>8,236</td>
<td>126.7%</td>
<td>8,669</td>
<td>133.3%</td>
</tr>
<tr>
<td>02. Nyarugenge Prison</td>
<td>2,500</td>
<td>3,201</td>
<td>128%</td>
<td>3,206</td>
<td>128.2%</td>
</tr>
<tr>
<td>03. Gicumbi Prison</td>
<td>1,600</td>
<td>1,598</td>
<td>99.8%</td>
<td>1,989</td>
<td>124.3%</td>
</tr>
<tr>
<td>04. Musanze Prison</td>
<td>1,800</td>
<td>1,976</td>
<td>109%</td>
<td>2,129</td>
<td>118.3%</td>
</tr>
<tr>
<td>05. Gasabo Prison</td>
<td>4,500</td>
<td>4,663</td>
<td>103.6%</td>
<td>4,927</td>
<td>109.4%</td>
</tr>
<tr>
<td>06. Huye Prison</td>
<td>8,898</td>
<td>7,852</td>
<td>88.2%</td>
<td>9,454</td>
<td>106.2%</td>
</tr>
<tr>
<td>07. Nyanza Prison</td>
<td>7,500</td>
<td>6,522</td>
<td>86.9%</td>
<td>7,546</td>
<td>100.6%</td>
</tr>
<tr>
<td>08. Rusizi Prison</td>
<td>3,412</td>
<td>2,788</td>
<td>81.7%</td>
<td>2,846</td>
<td>83.4%</td>
</tr>
<tr>
<td>09. Nyagatare Prison</td>
<td>500</td>
<td>220</td>
<td>44%</td>
<td>276</td>
<td>55.2%</td>
</tr>
<tr>
<td>10. Bugesera Prison</td>
<td>3,000</td>
<td>3,027</td>
<td>100.9%</td>
<td>2,840</td>
<td>94.6%</td>
</tr>
<tr>
<td>11. Nyamagabe Prison</td>
<td>2,500</td>
<td>3,439</td>
<td>137.4%</td>
<td>2,041</td>
<td>81.6%</td>
</tr>
<tr>
<td>12. Rubavu Prison</td>
<td>5,000</td>
<td>3,941</td>
<td>78.8%</td>
<td>3,728</td>
<td>74.5%</td>
</tr>
<tr>
<td>13. Muhanga Prison</td>
<td>5,000</td>
<td>5,890</td>
<td>117.8%</td>
<td>3,614</td>
<td>72.2%</td>
</tr>
<tr>
<td>14. Ngoma Prison</td>
<td>1,600</td>
<td>926</td>
<td>57.8%</td>
<td>879</td>
<td>54.9%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>54,310</strong></td>
<td><strong>54,279</strong></td>
<td><strong>99.9%</strong></td>
<td><strong>54,144</strong></td>
<td><strong>99.6%</strong></td>
</tr>
</tbody>
</table>
As the table above illustrates, the Commission found that the congestion problem in prisons has in general declined in comparison with last year because it was 99.9% against 99.6%.

Prisons with more congestion and those accommodating a big number of prisoners beyond their capacity include: Rwamagana Prison (133.3%) which was only made for men, then after received other men from Ngoma Prison (which was only made for women), and even if additional buildings were built, they have not yet all been used to accommodate prisoners; Nyarugenge Prison (128.2%), Gicumbi Prison (124.3%), Musanze Prison (118.3%). Gasabo Prison (109.4%), Huye Prison (106.2%) which was only made for male prisoners, and later on received men from Nyamagabe Prison, and even received male prisoners from Muhanga Prison when the latter caught fire, and Nyanza Prison (100.6%).

Prisons with little congestion include: Ngoma Prison (54.9%), Nyagatare Prison (55.2%), Muhanga Prison (72.2%), Rubavu Prison (74.5%), Nyamagabe Prison (81.6%), Rusizi Prison (83.4%) and Bugesera Prison (94.6%).

- Respect for the rights of detainees under a decision of provisional detention by a Judge

In the monitoring conducted by the Commission in different prisons, the focus was put more on the respect for the rights detainees under a decision of provisional detention of 30 days by a Judge, the management and monitoring of their case files as provided by the Law n° 30/2013 relating to the code of criminal procedure of 24 May 2013.

The following table illustrates detainees under expired and valid decisions

<table>
<thead>
<tr>
<th>Prison</th>
<th>Date of visit</th>
<th>Number of files checked by the Commission</th>
<th>Number of detainees in prison on basis of the judge's decision of the valid and expired provisional detention but whose files have been submitted to courts</th>
<th>Number of detainees in prison on basis of the judge's decision of the provisional detention that has expired and not renewed while their files have not yet been submitted to courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bugesera Prison</td>
<td>26/5/2015</td>
<td>133</td>
<td>133</td>
<td>0</td>
</tr>
<tr>
<td>2. Gasabo Prison</td>
<td>27/5/2015</td>
<td>182</td>
<td>61</td>
<td>121</td>
</tr>
<tr>
<td>3. Gicumbi Prison</td>
<td>28/5/2015</td>
<td>152</td>
<td>152</td>
<td>0</td>
</tr>
<tr>
<td>4. Huye Prison</td>
<td>28/5/2015</td>
<td>133</td>
<td>130</td>
<td>3</td>
</tr>
<tr>
<td>5. Muhanga Prison</td>
<td>27/5/2015</td>
<td>264</td>
<td>253</td>
<td>11</td>
</tr>
<tr>
<td>7. Ngoma Prison</td>
<td>28/5/2015</td>
<td>43</td>
<td>43</td>
<td>0</td>
</tr>
<tr>
<td>8. Nyagatare Prison</td>
<td>26/5/2015</td>
<td>4</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>9. Nyamagabe Prison</td>
<td>26/5/2015</td>
<td>15</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>10. Nyanza Prison</td>
<td>26/5/2015</td>
<td>7</td>
<td>7</td>
<td>0</td>
</tr>
</tbody>
</table>
As shown in the table above, among 1,688 of detainees' files inspected by the Commission, it was found that 1,461 detainees, i.e. 86.5%, were legally detained while 227 detainees, i.e. 13.5% were detained on basis of a decision of provisional detention by a Judge that had exceeded 30 days and was not renewed.

The Commission finds that the detainees' rights of having their case files followed up during the period provided for by the above-mentioned Law relating to the code of criminal procedure are respected at the prosecution level, although there are some inmates detained on basis of a decision of provisional detention by a Judge that has already exceeded 30 days.

- Detainees without detention documents

During the monitoring in different prisons that were visited, the Commission found that all detainees have detention documents (a decision of provisional detention by a Judge).

- Monitoring the respect for detainees' rights in Police Station Cells

Within the framework of monitoring the respect for detainees' rights in Police Station Cells, the Commission visited the following 52 cells: Nyamata, Butaro, Kivuye, Gahunga, Ruli, Gakenke, Rushashi, Gisozi, Ngarama, Kabarore, Kiramuruzi, Byumba, Mulindi, Rwamiko, Gikonko, Mugombwa, Ngoma, Runda, Musambira, Kabarondo, Rukara, Mukarange, Kanombe, Cyicukiro, Kirhe, Nyamabuye, Kiyumba, Kinigi, Muhoza, Kubungo, Kavumu, Kabaya, Nyabihu, Gakundu, Nyagatare, Gasaka, Musebeya, Kaduha, Busoro, Busasamana, Nyamirambo, Muhima, Cyahinda, Gisenyi, Nyamagana, Kabagari, Kinihira, Murambi, Muganza, Kamembe, Nzig and Kigabiro.

The aim of this monitoring was to know the number of detainees in Police Station Cells; to monitor the respect for detainees' rights in terms of social welfare, their case files (PVA, MAP, decision of provisional detention by a Judge); to check if a detainee is informed on his/her rights to be questioned in the presence of his/her lawyer; and to check if detainees are not subjected to torture.

Findings of the Commission

- Statistics on detainees in Cells

During the Commission’s visit to Police Station Cells, there were 1,248 detainees, including 1,113 males, 116 females and 19 male minors under 18 years. There were also 18 kids who were with their detained mothers.
The following table shows the detainees’ detention documents

<table>
<thead>
<tr>
<th>Detainee’s detention document</th>
<th>Arrest Statement (PVA)</th>
<th>Provisional Arrest Warrant (MAP)</th>
<th>Decision of a Judge</th>
<th>Copy of judgment</th>
<th>Detainees without detention document</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>357</td>
<td>771</td>
<td>36</td>
<td>8</td>
<td>76</td>
</tr>
</tbody>
</table>

The total number of all detainees whose detention documents have been checked: 1,248

As shown in the table above, the Commission found that among 1,248 detainees whose detention documents were checked, 357 i.e. 28.6%, are detained on basis of Arrest Statement (PVA), including 8 which had expired. 771 detainees, i.e. 61.8% had Provisional Warrants for Arrest (MAP) including 86 which had expired, while 36 detainees, i.e. 2.9% were detained on basis of the Judge’s order (OMP). There were also 8 detainees, i.e. 0.6% with copies of judgment who were waiting for a car to return them to prisons where they were detained before appearing to Courts where they committed offenses; while 76, i.e. 6% had no detention document because they had been arrested during the previous day and those brought that same day who were still being questioned so as to make their case files.

- **Detainees’ welfare**

The Commission monitored the following detainees’ rights in Cells: right to food, right to medical care, right not to be tortured, right to live in a safe place (right to be detained in an aerated and lighted place), right to clean bathrooms and toilets, right to have a bed and beddings, and right not to be detained handcuffed. The Commission found that the rights of detainees in Police Station Cells are respected but also noticed some problems that need to be addressed. These problems are as follows:

- **Right to food**

The Commission found that detainees in Cells are given food composed of maize and beans distributed by the Government. This meal is served once a day (in afternoon hours). They are also given sorghum porridge in the morning.

During the Commission’s visit to Nyagatare and Gahunga police station cells, it was found that detainees did not have enough food provisions.

The Commission also found that detainees of Ngoma, Nzige, Kigabiro, Kinihira, Kirehe, Gisenyi, Gatunda, Nyabihu, Kabaya, Muhoza, Kibungo, Kinigi, Gahunga, Kivuye, Nyamata, Kabarore, Ngarama, Rushashi, Gakenke, Ruli, Mugombwa, Gikonko, Mulindi, Byumba, and Kiramuruzi police station cells are not given porridge. In Muhima, Nyamirambo, Gisozi, Kicukiro and Kanombe police station cells, porridge is given to women and children. The Commission noticed that no particular diet is given to kids living with their detained mothers.

- **Right to medical care**

Among the cells that were visited, the Commission found that when a detainee falls ill, he/she gets medical services from the nearest Health Center or Hospital and uses his/her insurance card (mutuelle de santé). When a sick detainee does not have health insurance, he/she covers all the medical fees by him/herself.
In Mugombwa, Gikonko, Busoro, Busasamana, Ngoma, Ngarama, Kabarore, Kiramuruzi, Kibungo, Kirehe, Runda, Musambira, Nyamagana, Kabagari, Nyamabuye and Kiyumba police station cells, detainees who are not able to pay for their medical services are treated as other needy people, whereas in Muhima, Gisozi and Nyamirambo cells when needy detainees get ill, they are taken care of by the Sector where they are detained.

- **Right to not be tortured and subjected to other cruel or inhuman degrading treatment**

The Commission found that detainees in police station cells are not tortured or subjected to cruel or inhuman treatment. However, some detainees in Kabarondo and Kanombe cells told the Commission that they had been subjected to bodily injuries at the time of their arrest. The Commission will continue to conduct a thorough investigation on this issue.

- **Right to be detained in an aerated and lighted place**

The Commission found that the current detention facilities were not built for this purpose. Some of them are sufficiently aerated and lighted while others are not.

The Commission found that the following Cells are not sufficiently aerated and lighted owing mainly to the way they are built: Gisozi, Kanombe, Kicukiro, Muhima, Nyamirambo, Nyamagana, Kabagari, Kiyumba, Gisozi, Nyabihu, Gahunga, Muhoza, Kirehe, Nzige, Nyagatare, Nyamata, Busoro, Muganza and Ngoma. Meanwhile, Kinihira, Byumba, Mulindi and Murambi cells are tiny, not sufficiently aerated and do not have glasses in their windows. Furthermore, the Commission found that Nyabihu Police Station Cell is too old to the extent that some parts of its roof leak.

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

In monitoring cleanliness, the Commission inspected detainees’ dormitories, bathrooms and toilets, and noticed that the following cells were not clean: Mugombwa, Busasamana, Gisenyi, Mukamira, Gahunga, Nyagatare, Muhoza, Nyamagana, Kinihira, Muganza, Nyagatare and Kamembe.

The sanitation problems in cells are mainly due to the fact that they are mostly built in areas that face shortages of water, insufficient toilets compared to the number of detainees. This was particularly noticed in Busoro, Muganza, Nzige, Kirehe and Nyagatare police station cells.

- **Detainees’ right to have bed and beddings**

The Commission found that detainees from inspected cells have where to sleep. Some detainees who have means bring with them what to lie on and beddings (mattress, braids and blankets), but there are some others who do not have any. On that day, detainees had a problem of not sleeping properly due to congestion in Muhanga, Kamembe and Nyagatare police station cells.

The Commission found that Nyamagana, Kabarondo, Nzige, Nyamata, and Kigabiro police station cells do not allow detainees to bring in beds and beddings.

- **Right not to be detained handcuffed.**

The Commission found that the right of not being handcuffed while in cell is respected.

- **Monitoring detainees’ files in police station cells**

The Commission noticed that all the provisions by the law regarding the follow up of detainees’ files in police station cells have been respected for, among 1,248 detainees in Police Station Cells inspected, 94 i.e. 7.5% were the only illegally detained (PVA and MAP that had exceeded the legal detention period) and 76 i.e. 6% were still being questioned in order to file their arrest reports and be released if there is no reason to keep them in the
judicial police. The Commission nonetheless found that there are still problems that need to be addressed by relevant institutions: the Judicial Police, the Prosecution and Courts.

Identified problems are as follows:

1. **Detainees on basis of an expired arrest report (PVA)**

   From the monitoring carried out by the Commission, it was found that 8 detainees, i.e.0.6% were detained on basis of expired PVA. They were found in Ngarama, Kiramuruzi, Mugombwa, Rukara, Kibungo, Nyagatare, Nyamagana and Kamembe police station cells.

2. **Detainees on basis of an expired provisional warrant for arrest by the Prosecutor (MAP)**

   The Commission found that 86 detainees, i.e.6.8% were detained on basis of the prosecutor’s provisional warrant for arrest (MAP), which is normally valid for 5 days that had expired before they were brought to court.

   These detainees were found in the following police station cells: Gahanga (9), Gakenke (3), Byumba (9), Mulindi (9), Mugombwa (7), Ngoma (6), Runda (1), Kabarondo (1), Rukara (7), Kicukiro (1), Nyamabuye (11), Nyabihu (2), Gasaka (1), Busasamana (1), Nyamirambo (4), Nyamagana (6), and Kamembe (8).

3. **Detainees who are not timely informed of the decision of the Judge**

   During the monitoring, the Commission noticed that there were 48 detainees in some police station cells who had appeared before the judge and their verdict delayed as well as the decision on detention or provisional release, given the fact that there are some courts that take up to two weeks (2) without informing the concerned parties of the decision of the court.

   Those police station cells are the following: Gatunda (2), Kiramuruzi (5), Kibungo (4), Kabarondo (2), Rukara (5), Nzige (2), Gakenke (3), Mulindi (8), Murambi (4), Runda (2), Nyamagana (2), Nyamabuye (2), Gisenyi (2) and Gahunga (4).

**CONCLUSION AND RECOMMENDATIONS**

**Conclusion**

During the monitoring, the Commission found that detainees’ rights to follow up their files in the period provided for by the law relating to the code of criminal procedure are respected, although there is still a number of detainees on basis of the decision of provisional detention by the Judge that exceeded 30 days.

The Commission found that detainees’ rights to appear before the judge before they are detained are respected. Moreover, detainees’ rights in police station cells are respected, but some problems were noticed as evoked in this report and need to be addressed.
Recommendations

In order to improve the respect for detainees’ rights, the Commission urges concerned parties to do all their best to solve all identified problems. More particularly, the Commission recommends:

A. MINISTRY OF INTERNAL SECURITY
- To set up a program of safe keeping detainees' files in all prisons so that every modification made on any file is seen through computer or hard copies (physical file);
- To do whatever possible to ensure that each detainee who is to appear before the judge or hear the judge's decision, arrives at the court on his/her respective due date;
- To establish a clear programme of giving food to detainees in all police station cells in a similar way;
- To allow detainees in police station cells to bring beddings and even sensitize them to do so because some of them do not know that it is their right;
- To avail mosquito nets in each police station cell that can be used by women who have children in order to protect them diseases;
- To solve the poor sanitation problem observed in Mugombwa, Busasamana, Gisenyi, Nyabihu, Gahunga, Nyagatare, Muhoza, Nyamagana, Kinihira, Muganza, Nyagatare, Nzige and Kamembe police station cells;
- To renovate and extend detention facilities in order to have sufficient space and light.

B. NATIONAL PROSECUTOR’S OFFICE
- To request courts to always renew the 30 days decision of provisional detention when reasons for taking the first decision still hold;
- To always transmit to prison a list of detainees whose case files have already been investigated so that they are brought to court in not later than 7 days;
- To transfer to prison in a possible short time detainees whose decisions of provisional detention by the Judge have been taken;
- To respect the time provided by the law relating to the code of criminal procedure in terms of the follow up of case files of suspects, either at the judicial police level or at prosecution level.

C. SUPREME COURT
- To take measures aimed to enable courts to quickly hand to authorities of prisons, copies of court decision from the courts that sentenced them for prompt execution of the decisions taken against the detainee;
- To request courts to ensure that all detainees who have appeared before the judge are informed of the decision taken on the provisional detention in writing not later than 72 hours as provided by the law relating to the code of criminal procedure;
- To submit to authorities of prisons, detainees’ summons who are to appear in court at least 8 days before their hearing as provided by the law relating to the code of criminal procedure.
STATE OF IMPLEMENTATION OF THE 2013-2014 RECOMMENDATIONS

The Commission produces a yearly report of its findings in the monitoring of respect for detainees in prisons and police station cells and makes recommendations to relevant institutions. It is in this perspective that in 2014-2015, the Commission, basing on the report on achievements made in terms of protecting and promoting human rights written by the Ministry of Internal Security in 2013-2014, attached to Letter No 46/0809 of 20th July 2015, the Minister wrote to the National Commission for Human Rights highlighting those achievements, some of the recommendations that the Commission had made during the previous monitoring of respect for detainees’ rights in prisons and police station cells in its activity report of 2013-2014 as it can be read in the following table:

Table highlighting the implementation level of recommendations made by the Commission in the 2013-2014 activity report to relevant institutions

<table>
<thead>
<tr>
<th>No</th>
<th>Recommendations made by the Commission in its 2013-2014 activity report</th>
<th>Implementation level until August 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Problem of insufficient toilets in Nyamagabe Prison;</td>
<td>Solved</td>
</tr>
<tr>
<td>2.</td>
<td>Problem of torn kitchen floor in Nyarugenge Prison;</td>
<td>Not solved because the Prison is to be relocated elsewhere;</td>
</tr>
<tr>
<td>3.</td>
<td>To solve the congestion problem that was noticed in Nyamagabe, Nyarugenge and Rwamagana prisons;</td>
<td>Additional buildings have been built in Rwamagana and Huye prisons, while Ngoma and Nyamagabe prisons were upgraded and reserved for female prisoners only;</td>
</tr>
<tr>
<td>4.</td>
<td>To keep prisoners and detainees in separate cells and then separate young girls from women as provided by laws;</td>
<td>This will take long, the problem will only be solved when the plan for Prisons buildings is implemented;</td>
</tr>
<tr>
<td>5.</td>
<td>To send children under 3 years of age living with their mothers in prisons to their families and host families for those who do not have families;</td>
<td>When children living with their mothers in prison turn 3 years old, the Ministry of Internal Security, with the consent of the parent and the host family, finds them ways to integrate them in their families. For those who have no families, the Ministry finds them host families in collaboration with the National Children Commission;</td>
</tr>
<tr>
<td>6.</td>
<td>To solve the insufficient equipment problem in the mentioned prisons (clothes, kitchen utensils, hygiene equipment);</td>
<td>Detainees and prisoners were given beddings and clothes on time;</td>
</tr>
<tr>
<td>7.</td>
<td>To solve the water shortage problem found in Bugesera Prison;</td>
<td>Nothing has been done so far;</td>
</tr>
<tr>
<td>8.</td>
<td>To solve the poor sanitation problem found in Nyamagabe, Rwamagana, Nyarugenge and Bicumbi Prisons;</td>
<td>Currently, prisons use chlorine for domestic cleanliness and prisons manage to make it by themselves except Bicumbi and Nyanza Prisons. Furthermore, except Nyarugenge Prison, prisons are using Biogas;</td>
</tr>
<tr>
<td>9.</td>
<td>To open Musanze and Rubavu Prison canteens which are currently not operational and solve the high price problem observed in Muhanga and Ngoma Prisons;</td>
<td>Canteens in all prisons have been renewed;</td>
</tr>
</tbody>
</table>
10. To solve the prisoners' problem in Rusizi Prison who do not have health insurance (Mutuelle de santé) | Health insurance has been planned for all the prisoners and even for those who are serving in public interest works (TIG);

11. To establish libraries in Prisons which do not have any and supply them with newspapers and National Gazettes; | Libraries have been established and supplied with books and newspapers. Additionally, something else that has been added in all prisons is a television set;

12. To solve the problem of prisoners who have been transferred to Prisons of Rwamagana, Huye and Ngoma, and yet their case files have not been given to officials of these prisons; | Solved;

13. To do whatever possible to make sure that prisoners detained far away from their families are transferred to the prisons closer to their families; | This arrangement is usually done;

14. To take appropriate measures to stop fire outbreaks in prisons; | Training on how to stop and prevent fire outbreaks in all prisons have been given, fire extinguishers have been bought and distributed, and training workshops on how to use them were organized. Moreover, the 'sand bags' system has also been initiated;

15. To provide to the National Police buildings, computers and accessories photocopying machines, cameras, cars and motorcycles in police stations which do not have any, in order to facilitate the police in their duties especially in their investigations on the suspects. | This is usually done.

RECOMMENDATIONS TO THE NATIONAL PROSECUTOR’S OFFICE

1. To solve the problem of 33 detainees, suspects of genocide crimes who have been in prison for a long time and did not appear in Gacaca or other ordinary courts; | The National Prosecutor’s office has started to bring them to court.

2. To speed up the process of approving information on prisoners who were first detained in the former Commune Cells in order to release those who may have finished serving their time. | In collaboration with the Police and the National Prosecutor’s office, among 7,099 case files of prisoners accused of genocide crimes that were problematic, 6,401 were cleared, and there remains 698. The Ministry of Internal Security is trying its best to address this problem.

The commission noted that of the 15 recommendations submitted to the Ministry of Internal Security, 12 i.e. 80% have been satisfactorily addressed while 2 which have been submitted to the Office of the National Prosecutor which is in the process of addressing them.
3.12. CAPACITY BUILDING FOR THE COMMISSION

3.12.1. Training of Commissioners and Staff of the Commission

In order to increase knowledge of its Commissioners and staff, the National Commission for Human Rights organized training workshops to enable them fulfill their duties in the 2014-2015 annual budget. Training workshops were organized by the Commission in collaboration with the United Nations Development Programme (UNDP), various government institutions and the Network of African National Human Rights Institutions (NANHRI).

Training workshops were held inside and outside the country as illustrated in the following categories:

- **Training attended by Commissioners and staff inside the country**
  
  - From July 2014 to March 2015, two staff members of the Commission were trained on legal practice. The training was conducted at the Institute of Legal Practice and Development (ILPD), located in Nyanza District, Southern Province;

  This training is of paramount importance for the implementation of laws; it will enable them to improve on their duties. More specifically, it will help the Commission to implement those duties of providing legal advice in terms of protecting and promoting human rights.

  - From the 27th to 28th December 2014, the National Commission for Human Rights, with the support of UNDP in the project named «Promoting justice delivery, Sustainable human rights and peace» organized a training workshop on promoting and protecting human rights for 34 staff members and Commissioners. This training was held at Centre St André located at Kabgayi in Muhanga District. The following themes were discussed:
    - Business and Human Rights
    - Human trafficking
    - Justiciability of economic, cultural and social rights.

  The aim of the training was to increase the knowledge of the participants in order to enable them to perform better in their attributions relating to the promotion and protection of human rights.

  - From the 25th to 28th May 2015, one staff member from the Commission attended a training workshop organized by the Ministry of Justice in conjunction with the Centre for Human Rights of the University of Pretoria, South Africa. The training took place at Serena Hotel, Lake Kivu in Rubavu District. The aim was to explain ways of promoting women’s rights in Africa. These Maputo conventions supplement the African Charter on Human and People’s Rights.

  The following topics were covered in the training:
    - African Charter on Human and People’s Rights and how human rights are protected in Africa;
    - Conventions on woman’s rights in Africa which supplement African Charter on Human and People’s Rights;
    - Promotion of woman’s rights in Rwanda and its challenges;
    - Guidelines on reporting on Conventions related to woman’s rights;
    - Role of non-governmental organizations and national human rights institutions in elaborating reports on a country;
- Model of Malawi in the elaboration and submission of the country report to the African Charter on Human and People’s Rights;
- Situation of Rwanda relating to its reports on African and Maputo Conventions.

The participants got a golden opportunity to practice report elaboration in groups and share it with others. The skills gained by the Commission’s staff member will help him to follow up the implementation of those conventions.

➢ From March till May 2015, four (4) staff members from the National Commission for Human Rights together with others from different public institutions were trained by the Ministry of Labour and Public Service (MIFOTRA) on the program named «Integrated Personal and Payroll Information System (IPPIS) ».

The training aimed at increasing the knowledge of participants on the new programmes added to the payroll software used in the public service. The newly added programmes are designed to speed up common tasks for all public institutions, including annual action plan, performance contracts, tenders, etc.

These are some of themes covered during the training:

- Definition and concepts of Results Based Management;
- Integration of RBM in IPPIS with Link to smart IFMS;
- Integration of annual action plan in IPPIS;
- Overview on liaison of action plan and performance contract in new concept.

The training will enable the participants to monitor planned activities and achievements, to assess if performance contracts are set according to the annual action plan, to correct imperfections, and to verify if actions have been performed in the due time.

➢ From 22nd to 25th June 2015, one staff member from the Commission attended a training workshop organized by the Ministry of Justice in collaboration with the Institute of Legal Practice and Development (ILPD) and the Office of Government Spokesperson (OGS-MINAFFET). The training was organized for public relations and communication officers from various public institutions held at the Institute located in Nyanza District.

The aims were:

- To increase knowledge of the staff in matters related to communication and use of their position to market action plans within their institutions;
- To train the participants on how to use social media as a fast way to spread information on all the activities of those institutions;
- To assess ways of implementing resolutions from the 4th Peer Review Retreat on justice held in Rubavu;
- To discuss communication challenges found in juridical institutions.

The participants learnt how to use social media in exchanging information regarding institutions in the justice sector and their activities and got to know how communication functions in other institutions.
The training will enable the staff of the Commission to spread its activities through social media and collaborate with those institutions in the elaboration and organization of justice related activities, including mainly the yearly commemoration of human rights days.

- The Network of African National Human Rights Institutions (NANHRI) in collaboration with the Association for the Prevention of Torture (APT) and the European Union (EU), organized a training workshop for Commissioners and staff members of Commissions for Human Rights from about 26 African countries. Four (4) employees from the National Commission for Human Rights of Rwanda attended the training. The theme was: «Reducing the overuse of provisional detention».

This training was delivered in two phases:

1. Training offered via the Virtual Learning Environment (VLE) from 8th to 30th April 2015;
2. Training held in Lemigo Hotel, in Kigali City, Gasabo District from 19th to 21st April 2015.

Major themes discussed are as follows:

- To explain the meaning of overuse of provisional detention, and circumstances in which, once used, it can be considered as torture or bodily injuries, and its consequences on people from particular categories;
- Guidelines relating to arrest and provisional detention in Africa, adopted by the African Charter on Human and People’s Rights in its 55th session held in Luanda from April 28th to 12th of May 2014 (Luanda Guidelines);
- Strategies to monitor detention facilities report on them and make recommendations.

Trainees discussed sustainable ways in which African Institutions for Human Rights could contribute to reducing the overuse of provisional detention with the help of existing laws in the countries or other laws that might be adopted, which could solve the problem of congestion in prisons and prevent propagation of related diseases. This could also reduce poverty in families of special categories. Moreover, this reduction could reinforce the principle that every person accused of a crime is presumed innocent until his or her guilt has been conclusively proved by the court.

3.12.2. Training workshops attended by Commissioners and the staff outside the country

- From 22nd to 26th March 2015, one Commissioner and one staff member attended a training workshop organized by the Network of African National Human Rights (NANHRI) held in Nairobi-Kenya. The training was meant for Commissioners and staff from Commissions for Human Rights in the East African Community member countries. The theme of the training was “The role of Human Rights Commissions throughout the electoral process”.

Topics covered include the following:

- Functioning and role of Commissions throughout the elections process;
- Strategies to establish sustainable and quick early warning systems to detect Human Rights violations as quickly as possible;
- Ways of monitoring respect of Human Rights during elections process;
- Major challenges to the respect for Human Rights throughout the elections process and preventive measures.
Trainees discussed how Commissions that are members of the Network of African Human Rights Commissions in the East African Community can keep on playing their role of contributing to the success of elections using existing laws in the countries or other laws that might be adopted in a bid to hold elections that do not violate Human Rights. Trainees also gained knowledge on the prevention and protection of Human Rights throughout the elections process.

From a general point of view, training workshops are very important for they increase trainees’ professional skills in their daily duties; trainees also recall the lessons they learnt at school, which helps them to fulfil their duties. Training also helps trainees to gain additional knowledge and experience from different people and places.

3.12.3. Capacity building for volunteers of the Observatory in charge of monitoring the respect for the rights of the child (ODE)

As provided by Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights, in its Article 6, paragraph 4, the Commission has a special mission to particularly monitor respect for the rights of the child, and it is in regard that the Commission has established an organ in charge of monitoring respect for the rights of the child (ODE). This Observatory helps the Commission to monitor day to day the respect for the rights of the child in the country.

This Observatory was established in 2006, following Article 24 of Law n° 27/2001 of 28/04/2001 relating to rights and protection of the child against violence, assigning the Commission a mission to set up specifications on how to monitor the respect for the rights of the child.

ODE has got 3,122 volunteers including 2,912 operating at Sector level and 210 at District level. These volunteers monitor day to day the respect for the rights of the child and submit reports to their superior at the District level who, in turn, submits it to the Commission on monthly basis.

There is also a committee at the national level composed of different experienced people in matters of child’s rights and five children (5) representing others at province level and the City of Kigali.

The general mission of ODE is to monitor the respect for the rights of the child, to know its status, to prevent, to denounce violation of the rights of the child, and to advocate for respect for rights of the child.

Specifically, ODE’s missions are:

- To analyse complaints on violation of the child’s rights reported from all 30 districts;
- To identify the causes of violation of the child’s rights and sustainable strategies to be implemented as preventive measures;
- To make recommendations to relevant institutions in a bid to stop and prevent violence against children.

Members of the ODE National Committee are the following:

1. National Commission for Human Rights, which heads the Committee;
2. Five children (5) representing others, one child per province;
3. Representative of the Office of Ombudsman;
4. Representative of the Supreme Court;
5. Representative of the National Youth Council at national level;
6. Representative of the National Women Council at national level;
7. Representative of the Media High Council;
8. Four religious representatives (4) at national level:
   - Representative of the Episcopal Conference of Catholic Bishops in Rwanda;
   - Representative of the Protestant Council in Rwanda;
   - Representative of the Adventist Church of the Seventh Day in Rwanda;
   - Representative of Islam in Rwanda.
9. Three representatives (3) of associations involved in the child’s rights operating in Rwanda (CLADHO, HAGURUKA and IBUKA);
10. Two university lecturers (2), one from private universities and other from the University of Rwanda;

In order to improve the functioning of this Organ, a delegation of the Commission visited ODE volunteers from July 2014 to June 2015 in Rusizi, Nyamasheke, Rubavu, Gicumbi, Nyarugenge, Kicukiro, Gasabo, Bugesera, Nyagatare and Huye districts where meetings were held to discuss how they fulfill their duties and challenges they encounter.

There is also an annual meeting of the Commission and ODE Committee at national level to analyse complaints of violation of the rights of the child reported by ODE volunteers, to find reasons for violation of the rights of the child and sustainable strategies to be implemented as preventive measures.

In this respect, on June 22nd 2015 at Nobleza Hotel, Kicukiro District, the Commission organized a meeting with ODE Committee at national level. It was officially opened by the Chairperson of the National Commission for Human Rights. Representatives of volunteers at District level were also invited because of their important role in the daily activities of the Organ. There were also representatives of some public and private institutions with a mission to promote and protect the rights of the child.

In general, the purpose of the meeting was to present the status of respect for the rights of the child and related challenges to ODE Committee at national level and partners.

The theme of the meeting was: “The Problem of worst forms of child labour and its consequences”. The choice of this theme by the Commission was motivated by the fact that worst forms of child labour violate seriously the rights of the child, mainly the right to education.

The following lectures were given during the meeting:

- Structure and mission of the organ in charge of monitoring respect for the rights of the child;
- Implementation of resolutions of the last ODE meeting held in February 2014 and lecture on worst forms of child labour.

Resolutions from this meeting were submitted to relevant institutions for implementation.
These resolutions include the following:

- Establish a legal mechanism that protects the violated child that his name does not be revealed in public hearing;
- Assess how the reproductive health course is taught in schools urge that it may be added on the list of the main courses and is taught by a qualified teacher;
- Request relevent organs to ease the registration process of their children for parents who are late so that they are not required to do that through courts, this in on one hand the respect of the right to be registered in the records of Civil status;
- Strengthen the collaboration of the organs working in the framework of the protection of children's rights;
- Regularly census on children working as housekeepers and take preventive strategies to protect the rights of the child especially in the field of worst form of child labor;
- Provide a mechanism to represent children before the courts in civil cases because usually they are represented in the criminal trial;
- Advocate for a week dedicated to the enforcement of judgments concerning children, as there is a of legal aid week;
- Request that each month after community work, we develop themes for capacity building for the population on the prevention of worst form of child labor.
3.13. FINANCIAL REPORT

3.13.1. Introduction

The financial report of 2014-2015 indicated the funds allocated to the Commission from the Ordinary budget for the financial year starting from July 1, 2014 to June 30, 2015, funds received from donors, and expenditures during that financial year.

3.13.2. Funds allocated to the Commission for the budget year 2014-2015

In the 2014-2015 annual budget, an amount of one billion, one hundred fifty-five million, four hundred thirty-nine thousand, four hundred forty-five Rwanda Francs (Frw1,155,439,445) was allocated to the Commission. This budget includes funds from the State budget and support from the United Nations Development Programme (UNDP).

The following table indicates all the funds allocated to the Commission from the 2014-2015 Ordinary budget and UNDP based on its Action Plan and in line with its missions.

<table>
<thead>
<tr>
<th>No</th>
<th>Source of the budget</th>
<th>Programme</th>
<th>Approved budget (Rwf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>State budget</td>
<td>Administration and support services</td>
<td>860,591,749</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total (1)</strong></td>
<td>860,591,749</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Protection and Promotion of Human Rights</td>
<td>128,332,302</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Human Rights Promotion</td>
<td>60,324,302</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Human Rights Protection</td>
<td>68,008,125</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total (2)</strong></td>
<td>128,332,302</td>
</tr>
<tr>
<td>2</td>
<td>Support from UNDP</td>
<td>Administration and support services</td>
<td>166,515,269</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total budget</strong></td>
<td>1,155,439,445</td>
</tr>
</tbody>
</table>

3.13.2.1. Funds from Ordinary budget

A budget of nine hundred eighty-eight million, nine hundred twenty-four thousand, one hundred seventy-six Rwanda Francs (Frw 988,924,176) was allocated to the Commission.

By June 30, 2015, the Commission had already received an amount equivalent to nine hundred sixty-eight million, six hundred ninety-two thousand, four hundred thirty-two Rwanda francs (Frw 968,692,432). The Commission did not receive the amount of twenty million, two hundred thirty-one thousand, seven hundred forty-four Rwanda francs (Frw 20,231,744) for its staff’s salaries because it was not requested by due to the restructuring of public service occurred this year. Some staff members were suspended, others resigned while they were on the organizational chart and were not yet replaced till the closure of the annual budget.
3.13.2. Donation from the United Nations Development Fund (UNDP)

UNDP granted an amount of one hundred sixty-six million, five hundred fifteen thousand, two hundred sixty-nine Rwandan francs (Frw 166,515,269) to the Commission through its project “Promoting Access to Justice, Human Rights and Peace Consolidation”.

By June 30, 2015, the Commission had received an amount worthy to eighty-three million, three hundred eighty-one thousand, two francs (Frw 83,381,002). This money was meant to support the Commission in promoting and protecting Human Rights as well as building its staff capacity.

By June 30, 2015, the Commission had already spent an amount of seventy-four million, four hundred eighty-seven thousand, seven hundred eighty-eight Rwandan francs (Frw 74,487,788). The amount worthy to eight million, eight hundred ninety-three thousand, two hundred fourteen Rwandan francs (Frw 8,893,214) was not spent and activities meant for it are still running in this 2015-2016.

3.13.3. Other funds received by the Commission

- The Commission received an amount of one million, nineteen thousand, eight hundred ninety-three Rwandan francs (Frw 1,019,893) from the Network of African National Human Rights Institutions to organise a training workshop on provisional detention held in Kigali.

- The money that the Commission received in the exchange rate when its commissioners and officers were on mission work abroad. This money amounts to two hundred eight thousand, two hundred fifty-two Rwandan francs (208,252 Rwf).

In total, the Commission received one billion, forty-four million, four hundred eight thousand, three hundred sixty-five Rwandan francs (Frw 1,044,408,365) up to June 30, 2015 including funds from the 2014-2015 State budget and from donors.

The total amount spent by the Commission by June 30, 2015, is one billion, thirty-three million, four hundred eighty-four thousand, three hundred seventy-five Rwandan francs (Frw 1,033,484,375). The money was spent to pay salaries of Commissioners and staff, in programmes of promoting and protecting Human Rights, in the capacity building of the Commission as well as in its daily activities.

On June 30, 2015, the Commission had on its bank account eight million, nine hundred forty-ninth thousand, eight hundred ninety-six Rwandan francs (Frw 8,949,896), and ninety nine thousand four hundred (Frw 99,400) in petty cash.

The following table shows all the Commission received funds, its expenditures and the balance by the end of the year 2014-2015. It also shows the balance by the 30th of June, 2014.

- The financial statement of the Commission by June 30, 2015

<table>
<thead>
<tr>
<th>A. SOURCE OF FUNDS</th>
<th>AMOUNT (Rwf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Money owned by the Commission by June 30, 2014</td>
<td></td>
</tr>
<tr>
<td>Opening balance</td>
<td>2,180,570</td>
</tr>
<tr>
<td>Petty cash</td>
<td>100,000</td>
</tr>
<tr>
<td>Financial statement of the Commission by June 30, 2014</td>
<td>2,080,570</td>
</tr>
<tr>
<td>2. Money received by the Commission in 2014-2015 annual budget</td>
<td></td>
</tr>
<tr>
<td>Funds from the Ordinary budget by the year ended June 30, 2015</td>
<td>968,692,432</td>
</tr>
<tr>
<td>Funds from donors</td>
<td></td>
</tr>
<tr>
<td>– UNDP</td>
<td>74,487,788</td>
</tr>
<tr>
<td>– Network of African Human Rights Institution (NANHRI)</td>
<td>1,019,893</td>
</tr>
<tr>
<td>– Gains from foreign exchangerate</td>
<td>208,252</td>
</tr>
<tr>
<td>Total (2)</td>
<td>1,044,408,365</td>
</tr>
</tbody>
</table>

| B. EXPENDITURES | |
| 1. Staff’s salaries | 490,128,220 |
| 2. Promotion and protection of Human Rights, Capacity building of the Commission and daily functioning. | 543,356,155 |
| Total (3) | 1,033,484,375 |

Balance (2-3) 10,923,990

Money owned by the Commission on June 30, 2015

| Money owned by the Commission on June 30, 2015 | |
| Money on bank account | 8,949,896 |
| Petty cash | 99,400 |
| Closing balance | 9,049,296 |

C. EXPLANATIONS ON THE MONEY OWNED BY THE COMMISSION ON JUNE 30, 2015

| Money owned by the Commission on June 30, 2014 | 2,080,570 |
| Balance between received and spent funds | 10,923,990 |
| Money returned by staff from mission and deposited on the Commission’s bank account (Prior year adjustment) | 205,876 |
| Total (C) | 9,049,296 |
3.13.5. Use of the budget based on budget lines

The following table shows expenditures of the Commission in the 2014-2015 annual budget based on budget lines.

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Meaning of the budget line</th>
<th>Money allocated</th>
<th>Money used</th>
<th>Balance</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>221</td>
<td>Use of goods and services</td>
<td>621,152,367</td>
<td>526,998,686</td>
<td>94,153,681</td>
<td>84.84 %</td>
</tr>
<tr>
<td>263</td>
<td>Compensation of employees</td>
<td>510,651,395</td>
<td>490,128,220</td>
<td>20,523,175</td>
<td>95.98 %</td>
</tr>
<tr>
<td>221</td>
<td>Capital expenditure</td>
<td>23,635,683</td>
<td>16,357,469</td>
<td>7,278,214</td>
<td>69.21 %</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1,155,439,445</strong></td>
<td><strong>1,033,484,375</strong></td>
<td><strong>121,955,070</strong></td>
<td><strong>89.45 %</strong></td>
</tr>
</tbody>
</table>

As shown in the table above, the budget line relating to the use of goods and services shows the total funds received from the State budget as well as the donation from UNDP in its support project of promoting and protecting Human Rights and capacity building of the Commission.

The difference in unused money is due to the fact that one hundred sixty six million five hundred fifteen thousand two hundred sixty nine francs (Frw 166,515,269) that was expected from the UNDP project was not disbursed during that year. Instead, the Commission was given eighty three million, three hundred eighty one thousand two francs (Frw 83,381,002).

Concerning the amount planned to purchase the Commission’s fixed office assets (chairs and tables), it was not spent due to the cancel of tenderer because the bidders did not meet the requirements and by the closure of this fiscal the tender could not be re-launched.

In general, the financial report of the year 2014-2015 indicates that the Commission used well the money from the Ordinary budget and donors based on the budget lines at the average of 89.45%.
IV. GENERAL CONCLUSION AND RECOMMENDATIONS


In the framework of promoting Human Rights, the Commission trained and sensitized different categories of Rwandans on Human Rights. As a result, this increased their level of awareness on Human rights and to leaders of different country administrative entities, this has been a great opportunity to recognize their role in protecting the rights of the followers.

Regarding the protection of Human Rights, the Commission, on its own initiative or upon request by the population, carried out investigations on complaints and forwarded to relevant institutions for appropriate solutions. Some institutions that worked hand in hand with the Commission to handle people’s complaints included local authorities entities, the judiciary, the prosecution, judicial police, and Rwanda Correctional Services. The will shown by these institutions in finding solutions to the population’s complaints from the Commission has had a positive impact on Rwanda’s progress in the respect for human rights.

The National Commission for Human Rights also carried out investigations on the respect for Human Rights in transit centres, mining sector, prisons and police station custodies. Basing on its findings from these investigations, the Commission made recommendations to relevant institutions that could help to address identified problems.

Considering the findings contained in this report, the National Commission for Human Rights finds that Rwanda has a continuous progress in respecting human rights. Nonetheless, based on issues followed up and which should be addressed by relevant institutions, the Commission recommends the following:

- The Commission once again recommends the institutions to which it submitted cases of human rights violations for resolution to quickly address them without waiting for constant reminders by the Commission;
- The Commission once again recommends the institutions in charge of local leaders who have the power of bailiff among their attributions to continuously sensitize them to execute judgements quickly so as to restore the rights of people;
- The Commission once again recommends relevant institutions to give fair compensation to the population in case they are expropriated from their estates for public interest and to do it in transparency before expropriation;
- The Commission once again recommends to establish a compensation fund that would indemnify in case the losing party is unable to pay damages;
- The Commission recommends local authorities to sensitize the population to solve their problems without frequenting courts through mediation, except for criminal cases;
- The Commission recommends that Government and Private institutions should reply within a reasonable to its letter requesting them to redress some complaints
- The Commission recommends that the Directors of transit centres to inform the inmates’ families about their detention so that they can visit them;
- The Commission recommends the establishment of mechanisms providing health care to poor detainees in Police Station custodies;
- The Commission recommends that mothers imprisoned with their children be given mosquito nets in order to protect them from anopheles mosquito.
V. ACTION PLAN FROM JULY 2014 TO JUNE 2015

As provided by Law n° 19/2013 of 25/3/2013 determining the missions, organization and functioning of the Commission in its article 12, the Commission submits annually to the Parliament its programme of activities for the next year.

The Commission’s programme of activities for the year starting from July 2015 to June 2016 includes the following main activities:

➢ Promotion of Human rights

From July 2015 to June 2016, the Commission is planning to carry out training workshops on Human Rights for the following categories:

- Members of District Councils in Eastern Province;
- Various cooperatives and associations in the country;
- Committees of Health centres in Eastern Province.

Within the framework of sensitizing the Rwandan population on Human Rights, the Commission is planning to organize public lectures on Human Rights for various categories of people (Human Rights Clubs in secondary schools, refugee camps, Community works as an alternative penalty to imprisonment (TIG), different solidarity camps, Itorero and prisoners). There will also be emissions intended for the general public on radio and televisions. The Commission is planning to commemorate annual international human rights related days.

In partnership with Non Government Organizations (NGOs) involved in Human Rights promotion and protection, the Commission will assess the implementation of the recommendations from UN Committees in charge of monitoring the respect of ratified conventions by countries, starting by reports submitted by Rwanda since 2012 to date. Those recommendations will be translated into Kinyarwanda and widespread to Rwandan population for them to be aware of how the country implements International Conventions it has ratified. The Commission will monitor the schedule for the implementation of resolutions and recommendations from the Universal Periodic Review (UPR) that will be carried out on Rwanda in November 2015.

In addition, the Commission will continue to provide its views on laws and draft laws and urge relevant organs to sign and ratify International Convention on Human Rights and to submit timely required reports. The Commission will also continue to sensitize the relevant organs to include in the laws of the country International and Regional Conventions that Rwanda has ratified.

➢ Protection of Human Rights

Concerning the protection of Human Rights, the Commission is planning the following activities:

- To receive, examine and monitor complaints of Human Rights violation and forward them to relevant authorities for solution as well as filing cases to courts if necessary;
- To monitor the respect of Human Rights in community works as an alternative penalty to imprisonment and refugee camps;
- To monitor the respect of Human Rights throughout elections process of local leaders;
- To conduct survey on Gender based violence with focus to defilement;
- To conduct survey on employees’ rights within industries and the Private Sector.
Capacity building for the Commission

In the framework of capacity building for the Commission, the following major activities are planned:

- Training of Commissioners and staff members on Human Rights and other related fields of knowledge (gender and human rights, rights to environment environment, ...);
- Training of the Commission’s volunteers from all Provinces of the country on the respect of the child’s rights;
- Continuing collaboration between the Commission and Non-Governmental Organizations and other National Commissions for Human Rights and National Networks of Human Rights;
- Drafting a policy regarding the management of the Commission’s archives;
- Attending International Human Rights Conferences;
- Formulating a fundraising strategy of the Commission, preventing potential consequences from the poor risk management and drafting a Code of Conduct for the Commission.