LEGAL FRAMEWORK

The National Commission for Human Rights is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015. Article 42 of the Constitution specifies that the promotion of human rights is a responsibility of the State but that this responsibility is particularly exercised by the National Commission for Human Rights and this Commission is independent. Every year, the Commission submits its program and activity report to the Parliament and provides copies thereof to such State Organs as determined by a Law.

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 in order to give more clarification to its missions and powers. 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 missions, organization and functioning of the National Commission for Human Rights. This Law also complies with the requirements of the Resolution N° A/RES/48/134 of 20 December 1993 adopted by the United Nations General Assembly, establishing the Fundamental Principles of National Human Rights Institutions, determining the organization and functioning of National Institutions in charge of the promotion and protection of human rights. A part from that, this law aims at complying with the public service reform in the Commission.

MISSIONS

The Commission has the overall mission of promoting human rights as provided by article 4 of Law n°19/2013 of 25 March 2013, it is also entrusted with special missions as stated in article 5 determining the missions, organization and functioning of the National Commission for Human Rights. Those attributions are the following:

- As regard 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 situation 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 propose to relevant government authorities measures to be taken to address and punish in accordance with law any violation of Human Rights;
  - to collaborate with other foreign national Human Rights institutions, local associations and international organisations in Human Rights promotion and protection activities.
As regard 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 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 elderly;
- to monitor respect for Human Rights throughout elections process and submit report to relevant organs.

POWERS

Article 7 of the law no 19/2013 of 25 March 2013 determining missions, organisation and functioning of the National Commission for Human Rights endorses it with the power that enables to fulfil its missions. Those powers are the following:

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

Article 8 of the same law states that Commissioners shall have judicial police powers throughout the territory of Rwanda. Staff members of the Commission may be given these powers by a competent authority upon request by the Chairperson of the Commission. Moreover, article 24 of the same law provides for the immunity of Commissioners and specifies that during and after the term of office, they shall not be prosecuted, wanted or arrested, detained or sentenced due to his/her views expressed or other acts committed in carrying out his/her duties.

The Commission has powers to file legal proceedings. That power is provided for in article 9 stating that the Commission can file legal proceedings in civil, commercial, labour and administrative matters when it occurs the violation of human rights are guaranteed by the Constitution of the Republic of Rwanda, international conventions 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

NIYONZIMA Etienne
Commissioner

NKONGOLI Laurent
Commissioner

KAREMERA Pierre
Commissioner

KANYEMERA Samuel
Commissioner

UWIZEYE Marie
Thérèse
Commissioner

GATERA Emmanuel
Commissioner
FOREWORD

Pursuant the provisions of article 13 of the law no 19/2013 of 25 March 2013 determining missions, organisation and functioning of the National Commission for Human Rights, the Commission has the pleasure to present to the Parliament both Chambers, the report of its activities for the year 2015-2016 and to submit copies thereof to His Excellency the President of the Republic, the Government and to the Supreme Court.

The activities that are covered in this report are based on the overall mission of the Commission of promotion and protection of human rights.

In general, the report covers the highlights on Rwanda and in particular, the achievements in the respect of the civil and political rights, economic, social and cultural rights, and the respect of the special categories rights including, children, women and people with disability. In the framework of promoting human rights, the Commission continues its activities of educating and sensitization different categories of Rwandans on Human Rights. Lectures and topics delivered based on daily attributions of beneficiaries aimed at strengthening their capacity on human rights issues.

In the framework of protection of human rights, the Commission carried out investigations on human rights violation complaints. Besides, the Commission monitored the respect of prisoners, detainees and refugees.

The Commission also carried out another important activity which is the monitoring of elections of Authorities at local administrative level and the Referendum of the Constitution of the Republic of Rwanda of 2003 revised in 2015. The revised Constitution stipulates in its article 42 that the promotion of human rights is a responsibility of the State however this responsibility is particularly exercised by the National Commission for Human Rights. In this article, the independence of the Commission is once again highlighted.

Pursuant to the findings of the assessment report on the implementation of the UPR recommendations and of the concluding observations, the Commission urged concerned institutions to ratify mentioned conventions, and recalled relevant organs to early prepare the next periodic reports that are scheduled to be submitted in 2017 and in 2018.

The Commission continued its collaboration with other National Human Rights Institutions of other countries, national and international organizations dealing with human rights issues. The collaboration was mainly characterized by conferences and training workshops that brought together different institutions.

Based on its activities and policies, programs, strategies and laws established in the framework of the promotion of the human rights of different categories of Rwandans, the Commission finds that there has been a great achievement as regards the respect of human rights.

The Commission could not carry out the activities covered in this report without having financial means. It is for that reason that it takes this opportunity to express its gratitude towards the Government of Rwanda for its continuous financial support. The Commission is also grateful to other partners that helped along the fulfilment of its mandate.

NIRERE Madeleine
Chairperson of the Commission
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I. INTRODUCTION

The activities that are covered in this report are based on the mission entrusted to the National Commission for Human Rights by article 42 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 stating that the promotion of human rights is particularly exercised by the National Commission for Human Rights.

Besides, these activities are inspired by the main missions of the Commission of promotion and protection of human rights highlighted in the law n° 19/2013 of 25 March 2013 determining its missions, organisation and functioning especially in its articles 4, 5 and 6. Articles 5 (3°), 13 and 14 of the mentioned law, provide that the Commission shall submit to the Parliament its annual activity report and disseminated it.


This report presents the situation of human rights in Rwanda and highlights the achievement of the Country in the promotion and the protection of human rights.

As regard the promotion of human rights, the Commission trained 640 persons including 452 men and 188 women and sensitized 17,881 persons; including 8,511 men and 9,370 women. Training workshops and awareness sessions were delivered for different categories of persons based on the 2015-2016 Action Plan.

The Commission continues to provide views on bills that are analysed by the Parliament to comply with human rights principles. The Commission continues to urge relevant government institutions to ratify international treaties related to Human Rights and incorporate them in existing domestic laws, to submit on time the reports related to international Human Rights treaties ratified by Rwanda and to implement recommendations and concluding observations issued by the treaty bodies.

The Commission collaborated with government Institutions, International Human Rights Institutions, national and international non-governmental organizations dealing with human rights. The collaboration focused on conferences and training workshops in which the Commission was invited and sent its representatives. In those conferences, the Commission seized the opportunity to address the participants.

Regarding the monitoring of the respect of human rights, the Commission monitored the respect of human rights during the Referendum of the Constitution of 2003 revised in 2015 which took place on 18 December 2016 and in the elections of local administrative authorities that took place from 8 February to 4 March 2016. In addition to that, the Commission monitored the respect of detainees in prisons and in police stations custodies.

In the framework of the protection of human rights, the Commission, upon request or at its own initiative, processed 2,023 complaints on human rights violations. After carrying out investigations, 1,095 complaints were submitted to relevant organs among them 836 were solved while 259 were not yet solved.

Among the complaints processed by the Commission, those coming foremost are related to the right to property (600 [29.66 %]), the right to justice (539 [26.64 %]), the right not to be subjected to rape (285 [14.09 %]), the right to education (157 [7.76 %]), the right to know their parents and to be raised by them (98 [4.84 %]).
Table n°1: Complaints processed by the Commission during the year 2015-2016

<table>
<thead>
<tr>
<th>Complaint handling process</th>
<th>Number of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adults</td>
</tr>
<tr>
<td></td>
<td>Men</td>
</tr>
<tr>
<td>1 Complaints that were still processed by the end of the 2014-2015</td>
<td>389</td>
</tr>
<tr>
<td>2 Complaints received by the Commission from 1st July 2015 - 30th June 2016</td>
<td>452</td>
</tr>
<tr>
<td>3 The total number of complaints received during the year 2015-2016 and those that were left unprocessed by the end of the year 2014-2015</td>
<td>841</td>
</tr>
<tr>
<td>3.1 Complaints analysed and for which the Commission advised the complainants to forward them to other relevant institutions</td>
<td>17</td>
</tr>
<tr>
<td>3.2 Complaints that the Commission did not processed because they do not meet the requirements for admissibility</td>
<td>31</td>
</tr>
<tr>
<td>3.3 Complaints processed by the Commission</td>
<td>793</td>
</tr>
<tr>
<td>3.3.1 Complaints for which the Commission finished the investigations and forwarded them to relevant organs for solutions</td>
<td>437</td>
</tr>
<tr>
<td>3.3.1.1 Solved complaints</td>
<td>319</td>
</tr>
<tr>
<td>3.3.1.2 Not yet solved complaints</td>
<td>118</td>
</tr>
<tr>
<td>3.3.2 Complaints still under investigation</td>
<td>275</td>
</tr>
<tr>
<td>3.3.3 Complaints under investigations</td>
<td>81</td>
</tr>
</tbody>
</table>

According to the above table, in 2015-2016, the Commission processed 2,023 human rights violations complaints. After investigations, 1,095 complaints were forwarded to relevant institutions for solutions. Among them, 835 complaints were solved while 259 were not yet solved.
### Table 2: Complaints processed in 2015-2016 by category of rights

<table>
<thead>
<tr>
<th>Categories of rights</th>
<th>Adult</th>
<th></th>
<th></th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
<td></td>
</tr>
<tr>
<td>Right to property</td>
<td>334</td>
<td>242</td>
<td>9</td>
<td>15</td>
<td>600</td>
</tr>
<tr>
<td>Right to Justice</td>
<td>310</td>
<td>231</td>
<td>7</td>
<td>9</td>
<td>557</td>
</tr>
<tr>
<td>Right not to be subjected to rape</td>
<td>3</td>
<td>8</td>
<td>23</td>
<td>251</td>
<td>285</td>
</tr>
<tr>
<td>Right to education</td>
<td>7</td>
<td>15</td>
<td>73</td>
<td>62</td>
<td>157</td>
</tr>
<tr>
<td>The right to know their parents and be raised by them</td>
<td>3</td>
<td>3</td>
<td>49</td>
<td>43</td>
<td>98</td>
</tr>
<tr>
<td>Right to work</td>
<td>67</td>
<td>5</td>
<td></td>
<td></td>
<td>72</td>
</tr>
<tr>
<td>Right to life</td>
<td>9</td>
<td>10</td>
<td>10</td>
<td>11</td>
<td>40</td>
</tr>
<tr>
<td>Domestic violence</td>
<td>10</td>
<td>21</td>
<td>2</td>
<td>-</td>
<td>33</td>
</tr>
<tr>
<td>Right to be registered in the civil status registries</td>
<td>-</td>
<td>8</td>
<td></td>
<td>17</td>
<td>29</td>
</tr>
<tr>
<td>Right to free movement</td>
<td>15</td>
<td>9</td>
<td>1</td>
<td>3</td>
<td>28</td>
</tr>
<tr>
<td>Right not to be subjected to cruel punishment</td>
<td>2</td>
<td>2</td>
<td>15</td>
<td>7</td>
<td>26</td>
</tr>
<tr>
<td>Right to decent housing</td>
<td>5</td>
<td>13</td>
<td>1</td>
<td>-</td>
<td>19</td>
</tr>
<tr>
<td>Right to health</td>
<td>7</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>Right to be protected against the worst forms of labour</td>
<td>-</td>
<td>-</td>
<td>10</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>Right to be raised in a family</td>
<td>-</td>
<td>1</td>
<td>7</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Rights of detainees</td>
<td>7</td>
<td>-</td>
<td>7</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>Right not to be subjected to corporal punishment</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Right to well-being</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Right not to be subjected to inhuman treatment</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Human trafficking</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Rights of refugees</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>Rights of the elderly</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Right to environment</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Right to free movement and residence</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Right not to be subjected to discrimination</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>793</td>
<td>572</td>
<td>223</td>
<td>435</td>
<td>2,023</td>
</tr>
</tbody>
</table>
The table and figure above show that among the complaints processed by the Commission, those coming foremost are related to the right to property (600 [29.66 %]), right to justice (557 [27.53 %]), right not to be raped (285 [14.09 %]), right to education (157 [7.76 %]) and the right to know their parents and to be raised by them (98 [4.84 %]).

In general, the reason why the complaints related to the right to property are coming foremost is because the population is now aware of their economic, social and cultural rights. For the same reason complaints related to the right to justice are in a big number because, many of them concern the right to redress and many judgement executions are related to land conflicts while the land is the basic patrimony for Rwandans.

Another reason justifying the big number of complaints related to the right to justice is that we find many sub-categories under this right; among others: the unlawful arrest, the right to a fair judgement rendered within a reasonable time, the right to be tried by a competent court, the right to judgement execution, the right to have a copy of judgement, the right to redress and the right to be presumed innocent until proven guilty.

Another serious human rights violation is rape. Complaints related to defilement were 285 that is 14.06% and came in the 3rd position. Those complaints mainly concern girls (251) and were submitted to the Commission by Volunteers of the Observatory of Child Rights (OCR) who operate in all Sectors of the Country. Other complaints were submitted to the Commission by the victims or their representatives.

Another big number of complaints are related to the right to education. There are children who are victims of family conflicts which causes them to drop-out of school because their parents fail to accomplish their responsibility of raising them.
Table n° 3: Solved complaints according to categories of rights

<table>
<thead>
<tr>
<th>Categories of rights</th>
<th>Solved complaints</th>
<th>Unsolved complaints</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Complaints submitted to relevant authorities</td>
<td>Complaints under investigation</td>
</tr>
<tr>
<td>Right to property</td>
<td>222</td>
<td>86</td>
<td>220</td>
</tr>
<tr>
<td>Right to justice</td>
<td>234</td>
<td>87</td>
<td>186</td>
</tr>
<tr>
<td>Right not to be subjected to raped</td>
<td>108</td>
<td>33</td>
<td>87</td>
</tr>
<tr>
<td>Right to education</td>
<td>78</td>
<td>9</td>
<td>28</td>
</tr>
<tr>
<td>Right to know and be raised by own parents</td>
<td>45</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>Right to work</td>
<td>31</td>
<td>7</td>
<td>33</td>
</tr>
<tr>
<td>Right to life</td>
<td>10</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>Domestic violence</td>
<td>22</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Right to be registered in the civil status registries</td>
<td>10</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Right to free movement</td>
<td>19</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Right not to be subjected to cruel punishments</td>
<td>15</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Right to decent housing</td>
<td>8</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Unlawful arrest</td>
<td>13</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Right to be protected against the worst forms of labour</td>
<td>11</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Right to health</td>
<td>7</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Right to be raised in a family</td>
<td>4</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Rights of detainees</td>
<td>5</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Right not to be subjected to corporal punishment</td>
<td>2</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Right to well-being</td>
<td>3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Right not to be subjected to inhuman treatment</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Human trafficking</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Rights of refugees</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Rights of the elderly</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Right to work</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
</tbody>
</table>
The table above shows that of the 2,023 complaints processed by the Commission, 1,095 complaints were fully investigated and forwarded to relevant organs for solutions, 635 complaints were still under investigation while 293 complaints were not yet investigated.

Among 1,095 complaints forwarded to other organs for solutions, 836 were solved while 259 remain unsolved. The Commission realizes that concerned organs put effort in solving them because 76.34% were solved.
Figure n° 2: Complaints forwarded to relevant organs for solutions after investigation by the Commission in 2015-2016

The above figure shows complaints that were forwarded to other organs by category of human rights. The figure illustrates that the number of solved complaints is higher than unsolved one, in each category which means that organs put effort in solving them.
II. THE SITUATION OF HUMAN RIGHTS IN RWANDA IN 2015-2016

Human rights are protected in the Constitution of the Republic of Rwanda, in national laws and in international treaties ratified by Rwanda. The State has the responsibility to protect human rights. The law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights in its article 5,(3°) provides that the Commission has the mission to prepare and disseminate reports on the situation of Human Rights annually and whenever necessary. In this part, the Commission highlights the situation of human rights protection in Rwanda in 2015-2016. The rights highlighted in this part are civil and political rights as well as economic, social and cultural rights.

2.1. CIVIL AND POLITICAN RIGHTS

Civil and political rights are a class of rights that protect individuals’ freedoms from infringement by governments. The National Commission for Human Rights is responsible for monitoring the respect of these rights. These rights are provided for in the International Covenant on civil and political rights adopted by the general assembly on 16 December 1966.

The civil and political rights emphasized in this report are the right to life, right to justice, the freedom of press, freedom of expression and of access to information, good governance and the right to vote and to be elected.

2.1.1. Right to Life

2.1.1.1. Legal framework

The right to life is a fundamental human right and other rights are based on it. The right to life is inherent to human nature and is recognized to everyone without any discrimination. Therefore, the hope to live gives a person the strength to strive for the enjoyment of other rights.

The right to life is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015 in its article 12 stating that everyone has a right to life and that none shall be arbitrarily deprived of life. Articles 13 and 14 of the same Constitution also provide for that right.

Article 140 of the organic law n° 1/2012/OL of 02/05/2012 instituting the penal code provides a life imprisonment penalty for whoever who intentionally commit murder.

In Rwanda death penalty was abolished by the Organic Law n° 31/2007 of 25 July 2007. Article 2 stipulates that the death penalty is hereby abolished.

The right to life is also provided for in the Universal Declaration of Human Rights of 1948 in its article 3 that states that every person has the right to life.

The right to life is also provided for in the International Covenant on civil and political rights adopted on 16th December 1966, in its article 6 provides that every human being has the inherent right to life and that this right shall be protected by law and no one shall be arbitrarily deprived of his life.

The right to life is also provided for under article 4 of the African Charter on Human and People’s Rights stating that human beings are inviolable, every human being shall be entitled to respect for his life and the integrity of his person.

In the framework of building a Rwanda that is free from Genocide and its ideology, in 2015-2016 the law no 15/2016 of 02/05/2016 governing ceremonies to commemorate the Genocide against the Tutsi and organisation and management of memorial sites for the Genocide against the Tutsi was adopted. The article 3 of this law provides that the commemoration of the Genocide against the Tutsi is permanent. Further, the same article stipulates that the commemoration program includes a week of mourning that lasts for seven (7) days from April 7 to April 13 of each year. The program also comprises a period of one hundred (100) days of remembrance that starts at the same time as the week of mourning and ends on July 03 of each year.
2.1.1.2. The Situation of Right to Life

The right to life is the most important principal as provided for in International Instruments, the Constitution and in local laws that are against murder. The penal code provides serious penalty for whoever commits murder. Moreover, Rwanda abolished the death penalty.

In the framework of promoting and protecting human dignity, to prevent and fight against everything that violates the right to life; in 2016, Rwanda commemorated for the 22nd time the genocide against the Tutsi. The theme was: “Remember-Unite-Renew- fight Genocide Ideology”. Countrywide, messages on fighting genocide ideology were delivered and different activities such as the burial of the bodies of victims of the genocide against the Tutsi and paying visits, comforting and assisting the genocide survivors throughout the Country were carried out.

Thus, even if the right to life is protected by Rwandan laws, sometimes homicide crimes are identified. During the year 2015-2016, among the complaints on the violation of right to life processed, the Commission realised that homicide is mainly caused by hostile acts, conflicts within families and unwanted pregnancies of women and girls who commit infanticide.

2.1.2. Right to Justice

2.1.2.1. Legal framework

The right to justice is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015 in article 29 that states that everyone has the right to due process of law. The rights that are included in this article are: the right to be informed of the nature and cause of charges and the right to defence and to legal counsel; the right to be presumed innocent until proved guilty by a competent Court, the right not to be subjected to prosecution, arrest, detention or penalty on account of any act or omission which did not constitute an offence under national or international law at the time it was committed; not to be held liable for an offence he or she did not commit; not to be imprisoned merely on the ground of inability to fulfil a contractual obligation; not to be prosecuted or punished for a crime which has reached its statute of limitations.

The right to justice is also provided for in the International Covenant on Civil and Political Rights adopted on 16 December 1966 in article 14[1] that stipulates that all persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The same article 14[7] states that no one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

The right to justice is also provided for in the law n° 30/2013 of 24/5/2013 relating to the code of criminal procedure.
2.1.2.2. The situation of the right to justice

In Rwanda, laws, policies and strategies were established to assist Rwandans as regard to legal assistance and easy access to justice.

Currently there are Mediation committees at Cell and Sector levels that handle some of the cases. According to the 2014-2015 annual report of the Ministry of Justice, the Mediation committees received 40,111 cases (civil matters: 30,719 [76.6%]; criminal cases: 9,392 [23.4%]). Among those cases, 36,830 (80.5%) judgements were executed.

In 2014, there was established a policy decentralising legal assistance and access to justice to the local community. By this policy professionals responsible for executing judgements and lawyers that represent poor persons before the courts at the level of each of the 30 districts of the country have been appointed.

In 2014, a justice for children policy that aimed at defending, protecting and providing legal assistance to the children was established. The data from the Ministry of Justice show that until May 2016, 528 (440 boys and 88 girls were represented before the Supreme Court; and 1,755 children (1,492 boys and 263 girls) were represented in other courts.

In order to improve judicial service delivery by reducing delays, there was initiated an Electronic Filing System (EFS). This system consists of electronic pre-trial notification to complainant and helps the interface between litigants themselves and between them and the judiciary. In addition to that, a program of mediation of parties during the case file preparation was established.

In the framework of helping needy persons to benefit the right to justice, from 9 to 13 May 2016, the Ministry of Justice in collaboration with other Organs under the Justice Sector, including the National Commission for Human Rights, organized a legal aid week aimed at receiving and handling complaints from the population, providing legal counsel for children and poor persons and provide legal aid to others persons with particular cases.

Even if different laws, policies and strategies that promote justice were established, the Commission finds that there are still some hindrances because the complaints on right to justice received during these 3 years come in the second position as it is mentioned in the table below.

**Table n° 4: The number of complaints on the rights to justice received during three years (2013-2016)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of received complaints on the rights of justice</th>
<th>The total number of all complaints received</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-2016</td>
<td>557</td>
<td>2,023</td>
<td>27,53%</td>
</tr>
<tr>
<td>2014-2015</td>
<td>533</td>
<td>1,705</td>
<td>31,26%</td>
</tr>
<tr>
<td>2013-2014</td>
<td>229</td>
<td>1,116</td>
<td>20,52%</td>
</tr>
</tbody>
</table>

The table above shows that in 2013-2014, complaints on the rights to justice amounted to 229 while the total number of received complaints was 1,116 and were in the second position with 29.48%.

In 2014-2015, complaints on the rights to justice amounted 533 while the total number of received complaints was 1,705 and were at the second position with 31.26%.

In 2015-2016, complaints on the rights to justice amounted 557 while the total number of received complaints was 2,023 and were at the second position with 27.53%.

The reason why complaints on the rights to justice are in big numbers is because the judgments of civil cases are not executed according to the provisions of the law and others are not executed because the losers are not solvents.
2.1.3. Freedom of press and access to information

2.1.3.1. Legal framework

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

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

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

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

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

In the framework of access to information, article 3 of the law n°04/2013 of 08/02/2013 relating to access to information in Rwanda stipulates that every person has the right of access to information in possession of a public organ and some private bodies.
2.1.3.2. The situation of freedom of press and access to information

Currently, Rwanda has got different kinds of media and their number kept increasing along the years.

Figure n° 3: The number of local private media organs

<table>
<thead>
<tr>
<th>Media Type</th>
<th>2010</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internet based Media</td>
<td>35</td>
<td>80</td>
</tr>
<tr>
<td>Print based media</td>
<td>43</td>
<td>74</td>
</tr>
<tr>
<td>Video based media</td>
<td>10</td>
<td>24</td>
</tr>
<tr>
<td>Audio based media</td>
<td>14</td>
<td>24</td>
</tr>
</tbody>
</table>

Source: Media High Council (MHC, 2016)

The figure above shows that during the last five years, the number of private media organs increased in Rwanda. The number of private video based media organs was 0 in 2010 and 10 in 2016. Besides, in Rwanda, four (4) international audio based media organs operate in Rwanda.

Figure no 4: The number of public media organs

<table>
<thead>
<tr>
<th>Media Type</th>
<th>2010</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internet based Media</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Print based media</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Video based media</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Audio based media</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

Source: Media High Council (MHC, 2016)

This figure shows that apart from promoting private media organs, the Government of Rwanda also has different kinds of media organs that provide information to the Rwandan population.

Though the media organs increased in number, the figure illustrating how the population access information through television and radio shows that the number of families that possess television is very small (9.9%), those possessing only radio also are not many because only (59.8%) possess (EICV4).
2.1.4. The right to vote and to be elected

2.1.4.1. Legal framework

The right to vote and to be elected is provided for in article 2 of the Constitution of the Republic of 2003 revised in 2015 stating that suffrage is universal and equal for all Rwandans. The right to vote and to be elected is also found in the International Covenant on Civil and Political rights, its article 25 (bo) states that to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage. The same article stipulates that this shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

Article 2 (3o) of the African Charter on Democracy, Election and Governance adopted on 21 October 1986 says that promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments.

In Rwanda, the right to vote and to be elected is provided for in the law n° 27/2010 of 19/06/2010 relating to elections as revised to date.

Article 11 of the mentioned law states that a person prohibited from registering on the voters’ register is someone who has been deprived of his/her right to vote by competent courts of law and has not been rehabilitated or has not been granted amnesty in accordance with the law; a person convicted of murder and manslaughter; a person definitively convicted of the crime of genocide or crimes against humanity in the first and second categories as stipulated in article 76 of the Organic law n° 16/2004 of 16/06/2004 establishing the organisation competence and functioning of Gacaca courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994 as modified and complemented to date; a person who pleaded guilty of the crime of genocide and crimes against humanity which categorise him/her in the first category; a person who was convicted of the crime of child defilement; a person who was convicted of the crime of rape; a prisoner and a refugee.

Article 124 of the above mentioned law states that election of Authorities at local administrative level shall be at the level of Village, Cell, Sector, District and the City of Kigali. The same law says that candidates campaigning at local level are not allowed to campaign in the name of a political party.

Moreover, article 175 of the above mentioned law states that the referendum shall take the form of a question asked to eligible voters and to provide responses regarding questions asked. The format of the ballot paper shall be determined by the instructions of the National Electoral Commission. Article 176 stipulates that the opinion expressed by more than a half of voters shall prevail and competent authorities shall execute it.

2.1.4.2 The situation of the right to vote and to be elected

From 17 to 18 December 2015 a referendum on the Constitution of the Republic of Rwanda of 2003 revised in 2015 was held. Besides, elections at local administrative level were also organised from the Village, Cell, Sector to District level and the City Kigali.

The National Commission for Human Rights conducted a monitoring on the respect of human rights before and after these elections.

A. Referendum of the Constitution of the Republic of Rwanda


Prior to the referendum, 91 polling stations were visited in the framework of monitoring how this activity was prepared. The Observers verified if the polling materials are at the polling stations, if banners were hanged to indicate their
location, if the polling booths were in every polling room.

During the referendum, the Commission monitored those activities at 111 polling stations located in 18 Districts: to verify preliminary activities, to know whether the rights of voters are respected, if polling volunteers and security officials were fulfilling their attributions, verify the respect of the rights of Observers and if the counting of votes and their publication were done in transparency.

In general, in all voting stations monitored by the Commission, elections ran smoothly and human rights principles were respected.

B. Elections at local administrative level and of special groups

The Commission monitored the respect of human rights in the elections of local administrative authorities and special groups that took place from 8th February to 4th April 2016.

During campaigns, the Commission monitored if candidates do not use State or political party symbols on theirs picture and if there was a candidate who was deprived of their rights to campaign.

During election process, the Commission monitored the respect of voters ‘rights, the required quorum for election, if there were some individuals who were deprived of the rights to vote and if the counting of votes was done in transparency.

In all polling stations monitored by the Commission, it realised that elections at local administrative level ran smoothly and human rights principles were respected though some problems were identified at some polling stations. We can mention an example of voters who transferred themselves to other polling list using electronic self-transfer and received confirmation message but finally did not find their names on the polling lists of their new voting sites.
2.2. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The economic, social and cultural rights are provided for in the International Covenant on economic, social and cultural rights adopted by the United Nations General Assembly on 16 December 1966. These rights are acquired depending on the resources of a Country and are protected like other rights. The economic, social and cultural rights were identified through the right to property, the right to education, the right to health, the right to work and the right to a safe environment.

2.2.1. The right to property

2.2.1.1. Legal framework

The right to property means to own a property, the right to sell it, 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, movable property or intellectual.

The right to property is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015 in its article 34 that stipulates that the right to private property, whether individually or collectively owned is inviolable. The same article says that the right to property shall not be encroached upon except in public interest and in accordance with the provisions of the law.

Article 35 of the Constitution stipulates that private ownership of land and other rights related to land are granted by the State, the law determines modalities of concession, transfer and use of land. Article 14 of the African Charter on Human and People’s rights states that the right to property shall be guaranteed and may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws. Article 21 says 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 be deprived of it.

Article 1 of the law n° 31/2009 of 26/10/2009 on the protection of intellectual property, stipulates that this law shall protect: Inventors; Innovators; creators of industrial designs; creators of layout designs of integrated circuits; creators of distinctive signs used in trade; authors of literary, artistic and scientific works, performers; phonogram producers; any other author of an original intellectual creation. This Law also protects: owners of distinctive signs used in trade and broadcasting organisations.

Moreover, the right to property is provided for by article one of the law n° 43/2013 of 16/06/2013 governing land in Rwanda. That article states that this Law determines modalities of allocating, acquisition, transfer, use and management of land in Rwanda. It also establishes the principles applicable to rights recognised over all land situated on Rwanda’s national territory and all rights united or incorporated with land, whether naturally or artificially.

Regarding the right to own property, Rwanda has enacted the law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest. Article 3 of that law says that only the State can expropriate people for public interest.

The same article stipulates that the expropriation provided for in that law, can only be applied prior a compensation.

Even if the right to property is composed of different categories, this part of the report focuses on the right to land because land is the basic patrimony of majority of Rwandans.

2.2.1.2. Situation of the right to land

In the framework of accelerating the land registration and transfer, a land permanent Notary was deployed at Sector level and an online system providing land service was established. The “Irembo” (www.irembo.gov.rw) is a website initiated by the government to ease the access to its services. Therefore, people can access land services online.

From May 2016, the Rwanda Natural Resource Authority organised a land registration week countywide with a purpose to accelerate the land transfer services in a One-Day special land transfer. This program took three months.
Though there have been some improvements as regards the respect of the right to property, some problems need to be addressed.

Based on the number of complaints in these last three years (2013-2016), the Commission finds that the right to property still has some hindrances because complaints related to that right come foremost comparing with other rights.

Table n° 5: Number of complaints received by the Commission in three years (2013-2016)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of all received complaints related to property</th>
<th>Number of all received complaints</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-2016</td>
<td>600</td>
<td>2.023</td>
<td>29.66%</td>
</tr>
<tr>
<td>2014-2015</td>
<td>531</td>
<td>1.705</td>
<td>31.26%</td>
</tr>
<tr>
<td>2013-2014</td>
<td>329</td>
<td>1.116</td>
<td>29.48%</td>
</tr>
</tbody>
</table>

The above table shows that in 2013-2014, of 1,116 received complaints, 329 were related to property and they came foremost with an average of 29.48%. In 2014-2015, of 1,705 received complaints, 531 were related to property and came foremost with an average of 31, 26%. In 2015-2016, all received complaints were 2.023, 600 were related to property with an average of 26, 66% and came foremost again.

The big number of these complaints is a result of awareness sessions carried out by the Commission in collaboration with other organs on the right to property.

2.2.2. The right to education

2.2.2.1. Legal framework

The right to education is provided for in article 20 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 which states that every Rwandan has the right to education. Freedom of learning and teaching is guaranteed in accordance with conditions determined by law. Primary education is compulsory and free in public schools while conditions for free primary education in schools subsidised by the Government are determined by law.

Article 14 of Organic law no 02/2011/OL of 27/7/2011 governing the organization of education in Rwanda states that the Government is responsible for the public education development especially its substance.

The right to education is also provided for by article 26 of the Universal Declaration of 1948. The first paragraph of that article says that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.

Article 13 of the International Covenant on economic, social and cultural rights adopted on 16 December 1966, stipulates that Primary education shall be compulsory, secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means. This article goes further saying that primary education is compulsory, technical and vocational learning should be provided in all schools and access to high learning institutes must be allowed to everyone according to one’s skills.

The right to education is also provided for by article 17 of the African Charter on Human and People’s Rights stipulating that every individual shall have the right to education.

In the framework of promoting the right to education, a Ministerial Order no 001/2016 of 08/01/2016 provides sanctions against parents who do not send their children to school and against other persons who employ children in work which prevent them from going to school or encouraging them to drop out of school.
2.2.2. The situation of right to education

Currently, Rwanda adopted different policies aiming to promoting education for Rwandans in general. Some of them are:

- The nine and twelve years based education program improved education in Rwanda. Classrooms were built throughout the country which allows all children who completed primary school to go further with secondary school freely.
- The Girl’s education policy of 2008 has promoted girl’s education.
- Adult education policy of 2014 allowed adult persons aged more than 15 years who did not access basic education.
- Early Childhood education policy of 2011 increased the level of early childhood education.
- The technical and vocational education and training (TVET) policy in Rwanda (2015) aiming at promoting technical and vocational training.

Though the right to education has been promoted, based on received complaints relating to right to education, the Commission finds that there are still some problems because some children still drop-out from schools. A number of them are encouraged to do so by their parents who refuse to provide them with school materials or those who want to employ them.

2.2.3. The right to health

2.2.3.1. Legal framework

The right to health is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015 in article 21 stipulating that all Rwandans have the right to good health.

The right to health is also mentioned in article 12 of the International Covenant on economic, social and cultural rights of 1996 which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Paragraph 2 of the same article says that for the right to health to be respected, States Parties to the present Covenant shall take necessary measures to reduce the stillbirth and of infant mortality rate and for the healthy development of the child.

Article 16 (1o) of the African Charter on Human and People’s Right states that every individual shall have the right to enjoy the best attainable state of physical and mental health. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

In order to promote the right to health, the Government of Rwanda enacted the following laws and Orders:

- Law n° 62/2007 of 30/12/2007 establishing and determining the organisation, functioning and management of the mutual health insurance scheme.
- Law n° 48/2015 of 23/112015 governing the organisation, functioning and management of health insurance schemes in Rwanda. Article 3 of this law says that health insurance shall be mandatory. Any person, whether a Rwandan or a foreign national, who is on the Rwandan territory shall be required to have health insurance. Any person entering the Rwandan territory without having any other form of insurance must subscribe to insurance with an insurance regime of his/her choice within a period not exceeding thirty (30) days.
- Article 5 of the law 21/2016 of 20/05/2016 stipulates that all persons have equal rights in relation to human reproductive health. No person shall be denied such rights based on any form of discrimination.
2.2.3.2. The situation of the right to health

The Rwandan population access health services using health insurance. The use of health insurance reduced health care fees and this eases the access to medical care.

Apart from health insurance for public servants and private sector personnel, the Government established the law n° 03/2015 of 02/03/2015 governing the organisation of the community-based health insurance scheme. The data from the Ministry of Health show that from July 2015 to June 2016, 81.7% of Rwandans are affiliated to health insurance.

In Rwanda, health services were decentralised by increasing the number of hospitals, health centres and health posts. Data from the Ministry of Health show that Rwanda has 495 health centres, 35 District Hospitals, 4 Provincial Referral Hospitals, 8 Referral Hospitals and 471 health posts. The average of time spent by a person from its home to a health centre was 56.5 in 2015-2016 compared to 61.4 in 2014-2015. The ratio of doctors has also increased from 1/10.055 in 2014-2015 to 1/9.454 in 2015-2016.

In the framework of health services decentralization, health councillors were appointed to provide medical care to children. This care includes; respiratory diseases, diarrhea, malaria, intestinal worms and fever. According to the health sector policy of 2014, currently Rwanda has 3 health councillors per Cell. The national health policy of 2015 gives more health services tasks to health Councillors including; taking care of HIV infected persons, family planning and sensitizing people on the prevention of non-contaminating diseases.

In the framework of sensitizing human rights, the Commission launched a continuous activity; from 2012-2013 to 2014-2015 where all the health centres' committees around the Country were sensitized on human rights principles in general and on the right to health in particular. These committees are composed of different representatives from the population including, nurses, teachers, traders and others.

After the establishment of the law n° 49/2012 of 22/01/2012 establishing medical professional liability insurance and committees for conciliation and compensation for health risks; the Commission wrote a letter n° CNDP/MAY/636/14.15 requesting the adoption of a Ministerial Order provided for in article 22 (1°). That article says that an Order of the Minister in charge of health shall determine the composition, organization and functioning of these Committees established at the District and national levels and are responsible for the conciliation and compensation of Health Risks.
2.2.4. The right to work

2.2.4.1. Legal framework

The right to work is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015. Article 30 mentions that everyone has the right to free choice of employment. All individuals, without any form of discrimination, have the right to equal pay for equal work. Article 31 says that the right to form trade unions for the defence and promotion of legitimate professional interests is recognized. Moreover, that article stipulates that every worker may defend his or her rights through a trade union in accordance with the law and that every employer has the right to join an employer’s “association”.

Article 32 states that trade unions and employers’ associations have the right to engage in collective bargaining and may enter into general or specific agreements regulating their working relations(...) while article 33 mentions that the right of workers to strike is permitted and is exercised within the limits provided for by the law. This right shall not be exercised in a manner that infringes upon someone else’s freedom at work, which is guaranteed to everyone.

As stipulated by articles 6,7,8 and 9 of the International Covenant on economic, social and cultural rights of 1966, the right to work includes the right to free choice of employment, right to fair remuneration, right to equal opportunity for everyone to be promoted in an appropriate higher level subject to no considerations other than those of seniority and competence; the right to rest, leisure, the right to form trade unions and the right to social security, including social insurance. The right to work is also included in article 15 of the African Charter on Human and People’s Rights of 27 June 1981. The article states that every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

The right to work is provided for in article 104 of the Treaty establishing the East African Community where it states that the Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community.

The right to work in Rwanda is also provided for in the following laws:

- Law n° 13/2009 of 27/05/2009 regulating labour in Rwanda. This law governs labour relations between workers and employers as well as between the latter and the apprentices or the trainees under their authority as per contract. Every person employed under the general statutes for the Rwanda public service, prosecutors, judges and security organs shall not be subjected to the provisions of this law. This law concerns working conditions that shall comply with health and safety standards at workplace and prohibited labour for child, pregnant and breastfeeding women.

- The law n°86/2013 of 11/09/2013 establishing the general statutes for public service, in article 8, states that the recruitment in Public Service shall be carried out through competition or nomination by a competent authority.

- The N° law 05/2015 of 30/03/2015 governing the organization of pension schemes, in its article 6 says that the employer shall be required to register a new employee with the public institution in charge of pension scheme within seven (7) working days from the first day of employment.

- In the framework of promoting the right to work, in 2015-2016 the following laws were enacted:
  - Law n°003/2016 of 30/03/2016 establishing and governing maternity leave benefits scheme. In article 11 states that maternity leave benefits are equal to the last woman’s salary to which the contribution was subscribed;
  - Law n° 48/2015 of 23/11/2015 governing the organisation, functioning and management of health insurance schemes in Rwanda, in article 4, says that any employer, whether public or private, shall be required to contribute to the payment of their employees’ health insurance in a recognized insurance scheme fulfilling conditions required by law.
2.2.4.2. The situation of the right to work

Even though there are many categories of jobs in Rwanda, this part of report highlights the situation of the right of miners because this sector raised concerns on the respect of their rights.

From 13 to 18 April 2015, the Commission carried out a monitoring aiming to verify the respect of miners’ rights as well as those of the surrounding population. The monitoring was carried out in 26 Districts where there is extraction of minerals and quarries. The monitoring was carried out in 47 Sectors and targeted 65 mine sites; 59 of minerals and 6 of quarries. The total number of employees of those sites was 7,669, of whom 673 were men while 906 were women.

As regards the right to health, the Commission found that employees are affiliated to mutual health insurance scheme and some benefit from the health insurance scheme to which their companies are affiliated.

As regard accident insurance at workplace, 52 out of 65 sites monitored are affiliated to different insurance companies against accident at workplace.

Concerning how employees are protected from accident at workplace, the Commission realized that all employees are given instructions on how to prevent accidents, but some visited sites still lack protection equipment, and only few of them have the first aid kits.

Regarding employees’ salaries and working hours, the Commission found that employees receive their salaries according to their performance but there is still a problem of unequal salaries among the sites; there are also some sites that delay to pay their employees and some employees who have worked for long time without contracts.

The findings show that there are still same problems regarding the rights of employees namely employees without accident insurance at workplace, others do not have job contracts, others do not have insurance pension. In 2015-2016, the Commission trained 67 representatives of miners’ syndicates (REWU). Among the participants 49 were men and 18 were women. The REWU representatives were trained together with 36 private sector members working in minerals among them 28 men and 8 women, this session was for raising awareness of each of the categories on human rights issues.
2.3. THE RIGHTS OF SPECIAL CATEGORIES

Special categories of rights highlighted in this part of the report are: the rights of child, the rights of women and the rights of person with disability.

2.3.1. The rights of the Child

2.3.1.1. Legal framework

The rights of child are provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015 in article 19. This article provides that every child has the right to specific mechanisms of protection by his or her family, other Rwandans and the State depending on his or her age and living conditions, as provided for by national and international law.

The right of child is found in International Convention on the Rights of the Child adopted on 20 November 1989 and ratified by the Presidential Order n°773/16 of 19 Nzeri 1990. Article 3 (1°) states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The African Charter on the Rights and Welfare of the Child of 11 July 1990, ratified by the Presidential Order n°11/01 of 30 May 2001, in article 21 says that governments should do what they can to stop harmful social and cultural practices, such as child marriage that affect the welfare and dignity of children.

In particular, the right of child is found in law n°54/2011 of 14/12/2011 relating to the rights and the protection of the child. Article 2 of the mentioned law states that this law shall apply to the protection of any child staying in Rwanda under any form of circumstances subject to the standards of the international private law which stipulates that for matters relating to civil status, the legislation of the country a person originates from shall apply.

The law n°22/2011 of 28/06/2011 establishing the national commission for children and determining its mission, organisation and functioning. Article 7 (2°) stipulates that one of its missions is to develop a national partnership and coordination framework aimed at promoting child rights.

The law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights in its article 6(4°) states that the Commission has the particular mission to monitor the respect for the rights of the child. In order to fulfil this mission, the Commission has established an Observatory of Child Rights operating throughout the Country. This Observatory is responsible for monitoring the respect of child rights, be updated of the situation of child rights, prevent and fight against child rights violation and advocating for the respect of those rights.

In the framework of Child rights promotion, in 2015-2016, the following laws were established:

- The law nº27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions. Article 54 stipulates that legitimate children of the de cujus succeed in equal portions without any discrimination between male and female children.

The Ministerial Order n° 001/2016 of 08/01/2016 providing sanctions against parents who do not send their children to school and against other persons who employ children in work preventing them from going to or encouraging them to drop out of school.
2.3.1.2. The situation of child rights

In the framework of the child rights protection, in 2015-2016 the following activities were carried out:\textsuperscript{1}:

- 229 children were reintegrated in families through the Social insertion of orphans program;
- 29,674 volunteers commonly known as Inshuti z’Umuryango (family friends) were nominated, that is 2 per village assigned to monitor the respect of child rights;
- The policy of Early Childhood Development Programme of May 2016 was adopted (ECD);
- Awareness campaign through audio-visual media, awareness sessions in secondary schools and to the local population in the framework of sensitizing parents on their attribution of sending children to school and make a regular follow up of their education in order to avoid vagrancy;
- Moreover, a wide awareness campaign is planned on reconsideration of Rwandan values of treating every child as your own and the custom of raising children in families especially orphans;
- Thanks to the awareness campaign with partners during the celebration of the African Child on 16 June 2016, some poor families were given cows in the framework of promoting their welfare (10 poor families were given cows at Nyagatare and 40 others of other Districts were given cows too). On that Day, 97 children passed a medical check-up and those found sick were provided with medical assistance.

In 2015-2016, the Commission processed 440 complaints relating to child rights violation; 428 of them were submitted by the Observatory of Child Rights (OCR) volunteers and others were received through the normal channel of complaints submission. 271 of them were solved while 161 are still under investigation.

The violation is mainly related to school dropout, child defilement, family relatives who take over the properties of orphans, worst labour of child, children who don’t know or who are not raised by their parents and children who are not registered in civil status registries.

The child rights were tackled on during the 13\textsuperscript{th} National Leadership Retreat that took place from 12 to 14 March 2016. Some of the recommendations of that Retreat include to accelerate the implementation of strategies aiming at child rights respect and avoidance of malnutrition, prevention of vagrancy, school dropout and human trafficking eradication. Another recommendation that was issued was to sue everybody who does not denounce local authorities and parents who do not care about child education.

2.3.2. The rights of Women

2.3.2.1. Legal framework

The rights of women are based on the principle of non-discrimination stating that all human beings are born equal in dignity and rights, before the law and are entitled to equal protection by the law without any discrimination.

The rights of women are provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015. Article 10 paragraph 4 stipulates that building a State governed by the rule of law, a pluralistic democratic Government and equality of all Rwandans. The equality between men and women which is affirmed by women occupying at least thirty per cent (30%) of positions in decision-making organs.

Article 16 paragraph 2 of that Constitution states that discrimination of any kind or its propaganda based on, inter alia, ethnic origin, family or ancestry, clan, skin colour or race, sex, (...) or any other form of discrimination are prohibited and punishable by law.

The rights of women are also found in International Convention on the Elimination of All Forms of Discrimination against

\textsuperscript{1} Information provided by the Ministry of gender and family promotion during the preparation of this report
Women adopted on 18 December 1979. Article 2 states that all States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Article 5 of the law n°02/2011 of 10/02/2011 determining the responsibilities, organization and functioning of the National Women’s Council states that the National Women’s Council is a forum for advocacy and social mobilisation on issues affecting women in order to build their capacity and ensure their participation in the development of the country in general, and the development of women in particular. The same article further says that the Council’s main responsibilities are the following to gather and analyse ideas of women; to build the capacity of women; to sensitize women to participate in the country’s development programmes; to advocate for gender equality and to advocate on serious issues affecting the development and the rights of women.

Article 6 (4o) of the law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights says that the Commission has the responsibility to particularly monitor respect for the respect of women rights.

When we were writing this report, the law no 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions was published. Article 28 says that the family donation may be made between spouses themselves or between spouses and another person or may be made between parents and their children whereby they donate a portion of their property. Where parents donate to their child, they do it without any discrimination between girls and boys.

2.3.2.2. The situation of women’s rights

In the framework of protection of women’s rights, in 2015-2016 the following activities were carried out:

- Policy frameworks to support Women’s financial inclusion had been revised. 4875 women had access to financial services where they got loan guarantees from Business Development Fund (BDF). Among them, 1968 got the loan guarantees from the Women and Youth Funds;
- Two financial advisers per Sector are assigned to help women to prepare income generating projects;
- Women representatives from village to national level and 30% of women members of council were elected as provided by the Constitution of the Republic of Rwanda.

Rwanda has got a good position as regard the respect of women rights at the international level. The World Economic Forum report of 2015 ranked Rwanda 6th as regard the respect of gender equality. At African level, Rwanda is at the 1st position as regard gender equality out of 145 countries.

When we were drafting this report, from 10 July to 18 July 2016, Kigali hosted an African Union Summit which focused on human rights in general and on women rights in particular.

2.3.3. The rights of disabled persons

2.3.3.1. Legal framework

The rights of disabled persons are based on human right principles of respecting human being values, equality of all human beings in dignity and in rights; thus whatever discrimination against disabled persons, is denying the value and dignity of human being.

The rights of disabled persons are provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015, in article 10 concerning the fundamental principles the State of Rwanda has committed itself to uphold. These rights are also found in articles 16 and 51 where human rights and freedoms, duties of the State are stipulated. All these articles

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Information provided by the Ministry of gender and family promotion during the preparation of this report
focus on the enjoyment of equal rights to non-discrimination and freedom by persons with disability like other Rwandans and the right to be provided with special care.

The rights of disabled persons are also provided in the International Convention on the Rights of Persons with Disabilities of 13 December 2006 ratified by Rwanda on 15 December 2008. This Convention aims at promoting, protecting the rights of disabled persons and helping them to access the level of others’ human rights and freedoms. Besides, this promotes the respect of human being value towards disabled persons.

Article 3 of this Convention provide for general principles to be considered in ensuring the rights of disabled persons: Respect for inherent dignity, individual autonomy 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 Rwanda, the law n° 01/2007 of 20 January 2007 relating to protection of disabled persons in general was established. Article 10 of this law gives to the National Commission for Human Rights the mission to provide special procedures of monitoring how rights of a disabled person are respected.

The Law n°03/2011 of 10/02/2011 determining the responsibilities, organization and functioning of the National Council of persons with disabilities was also enacted. Article 6 of this law states that the National Council of Persons with Disabilities shall be a forum for advocacy and social mobilisation on issues affecting persons with disabilities in order to build their capacity and ensure their participation in the national development. The Council shall assist the Government to implement programmes and policies that benefit persons with disabilities.

Besides, the law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights in article 6 (4°) states that the Commission has the responsibility to particularly monitor respect for the persons with disabilities.

2.3.4. The situation of the rights of disabled persons

Regarding the protection of the rights of disabled persons the following strategies were established:

- A Special Needs Education Policy;
- Development of a Curriculum for mentally disabled children;
- Schools providing special education were granted with different teaching material;
- A Prime Minister’s Order on the assistance for disabled children in schools.

Data show that disabled children who attend early education are 1.505 (638 girls and 867 boys), in primary schools they are 18.697 (10.319 boys and 8.378 girls) in secondary schools they are 4.623 (2.172 boys and 2.451 girls), those in vocational training are 594 (269 boys and 325 girls) (MINEDUC, 2016).

Nevertheless, there are still some problems in the education of persons with disability, some of them are the insufficiency of adapted schools, expert teachers in teaching children with disability and insufficient teaching materials.

Concerning the right to information, the Media High Council informed the Commission that Rwandan Television (RTV) broadcasts news and provides sign language translation for deaf-dumb persons so that they access information too.

As regards the right to leisure, the Ministry of Sport and Culture declared that the following activity were carried out:

- Implementation of the policy aiming at building play grounds taking into account disabled persons. Disabled persons were supported and got the opportunities to attend competitions at national and international level.

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Information provided by the Ministry of education during the preparation of this report
• Rwanda hosted sport activities for disabled persons from countries of Zone V. In this competition, Rwandan team won the ticket to represent African continent in Paralympic games which was scheduled to take place in Rio de Janeiro in June 2016.

In order to establish strategies to assist disabled persons in accessing their needs, the Ministry of Health in collaboration with the National Council of Persons with Disability put disabled persons in categories based on their disability. The result of the activity will help partners to include disabled persons during their planning activities.

On behalf of the Commission, in the framework of protection of the rights of disabled persons, from July 2015 to June 2016, the Commission processed 7 complaints related to the violation of rights of persons with disability. Among them, 4 were submitted to concerned organs, while 3 are still under investigations.
III. THE ACTIVITIES OF THE COMMISSION DURING THE FINANCIAL YEAR 2015-2016

3.1. PROMOTION OF HUMAN RIGHTS

The promotion of human rights is a responsibility which is particularly exercised by the National Commission for Human Rights as provided for in article 42 of the Constitution of the Republic of Rwanda of 2003 revised in 2015. The promotion of human rights is also provided in the preamble and in article 26 (2) of the Universal Declaration of Human Rights. These provisions state that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. Apart from that, the promotion of human rights is provided for in article 13 of the International Covenant on Economic, Social and Cultural rights which stipulates that education aims at respecting human rights and human being dignity. Article 25 of the African Charter of People’s and Human Rights says that the States parties to the present Charter shall have the duty to promote and ensure the respect of the rights and freedoms contained in the present Charter through teaching, education and publication.

Concerning domestic laws, article 2 (6°) of the Organic Law n°02/2011/OL of 27/07/2011 governing organisation of education provides that the mission of education is to promote the culture of peace, tolerance, justice and respect of human rights and law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights, in its article 5 (1°), gives to the Commission the mission to educate and sensitize the population on matters relating to human rights.

Human rights promotion activities include education and sensitization of human rights, broadcasting through media as well as the commemorating human rights Days.

This part of the report covers the activities carried out by the National Commission for Human Rights regarding the promotion of human rights.

3.1.1. Education on human rights

In general, training workshops and lectures on human rights help to prevent the violation and to build human rights culture in a Country.

The training workshops provided by the Commission aim at strengthening or building the capacities of beneficiaries so that decisions makers and councillors shall base more on laws and respect human rights principles.

In 2015-2016, the Commission trained persons that are in categories specified in the following table:

Table n°6: Categories trained by the Commission in 2015-2016

<table>
<thead>
<tr>
<th>Nº</th>
<th>Participants</th>
<th>Total</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Representatives of the Observatory of the Child Rights (OCR) members from the Eastern, Northern Provinces and Kigali City</td>
<td>428</td>
<td>295</td>
<td>133</td>
</tr>
<tr>
<td>2.</td>
<td>Private Sector members from all Districts</td>
<td>36</td>
<td>28</td>
<td>8</td>
</tr>
<tr>
<td>3.</td>
<td>Members of the Health Centre Committees from the Eastern Province</td>
<td>71</td>
<td>53</td>
<td>18</td>
</tr>
<tr>
<td>4.</td>
<td>Representatives of the miners trade union (REWU)</td>
<td>67</td>
<td>49</td>
<td>18</td>
</tr>
<tr>
<td>5.</td>
<td>Members of District Councils of the Eastern Province</td>
<td>38</td>
<td>27</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>640</td>
<td>452</td>
<td>188</td>
</tr>
</tbody>
</table>

As shown in the table above, the total number of trained persons from July 2015 to June 2016 is 640 including 452 men and 188 women.

3.1.1.1. Training of volunteers of the Observatory of the Child Rights (OCR)
The Observatory of the Child rights is based at Sector and District levels throughout the Country. Volunteers at the Sector level submit reports to those at the District level, who in turn compile and submit them to the Commission. The Commission analyses those reports, issues recommendations and advocates to organs responsible for handling child rights violations cases mentioned in those reports.

Volunteers need broad knowledge in human rights area, especially in child rights to fulfill their missions. It is in this framework that, since 2006, the Commission organizes regular training workshops for them.

In 2015-2016, the Commission trained OCR volunteers at the District and Sector levels as it is shown by the table below.

**Table nº 7: Training workshop for OCR volunteers in 2015-2016**

<table>
<thead>
<tr>
<th>Date</th>
<th>Participants</th>
<th>Venue</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-31/07/2015</td>
<td>OCR Representatives from Southern Province</td>
<td>Centre St André/Kabgayi</td>
<td>65</td>
<td>38</td>
<td>103</td>
</tr>
<tr>
<td>21-22/09/2015</td>
<td>OCR Representatives from Eastern Province</td>
<td>Hill Top/Kigali</td>
<td>76</td>
<td>23</td>
<td>99</td>
</tr>
<tr>
<td>29-30/10/2015</td>
<td>OCR Representatives from Northern Province</td>
<td>Hill Top/Kigali</td>
<td>71</td>
<td>23</td>
<td>94</td>
</tr>
<tr>
<td>5-6/11/2015</td>
<td>OCR Representatives from Western Province</td>
<td>Centre St André/Kabgayi</td>
<td>57</td>
<td>33</td>
<td>90</td>
</tr>
<tr>
<td>3-4/03/2016</td>
<td>OCR Representatives from the City of Kigali</td>
<td>Classic Hotel/Kigali</td>
<td>26</td>
<td>16</td>
<td>42</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>295</td>
<td>133</td>
<td>428</td>
</tr>
</tbody>
</table>

The training focused on the following topics:

- Fundamental principles of human rights;
- Child rights in Rwandan laws;
- Evidences for human rights and child rights violation;
- How to report Child rights violations;
- Monitoring principles for the respect of human rights;
- Rights and Duties of a Citizen in the Constitution of the Republic of Rwanda; Main issues regarding criminal procedures (Law n° 30/2013 of 24/5/2013 relating to the Code of Criminal Procedure).

The training for Volunteers was paramount because this helped them to enhance the monitoring of the child rights violations and to report on time.

3.1.1.2. Training for members of the health centres committees

The health centre committees are composed of different categories of persons and are responsible for a good service delivery in the health centres. Members of the Committees need knowledge as regards human rights so that they can fulfil their mission. It is within this framework that from 2012-2013, the Commission started to train those committees all over the Country.

In 2015-2016, the Commission trained 71 persons; among them were members of the health centre committees, hospital representatives, social affairs Officers in Sectors and Directors of health departments of Gatsibo and Nyagatare Districts.

Members of health centre committees trained from 2012 to 2016.

Table n° 8: Health Centre Committees trained from July 2012 to June 2016

<table>
<thead>
<tr>
<th>Year</th>
<th>District</th>
<th>Number of participants</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2013</td>
<td>Muhanga</td>
<td>57</td>
<td>27</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Nyamagabe</td>
<td>76</td>
<td>21</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>Gisagara</td>
<td>67</td>
<td>26</td>
<td>41</td>
</tr>
<tr>
<td>2013-2014</td>
<td>Huye, Nyaruguru, Nyanza, Ruhango</td>
<td>163</td>
<td>61</td>
<td>102</td>
</tr>
<tr>
<td>2014-2015</td>
<td>Rwamagana, Kayonza</td>
<td>91</td>
<td>18</td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Bugesera, Ngoma, Kirehe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015-2016</td>
<td>Gatsibo, Nyagatare</td>
<td>71</td>
<td>18</td>
<td>53</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>525</strong></td>
<td><strong>171</strong></td>
<td><strong>354</strong></td>
</tr>
</tbody>
</table>

The lectures focused on the following topics:

- 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 to health;
- Right of persons in special categories.

The training workshop of members of the health centre committees allowed them to deliver quality services; which inspires other committees that were not trained to request for training to the Commission. This indicates the influence of
trained members of the committees in raising the awareness of others as requested by the Commission.

3.1.1.3. Members of the private sector working in mining industry and the representatives of Rwanda Extractive Industry Workers (REWU) trade unions

The findings of the survey carried out by the Commission on the respect of human rights in mining industries from 13 to 18 April 2015, revealed that there are violations of the rights of employees; such as the lack of insurance for accident, lack of work contracts and the unpayment of contribution for the pension by companies.

On that basis, the Commission organized training workshops for both employers and employees so that every part shall be aware of its rights and duties so that realized problems should be solved. It is within this framework that the Commission organized trainings for members of the private sector working in mining industry and the representatives of Rwanda Extractive Industry Workers (REWU) trade unions.

A. Trainings for members of the private sector working in mining industry

From 10 to 11 March 2016, at Centre d’Accueil Saint André located in Muhanga District, Southern Province, the Commission trained 36 members of the private sector working in mining industry from all Districts, including 28 men and 8 women.

The training focused on the following topics: Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Law regulating labour in Rwanda;
- Law regulating investment in Rwanda;
- Business and Human Rights;
- Human rights and environment.

B. Training for the representatives of Rwanda Extractive Industry Workers (REWU) trade unions.

From 11 to 12 May 2016, the Commission trained 67 representatives of the Mining Trade Unions, including 49 women and 18 men. Their training focused on the same topics as the members of the private sector working in mining industry, the economic, social and cultural rights and the civil and political rights topics were added on the list.

The training focused on the following topics:
- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Economic, Social and Cultural rights;
- Law regulating labour in Rwanda;
- Law regulating investment in Rwanda;
- Business and Human Rights;
- Human rights and environment.
3.1.1.4. Members of District Councils of Eastern Province

District Councils take decisions concerning the development of the District. The members need basic knowledge on human rights, so that decisions taken shall base on laws and respect human rights principles. The training helps them to monitor whether there is no discrimination during the implementation of development programs, especially the discrimination of persons in special categories. It is within that background that the Commission continues this training program that started from 2013-2014.

On 9th June 2016, at Classic Hotel located in Kicukiro District, the Commission trained 38 members of the Bureau of the District Councils of Eastern Province including 27 men and 11 women.

The following topics were tackled on:

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Human Rights and Good governance;
- Rights of persons in special categories.

Table n° 9: Members of Districts Councils trained from July 2013 to June 2016

<table>
<thead>
<tr>
<th>Year</th>
<th>District</th>
<th>Number</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-2014</td>
<td>Musanze, Gicumbi and Burera</td>
<td>83</td>
<td>37</td>
<td>46</td>
</tr>
<tr>
<td>2014-2015</td>
<td>Kamonyi, Ruhango, Gisagara, Nyamagabe and Nyaruguru</td>
<td>99</td>
<td>51</td>
<td>48</td>
</tr>
<tr>
<td>2015-2016</td>
<td>Nyagatare, Gatsibo, Rwamagana, Kayonza, Bugesera, Ngoma and Kirehe</td>
<td>38</td>
<td>27</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>220</td>
<td>115</td>
<td>105</td>
</tr>
</tbody>
</table>

3.1.2. Sensitization of the population on human rights

In the framework of sensitization of human rights, the Commission organizes awareness sessions for different categories of persons and delivers messages through media and International human rights Day celebration. This allows Rwandans to know their rights and ensure the respect others’ rights. It is in this regard that on its own initiative or upon request by other Organs, from July 2015 to June 2016, the Commission delivered lectures on human rights to 17,881 beneficiaries as illustrated by the following table.
Table n°10: Lectures delivered by the Commission in 2015-2016

<table>
<thead>
<tr>
<th>Date</th>
<th>Category</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>21-25/09/2015</td>
<td>Students in Secondary School of Huye District</td>
<td>2442</td>
<td>3591</td>
<td>6033</td>
</tr>
<tr>
<td>13-17/10/2015</td>
<td>Students in Secondary School of Huye District</td>
<td>3411</td>
<td>3142</td>
<td>6553</td>
</tr>
<tr>
<td>29/04/2016</td>
<td>Students of GS/Mulindi(Gicumbi District)</td>
<td>147</td>
<td>192</td>
<td>339</td>
</tr>
<tr>
<td>09/12/2015</td>
<td>Students of IPB/Byumba</td>
<td>82</td>
<td>90</td>
<td>172</td>
</tr>
<tr>
<td>05/11/2015</td>
<td>Catholic Youth of Kabgayi Diocese</td>
<td>1125</td>
<td>1375</td>
<td>2500</td>
</tr>
<tr>
<td>08/11/2015</td>
<td>Sensitization session on behalf of domestic workers of Kimisaga Sector</td>
<td>33</td>
<td>35</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>the training was organized in collaboration with Association pour la Défense des Droits, du Développement durable et du Bien-Etre Familial (ADBEF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21/01/2016</td>
<td>Sensitization session on behalf of domestic workers of Kimisaga Sector</td>
<td>25</td>
<td>68</td>
<td>93</td>
</tr>
<tr>
<td></td>
<td>the training was organized in collaboration with Association pour la Défense des Droits, du Développement durable et du Bien-Etre Familial (ADBEF)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21/01/2016</td>
<td>Scout leaders of Gasabo District</td>
<td>18</td>
<td>6</td>
<td>24</td>
</tr>
<tr>
<td>14-18/03/2016</td>
<td>Representatives of Cooperatives of Gicumbi District</td>
<td>315</td>
<td>142</td>
<td>457</td>
</tr>
<tr>
<td>22-24/03/2016</td>
<td>Representatives of Cooperatives of Rubavu District</td>
<td>165</td>
<td>50</td>
<td>215</td>
</tr>
<tr>
<td>09/11/2015</td>
<td>Delivered lectures during public hearing that took place in Sectors of the following Districts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/11/2015</td>
<td>Kirhe</td>
<td>200</td>
<td>287</td>
<td>487</td>
</tr>
<tr>
<td>12/11/2015</td>
<td>Remera</td>
<td>13</td>
<td>10</td>
<td>23</td>
</tr>
<tr>
<td>13/11/2015</td>
<td>Kazo</td>
<td>24</td>
<td>26</td>
<td>50</td>
</tr>
<tr>
<td>13/11/2015</td>
<td>Rurenge</td>
<td>20</td>
<td>12</td>
<td>32</td>
</tr>
<tr>
<td>13/11/2015</td>
<td>Gashanda</td>
<td>12</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>13/11/2015</td>
<td>Rukira</td>
<td>50</td>
<td>39</td>
<td>89</td>
</tr>
<tr>
<td>20/01/2016</td>
<td>Ngeruka</td>
<td>87</td>
<td>252</td>
<td>339</td>
</tr>
<tr>
<td>21/01/2016</td>
<td>Rweru</td>
<td>10</td>
<td>13</td>
<td>23</td>
</tr>
<tr>
<td>22/01/2016</td>
<td>Nyaruge</td>
<td>12</td>
<td>13</td>
<td>25</td>
</tr>
<tr>
<td>22/01/2016</td>
<td>Gashora</td>
<td>18</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>09/07/2015</td>
<td>Lectures delivered to ex-combatants from the Democratic Republic of</td>
<td>58</td>
<td>-</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>Congo in Mutobo solidarity camp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>06/08/2015 and</td>
<td></td>
<td>52</td>
<td></td>
<td>52</td>
</tr>
<tr>
<td>10/09/2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>06-07/11/2015</td>
<td></td>
<td>57</td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>and 14/11/2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27/02/2016</td>
<td></td>
<td>62</td>
<td></td>
<td>62</td>
</tr>
<tr>
<td>07/06/2016</td>
<td></td>
<td>59</td>
<td></td>
<td>59</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>8493</td>
<td>9364</td>
<td>17857</td>
</tr>
</tbody>
</table>
Categories mentioned in the above table were sensitized on the following topics:

- Missions, organization and functioning of the National Commission for Human Rights;
- Fundamental principles of human rights;
- Prevention and Repression of the Crime of Genocide at national and international levels;
- Child’s rights;
- Human Trafficking;
- Economic, Social and cultural rights;
- Civil and Political rights;
- Human rights and duties of the citizen in the Constitution of the Republic of Rwanda;
- National and International Laws instituting penalty for offences of discrimination and sectarianism.

According to the work plan of 2015-2016, the Commission had planned to sensitize 12,000 persons of different categories including members of human rights clubs in schools; however the Commission sensitized 17,881 because in secondary schools all students were sensitized instead of sensitizing only the members of human rights clubs.

3.1.1.1 Celebration of human rights Days

In 2015-2016, the Commission celebrated six (6) human rights Days in the framework of sensitizing all Rwandan population on human rights.

In this framework, messages through audio-visual, written based medias and on banners were delivered during the activities of the celebration.

Human Right Days that were celebrated are highlighted in the table below:
<table>
<thead>
<tr>
<th>Celebrated Day</th>
<th>Theme</th>
<th>Venue</th>
<th>Message delivered by the Commission and activities carried out</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Day of Persons with Disabilities</td>
<td>“Enabling all persons while developing inclusive activities”</td>
<td></td>
<td>Message on no-discrimination of disabled persons:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Disability is not inability, rather the problem remains barriers that do not allow persons with disability to use their competence to achieve self-development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Based on the mission entrusted to the Commission by the law establishing it, the Commission will continue to advocate and carry out activities regarding the promotion of disabled persons’ rights.</td>
</tr>
<tr>
<td>International Human Rights Day (10th December)</td>
<td>The theme at International level was: “Our Rights, Our Freedoms Always”</td>
<td>Gicumbi</td>
<td>Messages on the theme were delivered through dances and drama by IPB/Byumba students.</td>
</tr>
<tr>
<td></td>
<td>The theme at National level was: “Let us increase our efforts in preventing, combatting and denouncing domestic human rights violations”.</td>
<td></td>
<td>Different Institutions including the National Police, National Women Council and the Ministry of Justice delivered messages on the prevention of domestic violence which cause of human rights violations.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Considering the consequences of domestic violence as regard victims, neighbours and the Rwandan Society, the Commission called upon everyone to help the Government in its prevention by providing information of where it occurs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Based on its missions, the Commission will continue to process complaints on human rights domestic violations.</td>
</tr>
</tbody>
</table>
International Women Day (8th March)

The theme on the International level was: “Step It Up for gender equality by 2030”

The theme on National level was:

Let’s strengthen the principle of gender by empowering women

The Day was celebrated in Nduba Sector, Gasabo District

The Commission sensitize the members of two cooperatives BIMEKIKO (construction cooperative) and CODORUSI (cooperative of breeding hen) composed of both men and women.

The lectures focused on human rights principles and on strategies to be taken so that gender principle be strengthened in Rulindo District and throughout the Country.

International labour Day (1st May)

The theme was: Promoting Productive Employment by Supporting Young Entrepreneurs

The Day was celebrated by the Commission at Classic Hotel

A topic on Result Based Management was developed and ideas were shared on how to improve the Commission’s performance.

At that occasion, the Commission awarded the best performers employees.

Commemoration of the Genocide against Tutsi for the 22nd time

Every year on 7th April, Rwanda commemorates the Genocide against Tutsi that occurred in 1994. Activities of commemoration are organised at National level and Institutions schedule their own occasion to remember. It is on this framework that the Commission organized activities related to the 22nd genocide against Tutsi commemoration.

The theme for the year was: “Fighting against genocide ideology”.

During the remembrance moment at the headquarters of the Commission, a Representative from the Commission for the Fight against genocide delivered a message on the above mentioned theme.
Moreover, in the framework of remembrance, on 11 April 2016, in IBP/Byumba, the Commission addressed on the following theme: “The importance of commemorating the genocide against the Tutsi”. One hundred and fifty (150) students including 80 men and 70 women attended this session.

On 21st June 2016, the National Commission for Human Rights visited Mwurire Memorial genocide site located in Rwamagana District, in Eastern Province in which 26,819 bodies of victims of the genocide against the Tutsi are buried. Commissioners and Staff of the Commission joined the population of Mwurire Cell in the March of Remembrance that started from Mwurire Cell’s Office to the Memorial Site. Testimonies of survivors were given.

After the testimonies of a Survivor of Mwurire, the Mayor of Rwamagana District recalled that genocide was a result of bad leadership that promoted divisionism and urged the population to avoid division and promote “Ubunyanwanda” and self-development.

In her message the Chairperson of the National Commission for Human Rights comforted Mwurire population especially those whose relatives perished during the genocide, and recalled them that human rights is the pillar of peace and development; she urged all Rwandans to promote the good culture of respect and collaboration.

After laying down wreath, Commissioners and Staff of the Commission visited all rooms of the memorial site where they were explained how the genocide was done with wickedness.

3.1.1.2. Sensitization through media

In the framework of sensitizing the population on human rights, the Commission delivered messages via radio stations and press conferences on different topics.

A. Radio broadcasted emissions

Through the programme of raising awareness on human rights, every Saturday on Isango Star Radio station, the Commission delivers an emission called “Uburenganzira iwacu” meaning “Rights at Home”.

Broadcasted emissions focused on the following topics:

- Let’s know the National Commission for Human Rights;
- Duties related to human rights;
- Human rights require the collaboration of everyone;
- Fight for your rights;
- Training workshops help in building the culture of human rights;
- The role of the Commission in assisting persons whose rights are violated;
- Testimonies by those whose complaints were solved thanks to the advocacy of the Commission;
- Characteristics of human rights;
- Promote gender principles by empowering women;
- The role of members of cooperatives in the promotion of economic, social and cultural rights; Let’s remember the Genocide against the Tutsi by fighting against its ideology.
B. Other messages delivered by the Commission

Apart from weekly broadcasted emissions, the Commission organised press conferences through which journalists were informed about the situation of human rights in Rwanda.

On this background, on 21st July 2015, in the press conference organized by the Commission, journalists were informed about the human rights situation in 2014-2015 especially the protection of human rights.

On 28th October 2015, the Commission had live talk with journalists of the private radio station Flash FM. This talk focused on the content of the annual report after its official submission to both chambers of the Parliament.

On 6th December the Commission had an audio-visual emission on Rwanda Radio and Television. The theme of the emission was: “Prevention, protection and denouncing domestic violence” it was organized in the context of the preparation of the International Human Rights Day that took place on 10th December 2016.

On 17th June 2016, the Commission delivered a message through Radio Rwanda on child rights, strategies that were established for the protection against violence and activities of the Commission in the protection of child rights.
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 that the Commission shall provide views, upon request or on its own initiative, on laws, regulations of public organs in force in the country and on bills so as to ensure their conformity to fundamental principles of Human Rights, from July 2015 to June 2016, the Commission prepared and submitted to the Parliament written views on three (3) draft bills.

The Commission provided the views on its own initiative except views on the revision of the Constitution of the Republic of Rwanda of 4th June 2003 amended to date, that were given upon request by the Parliament, chamber of Deputies.

The Commission followed up of three(3) draft bills in both chambers of the Parliament in order to provide clarification on the views, to comply local laws with human rights principles included in the Constitution of the Republic of Rwanda and in International human rights Instruments ratified by Rwanda.

From July 2015 to June 2016, the Commission provided views on the following bills:

- Revision of the Constitution of the Republic of Rwanda of 4th June 2003 amended to date;
- Draft Bill of Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code;
- The Draft Bill on Health reproduction.

3.2.1. Providing written views

3.2.1.1. Views on the revision of the Constitution of the Republic of Rwanda of 4th June 2003 amended to date


The National Commission for Human Rights, based on article 5, paragraph 4 of the law n°19/2013 of 25/03/2013 determining missions, organisation and functioning stating that its missions include to provide views, upon request or on its own initiative on laws, regulations of public organs in force in the country and bills to ensure their conformity with the fundamental principles of Human Rights.

On 25 September 2015, the Parliament sent the letter n° 1199/P/CD/EA/FN/2015 to the Commission requesting to provide views on the revision of the Constitution, especially on articles related to its missions. The Commission realized that some other articles of the Constitution need to be revised.

Provided views focused on the following articles:

- Article 5: National language
- Article 14: Categories of the population to be assisted;
- Articles 18, 19 and 20: Fair trial
- Articles 55: Dissolution of a political organization
- Articles 82: Historically marginalized Rwandans
- Articles 177: The National Commission for Human Rights
• Article 5: National language

In article 5 concerning the national language, the Constitution provides that the National language is Kinyarwanda and that the official languages are Kinyarwanda, French and English.

The Commission suggested that in this article the following words should be added “and other languages as provided by a law. This could help whenever there shall be a need to use other languages without revising article 5 of the Constitution especially that Rwanda has joined the East African Community (EAC) and others International Organizations.

The Commission suggests that article 5 should be revised in the following way “the National language is Kinyarwanda. Official languages are Kinyarwanda, French and English and other languages determined by the law.

• Article 14: Categories of the population to be assisted

Article 14 states that “the State shall, within the limits of its capacity, take special measures for the welfare of the survivors of genocide who were rendered destitute by the genocide perpetrated against the Tutsi in Rwanda from October 1st, 1990 to December 31st, 1994, disabled, indigent and the elderly as well as other vulnerable groups”.

In this article, the Commission advises that the word “indigent” be replaced by “needy” as it was orally revised.

The Commission suggests that article 14 be revised as follows “the State shall, within the limits of its capacity, take special measures for the welfare of the survivors of genocide who were rendered destitute by the genocide committed in Rwanda from October 1st, 1990 to December 31st, 1994. On the list are added the disabled, needy persons and the elderly as well as other vulnerable groups”.

• Articles 18, 19 and 20 on fair trial

Article 18 stipulates that the person’s liberty is guaranteed by the State. 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 defence and to legal counsel are absolute at all levels and degrees of proceedings before administrative, judicial and all other decision making organs.

Article 19 says 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 defence have been made available. Nobody shall be denied the right to appear before a judge competent by law to hear his or her case.

Article 20 stipulates that nobody shall be punished for acts or omissions that did not constitute an offence under national or international law at the time of commission or omission. Neither shall any person be punished with a penalty which is heavier than the one that was applicable under the law at the time when the offence was committed.

In order to give more clarification on the provisions of articles 18, 19 and 20, these articles should be merged in one article in which the rights of the suspect are detailed.

The Commission proposes that principles on the rights of the suspect should be included in those articles. Those principles are the following:

- The principle of non bis in idem no legal can be executed twice for the same cause of action;
- The principle according to which the guilty person should be punished with a lesser penalty among provided ones, when the penalty for the committed offence has been altered between the period of the commitment of the offence and the period of penalty administration.
• **Article 55: Dissolution of a political party**

**Article 55 paragraph 3:** In the event that the final decision of the court of last instance is the sanction of dissolution of a political organization, the Members of the Chamber of Deputies elected on the ticket of the dissolved political organization shall automatically lose their parliamentary seats.

**Article 55 paragraph 4:** by-elections are held to replace Deputies of the dissolved political organization if the remaining period of their mandate is more than one year.

The Commission finds that in case of dissolution of a political organization, elections to replace the members of the Chamber Deputies from that political organization shall be organized. Moreover it would be better to give more clarification on the origin of candidates to be elected especially that the political organization should be dissolved.

• **Article 82: Historically marginalized Rwandans**

**Article 82:** The Senate shall be composed of twenty six (26) members serving for a term of eight years (8) and at least thirty per cent (30 %) of whom are women. In addition, former Heads of State become members of the Senate upon their request as provided for in paragraph 4 of this article. Those twenty six (26) members are elected or appointed as follows:

1° twelve (12) members representing each Province and the City of Kigali elected through secret ballot by members of the Executive Committees of Sectors and District, Municipality, Town or City Councils of each Province and the City of Kigali;

2° eight (8) members appointed by the President of the Republic who shall ensure the representation of historically marginalized communities.

The Commission suggests that the designation, “historically marginalized Rwandans” be removed from this article because it can generate divisionism and affect “Ndí Umunyarwanda” program.

• **Article 177: The National Commission for Human Rights**

Article 177 provided that the National Commission for Human Rights shall be an independent national institution.

The National Commission for Human Rights submits each year its program and activity report to the Parliament and provides copies thereof to such State organs as may be determined by a law.

A law shall determine matters relating to the organization and the functioning of the Commission.

The Commission suggests that its attribution of protection of human rights be included in article 177 of the Constitution as it is provided in article 4 of the law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights. The article shall be written as follow: “The Commission has the overall mission of promotion and protection of human rights,”
3.2.1.2. Additional views on the revision of the Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code

The National Commission for Human Rights through its letter n° CNDP/JUN/680/15.16 of 3 June 2016, submitted to the Ministry of Justice, views on the revision of Organic Law n° 01/2012/ol of 02/05/2012 instituting the Penal Code. Provided views focused on the following:

- **Different categories of penalties** *(imposition of fine, life imprisonment with special provisions, reduction of penalties in case the provocation is proven)*;
- **Offences against the family** *(child rights and the rights of spouses)*;
- **Stigmatization against a person suffering from an incurable disease**;
- **Other prohibited practices**: *(torture and its penalties)*;
- **Offences which infringe human rights** *(Threat to commit an act qualified as terrorism)*;
- **Euthanasia**;
- **Indecent assault**: *(Prostitution and related obligations)*

**• Life imprisonment with special provisions penalty**

The Commission found that sentenced persons of life imprisonment with special provisions penalty as provided by article 39 are not subjected to the conditions of article 3 paragraph 2 of the law n° 32/2010 of 22 September 2010 regulating the enforcement and execution of life imprisonment with special provisions which states that a sentenced person is kept in prison in an individual cell. All persons are imprisoned under same conditions without any distinction between those sentenced to life imprisonment with special provisions and others prisoners except that the former are not allowed to go out of the prisons for some work like others.

The Commission suggests the removal of this penalty from Organic Law because it is not implemented as provided.

**• Penalty of fine**

Articles 41 and 42 provide for amount and imposition of fine, after analysis, the Commission realized that there is a big difference between the amount for fine penalty for minor offences and major ones.

In addition, the Commission suggests that the imposition of fine should not be given as a penalty for some offences, and imposes imprisonment instead of punishing the accused by both fine and imprisonment. The penalty of fine in addition to imprisonment penalty can cause poverty to the family of the accused, because in many cases, the latter are the same who provide for their families.

**• Reduction of penalties in case of provocation**

The Commission realized that in article 75 providing for reduction of penalties in case the provocation is proven, penalties were reduced comparing to committed offences.

The Commission proposes that in case of a felony punishable by life imprisonment or life imprisonment with special provisions, in case of proven provocation, the penalty shall be reduced but the imprisonment should not be less than fifteen (15) years.

The Commission suggests that in case of a felony punishable by imprisonment of more than five (5) years to twenty five (25) years, the penalty shall be reduced to imprisonment of five (5) years to ten (10) years;

In case of a misdemeanour punishable by imprisonment of six (6) months to five (5) years, the Commission advises that
the penalty shall be reduced to imprisonment of at least six (6) months but less than two (2) years;

- **Offences against the family**

The Commission suggests to include the definition of the “child” which is in article 217, in article 100 where the concept of “child” appears for the first time.

The Commission has found that the offence of inflicting severe suffering on a child harasses or imposes severe or degrading punishments on him/her included in article 218 be liable to a severe penalty because the Child is entitled to special protection, because if there is a need to punish a child, the punishment should not be severe and degrading. The Commission finds that the term “harassment” is confusing and can be replaced by “persecution”

Article 220 is related to engaging a child in narcotic drugs and arms trafficking trade or of other illegal products. The Commission finds that this is a misdemeanour because most of the time the involvement of the child in such practices destroys their life and rather becomes a slave of those acts because they ignore the consequences behind them, therefore their reintegration becomes difficult as their mental life has been corrupted.

The Commission suggests severe penalties for anyone who engages the child in such offences and increase the penalties that are provided in this article. After the analysis of article 227 related to child neglect by a parent or guardian without reasonable cause, the Commission has realized that children baggers and vagrants come from needy families. Therefore, to impose fine of 100,000 - 1,000,000 to a parent is a very severe penalty when most of the time those children become vagrants because of lack basic needs. The Commission suggests that the fine penalty should be removed or be imposed in consideration of financial means of their parents or guardians.

- **Stigmatization against a person suffering from an incurable disease**

After analysis of article 237 related to stigmatization against a person suffering from an incurable disease, the Commission suggests the revision of the article because it is not easy to recognize an incurable disease and suggests the revision as follow: “stigmatization against a patient”. This article shall be reviewed because even a person suffering from a curable disease can be stigmatized. Moreover, some diseases are contagious so that a patient may be stigmatized to avoid the contamination of others.

- **Harassment of spouse**

After analysis of article 240 related to harassment of spouse that includes (insults, assault and battery, refusal to assist in family responsibilities, denial of the right to property or any other act preventing him/her from leaving a peaceful life), the Commission has found that the offence of assault and battery is provided for in 148 and suggests its removal from article 240.

- **Penalties for torture**

The Commission, after its analysis of article 177 related to penalties for torture, considers that penalties provided in paragraph 1 of this article should be increased because he who tortures someone else is considered as committing intentionally a felony. The Commission finds that the penalty of imprisonment from 6 months to 2 years is a lesser penalty comparing to the gravity of the crime.

The Commission finds that the penalties found in paragraph 2 of this article should be increased because torture results to permanent disability of the victim.

- **Threat to commit an act qualified as terrorism**

The Commission suggests that articles 169-173 providing for threat to commit an act qualified as terrorism, be removed from the Penal Code and be added in the law punishing terrorism.
• **Euthanasia**

The Commission suggests following revision of article 179 on euthanasia: “who kills a patient” instead of “who kills another”.

The Commission proposes that penalties to everyone who commits euthanasia be reduced as far as he/she committed euthanasia do it for good reason on request of the patient to cease long unbearable pain caused by incurable disease. Thus, penalty of imprisonment between 7 and 10 years is a very severe penalty.

• **Prostitution and Obligations to be fulfilled by a prostitute**

Articles 204-214 provide for prostitution and penalties on offences related to it. There is no penalty provided for prostitution, rather offences related to it are punished. The Commission suggests for the revision of those articles because it does not make sense to punish offences related to prostitution while it is not itself prohibited.

• **Views on the draft bill relating to human reproduction health**

The National Commission for Human Rights, in its letter n°CNDP/FEB/510/15.16 of 15 February 2015 submitted to the Parliament/ chamber of Deputies, the views on the draft bill relating to human reproduction health. Views focused on the following:

- To base or comply with the Constitution of the Republic of Rwanda of 2003 revised in 2015; the Commission realised that the law was drafted before the revision of the Constitution of Republic of Rwanda. Thus, articles formulated on the basis of the Constitution of the Republic of Rwanda should change and base on the Constitution of the Republic of Rwanda of 2003 revised on 2015.

The Commission suggests revising the following articles like this:

- Article 9 should become 10; article 11 should become 16 and article 15 should become 14;

- Article 16, should become 15, article 26 should become 17; article 27 should become 18; article 41 should become 45; article 62 should become 64; article 66 should become 70; article 67 should become 69; article 90 should become 88; article 92 should become 90; article 93 should become 91; article 108 should become 106 and article 201 should become 176.

Other articles on which the Commission suggests to base are article 95 providing the hierarchy of laws and article 168 on binding force of international treaties and agreements.

• **Prevention against HIV contamination**

The Commission finds that some people can unfortunately be contaminated by HIV. Those people include disabled persons raped by a person infected by HIV, a child raped and pregnant woman infected by HIV. These persons need special care to reduce the bad lack of contamination.

Therefore, the Commission suggests that this draft bill should plan how these persons can be given special care in due time so that they cannot contaminate HIV.

• **Vaccinations for pregnant women and children**

The Commission finds that this draft bill does not clarify how vaccinations are given to pregnant women and children especially in the framework of promoting reproduction health. Vaccinations are one of the services provided by the government in the framework of promotion of the human reproduction health.

Pregnant women and adult girls are allowed to receive free human reproductive health vaccinations. Boys and men, on request, are also allowed to receive reproductive health services, especially hygienic services of reproduction organs (example: circumcision).
Therefore, the Commission proposes that this draft bill should provide for the attributions of the government of providing whoever in need of all necessary vaccinations, on due time and freely in the framework of promoting human reproduction health.

The Commission suggests that this draft bill should provide for how to inform about human reproductive health. For that reason, the Commission proposes that a doctor should provide all necessary information on reproductive health to its patients before they request for it and advise them on their reproductive health.

- **Protection of the reproductive system**

Some of the population are still attached to their customs (of modifying their reproductive parts by stretching or reducing them). Those customs are harmful to reproductive health and sometimes can cause disability, HIV infection or other sexually transmitted diseases. Another bad habit is not reporting defilement or early marriage for a child who gets pregnant to avoid shame in the society.

Therefore, the Commission suggests that this draft bill should provide articles explaining the following:

- Ancestral customs that are harmful to reproductive health are forbidden;
- Early marriage is harmful to reproductive health of a child and is prohibited.

**3.2.3. Follow up of draft bills analysis in the Parliament**

The Commission followed up the analysis process of draft bills in different commissions of the parliament, Chamber of Deputies. Below are the draft bills followed up:

- The revision of the Constitution of the Republic of Rwanda of 4th June 2003 as amended to date;
- Draft Organic law modifying and complementing Organic Law n° 02/2010/OL of 09/06/2010 on organisation, jurisdiction, competence and functioning of the mediation committee;
- Draft bill related to human reproductive health.

During the follow up of these draft bills, the Commission gave more clarifications on provided views and the Parliament approved and adopted them. This is proved by laws that were published in the Official gazette with the views provided by the Commission.
3.3. URGING RELEVANT INSTITUTIONS TO RATIFY INTERNATIONAL TREATIES RELATED TO HUMAN RIGHTS, INCORPORATE THEM IN THE EXISTING DOMESTIC LAWS AND SUBMIT PERIODIC REPORTS ON TIME

Urging relevant institutions to ratify international treaties related to human rights and incorporating them in existing domestic laws is related to the role of international treaties in promoting human rights. According to the Rwandan Law hierarchy, International treaties come at the 3rd position after the Constitution and Organic Laws as provided for in article 95 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 on hierarchy. Moreover, article 169 of the same Constitution says that, the President of the Republic or any other authorized person has the power to ratify and sign international treaties.

In this framework, the preamble of the United Nations Charter of 1945 says that the peoples of the United Nations are determined to establish conditions under which justice and respect for the obligations arose from treaties and other sources of international law can be maintained. Moreover, Resolution n° A/RES/48/134 of 20 December 1993 adopted by the United Nations General Assembly establishes the fundamental principles for National Human Rights Institutions known as “Paris Principles”, requesting National Human Rights Institutions to urge the States to ratify International Human Rights Treaties and monitor their implementation.

At national level, law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights, in article 5 (56), the Commission has special missions of urging relevant government institutions to ratify international treaties related to Human Rights and incorporate them in the existing domestic laws and submitting on time the reports related to international treaties on Human Rights ratified by Rwanda and implementing concluding observations and recommendations from the Treaty Bodies.

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

In order to fulfil its mission, the Commission urged relevant government institutions to ratify international treaty related to human rights by submitting to the Ministry of Labour, letter n° CNDP/APR/571/15-16 of 8 Mata 2016 requesting a process through which the Country should ratify four (4) International Labour Organisations conventions:

- Convention concerning Migration for Employment revised in 1949, entry into force on 22 Jan 1952 [No. 97];
- Convention concerning Migrations in Abusive Conditions and the Promotion of gender equality and Treatment of Migrant Workers (Entry into force: 09 Dec 1978);
- Convention concerning Private Employment Agencies (Entry into force: 10 May 2000)
- Convention on domestic workers entry into force on 5th September 2013 [No. 189].

At the time we were writing this report, the Commission wrote to the Ministry of Justice, the Ministry of Gender and Family promotion and the Ministry of Foreign Affairs, the letter n° CNDP/AUG/032/16-17 of 2 August 2016 requesting them to do their best so that Rwanda can ratify the Optional Protocol to the CRC on a Communications Procedure (OP3 CRC).

3.3.2. Urging government relevant institutions to recognise the competence of the committee to receive and consider communication

In the framework of urging relevant government institutions to recognise the competence of the committee to receive and consider communication, through its letter n° CNDP/APR/571/15-16 of 8 April 2016, the Commission requested the Ministry of Justice to urge the Government of Rwanda to endorse the Committee in charge with the protection of workers with the power to receive communications while a State or an individual have proved that a country that ratified the Convention on Migrant Workers and their families does not respect provisions that are provided in articles 76 and 77 of the Convention.
The Commission through its letter n° CNDP/MARS/541/15-16 of 10 March 2016 addressed to the Ministry of Justice and its letter n° CNDP/APR/580/15-16 of 13 April 2016 to the Minister of Foreign Affairs and Cooperation requesting them to do their best so that Rwanda can endorse the anti-torture Committee with the power to receive communications of a country that ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or a communication of an individual as provided in articles 21 and 22 of that Convention.

3.3.3. Assessment of the level of implementation of concluding observations issued to Rwanda and urging the relevant institutions to report on time

From 23rd October to 3rd November 2015, the National Commission for Human Rights in collaboration with some Civil Society Organizations working in the field of the promotion and protection of human rights conducted an assessment of the implementation of concluding observations on the initial reports of the Convention on the protection of Migrant Workers and of members of their families and of the Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 10th December 1984 in New York.

From 9 to 13 May 2016, the Commission carried out an assessment on the implementation of concluding observations issued to Rwanda on the 3rd and 4th reports and on initial reports on CRC optional protocols namely the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The findings were submitted to different government institutions (Ministries and Organs) in charge of implementing the concluding observations and those in charge of reporting and NGOs working in the field of human rights. The Commission submitted to those institutions and organs the schedule by which the next periodic reports should be ready and recommended them to implement the concluding observations that are not yet fully implemented.

3.4. COLLABORATION OF THE COMMISSION WITH INTERNATIONAL INSTITUTIONS AND NON-GOVERNMENTAL ORGANISATIONS WORKING IN HUMAN RIGHTS

As provided in article 5(8°) of the law n° 19/2013 of 25/3/2013 determining its missions, organisation and functioning stating that the National Commission for Human Rights shall collaborate with other foreign National Human Rights Institutions, local associations and International organisations working in human rights promotion and protection activities. The collaboration mainly focused on conferences and training workshops in which the Commission was invited and sent representatives.

At the international level, the Commission was represented in conferences and training workshops organised by the Office of the United Nations High Commission for Human Rights, the Global Alliance of NHRIs, the African Commission for Human and People’s Rights, the Network of the African National Human Rights Institutions and the Forum of National Human Rights Institutions of EAC. Moreover, the collaboration was characterized by conferences of the Commonwealth Forum of the NHRIs and the Francophone Association of NHRIs attended by Commission.

At the national level, the Commission collaborated with Organizations and Associations in charge of protection and promotion of human rights inside the Country. These organizations include those of persons with disability, non-governmental, local and international organizations in human rights activities.
3.4.1. Collaboration at international level

3.4.1.1. Collaboration with the United Nations Human Rights Council

The National Commission for Human Rights of Rwanda, like other national human rights institutions with A status are invited in the UN Human Rights Council’s sessions and are entitled to address UN Human Rights Council.

On this background, the commission attended UN Human Rights Council in which Rwanda was assessed under Universal Periodic Review in October 2015 and in March 2016. The Commission attended a session of UN Committee on the International Covenant on Civil and Political Rights held in Geneva in which Rwanda presented its 4th periodic report on the implementation of concluding observation, previously formulated by UN Committee on ICCPR. The National Commission for Human Rights released a statement thereto.

Rwanda was issued 22 concluding observations to be implemented by Rwanda for the next periodic report.

3.4.1.2. Collaboration with the United Nations High Commissioner for Human Rights

Based on the Resolution of the UN Human Rights Council adopted for the protection and promotion of the rights of persons with disability, the Commission provided the following views of the Office of the High Commissioner for Human Rights on the surveys on the rights of disabled persons:

- Based on Resolution n° 26/20 of the 26th session of the HRC by which the Council established the mandate of the Special Rapporteur on the rights of persons with disabilities; on 15th September 2016, the Commission submitted to the Office of the United Nations High Commissioner for Human Rights a filled questionnaire on the rights of disabled persons to participation in decision-making mostly regarding politics and good governance.

- Based on that Resolution, on 1 June 2016, the Commission sent to the Office of the United Nations High Commissioner for Human Rights a filled questionnaire on disability-inclusive in legal matters, in policies and programs promoting and protecting the rights to non-discrimination of disabled persons, accessibility and support provision.

- Based on Resolution n° 31/6 adopted in the 31st session of the United Nations Human Rights Council concerning the protection of disabled persons during the situations of risk and humanitarian emergencies, the Resolution approved that the next session on disabled persons shall focus on equality and non-discrimination. On 8th June 2016, the Commission submitted to the Office of High Commissioner required information for the preparation of the survey on the respect of persons with disability as regard strategies that shall be adopted by countries to protect disabled persons against any kind of discrimination.


Those documents essentially include strategies established by the government of Rwanda in the framework of promotion and protection of the rights of persons with disabilities in general and albinos in particular. The strategies essentially focused on human dignity, the right to non-discrimination and their wellbeing rights.

3.4.1.3 Collaboration with Global Alliance of National Human Rights Institutions

From 21 to 23 March 2016, on the invitation of the Global Alliance of National Human Rights Institutions, the National Commission for Human Rights attended the 29th session held in Geneva, Switzerland. The session focused on issues related to human rights protection. Participants discussed on the consequences of discrimination and terrorism, refugees’ problems, sustainable strategies that the National human rights institutions should adopt for the prevention of human rights violations, education and monitoring of the respect of human rights. During this session, the Chairperson
of the Dutch Human Rights Commission was elected as the new President of the Global Alliance in replacement of the Chairperson of South African Commission who has chaired it for two years.

From 4-13 October 2015, the Commission attended the 12th session of Global Alliance of National Human Rights Institutions held in Merida, Yucatan in Mexico. The session focussed on the Sustainable Development Goals 2015-2030. The Chairperson of the Commission shared a presentation on “The role of NHRIs in monitoring the respect of Millennium Development Goals especially the rights of women”.


On 21st March 2016, the National Commission for Human Rights of Rwanda attended a meeting of the Commonwealth Forum of National Human Rights Institutions. The meeting approved the strategic plan of 2016-2019. The National Commission for Human Rights of Rwanda was elected as the focal point in “Business and human rights” and was assigned to make a follow up and sensitization of other concerned institutions.

3.4.1.5. Collaboration with the Office of the United Nations High Commissioner for Human Rights in Rwanda

From 28-29 September 2015, at Lemigo Hotel, the Chairperson of the National Commission for Human Rights officially opened a training workshop that brought together representatives of African NHRIs. The training workshop was organised by the National Commission for Human Rights of Rwanda in collaboration with the Office of the High Commissioner for Human Rights. This conference focussed on the role of NHRIs in fighting any kind of discrimination.

3.4.1.6. Collaboration with Bristol University

From 30 November to 1 December 2015 and from 16 to 17 March 2016, in collaboration with the “Human Rights Implementation Centre (HRIC)” of University of Bristol UK, the Commission organized a consultative meetings that aimed at brainstorming on the establishment of a National Preventive Mechanism in Rwanda. These meetings were held in Hotel des Mille Collines and in Villa Portofino Hotel.

These meetings brought together representatives from the different Ministries, government Organs, lawyers, judges, Commissioners and staff of the Commission and representatives of non-governmental organisations.
3.4.2. Collaboration at regional level

3.4.2.1. Collaboration with the African Commission on Human and People’s Rights

The African Commission on Human and People’s rights is provided for in article 30 of the African Charter on human and people’s rights. Article 45 of the Charter provides for some of its missions regarding the promotion and protection of human rights in Africa. Consequently, African NHRIs including the Rwandan Commission participate in different sessions on the invitation of the African Commission on Human and People’s rights.

From 5 to 13 April 2016, on the invitation of the African Commission on Human and People’s rights, the Commission attended its 58th session held in Banjul, Gambia. This session focussed on sharing views on the situation of human rights in African and on strategies to be taken for the promotion of human rights respect. The discussions turned focused on the theme of the year: “African Year of Human Rights with a particular focus on the Rights of Women”.

In the part of the session related to human rights situation in Africa, country Representatives shared on the situation of human rights in their respective countries and NHRIs Representatives were also given the floor and shared their experience on the theme.

In that session, the Representative of the Commission presented on the achievements on human rights respect in Rwanda, in particular the fighting against human trafficking with a focus on women and girl’s trafficking. She further talked of different activities of the Commission in that area including providing views on the new law relating to human reproductive health and the revision of the Penal Code.

The conference took place when Rwanda was commemorating the genocide against the Tutsi occurred in 1994, participants observed one minute of silence to remember the victims of genocide. In her speech, the Chairperson of the Commission expressed her gratitude for the tribute participants paid to the victims of Genocide. She further requested their support to Rwandans while remembering for the 22nd time the genocide against the Tutsi in which more than one million perished. She also urged them to unite in preventing the genocide as well as other acts that are prejudice to humans so that the genocide should never again happen in Rwanda, in Africa and anywhere else in the World.

3.4.2.2. Collaboration with the Network of African National Human Rights Institutions

In 1996, African NHRIs met for the 1st time in Yaoundé, Cameroun. The Conference came out with Yaoundé Declaration that provides for the establishment of a “Network” of African NHRIs. It is in this framework that, the National Commission for Human Rights of Rwanda like other NHRIs participates in conferences and training workshops under the invitation of the “Network”.

On 21st March 2016, under the invitation of the Chairperson of the Network, the Commission attended its 10th session. In the session, participants discussed on the 2015 audit report and annual contributions. Participants approved the Action Plan and the Budget for 2016. On 8th September 2015, the Commission submitted to the Network of African NHRIs a document on guidelines of the assessment of implementation of the Convention on the rights of persons with disability as provided by its article 33.

The views were submitted after an assessment carried out in collaboration with non-governmental organizations on basis of the guidelines on the respect of the rights to education and to health of persons with disability.

Major views covered in that document are related to the preparation of those guidelines and special strategy to apply during the monitoring of the respect of the rights of persons with disabilities.

From 21st to 23rd October 2015, the Commission sent its Representative in the 10th bi-annual session of African NHRIs held in Yaoundé, Cameroun. The theme of session was: “Prevention and Fighting against Torture: achievements, barriers, opportunities and the role of NHRIs”.

The session approved the document on pending issues and the roadmap in the framework of fighting torture in Africa especially the ratification of the international Convention Against Torture.
In this session, the National Commission for Human Rights of Rwanda was elected as the Vice President of the Network. According to the Constitution of the Network, our Commission shall automatically host the next general assembly scheduled in 2017.

3.4.2.3. Collaboration with the Forum of East African Community NHRIs

On request of the Forum of EAC NHRIs, the Commission sent its Representative in the monitoring of presidential and parliamentary elections in Uganda.

3.4.3. Collaboration at National level

3.4.3.1. Collaboration with government Institutions

In the framework of the collaboration with government Institutions, the Commission collaborated with the Parliament, both chambers through the activities of providing views on draft bills and presentation of its Annual Activity Report of 2014-2015. Besides, the Commission attended meetings organized by the Parliament that aimed at promoting and protecting human rights. Further, the Commission participated in different meetings in which it was invited by the following Institutions:

- The Parliament

As provided for by article 13 paragraph 1 of Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights, the Commission submits to the Parliament, both Chambers, its activity report within a period not exceeding three (3) months from the end of the fiscal year, and reserve a copy thereof to the President of the Republic, the Cabinet and the Supreme Court;

On 26th October 2015, the Chairperson of the Commission and the Commissioners presented to the Parliament, both chambers, its Annual Activity Report of July 2014 - June 2015. After the presentation, the members of the Parliament asked some questions to which Commissioners answered.

On different dates, the report of the Commission has been deeply analysed by the committees of both chambers of the Parliament. After the analysis, the report has been submitted to the Parliament for action. In that framework, on 9th-10th November 2015 and on 3rd March 2016, the Council of Commissioners met with the members of Unity, Human Rights and Fight Against Genocide Committee/Chamber of Deputies and argued on the Report of the Commission of 2014-2015.

On 23rd November 2015, the Council of Commissioners met with the members of the standing committee on Social Affairs, Human Rights and Petitions/Senate and discussed on issues mentioned in the report 2014-2015;

The meetings with members of Parliament, both chambers, resulted on the following recommendations: to speed up the bill on rehabilitation of persons from transit centres, speed up the bill on the implementation of community service as an alternative penalty to imprisonment for unsolvable convicted persons and solve problems related to expropriation for public interest.

On 9th June 2016, the Council of Commissioners met the members of the Parliamentary Public Accounts Committee to which it provided explanations on the budget proposal of the Commission for the year 2016-2017.

- The Judiciary

On different dates, the Chairperson of the Commission attended the meetings of the High Council of the Judiciary as provided in Organic Law n° 07/2012/OL of 19/09/2012 determining organization, powers and functioning of the High Council of the Judiciary. Article 2 paragraph 16 provides that among the members of the High Council of the Judiciary is the President of the National Commission of Human Rights.

- The High Council of the Prosecution

On different dates, the Chairperson of the Commission attended the meeting of the High Council of the Prosecution as provided in Organic Law n° 03/2004 determining organization, powers and functioning of the High Council of the Prosecution as revised and modified by Organic law n° 15/2006 of 24/03/2006, published in the Official Gazette n° special of 24 March 2006. Article 22, paragraph 6 provides that among the members of the High Council of the Prosecution is the President of the National Commission of Human Rights.
The Ministry of Justice

On 23rd June 2016, at Lemigo Hotel, the Chairperson of the Commission participated to a meeting on the invitation of the Minister of Justice. The meeting uttered on the implementation of the recommendations issued from the Universal Periodic Review.

From 19 March to 2 April 2015 Gabiro in Gatsibo District held *itorero* of members of Councils of all Districts and Kigali City. On 26 March 2016, the Chairperson of the Commission lectured on “Justice, transparency, fighting against corruption and injustice”.

From 30 March to 1 April 2016, the Chairperson of the Commission attended the “5th JRLOS Peer Review Retreat” held in Rubavu where she presented on strategies to speed up the judgement execution.

From 23 to 24 February 2016, the Chairperson of the Commission attended a meeting on Sustainable Development Goals that focussed on goal number 10 related to good governance. The meeting took place in Busesera District.

The Ministry of Local Government

From 13 to 14 August 2015, the Chairperson of the Commission attended a meeting on Good Governance and quality of delivered service, held in University of Rwanda in Huye District.

From 15 to 18 November 2015, the Chairperson of the Commission was in Kirehe District in public hearing sessions where together with local authorities and the staff of the Commission, received complaints from the population and solved them jointly.

From 11 to 14 March 2016, the Chairperson of the Commission participated to the National Leadership Retreat.

3.4.3.2. Collaboration with human rights non-governmental organizations operating in our Country

A. Collaboration with non-governmental organizations of Persons with disabilities

Article 10 of the law n° 01/2007 of 20/01/2007 relating to protection of disabled persons in general, states that the National Human Rights Commission shall provide special procedures of monitoring how rights of a disabled person are respected. To fulfil this attribution, the Commission collaborates with other Non-Governmental Organizations dealing with disabled persons in activities of promoting the rights of persons with disability. Those activities include the following:

From 24 to 28 August 2015, on the invitation of the Rwanda Biomedical Centre, the Commission made a follow up of the draft bill on mental health. The views suggested to base on the Constitution of the Republic of Rwanda of 2003 revised in 2015, on International Conventions on the rights to health, on International Convention on the rights of persons with disabilities and on law n° 01/2007 of 20/01/2007 relating to protection of disabled persons in general.

From 2 to 4 February 2016, under the invitation of the National Union of Disabilities’ Organisations of Rwanda (NUDOR), the Commission attended a consultative meeting on the preparation of the complementary report on the implementation of the Convention on the rights of persons with disabilities.

The meeting was supposed to evaluate what have done by the National Union of Disabilities’ Organisations of Rwanda NUDOR and the Federation of Disability Organisations in Malawi (FEDOMA) in that area. The Commission supported the ideas of highlighting implemented and non-implemented issues to include all categories of disabilities in the report.

On 21st August 2015, 12 November 2015, 15 March 2016 and on 3rd June 2016, under the invitation of the National Council of Persons with Disabilities (NCPD), the National Commission for Human Rights attended the quarterly meeting of partners in the promotion of the rights of disabled persons. The meeting aimed at sharing views on activities carried out by different partners in promoting the rights of disabled persons and what to plan in the future in order to more respect the rights of disabled persons.

In that framework, in the meeting of that Umbrella held on 3 June 2015, the Commission recalled all participants from
government institutions that on 13 June is the International Albinism Day. The Resolution was adopted on 26 June 2014 and on 18 December 2014 by the United Nations Organisations in the framework of preventing any violation against Albinos Persons.

From 16 to 20 May 2016, with the collaboration of NUDOR, the Commission organized training for members of NUDOR on the Universal Periodic Review process, the implementation of the recommendations issued from the review, the monitoring of the implementation and on the role of NGOs of disabled persons in the process.

The training intends to reinforce the capacity of participants as regard UPR and highlights the role of NGOs of disabled persons in UPR recommendations' implementation process.

A. Other activities jointly done by the Commission and NGOs of disabled persons

- From 5 to 6 August 2015, the Commission participated in a consultative meeting on gender and disability. The meeting was organized by the syndicate of persons with disabilities, determined to fight HIV-AIDS within persons with disability. The theme focused on the remedy from different Organs as regard issues of disabled persons and gender. The Commission share its experience on the problems encountered by young girls with disabilities who are raped and how judicial institutions should support in preventing such violation.

- On 22nd September 2015, the Commission took part to a consultative meeting that analysed the draft bill modifying and complementing law n° 27/2010 of 19/06/2010 governing elections. The meeting was organized by NUDOR. Main views shared in the meeting emphasized on some provisions that should be reviewed and completed so that they should provide more clarification on the right to vote and the right to be elected of persons with disability.

- On 13 November 2015, the Commission participated in consultative meeting that discussed on how to involve persons with disability in the election process of local administrative authorities. The meeting was organised by Handicap International. The Commission explained the right to vote and to be elected of disabled persons and their right to no-discrimination.

- On 18 November 2015, on the invitation of NUDOR, the Commission participated in consultative meeting of experts that met to share information as regard achievements and activities carried out by different organs as regard the promotion of right to education of children with disability. The Commission shared on activities to be carried out in this area especially sensitization of parents and teachers on the right to education of persons with disabilities.

- On 3rd December 2015, the International Day of persons with disabilities was celebrated in Musanze District, Northern Province. On that Day, in the framework of sensitization on the rights of persons in special categories, the Commission delivered a lecture on the rights of persons with disabilities.

- On 13th June 2016, the International Albinism Day was commemorated in Hill Top Hotel on the invitation of Albinos Association. The Commission joined other partners in a sensitization activity that focussed on “mind set” as regard Albinos.

3.4.3.3 Collaboration with human rights Non-Governmental Organisations

Pursuant the provision of article 5 paragraph 8 of law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights, among the special missions of promoting human rights, the Commission should collaborate with other foreign national Human Rights institutions, local associations and international organisations in Human Rights promotion and protection activities. To fulfil that mission, the Commission undertook the following activities:
A. **Meeting on the revision of training tools or materials**

The National Commission for Human Rights through the Consultative Meeting with non-governmental organisations, organized and attended a two-day meeting with some of those Organisations. The meeting took place on 4-5 February 2016 at Classic Hotel, and the aim was to revise modules drafted by the Commission so that they can be used as training tools for different categories of the population on human rights. Besides, expertise of participants was required to make sure the modules are of good quality.

- The modules to be revised are the following:
  - Fundamental human rights principles;
  - Human rights and duties of a citizen in the Constitution of the Republic;
  - The economic, social and cultural rights in international treaties and in domestic laws;
  - The right of a child;
  - The civil and cultural rights in international treaties and in domestic laws.

B. **Meeting of the technical committee**

From 19 to 21 June 2016, in Saint André Kabgayi, held a meeting of the technical committee that brought together some of the human rights NGOs and the Commission. Those NGOs are ADL, CLADHO, KANYARWANDA, LAF and LIPRODHOR. One of the achievements of this meeting of the technical committee is the development of the Action Plan of the Forum 2016-2017.

C. **General Assembly of the Consultative Meeting**

On 24th June 2016, took place a general assembly of the Consultative Meeting. The meeting held at La Palisse Hotel, Nyandungu and discussed on the achievements of the year 2015-2016 and on the plan of action 2016-2017.

![Some participants of the general assembly of the Consultation Meeting (picture: NCHR 2016)](image)

The meeting adopted the priorities of the Forum, established a Bureau in charge of monitoring the implementation of recommendations of the Forum and the Bureau is composed of ADL, CESTRAR, CLADHO, NCHR and SAVE THE CHILDREN and shall also submit its annual report.
3.4.3.4. Visitors of the Commission

- On 11 August 2015, the Commission received Sandra Dessimoz and Mrs Odette MUKANSORO from "Fondation Dignité en Détention" a project that supports children and women in jail. They discussed on how children detained in Nyagatare Transit Centre get lawyers. Moreover, they requested the Commission to make a follow up of cases of children that are assisted by that Foundation.

- On 25 September 2015, the Commission received Mr Mactar Ndoye, a staff in the Office of the United Nations High Commissioner for Human Rights who came in the framework of the preparation of training on the role of African NHRI in prevention of discrimination and xenophobia. The training was organized by the Commission in collaboration with the Office of the United Nations High Commissioner for Human Rights, took place at Kigali from 28-29 September 2015 and brought together 24 participants from 16 countries including 15 Rwandans.

- On 1st October 2015, the Commission received the Minister of Justice of Gambia and its delegation that came for a study tour visit because they want to establish a human rights institution in their country. They discussed on the functioning of the NHCR and the situation of human rights in Rwanda in general. They also talked on how the Commission receive complaints from the population, how issues on torture are handled, how the Commission collaborates with the National Police, human rights NGOs and on how the Commission prepares its reports to be submitted to the African Commission on Human and People’s Rights;

- On 26th January 2016, the Commission met with the Prosecution and discussed on how to solve some of the complaints received and issues raised during the monitoring of the respect of human rights in transit centres and prisons. They also discussed about complaints submitted to the Prosecution by the Commission with a view to find solutions.

- On 27th January 2016, the Commission met the Ministry of Local Government and discussed about some complaints received by the Commission and for which it requested local authorities to find solutions but in vain. They discussed also about some of the problems raised during the monitoring of human rights respect in transit centres in 2015 by the Commission.

- On 2nd February 2016, the Commission met the Minister of Internal Security and talked about issues raised during the monitoring of Prisons and transit centres carried out in 2015. They also talked on human rights violation complaints raised by prisoners.

- From 7-9 March 2016, the Commission received the Representative of the Commonwealth Forum of NHRI. During his visit, he met with the members and the staff of the Commission. The visit aimed at preparing the Head of States Conference that was to take place in Malte Island. The Commission shared with him the mission of the Commission and how it achieves them. The meeting discussed also on main achievements of the Commission that have to be shared with other NHRI and production of a documentary film on these activities. The film was shot during the meeting.
The Commission in a meeting with the Representative of the Commonwealth Forum of NHRIs

- On 21st April 2016, the Commission received the Ambassador of Netherland and discussed on the functioning of the Commission and on the collaboration of both Institutions. The Embassy of Netherland usually supports Rwanda through the Justice Sector in which the National Commission for Human Rights belongs. The discussions focussed on the capacity building of Commissioners and staff of the Commission through training workshops.

- On 1st June 2016, the Commission met with the Ambassador of China in Rwanda and discussed on the functioning and missions of the Commission. After the discussions, the Embassy of Chine granted the Commission with IT equipment in the framework of capacity building.

- Concerning the collaboration with the Office of the High Commissioner for Human Rights, the Commission received the Senior Human Rights Advisor to the UN and discussed on the mutual collaboration and activities to undertake, among others; the preparation of training workshops, UPR process and assessment of the implementation of concluding observations issued to Rwanda.
3.5. PROTECTION OF HUMAN RIGHTS

3.5.1. The right to life

The right to life is inherent to everyone without discrimination; it is a fundamental human right on which all other rights are based.

In 2015-2016, the Commission received 40 complaints related to the right to life. Among those complaints, 10 have been solved while 30 were still unsolved. The following complaint has been taken as a typical example.

> Murder of Nikuze Xaverine

NIKUZE Xaverine (14 years), child of NGIRUMPATSE Jonas and NYIRABIKARI Speciose residents of Kamajaga, Kamwumba Cell, Nyange Sector, Musanze District was murdered on 24th December 2014 after being raped; her body was thrown near Rwebeya river located in Nyange Sector. The Commission processed the case of that murder at its own initiative.

On 20th January 2015, in Case RPMIN 0002/15/TGI/MUS, Musanze Intermediate Court convicted MUNYANEZA Theogene and SIBORUREMA of the offence of rape and murder of child. They both pled guilty and accepted themselves that they murdered NIKUZE Xaverine after raping her. The Court ordered the imprisonment of twenty-two years (22) for SIBORUREMA and life imprisonment for MUNYANEZA Theogene.

On 19 June 2015, the Case no RPAMIN 0005/15/HC/MUS tried by Musanze High Court in appeal, the Court decided that SIBORUREMA's penalty of 22 years of imprisonment be reduced according to the law because he committed the offence when he was under 18 years old.

On 3rd November 2015, the Commission met NGIRUMPATSE Jonas and NYIRABIKARI Speciose at their home and knew that they intended to file a civil action with the support of MAJ because they are poor, unfortunately this was not possible as the convicted party filed an appeal in the Supreme Court and the Commission did not have any proof of the status of the proceedings.

The Commission went in Musanze prison and met MUNYANEZA Theogene who revealed that he was the only one who appealed on 22nd June 2015 because SIBORUREMA detained in Nyagatare transit centre accepted the sentence. He declared that his Case no RPAA O112/15/C.S was not yet scheduled to be heard. The Commission went in Supreme Court to verify whether the case was scheduled to be heard, but in vain and requested to speed up the Case.

On 11th July 2016, the Commission wrote the letter no CNDP/JUL/011/16.17 to the Supreme Court requesting that the Case no RPAA O112/15/C.S be scheduled for hearing so that the parents of NIKUZE Xaverine could file a civil action. At the time of drafting this report, the Commission did not receive any reply and the Case was not yet heard.

The Commission strongly recommends the Supreme Court to hear the Case no RPAA O112/15/C.S so that NIKUZE Xaverine’s family could file civil action so that both parties can enjoy justice.

3.5.2. Right to health

The right to good health is the right to a standard of living adequate, the right to have necessary social services for the health and well-being of himself and of his family.

Article 4 of the law n° 19/2013 of 25/3/2013 determining missions, organization and functioning of the National Commission for Human Rights provides the overall mission of the Commission of promoting and protecting Human Rights. Its article 5 paragraph 2 gives the Commission a special mission of collaborating with other organs in designing strategies to prevent violations of Human Rights.

Pursuant to article 5 paragraph 4, the Commission has a special mission of providing views, upon request or on 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. It is on this background that on 15 February 2016, the Commission sent to
the Chamber of Deputies a letter n° CNDH/FEB/510/15.16 submitting views on the Bill on Human Reproductive Health.

In 2015-2016, the Government established policies, programs and strategies on health promotion with a focus to gender principle included in the new National Health Policy. For the Ministry of Health to achieve its goals there are values and principles governing health care service that have been adopted. Gender concept is included in the first principle where the health program bases on the welfare of everybody, of the family and especially of women and children⁴.

Towards the end of June 2015, 98% of hospitals and health centres were providing anti-retrovirus to persons contaminated by AIDS (MOH, 2016).

Strategies of sensitization of the population as regard the prevention against HIV through training workshops and lectures were put in place. Strategies of prevention and monitoring of HIV were also established as follows: tests for HIV and counselling sessions, preventing the mother to child transmission of HIV, voluntary circumcision for men, distribution of condoms and prevention of sexually transmitted diseases⁵.

Regarding the protection of persons with disabilities, they are easily provided with medical care services by affiliating them with health insurance and giving them prosthesis, making a follow up of their mental life and providing them with special care. Thanks to the collaboration of the Ministry of Health and the National Council of disabled persons, a program of categorization of disabled persons in order to take appropriate measures of assisting them to meet their needs was established⁶.

According to the program of fighting malnutrition, the Government of Rwanda is planning to provide with food of nutritional value adequate for health and strength to pregnant and breastfeeding women, children under 2 years who are in category One of Ubudehe⁷.

Though the Government takes all necessary measures to promote health however, the Ministry of Health still faces the problem of lack of enough Doctors and the increase of medical care costs especially for non-contagious diseases.

In the framework of protection of the right to health, in 2015-2016, the Commission received 17 complaints, among them 7 were solved while 10 are still unsolved.

3.5.3. The right to work

From 1 July 2015 to 30 June 2016, the Commission processed 72 complaints on the right to work, among them, 31 were solved while 41 were still unsolved. Most of these complaints concern the unpayment of arrears, those entrepreneurs who do not pay their employees, the lack of access to pension and the unfair dismissal. Some of typical complaints processed by the Commission are the following:

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⁴ National Health Sector Policy, January 2015
⁵ Rwanda HIV and AIDS National Strategic plan July 2013-June 2018
⁶ Law n° 01/2007 of 20 January 2007 relating to protection of disabled persons in general
⁷ National Health Sector Policy, January 2015
1. **The complaint of NGIRIMANA Michel**

On 2\(^{nd}\) November 2015, during the public hearing session held in Kirehe District, NGIRIMANA Michel, a resident of Nyakabungo Village, Nyakabungo Cell, Mpanga Sector, Kirehe District submitted a complaint to the Commission, alleging that on 27 August 2014 he made a contract with Nyakabungo School represented by its Director. He contracted to put a ceiling in the offices for an amount of (260,000Frw); the School paid him almost a half and remained unpaid an amount of one hundred thirty-two thousand (132,000Frw).

NGIRIMANA Michel claims that he kept asking for payment and the authority of Nyakabungo School asked him to wait as they were about to pay him. Unfortunately, when the Authority of the school changed, even the new one did not pay him too. The problem was submitted to Mpanga Sector Executive Secretary and the Mayor of Kirehe District in vain.

During its investigations, the Commission knew that the money that should be paid to NGIRIMANA Michel was received by the Authority of the School and was used for other purpose as declared the Executive Secretary of Mpanga Sector. This information was found in a written handover.

Based on its investigations and on the fact that this problem has delayed, the Commission wrote letter n° CNDP/APR/593/15.16 of 19/04/2016 to the Mayor of Kirehe requesting that NGIRIMANA Michel be paid the remaining money for the job he had done. At the time we were writing this report, the problem was not yet solved.

The Commission realizes that NGIRIMANA Michel was deprived of his right to remuneration. The Commission requests Kirehe District to help him so that he can be paid his money.

2. **The Complaint of HABAZIMANA Faustin**

On 2\(^{nd}\) November 2015, during a public hearing session held in Kirehe District, HABAZIMANA Faustin, a resident of Nyawera II Village, Nasho Cell, Mpanga Sector, Kirehe District, submitted a complaint to the Commission alleging that in 2009 he supervised the building activities of GS Nyawera and that he was not paid the amount of money equivalent to two hundred seventy-five thousand (275,000Frw). He declared that since then, it was then six years, he kept asking for payment but in vain.

During its investigations, the Commission found that the Authorities at Sector and District levels are informed about the problem and during the public hearing; they declared that they recognize the debt but they did not pay him for more than six years. The Authorities promised the Commission to pay HABAZIMANA Faustin after the budget revision but in vain.

Based on its investigations and to the fact that this problem was not resolved for a long time, the Commission wrote a letter n°CNDP/APR/593/15.16 of 19 April 2016 to the Mayor of Kirehe requesting to consider this issue so that HABAZIMANA Faustin be paid for the job he had done.

At the time we were writing this report, Kirehe District did not reply to the letter and HABAZIMANA Faustin informed the Commission that he was not yet paid the sum of two hundred seventy-five thousand (275,000Frw) for the job of supervising the building activities of GS Nyawera he did.

The Commission finds that HABAZIMANA Faustin was deprived of his right to remuneration. The Commission requests Kirehe Authority to pay him for the job he did.

3.5.4. **The right to property**

From 1 July 2015 to 30 June 2016, the Commission processed 600 complaints on the right to property, among them, 222 were solved while 378 were still unsolved. Unsolved complaints are those submitted by the Commission to other organs and are still under process, those still under investigations and those for which the Commission has not yet started investigations. Most of these complaints concern land conflicts and expropriation. As it can be seen in this report, the big number of complaints received by the Commission concerns the right to property. The reason is that since the time different organs including the National Commission for Human Rights begun to sensitize the population on the right to property, people raised up to strive for it.
The following are typical examples of complaints on the right to property processed by the Commission:

1. **The Complaint of MUKANTWARI Gloriose**

On 2nd March 2015, MUKANTWARI Gloriose, a resident of Nyarusange Village, Karengera Cell, Musambira Sector, Kamonyi District submitted a complaint to the Commission claiming that the District took the land of his father NYABUTO Protais located in Nyaruguru District, Kibeho Sector, Nyange Cell, Maptopswe Village for which she hold the land certificate n° UPI 2/03/03/06/2656, but the District says that the land is registered under n° UPI 2/03/03/06/3003 and that it is theirs.

MUKANTWARI Gloriose asked the district to show her the land for which she possesses the land certificate n° UPI 2/03/03/06/2656, but in vain.

During its investigations, the Commission knew that the District established an ad hoc committee composed of its staff among them: the good governance Officer, Legal Advisor and the land registration Officer. Together with NYABUTO Protais's heirs, they measured the land of tree plantation and sent the measures to the Registrar of land titles at provincial level so that they can use GPS to prove the land for which MUKANTWALI Gloriose is claiming to be for NYABUTO Protais’s family. GPS confirmed that the land is registered on n° UPI 2/03/03/06/3003 under Nyaruguru District.

The Commission knew that, after proving that the land was not registered under NYABUTO Protais’s heirs, the District team together with NYABUTO Protais’s heirs sought the lands registered n° UPI 2/03/03/06/2655 and n° UPI 2/03/03/06/2657 thinking that they are in the boundaries of the land n° UPI 2/03/03/06/2656, but in vain. But, they found that the land is for NYABUTO Protais and is under the responsibility of GATARI Vital one of his heirs who possesses its land registration n° UPI 2/03/03/06/2854 and finally the land that was been sought was not found.

Based on its investigations, the Commission wrote a letter n° CNDP/APR/5617/15.16 of 28 April 2016 to the Mayor of Nyaruguru District requesting to consider and solve this issue. In his letter n° 811/07.02.03/MD.24.1/16 of 20 May 2016, the Mayor of Nyaruguru replied that two lands located in one Cell cannot be registered under one number and that during the land registration process, they based on information provided by the owners.

As the reply was not convincing on the issue of MUKANTWARI Gloriose, the Commission met again with the Mayor of District in order to help that person. The District accepted to collaborate with the Rwanda Natural Resource Authority in Southern Province so that its technicians shall help to find the land registered under n° UPI 2/03/03/06/2656.

At the time we were writing this report, MUKANTWALI Gloriose did not get the land for which she has the land title.

The Commission recommends the District of Nyaruguru to solve the problem of MUKANTWALI Gloriose so that she can be given the land for which she has the land title.

2. **The complaint of NDAGIJIMANA Innocent**

On 10 May 2009, NDAGIJIMANA Innocent, resident of Rugarama Village, Cyambwe Cell, Musambira Sector, Kamonyi District, submitted a complaint to the Commission requesting its assistance on the issue of his land located in Matunguru Cell, Rugarama Sector, Gatsibo District in which they build grouped houses when he was still a refugee in Tanzania. NDAGIJIMANA Innocent and his family stay without land and did not receive any compensation.

The complaint was written in details in the Commission’s reports of 2009-2010 and 2011-2012.

The Commission wrote to the Mayor of Gatsibo the letters n° CNDP/DEC/640/09 of 17 December 2009 and n° CNDP/MAR/129/10 of 16 March 2010 requesting him to solve this problem so that NDAGIJIMANA could find where to live and land to cultivate, but in vain. On 26 April the Commission wrote a letter n° CNDP/APR/613/15.16 to the Mayor reminding him to solve his problem.

Based on all the Commission’s letters to the Mayor of Gatsibo District, the Minister of Local Government wrote the letter n° 560/0704/8 of 6 April 2010 requesting him to provide more details on the issue, to process it and provide him a report.
of how the District solved it by 12 April 2010.

The Minister of Local Government wrote to the Governor of Eastern Province the letter n° 624/0704 of 19 April 2012 in which he explained the problem and requested him to follow up its process and provide him with a report not later than 30 April 2012.

The Commission continued to make a follow up of the problem but by the end of 2012, the issue was not yet solved and any strategy was taken to solve it.

The Commission knew that the Sector of Rugarama tried to settle the conflict through mediation between NDAGIJIMANA Innocent and the population. These persons accepted to pay him one million five hundred thousand (1,500,000 Frw). The money was supposed to be deposit on the account of Matunguru Cell which is in “SACCO Rugarama” as compensation, and NDAGIJIMANA Innocent was supposed to get the money not later than February 2015 but this was not respected.

The Mayor of Gatsibo District wrote to the Commission the letter n° 354/07.05/0503/02/GG of 24 July 2016 informing that NDAGIJIMANA Innocent is on the list of those who will be given plots as soon as the District finds a land.

In letter n° CNDP/AUG/055/16.17 of 18 August 2016, the Commission wrote to the Minister of MINALOC requesting him to solve NDAGIJIMANA Innocent’s complaint.

The Commission finds that the District of Gatsibo has been negligent towards NDAGIJIMANA Innocent’s complaint for a long time as he remains confused.

The Commission would once again like to request the District of Gatsibo to consider and solve NDAGIJIMANA Innocent’s complaint as soon as possible.

3. The Complaint of UWIMANA Solina

On 23 May 2014, UWIMANA Solina who has a physical handicap, a resident in Rwambariro Village, Nyarusange Sector, Muhanga District, wrote to the Commission requesting justice as she was deprived of her right to property.

She says that in 2011, “Concern and Care for Needs in Rwanda” project rent an office for her. On 5 July 2011, the police of Nyarusange Sector took her out with a purpose to use that as a residence. The Office contained some equipment such as: tables, office furniture, a pair of scissors, iron, thread, pieces of leather, apron, laptop, sewing machine, fabric, clothes already sewn among others. The police brought all those items in the office of Nyarusange Sector and there after some of them were lost.

UWIMANA Solina submitted her case to the Executive Secretary of Nyarusange Sector and to the Mayor of Muhanga District requesting to be given back her office because it became difficult for her to earn a living as she could no longer work but in vain.

On different occasions, the Commission submitted this case to Muhanga District Authority which decided to do all that is possible to give back all lost items to UWIMANA Solina.

On 30 July 2015, the Mayor of the District wrote to the Governor of Southern Province informing him about some cases including UWIMANA Solina’s case in which he indicated that they will pay back lost items.

On 1st June 2016, the Commission met the Mayor of Muhanga District, who was then Executive Secretary of Nyarusange; he accepted that they delayed to solve the problem and promised to handle it as soon as possible and that he will do what is possible so that UWIMANA Solina shall benefit from the support of Government to needy persons.

The Commission finds that UWIMANA Solina was deprived of her right to property provided for in article 34 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 and needs to be given justice.

At the time we were writing this report, the case was not yet solved.

The Commission strongly recommends Muhanga District to implement its commitments so that UWIMANA Solina can
be given back her equipment.

4. **The Complaint of the residents of Ninzi and Rwesero Cells, Kagano Sector, Nyamasheke District.**

On 18 November 2014, residents of Ninzi and Rwesero Cells, Kagano Sector, Nyamasheke District represented by NTIGURIRWA Aphrodis wrote to the Commission requesting justice as regard the compensation they should get from Nyamasheke District for their destroyed crops.

They allege that in 2013, Nyamasheke District destroyed their crops composed of coffee trees, beans, banana and tree plantation when they were implementing the master plan of Nyamasheke District. The properties were not valued before being damaged so that the people may get fair compensation as provided by the law.

Let’s recall that this complaint was detailed in annual report 2014-2015.

In that report, the Commission recommended Nyamasheke District to give compensation to those persons whom the crops were destroyed.

On 27 January 2016, the Commission submitted the case to the Minister of Local Government, who promised to make a follow up of the problem so that it can be solved as soon as possible.

On 10 February 2016, the Commission reprocessed the case and got informed that on 3 February 2016, a team of Deputies of the Unity, Human Rights and Fight Against Genocide Committee processed this case in Nyamasheke District and recommended the Authority of Nyamasheke District to conduct a land survey and make a list of persons to be expropriated. This was to be implemented within three weeks.

In its letter n° CNDP/JUL/009/16.17 of 11 July 2016, the Commission requested the Minister of Local Government to give an update on this issue.

At the time we were writing this report, this problem was not yet solved. The Commission finds that those persons were deprived of their right to compensation.

The Commission recommends the Ministry of Local Government to solve the problem so that those persons’ rights to compensation be restored.

5. **The Complaint of NKUNDIMANA Célestin**

On 7 October 2015, NKUNDIMANA Célestin, resident of Mwijuto Village, Niboye Cell, Niboye Sector, Kicukiro District wrote to the Commission requesting for justice. He claims that in 2003, Kicukiro District split his land into plots and gave them away and he remained without land. He submitted the case to the Mayor of the District who promised to give him a plot in vain.

During its investigations, the Commission met NKUNDIMANA Célestin who showed them the boundaries of his land and found that they built in all plots except 2 plots and one remaining small plot. NKUNDIMANA Célestin told the Commission that he would like to be given back the plots which are not built and the land they promised him.

NKUNDIMANA Célestin showed to the Commission the letter n° 738/07.0103.09/11 that the Mayor of Kicukiro District wrote on 11 April 2011. According to this letter, NKUNDIMANA Célestin was supposed to be given a plot in which he could build and live because his land located in Niboye Sector was given to others without compensation.

During investigations, the District of Kicukiro kept promising that they were still looking for a plot to give to NKUNDIMANA Célestin. On 11 July 2016, the Commission wrote to the Mayor of Kicukiro District letter n° CNDP/JUL/010/16.17 requesting that NKUNDIMANA Célestin be given the plot they promised him. At the time we were writing this report, the Commission had not get a reply.

The Commission finds that NKUNDIMANA Célestin was deprived of his right to property, and recommends the Authority of Kicukiro to give him back the remaining plots and the land they had promised.
6. **The complaint of KARAMIRA Cyprien**

On 19 November 2015, during a public hearing session held in Kirehe District, KARAMIRA Cyprien resident of Cyunuzi II Village, Cyunuzi Cell, Gatore Sector, Kirehe District submitted a complaint to the Commission on behalf of his siblings claiming that in 1997, the former Rusumo Commune split the land of 2 hectares (2ha) of their father late BARIYANGA Paul into plots and give them to the returnees.

He alleged that the land was split and given to others and the heirs of BARIYANGA Paul received no land; instead KARAMIRA Cyprien and his siblings, NZABONIMPA Jean Claude and RENZAHO Tharcisse were chased from their houses, and were ordered to go and build somewhere else in another Village.

During its investigations, the Commission knew that in 1997 through integration program, the land of late BARIYANGA Paul was split and given to 31 families. From that land, 4 plots remained unbuilt.

During the public hearing, the Executive Secretary of Gatore Sector and the Mayor of Kirehe were willing to solve the problem by giving to KARAMIRA Cyprien unbuilt plots, but unfortunately they found that the plots they planned to give him are owned by others who already possess the land titles.

The Commission wrote letter n° CNDP/AUG/031/16.17 of 2 August 2016 to the Mayor of Kirehe District requesting him to consider and provide a final solution of the case of KARAMIRA Cyprien and his siblings so that they could get land to cultivate as theirs had been given to others.

At the time we were writing this report, the problem of KARAMIRA Cyprien and his siblings was not yet solved.

The Commission finds that KARAMIRA Cyprien and siblings were deprived of their right to property as heirs of BARIYANGA Paul because they were adults during the land sharing and did not get their share of their father’s land.

The Commission recommends the Mayor of Kirehe District to solve KARAMIRA Cyprien and siblings’ problem without any other requirements because it has delayed.

7. **The Complaint of UWIMANA Vénéranda**

On 3 December 2015, during a public hearing session held in Kirehe District, UWIMANA Vénéranda resident of Gacenshero Village, Rubaya Cell, Mpanga Sector, Kirehe District, submitted a complaint to the Commission alleging that in 1999 during land sharing, their family received land of 100mx100m located in Murambi Village, Rubaya Cell, Mpanga Sector. In 2007, Mpanga Authorities took a part of it (60mx50m) and settled in Returnees from Tanzania and they remained with only 40mx50m.

At that time, the Authority gave them a land for compensation in Nasho Cell from which they were later chased to be given to „PROCOM“; a farming company and from that time, they remained without a land to cultivate.

During its investigations, the Commission knew that in 1999, UWIMANA Vénéranda’s husband, SEMBAGARE Marcel had benefited from land sharing like other because he had the land title issued on 25 April 1999 by the former Nyarubuye Commune of Kibungo Province.

The Commission also knew that the Executive Secretary of Mpanga Sector was aware of the case as he had publicly said that SEMBAGARE Marcel shares the problem with other persons. Moreover, he said that they submitted a report of this issue to the District and the list of those who should be given a land for compensation.

The Commission wrote to the District of Kirehe the letter n° CNDP/AUG/031/16.17 of 2 August 2016 requesting him to consider the case of UWIMANA Vénéranda and her husband SEMBAGARE Marcel and give them fair compensation as provided by law. At the time we were writing this report, the Commission did not get a reply to that letter and the problem was not yet solved.

The Commission finds that UWIMANA Vénéranda and her husband SEMBAGARE Marcel continue to be deprived of their right to property and recommends Kirehe District to solve the problem so that they can get a fair compensation.
8. **The Complaint of KANZAYIRE Jacqueline and her neighbours**

On 20 January 2016, KANZAYIRE Jacqueline resident of Bugesera District, Rweru Sector, Batima Cell, Ruhehe Village, submitted a complaint to the Commission claiming that in 2013, EUCL cut 929 eucalyptus trees in their lands when they were installing electricity in Rweru Sector. The value of the trees was estimated to eleven million six hundred twelve thousand five hundred (11,612,500 Frw).

KANZAYIRE Jacqueline declares that they submitted the case to the Mayor of Bugesera on 15 November 2013, on 6 February 2014 and on 4 April 2014, in vain. She adds that they even wrote to EUCL who replied in the letter n° 11/.07.022/081/13/rj/ of 6 November 2013 that Bugesera District, then the Client, was responsible for all damaged property according to article 9 of Contract n° 11.029/1556/13/LTU-DIR/NK/nd signed by both parties.

On 11 February 2016, the Commission met one of District staff in charge of electricity who declared that according to article 9 of the Contract they signed with EUCL on the installation of electricity in some Sectors of that District, destroyed properties shall be paid by the District.

The Commission together with the staff in charge of electricity in Bugesera District went to REG Bugesera branch and from there they knew that REG did not make a prior estimation of the value of the destroyed properties because they were not responsible for payment.

It is in this framework that the Commission met with the Executive Secretary of Rweru Sector and the Agronomist in order to know the reasons why they did not make a prior estimation of the value of damaged properties during installation of electricity in Rweru Sector. Rweru Authority informed the Commission that prior the installation, they had a meeting with the population and explained them that they want to speed up the installation of electricity and that for that reason nobody will claim for compensation for damaged property. The Authority of Rweru Sector declared that the population agreed on that principle. The Commission further asked the Sector for the minutes of the meeting and did not receive it.

On 6 April 2016, the Commission met the Mayor of Bugesera with a view of knowing what they had done to solve this issue and he declared that the case was still pending but a team had been set to proceed with it and promised the Commission to be informed about the decision.

On 31 May 2016, in letter n° CNDP/MAY/674/15.16, the Commission wrote to the Mayor of Bugesera District reminding about this issue and requesting to be updated about the decision that was taken. At the time we were writing this report, Bugesera District did not provide any feedback and the problem was not yet solved.

The Commission once again request the District Authority and concerned organs to solve this case.
9. The Complaint of NZABAMWITA Gaspard and his 18 neighbours

On 21 January 2016, the Commission received a complaint of NZABAMWITA Gaspard and his 18 neighbours of Nyarugenge Sector, Bugesera District who claim compensation for their damaged properties when SOGEA was installing water pipes in 2002. They allege that they submitted the complaint to Nyarugenge Sector and Bugesera District Authorities.

On 5 April 2016, the Commission went to Nyarugenge Sector and met with NZABAMWITA Gaspard who said that in 2002, SOGEA project damaged properties of 18 persons when they were installing water pipes.

The Commission met once again with the staff in charge of Civil Status in Nyarugenge Sector who declared that they had submitted the complaint to the District for solution because it was not within its competences.

On 6 April 2015, the Commission met with the Mayor of the District in order to be updated about this issue. They found that damaged property were valued and the Executive Secretary together with the Agronomist helped the 18 claimants to make a list of damaged properties and their values; they even left their bank account numbers on which the District should deposit the money for compensation. The amount to compensate 18 persons was four million two hundred sixty-four thousand four hundred sixty-five (4,264,465 Frw).

On 31 May 2016, in its letter number n° CNDP/MAY/673/15.16, the Commission recalled the mayor of Bugesera District about the problem and requested him to provide the decision taken on it. At the time we were writing this report, Bugesera District did provide a reply and the problem had not yet been solved.

The Commission finds that those persons were deprived of their right to compensation. The Commission considers that the District neglected this problem and the persons remain in confusion.

The Commission recommends the District Authority to give priority to that problem so that the claimants receive compensation without any other requirement.

3.5.5. The Right to Justice

The right to justice includes the following rights:

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

In 2015-2016, the Commission processed 557 complaints on the right to justice among them 234 were solved while 323 were still pending. The following were chosen as typical complaints by the Commission:

1. The complaint of MAPFURIRO Canisius

On 4 November 2015, during a public hearing session held in Kirehe District, MAPFURIRO Canisius, a resident of Gahogo Village, Gahogo Cell, Nyamabuye Sector, Muhanga District, who stays in a convent that cares for the elderly, submitted a complaint to the Commission alleging that Gahogo Gacaca Court convicted Mathias SEBUTURO, KWITONDA Ezéchiel and NZABAHIMANA with the offence of damaging his property during genocide. The Court decided that they pay him four hundred ninety-five thousand (495,000Frw) but till then the court decision had not yet been enforced, so that he could get his money. The damaged property was located in Rurenge Village, Mareba Cell, Nyarubuye Sector, Kirehe District.
During its investigations, the Commission knew that only SEBUTURO Mathias paid MAPFURIRO Canisius while KWITONDA Ezéchiel and NZABAHIMANA refused to pay him the remaining money equivalent to one hundred sixty five thousand nine hundred thirty (165.930 Frw) as decided by the Court.

The Commission also found that KWITONDA Ezéchiel and his son NZABAHIMANA shifted where they lived in Mareba Cell. KWITONDA Ezéchiel returned back in Karongi District while his son went in Rwamagana.

Based on its investigations and due to the fact that the case delayed without being solved, the Commission wrote to the Mayor of Kirehe District the letter n° CNDP/AUG/030/16.17 of 2 August 2016 requesting him to use the power he is invested with and enforce the court decision.

The Commission finds that MAPFURIRO Canisius continue to be deprived of his right to judgement enforcement in a reasonable time. The Commission requests the Mayor of the Kirehe District to search KWITONDA Ezéchiel and NZABAHIMANA so that they can pay.

2. The Complaint of UWAMWEZI Rose

On 30 March 2015, UWAMWEZI Rose resident of Shanti Village, Gakomeye Cell, Kiziguro Sector, Gatsibo District, wrote a letter to the Commission requesting justice as regard the court enforcement of a case in which she won against her husband KAYOMBYA Emmanuel.

UWAMWEZI Rose claims that the Court Decision of Case n° RC 0338/013/TB/KZI rendered on 30 January 2014 by Kiramuruzi Primary Court was not enforced. The Case concerned the divorce of UWAMWEZI Rose and KAYOMBYA Emmanuel and the Court decided their divorce. Besides, the Court decided that their child KAYOMBYA Eric should stay with her mother and that his father should give a monthly living allowance of ten thousand (10,000Frw). Another court decision was to equally share their property composed of land and tree plantation, KAYOMBYA should give to UWAMWEZI an equivalent money of two millions (2.000.000Frw) which is a half of the value of their house.

UWAMWEZI Rose asked the Executive Secretary of Kiziguro to enforce the court decision, but in vain.

The Commission made a follow up of this case and met the Executive Secretary of Kiziguro Sector, asked him the reasons why the Court decision are not enforced. He informed the Commission that he had already shared them the property composed of land and tree plantation and only the sum of two million (2.000.000Frw) remain. He added that according to court decision, the house is supposed to be sold so that they can equally share the amount from it. But, the first wife of KAYOMBYA Emmanuel and her children still live in the house, therefore it cannot be sold. The Executive Secretary informed the Commission that KAYOMBYA Emmanuel possesses other properties from which they can get that money.

On 11 February 2016, the Commission submitted the case to the Mayor of Gatsibo District requesting him to solve it but in vain.

On 26 April 2016, the Commission wrote to the Mayor of Gatsibo District the letter n° CNDP/APR/612/15.16 requesting him to make a follow up of the case so that UWAMWEZI Rose’s rights could be restored.

At the time we were writing this report, the Mayor of Gatsibo District had not yet replied to that letter and the Court decision had not yet been enforced.

The Commission recommends the Authority of Gatsibo District to do all possible to enforce the Court decision because that delay is a violation of the rights of the child UWAMWEZI Rose had with KAYOMBYA Emmanuel.
### 3.6. COMPLAINTS PROCESSED BY THE COMMISSION IN THE LAST THREE YEARS

This part of the report is a summary of complaints related to human rights violation processed by the National Commission for Human Rights during these last three years (2013-2014, 2014-2015 and 2015-2016). The Commission analysed the complaints registration and handling during these three years as highlighted in the table and figure below.

#### Table n°15: Received and processed complaints during these last three years

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of complaints received by the Commission and those it already had under examination</td>
<td>1269</td>
<td>2038</td>
<td>2144</td>
</tr>
<tr>
<td>Number of complaints processed by the Commission</td>
<td>1116</td>
<td>1705</td>
<td>2023</td>
</tr>
<tr>
<td>Number of complaints fully investigated by the Commission and forwarded to relevant authorities for action</td>
<td>654</td>
<td>1056</td>
<td>1095</td>
</tr>
<tr>
<td>Number of solved complaints</td>
<td>401</td>
<td>806</td>
<td>836</td>
</tr>
</tbody>
</table>

#### Figure n°6: Received and processed complaints during these last three years

In 2013-2014, the Commission received 1,269 complaints and processed 1,116 (87.94%); in 2014-2015, the Commission received 2,038 complaints and processed 1,705 (83.66%) while in 2015-2016 the Commission received 2,144 complaints and processed 2,023 (94.35%).

This summary reveals that the number of complaints received by the Commission during these three years kept increasing. The increase can be explained by the fact that the Commission and other states organs kept raising the awareness of the population regarding their rights and where they can submit their complaints in case of violation. Another issue that can be noticed for these last two years (2014-2015 and 2015-2016), the number of complaints fully investigated by the Commission and forwarded to relevant authorities for action increased comparing to 2013-2014. This year 2015-2016, 836 complaints over 1095 (76.34%) were solved, in 2014-2015, 806 complaints over 1056 (76.32%) found solutions, while in 2013-2014, 401 complaints over 654 (61.31%) were solved.

The increase of solved complaints during these two years depends on the fact that the Commission decided to join the complainants in their respective Sectors in order to find solution without coming to the Commission headquarters in Kigali. Another thing that caused this increase is that concerned authorities were willing to solve population claims submitted by the Commission.
Table no 16: Comparison among complaints processed by the Commission during these last three years (2013-2014, 2014-2015 and 2015-2016)

<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 work</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Total</td>
<td>Female</td>
<td>Male</td>
<td>Total</td>
</tr>
<tr>
<td>2013-2014</td>
<td>8</td>
<td>13</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>1</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>2015-2016</td>
<td>21</td>
<td>19</td>
<td>40</td>
<td>5</td>
<td>12</td>
<td>17</td>
</tr>
</tbody>
</table>

The table above show that during these last three years, complaints related to the right to property came foremost and those related to the right to justice came in the second position.

Complaints related to the right to property processed by the Commission in 2013-2014 were 329, in 2014-2015 they were 531 and in 2015-2016 they were 600.

The complaints related to the right to justice processed by the Commission in 2013-2014 were 229 in 2014-2015 they were 533 and in 2015-2016 they were 539.

In general, the complaints on the right to property come foremost; because the population became aware of their economic and social rights, and the same reason can be give as regard the right to justice because most of those complaints are related to Court enforcement of land conflicts, as the land constitutes the basic property for Rwandans. Other many complaints are from the people who are not given compensation when they are expropriated for public interest.

The big 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 illegally arrested and detained, 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.
3.7. IMPLEMENTATION OF THE COMMISSION’S POWER OF FILING LEGAL ACTION

The power of filing legal actions is provided to the National Commission for Human Rights by the Law n° 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, labour 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, concerning the judicial police powers, article 10 of the aforementioned law provides that while exercising judicial police powers and power to file legal action, the Commission shall respect national laws without prejudice to other organs’ responsibilities, and apply such powers in case of violation of public, individual interests, or if other relevant organs fail to fulfill their legal duties. As regard to criminal procedure, the Commission uses the power of filing legal action representing the victims in civil action cases.

Pursuant to the Internal Rules and Regulations of the Commission as published in Official Gazette of 14 November 2010, in part II concerning directives of the National Commission for Human Rights related to the procedure of human rights complaints management, in articles 56-64, the Commission carries out investigations of received complaints or those it processes at its own initiative. This aims at knowing if there has been any violation of human rights and filing legal action further. The complaints that were processed by the Commission on its own initiative include the rights of child and the rights to life.

In 2015-2016, the Commission processed 40 complaints, among them 10 were solved, 6 are not yet solved, 16 are still under investigations while 8 are still pending. The following is one of the complaints processed by the Commission in Court:

- Complaint of MUHAWENIMANA Marc

At different occasions, the National Commission for Human Rights made a follow up of a case of murder of MUHAWENIMANA Marc. He was shot dead on 1 June 2010 by a forest ranger of Nyungwe forest, MUSABYEYUMUNGU Gérard who is the suspect of that murder. We recall that the case of MUHAWENIMANA Marc was mentioned in Commission’s report of 2012-2013.

The Commission was represented by a lawyer in the civil action arising out of criminal case n° RP 0009/11/HC/RSZ in which MUSABYEYUMUNGU Gérard was accused of murder. The Court decided that MUSABYEYUMUNGU Gérard is convicted of murder and that the civil action Case introduced by MANIRARORA Vérène and MANIRAFASHA Reponse respectively, the spouse and child of late MUHAWENIMANA Marc was grounded. The Court convicted MUSABYEYUMUNGU Gérard to imprisonment of six (6) years and ordered him to pay MANIRARORA Vérène and MANIRAFASHA Reponse three million (3,000,000Frw) of damages. MUSABYEYUMUNGU Gérard did not agreed with the Court and filed an appeal n° RPA 0148/13/C.S in Supreme Court, but they delayed to schedule the date for hearing.

On 20 February 2016, the Case was heard on its merits and the judgement was pronounced on 18 March 2016. The Court ordered MUSABYEYUMUNGU Gerard to pay to MANIRARORA Vérène and MANIRAFASHA Réponse the damages of three million (3,000,000Rwf) as decided by the High Court and one million five hundred thousand (1,500,000Rwf) as Lawyer’s fees at first instance and at appellate instance. The total amount is four millions five hundred thousand (4,500,000Rwf). While writing this report, the court decision was not yet enforced.

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8 Annual activity report of the Commission 2012-2013, pages 53-54
3.8. RIGHTS OF PERSONS IN SPECIAL CATEGORIES

Pursuant article 6 of law n° 19/2013 of 25/03/2013 determining its missions, organisation and functioning, the Commission provides for special missions of monitoring the rights of persons in special categories including the rights of the child, women, persons with disabilities, people living with HIV/AIDS, refugees, migrant workers and members of their families and elderly. From July 2015- June 2016, the Commission carried out monitoring for the following special categories:

3.8.1. The rights of Child

A child is any person under the age of eighteen (18) years as provided by article 1 of the International Convention on the Rights of Child of 1989, in article 2 of African Charter on the rights and welfare of the child of 1990 and in article 3 (10°) of law n° 54/2011 of 14 December 2011 relating to the rights and the protection of the child.

The Rights of child are based on the human rights fundamental principles concerning the child in particular. These fundamental principles include the devotion to the best interests of the child, non-discrimination, the right to development and the respect for the views of the child.

In the framework of protection of the right of the child, Rwanda has established the following laws:

Law n°27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions, article 54 states that legitimate children of the de cujus succeed in equal portions without any discrimination between male and female children.

In law n° 13/2009 of 27/05/2009 regulating labour in Rwanda, The rights of the Child are stated in article 4 and 6. Article 4 says that it is prohibited to employ a child in any company, even as apprentice, before the age of sixteen (16), article 6 stipulates that the child shall be subject to the work which is proportional to his/her capacity. The child cannot be employed in the nocturnal, laborious, unsanitary or dangerous services for his/her health as well as his/her education and morality.

In the framework of implementing the guarantees of the International treaties concerning the child ratified by Rwanda, different organs in charge of child’s rights protection in particular were established. Those organs include the National Commission for Children establishes in 2011. Besides, since 2006, the Commission put in place the Observatory of the Child’s rights that assists on a daily basis the Commission to monitor the respect of child’s right.

The Observatory of the Child’s rights is made of committees established at Sector, District and National levels. The Committee at the National level is composed of various persons that have competences as regard child’s rights.

In general, the Observatory of the Child’s rights is responsible for monitoring the respect of the rights of the child, preventing and fighting against violation of child rights and advocating for the respect of child’s rights.

The Observatory of the Child’s rights is especially responsible for:

- Analysing cases of child’s rights violations based on the reports submitted from all 30 Districts of the Country;
- Identifying the causes of child’s rights violations and put in place appropriate strategies to prevent and eradicate them;
- Formulating recommendations to concerned organs for the prevention of the violation against children.

Volunteers at District level, monthly submit reports on the monitoring of child’s rights respect to the Commission from their respective areas.

Therefore, from July 2015- June 2016, the Commission processed 440 complaints related to child’s rights. Among them 428 complaints were submitted by the Observatory of Child’s Rights and 12 were received by the Commission through the normal channel of complaints registration. Two hundred seventy-nine (279) complaints were solved, while one
hundred sixty one 161 complaints are still under investigation.

The following complaints were chosen as typical examples.

1. **The complaint of S. U.**

On 2 June 2015, C.U resident of Rugwiro Village, Cyimo Cell, Masaka Sector, Kicukiro District wrote to the Commission requesting for justice on behalf of his/her child S.U who was raped by SEMANA Habibu resident of Bwiza Village, Kimo Cell, Masaka Sector, Kicukiro District. When S.U was raped, she was 17 years old and became pregnant.

He/she claims that his/her child was raped on 31 May 2013 and since then; she could not speak for two months because of trauma as confirmed by Ndera hospital report (Hôpital Neuro-Psychiatrique Caraes Ndera). The medical report shows that S.U was traumatized so that sometimes she could faint.

During its investigations, the Commission got to know that the prosecution at Gasabo Intermediate level filed a case of defilement against SEMANA Habibu. On 28 May 2015, Gasabo Intermediate Court heard case no RP 0419/14/TGI/GSBO and decided the case inadmissible based to article 18 of the Constitution of the Republic of 4 June 2003 amended to date, stating that the right to be informed of the nature and cause of charges and the right to defence are absolute at all levels and degrees of proceedings before administrative, judicial and all other decision making organs. For that reason, the Court found that SEMANA Habibu had not been interrogated by the Police or by the Prosecution because he soon after went abroad.

The Commission continued to make a follow up of the case and knew that the Prosecution appealed in Kigali High Court. On 27 November 2015, the High Court decided in case no RP 0419/14/TGI/GSBO as follow: the court’s decision on case no RP 0419/14/TGI/GSBO has changed and that the case shall be heard on its merit, SEMANA Habibu shall be tried in absentia of a fugitive suspect.

In order to find evidence convicting SEMANA Habibu of rape of S.U, the Prosecution requested to pass a DNA test. The result from DNA test confirmed at 99.9%, that CYUSA Lucky Brian, the baby born from S.U is a relative of NZABONANKURA and KABAGIRE Fatuma who are SEMANA Habibu’s parents.

Based to that DNA evidence, the Prosecution decided without doubt that CYUSA Lucky Brian was born from the rape perpetrated by SEMANA Habibu against S.U.

On 21 May 2016, Gasabo Intermediate Court heard case no RP 0575/15/TGI/GSBO, the Prosecution at Intermediate level accused SEMANA Habibu of child defilement against S.U of 17 years old. The Court decided the imprisonment of 10 years for SEMANA Habibu of 22 years old.

The Court ordered SEMANA Habibu to pay to S.U the representative his/her child damages of eight hundred thousand (800.000Rwf) and lawyer’s fees of three hundred thousand (300.000Rwf) amounting to one million one hundred thousand (1.100.000Rwf).

Pursuant to its investigations, the information provided by S.U and the decision of cases no RP0419/14/TGI/GSBO and no RP 0575/TGI/GSBO, the Commission finds that S.U was raped and became pregnant which traumatized her and even caused her to drop out of school.

Even if the Judiciary processed this case, it took long to try the Case because S.U was raped in 2013, while the trial took place in 2015 and this gave the perpetrator, SEMANA Habibu, the opportunity to flee the justice which jeopardizes the enforcement of the Court’s decisions.

The Commission recommends that child defilement offences should be given priority in all judicial institutions to avoid the perpetrators to fleeing from justice.

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9 The Commission decided to do not show the full name of the Child and her mother because she was minor when she was raped.
2. The complaint of HABIMANA MUNYEKAHWA’s children

On 18 August 2015, HABIMANA MUNYEKAHWA who is jailed in Rusizi prison and whose family resides in Gisunyu Village, Bigoga Cell, Nkombo Sector, Rusizi District, wrote to the Commission requesting justice for his children who do not have a shelter. He said that some are accommodated by benefactors and others by their grandmother. He claims that when he was jailed on 22 February 2007, he left his 7 children without mother. The house in which they lived was destroyed by an earthquake that occurred on 2 March 2008 and in addition to that, his children do not study.

On 29 June 2010, HABIMANA MUNYEKAHWA wrote to the Mayor of Rusizi District but did not get any reply.

The Commission investigated on this case and found that the Mayor of Rusizi District wrote to the Executive Secretary of Nkombo Sector on 27 November 2013 requesting him to make a follow up and find a solution of this case, but in vain.

On 13 February 2016, the Commission submitted the case to Rusizi District Authority who immediately decided to build a house for those children. For the accomplishment of this activity, they were supposed to use the trees of the tree plantation of the government located in Nkombo Sector. The District was supposed to provide support of 30 iron sheets and the Executive Secretary of Nkombo Sector was requested to implement this.

On 25 June 2016, the Commission processed again on this case and found that it had not yet been solved because Rusizi District had not kept its promise.

The Commission found that HABIMANA MUNYEKAHWA’s children were ignored and their right to decent housing was violated. It therefore recommends Rusizi District to provide them with a shelter as soon as possible.
3.9. IMPLEMENTATION OF RECOMMENDATIONS ISSUED BY THE COMMISSION IN ITS ANNUAL ACTIVITY REPORT OF 2014-2015

This chapter has two parts: the implementation status of the recommendations issued by the Commission in its annual activity report of 2014-2015

3.9.1. Implementation of recommendations issued by the Commission in its annual activity report of 2014-2015

Table no 12: Implementation of recommendations issued by the Commission in its annual activity report of 2014-2015

<table>
<thead>
<tr>
<th>No</th>
<th>Implementation of recommendations issued by the Commission in its report of 2014-2015</th>
<th>Level of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Commission recommended that Authorities having non-professional bailiffs in their responsibility should continue to urge them on judgement execution processed without delay so that winners may be restored in their rights.</td>
<td>Fully implemented&lt;br&gt;The Authorities having non-professional bailiffs in their responsibility urged them to execute the judgements without delaying. In every District there is a staff of the Ministry of Justice (MAJ) who has the power of non-professional bailiff.</td>
</tr>
<tr>
<td>2</td>
<td>The Commission recommended concerned institutions to give fair compensation in case of expropriation for public interest and this must be done in transparency prior their relocation.</td>
<td>Partially implemented&lt;br&gt;Law no 32/2015 of 11/06/2015 on expropriation has been enacted but the Commission still find some problems as regard expropriation.</td>
</tr>
<tr>
<td>3</td>
<td>The Commission recommended the establishment of a fund that shall support unsolvable convicted persons</td>
<td>Not yet implemented</td>
</tr>
<tr>
<td>4</td>
<td>The Commission recommended that local Authorities should advise the population to settle their conflicts (except criminal cases) through mediation rather than wasting time in courts.</td>
<td>Fully implemented and ongoing implementation&lt;br&gt;- The Mediator Committees were strengthened and new committees were established.&lt;br&gt;- After every monthly community work, the population take some time to settle conflicts</td>
</tr>
<tr>
<td>5</td>
<td>- The Commission recommended Supervisors of transit centers to inform the families of the detainees so that they can visit them.&lt;br&gt;- The Commission recommended the establishment of a law governing rehabilitation centers</td>
<td>Fully implemented&lt;br&gt;- A law establishing the National Rehabilitation Service and determining its missions, organization and functionning was drafted.&lt;br&gt;- Regulations no 001/2015 of 1/11/2015 of Kigali City Council have been implemented</td>
</tr>
<tr>
<td>6</td>
<td>The Commission recommended to put in place means of providing medical care to poor detainees of Police stations custodies.</td>
<td>Not yet implemented</td>
</tr>
<tr>
<td>7</td>
<td>The Commission recommended that mothers detained with their children be given mosquito nets to protect them from malaria.</td>
<td>This recommendation was fully implemented because they were given mosquito nets.</td>
</tr>
</tbody>
</table>
3.10. MONITORING OF THE RESPECT OF THE RIGHTS OF DETAINEES IN PRISONS AND POLICE STATIONS

The National Commission for Human Rights, based on article 139 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 establishing it and article 42 giving it the responsibilities of promoting and protecting human rights;

Pursuant to articles 12; 13; 14; 15; 16; 19; 21; 22; 24; 29 and 37 related to human rights and freedoms;

Pursuant to law n° 01/2012/OL of 02/05/2012 instituting the Penal Code in Rwanda especially in its article 39 related to penalty of life imprisonment with special provisions; articles 162 and 165 related to abortion; articles 176 and 177 related to torture and article 190, 191 and 192 related to penalty for child defilement;

Pursuant to law n° 31/2007 of 25/07/2007 relating to abolition of the death penalty as amended and completed by Organic law n° 66/2008 of 21/11/2008 of 21/11/2008 in its article 2 stating that the death penalty is abolished, article 3 providing that the death penalty is replaced by life imprisonment or life imprisonment with special provisions and article 4, 2° stating that he who is serving life imprisonment with special provisions in solitary confinement;

Pursuant to the Standard Minimum Rules for the Treatment of Prisoners adopted in 1955 by the UN General Assembly in Geneva, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 and are included in the codes of Standard Minimum Rules for the Treatment of Prisoners;

Pursuant to the Standard Minimum Rules for the Treatment of Prisoners adopted in 1955 by the UN General Assembly in Geneva, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 and are included in the codes of Standard Minimum Rules for the Treatment of Prisoners;

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Pursuant to article 6 (3°) of law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights providing that the Commission should 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;

As provided for in article 27 of law n° 34/2010 of 12/11/2010 on the establishment, functioning and organisation of Rwanda Correctional Service (RCS) stipulating that State organs, local or international non-governmental organisations working in Rwanda, international organisations providing human rights protection or humanitarian aid and researchers may be authorized to carry out prison visits;

Pursuant to law n° 30/2013 of 24/5/2013 relating to the Code of Criminal Procedure, especially in its articles 37, 38, 39, 40, 41, 43, 44, 49, 61, 90 and 229 stating on arrest and detention of a suspect;

Pursuant to law n° 32/2010 of 22/09/2010 relating to serving Life Imprisonment with Special Provisions especially in its articles 3, 4, 5, 6, 7 and 8 explain the conditions in solitary confinement penalty;

From 19-29 April 2016, the National Commission for Human Rights visited 13 prisons and 35 police station custodies with the aim of monitoring how the rights of detainees are respected.

3.10.1. Monitoring the respect of detainees in prisons

In the framework of monitoring the respect of the rights of detainees and prisoners, and requesting concerned organs to solve the problems of violations of those rights where identified, the Commission visited the following 13 prisons: Muhanga, Huye, Nyanza, Bugesera, Rwamagana, Gasabo, Rusizi, Musanze, Ngoma, Rubavu, Nyarugenge, Nyagatare and Nyamagabe prisons. The monitoring aimed at:

- Verifying the number of detainees in prison in order to monitor the population density of prisons;
- Verifying if there is no torture and other cruel and mental acts against detainees and prisoners;
- Verifying the implementation of penalties against defilement crime aiming at comparing them with the gravity of the crime in the framework of fighting against violence against children;
- Verifying the implementation of the penalties against those who committed abortion to make sure if the reason for which they had been convicted is not contrary to the provisions of the Penal Code because there are some
cases of abortion that can be considered as a crime and others not;

- Verifying the implementation of life imprisonment with special provisions in order to make sure if it is enforced according to the provisions of International instruments related to the rights of prisoners ratified by Rwanda and monitor if they are not subjected to torture;

- Verifying if there are prisoners who served their penalty and not released because of lack or incorrectly filled judgements copies.

A. Findings of the Commission

1) Number of prisoners and detainees and the crimes for which they are convicted

In 13 visited prisons, the population was 51,124 among them 47,001 were men, 3,822 women, 287 boys and 14 girls.

The table below illustrates the number of prisoners and detainees and crimes for which they were convicted:
Table n° 16: Monitored prisons, dates of monitoring, number and categories of inmates, categories of crimes, the number of the population they are designed to accommodate as well as the density

<table>
<thead>
<tr>
<th>Monitored prisons</th>
<th>Dates of monitoring</th>
<th>Categories of Crimes</th>
<th>Genocide</th>
<th>Number of Population the prison is designed to accommodate</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Common law offences</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prisoners</td>
<td>Detainees</td>
<td>S/Tot</td>
<td>Prisoners</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Boys</td>
<td>Girls</td>
</tr>
<tr>
<td>1. Rwamagana Prison</td>
<td>21/4/2016</td>
<td>3677</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2. Bugesera Prison</td>
<td>20/04/2016</td>
<td>650</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. Rusizi Prison</td>
<td>20/4/2016</td>
<td>1132</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4. Gasabo Prison</td>
<td>28/04/2016</td>
<td>2137</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5. Musanze Prison</td>
<td>19/4/2016</td>
<td>1233</td>
<td>310</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>6. Nyarugenge Prison</td>
<td>28/4/2016</td>
<td>1593</td>
<td>304</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>7. Huye Prison</td>
<td>21/4/2016</td>
<td>2237</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>8. Nyanza Prison</td>
<td>09/05/2016</td>
<td>976</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9. Muhanga Prison</td>
<td>19/4/2016</td>
<td>1764</td>
<td>216</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>10. Nyamagabe Prison</td>
<td>20/4/2016</td>
<td>29</td>
<td>369</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>11. Ngoma Prison</td>
<td>20/4/2016</td>
<td>2</td>
<td>378</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>12. Nyagatare1 Prison</td>
<td>19/4/2016</td>
<td>0</td>
<td>0</td>
<td>240</td>
<td>13</td>
</tr>
<tr>
<td>13. Rubavu Prison</td>
<td>20/4/2016</td>
<td>1292</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>16722</strong></td>
<td><strong>1577</strong></td>
<td><strong>261</strong></td>
<td><strong>14</strong></td>
<td><strong>2125</strong></td>
</tr>
</tbody>
</table>

1 Nyagatare Prison was designed for Child rehabilitation

2 Gilts and Boys are children that are under 18 years old
As illustrated by the above table, those convicted of common law offences are 20,849 (18,574 prisoners and 2,275 detainees) and those convicted of genocide crime are 30,275 (30,254 prisoners and 21 detainees). The total number of prisoners were 48,828 and detainees were 2,296.

The number of detainees is smaller (4.4%) than the one of prisoners. The number of detainees reduced from 4,022 that are 8% in 2014-2015 to 2,296 that is 4.4% in 2015-2016. This means that there was some improvement in the respect of the right to justice.

The number of prisoners convicted of genocide crime keeps reducing from 33,620 in 2014-2015 to 30,275 in 2015-2016 because prisons that fully serve their penalty were released. The number of detainees of genocide crime has also reduced from 33 in 2014-2015 to 21 in 2015-2016.

Among 21 detainees suspected of genocide crime, 17 have spent more than 2 years waiting for trial.

The number of prisoners convicted of common law offences increase from 16,535 in 2014-2015 to 18,574 in 2015-2016.

The number of minor prisoners increased from 254 (245 boys and 9 girls) in 2014-2015 to 275 (261 boys and 14 girls) in 2015-2016, these children were kept in Nyagatare Prison. Other children are detained in prisons which are closer to the Court, waiting for their trial.

With the purpose to implement the government program of separating male and female inmates, Nyamagabe and Ngoma prisons had been designed for women only. Men who are kept in those prisons were brought for job purpose especially building. Nyagatare prison had been designed for Child rehabilitation, while Bugesera, Rusizi, Rwamagana, Gasabo and Rubavu prisons are for both women and men.

2) Density in prisons

The thirteen (13) prisons visited by the Commission had been designed to accommodate 52,710 inmates while during the visit 51,124 (96.3%) persons were imprisoned. The reduction in population was due to genocide perpetrators who have been released because they had fully served their penalties and also due to building extensions.

The prisons that are overcrowded are Rwamagana (133.8%), Nyarugenge (115.5%), Musanze (113.8%), Gasabo (112.3%) and Huye (102.2%) prisons.

Prisons that are not overcrowded are Bugesera (97.2%), Nyanza (93.3%), Rusizi (84.8%), Muhanga (76.8%), Nyamagabe (76.7 % ), Rubavu (74%), Nyagatare (51%) and Ngoma (50.1%) prisons.

In general, thirteen (13) prisons that were monitored are not overcrowded because they accommodate (51,124) while they were designed to accommodate (52,710).

Density\[=\frac{The\ total\ number\ of\ the\ current\ inmates\ \times\ 100}{The\ total\ number\ of\ inmates\ that\ the\ prison\ is\ designed\ to\ accommodate}\]

The Commission compared the density in the thirteen (13) visited prisons for 2014-2015 and 2015-2016 as shown in the table below:

Table n° 17: Comparison of the density in 13 visited prisons in May 2015 and in April 2016.

<table>
<thead>
<tr>
<th>Prison</th>
<th>The total number for the population that the prison is designed to accommodate</th>
<th>The total number of the current population</th>
<th>Density</th>
<th>The total number of the current population</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rwamagana</td>
<td>6500</td>
<td>8669</td>
<td>133.3%</td>
<td>8701</td>
<td>133.8%</td>
</tr>
<tr>
<td>2. Bugesera</td>
<td>3000</td>
<td>2840</td>
<td>94.6%</td>
<td>2916</td>
<td>97.2%</td>
</tr>
</tbody>
</table>
As illustrated by the above table, prisons for which the density increased are: Rwamagana and Gasabo prisons. Though Rwamagana prison has got new buildings that were launched after April 2016, prisoners that were relocated were from old buildings that is no longer in use.

The Commission noticed that the number of the inmates has reduced from 52,155 in 2014-2015 to 51,124 in 2015-2016 comparing to their capacity of accommodation of 52,710.

1) **Respect of the right not to be subjected to tortured or other cruel, inhuman or degrading acts**

Pursuant to article 176 of Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code, torture means any act by which severe pain or suffering, whether physical or mental, inhuman, cruel or degrading, are intentionally inflicted on a person for such purposes as obtaining from him/her or a third person, especially information or a confession, punishing him/her of an act he/she or a third person committed or is suspected of having committed, or intimidating him/her or coercing him/her or a third person or for any other reason based on discrimination of any kind”.

The Commission realized that inmates are not subjected to torture or any other cruel, inhuman and degrading acts. The reason why such acts were not reported is because prisons are regularly and frequently monitored and identified problems are solved.

2) **Penalty against the crime of abortion**

The crime of abortion is punished by article 162 of Organic law instituting the Penal Code in Rwanda. That article states that any person who carries out self-induced abortion shall be liable to a term of imprisonment of one (1) year to three (3) years and a fine of fifty thousand (50,000) to two hundred thousand (200,000) Rwandan francs; while article 165 states that there is no criminal liability for a woman who commits abortion and a medical doctor who helps a woman to abort if one of the following conditions is met:

- when a woman has become pregnant as a result of rape;
- when a woman has been subjected to forced marriage;
- when a woman has become pregnant due to incest in the second degree;
- when the continuation of pregnancy seriously jeopardizes the health of the unborn baby or that of the pregnant woman

The exemption from criminal liability under items 1°, 2° and 3° of Paragraph One of this article shall be permitted only
if the woman who seeks abortion submits to the doctor an order issued by the competent Court recognizing one of the cases under these items, or when this is proven to the Court by a person charged of abortion.

The Commission verified the number of convicted persons of abortion crime, imposed penalties, case files and the respect of their rights.

The Commission realized that in 13 visited prisons, 23 women aged between 16 and 36 years old committed voluntary abortion through different means. All of them were convicted to an imprisonment between six(6) months and two(2) years because they declared guilty of voluntary abortion and requested for forgives as provided by article 35 of law n° 30/2013 of 24/5/2013 relating to the Code of Criminal Procedure stating that when the accused candidly pleads guilty to the offense, the provisions of article 34 of this Law shall apply to the prosecution and the judge seized of the case may reduce the penalties down to the half (½) of applicable penalties.

The Commission found that the penalty against this crime had been given according to the above mentioned law. Though there were no inmates who committed abortion for the above mentioned reasons, the Commission suggests an in-depth analysis of articles providing penalties on abortion in order to monitor their implementation.

The Commission recommends the sensitization of the population on the above mentioned law for the respect of its provisions.

3) Child defilement penalties

As provided for by Organic law n° 01/2012/OL of 2/5/2012 instituting the Penal Code in Rwanda, in its articles 190 and 191 stipulate that child defilement means any sexual intercourse or any sexual act with a child regardless of the form or means used.

The International Convention on child rights of 20/11/1989 and law n° 54/2011 of 14/12/2011 relating to the rights and the protection of the child states that a child is any person under the age of eighteen (18) years unless the laws of other countries provide other definition.

The Commission verified the penalties imposed to persons convicted of child defilement with the aim of comparing them with the gravity of the crime in order to fight against violence against children.

In 13 prisons visited by the Commission, 2,220 inmates were convicted of child defilement including 36 women who committed child defilement against boys and 2,184 men who raped girls. These persons are aged between 16 and 72 years old. Children that were raped are aged between 3 and 17 years old.

The Commission found that those convicted of defilement were imposed on the penalty of imprisonment from one year to life imprisonment. Convicted persons of life imprisonment and life imprisonment with special provisions penalties were 308 that is 13.8%, while 1,912 that is 86.2% were condemned to imprisonment from one year to 25 years.

The Commission finds that the number of raped children was very high. It suggests that important strategies have to be adopted to prevent and definitively uproot child defilement.
4) The implementation of life imprisonment penalty with special provisions

As provided for by article 39 of Organic law n° 01/2012/OL of 02/05/2012 instituting Penal Code in Rwanda stating that the penalty of life imprisonment with special provisions is imprisonment which shall prevent a convicted person from being entitled to any kind of mercy, conditional release or the rehabilitation unless he/she has served at least twenty (20) years of imprisonment.

As to implement the penalty, he/she is subjected to such penalty is imprisoned in confinement, alone in a room that has enough space and basic needs.

The Commission assessed if the implementation of life imprisonment with special provisions is done in accordance to International Instruments on the rights of prisoners ratified by Rwanda and verify if they are not tortured.

During the monitoring, the Commission found that in 13 monitored prisons, there are 2,225 prisoners condemned to life imprisonment with special provisions among them those convicted of Genocide crime, those who committed rape against women during genocide against the Tutsi in 1994, those who committed child defilement and murders.

The Commission realized that all of them are not imprisoned in confinement because the prisons do not have rooms designed for that punishment, they are imprisoned in the same conditions like others but are not allowed to work outside the prisons.

The Commission suggests for government to remove the penalty of life imprisonment with special provisions because there is no need to keep in laws a punishment that is not implemented.

5) The right to be released after serving the penalty

During the monitoring, the Commission found that there were 16 prisoners who had served their penalties but stayed unreleased. Those prisoners were found in the following prisons: 6 in Bugesera, 5 in Huye, 2 in Nyamagabe and 3 in Rwamagana prisons.

According to the management of the prisons, prisoners are not released because of the lack of copies of judgement from the last instance in their files, incorrect identifications on their arrest warrants, unreadable dates of the judgment pronouncement, the Courts did not submit the copies of judgment bearing the penalties, lack of dates of detention in police custody and unstamped documents by the prosecution.

The Commission recommends that the management of prisons respect the provisions of article 51 of law n° 34/2010 of 12/11/2010 on the establishment, functioning and organisation of Rwanda Correctional Service stating that the management of the prison shall release any prisoner after serving his/her term of imprisonment as determined by the court; to release those who have served their sentences and to search for missing information in their case files.

The Commission recommends that the Courts should submit to the management of prisons the copies of judgement immediately after the pronouncement of the sentence to avoid prisoners being kept after serving their sentence.
3.10.2. Monitoring of the respect of the right of detainees in police station custodies

In the police station custodies, the Commission monitored the following:

- Number of detainees;
- Statement of arrest and detention issued by a judicial police officer;
- Provisional warrant arrest;
- Provisional detention order;
- If the detainee has not exceeded the detention period provided by the law; if no detainees are kept in custodies after being heard by a judge who ordered their provisional detention;
- If before being interrogated, a detainee is informed of his right to be questioned in the presence of his lawyer especially children;
- The respect of the rights of detainees as regard social welfare include the right to adequate food of nutritional value, right to medical care, the right not to be tortured, the right to be detained in a cell with enough air and lightening, the right to enough hygiene in toilets and bathrooms, right to dormitories and bedding and the right not to be handcuffed.

The Commission monitored the following 35 police station custodies: Kibungo, Remera, Zaza and Rukira police station custodies located in Ngoma District; Gasaka police station custody in Nyamagabe District; Ruharambura, Kanjongo and Gihombo police station custodies located in Nyamasheke District; Nyarugenge, Muhima, Rwezamayo, Kiririmira and Kigali police station custodies located in Nyarugenge District; Kamenzi, Muganza, Gashonga, Mururu, Nyakabuye located in Rusizi District; Ruhuha and Nyamata police station custodies located in Huye District.

A. Findings of the Commission

a) Number of detainees in police custodies, their detention orders and their right to a lawyer

In the police cells visited by the Commission were 913 detainees among them 780 men and 127 women. Some of the women were detained with children; 3 girls and 6 boys.

Table n° 18: Detention orders

<table>
<thead>
<tr>
<th>Statement of arrest (PVA)</th>
<th>Provisional warrant (MAP)</th>
<th>Detainees without detention orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expired</td>
<td>Not expired</td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td>Expired</td>
<td>Not expired</td>
</tr>
<tr>
<td>3</td>
<td>254</td>
<td>257</td>
</tr>
</tbody>
</table>

As shown by the above table, during the monitoring, the Commission noticed some improvement as regards the detention orders because 835 persons were detained under PVA or MAP. Nevertheless, the Commission found that 22 persons (3 were detained under PVA and 19 under MAP) that is 2, 6% were illegally detained (PVA and MAP were expired comparing to the period provided by the law).
Regarding those detained under MAP, the Commission found 14 detainees who had been heard by a Judge, but did not get the Judge’s Order, while the law provides to promptly issue it. They were six (6) and eight (8) respectively in Nyamabuye and Kibungo police station. As regard the right to a lawyer, during the monitoring, the Commission noticed that in judicial police and in prosecution, detainees are informed about their right to be interrogated with their lawyers; especially children.

b) The respect of detainees rights to social welfare and not to be subjected to torture and other cruel, inhuman, degrading and mental acts

Concerning the social welfare, the Commission monitoring the following:

- The right to adequate food;
- The right to medical care;
- The right to be detained in a room with enough floor spacing and lightening;
- The right to hygiene in toilets and bathrooms;
- The right to a dormitory and bedding;
- The right not to be handcuffed;
- The right not to be subjected to torture, other cruel, inhuman, degrading and mental acts.

Findings of the Commission:

1. The right to adequate food

The Commission found that, the government of Rwanda feeds detainees in police custody with food composed of porridge in the morning and a mixture of maize and beans once per day except in Rukira, Remera, Gihombo, Mururu and Rwimiyaga police stations that are fed by their families because those police stations have been recently established. Detainees of Gisenyi and Kimisagara police station custodies do not receive porridge in the morning.

The Commission recommends the government of Rwanda to provide same feeding to all detainees.

2. The right to medical care

The Commission found that if a detainee falls sick in custody, the nearest health centre or hospital provides medical care. The detainee receives health care using its health mutual insurance and those who do not have it pay themselves the costs for medical care. But, for Nyamabuye and Kiyumba police stations, if they cannot afford to pay, the District pays for them. In Rwimiyaga, the Sector pays the costs while for Rusororo, Remera, Nyamata and Ruhuha police station custodies, the Police pays the costs.

The Commission considers that, detainees do not enjoy equally the right to medical and recommends the Ministry of Internal Security to establish measures to provide same medical care in police stations.
3. **The right to be detained in a room with enough floor spacing, air and lightening**

The Commission found that some police station custodies have enough floor spacing, air and light, but others do not and this has bad consequences on the health of detainees. In Ngoma and Gihombo police station custodies there is no enough air and lightening while the Nyamabuye police station cell does not have windows.

The Commission recommends the Ministry of Internal Security to do all possible so that detention premises may have enough floor spacing, air and lightening with a special focus on Nyamabuye police station cell.

4. **The right to be detained in a clean place**

During the monitoring, the Commission visited dormitories, bathrooms and toilets and found that in general the places are clean except the police station custodies of Musha and Gabiro. There were fleas in the Police cells of Ngoma, Gisenyi and Gasaka while the toilets of Kibungo police station custody were poorly built so detainees can fall into the toilets.

The Commission recommends that the Ministry of Internal Security solves the problem of hygiene in police station custody above mentioned.

5. **The right to dormitories and bedding**

The Commission found that some police station cells allowed the families of detainees to bring them bedding while in some others, detainees sleep on the floor because the management does not allow their families to bring bedding for them. The problem of dormitories was identified in Nyamabuye police station custody where detainees do not sleep.

The police station custodies that do not allow detainees to bring beddings are the following: Gishari, Rukira, Remera, Zaza, Ruhuha, Nyamata, Remera, Rusororo, Nyamabuye, Kiyumba, Gihombo, Kanjongo, Ruharambuga, Muganza, Mururu, Nyakabuye, Rwezamenyo, Nyarugenge, Kimisagara, Muhima, Kigali, Kanama, Muhoza, Kinigi, Rwimiyaga, Gihombo, Gisenyi, Gasaka and Nyagatare.

The Commission considers that all police cells shall allow detainees to bring beddings and raise their awareness because some of them do not even know that they have that right.

6. **The right not to be handcuffed**

The Commission found that in police station custodies, detainees are not handcuffed except one detainee named MUHOZA of Kamembe police station cell who was handcuffed because he was aggressive, they feared that he could escape.

7. **The right not to be subjected to torture and others cruel, inhuman, degrading and mental acts**

The Commission noticed that detainees are not subjected to torture or other cruel, inhuman, degrading and mental acts, nevertheless, in Kanjongo and Muhoza police station custodies, some detainees claimed to be subjected to cruel acts when they were arrested and these cases are under investigations. The Commission suggests that the perpetrators of such acts be punished.

3.10.3. **Conclusion**

Pursuant to the monitoring of 13 prisons and 35 police cells conducted in April 2016, the Commission found that there is no overcrowding and torture, Legal provisions were observed as regard penalties to abortion and defilement convicts. Prisoners who had been subjected to life imprisonment with special provisions are not detained in confinement. Only 16 prisoners of Bugesera, Huye, Nyamagabe and Rwamagana prisons claimed that they were not being released after they had fully served their punishment.

Moreover, the file management in police cells is done according to the provisions of the law as well as the rights to social welfare of detainees.
Regarding the respect of the right to not be subjected to torture, cruel and mental acts, the Commission found that this right was respected in all monitored police station custodies except in Kanjongo and Muhoza police cells where some detainees claimed to be beaten by the police officers.

Findings of the Commission:

A. **In prisons**

1. The density in 13 visited prisons has reduced except in Rwamagana and Gasabo prisons where the number has increased;

2. In Muhanga, Nyarugenge, Gasabo and Rwamagana prisons, the Commission found seventeen (17) suspects of Genocide crime against the Tutsi who had spent more than 2 years without being heard by Court;

3. The penalties imposed on defilement convicts comply with legal provisions;

4. The Court should submit to prison’s management copies of judgement immediately after the judgement pronouncement so that those who want to appeal can do it in due time.

B. **In Police station custodies**

1. Among 835 detainees in the police station custodies under PVA or MAP, 22 that 2.6% persons were illegally detained; (there were 3 and 19 detainees respectfully imprisoned under expired PVA and MAP);

2. In the Judicial Police and in Prosecution, the principle of informing detainees about their right to be interrogated in presence of their lawyers is respected;

3. As regards the right to food, detainees of police cells receive a mixture of maize and beans once per day and porridge, but those detained in Gihombo, Rukira, Remera, Mururu and Rwimiyaga do not receive porridge;

4. As regard the right to medical care, the Commission found out that a sick detainee receives medical care from the nearest hospital or health centre if they have medical insurance, if not so, the Districts, the Sectors or the Police pay the medical costs; this is the case of Nyamabuye, Klyumba, Rwimiyaga, Rusororo, Remera, Nyamata and Ruhuha police stations;

5. As regards the right to be detained in a clean place, in general, the Commission did not find enough hygiene in dormitories, bath rooms and in the toilets of the police stations;

6. Concerning the right to dormitories and bedding, the Commission realized that some police stations allow the detainees to bring their own bedding while in some others they do not;

7. As regards the right to be detained in a place with enough air and light, the Commission has found that in many cells detainees access enough air and light, but some others are built in a way that detainees get insufficient air and light.
3.10.4. Recommendations

After the activity of monitoring prisons and police cells, in order to respect the rights of detainees, the Commission suggests that concerned institutions put more efforts in solving mentioned problems. It is in this framework that the Commission is issuing the following recommendations to relevant institutions.

A. Supreme Court

1. To adopt strategies that aim to submit to the prison management, the copies of judgements of prisoners so that they can immediately be implemented.

B. The Ministry of Internal Security

1. Establish a sustainable rationing system where all detainees at police stations are provided with same feeding;
2. To allow families of police detainees to bring them bedding because some do not know that they have that right;
3. To solve the problem of fleas in Gisenyi and Gasaka police stations;
4. To provide the police station with budget that they can cover the medical care costs for poor detainees that do not have health insurance.

C. The Ministry of Justice

1. To remove from the Penal Code the life imprisonment with special provisions.

D. The National Public Prosecution Authority

1. To respect the time provided by the law governing the Code of Criminal Procedure as regards the monitoring of case files for the suspects;
2. To bring before the Court 17 prisoners from Muhanga, Nyarugenge, Gasabo and Rwaramana who have spent more than 2 years without being heard by a judge.
3.11. MONITORING OF THE RESPECT OF REFUGEES' RIGHTS

The rights of refugees are one of the rights that are provided for in International Instruments related to refugees ratified by Rwanda.

The right of refugees is provided for by article 28 of the Constitution of the Republic of Rwanda of 2003 revised in 2015. That article says that the right to seek asylum is recognised under conditions determined by law.

That right is also provided for in the Geneva Convention relating to the Status of Refugees of 28th July 1951.

Articles 20, 21, 22 and 24 of that Convention provide that all refugees have the right to a ration, to education for a refugee child, the right to housing and the right to work. The right of refugees is related also provided for in additional Protocol relating to the Status of Refugees of 1967.

Article 22 paragraphs 1 and 2 of the Convention on the Child Rights provides for the rights to protection and assistance for a refugee child who is seeking for a refugee status and trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family.

The right of refugee is provided in law n° 13 ter/2014 of 21/05/2014 relating to refugees. Its article 7 provides for requirements for obtaining asylum while article 8 provides for application for refugee status.

Article 18 of that law states 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.

Article 22 says that a Refugee shall have the obligation to comply with laws, international instruments ratified by Rwanda, regulations in force in Rwanda as well as all measures taken for public security and order.

Article 23 states that Refugees coming in mass influx situations shall be transferred to a settlement camp distant from the border. However, any other person granted individual refugee status shall be entitled to settle in a refugee camp.

Article 3 of the same law provide for a Refugee Status determination Committee, its organisation and functioning are found in article 4. The National Commission for Human Rights has its representative as member of that Committee as provided by article 5.

The rights of Refugees are also protected by the Ministerial Instructions n° 02/2016 of 13/05/2016 relating to refugee and camps management.

Pursuant to article 4 of law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights stipulating its mission of human rights promotion, on 12 February 2016, the Commission visited Mahama Camp located in Kirehe District with the aim to monitor the social welfare of Burundian refugees especially the problems of children refugees.

The Commission realized that the right of refugees are respected in general even if there are still some problems that need advocacy. When the Commission visited that refugee camp there were forty seven thousand one hundred twelve (47,112) refugees, those under 18 years old were 23,638 including 11.543 girls and 12.095 boys. Children refugees were 1,798.

Regarding the security in the camp, the Commission found that the security was assured and the camp management tries to respect the instructions of the Ministry of refusing anyone who is not a refugee or who does not work to enter the camp unless they has an authorisation issued by the Ministry.

Concerning the social welfare, the Commission noticed that refugees get medical care, shelter, receive ration, drinking water, have enough and well built toilets and classrooms for children at all levels.

The problems that were raised concern small space comparing to the number of family members, the problem of fire wood and the problem of unaccompanied children.

Pursuant to the problems that were raised, the Commission suggest relevant organs to do all possible to solve those problems in order to respect the rights of refugees.
3.12. MONITORING THE RESPECT OF HUMAN RIGHTS IN ELECTIONS

Law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights, its article 6(5°) gives the responsibility to monitor respect for Human Rights throughout election process and submit report to relevant organs.

Law n° 49/2015 of 2/12/2015 modifying and complementing law n°27/2010 of 19/06/2010 relating to Elections as modified and complemented to date, in its articles 18, 19 and 22 provides the determination of the election day of referendum, publication of the results of the referendum and the accreditation of election observers.

Pursuant to the above mentioned laws, and instructions n° 05/2015 of 29/12/2015 of the National Electoral Commission relating to elections of Authorities at local administrative level and of special categories that took place in February-March 2016, the National Commission for Human Rights carried out a monitoring for both categories:

- Election of Authorities at local Administrative level and special categories.

The report including election process and recommendations was submitted to the National Electoral Commission.


The monitoring carried out by the Commission aimed at:

- Checking if banners are hanged to indicated the direction of the polling stations;
- Checking the polling booth in every voting room;
- Checking if the voting materials have reached the Polling Stations
- Checking the security at the polling stations;
- Checking if pre-electoral procedures and ceremonies are respected;
- Checking if the rights of voters are respected;
- Checking if election volunteers are fulfilling their mission correctly;
- Checking if security officers fulfil their mission correctly;
- Checking if the rights of observers are respected;
- Checking if the count of votes is done in transparency.


On 18 December 2015, the National Commission for Human Rights carried out a monitoring activity as Observers in the Referendum of the Constitution of the Republic of Rwanda of 2003 revised in 2015. That activity was conducted in 111 polling stations in 18 Districts. Prior to the Referendum day, the Commission monitored the activities of preparation in 91 polling stations.

As regard the Referendum process, the Commission monitored the freedom of voters, security during the Referendum, if the Referendum is happened in secrecy, if weak persons are given priority and the respect of the rights of Observers.

The Commission found that the preparation activities of 17th December 2015 went smoothly because all polling stations had banners indicating the direction, the polling rooms were well prepared and all the materials were at the polling stations on time.
The Commission finds that the Referendum went smoothly on 18 December 2015. On that day, a lot of people woke up early in the morning; they went to vote in calm, secretly and in full freedom. The volunteers of the National Electoral Commission and security officers fulfilled their job correctly, the count and publication of votes at the polling stations was done in transparency and Observers’ rights were respected.

B. Indirect poll of local administrative entities and special entities

The Commission monitored elections of authorities at local administrative level and special entities in 23 Districts in the following categories:

- Election of members of Council at Cell and Sector’s level
- Election of the members of the Executive Committee of special categories;
- Election of members of the Executive Committee of National Council of Persons with Disability;
- Election of the members of the Executive Committee of Youth of Secondary Schools and High Learning Institutions;
- Election of the members of Councils and of 30% of women representatives in District Councils’ Committees elected from Sectors.

Prior to the polling activity, the Commission monitored campaign activities of all candidates including 30% of women representatives. This activity took place from 11-16 February 2016 between 2h and 3h p.m.

The Commission found that during campaign, the security was ensured by security organs (police, military and DASSO) and nobody was ill-treated. Every candidate was allowed to introduce himself/herself and present his/her agenda within ten minutes, the gender principle was taken into account because there were many female candidates during the campaign.

Candidates used different means in the campaign as provided by law and instructions relating to election in Rwanda. Those means include: notices, banners, fliers, public meeting, and pictures of all candidates at Sector, District and at Public offices.

The Campaign was held in public, in transparency, no corruption or terrorism was resorted to, no insults or defamation were noticed.

Apart from that, no discriminating declarations, pictures, or signs of discrimination were used during the campaign and no interference was found in candidates’ campaign programs.

At the sites monitored by the Commission’s Observers, no candidate was found offering money or other materials and no government properties were used during campaign.

The Commission realizes that the campaign activities were successful because was done according to the laws and instructions of the National Electoral Commission.

From 13-16 February 2016, the Commission monitored the election process of the above mentioned categories.

Prior election activity, volunteers of the NEC were verifying whether the required quorum of Electoral College is full and should swear thereafter. After the oath, volunteers explained the Electoral College the proceedings of the election. Candidates for the above mentioned positions were allowed to campaign for ten (10) minutes before the Electoral College.

The electoral college were given ballot papers on which each of them should write secretly the name of the candidate. The counting of votes immediately proceeded and the winner was declared. The election should begin only when at least ½ of the electoral college of every category was present.
On 22 February 2016, the Commission monitored the election of council’s members and 30% of female candidates.

On 4 March 2016, the Commission monitored the election of members of the Executive Committee of the National Council of disable persons. The election took place in Gasabo, Kigali City.

During these elections, the Commission monitored the ceremonies preceding elections, the respect of the rights of voters and observers, if volunteers, security officers fulfil their attributions correctly. The Commission verified also if the suffrage was done in secret, the counting and proclamation of votes in transparency.

In general, the Commission found that election of authorities at local administrative level and special categories went smoothly; in full security, calm, transparency and in secret. Volunteers fulfilled they attributions, the rights of observers were respected and the activity of votes counting was done in transparency because everyone was allowed to assist.
3.13. SURVEY ON GENDER-BASED VIOLENCE WITH FOCUS ON DEFILEMENT

Pursuant to article 19 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 providing the right of the child;

Pursuant to the International Convention on Child Rights of 1989 and law № 54/2011 of 14/12/2011 relating to the rights and the protection of the child;

Pursuant to article 6 (4°) of law № 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights stipulating the special mission to particularly monitor respect for the rights of the child and article 7 (8°) that entrusts the Commission with ordinary power to carry out research on thematic issues and publish findings with the purpose of promoting Human Rights; after realizing that among the cases reported by the Observatory of Rights of Children, defilement comes foremost;

The National Commission for Human Rights decided to conduct a survey on defilement in order to gather information that should help it and other organs that have the protection of children against violence in their attribution.

3.13.1. Objectives of the survey

The overall objective of the survey was to highlight the causes and consequences of defilement and monitoring how related crimes are processed in Courts. The following were the specific objectives of the survey:

- Assess the prevalence of defilement in Rwanda;
- Investigate the negative impact of defilement vis-à-vis the respect for human rights in Rwandan society;
- Identify socio-cultural and existing legal protection of victims of defilement;
- Suggest recommendations based on findings of the survey.

3.13.2. The Methodology

The survey was conducted thanks to a questionnaire administrated to 200 persons among them were children victims of defilement, their parents, teachers, neighbours and relatives, perpetrators of defilement, and the population of Rwamagana, Nyagatare, Muhanga, Ruhango Rubavu, Nyabihu, Gicumbi, Musanze, Gasabo, and Nyarugenge District including the inmates of Rwamagana, Muhanga, Rubavu, Gicumbi and Nyarugenge prisons.

In the framework of looking for additional information, meetings with organs that are in charge of child rights and those involved in fighting against defilement were organized. The meetings brought together the Ministry of Gender and Family planning, the National Women Council, the National Commission for Children, the Ministry of Justice, Isange One Stop Center, Gahini, Kabgayi and Gasabo Hospitals and the Rwanda National Police. The survey also resorted to reports and other documents on defilement.

3.13.3. Findings of the Survey

A. Prevalence of defilement in Rwanda

The number of defilement crimes is still high despite adopted strategies including serious punishments imposed to perpetrators and prevention through sensitization sessions.

Categories of sexual violence include; defilement, rape and domestic violence. Unfortunately, the survey findings show that defilement is the most highly prevailed.

The number of cases related to sexual violence received by the National Public Prosecution Authority in 2014-2015 was 2,818 and 1,879 among them were related to defilement; that is 67%.
In the last five years, defilement is prevailed despite adopted strategies for prevention and punishments of perpetrators.

The survey revealed that most of the victims of defilement are girls (98%) while male only represent (7%).
The survey also reveals that children under five years old are also targeted, but adolescents are the most targeted.

3.13.4. Causes of defilement

The survey revealed that there are many causes of defilement including: drugs consumption, bad behaviour, children sharing same bed with relatives of different sex come foremost.
3.13.4. Reporting defilement crimes to concerned organs

The survey has shown that some defilement cases are not reported.

Figure n° 13: Percentage of reported cases of defilement

![Pie chart showing 23.1% reported and 76.9% not reported](image)

*Source: Survey of the NCHR on defilement, 2015*

The survey found that the reasons why 23% of defilement cases are not reported to concerned organs are many but foremost came shame to the victims and their families and relationship between victim and perpetrator.

Figure n° 14: Causes of unreported cases

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of evidences</td>
<td>6.30%</td>
</tr>
<tr>
<td>Mediation</td>
<td>7.90%</td>
</tr>
<tr>
<td>Corruption</td>
<td>7.90%</td>
</tr>
<tr>
<td>Stigmatization</td>
<td>11%</td>
</tr>
<tr>
<td>Do not know where to report</td>
<td>12.70%</td>
</tr>
<tr>
<td>Afraid of revenge</td>
<td>12.70%</td>
</tr>
<tr>
<td>Relationship between victim and the</td>
<td>15.70%</td>
</tr>
<tr>
<td>Shame</td>
<td>15.80%</td>
</tr>
</tbody>
</table>

*Source: Survey of the NCHR on defilement, 2015*
3.13.6. Penalties of perpetrators of defilement and reparation of victims

The findings of the survey show that 94% of courts decisions satisfied the complainants of defilement cases.

Figure n° 15: Courts decisions that satisfied the complainants

Even if reported cases of defilement are processed and perpetrators punished, the survey revealed that civil action cases on child defilement are very few because over 100 cases only for 4 cases filed civil action.

Figure n° 16: Civil action on defilement cases

3.13.7. Conclusion and recommendations

The survey on defilement has shown that the problem exists and on a very high prevalence despite undertaken measures to fight against it. According to data of the National Prosecution Authority 2562 cases were received in 2010, 1219 in 2011, 2324 in 2012-2013, 1840 in 2013-2014 and 1879 in 2014-2015.

Pursuant the causes and challenges identified by the survey, in order to uproot defilement, the following recommendations were issued:

<table>
<thead>
<tr>
<th>Gaps</th>
<th>Recommendation</th>
<th>Implementing Institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor reparation of defilement victims</td>
<td>Sensitization of defilement victims on the rights to reparation</td>
<td>NCC, COURTS, MIGEPROF, GMO, CSOs, MINJUST</td>
</tr>
<tr>
<td></td>
<td>Avail legal assistance to defilement victims as they proceed with reparation cases</td>
<td>MINJUST</td>
</tr>
<tr>
<td>Issue</td>
<td>Proposed Solution</td>
<td>Responsible Parties</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Insufficient number of specialized prosecutors and judicial police officers of defilement cases</td>
<td>Increase the number of specialized prosecutors and police judicial officers of defilement and ensure countrywide coverage</td>
<td>NPPA, Police</td>
</tr>
<tr>
<td>Poor knowledge of legal procedures for defilement cases</td>
<td>Sensitization of laws and legal procedures that are followed in handling defilement cases</td>
<td>NCC, COURTS, MIGEPROF, GMO, CSOs, RNP, NPPA</td>
</tr>
<tr>
<td>Insufficient number of specialized medical staff in the field of defilement</td>
<td>Increase the number of medical experts in defilement and ensure countrywide coverage</td>
<td>MINISANTE</td>
</tr>
<tr>
<td>Lack of evidences by Courts</td>
<td>Raise awareness of people on defilement evidences and how they have to be kept until the victim meets a doctor and how they have to report it promptly.</td>
<td>NCC, MIGEPROF, GMO, CSOs, POLICE, MINISANTE, NPPA</td>
</tr>
<tr>
<td>It was realized that defilement cases are reported to unconcerned organs and this causes the loss of evidences or delay their handling. Moreover there is lack of complementarity among relevant organs.</td>
<td>Sensitize the population and inform them that RNP is the immediate relevant institution to report to defilement issues</td>
<td>GMO, NCC, NWC, RNP, MIGEPROF</td>
</tr>
<tr>
<td>Poverty causes children to want things above their means and perpetrators take advantage of them.</td>
<td>Raise awareness of children on all causes of defilement, on self-confident and tell them to be satisfied of the financial situation they live.</td>
<td>MINEDUC, NCC, Parents and Teachers</td>
</tr>
<tr>
<td>Defilement cases are not reported to relevant organs</td>
<td>Raise awareness of people on consequences of defilement comparing to the advantages they have in keeping silent.</td>
<td>NCC, MIGEPROF, RNP, NWC, GMO, CSOs</td>
</tr>
<tr>
<td>Defilement victims poorly access information regarding the process of their cases in courts</td>
<td>Establish a communication channel to ease the access to information by victims from investigation phase up to judgment level.</td>
<td>NPPA, COURT</td>
</tr>
<tr>
<td>When talking about reparation a lot of people think directly about a financial compensation, but a civil action provides a room to victims to give testimonies of what happened and this allow them to be healed psychologically</td>
<td>Elaboration of a channel through which a victim should provide evidences during criminal proceedings.</td>
<td>MINJUST, MINISANTE, COURT, NPPA</td>
</tr>
</tbody>
</table>

The number of persons convicted of defilement and penalties they were imposed

The findings of the survey on defilement revealed that victims are satisfied by penalties imposed to the perpetrators at 94%; the Commission realized that they do not receive full justice because civil actions cases are still very few (4%).

During the monitoring of April 2016 on the respect of human rights in prisons and police station cells, the Commission took advantage of that opportunity and monitored on defilement cases and imposed penalties with the aim of comparing them with the seriousness of the crime and in order to fight violence against children. The monitoring based on penalties provided by Organic law n° 01/2012/OL of 02/05/2012 instituting the penal code in its article 190, 191 and 192 relating to penalties for defilement.
In 13 visited prisons, the Commission found 2,225 detainees convicted of defilement among them 36 women and 2,189 men. The perpetrators are aged between 16 and 72 years old and victims are between 3 and 17 years old.

Convicted persons were punished of imprisonment from one year to life imprisonment with special provisions. Those punished of life imprisonment with special provisions were 308 that are 13.8%.

Considering how penalties were imposed and different reasons on which a Judge can base to reduce the punishment, the Commission considers that Organic law 01/2012/OL of 02/05/2012 instituting the penal code in Rwanda provides penalties to punish that crime. The Commission is convinced that the collaboration of all organs is urgently needed to prevent crimes against children.
3.14. CAPACITY BUILDING FOR THE COMMISSION

In the framework of increasing the capacity of the Commission, from July 2015-June 2016, the members of the Commission and its staff attended different training workshops inside and outside the country. The training workshops focused on the following:

- Result based management and gender mainstreaming;
- Torture Prevention;
- Public Procurement Operations;
- Accountancy;
- Introduction to the respect of human right and its principles.

3.14.1. Training workshops of Commissioners and staff inside the Country

From 8 to 9 October 2015, with the support of UNDP, the Commission organized a training workshop for its members and staff on Result Based Management and Gender Mainstreaming.

The training took place at La Palisse Hotel Gashora located in Bugesera District, Eastern Province. Thirty four (34) staff and Commissioners were trained.

The training workshop focused on the following topics:

- Major principles of gender;
- Gender analysis;
- Gender mainstreaming;
- Project planning and monitoring;
- Result channel;
- Activity implementation process;
- Monitoring and evaluation of the Commission’s action plans
The training workshop aimed at increasing the knowledge of the Commission members and staff in Result Based Management and Gender mainstreaming.

The training equipped participants with knowledge on their attributions and their role in the fulfilment of the Commission’s mission.

From 31st August to 3rd September 2015, a Staff in Charge of Human Rights Protection attended training on the Convention against Torture and other cruel, inhuman or degrading treatment or punishment held in ILPD, Nyanza. The training was organized by the Ministry of Justice in collaboration with ILPD and all organs involved in periodic reporting process were invited.

The aim of the training was to bring together all organs involved in the preparation of periodic reports on Treaties ratified by Rwanda to be trained on the Convention against Torture and its additional protocol. Participants were explained about torture, how to prevent and fight against it and the establishment of sustainable strategies for fighting against it.

The training was delivered by experts from Geneva and focused on the following themes:

- Human Rights in general;
- International instruments ratified by Rwanda;
- International Covenant on economic, social and cultural rights;
- International Covenant on civil and political rights;
- International Convention on the elimination of all forms of racial discrimination;
- International Convention on the elimination of all forms of discrimination against Women;
- International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

The staff of the Commission benefited from the training as she will need acquired knowledge in its daily attribution especially the prevention against torture.

From 20-24 June 2016, in DAYENU Hotel located in Nyanza District, Southern Province, held a training of some tender committee members from Ministries and Institutions including the National Commission for Human Rights. The training
was organised by the National Public Procurement Authority and only the tender committees’ members that had not yet been trained were invited.

The training focused on the following topics:

- Law on Procurement Procedure;
- Public procurement categories;
- Fundamental principles of public procurement;
- Public procurement procedures and contract management between public institutions and Entrepreneurs.

The participant benefited from the training as regard the public procurement procedures and the law on public procurement because this shall help him in the fulfilment of his attributions.

From 26 June to 1st July 2016, at Golden Tulip Hotel, located in Bugesera District, Eastern Province held a training organised by the Ministry of Finance and Economic Planning. Accountants from Ministries and Public Institutions including the National Commission for Human Rights were invited to attend the training in order to train them on Smart IFMIS. The training was organized because some modifications were made on the previous system.

The new system will help Accountants to speed up the filing of financial documents. In addition to that, they were trained on the use of public finance, audit process, how to find out used money form adopted budget and the balance.

3.14.2. Training workshops attended by the staff of the Commission outside the Country

From 23-27 November 2015, at Boma Inn Hotel located in Nairobi, Kenya held a training workshop organized by the Network of African National Human Rights Institutions (NANHRI). The training gathered 24 staff in charge of protection of human rights in National Human Rights Institutions of 12 countries including Zimbabwe, Uganda, Tanzania, Rwanda, Burundi, Kenya, Cameroun, Ethiopia, Nigeria, Malawi, Ghana and South Sudan. Two participants from the National Commission for Human Rights of Rwanda attended the training.

The training workshop aimed at providing basic knowledge on the respect of human rights and its fundamental principles. The training focused on the following topics:

- Definition of human rights;
- Fundamental principles of human rights;
- Human rights development between 17 and 18 century;
- Human rights in international instruments after World War II;
- The Universal Declaration for Human Rights of 1948;
- Other Instruments related to human rights.

The staff of the Commission who attended this training workshop got their knowledge increased as regards the importance, functioning of NHRIs and shared experience on their daily activities.
IV. FINANCIAL REPORT

4.1. Introduction

The financial report is provided for by chapter VI of Organic Law n° 12/2013/OL of 12/09/2013 on State finances and property on Accounting, Reporting and Audit. Article 66 of this law reveals the preparation and submission of financial statements by public entities;

The Commission’s reports and Institutions to which they are submitted, are provided by article 13 of the law n° 19/2013 of 25/03/2013 determining its missions, organisation and functioning; in Chapter III regarding the program of activities and the report of the Commission;

The financial report of 2015-2016 indicates the funds allocated to the Commission from Ordinary budget for the financial year starting from July 1, 2015 to June 30, 2016, the funds received from donors, and how they were used.

4.2. Funds received by the Commission in 2015-2016

For the financial year 2015-2016, the Commission was allocated by law n° 33/2015 of 30 June 2015 a budget of nine hundred eight million seventy-eighty thousand two hundred thirty five Rwf (908,078,235 Frw).

4.2.1. Funds allocated to the Commission from Ordinary budget 2015-2016

The Commission was allocated by law N° 33/2015 of 30 June 2015 determining the State finances an amount of eight hundred thirty-six million five hundred seventy-six thousand two hundred forty-nine (836,576,249 Frw) from ordinary budget of 2015-2016.

4.2.2. Donation from the United Nations Development Programme (UNDP)

Under law no 33/2015 of 30 June 2015 determining the State finances, the UNDP allocated the Commission with an amount of seventy-one million five hundred one thousand nine hundred eighty-six (71,501,986 Frw) for the implementation of the project “Access to justice, human rights and peace consolidation”.

4.3. Funds Allocated to the Commission during revision of the budget 2015-2016

Under law no 002/2016 of 18 March 2016 modifying and complementing Law n°33/2015 of 30/06/2015 determining the State finances for the 2015-2016 fiscal year, the Commission was allocated a budget of one billion fifty-five million five hundred thirty-four thousand six hundred thirty-five(1,055,534,635 Frw).

4.3.1. Funds Allocated to the Commission during revision of ordinary budget 2015-2016

Under law no 002/2016 of 18 March 2016 modifying and complementing Law n°33/2015 of 30/06/2015 determining the State finances for the 2015-2016 fiscal year, the Commission was allocated a budget of nine hundred thirteen million five hundred seventy-six thousand two hundred forty-nine (913,576,249 Frw);

4.3.2. Funds Allocated to the Commission by the United Nations Development Programme.

Under law n° 002/2016 of 18 March 2016 modifying and complementing Law n°33/2015 of 30/06/2015 determining the State finances for the 2015-2016 fiscal year, the UNDP allocated the Commission with a budget of one hundred forty-one million nine hundred fifty-eight thousand three hundred eighty-six (141,958,386 Frw);

4.4. Other funds received by the Commission

The Commission received from Bristol University an amount of one million six hundred forty-one thousand seven
hundred thirty-four (1,641,734 Frw). The money was granted for the preparation of a training workshop held in Kigali, on “Protection, Monitoring and Promotion of Human Rights in combatting torture and other ill treatment through the designation of National Preventive Mechanisms in Rwanda”.

4.5. Funds allocated to the Commission from ordinary budget and donors according to Activity Plan of the Commission 2015-2016.

Table 19: All funds allocated to the Commission from ordinary budget and donors according to Activity Plan of the Commission 2015-2016.

<table>
<thead>
<tr>
<th>Nº</th>
<th>Sources of funds</th>
<th>Activity plans</th>
<th>Allocated budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Ordinary Budget</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Administrative and support services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salaries and related expenses</td>
<td></td>
<td>493,072,255</td>
</tr>
<tr>
<td></td>
<td>Furniture and Services</td>
<td></td>
<td>287,926,738</td>
</tr>
<tr>
<td></td>
<td>Total (1)</td>
<td></td>
<td>780,998,993</td>
</tr>
<tr>
<td>2</td>
<td>Promotion and Protection of Human Rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Promotion of human rights</td>
<td></td>
<td>29,458,000</td>
</tr>
<tr>
<td></td>
<td>Protection of human rights</td>
<td></td>
<td>103,119,256</td>
</tr>
<tr>
<td></td>
<td>Total (2)</td>
<td></td>
<td>132,577,256</td>
</tr>
<tr>
<td></td>
<td>Total (1+2)</td>
<td></td>
<td>913,576,249</td>
</tr>
<tr>
<td>B. Budget allocated by donors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative and support services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The United Nations Development Program (UNDP)</td>
<td></td>
<td>141,958,386</td>
</tr>
<tr>
<td></td>
<td>Office furniture and services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total (3)</td>
<td></td>
<td>141,958,386</td>
</tr>
<tr>
<td></td>
<td>Promotion and protection of human rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bristol University</td>
<td>Promotion of human rights</td>
<td>1,641,734</td>
</tr>
<tr>
<td></td>
<td>Total (4)</td>
<td></td>
<td>1,641,734</td>
</tr>
<tr>
<td></td>
<td>The sum (1+2+3+4)</td>
<td></td>
<td>1,057,176,369</td>
</tr>
</tbody>
</table>

As illustrated by the above table, the total amount allocated to the Commission for the financial year 2015-2016, including the amounts from ordinary budget and donors is one billion fifty-seven million one hundred seventy-six thousand three hundred sixty-nine (1,057,176,369 Frw).
### 4.5. Financial statement for 2015-2016

#### Table n° 20: Financial statement by 30th June 2016.

<table>
<thead>
<tr>
<th>Source of funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Opening balance by 30 June 2015</strong></td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td>8,949,896</td>
</tr>
<tr>
<td>Petty cash</td>
<td>99,400</td>
</tr>
<tr>
<td><strong>Financial statement of the Commission by 30 June 2015 (1)</strong></td>
<td>9,049,296</td>
</tr>
<tr>
<td><strong>2. Received funds for the financial year 2015-2016</strong></td>
<td></td>
</tr>
<tr>
<td>Funds received by the Commission from Ordinary budget until 30 June 2016</td>
<td>912,003,733</td>
</tr>
<tr>
<td><strong>The total amount received by the Commission 2015-2016 (2)</strong></td>
<td>912,003,733</td>
</tr>
<tr>
<td>Funds from donors</td>
<td></td>
</tr>
<tr>
<td>- The United Nations Development Program (UNDP)</td>
<td>64,360,777</td>
</tr>
<tr>
<td>- Bristol University</td>
<td>1,641,734</td>
</tr>
<tr>
<td><strong>Total of fund received by the Commission from donors (3)</strong></td>
<td>66,002,511</td>
</tr>
<tr>
<td><strong>The total amount received by the Commission for the financial year 2015-2016</strong></td>
<td>987,055,540</td>
</tr>
</tbody>
</table>

#### B. Expenditures

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Salaries</strong></td>
<td>491,822,450</td>
</tr>
<tr>
<td><strong>2. Promotion and protection of human rights, capacity building and support services.</strong></td>
<td>493,918,290</td>
</tr>
<tr>
<td><strong>Total (4)</strong></td>
<td>985,740,740</td>
</tr>
<tr>
<td><strong>Balance (1+2+3-4)</strong></td>
<td>1,314,800</td>
</tr>
<tr>
<td><strong>Closing balance by 30 June 2016</strong></td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td>1,261,800</td>
</tr>
<tr>
<td>Petty cash</td>
<td>53,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,314,800</td>
</tr>
</tbody>
</table>

As mentioned in the above table, on 30 June 2016, the total amount received by the Commission from ordinary budget and donors is nine hundred eighty-seven million fifty-five thousand five hundred forty (987,055,540 Rwf), used budget by 30 June 2016 amounts to nine hundred eighty-five million seven hundred forty thousand seven hundred forty (985,740,740 Frw).

The money was used for salaries, in the program of promotion and protection of human rights, in capacity building and support services.

By 30 June 2016, the Commission owned one million two hundred sixty-one thousand eight hundred (1,261,800 Frw) on its bank account and fifty three thousand (53,000 Frw) in petty cash.

4.6.1. Use of funds allocated to the Commission from ordinary budget

Table no. 21: Approved budget allocated to the Commission at the beginning of the year, allocated funds after the revision and its expenditures based to main budget lines.

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Name of the budget line</th>
<th>Approved budget at the beginning of the year</th>
<th>Allocated budget after revision</th>
<th>Expenditures</th>
<th>Balance</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>221</td>
<td>Administrative and support services</td>
<td>320,503,994</td>
<td>391,190,395</td>
<td>391,089,215</td>
<td>101,180</td>
<td>99.97%</td>
</tr>
<tr>
<td>211</td>
<td>Salaries</td>
<td>516,072,255</td>
<td>493,072,255</td>
<td>491,822,450</td>
<td>1,249,805</td>
<td>99.75%</td>
</tr>
<tr>
<td>231</td>
<td>Capital expenditures</td>
<td>0</td>
<td>30,955,333</td>
<td>30,942,875</td>
<td>12,458</td>
<td>99.96%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>836,576,249</td>
<td>915,217,983</td>
<td>913,854,540</td>
<td>1,363,443</td>
<td>99.85%</td>
</tr>
</tbody>
</table>

As mentioned in the table, the budget allocated to the Commission was used at 99.85%.
Under law n° 33/2015 of 30 June 2015 determining the State finances for the 2015/2016 Fiscal Year, the Commission received from UNDP a budget of seventy-one million five hundred one thousand nine hundred eighty-six (71,501,986 Frw) for project activities;

Under law n° 002/2016 of 18 March 2016 modifying and complementing Law n°33/2015 of 30/06/2015 determining the State finances for the 2015/2016 fiscal year, the Commission received from UNDP a budget of one hundred forty-one million nine hundred fifty-eight thousand three hundred eighty-six(141,958,386 Frw).

Though, the Commission received one hundred forty-one million nine hundred fifty-eight thousand three hundred eighty-six(141,958,386 Frw) from UNDP, an error occurred when MINECOFIN was entering data in IFMIS system because the Commission had not yet revised the activity plan of the project. Planned activities were based on budget allocated under law n° 33/2015 of 30 June 2015 and this continued to be implemented till the end of the year. This means that, the activities of the project were planned based on budget of seventy-one million five hundred one thousand nine hundred

<table>
<thead>
<tr>
<th>Activities</th>
<th>Allocated budget</th>
<th>Used money</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey on the impact of the recommendations issued by the Commission and</td>
<td>1,000,000</td>
<td>1,926,400</td>
<td>(926,400)</td>
</tr>
<tr>
<td>other oversight institutions on different national policies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity building for CRO volunteers at Sector and District levels of</td>
<td>9,832,100</td>
<td>15,068,641</td>
<td>(5,236,541)</td>
</tr>
<tr>
<td>Western, Southern Provinces and the City Kigali</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collaboration with CSOs in the assessment of the level of</td>
<td>6,170,400</td>
<td>5,907,200</td>
<td>263,200</td>
</tr>
<tr>
<td>implementation on concluding observations issued by CAT and CMW Committees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment carried out by the Commission in collaboration with CSOs on</td>
<td>500,000</td>
<td>490,336</td>
<td>9,664</td>
</tr>
<tr>
<td>the level of implementation of UPR recommendations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collaboration with CSOs in the assessment of the level of</td>
<td>4,625,000</td>
<td>4,657,000</td>
<td>(32,000)</td>
</tr>
<tr>
<td>implementation on concluding observations issued by CRC and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ECOSOC Committees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survey on defilement</td>
<td>21,600,000</td>
<td>11,500,000</td>
<td>10,100,000</td>
</tr>
<tr>
<td>Development of a Fundraising Strategy</td>
<td>7,390,000</td>
<td>7,400,000</td>
<td>(10,000)</td>
</tr>
<tr>
<td>Training of members of private sector working in mining industry</td>
<td>8,064,000</td>
<td>10,436,000</td>
<td>(2,372,000)</td>
</tr>
<tr>
<td>Training on Result based management and gender mainstreaming</td>
<td>5,425,500</td>
<td>4,876,400</td>
<td>549,100</td>
</tr>
<tr>
<td>Project coordination</td>
<td>913,000</td>
<td>983,000</td>
<td>(70,000)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>65,520,000</strong></td>
<td><strong>63,244,977</strong></td>
<td><strong>2,275,023</strong></td>
</tr>
</tbody>
</table>
eighty-six (71,501,986 Frw).

By 30 June 2016, the Commission had requisitioned sixty-five million five hundred twenty thousand (65,520,000 FRW) but received sixty-four million three hundred sixty thousand seven hundred seventy-seven (64,360,777 FRW). From that money, the Commission used sixty-three million two hundred forty-four thousand nine hundred seventy-seven (63,244,977 FRW).

In general, the Commission has properly used the funds received for ordinary budget at the rate of 99.86%. In order to fulfil its missions of promotion and protection of human rights, the Commission has developed a fundraising strategy that should complement the ordinary budget in order to build its capacity as regard the promotion and protection of human rights.
V. GENERAL CONCLUSION

The activities that are covered in this report, are related to the achievement of the Commission as regard its missions of promotion and protection of human rights entrusted to it by article 42 of the Constitution of the Republic of 2003 revised in 2015 and by law n° 19/2013 of 25 March 2013 determining missions, organisation and functioning of the National Commission for Human Rights. Those activities were carried out from 1 July 2015 to 30 June 2016.

Regarding the promotion of human rights, the Commission trained and raised awareness of different categories on human rights. Concerning the protection of human rights, the Commission carried out investigations both for received complaints and those processed at its own initiative.

In general, this report reveals that a remarkable improvement was noticed on behalf of organs concerned with solving human rights issues, as many of them tried to find solutions of complaints that were submitted to them and others were willing to solve them. The following data evidence the will of different authorities in solving complaints. Complaints were solved as follow for the last three years: In 2013-2014 received complaints were 654 and 401 were solved, that is 61,3 %; in 2014-2015 received complaints were 1.056 and 806 were solved, that is 76,3 % while in 2015-2016 received complaints were 1.095 and 836 were solved, that is 76,3 %.

On one hand, this improvement is due to the fact that authorities and the population have been sensitized on human rights issues and their duties which changed their mind set. Besides, the awareness of the population was raised as regard where they can submit their complaints for solution. On the other hand, the smooth collaboration between the Commission and other organs has also witnessed this improvement.

Though, the improvement was noticed in promotion and protection of human rights, there are some categories of complaints that need more attention in order to ensure the respect of human rights, among others, the complaints related to the right to property (29,66 %), right to justice (26,64 %), defilement (14,09 %) and the right to education (7,76 %).

As regard the respect of human rights in prisons, there is still a problem of overcrowding in some prisons. There is also a need of collaboration among local administration authorities to avoid the complainants going back and forth and solve their problem in reasonable time.
VI. RECOMMENDATIONS

Based on issues raised in this report, the Commission would like to issue recommendations to the following Organs:

A. **Supreme Court**
   - The Commission recommends the establishment of strategies that should speed up the handover of judgement copies between courts and prisons for a prompt implementation of court decisions.

B. **The Ministry of Local Government**
   - The Commission recommends that Organs to which it submitted complaints, to solve them in due time without recalling them to avoid the complainants to go back and forth;

   The Commission suggests that unprofessional bailiffs should be sensitized on the judgement execution so that the victims can be restored in their rights.

C. **The Ministry of Justice**
   - The Commission recommends once again the establishment of fund that shall help to pay for compensation on the behalf of needy persons;
   - The Commission recommends that the life imprisonment with special provisions be removed from Rwandan law as there is no need to keep it while it is not implemented as provided by the law;
   - The Commission recommends to increase the number of judicial police officers experts in charge of defilement;
   - The Commission recommends the establishment of a forensic laboratory.
   - The Commission recommends the extension of police station cells and prisons to reduce the overcrowding.

D. **The Ministry of Family Promotion and Gender**

The Commission recommends that more efforts are required to sensitise parents to take care of their children and protect them from violence.
VII. PLANNED ACTIVITIES FROM JULY 2016 TO JUNE 2017

As provided by article 12 of law n°19/2013 of 25 March 2013 determining missions, organisation and functioning of the National Commission for Human Rights, the Commission submits to the Parliament, both Chambers, its program of activities within a period not exceeding three (3) months from the commencement of the fiscal year and reserve a copy thereof to the President of the Republic, the Cabinet and the Supreme Court.

For the period from July 2016 to June 2017, the Commission Action Plan includes the following major activities:

7.1. Promotion of human rights

Concerning the promotion of Human Rights, from July 2014 to June 2015, the Commission intends to conduct training workshops on Human Rights that will mainly focus on the following categories:

- Bailiffs;
- Members of different local associations and cooperatives;
- Executive Secretaries of Cells;
- Members of associations of persons with disabilities;
- Members of associations of People living with HIV/AIDS

In the framework of sensitizing the Rwandan population on Human Rights, the following activities are planned:

- Public lectures for different categories of people (in schools, public meetings,…)
- Emissions for the public will be broadcast on the national Radio and TV
- Commemorate Annual Human Rights Days.

The Commission shall publish the roadmap for the implementation of the UPR recommendations issued to Rwanda in November 2015.

During this year, the Commission will continue to provide its views on laws and bills and urge relevant authorities to sign and ratify International Conventions on Human Rights and to submit timely the reports required by these Conventions.

7.2. Protection of human rights

In the framework of human rights protection are planned the following activities:

- To receive, examine and monitor complaints of Human Rights violation and submitting them to relevant authorities for solution as well as filing cases to courts if necessary;
- To monitor the respect of Human Rights refugee camps, and centres for People living with disabilities;
- To monitor the respect of elderly;
- To monitor the respect of the rights of migrants;
- To visit detention premises and inspect whether detainees’ rights are guaranteed;
- To conduct surveys on the respect of human rights of children that were settled in foster families from orphanages;
- To conduct a survey on the right to own property especially the right to compensation in case of expropriation.
7.3. 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 on Human Rights on Economic, Social and cultural rights and on human rights indicators;

- To continue the collaboration between the Commission and CSOs, NHRIs of foreign countries; Organise the conference on mental health;

- Attending International Human Rights Conferences;

- To make a follow up of the daily activities of OCR Volunteers.