

NATIONAL COMMISSION FOR HUMAN RIGHTS



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ANNUAL ACTIVITY REPORT FOR 2017-2018

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FOREWORD



In accordance with Law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights in Article 13, the National Commission for Human Rights shall submit to the Parliament, both Chambers, its activity report and action plan for the following year, and reserve a copy thereof to His Excellency the President of the Republic, the Government and the Supreme Court. The annual activity report for 2017-2018 highlights activities of the Commission and major achievements carried out by various public institutions related to the protection of human rights. It also outlines activities of the Commission related to the promotion of human rights.

The activities of the Commission related to human rights protection include surveys and monitoring the respect of the rights of people in special categories namely persons with disabilities, the elderly, children and refugees. Moreover, the monitoring activities targeted the rights of detainees, prisoners and persons detained in transit centres. The Commission also monitored respect for human rights during Presidential Elections held on August 4, 2017. Further, the Commission investigated complaints related to violation of human rights and requested relevant organs to address them.

As regard the promotion of human rights, the Commission focused on campaigns to raise awareness and sensitize people from various categories of Rwandans on embracing and promoting human rights. The Commission provided views on draft laws related to promoting human rights and urged concerned institutions to timely submit reports required under the International Treaties on Human Rights.

The report also describes activities involved in collaboration between the Commission and other institutions across the globe, Africa, State institutions, local or foreign non-governmental human rights organizations.

The Commission commends institutions, various stakeholders and Rwandan citizens for their collaboration towards the fulfilment of its mission. The Commission will continue to deliver on its missions to promote and protect human rights.

NIRERE Madeleine,

Chairperson of the Commission

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ABBREVIATIONS AND ACRONYMS

1. ADECOR : Rwanda Consumer's Rights Protection Organization
2. ADEPR : Rwanda Association of Pentecostal Churches
3. ADL : Rwanda Association for the Defence of Human Rights and Public Liberties
4. AJPRODHO: Youth Association for the Promotion of Human Rights and Development
5. ARAMA : Association for Research and Assistance Mission for Africa
6. ARDHO : Rwanda Association for the Defence of Human Rights
7. AVP : Alternatives to Violence Project
8. BDF : Business Development Fund
9. CERD : Committee on the Elimination of Racial Discrimination
10. CHUK : Kigali University Teaching Hospital
11. CLADHO : Umbrella Organization of Associations for the Defence of Human Rights in Rwanda
12. DASSO : District Administration Security Support Organ
13. DHS : Demographic and Health Survey
14. EAR : Rwanda Anglican Church
15. FADA : Feminist Action Development Alliance
16. FARG : Fund for Support and Assistance to the Neediest Survivors of the Genocide against Tutsi
17. HSSP4 : Fourth Health Sector Strategic Plan
18. ICCPR : International Covenant on Civil and Political Rights
19. IFMS : Integrated Financial Management System
20. IPPIS : Integrated Payroll and Personnel Information System
21. LAF : Legal Aid Forum
22. MAJ : Access to Justice Bureau
23. MAP : Provisional Arrest Warrant
24. MDGs : Millennium Development Goals
25. NCC : National Commission for Children
26. OHEO : Orphan's Hope Entertainment Organization
27. OIF : International Organization of the Francophonie
28. PVA : Statement of Arrest
29. RBA : Rwanda Bar Association
30. RCA : Rwanda Cooperative Agency
31. RCS : Rwanda Correctional Service
32. REB : Rwanda Education Board
33. REWU : Rwanda Extractive Industry Workers Union
34. RFTC : Rwanda Federation of Transport Cooperatives
35. RIB : Rwanda Investigation Bureau
36. RRA : Rwanda Revenue Authority
37. RSSB : Rwanda Social Security Board
38. RURA : Rwanda Utilities Regulatory Authority
39. AIDS : Acquired Immunodeficiency Syndrome
40. SPT : Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture

PREAMBLE

The National Commission for Human Rights is an independent Commission provided for by Article 42 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 entrusted with the special mission to promote human rights.

The Commission is governed by Law n° 19/2013 of 25 March 2013 determining its missions, organisation and functioning. This Law complies with the Resolution n° A/RES/48/134 of 20 December 1993 as adopted by the United Nations General Assembly, establishing the Fundamental Principles of National Commissions on Human Rights. These principles govern the organization and functioning of National Commissions in charge of promoting and protecting human rights. As a result to the compliance with the contents of these principles, the Rwanda National Commission for Human Rights holds A Status, granted by Sub-Committee on Accreditation that reviews and accredits national human rights institutions.

Missions of the Commission

The Commission has the mandate to promote and to protect human rights as provided for by Law n° 19/2013 of 25 March 2013 determining its missions, organisation and functioning.

Regarding the promotion of human rights, the Commission conducts awareness campaigns among Rwandans to promote human rights. It provides views for consideration when drafting laws that comply with human rights principles. The Commission urge concerned Government institutions to ratify and incorporate International Treaties on Human Rights into national laws. It urges various public institutions to timely submit reports on International Treaties ratified by Rwanda and to collaborate with other institutions in designing strategies to prevent violations of human rights.

Regarding the protection of human rights, the Commission receives and conducts investigations on human rights violation complaints committed by State organs, those who work in the public service abusing their powers, associations and individuals. It conducts field visits to check on human rights respect in detention facilities to and assess how the rights of inmates are respected. In the same line, the Commission monitors the respect for human rights during elections. Most particularly, the Commission oversees the respect for the rights of children, women and persons with disabilities, persons living with HIV/AIDS, refugees, immigrant workers and their families and the Elderly.

In order to fulfil its mission, the Commission has the power to receive and consider testimonies on violation of human rights, to have access to any place where human rights violations are alleged or reported including places of detention for the purpose of investigations. To fulfil its mission, the Commission is entitled 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.

The Commission has extensive powers to have access to documents, get their copies as well as any other document required by the Commission to be able to analyze and collect Human Rights violation evidence. It has the power to request concerned organs to unconditionally restore the rights of any person where it appears that his/her rights have been violated. and has powers to file legal proceedings in civil, commercial, labour and administrative matters for violation of human rights.

Organs of the Commission

The Commission is composed of seven (7) permanent Commissioners including the Chairperson and Vice President. They serve a four (4) year mandate, renewable only once. Commissioners are selected by an independent committee in charge of selecting candidates for the post of Commissioner. This Committee is governed by Presidential Order n° 72 of 12/03/2004 establishing a Committee for selection of candidates for the post of Commissioner and determining its missions, organisation and functioning. Commissioners have powers of judicial police officers with national jurisdiction and enjoy immunity during and after their term in office for their acts in performing their duties.

Administrative organs of the Commission are composed of the Council of Commissioners, the Bureau of the Commission and the General Secretariat. The Commission also has operational organs and necessary support staff on a permanent basis.

MEMBERS OF THE COMMISSION



NIRERE Madeleine
Perezida



GATERA Emmanuel
Visi Perezida



**UWIZEYE Marie
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Komiseri



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EXECUTIVE SUMMARY

This report outlines achievements of the Commission from July 2017 to June 2018 under its overall mission stipulated in article 42 of the Constitution of the Republic of Rwanda of 2003 revised in 2015. These achievements derive from its overall mission of promoting and protecting human rights under Law n° 19/2013 of 25 March 2013 determining its missions, organisation and functioning.

The report is structured into five major parts including the respect of human rights for 2017-2018, complaints of human rights violations processed by the Commission, activities related to the promotion of human rights, a part related to administrative and financial activities and the implementation of recommendations issued by the Commission in the 2016-2017. The last part of the report is a general conclusion and key activities planned for 2018-2019.

Regarding the respect of human rights in 2017-2018, the Commission highlights the achievements by various institutions in promoting human rights and the findings from the assessment of the respect of Civil and Political Rights, Economic, Social and Culture rights and the rights of special categories.

As regards human rights in civil and political matters, the report highlights the progress made towards ensuring respect for the right to life, the right to justice, the right to vote and to be elected, freedom of press and access to information. Most particularly, the Commission conducted a survey into the respect for human rights during Presidential Elections held on 4 August 2017. Based on its observation, the elections were free, fair, transparent and security was insured.

In terms of economic, social and cultural rights, the report outlines achievements towards protecting the right to property, the right to adequate housing, environment, health, education and work. In this regard, the Commission conducted surveys on the respect for human rights in public transport. In general, the Commission noted that the rights of employees are respected though some aspects require due consideration. These include, among others, the right not to be subjected to extra time working hours for drivers, payment of medical insurance and social security contributions.

Concerning the rights of special categories, the Commission's survey revealed cases of children victims of sexual abuse. In general, the findings show that their rights to health and justice are respected. Nevertheless, the Commission learnt that children sexually abused face problems including early pregnancies, school dropout, persecution, isolation and poverty. Yet, their families do not usually claim for damages.

The Commission carried out a monitoring in orphanages to assess the respect of the rights of children and how far the program of placing children in foster families has been implemented. The survey was conducted in five (5) orphanages and children's rights are respected as they get all basic needs. Unfortunately, the Commission noted that there are still children in orphanages who cannot be placed in foster families, either due to their disability or incurable diseases.

The Commission monitored respect for the rights of the elderly living in ten (10) centres in various Districts and found that their rights were respected in general. Nevertheless, due to financial problems, some of these centres are in dire need of Government subsidies to attend to the needs of the elderly.

Moreover, the Commission visited twenty (20) centres accommodating persons with disabilities, and found that in general their rights to social welfare, education, health, civil status registration, and the right to visit and to be visited by their families are respected. The Commission noticed the lack of specialised staff in orthopaedics and mental health to insure the follow up of persons with disabilities living in these centres. Another problem relates to lack of teachers with special skills to educate deaf and mute children who attend formal education.

Concerning the respect for refugees' rights, the Commission conducted a survey in 5 refugee camps and noted that human rights were respected in general. Nonetheless, the Commission noticed the problems of old houses and schools. In some camps, houses are too small to accommodate families with a big number of members and the issue of little amount of cash based intervention is not enough compared to current prices at the market.

The Commission monitored respect for human rights of inmates in 14 prisons and 109 Police Stations' detention cells and learnt, in general, that the rights of detainees and prisoners are respected apart from overcrowding in some prisons and Police detention facilities which need rehabilitation.

Regarding the rights of detainees in transit centres and rehabilitation centres, the Commission visited 27 transit centres and Gitagata Rehabilitation Centre and found that in general, their rights are respected. Nevertheless, some of these centres were reported to operate in old facilities and with no rooms specifically reserved for children.

Further, in human rights protection, the Commission processed 1.441 complaints of violation of human rights which it submitted to concerned organs for solution. 913 (63%) of these complaints were solved while 528 (36.6%) complaints are still pending. These complaints are mainly related to violation of the right to property, the right to justice, children's right not to be subjected to sexual abuse, the right to education, the right to know one's parents and to be raised by them and the right to employment.

As part of promoting human rights, the Commission organized training workshops for persons from different categories to enhance their knowledge in areas of human rights. Training workshops were organized for 463 persons including representatives of non-governmental organizations, representatives of faith-based organizations, journalists and representatives of Political Parties recognized in Rwanda.

The Commission also sensitized 249.593 persons on human rights during public meetings where different categories of persons were gathered and produced programs on human rights through media organs.

The Commission provided views on draft laws to ensure that laws enacted comply with human rights principles, and urged concerned public institutions to timely submit reports on international treaties ratified by Rwanda.

The Commission collaborated with International Human Rights Institutions, non-governmental human rights international organizations and public institutions mainly in advocacy and training. The Commission also hosted an International Conference for African National Commissions for Human Rights.

In 2017-2018, the Commission was allocated a total budget of One Billion Two Hundred Sixty Million Two Hundred Sixty Six Thousand Nine Hundred Ten Rwanda Francs (*RWF 1,260,266,910*) of which One Billion Two Hundred Forty Million Seven Hundred Four Thousand Five Hundred Sixty (*RWF 1,240,704,560*) was from ordinary Budget allocation and Nineteen Million Five Hundred Sixty Two Thousand Three Hundred Fifty (*RWF 19,562,350*) donated by Stakeholders.

PART I: HUMAN RIGHTS STATUS FOR 2017-2018

This section describes the status of human rights in 2017-2018 based on the Commission's achievements including findings from surveys, monitoring activities, investigations into processed complaints and achievements by various public institutions including laws enacted, policies and strategies put in place and other activities related to promoting Civil, Political, Economic, Social and Cultural Rights.

1.1. Civil and Political Rights

Civil and Political rights seek to ensure a person's right to life, liberty and freedom in their private life.¹

These rights are stipulated in the Constitution of the Republic of Rwanda of 2003 revised in 2015, in the International Covenant on Civil and Political Rights of 16 December 1996, in the African Charter on Human and People's Rights of 27 June 1981, the Treaty establishing the East African Community of 30 November 1999 and other laws.

Civil and Political rights discussed in this report include the right to life, the right to justice, the right to vote and to be elected, freedom of press, access to information and freedom of opinion.

1.1.1. Right to life

The right to life serves as a basis for other human rights.² Article 12 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 stipulates '*everyone has the right to life and that no one shall be arbitrarily deprived of life*'.

This right is also provided for by Organic Law n° 31/2007/OL of 25 July 2007 relating to the abolition of death penalty.

In 2017-2018, the Commission monitored 28 complaints of violation of the right to life with a view to punish their authors. Half (14) of these complaints were resolved while solution for the remaining 14 is pending. The analysis of the Commission, revealed that these complaints are due to drug abuse, domestic conflicts and violence.

The report of the National Police for the first three quarters of 2017-2018 indicates that the murder crime comes at the fifth position with 328 cases reported. The Ministry of Justice indicates that strategies were taken to prevent murder and to collect forensic evidences including establishment of Rwanda Forensic Laboratory and speed up the hearings of murder cases.

In line with the right to life protection, from 7 April 2018 to 3 July 2018, different events were organized for 24th commemoration of the Genocide against Tutsi in 1994 under the theme "Remember, Rebuild, Renew". Seminars were organized across the country and focused on the specificity of Genocide and its peculiarity compared to other killings, characteristics of the Genocide against Tutsi and the

¹Office of the United Nations High Commissioner for Human Rights (2005): Fact Sheet No. 15 (Rev.1)

² Office of the United Nations High Commissioner for Human Rights (2017): General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life

importance of preserving its evidence and Rwanda's uniqueness to address consequences of the Genocide against Tutsi.

From 7 to 13 April 2018, the National Commission for Human Rights joined the National Unity and Reconciliation Commission during the Genocide Commemoration Week. Both Commissions visited the Campaign Against Genocide Museum and joined residents of Rusiga Sector in Rulindo District for Genocide Commemoration on 14 June 2018.

1.1.2. Right to justice

The right to justice includes the right to be informed of the nature and cause of charges, defence and assistance by a counsel before a court, presumption of innocence until proven guilty by a competent court, trial by a competent court, free from arrest and detention for an offence committed or not committed when local laws and international laws did not consider it as an offence when it occurred, non-liability for an offence not committed and non-detention for an offence committed for inability to perform contractual obligations and the right not to be subject of criminal proceedings or punishment for a prescribed offence.

These rights are set out in Article 29 of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

Restructuring the justice sector was conducted in 2017-2018 to decentralize justice organs and speed up trials. Enactment of the following laws falls within this framework:

- Organic Law n°002/2018.OL of 04/04/2018 instituting the Court of Appeal;
- Law n° 30/2018 of 02/06/2018 determining jurisdiction of Courts;
- Law n° 012/2018 of 04/04/2018 determining the organization and functioning of the Judicial Power;
- Law n° 22/2018 of 29/04/2018 relating to civil, commercial, social and administrative procedure;
- Law n° 44bis/2017 of 06/09/2017 on protection of whistle-blowers;
- Ministerial Order n°023/MOJ/AG/2017 of 23/10/2017 fixing basic fees for services of Professional Bailiffs.

As part of protection of the right to justice, in 2017-2018, the Commission processed 457 complaints in connection with the right to justice. Of these complaints, 227 were solved, 205 are still pending, and 17 complainants were advised to refer their complaints to concerned organs while 8 complaints were rejected for failure to meet admissibility requirements. While assessing these complaints, the Commission noted that most complaints arose from non-execution of judgments.

Some judgments were not executed due to obstacles including lack of financial capacity on the side of the defendant, judgments not bearing enforcement formula, ignorance of the place of residence of the defendant and unexecuted judgments because the Court's Order did not clearly specify the subject matter of execution of judgment.

Also, as part of protecting the right to justice, a system is now in place that facilitates people to get legal assistance on Investigation Bureaux, the Prosecution and Courts; a list of lawyers with their respective addresses was established. There is also a program to assist vulnerable citizens in courts. In this line

during 2017-2018, 1,740 persons were assisted; including 482 assisted by MAJ and 1,258 assisted by the Rwanda Bar Association (RBA) and the Legal Aid Forum (LAF)³.

1.1.3. Right to vote and to be elected

The right to vote and to be elected is provided for in the Constitution of the Republic of Rwanda of 2003 revised in 2015 in article 2 which states that *'all Rwandans, both men and women, fulfilling the requirements provided for by the law have equal right to vote and to be elected'*. Article 27 of the Constitution provides that *'all Rwandans have the right to participate in the Government of the country, either directly or through their freely chosen representatives, in accordance with the law'*.

To ensure protection of the right to vote and to be elected, Organic Law n° 001/2018.OL of 25/03/2018 governing elections was enacted in 2017-2018 along with Presidential Order n° 98/01 of 02/06/2018 determining voting days and period of campaign for legislative elections.

Article 6 5° of Law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights,, gives the Commission the special mission to monitor respect for Human Rights throughout the electoral process and to submit a report thereof to relevant organs. In 2017-2018, the Commission monitored Presidential Elections held on 4 August 2017.

1.1.3.1. Monitoring respect for human rights during Presidential Elections held on 4 August 2017

From 14 July to 4 August 2017, the Commission monitored Presidential Elections as follows:

- Monitoring pre-electoral activities, including holding discussions with the National Electoral Commission to assess progress of preparations for Presidential Elections from 3 to 4 August 2017.
- Training workshops for Commissioners and Staff of the Commission, members of the Civil Society Organizations, journalists from various media organs, members of the clergy, members of the National Consultative Forum for Political Organizations, numbering 400 persons.
- Monitoring campaigning activities for three candidates for the post of President of the Republic.
- Overseeing Presidential Elections.
- Monitoring final process of elections including assessing whether there were post electoral disputes or troubles.
- Submitting the election monitoring report to relevant organs.

A. Pre-electoral monitoring process

As part of assessing the progress of election preparations, Commissioners within the National Commission for Human Rights met with Members of the National Electoral Commission to discuss on the preparations progress.

³Ministry of Justice (2018)

After these discussions, training workshops for various categories were conducted on the smooth running of elections, monitoring of activities related to the electoral campaign and supervising preparations ahead of the elections.

➤ **Discussions between the National Commission for Human Rights and the National Electoral Commission**

The National Commission for Human Rights held discussions with the National Electoral Commission on 6 July 2017, to assess basic aspects likely to ensure respect for human rights in election preparations, during and after the elections and to examine progress of pre-electoral activities. The Commission wanted to know how its recommendations formulated after the previous elections were implemented.



Members of both Commissions discussing on preparations for the elections (Photo: NHRC, 2017)

After the discussions, the Commission learnt that pre-electoral activities had begun. Some of these activities included, among others:

- Putting in place various systems for citizen registration, self-transfer and rectification on the voting list using mobile phone, Internet and availing the list at Village level.
- Training of election volunteers and Rwandans on civic education during elections.
- Examining the requirements for candidates wishing to submit their candidacy for elections.
- Putting in place a mechanism to help persons with visual impairment to vote using appropriate voting ballots and to facilitate persons with motor disability to vote in suitable premises.

➤ Training workshops

From 11 July to 13 July 2017 and on 1st August 2017, the National Commission for Human Rights organized training workshops for members of the Civil Society Organizations, Forum of Religious Leaders, Journalists and members of the National Consultative Forum of Political Organizations on respect for human rights during elections. Training participants numbering 350 persons.



Leaders of Religious Organizations who attend the training workshop



Representatives of the Forum for Political Organizations



Journalists



Representatives of the Civil Society

B. Monitoring campaign related activities

From 14 July to 2 August 2017, the Commission monitored campaign activities in 27 Districts for candidates running for the post of President of the Republic. These candidates included HABINEZA Frank representing Democratic Green Party of Rwanda, MPAYIMANA Philippe as independent candidate and Paul KAGAME, representing RPF-INKOTANYI.

➤ Positive facts during the electoral campaign

In general, the Commission noted that campaign activities for candidates for the post of President of the Republic were successfully conducted. Electoral campaign was conducted in public, in transparency, free from corruption, threats or intimidation, insults or defamation or incitation to any act likely to disrupt the smooth running of the elections.

The Commission did not notice any verbal expressions based on discrimination and divisions in the campaign process, no caricatures and signposts likely to cause divisions among citizens, no conflicting events for various candidates in their campaigns at Cell level.

No photos of candidates were torn and no candidate used national emblems on photos and leaflets for campaign.



Frank HABINEZA, candidate for Democratic Green Party of Rwanda



Philippe MPAYIMANA, independent candidate



Paul KAGAME, candidate for RPF Inkotanyi

➤ **Negatives aspects reported during the electoral campaign**

Despite successful conduct of the electoral campaign for candidates, some irregularities were noticed:

- Noncompliance with existing timetable.
- Failure to indicate Village, Cell, and Sector concerned by the electoral campaign.
- Participation of children in campaign activities.
- Campaigning near main taxi parks, market places or near the roads which may cause accidents.

C. Monitoring of elections process

In general, the Commission noted smooth organization of Presidential Elections held from 3 to 4 August 2017 because they were held in a transparent, free, peaceful and secure atmosphere. Nonetheless, some aspects need improvement to ensure increased respect for the right to vote and to be elected.

➤ **Positive aspects observed by the Commission during elections**

The Commission noted that polling stations were operating in primary and secondary school and banners were indicating their location. Polling stations were located near public highways to ease their accessibility for citizens. They were well organized, sufficiently clean and security was insured by security agents. Polling rooms had adequate polling booths to help the citizens to vote in secret. The electoral materials were timely brought in with enough volunteers who fulfilled their duties.

Regarding observers' rights, the Commission noted that elections were monitored by local and foreign observers. No accredited personnel were denied the right to monitor the electoral process or access to information related to elections.

The Commission noted that the right of persons with visual impairment was respected through provision of a special voting ballot.

When casting their vote, vulnerable persons such as the elderly, pregnant women and persons with specific duties were given priority.

Appropriate sheets were used during counting of votes such that consolidation of votes from each polling room took little time.

➤ **Aspects that need improvement**

- Some citizens went to vote at polling stations where they were not registered and were not allowed to vote following instructions of the National Electoral Commission which did not allow people to vote where they were not registered on voting lists even when in possession of their identity cards and voter's cards whereas they electronically transferred their personal details but could not be found on the voting list. It took too long for people to be aware of special instructions by the National Electoral Commission allowing people to vote at polling stations where they were not registered as some citizens had already gone back home and could not come back easily.

- While consolidating votes at each polling station, coordinators failed to give information to supervisors from the Commission as regards consolidation of votes, making it difficult to monitor this process at District level.
- As most polling stations used premises of old school centres, stairs made it difficult for those with physical disability to access voting rooms.

D. Post electoral monitoring

The Commission also monitored the post electoral process related to publication of electoral results and checking whether there were no disputes or troubles after the elections. No post electoral dispute or troubles were reported as two candidates, HABINEZA Frank and MPAYIMANA Philippe, the former representing the Democratic Green Party of Rwanda and the latter being an independent candidate, admitted their defeat in favour of Paul KAGAME, candidate for RPF Inkotanyi, who emerged the winner of the Presidential Election.

E. Conclusion

With everything considered, the Commission noted successful conduct of the Presidential Election of 3-4 August 2017 both in its preparations, during the actual voting process and in the post electoral period. Nonetheless, a few irregularities need to be addressed in the future to ensure more respect for the right to vote. In this connection, the Commission made the following recommendations to the National Electoral Commission:

- Making every possible effort to ensure dissemination of information on any change made to electoral instructions is systematically implemented;
- Training election volunteers to further enhance their common understanding of instructions issued by the National Electoral Commission;
- Facilitating observers to monitor consolidation of votes at polling stations.

1.1.4. Freedom of press and access to information

Everyone shall have the right to 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.⁴

Freedom of press, of expression and of access to information is provided for in Article 38 of the Constitution of the Republic of Rwanda of 2003, revised in 2015, which states that those freedoms are recognised and guaranteed by the State. They are also provided for in Law n° 02/2013 of 08/02/2013 governing media.

In 2017-2018, the following activities were conducted as part of guaranteeing freedom of press, access to information and freedom of expression.

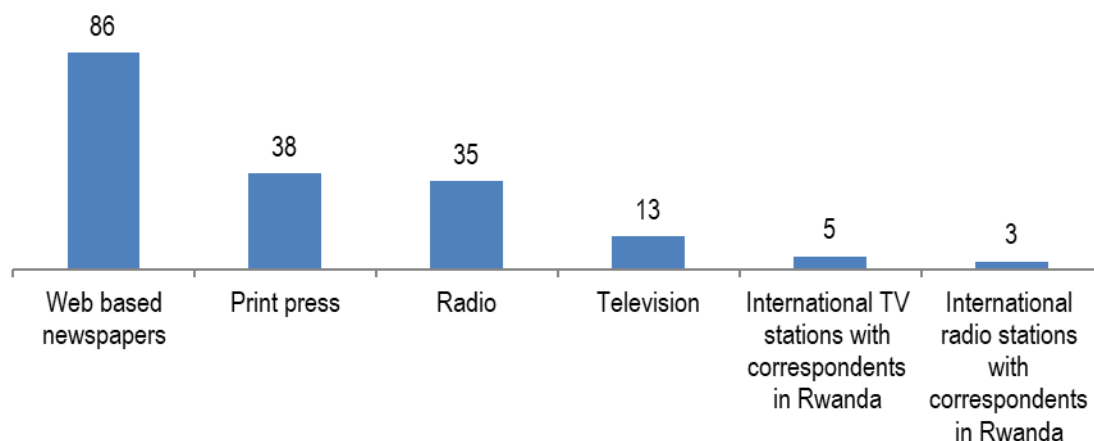
With regard to capacity building, the University of Rwanda and three (3) private universities namely *Institut Catholique de Kabgayi* (ICK), Mount Kenya University and Christian University continued to teach

⁴ International Covenant on Civil and Political Rights, Article 19

and organize training workshops on media. The Media High Council reports that in 2017-2018, the number of professional journalists stood at 841, of whom 639 were male and 202 female journalists.

As regards dissemination of information, private local, public and international media organs operate in Rwanda. These media organs operate differently and include radio stations, television, print press and web based media.

Graph n° 1: Number of media organs operating in Rwanda



Source: Media High Council (2018)

As regards access to information, radio stations have an estimated 89% citizen coverage, 33.4% for television, 13.8% for print press and 17%⁵ for social media.

The right to freedom of press, to receive and impart information and ideas still faces challenge of limited resource resulting into closure of some media organs. The year 2017-2018 saw the closure of one (1) TV station and one (1) newspaper.

There are also challenges facing media organs which are unable to comply with the laws and regulations governing media. For the record, one (1) TV and one (1) radio stations were closed down for noncompliance with regulations.

1.2. Economic, Social and Cultural Rights

Economic, Social and Cultural rights are fundamental human rights to have access to basic and daily living necessities ensuring individual dignity and freedom. These human rights relate to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education.⁶

These rights are stated in the Constitution of the Republic of Rwanda of 2003, revised in 2015, the International Covenant on Economic, Social and Cultural Rights of 1966, the African Charter on Human

⁵Media High Council (2018)

⁶Office of High Commissioner for Human Rights (2008): Frequently Asked Questions on Economic, Social and Cultural Rights. Fact Sheet No.33

and People's Rights of 27 June 1981, the Treaty establishing the East African Community of 30 November 1999 and other laws.

1.2.1. Right to private property

Article 34 of the Constitution of the Republic of Rwanda of 2003, revised in 2015 provides *that the right to private property, whether individually or collectively owned, is inviolable.*

Article 35 of the same Constitution stipulates that '*private ownership of land and other rights related to land are granted by the State*'. Modalities of concession, transfer and use of land is provided for by Law n° 43/2013 of 16/06/2013 governing land use management in Rwanda. This law also highlights principles to be followed on recognised ownership rights on all types of land in Rwanda, as well as all other encumbrances, whether natural or man-made.

The Commission processed 642 land related complaints in 2017-2018. Of all these complaints, 318 were resolved while 283 are still pending, 32 complainants were advised to refer their complaints to relevant organs while 9 were rejected for failure to meet admissibility criteria. While assessing these complaints, the Commission found that complaints were mainly based on land disputes and lack of compensation for damages incurred during construction of infrastructure.

1.2.2. Right to adequate housing

The right to adequate housing relates to designated and serviced settlement sites with access to infrastructure and affordable services in respect of financial resources of home seekers and residing in houses equipped with basic necessities. Adequate housing entails infrastructure and housing enabling those in special categories including persons with disabilities, children, and the elderly and vulnerable people.⁷

The right to adequate housing is highlighted in Article 22 of the Constitution of the Republic of Rwanda which stipulates that '*everyone has the right to live in a clean and healthy environment*'.

To ensure protection of the right to adequate housing, the Commission processed, in 2017-2018, thirty-one (31) complaints related to adequate housing. Of these complaints, 17 were solved, 13 are still pending while one (1) complainant was advised to refer their matter to a relevant organ.

Processing of these complaints revealed that a large number consisted of complaints by citizens requesting advocacy from the Commission to secure assistance in construction of homes following their vulnerability and destruction of their houses by disasters.

As part of adequate settlement and providing citizens with access to infrastructure, more efforts were put in relocating scattered families and those in high risk zones for resettlement in grouped villages. Some 91,910 households gained access to clean water while 113,605 were connected to electrical grid while solar energy panels were installed in another 80,475 households⁸.

⁷ Office of High Commissioner for Human Rights, CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant) Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (Contained in Document E/1992/23).

⁸Ministry of Infrastructure (2018)

In this respect, 12,689 families in scattered homes and 1,279 in high risk zones were relocated to grouped settlements. Under the program of building model settlements, Phase 2 construction works continued in all Districts to reach 45%.

1.2.3. Right to environment

Environment is an ecosystem composed of natural resources including land, forests, water, air and micro-organisms.

Environment is a diversity of things made up of natural and artificial environment. It includes chemical substances, biodiversity as well as socio-economic activities, cultural, aesthetic, and scientific factors likely to have direct or indirect, immediate or long term effects on the development of an area, biodiversity and on human activities⁹.

The right to environment is stipulated in Article 22 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 which states that everyone has the right to live in a clean and healthy environment. It is also stipulated in Organic Law n° 04/2005 of 08/04/2005 determining the modalities of protection, conservation and promotion of environment in Rwanda.

In a bid to protect people, biodiversity and environment, Law N° 59/2017 of 24/1/2018 determining modalities for protection against ionizing radiations was enacted. This law governs the use, management and control of activities related to ionizing radiations to help devise strategies to examine and tackle problems arising from activities related to ionizing radiations.

A new forestry policy, with its implementation strategies, was put in place for forest conservation. This policy details how capacity building will be conducted to help forest owners to better maintain and ensure sound exploitation of their forests, help them join associations and facilitate them to acquire needed equipment.

However, the year 2017-2018 reported on witnessed disasters caused by heavy rains, thunderstorms and landslides. The Ministry for Disaster Management and Refugee Affairs indicates that these disasters claimed lives of 222 persons and injured another 251, while 14,491 families were affected by disaster consequences.

During public hearing of complaints, the Commission received complaints from some citizens whose property was destroyed by disasters and conducted advocacy with relevant organs with a view to find a lasting solution.

1.2.4. Right to employment

The right to employment refers to living in a country with services available enabling people to seek and obtain jobs, an open market for every individual without any discrimination and employment that are exercised without violating the rights of workers.¹⁰

⁹ Organic Law n° 04/2005 of 08/04/2005 detrmning the modalities of protection, conservation and promotion of environment in Rwanda

¹⁰CESCR (2005):The right to employment, General comment No. 18, Article 6 of the International Covenant on Economic, Social and Cultural Rights

The right to employment is stated in the Constitution of the Republic of Rwanda of 2003 revised in 2015 in Articles, 30, 31, 32, and 33. Such right is also provided for by Law n° 86/2013 of 11 /09/2013 establishing the general statute for public service.

With regard to protection of the right to employment, a Presidential Order n°069/01 of 13/04/2018 increasing pension and occupational hazards benefits granted by Rwanda Social Security Board was gazetted. This Presidential Order seeks to improve social welfare of retirees and victims of occupational hazards.

To increase the skills needed on the job market, 30 *Kora Wigire Centres*, 2 Employment Service Centres and 2 Incubation Centres were established with a view to train people and help create jobs¹¹.

Strategies were also put in place to increase the skills needed on the job market, help people secure loans to buy equipment through skills learning, help people access loans to buy equipment to start up own business and providing short term training to ease their entry into the job market. There are also strategies to enable apprenticeship, liaise with various recruiting companies, liaise with financial institutions to get start-up capital, help them group into associations and start savings. In this connection, 2,825 persons obtained jobs after attending intensive training courses, while 2,113 persons created jobs after attending short term training courses with facilitations to get loans to purchase basic tools and equipment¹².

Despite the enactment of laws, policies and strategies devised to protect the right to employment, challenges still remain for people who fail to abide by the laws governing employment, child labour, the labour law currently in force which does grant labour inspectors with powers to take sanctions against those failing to comply with labour laws, the fact that in some private businesses, worker's remuneration is not commensurate with efforts deployed or hours spent on work and the issue of violence undisclosed by concerned victims due to the mind-set and threats of dismissal by their employers.

With regard to protection of the right to employment, the Commission received 70 complaints of violation of right to employment. Of these complaints, 33 were solved while solution to the remaining 37 is still under process.

The Commission also conducted surveys into the respect for the human rights in public passenger transport services.

1.2.4.1. Investigation into respect for the right to employment in public passenger transport services

The Commission investigated respect for the right to employment in public passenger transport services by road with a view to assess how the right of workers and members of cooperatives offering these services is respected, to identify challenges faced and make recommendations to ensure enhanced respect for the right of those involved in these services.

A. Methodology of the survey

¹¹ Ministry of Public Service and Labour (2018)

¹² Ministry of Public Service and Labour (2018)

In November 2017, the Commission undertook a survey into 37 public transport companies and cooperatives using buses and minibuses, 19 public transport cooperatives using taxi cabs and 37 public transport cooperatives using motorbikes in the districts of Rusizi, Nyagatare, Ngoma, Musanze, Nyamagabe, Huye, Rubavu, Bugesera, Gasabo, Gicumbi, Karongi, Kicukiro, Muhanga and Nyarugenge.

Table n° 1: Cooperatives and companies targeted by the survey

N°	District	Buses and minibuses	Taxi cabs	Motorbikes
1	RUSIZI	- RTC - OMEGA - KIVU BELT	- COCHATAVORU - CTVRB	- COTEMORU - COTRAMOKA
2	NYAGATARE	- YAHOO CAR EXPRESS - EXCEL TRAVEL TOURS - RITCO		- STMCN - KUNDUMURIMO MATIMBA MOTARD - COMORYA - DUKOREREHAMWE
3	MUSANZE	- MTC	- COOPERATIVE TUNYARUKE	- COOTRAMO - COOTAMONO-UBUMWE
4	NYAMAGABE	- HTC - VOLCANO - RUGARI - HORIZON		- COOTAMONYA - COTRANYA - COOMONYA
5	HUYE	- VOLCANO - HORIZON - RFTC / HUYE	- HTTC	- COTTAMOHU - CIM / HUYE
6	RUBAVU	- RTC	- COTAVOGI - COCTAVOGI - COTAVOGNI	- COOTAMORU - RUMURI - KAMEGI
7	BUGESERA	- CITY EXPRESS - UGUSENGA EXPRESS - NTC		- CTMIRU - CTMIR - COOTAMOBURU
8	GASABO	- RTC	- KTVC - COTHOLA - CATAVOGARE	- KCDM - TUBANEHAFI MOTARI - GCM
9	GICUMBI	- DIFFERENT - STELLA - VIRUNGA - GTC	- NYASTADRICO - ATCO	- COTRAMIMOGI - COSETRAM - CPTMG
10	KARONGI	- CAPITAL - OMEGA - UYISENGA - KIVU BELT	- INTASHYA	- COTAMOKA - COTRAMOKA

11	KICUKIRO	- NTC - ROYAL - UGUSENGA	- CTVHM - ATAK	- COOTAMOTOKI - SUNCITY TAXI MOTO COOPERATIVE
12	MUHANGA	- MTC - VOLCANO - HORIZON	- MTVCS	- COOTAMUMO SUD - COOTRATAMOMU LIGHT - COOMOTRAMU-ITUZE
13	NYARUGENGE		- COTVK - COTAVOC - TTSC	- MCM - COTRATAMOGNA - COTAMOGI
14	NGOMA	- NGOMA TC - SELECT - MATUNDA - STELLA		- LE PROFESSIONNEL KAZO - COTAMON

During this survey, the Commission held discussions with groups of workers' representatives and employers' representatives in each category of public transport operators. The Commission also held discussions with leaders of Rwanda Federation of Transport Cooperatives (RFTC), Association of Drivers of Public Transport in Buses (PRODCO), Rwanda Cooperative Agency (RCA) and Rwanda Regulatory Utility Authority (RURA) in order to complete information collected from companies and cooperatives.

During data analysis, the Commission based on laws relating to the right to employment and also made reference to regulations governing public transport services by road to analyse data collected.

B. Findings from the survey

➤ Respect for workers' rights

Regarding employment contract: with everything considered, the Commission noted that workers of public transport companies and cooperatives using buses and minibuses operate on written work contracts.

The Commission noted that some taxi cabs and moto-taxi drivers are owners, others sign agreements with vehicle owners on the amount of money they will be paying per day, week or on a monthly basis.

Regarding wages: The Commission noted that employees of passenger transport cooperatives and companies using buses and minibuses earn a salary ranging from forty thousand (RwF 40,000 to two hundred sixty thousand (RwF 260,000) francs per month. The Commission also noted that they are entitled to a mid-day meal ranging from one thousand Rwanda francs (RwF 1,000) to three thousand five hundred (RwF 3,500) per day. It further noted that the salary agreed on with their employers is paid on time.

Right to medical insurance contribution: The Commission noted that out of 37 public transport companies and cooperatives using buses and minibuses, only 11 (i.e. 29.7%) pay medical insurance contributions for their workers.

Right to social security contributions: The Commission noted that out of 37 passenger transport companies and cooperatives using buses and minibuses, only 29 (i.e. 78.4%) pay for their workers contributions in Rwanda Social Security Board (RSSB).

Right to specified work hours: The Commission noted that drivers of passenger transport companies and cooperatives using buses and minibuses work time ranges from 5:00 a.m. to 11:00 p.m. It further noted that some work on a one-day rest shift, others are entitled to break shifts differently including one (1) day off or two (2) days off a week, three (3) days off or four (4) days off after two (2) weeks.

The Commission notes that drivers of passenger transport companies and cooperatives using buses and minibuses work more hours even if some of them are entitled to one day off the next day.

Right to paid annual leave: the Commission noted that only 17 out of 37 (i.e. 45.9%) cooperatives and companies grant paid annual leave to their workers. Those leaves range from 18 to 24 days. Cooperatives and companies denying paid annual leave to their workers consider it as enjoyed during resting days granted to workers in a week whereas these days should compensate for extra time worked.

Right to professional training: the Commission noted that employees of passenger transport cooperatives and companies are trained by RURA based on the specificity of their work. Rwanda Revenue Authority (RRA) trains them on fiscal issues, while the National Commission for Human Rights trains them on human rights. Additional training workshop is provided by Rwanda National Police on road safety.

Right to join trade unions: the Commission noted that workers in the sector of public transport service are not affiliated to trade unions.

➤ **Functioning and management of public transport cooperatives**

In its field visits, the Commission looked into issues related to the functioning and management of passenger transport cooperatives to monitor how these cooperatives respect their members' rights.

Functioning and management of public transport cooperatives using buses and minibuses: the Commission noted that twelve (12) public transport cooperatives using buses and minibuses are grouped in four (4) unions: Southern Transport Cooperatives Union, Eastern Transport Cooperatives Union, Northern Transport Cooperatives Union and Central Transport Cooperatives Union. These unions are also combined into the Rwanda Federation of Transport Cooperatives (RFTC) at national level.

The Commission noted that members paid an initial subscription fee equal to one hundred thousand (Rwf 100,000), and contribute a daily amount of two hundred (Rwf 200) and four hundred (Rwf 400) per day.

The Commission noted that each cooperative has management organs to oversee its functioning and report to members on the status of the cooperative in members' general meetings.

Functioning and management of public transport cooperatives using taxi cabs: The Commission noted that public transport cooperatives using taxi cabs are mainly composed of members having their own cars who have teamed up to acquire the license to operate. Members pay subscription fee ranging from one hundred thousand Rwanda francs (Rwf 100,000) and five million (Rwf 5,000,000). They also pay a daily, weekly or monthly contribution depending on the agreement of the Cooperative's members.

The Commission noted that members of public transport cooperatives using taxi cabs have the right to determine modalities of use of their property and that cooperatives allow members willing to leave the right to withdraw all their accumulated savings.

Functioning and management of public transport cooperatives using motorbikes: The Commission noted that public transport cooperatives using motorbikes comprise of members operating their own motorbikes who teamed up to get the licence to operate. Members pay a subscription fee ranging from ten thousand Rwanda francs (Rwf 10,000) to sixty thousand (Rwf 60,000). They also pay contributions depending on terms agreed upon by members.

The Commission noted cases of misunderstanding in some cooperatives on how to manage cooperative assets. In its discussions with the Management of Rwanda Cooperative Agency (RCA) on this issue, it was disclosed that such misunderstanding resulted from mismanagement of the cooperatives. Rwanda Cooperative Agency indicated it had devised strategies to conduct audit of these cooperatives to determine those involved in mismanaging corporate assets in order to hold them accountable.

C. Conclusion

During its investigations into the respect for human rights in public transport services, the Commission monitored the respect for human rights of employees working for public transport cooperatives and companies and of members of transport cooperatives carrying passengers by buses, minibuses, taxi cabs and on motorbike.

In general, regarding the respect for workers' rights, the Commission observed that public transport companies and cooperatives using buses and minibuses are respectful of their workers' rights including the right to a salary agreed on, the right to written employment agreement and the right to leave benefits. Nonetheless, the Commission noted instances whereby the right not to be subjected to working unpaid extra time, the right to medical insurance and the right to social security are not respected.

As regards the rights of members of cooperatives to participate in the management of the cooperative assets, the Commission noted that these rights are respected except for some transport cooperatives carrying passengers by motorbike which were marred with misunderstanding between the members and the management on the use of the cooperatives' assets.

Based on its findings, the Commission made recommendations to relevant organs on how to address the challenges identified with a view to promote and protect human rights. These recommendations were submitted to the following organs:

A. Ministry of Public Service and Labour

- Strengthening monitoring of the respect for rights of workers involved in public transport services especially with regard to compliance with working hours, paying medical insurance and social security contributions.

B. Rwanda Cooperative Agency

- Ongoing monitoring of public transport cooperatives with a view to solve problems in the functioning and management of assets observed in some cooperatives.

1.2.5. Right good health

The right to good health implies availability and access to hospitals, medical services and equipment for use by all citizens without any discrimination whatsoever.¹³

This right is highlighted in Article 21 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 which states that all Rwandans have the right to good health. This right is also provided for by Law n° 03/2015 of 02/03/2015 governing the organisation of the community-based health insurance scheme and Law n° 48/2015 of 23/11/2015 governing the organisation, functioning and management of health insurance schemes in Rwanda.

In the framework of promoting the right to health, Rwanda invested efforts in ensuring citizens' access to medical services.

Some health standards indicating the progress achieved¹⁴ include affordable mutual health insurance schemes to such an extent that approximately 83.6% of citizens are covered by this type of insurance while medical insurance in general stands at 90% including other types of insurance.

Medical facilities including hospitals, health centres and health posts were increasingly extended to remote areas across the country. Currently, there are 8 national referral hospitals, 4 provincial referral hospitals, 36 District hospitals and 30 pharmacies, 503 health centres at Sector level, 501 health posts at Cell level and 45,516 social community workers available at Village level.

Thanks to the efforts invested in developing the health sector, Rwanda has achieved its goal of universal health for all including reduction in child birth mortality rate up from 50/1000 (DHS 2010) down to 32/1000 (DHS 2015), maternal health care with their number dropping from 476 (DHS 2010) to reach 210/100,000 (DHS 2015) and increase in the number of mothers that deliver in health facilities from 69% (DHS 2010) to 91% (DHS 2015). Additional efforts were made towards fighting new HIV/AIDS infections, with patients maintained at their rate of 3% and reducing by 81% TBC mortality rate, while 87% are on medication.

Thanks to development in medical activities, life expectancy rose from 55 years (DHS 2010) to 65 in 2015 (DHS 2015).

Despite progress made in the health sector, challenges still remain including malnutrition at 38% in children under 5, prevailing malaria, increased non communicable diseases especially for those in old age and respiratory diseases.

The Commission noted the existence of a Five Year Health program (2018-2024) initiated in 2018 that details Government strategies to address these challenges including increased citizens' access to affordable and high standard medical services across the Country.

In 2017-2018, the Commission processed 23 complaints related to the right to health. Of all these complaints, 12 were successfully addressed, 9 are still being processed, while one complaint was rejected for failure to meet admissibility criteria, and one complainant was advised to refer their complaint to relevant

¹³CESCR (2000): General Comment No. 14. The Right to the Highest Attainable Standard of Health (Art. 12)

¹⁴ Ministry of Health (2018). Fourth Health Sector Strategic Plan (2018-2024)

organ. In processing these complaints, the Commission learnt that complaints were mostly consecutive to occupational hazards against which victims are not medically covered by their employers.

1.2.6. Right to education

The right to education implies availability of sufficient schools in the country, inclusive and non-discriminatory education with a view to provide quality education.¹⁵

This right is highlighted in Article 20 of the Constitution of the Republic of Rwanda of 2003 revised in 2015, which states that every Rwanda has the right to education. It stipulates that primary education is compulsory and free in public schools. The right to education is also provided for in Organic Law no 02/2011/OL of 27/7/2011 governing the organization of education in Rwanda and Law n° 23/2012 of 15/06/2012 governing the organization and functioning of nursery, primary and secondary education.

With regard to promotion, protection and improved access concerning the right to education, in the course of academic year 2017, nursery school enrolment reached 24.2%. Primary school enrolment for children aged between 7 and 12 reached 98.7%. Secondary school enrolment scored 72.1% for children aged 13 to 18 while enrolment to higher institutes of education and universities reached 16.6% for those in aged between 19 and 23.

Table n° 2: School enrolment, number of teachers and number of schools

School section	Number of schools	Number of students			Number of teachers		
		Male	Female	Total	Male	Female	Total
Child care centres	90	2,516	2,718	5,234	62	181	243
Nursery schools	3,186	108,462	111,973	220,435	1,367	5,445	6,812
Primary schools	2,877	1,272,842	1,267,532	2,540,374	20,374	23,532	43,906
Secondary schools	1,375	243,045	288,332	531,377	16,859	7,702	24,561
TVET schools	402	65,327	42,174	107,501	5,028	1,901	6,929
Higher institutes and universities	37	42,027	38,746	80,773	3,788	1,408	5,196
Adult education	5,160	61,556	90,459	152,015	4,006	2,281	6,287
Total	13,127	1,795,775	184,1934	3,637,709	51,484	42,450	93,934

Source: MINEDUC: Rwanda Education Statistics 2017.

Table n° 2 indicates that school enrolment in all sections attains 3,637,709 students; attending 13,127 school centres with 93,934 teachers. The majority of students are in primary schools with 2,540,374 (69.8%) followed by secondary schools totalling 531,377 (14.6%).

Regarding special and inclusive education, there are 522 primary schools equipped with infrastructure suitable for students with disabilities. The number of children with disabilities enrolled in primary schools increased from 19,118 in 2016 to reach 24,980 in 2017. The number of primary school teachers trained on special and inclusive education also rose from 1,286 for 2016 to reach 1,492 in 2017.

¹⁵ CESCR (1999): Implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment No.13 (Twenty-first session, 1999).The right to education (article 13 of the Covenant).

During academic year 2017, 369 secondary schools had infrastructure with ease of access for children with disabilities.

The number of children with disabilities enrolled in secondary schools decreased from 5,587 in 2016 to 4,557 in 2017. The number of secondary school teachers trained on special and inclusive education increased from 1,105 in 2016 to reach 1,592 in 2017.

Despite the progress made in ensuring respect for the right to education, challenges still remain with children dropping out of school. School dropout in primary education stands at 5.6%, against 6.3% in Ordinary Level while secondary school dropout in Advanced Level stands at 2.5%.

In 2017-2018, the Commission processed 108 complaints related to the right to education, of which 77 were solved, 29 are being processed, one complaint rejected for failure to meet admissibility criteria and one complainant advised to refer the matter to relevant organ. While looking into complaints, the Commission learnt that school dropouts are caused by laxity in parental authority over their children's education.

1.3. Rights of special categories

Special categories are people who require special attention to ensure they are not deprived of their rights due to their weaknesses, age, and their living conditions.¹⁶

Law n° 19/2013 of 25/03/2013 determining missions and functioning of the Commission in Article 6 (4°) assigns the Commission with special missions to particularly monitor respect for the rights of children, women, persons with disabilities, people living with HIV/AIDS, refugees, migrant workers and members of their families and the elderly.

In this report, the Commission presented achievements made in promoting, protecting and ensuring the rights of children, the rights of refugees, the rights of those in old age and the rights of persons with disabilities.

1.3.1. Child rights

A child is any person under the age of eighteen (18) who, by reason of his or her physical and mental immaturity, needs special protection and care.¹⁷

Child rights are provided for in Article 19 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 which states 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. Such rights are also stipulated in Law n° 54/2011 of 14 December 2011 relating to the rights and protection of the child.

The following activities were conducted to protect the rights of the child in 2017-2018. These include¹⁸:

¹⁶ Inter-Parliamentary Union and the Office of the High Commissioner for Human Rights (2016): Human Rights. Handbook for Parliamentarians n° 26

¹⁷ Convention on the Rights of the Child: General Assembly resolution 44/25 of 20 November 1989

¹⁸Ministry of Gender and Family Promotion (2018)

Concerning the rights to education within the family as the natural social system, by March 2018, 700 children were reintegrated in their families from street life. A solidarity camp was organized for 216 children admitted into centres and those reintegrated into their families under the framework of counselling and family reunification. 49 children living with their mothers in prisons were reintegrated into their families.

A number of 30 children with motor disability were given bicycles. A message was disseminated to raise all people's awareness on ensuring the rights of children with disabilities and all other children in a campaign to launch the Family Week and to mark the International Girl Child Day on 11 October 2017. A donation, by the Government of Rwanda, worth Rwf 94,944,004 was granted to 43 centres caring for children with disabilities to help these centres acquire a balanced diet for those children and provide them with special services including medical treatment, education and other services through the National Child Commission.

As part of protecting the rights of children from vulnerable families, school fees for 682 children were paid and 454 families received assistance.

For civil status registration, public awareness campaigns were organized on Radio and TV stations to sensitize parents to register in the civil status registry children within 30 days of their birth. During public awareness campaign conducted from 11 October 2017 to 10 December 2017, 334 children were registered in civil status records in Rulindo District, 1,173 in Nyabihu, 4,913 in Nyamagabe, 1,575 in Nyaruguru and 33,552 in Gatsibo District.

A total 1,498 children were removed from worst forms of labour in 2017-2018 to resume school and reintegrate their families in a move to protect them against child labour¹⁹.

The Commission continued activities of the campaign to prevent and fight against sexual abuse against children in all Districts across the Country. A training workshop was organized for 2,921 moto-taxi drivers including 72 women and 2,849 men, 4,473 small-scale business dealers including 1,628 women and 2,845 men and 205,078 students including 97,968 boys and 107,110 girls attending primary and secondary schools.

The Commission conducted a survey into the respect for the rights of children who were sexually abused and later admitted into *Isange One Stop Centres (IOSCs)* to monitor how they are taken care of and to know how their rights are respected within their families.

1.3.1.1. Survey into the respect for the rights of sexually abused children admitted into *Isange one stop centres*

Following the high rate of offences of sexual abuse against children as observed in Annual Report for 2015-2016, 274 (13.5%) out of 2,023 complaints received, are related to sexual abuse. The Commission conducted a survey into the respect for the rights of children sexually abused and admitted into IOSCs as part of monitoring how the right to life, the right to justice and the right to education, non-discrimination and social welfare are respected in their families.

¹⁹Ministry of Public Service and Labour (2018)

A. Methodology of the survey

The survey targeted the Districts of Rubavu, Rusizi, Karongi, Nyamagabe, Musanze, Gakenke, Kirehe, Ngoma and Kayonza. The Commission used the method of interview with Police Commander at District level, IOSCs leadership; Sector and Courts authorities in surveyed Districts. The Commission also visited families of children victims of sexual abuse and asked them about the way their rights were respected.

Data collection in Police stations and IOSC centres was done in August 2017 while data from the Prosecution service, Courts, Sectors and children's families were gathered in December 2017 and April 2018.

As regards respondents during the survey, 266 families were visited including 46 (16.7%) from Musanze District, 35 (13.16%) from Kayonza District, 35 (13.16%) from Ngoma District, 34 (12.78%) from Kirehe District, 28 (10.53%) from Rubavu District, 27 (10.15%) from Rusizi District, 26 (9.77%) from Karongi District, 20 (7.52%) Nyamagabe District and (6.77%) from Gakenke District. The Commission surveyed these Districts based on their high rate of sexually abused children.

Table n° 3: Surveyed Police Stations, Isange One Stop Centres, Prosecution and Courts

No	District	Sectors	Police	Isange One Stop Centre	Prosecution	Court
1	Rubavu	Cyanzarwe Kanama Nyundo Rubavu Rugerero	DPU Rubavu	Gisenyi Hospital	Rubavu Intermediate Prosecution	Rubavu Intermediate Court
2	Rusizi	Bugarama Gashonga Gihundwe Gitambi Kamembe Nkungu Nyakabuye Nzahaha Rwimbogo	DPU Rusizi	Mibilizi Hospital	Rusizi Intermediate Prosecution	Rusizi Intermediate Prosecution
3	Karongi	Bwishyura Kibilizi Mataba Rubengera Rugabano	DPU Karongi	Kibuye Hospital	Karongi Intermediate Prosecution	Karongi Intermediate Prosecution
4	Nyamagabe	Cyanika Gasaka Kibilizi Kitabi Musebeya	DPU Nyamagabe	Kigeme Hospital	Nyamagabe Intermediate Prosecution	Nyamagabe Intermediate Prosecution
5	Musanze	Musanze Busogo Cyuve	DPU Musanze	Ruhengeri Hospital	Musanze Intermediate Prosecution	Musanze Intermediate Court

		Gataraga Kimonyi Muhoza Nyange Rwaza				
6	Gakenke	Base Busengo Gakenke Kivuruga Nemba	DPU Gakenke	Nemba Hospital		
7	Kirehe	Gatore Kigarama Kigina Kirehe Mahama Nyamugali	DPU Kirehe	Kirehe Hospital		
8	Ngoma	Jarama Karemba Kazo Kibungo Remera Rukira Rukumberi Rurenge Zaza Gashanda Mutenderi	DPU Ngoma	Kibungo Hospital	Ngoma Intermediate Prosecution	Ngoma Intermediate Court
9	Kayanza	Gahini Kabare Kabarondo Mukarange Murama Murundi Ndego Mwiri Nyamirama Rukara Ruramira Rwinkwavu	DPU Kayanza	Gahini Hospital		

Table nº 3 indicates Police Stations, Isange One Stop Centres, Prosecution Departments and Courts staff who were interviewed in Districts where the survey was conducted. Empty columns refer to Districts sharing Intermediate Prosecution and Intermediate Courts.

B. Findings from the survey

➤ Respect for the right to health

The Commission found that IOSCs provided free medical services to sexually abused children. However, it observed that there are challenges that hinder IOSCs from suitably fulfilling their obligations. These challenges include late reporting to IOSCs for sexually abused children, ignorance on how to preserve evidence and lack of information about services provided by IOSCs.

The Commission observed that among 266 sexually abused children, 91 (34.2%) fell pregnant. It also observed that 10 (3.8%) were infected with sexually transmitted diseases including gonorrhoea, B hepatitis and infections.

The Commission noted that cases of sexually based violence are not timely reported and that some parents do not report authors of child sexual abuse. Among 266 sexually abused children, only 132 cases of sexual abuse (49%) were immediately reported while 71 (27%) cases of sexual abuse were reported only after they fell pregnant against 63 (24%) cases of were reported long after the incident.

The Commission noted that causes for delayed reports on sexual abuse include the following:

- Perpetrators of sexual abuse threatening to harm children if they dare report them;
- Children sexual abused by their friends whose names they do not disclose;
- Children are too young to report what happened to them;
- Families failing to disclose names of persons suspected of child sexual abuse.

➤ The right to justice for children victims of sexual abuse

The Commission monitored how offences of child sexual abuse were prosecuted by the investigation office, prosecution and case proceedings in Courts. It also surveyed how families of sexually abused children filed cases for damages and reparations.

Two police officers were appointed in each IOSC to receive complaints of children reaching the centre before reporting to police stations. However, the Commission learnt that some children were admitted into IOSCs but their complaints did not reach the police stations.

To assess the extent at which the right to justice is respected for sexually abused children, the Commission interviewed families of sexually abused children on the progress made in the follow up of their complaints.

The Commission learnt that among 266 cases of sexually abused children, authors of 68 (25.6%) cases of sexual abuse, had been arrested but released later on. Prosecution service indicated that it faces challenges in prosecuting authors of child sexual abuse for lack of criteria to determine their age as they are not registered in the civil status records, cases of late submission of complaints leading to destruction of evidence and lack of witnesses.

The Commission learnt that families of 67 (25.2%) children had not submitted complaints to allow the prosecution of authors of sexual abuse. It also learnt that 51 (19.2%) of those found guilty of sexual

abuse were convicted by courts while culprits for 40 cases of offences of child abuse were not prosecuted because they had fled. An additional observation is that 20 (7.5%) respondents have no idea as to progress in prosecuting their case files.

Families of sexually abused children indicated challenges faced including being requested by the Police to search for authors of child sexual abuse while suspects had fled, which makes those families unable to search for them. They also reported having no knowledge of any progress made in proceedings against authors of sexual abuse.

➤ **Process into complaints of child sexual abuse in 2017 by Prosecution**

The Commission conducted its survey in the Intermediate Prosecution looking into issues of case files received, those referred to courts, those for which decision is pending and closed case files relating to offences of child defilement in 2017. The following table indicates case files received by the prosecution and their follow up.

Table n° 4: Prosecution's follow up of case files related to offences of child defilement in 2017-2018

Prosecution	Case files received	Cases referred to courts	Case closed	Cases for which decision is pending
Karongi Intermediate Prosecution	156	95	61	0
Musanze Intermediate Prosecution	280	141	124	15
Ngoma Intermediate Prosecution	566	378	185	3
Nyamagabe Intermediate Prosecution	94	57	36	1
Rubavu Intermediate Prosecution	267	169	98	0
Rusizi Intermediate Prosecution	153	103	48	2
Total	1516	943	552	21
Percentage	100%	62.2%	36.4%	1.4%

Table n° 4 shows that out of 1,516 case files of offences of child defilement received by the Prosecution, 946 (62.2%) were referred to Courts, 552 (36.4%) were closed while decision is pending for 21 (1.4%) of cases.

Prosecution reported challenges in finding evidence when prosecuting offences of child defilement leading to closing some case files. The following are some of the reasons for lack of evidence:

- Families of sexually abused children who testify in favour of suspects due to mutual agreement between families;
- Lack of *prima facie* evidence due to lack of their proper conservation;
- Late submission of complaint after destruction of evidence;

- Non registration in the civil status records leading to lack of criteria to determine the age of defiled child;
- Children not reporting case of defilement which is later disclosed after falling pregnant;
- Witnesses refusing to testify for fear of consequences.

➤ **Right to damages**

When monitoring respect for the right to damages for sexually abused children, the Commission asked families if they filed any action for damages, and found that among 266 sexually abused children, only one petition was filed seeking reparations for damages.

The Commission noted that failure to petition court for damages is caused by some of the following reasons:

- Victims of sexual abuse who are unaware of their rights and laws relating to actions for damages;
- Families of sexually abused children not informed of stages in prosecuting suspected authors hence not knowing when to file action for damages;
- Families not interested in filing action for damages due to lack of property owned by authors of sexual abuse.

➤ **Right to education for sexually abused children**

Regarding the right to education for 266 children victims of sexual violence admitted in IOSCs and visited by the Commission in their families, the Commission found that 85 (32%) abandoned school with 60 among them falling pregnant. Apart from school dropout, sexually abused children face consequences leading them to change the school they used to attend while others register poor academic performance.

➤ **Right to social welfare for children victims of sexual violence**

The Commission's survey revealed existence of children living in poverty such that they lead a life too difficult to afford their livelihood, clothing and mutual health insurance scheme. Some of these children are mothers and find it difficult providing for needs of their babies especially as most of them hail from poor families. The Commission further noted that children born of these child mothers are not registered in the civil status records.

➤ **Right to family life and affection**

The Commission noted that sexually abused children face challenges of being isolated by their fellow teenagers and other people to the extent that they get frustrated and fail to cope with their situation. The Commission reported 17 children expelled from home by their families and started to live alone or in foster families. It also has reports of children, though not expelled by their families, who are subjected to harassment and insults from their parents telling them to join fathers of their babies.

C. Conclusion

The Commission's survey into respect for the right of sexually abused children looked into issues affecting the right to health, right to justice, right to non-discrimination and their social welfare in their families.

Its findings concluded to the respect for the right to health as they have access to medical services provided by Isange One Stop Centres free of any charge. Nevertheless, it noted challenges including sexually abused children reaching IOSCs too late, ignorance of how to preserve evidence and existence of those not clearly informed of services provided by IOSCs.

As for justice, organs including Police and Prosecution specifically prosecute authors of sexual abuse against children to ensure they get punished for their evil deeds. Challenges were, however, identified with regard to lack of evidence incriminating authors who sexually abuse children resulting into closure of case files. Another challenge relates to families of the victims not filing action for damages against those found guilty.

In the area of education, the Commission noted a large number of sexually abused children falling pregnant and later abandoning school. Sexual abuse also compelled some to change school centres or see their academic performance declining.

Regarding the living conditions of sexually abused children, the Commission noted that adolescent girls with unwanted pregnancies following sexual abuse live in abject poverty such that they live a very challenging life making them unable to provide for their livelihood, clothing and without access to mutual health insurance scheme.

Based on the findings of the survey into the respect for the rights of sexually abused children admitted into Isange One Stop Centres (IOSC), the Commission observes that relevant organs should take into consideration the following aspects to ensure increased respect for these children's rights.

1. Ministry of Justice

- Sensitize and assist families of sexually abused children to file action for damages;
- Speed up the process to enact a law relating to legal aid;
- Put in place specific strategies to search for and initiate legal proceedings against fugitives after committing sexual abuse against children;
- Speed up the process to enact a law establishing a guarantee fund for reparations in case convicts cannot afford payment.

2. Ministry of Gender and Family Promotion

- Reintegrate into school sexually abused children and monitor their living conditions within their families and the challenges they face including persecution, isolation and abject poverty.

1.3.1.2. Monitoring the right of children in orphanages

Pursuant to Article 6, 4° of Law n° 19/2013 of 25/03/2013 determining its missions, organisation and functioning on special monitoring child rights, from May to June 2018, the Commission conducted survey into the respect of the rights of children in orphanages and monitored progress in implementing the program to reintegrate them into families.

In its survey into the respect of the rights of children in orphanages, the Commission wanted to know how their rights are respected, assess their living conditions in accommodation centres and conduct advocacy on problems identified with a view to find solutions.

A. Methodology of the survey

As part of monitoring how the rights of the children are respected in accommodation centres, the Commission met the management of centres and talked to some of the children in these centres. The survey also assessed the structure of the facilities and hygiene in these centres.

The survey was conducted in the following centres:

- IHUMURE Centre in Masoro Sector, Rulindo District;
- Home AMIZERO in Kinazi Sector, Ruhango District,
- SOS Village d'enfants in Nyamirama Sector, Kayonza District,
- SOS Village d'enfants in Kageyo Sector, Gicumbi District;
- SOS Village d'enfants in Gasaka Sector, Nyamagabe District.

B. Rights monitored

The Commission monitored respect for the following child's rights:

- Right to social welfare (balanced diet; adequate housing, clothing and leisure)
- Right to education;
- Right to visit and to be visited by their families;
- Right to be registered in civil status records;
- Right to access information;
- Right to health;
- Right to protection against violence;
- Right to leisure;
- Right not to do worst forms of labour and child labour;
- Right to security;
- Right to be raised in family.

C. Findings of the Commission

➤ Number of children in centres

Table n° 5: Centres, their location, date of survey and number of children accommodated

Centre visited	District/Sector	Date	Sex		Age bracket					Total
			Female	Male	0-2	3-5	6-11	12-17	18+	
Centre IHUMURE	Rulindo Masoro	24/05/2018	-	1	-	-	-	-	1	1
SOS Nyamagabe	Nyamagabe Gasaka	19/06/2018	79	98	-	2	34	55	86	177
Home AMIZERO Kinazi	Ruhango Kinazi	20/06/2018	1	1	-	-	-	1	1	2
SOS/ Kayonza	Kayonza Nyamirama	22/06/2018	31	25	-	2	46	8	-	56
SOS/ Gicumbi	Gicumbi Kageyo	23/06/2018	36	28	-	2	60	2	-	64
Total			147	153	-	6	140	66	88	300

As indicated in Table n° 5, the Commission found 300 children in the centres that were surveyed including 153 boys and 147 girls. Of these children, 6 are in the age bracket of 3-5; 140 in the age bracket of 6-11, 66 in the age bracket of 12-17 while 88 are above 18 years of age.

In this survey, the Commission noted that some centres have very few children like Centre IHUMURE with one (1) child and Home Amizero Kinazi with two (2) children following implementation of *Tumurere mu Muryango* Programme which seeks to have all children raised in families.

➤ **Respect for child rights**

Right to social welfare: the Commission noted that children are given a healthy diet in the morning, at mid-day and in the evening. Centres are supplied with clean water and their dormitory, refectory, bathrooms and toilets are sufficiently clean. Children have sufficient clothes and the centres have sufficient capacity to accommodate children.

Right to education: the right to education is respected because all the children with school age attend nursery, primary, secondary and university education. The Commission also noted that all centres have sufficient and trained staff.

Right to visit and to be visited by their families: Children in orphanages visit and are visited by their families. In addition, local administrative entities regularly pay visits to all children within their jurisdiction.

Right to registration in civil status records: children in surveyed centres are registered in civil status records except 32 children transferred to SOS Nyamagabe by the National Commission for Children who were yet to be registered at the time of the survey.

Right to access information: the Commission noted that children living in surveyed centres have access to information related to their age. In SOS centres, each family has a television and a radio set. In SOS Nyamagabe, there is a weekly magazine and they have a children's forum called "Child Parliament", through which they channel their ideas and opinions.

Right to healthy life: Children have various types of medical insurance such as mutual health insurance scheme and health insurance provided by SAHAM. Some centres have nurses and a vehicle to transport patients to hospital.

Right to be protected against violence: the Commission did not notice any violence against children by their educators in orphanages.

Right to leisure: Children in orphanages are given enough time for rest and have sufficient facilities for leisure activities.

Right not to be subjected to worst forms of labour and child labour: no worst forms of labour and child labour were found in all centres surveyed.

Right to security: the Commission noted that all centres are surrounded with fences and are protected by security guards.

Right to be raised in family: Regarding implementation of the program to raise children in families, the Commission noted that many children were removed from orphanages for placement in foster families, as an example, SOS Kayonza used to accommodate 1300, only 56 remain whose foster families are being sought by the National Commission for Children (NCC). SOS Gicumbi remains with 64 children while it accommodated around 71 are in the process of joining foster families. Home Amizero used to accommodate 19 children, it now has only 2 children, Centre Ihumure had twenty-one (21) children, presently, and it has only one (1) child.

➤ **Problems noticed in surveyed centres**

The Commission's survey in orphanages revealed that children's rights are respected. Nevertheless, these problems were raised:

- Placement of children in foster families without prior field visit for preparation of families resulting into facing poor living conditions or lack of adequate care once in foster families;
- Issue of children with disabilities who fail to get foster families under the programme of raising children within the family;
- Some children in orphanages finding the property left by their parents under ownership of members of their families;
- Lack of regular follow up for children placed in foster families in order to assess their adaptation after their have left the centres.

D. Conclusion

In general, the Commission's survey in orphanages revealed that these centres ensure social welfare and respect of the rights of children under their care. All children in centres have access to basic necessities, attend school, get medical care, have caretakers, secure accommodation centres and have

opportunity for rest, entertainment and leisure. However, some challenges noticed need to be addressed to ensure increased respect for children's rights.

Based on challenges noticed, the Commission makes the following suggestions:

1. Ministry of Local Government

- Urge Local Governments to regularly monitor how children are placed in foster families and assess their living conditions and how their rights are respected.

2. Ministry of Gender and Family Promotion

- Address the issue of children in orphanages who do not get foster families due to their disability or incurable diseases.
- Put in place a mechanism to take care of children abandoned by their parents or any other child without a caretaker whose process of finding a foster family under *Tubarere mu Muryango* Program is delaying.

1.3.2. Rights of persons with disabilities

A person with disability is any person born without physical health capacity like others or lost it due to a disease, an accident, wars or other causes of disability.²⁰

Persons with disabilities should enjoy special protection as they lost health capacity they ought to have or are lacking something compared to other persons and do not enjoy the same opportunities as those enjoyed by their fellow citizens.

Article 51 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 provides for the rights of persons with disabilities stating that the State has the duty to establish special measures facilitating the education of persons with disabilities. This article states that the State has the duty, within the limits of its means, to undertake special actions aimed at the welfare of persons with disabilities.

Also, Article 16 of the same Constitution stipulates that discrimination of any kind or physical or mental disability or any other form of discrimination are prohibited and punishable by law.

Such right is also provided for by Law n° 01/2007 of 20 January 2007 relating to protection of disabled persons in general.

The Ministerial Order n° 20/18 of 27/07/2009 determines the modalities for classifying persons with disabilities into the following basic categories:

- Physically disabled persons;
- Visually impaired persons;
- Deaf-mute persons;

²⁰ Law n° 01/2007 of 20 January 2007 relating to protection of disabled persons in general, Article 2, paragraph 2.

- Mentally disabled persons;
- Persons with disabilities not included in the above categories but recognized by a Doctors' committee.

The following are activities undertaken as part of protecting the rights of persons with disabilities²¹:

- An estimated 800 persons with disabilities were trained in various skills such that around 476 created their own jobs.
- An estimated 260 persons with disabilities were secured jobs after advocacy with factory management.
- A total of 81 projects received financial support amounting to sixty million Rwanda francs (Rwf 60,000,000) and an amount of two hundred seventy-five million (Rwf 275,000,000) was channelled through the Business Development Fund (BDF) to extend loans to persons with disabilities with income generating projects.
- Persons with disabilities were classified into categories based on the gravity of their disabilities and cards were issued to those put in categories. Also services in charge of manufacturing prostheses were extended to District Hospitals while HVP Gatagara/Nyanza was licensed to operate as a specialised hospital to assist in surgery and orthopaedics.
- Elaboration of guidelines indicating criteria for setting up centres with a view to avoid admitting in the same centre persons with different disabilities without the capacity to take care of them.

Although much was done to protect the rights of persons with disabilities, there remain challenges related to medical treatment, education, exclusion and isolation against persons with disabilities. There are also cases of abject poverty affecting persons with disabilities and difficulties in securing jobs after completing their education.

In 2017-2018, on various occasions, the Commission conducted surveys into the respect for the rights of persons with disabilities in 19 centres.

1.3.2.1. Monitoring the rights of persons with disabilities

Based on its mission as outlined in Law n°01/2007 of 20/1/2007 on the protection of persons with disabilities in general, Article 10 determines that the National Commission for Human Rights shall provide for special mechanisms to monitor respect for the rights of persons with disabilities.

Also based on its missions as entrusted by Law n° 19/2013 on 25/03/2013 determining its missions, organisation and functioning, Article 6, 4° states that the Commission shall particularly monitor respect for the rights of special categories including persons with disabilities. From 21 May to 28 June 2018, the Commission monitored respect for the rights of persons with disabilities in their accommodation centres.

A. Objectives of survey

²¹Ministry of Local Government (2018)

The Commission conducted a survey to assess respect for the rights of persons with disabilities in their accommodation centres, to identify challenges faced in their functioning in order to address them and monitor the implementation of recommendations submitted to relevant administrative organs, after presenting them issues found to be detrimental to the rights of persons with disabilities in the previous survey the Commission conducted in 2016-2017.

B. Methodology and geographical scope of the survey

The Commission monitored 20 centres for persons with disabilities including centres that take care of persons with disabilities in general and centres offering medical or specialised education services to persons with disabilities.

During this survey, the Commission held discussions with leaders of the centres accommodating persons with disabilities, some employees in these centres, some persons with disabilities and authorities from local government.

The Commission also inspected various parts of premises of these centres including the dormitories, refectories, leisure facilities, kitchens, lavatories/bathrooms and toilets.

Major aspects surveyed include:

- Number of persons with disabilities accommodated;
- Right to social welfare;
- Right to health;
- Right to education;
- Right to security;
- Right to visit and to be visited by their families;
- Right to registration in civil status records;
- Right to leisure;
- Specific problems facing persons with disabilities, their centres of accommodation and their suggestions.

C. Survey findings

➤ Statistical data on persons with disabilities in surveyed centres

The Commission verified the number of persons with disabilities admitted in the centres to assess their capacity to look after them depending on the category and gravity of disability.

The table below shows numbers of persons with disabilities that the Commission found in visited centres.

Table n° 6: Persons with disabilities in visited centres per gender

N°	Surveyed centre for persons with disabilities	Date of inspection	Location of centre (District, Sector, Cell and Village)	Numbers of persons with disabilities in surveyed centre	Total

				Male	Female	Boy	Girl	
1.	Educational Institute for Blind Children	18/06/2018	Nyaruguru, Kibeho, Kibeho	0	0	70	63	133
2.	ASFA Centre	19/06/2018	Nyaruguru, Muganza, Muganza	0	0	7	5	12
3.	CEFAPEK	22/06/2018	Kamonyi, Gacura-bwenge, Nkingo, Nkingo	0	0	18	25	43
4.	ADAR TUBAHOZE	18/06/2018	Huye, Tumba, Rango B, Ntangerugero	2	18	4	6	30
5.	CJSM Ngoma	19/06/2018	Huye, Ngoma, Ngoma, Ngoma I	0	0	81	83	164
6.	Centre IZERE	21/05/2018	Gicumbi, Nyamiyaga, Kiziba, Rwingwe	0	0	9	10	19
7.	Centre Komera	28/05/2018	Rutsiro, Mushubati	0	0	45	37	82
8.	Centre des Handicapés Saint Francois d'Assise	22/06/2018	Nyamagabe, Kitabi, Kagano, Intabire	0	0	20	40	60
9.	Centre Saint Vincent	27/05/2018	Musanze, Muhoza	0	0	11	24	35
10.	Wisdom	28/05/2018	Musanze, Nyange	0	0	9	13	22
11.	Communauté Abambari b'Urukundo	19/06/2018	Gisagara, Mugombwa, Mugombwa, Impinga	0	0	14	8	22
12.	Amizero y'Ubuzima	20/06/2018	Gisagara, Kibirizi, Kibirizi, Ruhuha	0	0	80	81	161
13.	<i>Urugo rw'Amahoro rwa Bare</i>	27/06/2018	Ngoma, Mutenderi, Bare	3	5	2	3	13
14.	Centre Urugwiro	01/06/2018	Rusizi, Nkanka	23	38	30	72	163
15.	Centre d'accueil la Misericorde	28/05/2018	Muhanga, Nyamabuye, Gahogo, Rutenga	0	0	48	37	85
16.	Branch of Institut Filippo Smaldone pour Sourds-Muets	25/05/2018	Bugesera, Nyamata	0	0	12	11	23
17.	AVEH ²² UMURERWA	25/05/2018	Bugesera, Nyamata, Nyamata Ville, Nyamata I	0	0	10	6	16
18.	APAX - JANJA	21/05/2018	Gakenke, Janja, Gatwa, Gitega	0	0	36	27	63
19.	Nyabihu Demonstration Center for the Deaf	27/06/2018	Nyabihu, Mukamira, Rurengeri, Rwankeri	0	0	53	63	116
20.	HVP - Gatagara / Nyanza	21/06/2018	Nyanza, Mukingo, Gatagara, Gatagara	10	5	138	173	326
Total				38	66	697	787	1,588

Table n° 6 indicates 20 surveyed centres caring for 1588 persons with disabilities, including 384 men, 66 women, 697 boys and 787 girls.

²²AVEH: Association des Volontaires pour les Enfants Handicapés

This table also indicates that out of 20 surveyed centres, seventeen (17) accommodate children with disabilities while 3 centres accommodate adult people with mental disabilities or combined disabilities namely ADAR TUBAKUNDE, Centre Urugwiro and *Urugo rw'Amahoro rwa Bare*.

Categories of persons with disabilities are indicated in Table n° 7 below.

Table n° 7: Persons with disabilities found in surveyed centres per category of disability

N°	Surveyed centre for persons with disabilities	Numbers of persons with disabilities in surveyed centre per category of disability					Total
		Motor disability	Visual impairment	Deaf-mute disability	Mental disability	Combined disability	
1.	Educational Institute for Blind Children	-	133	-	-	-	133
2.	ASFA Centre for Disabled Persons	12	-	-	-	-	12
3.	CEFAPEK	10	-	1	25	7	43
4.	ADAR TUBAHOZE	-	-	-	30	-	30
5.	CJSM Ngoma	-	-	164	-	-	164
6.	Centre IZERE	19	-	-	-	-	19
7.	Centre Komera	-	-	40	36	6	82
8.	Centre des Handicapés Saint François d'Assise Kitabi	41	2	2	-	15	60
9.	Centre Saint Vincent	-	-	-	-	35	35
10.	Wisdom	-	-	22	-	-	22
11.	Communauté Abambari b'Urukundo	18	-	1	1	2	22
12.	Amizero y'Ubuzima	-	-	-	161	-	161
13.	Urugo rw'Amahoro rwa Bare	3	-	-	-	10	13
14.	Centre Urugwiro	46	-	23	79	15	163
15.	Centre d'accueil la Misericorde	3	-	35	47	-	85
16.	Branch of Institut Filippo Smaldone pour Sourds-Muets	-	-	23	-	-	23
17.	AVEH UMURERWA	-	-	-	8	8	16
18.	APAX – JANJA	15	-	-	34	14	63
19.	Nyabihu Demonstration Center for the Deaf	-	-	116	-	-	133
20.	HVP-Gatagara / Nyanza	284	-	42	-	-	326
Total		451	135	469	421	112	1,588

Table n° 7 indicates that 20 visited centres accommodate 1,588 persons with disabilities per category of disability, include 451 with motor disability, 135 with visual impairment, 469 with deaf and mute disability, 421 with mental disabilities and 112 with combined disabilities.

➤ **Respect for rights of persons with disabilities in their respective centres**

The Commission monitored respect for the rights to social welfare regarding health, education, security, visit and being visited by own families, registration in civil status records and leisure.

- Right to social welfare

The Commission noted that persons with disabilities have access to basic needs including healthy food, clean water and sufficient hygiene in dormitory, refectory, lavatory, kitchen and toilets. However, the Commission noticed an issue of old hygiene and kitchen equipment as well as lack of mosquito nets in Centre Saint Vincent located in Musanze.

- Right to health

The Commission reported that medical care is provided to persons with disabilities thanks to mutual health insurance scheme of their families or insurance cost covered by the District. The Commission also noted that some centres with specialised nurses provide to persons with disabilities special medical care in areas of orthopaedics, mental health and trauma counselling.

The Commission noted that almost all centres do not have a service in charge of diagnosing trauma and mental health counselling except HVP-Gatagara and some centres for persons with mental disabilities whose staff have been trained in mental health and trauma counselling cases.

The Commission found that some centres face challenges due to limited capacity to ensure adequate medical care for those admitted in the centre when they have no donors intervening in specialised medical care, purchase of expensive drugs and acquiring, replacing or repairing prosthesis and orthesis not covered by the mutual health insurance scheme.

- Right to education

In centres, capable children with disabilities attend school along other children without disability in formal education schools and others in specific education schools.

Out of 1,484 school age children in surveyed centres, 1,235 (83%) attend school while 249 (17%) do not attend school due to severe disability preventing them from attending school; but some of these children who are unable to attend classes are given specific lessons using a special curriculum developed by the Rwanda Education Board (REB).

The Commission's findings also include special centres having teachers who followed or were trained in Special Needs Education to help children with disabilities follow lessons as prepared under Government programme. However, those attending formal education face problems due to lack of appropriate teaching material and skilled or trained teachers to help them attend class.

- Right to security

Security extended to persons with disabilities accommodated in centres was appreciated by the Commission as these centres are surrounded with fences, and protected by security guards. These are well built facilities with ease of accessibility for disabled children and built in the vicinity of public highways to enable easy access by road. Nonetheless, the Commission reported that Komera Centre in Rutsiro District needs fencing to ensure adequate security to the children it accommodates.

- Right to visit and to be visited by their families

As noted by the Commission, persons with disabilities are allowed to visit and to be visited by their families under such circumstances as specified by the centre. However, persons with disabilities in some centres are not visited because they have no families or were simply abandoned by their own families.

- **Right to be registered in civil status records**

With everything considered, the Commission noted that children in centres for persons with disabilities are registered by their parents in the civil status records. However, there are reports of children not registered in civil status records simply because they were abandoned by their own parents.

The Commission learnt that all children brought in the centres either by their parents or by their guardians, who have reached the age of maturity, are issued with ID cards; but there are instances where children do not have IDs despite having the age entitling them to carry IDs especially those with mental disability.

- **Right to leisure**

Within the limits of their capacity, children were found enjoying leisure facilities at the time the Commission conducted its field visits. These centres are helpful to children they accommodate because they are equipped with leisure facilities and suitable equipment. However, the Commission has reports of some centres without rooms or playgrounds such as **Urugo rw'Amahoro** of Bare in Ngoma District.

Other centres were reported as assisting persons with disabilities to join associations of sports or leisure (team of *Itorero*) such as CJSN-Ngoma in Huye District.

➤ **Issues raised in centres for persons with disabilities**

In general, some issues raised by the Commission include the following:

- Limited resources not enabling centres to adequately take care of those they accommodate and failure to admit all those in need of assistance;
- Insufficient premises and leisure facilities in some centres such as **Communauté Abambari b'Urukundo** in Gisagara District, Centre d'Accueil la Miséricorde of Muhanga District and AVEH UMURERWA in Bugesera District;
- No coverage of special medical care, orthosis and prostheses by the mutual health insurance scheme;
- Some non-fenced centres like Centre Komera in Rutsiro District;
- Shortage of teachers with special skills to coach persons with disabilities and lack of training workshops for those teachers;
- Lack of doctors or nurses specialised in mental health diseases or orthopaedics to provide regular follow up for persons with disabilities;
- Families abandoning children with disabilities and refusing to visit them in their accommodation centres and other parents dropping their children at these centres' gates;
- Low mind-set of some parents who continue to discriminate against children with disabilities thus refusing to ensure their medical treatment or to provide them with care.

E. Conclusion and recommendations

The Commission's survey into respect for the rights of persons with disabilities in centres led to an overall conclusion that their rights are respected. These rights include the right to social welfare, education, health, registration in civil status records, visit and being visited by own families. However, some problems still affect the rights of persons with disabilities in their centres of accommodation. In this connection, the following recommendations were made to relevant organs:

1. Ministry of Local Government

- To allocate a special budget to assist centres for persons with disabilities facing shortage of resources.

2. Ministry of Health

- To help centres for persons with disabilities acquire staff specialised in orthopaedics and mental health to follow up those in the centres and provide them with special medical care.

3. Ministry of Education

- To keep increasing the number of teachers trained on specific skills to teach children with deaf-mute disabilities in formal education schools.

1.3.3. Rights of the elderly

The elderly are persons in old age falling in the category requiring special care specifically due to their physical weakness.

Article 51 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 states that the State has the duty, within the limits of its means, to undertake special actions aimed at the welfare of the indigent, the elderly and other vulnerable groups.

This right is also stipulated in Article 255 of Law n° 32/2016 of 28/08/2016 governing persons and family, paragraph two, stating that the child must honour his/her parents, respect them and cater for them if they are in need.

As part of taking care of the elderly, a Presidential Order n° 069/01 of 13/04/2018 increasing pension and occupational hazards benefits granted by Rwanda Social Security Board was published in the Official Gazette.

For enhanced social welfare of the elderly, the Ministry of Local Government indicates that the State extends support to vulnerable elderly people through the VUP programme. To this date, this support is given to 86,578 households. State also pays mutual health insurance for the elderly falling in the Ubudehe First Category and extends its support to some of the centres accommodating the elderly. Most particularly, 1,481 neediest survivors of the genocide perpetrated against the Tutsi in 1994 and childless parents consecutive to the genocide are entitled to State support through FARG.

For the reporting year, the Commission conducted a survey into respect for the rights of the elderly accommodated in some centres for the elderly.

1.3.3.1. Monitoring of centres for the elderly

Pursuant to Law n° 19/2013 of 25/03/2013 determining the missions, organisation and functioning of the National Commission for Human Rights, its Article 6, 4° provides that this Commission must particularly monitor respect for the rights of special categories including the elderly. In this light, the Commission conducted, from 24/05/2018 to 26/06/2018, a survey into respect for the rights of the elderly living in accommodation centres.

This survey aimed at assessing progress in respecting the rights of the elderly, identifying problems affecting the functioning of these centres with a view to find solutions and monitor implementation of the recommendations submitted to relevant administrative organs, after reporting to them problems found to be detrimental to their rights in the survey conducted in 2016-2017.

A. Findings of the survey

➤ Statistical data on occupants of centres

The Commission verified the number of the elderly living in various centres and their age brackets to see whether the centres have the capacity to accommodate and take care of the them. Table no 8 below indicates the number of the elderly found in their centres.

Table n° 8: Gender disaggregated data on elderly in various centres per category of age brackets

N°	Date	Centre and its location (District, Sector)	Gender	Various age brackets					Total
				60-70	70-80	80-90	90-100	100+	
1	21/06/2018	Home St Raphael, Gisagara, Ndora							
			Female	2	6	3	1	1	13
			Male	3	2	2	-	-	7
			All	5	8	5	1	1	20
2	21/06/2018	Home St Aloys, Huye, Tumba	Female	1	16	-	-	-	17
			Male	-	3	-	-	-	3
			All	1	19	-	-	-	20
3	22/06/2018	Home St Pierre, Huye, Ngoma	Female	2	1	-	-	-	3
			Male	4	1	1	-	-	6
			All	6	2	1	-	-	9

4	24/05/2018	Home St Therese de L’Enfant Jesus, Gicumbi, Byumba	Female	-	2	2	-	-	4
			Male	-	-	-	-	-	
			All	-	2	2	-	-	4
5	26/06/2018	Centre for the Elderly run by Calcutta Sisters, Ngoma, Kibungo	Female	-	1	-	-	-	1
			Male	3	3	2	2	-	10
			All	3	4	2	2	-	11
6	26/06/2018	Centre for Abizeramariya, Ngoma, Kibungo	Female	3	4	5	-	-	12
			Male	1	2		-	-	3
			All	4	6	5	-	-	15
7	07/06/2018	Centre run Calcutta Sisters, Nyarugenge, Muhima	Female	1	2	1	-	1	5
			Male	3	-	-	-		3
			All	4	2	1	-	1	8
8	07/06/2018	St Vincent de Paul Centre, Nyarugenge, Kanyinya	Female	2	2	7	2	-	13
			Male	1	1	1	1	-	4
			All	3	3	8	3	-	17
9	23/05/2018	Impinganzima, Rulindo, Cyinzuzi	Female	1	2	2		-	5
			Male	-	-	-	-	-	-
			All	1	2	2	-	-	5
10	Date	Impinganzima, Kamonyi, Munyegera	Female	2	6	1	-	-	9
			Male	-	-	-	-	-	-
			All	2	6	1	-	-	9
Total				29	54	27	6	2	118

Table n° 8 indicates that 10 centres accommodate 118 elderly people of whom 34 are males and 84 females. The Commission noted that the number of elderly persons in the centres meets their capacity to accommodate and look after them.

Home S^t Raphael in Gisagara District and Home S^t Aloys in Huye District accommodate the largest number of elderly people (20 in each) compared to other centres;

Most elderly people living in all the visited centres fall in the 70-80 age bracket.

During this inspection, the Commission found that, apart from Impinganzima Centre in Kamonyi and Rulindo and St Vincent de Paul in Nyarugenge, centres inspected during field visits, accommodate 42 persons below old age in the 40-60 age bracket, including 27 women and 15 men.

B. Process for admitting the elderly into centres

The Commission did not find any guideline for placing the elderly in centres. In the centres that were visited, the Commission found various mechanisms used to identify and receive the elderly, including infrastructure, candidates brought by leaders of Local Governments for placement in centres, citizens and benefactors.

Once an elderly is admitted in the centre, he/she is registered in the appropriate register with his/her personal details and the person who brought him/her in.

C. Respect for the rights of the elderly in accommodation centres

In general, the Commission learnt that the rights of the elderly living in centres are fully respected as they are adequately fed, in clean facilities and enjoying freedom, and medical care through the mutual health insurance scheme. The elderly who are strong enough fulfil their right to vote, have time for night cultural show through conviviality and entertainment and devotion in the religious denominations of their choice.

As regards the right to property, most of them declared having no property and leaders of the centres disclosed lack of property as one of the criteria of admissibility into the centre because non vulnerable elderly persons are not eligible.

Despite overall respect for the rights of the elderly, the Commission learnt they face challenges including living with some fellow elderly with mental diseases and lack of families likely to visit them.

D. Difficulties faced by the elderly

The Commission learnt that centres for the elderly face common and various centre specific problems.

With everything considered, the Commission noted the following problems common to the centres:

- Lack of vehicle to transport the elderly to hospital;
- Difficulty in acquiring prostheses for they are expensive and are not covered by the mutual health insurance scheme;
- Limited resources in assisting the elderly;
- Limited support from Government which is not extended to some centres.

More particularly, the Commission found that Home St Raphael in Gisagara District, Ndora Sector, Ndora Cell and Home St Therese de l'Enfant Jesus of Gicumbi District, Byumba Sector, Gisuna Cell, have the problem of being in Category 3 and Category 2 of Ubudehe Programme making it difficult for them to benefit from the mutual insurance health scheme.

Based on its findings from the survey conducted in the centres for the elderly, the Commission requests the Ministry of Local Government to do the following:

- To allocate a budget to assist centres of the elderly with very limited resources.

- To approve the additional African Charter on Human and People's Rights relating to the elderly.
- To follow up the issue of the elderly living in centres and who are categorized as non-vulnerable persons making their centres of accommodation unable to cover their mutual health insurance.

1.3.4. Rights of refugees

A refugee is any person granted asylum in a country which is not theirs and who fear to be persecuted due to his/her race, religion, citizenship, membership or whose opinions are different from those of the governance of his/her country and cannot seek protection from that country because of fear.²³

Article 28 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 provides for the right to seek asylum which is recognized under such conditions as determined by law.

The rights of refugees are highlighted in the International Declaration on Human Rights of 10/12/1948, in Article 14 stating that 'in case there is persecution any person has the right to seek asylum in other countries'.

Those rights are provided for in the Geneva Convention of 29 July 1951 relating to refugees which entered into force on 22 April 1954, and was ratified by Rwanda on 15 November 1979 by Decree n° 29/79 of 22/10/1979, published in Official Gazette n° 22 of 15/11/1979.

Further, Articles 20, 21, 22 and 24 of this Convention provide for the right to refugee livelihoods, the right to education for refugee children, the right to housing and the right to employment; these rights are also stipulated in the Optional protocol of 1967 relating to the rights of refugees.

Refugees' rights are also stipulated in Article 18 of Law n° 13/ter/2014 of 21/5/2014 relating to refugees, which 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".

In addition, the Minister for Disaster Management and Refugee Affairs issued Instructions n° 02/2016 of 13/05/2016 governing management of refugees and refugee camps to ensure protection of their rights.

Article 6, 4° of Law n° 19/2013 of 25/03/2013 determining mission, organization and functioning of the National Commission for Human Rights states that the Commission shall specifically monitor respect for the rights of the child, the rights of the wife, the rights of persons with disabilities and the rights of persons infected with HIV/AIDS and the rights of refugees.

Data collected in 2017-2018 indicates that Rwanda hosts 144,572 refugees of which 36,492 are boys, 35,882 girls, 34,187 men and 38,011 women.²⁴

From July 2017 to June 2018, various activities were undertaken to protect the rights of refugees. These activities include verification of different rights namely; the right to food, the right to

²³ Convention relating to the Status of Refugees, 1951

²⁴ Ministry for Disaster Management and Refugees

hygiene and clean water, health, education, employment and leisure as provided for by laws and the International Convention on Refugee Protection.

In 2017-2018, Rwanda registered 14,254 returnees. Candidates for repatriation lacking appropriate documents enjoy facilities through the issuance of electronic ETDs “Emergency Travel Documents”.

Three-month basic assistance composed of food and other basic equipment is offered to returnees upon arrival in the Country. Services offered include transport to their Districts of origin, provision of National Identity cards, mutual health insurance cards and some financial assistance to help in their social reintegration. Returnees are also facilitated in their settlement.

1.3.4.1. Monitoring respect for refugees’ rights in camps

The Commission conducted field visits to Mahama Refugee Camp in Kirehe District, Kigeme Camp in Nyamagabe District, Gihembe Camp in Gicumbi District, Mugombwa Camp in Gisagara District and Nyarushishi temporary refugee camp in Rusizi District to assess the respect for the rights of refugees based on laws in force in the Country and International Treaties ratified by Rwanda.

The following rights were monitored:

- Right to adequate housing;
- Right to live in a clean environment with access to clean water;
- Right to health;
- Right to education;
- Right to employment;
- Right to healthy feeding;
- Right to leisure;
- Right to security.

Table n° 9 below indicates the camps that were visited, their location and the size of their respective refugee population.

Table n° 9: Visited camps, size of refugee population and location

Visited refugee camp	District	Date	Size of refugee population				Total
			Men	Women	Boys	Girls	
Mahama Camp	Kirehe	05/04/2018	15,163	13,788	14,294	14,280	57,525
Kigeme Camp	Nyamagabe	06/04/2018	3,601	5,642	5,511	5,522	20,276
Nyarushishi temporary camp	Rusizi	08/03/2018	463	1,003	503	584	2,553
Gihembe Camp	Gicumbi	22/05/2018	2,364	4,165	3,334	2,596	12,459
Mugombwa Camp	Gisagara	20/06/2018	1,221	2,637	2,660	2,729	9,247
Total			22,812	27,235	26,302	25,711	102,060

As indicated in Table n° 9, during field visits to refugee camps, these camps were found to be home to 102,060 refugees including 22,812 men, 27,235 women, 26,302 boys and 25,711 girls. Of these refugees, 2,533 came from Burundi and are settled in Nyarushishi from Kamanyola in the Democratic Republic of Congo. Mahama Camp, hosting 57,525 refugees, has the highest number of refugees, followed by Kigeme Camp with 20,276 and Gihembe with 12,459 refugees.

A. Findings of the Commission

Findings of the Commission relate to the rights monitored during its field visits to refugee camps between March and June 2018.

➤ Right to shelter

Refugee shelter homes are constructed in accordance with UNHCR Standards. The Commission found these shelter homes too small to accommodate refugee family members. As a result, children from large families seek shelter in other families with low number of family members, eventually resulting into sexual violence against young girls. Some camps were found with some very old shelter homes likely to cause accidents to occupants (below is an example in Gihembe Refugee Camp).



One example of very old shelter home in Gihembe Camp

➤ **Right to health**

In the camps that were visited, the Commission found health facilities where doctors, nurses and other paramedics help in various medical care services. Patients with severe illnesses not treated in those health facilities are referred to health centres or to the District Hospital by means of ambulances. However, the number of doctors practising inside the camp is still low compared to the number of refugees in the camp and the shortage of drugs due to untimely supplies. Furthermore, there are challenges in referrals to CHUK and Kanombe Military Hospital due to prices that are higher than those covered by the UNHCR.

➤ **Right to education**

The Commission observed that this right is respected since children attend nursery, primary and secondary education. However, school facilities in Gihembe Camp are very old and need rehabilitation.

The Commission observed that high school leavers have no opportunity to enter the university as the UNHCR does not provide any assistance except very few lucky ones who secure assistance from other donor organizations such as Maison Shalom. Additionally, vocational schools inside the camps are very few compared to large numbers of young people in camps who were unable to further their studies.

➤ **Right to social welfare**

Concerning employment, the Commission noted that refugees have the right to search for jobs commensurate with their skills.

As for feeding, the Commission noted that refugees are entitled to food distribution or Rwf 210 per person, kitchen utensils and firewood. However, in the camps that were surveyed, refugees indicated that cash distributed is not enough compared to food prices on the market.

Regarding hygiene and access to water, the Commission noted that camps are adequately clean, with water tanks to ensure sufficient water supply with germ control drugs, sufficient toilet rooms designed to serve also as bathrooms. Nevertheless, due to low water supply to Kigeme Camp, World Vision is planning to increase the volume of water supply and the number of water points. Additionally, the distribution of hygiene sets is conducted monthly. These hygiene items include soaps and sanitary pads for women.

As for leisure, the Commission noted that refugees enjoy the right to leisure through various games including volleyball, basketball, football, Karate, *igisoro*, playing cards, cultural troupes performing their traditional home songs. However, those with disabilities have no appropriate playgrounds (sitting volleyball).

Various specific groups of refugees in the camps include unaccompanied children, pregnant girls and women, those with disabilities and the elderly.

Those falling in the above special groups are under the care of UNHCR in collaboration with local or international organizations operating in the camps.

Unaccompanied children: tracing of foster families and/or reunification with their families.

Children, pregnant or breastfeeding mothers receive food with enriched nutrients, have access to free medical care and service at Isange One Stop Center when they fall victims to sexual violence.

Persons with disabilities and the elderly who fled separately from their families are under the care of volunteers who freely undertook to fulfil these duties. Lack of prostheses and orthosis is a challenge facing persons with disabilities.

➤ **Right to security**

In general, refugee camps are fully secure as was noticed by the Commission during its field visits.

B. Issues raised during field visits

➤ **Right to social welfare**

- Cash allocated for food ration does not meet market prices;
- Non replacement of outdated basic equipment.

➤ **Right to shelter**

- High density due to small shelter homes built for refugees with large families regardless of the number of their members;
- Old shelter homes in Gihembe Camp which can cause accidents.

➤ **Right to education**

- Old school buildings in Gihembe Camp in need of rehabilitation;
- Insufficient vocational schools;
- Lack of UNHCR assistance to refugee children completing secondary school to further their studies at university.

C. Conclusion and recommendations

Following its survey conducted in Kigeme, Gihembe, Nyarushishi, Mahama and Mugombwa refugee camps, the Commission noted full respect of the rights of refugees. Indeed, with regard to the issues identified above, relevant organs should show increased effort in addressing them to ensure enhanced respect for refugees' rights. Based on the issues raised, recommendations were formulated as follows:

1. Ministry for Disaster Management and Refugees Affairs

- Old shelter homes and schools mainly in Gihembe Camp in need of rehabilitation;
- Conducting advocacy for increased food cash allocated per person per day to meet market prices;
- Advocacy to introduce vocational schools to help the youth in technical skills;
- Advocacy for refugees with large families to have access to shelter homes with capacity to accommodate all family members.

1.4. Monitoring respect for human rights in prisons

Article 3 of Law N° 34/2010 of 12/11/2010 establishing Rwanda Correctional Service and determining its missions, organisation and functioning as modified and complemented by Law N° 19bis /2017 of 28/04/2017 stipulates that “a detainee is any person incarcerated with a court decision but who has not been tried and sentenced, while a prisoner is a person serving a sentence in a prison or by performing TIG following a court final decision’.

Rights of detainees and prisoners are set out in articles 36-48 of Law n° 34/2010 of 12/11/2010 establishing Rwanda Correctional Service (RCS) and determining its missions, organisation and functioning.

Pursuant to Article 6, 3° of Law n° 19/2013 of 25/03/2013 establishing the National Commission for Human Rights and determining its missions, organisation and functioning entrusts the Commission with the mandate to monitor detention and correctional facilities to monitor respect for the rights of inmates. In addition, pursuant to Article 27 of Law n° 34/2010 of 12/11/2010 establishing Rwanda Correctional Service and determining its missions, organisation and functioning as modified and complemented to date by Law N° 19bis/2017 of 28/04/2017 stipulates that the National Commission for Human Rights may be authorised to make prison visits.

In March 2018, the Commission made field visits to all 14 Prisons to monitor respect for human rights of the inmates therein.

Specifically, monitoring aimed to:

- Know the number of inmates in the prisons to determine their population density;
- Monitor respect for the rights of Prison cells to combat subjection to physical and psychological torture or degrading acts;
- Monitor respect for the rights of pregnant, breastfeeding women and their children related to social welfare;
- Monitor respect for the rights of children born in Prisons with regard to registration in civil status records;
- Determine the number of detainees or prisoners with mental diseases;
- Check whether Court’s provisional detention decision of 30 days for every detainee is extended after its expiry prior to filing cases with the Court;
- Check existence of any detainees or prisoners without a Court’s provisional detention decision;
- Check existence of any prisoners kept in prison after serving their sentence.

A. Number of inmates in visited prisons

The Commission checked the number of inmates in prisons in order to determine the population density. Table n° 10 below indicates the number of prison inmates in each prison and their categories.

Table n° 10: Visited Prisons, date of visit, number and categories of inmates, offences, prison capacity and population density.

No	Prison	Date of visit	Offences																		Total	Prison capacity	Density		
			Common law offences										Genocide												
			Prisoners					Detainees					Prisoners			Detainees								Total	
			Male	Female	Boy	Girl	Total	Male	Female	Boy	Girl	Total	Total	Male	Female	Total	Male	Female	Total	Total					
1	Rwamagana Prison	15/03/2018	7,789	-	-	-	7,789	809	-	-	-	-	809	8,598	3,749	-	3,749	-	-	-	-	3,749	12,347	5,055	244.2%
2	Musanze Prison	05/03/2018	1,756	613	2	-	2,371	195	41	14	1	251	2,622	155	120	275	-	-	-	-	275	2,897	1,870	154.9%	
3	Gicumbi Prison	05/03/2018	1,602	-	-	-	1,602	145	-	-	-	145	1,747	712	-	712	-	-	-	-	712	2,459	1,600	153.6%	
4	Bugesera Prison	16/03/2018	1,271	-	-	-	1,271	254	-	-	-	254	1,525	2,010	-	2,010	8	-	-	8	2,018	3,543	2,490	142.3%	
5	Rusizi Prison	05/03/2018	1,546	-	-	2	1,548	100	-	-	1	101	1,649	1,585	-	1,585	-	-	-	-	1,585	3,234	2,500	129.3%	
6	Huye Prison	05/03/2018	4,153	-	-	-	4,153	283	-	-	-	283	4,436	6,821	-	6,821	8	-	-	8	6,829	11,265	9,000	125.1%	
7	Muhanga Prison	05/03/2018	3,149	257	1	-	3,407	380	31	4	1	416	3,823	1,309	177	1,486	2	-	-	2	1,488	5,311	5,000	106.2%	
8	Nyarugenge Prison	13/03/2018	4,566	187	-	-	4,753	1,027	243	-	-	1,270	6,023	1,372	116	1,488	9	1	10	1,498	7,611	8,000	95.1%		
9	Nyanza Prison	05/03/2018	1,165	-	-	-	1,165	37	-	-	-	37	1,202	5,798	-	5,798	-	-	-	-	5,798	7,000	7,487	93.4%	
10	Ngoma Prison	05/03/2018	1	670	-	-	671	1	75	-	-	76	747	275	347	622	-	-	-	-	622	1,369	1,500	91.2%	
11	Nyagatare Prison	16/03/2018	10	2	317	18	347	-	-	-	13	14	361	38	4	42	-	-	-	-	42	403	500	80.6%	
12	Nyamagabe Prison	16/03/2018	-	539	-	-	539	29	9	-	-	38	577	167	1,260	1,427	-	4	4	4	1,431	2,008	2,500	80.3%	
13	Rubavu Prison	05/03/2018	3,773	-	-	-	3,773	261	-	-	-	261	4,034	2,434	-	2,434	2	-	-	2	2,436	6,470	9,980	64.8%	
14	Mulindi Prison	13/03/2018	367	367	367	367	367	367	367	367	367	367	367	367	367	367	367	367	367	367	367	367	367	-	-
Total			31,148	2,272	322	18	33,760	3,692	410	32	3	4,137	37,897	26,437	2,024	28,461	29	5	34	28,495	66,392	57,482	-	114.6%	

- Boy and Girl refer to children in 14-18 age bracket
- Nyagatare Prison is the Juvenile Correctional Facility.
- Commission was unable to determine the accommodation capacity for Mulindi Prison

Density= Number of inmates detained in the prison *100

Accommodation capacity of the prison

As indicated in Table n° 10, Nyamagabe and Ngoma Prisons are meant to accommodate only female inmates, men accommodated there are transferred due to manual work especially construction works. Bugesera, Rusizi, Rwamagana, Nyanza and Rubavu are reserved for men only. Nyagatare prison is designed to accommodate juvenile offenders while Muhanga, Musanze and Nyarugenge accommodate both men and women.

There are 66,392 inmates in 14 surveyed prisons, of whom 61,306 are men, 4,711 women, 354 boys and 21 girls.

All prisoners total 62,221 including 57,585 men, 4,296 women, 322 boys and 18 girls. There are 4,171 detainees including 3,721 men, 415 women, 3 girls and 32 boys.

There are 37,897 Common law offenders. The total number of prisoners is 33,760 of whom 31,148 are men, 2,272 women, 322 boys and 18 girls. Detainees number 4,137 of whom 3,692 are men, 410 women, 32 boys and 3 girls.

Genocide related criminal offenders are 28,495, of whom prisoners are 28,461 including 26,437 men and 2,024 women. Detainees are 34 of whom 29 are men and 5 women.

➤ Comparison of population density in monitored prisons for 2016-2017 and 2017-2018

The Commission compared population density in 14 monitored prisons for 2017-2018 and 2016-2017 as reported in the table below.

Table n° 11: Comparison of population density in monitored Prisons in 2017-2018 and 2016-2017

No	Visited Prison	Prison accommodation capacity	2016-2017		2017-2018	
			Number of inmates	Density rate	Number of inmates	Density rate
1	Rwamagana Prison	5,055	10,519	208.80%	12,347	244.20%
2	Musanze Prison	1,870	2,242	119.90%	2,897	154.90%
3	Gicumbi Prison	1,600	2,300	143.70%	2,459	153.60%
4	Bugesera Prison	2,490	3,423	137.80%	3,543	142.30%
5	Rusizi Prison	2,500	3,252	130%	3,234	129.30%
6	Huye Prison	9,000	10,104	112.20%	11,265	125.10%
7	Muhanga Prison	5,000	4,881	97.60%	5,311	106.20%
8	Nyarugenge Prison	8,000	4,787	59.80%	7,611	95.10%
9	Nyanza Prison	7,487	7,061	94.30%	7,000	93.40%
10	Ngoma Prison	1,500	1,075	71.60%	1,369	91.20%
11	Nyagatare Prison	500	290	58%	403	80.60%
12	Nyamagabe Prison	2,500	1,924	76.90%	2,008	80.30%
13	Rubavu Prison	9,980	5,738	57.40%	6,470	64.80%
Total		57,482	57,596	100.20%	65,917	114.60%

Apart from Mulindi Prison, thirteen (13) monitored Prisons have capacity to accommodate 57,482 inmates, but were reported to be home to 65,917, that is to say 114.6% of population density.

The Commission observed that the size of the carceral population and the density in prisons increased in 2017-2018 (65,917; 114.6%) compared to the previous year (57,596; 100.2%). Such increase

was due to the removal of criminal offences from the jurisdiction of the Abunzi Committee for their transfer into the jurisdiction of ordinary courts, leading to the increase of the number of detainees.

Prisons that have high density comparing to their accommodation capacity include Rwamagana Prison (244.2%), Musanze Prison (154.9%), Gicumbi Prison (153.6%), Bugesera Prison (142.3%), Rusizi Prison (129.3%), Huye Prison (125.1%), and Muhanga Prison (106.2%).

Rwamagana was found to be the prison with the highest density of 244% compared to others as it is the only prison for male detainees from Districts in Eastern Province apart from Bugesera District. In addition, it accommodates detainees in the jurisdiction of Ngoma and Nyagatare Intermediate Courts.

Prisons where no issue of population density was recorded include Rubavu (64.8%), Nyamagabe (80.3%), Nyagatare (80.6%), Ngoma (91.2%), Nyanza (93.4 %) and Nyarugenge prisons (95.1%).

B. Case files for detainees and prisoners

➤ Respect for the rights of those detained under a Court's provisional detention Order

The Commission monitored the respect for the rights of those detained under the Court's provisional detention decision of thirty (30) days, focusing on the rights to trial within a reasonable time and lawful detention as provided for by Article 104 of Law n° 30/2013 of 24 May 2013 relating to the code of criminal procedure.

During the monitoring, the Commission discovered that the rights of those detained under a Court's provisional detention Order are respected. Of all 1,048 detainee case files under the Court's provisional detention Order, 216 i.e. 20.6% hold a valid Court's provisional detention Order while 832 i.e. 79.4% are detained under expired Court's provisional detention Order (exceeded 30 days) but their case files were referred to Courts.

➤ Detainees without Judge's detention Order

In general, the Commission's monitoring in Prisons revealed that all inmates in prison have detention Orders including Court's provisional detention Orders of 30 days, copies of judgments or Gacaca Courts' detention Orders.

➤ Rights of prisoners to be released once he/she has fully served the sentence

The monitoring conducted by the Commission pointed out the respect of the rights of prisoners of being released once they have served their sentence.

➤ Respect for prisoner's right not to be subjected to tortured or other cruel, mental or inhuman and degrading treatments

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 ²⁵.

The survey conducted by the Commission confirmed no torture was inflicted on detainees or prisoners in prisons.

➤ **Monitoring prison detention cells**

While monitoring prison detention cells, the Commission reported 48 detainees and prisoners found in prison detention cells in Gicumbi (2), Nyanza (8), Rusizi (11), Rwamagana (13) and Nyarugenge (14) prisons but they had no beddings.

C. Living conditions of detainees and prisoners

The monitoring conducted by the Commission sought to assess the living conditions of detainees and prisoners especially with regard to feeding, clean water, hygiene and medical care. Moreover, the monitoring focused on the living conditions of pregnant, breastfeeding mothers and children living with mothers in prison.

➤ **Living conditions of detainees and prisoners in general**

As regard the living conditions in the prisons, the Commission monitored the respect of the rights relating to clothing, food, hygiene, bedding, recreation and leisure, access to information, education, medical care and the right to worship...

The following are key observations of the Commission:

- Shortage of detainees' and prisoners' uniforms whereby some of them do not have them.
- Inmates received enough food. This food is composed of sorghum porridge early in the morning and maize and beans in the afternoon. Some prisons grow vegetables to add to ordinary food to increase nutrients. Available canteens sell various foodstuffs and items needed by detainees and prisoners. Prisons use biogas to cook food for inmates.
- Prison inmates are clean and ensure hygiene in their sleeping cells using chloral sprays and soap manufactured inside the prisons.
- Prison inmates have clean beds and covers. Detainees and prisoners play various games including football, volleyball, physical training exercise, *igisoro*, draughts and cards. Prisons have equipment used in performing dances and songs.
- Upon entering prison premises, health check-up is conducted to ensure newcomers do suffer from communicable diseases. All detainees and prisoners have mutual health insurance and those living

²⁵ Organic Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code, Article 176

with HIV/AIDS have access to antiretroviral drugs as each prison has a health facility to provide prisoners with basic medical care. Inmates that are critically ill are transferred to nearest hospitals which may refer the patient to another hospital depending on diagnosed disease.

- Every inmate has the right to worship following their faith; various religious denominations have their own religious service programme. External preachers are allowed inside prisons to help in worship and prayers.
- Prisons have TV and radio sets and a library to facilitate access to information. As for the right to education, the nine-year basic education programme is conducted in Nyagatare Juvenile Prison where detained children have to right to sit for the National Exams. Various technical skills are provided in all prisons along with teaching of languages, literature and craft industry. Training workshops and various seminars are organized for prison inmates.

➤ **Feeding, hygiene and medical care for pregnant/breastfeeding women and children living with their mothers in prisons**

Article 33 of Law n° 34/2010 of 2/11/2010 establishing Rwanda Correctional Service (RCS) and determining its missions, organisation and functioning stipulates that “Any incarcerated pregnant or breastfeeding woman shall be accorded special consideration. A child who is still breastfeeding shall be entitled to adequate and nutritional food as required for infants, and shall be removed from the prison and given to his/her family at three (3) years of age. In case the child has no family to receive him/her, the State shall provide a place where he/she shall be cared for”.

The Commission inspected five (5) prisons accommodating women, namely Ngoma, Muhanga, Nyarugenge, Musanze and Nyamagabe Prisons and found 54 pregnant women, 348 breastfeeding women and their babies.

The Commission noted that these categories are entitled to special and adequate feeding. These groups have access to hygienic equipment and items, body lotion and clothes for babies, clean beds and covers, clean lavatories and toilet rooms.

Breastfeeding women, their children and pregnant women access medical care in dispensaries inside their respective prisons or nearby health centres and hospitals. All mothers and their babies have health insurance, deliver at a health post and both babies and pregnant women are get due vaccination.

There are child care centres for infants living with their mothers and leisure facilities in prisons except Nyamagabe Prison which does not have any child care centre.

Child right to be registered in civil status records is fully respected as noted by the Commission. Registration is conducted in civil status records of Sectors where prisons are located.

There was no report of any children above three (3) years of age still living with their mothers in the five (5) prisons accommodating women.

D. Conclusion

The following are findings from fourteen (14) monitored prisons after field visits conducted by the Commission:

- All detainees and prisoners are detained lawfully because they all have Court's detention Orders and prisoners are released upon completion of their sentence.
- There is respect for the right to social welfare for detainees and prisoners. More specifically, both breastfeeding mothers and pregnant women have access to special feeding. They receive hygienic material, medical care is provided in dispensaries inside the Prisons or at Health Centres and Hospitals near the prison. All inmates have their health insurance, and pregnant women get assistance from the nearest health facilities when they are about to deliver and get vaccination in due time.
- Infants with mothers inside prisons have a child care centre except for Nyamagabe Prison.
- All babies born in prison are registered in the civil status records of the Sector where prison is located;
- All detainees and prisoners with disabilities and mental illnesses are treated in the prison's health post, and transferred to appropriate hospitals where such treatment is not offered in prison premises.
- No torture cases or cruel, mental and inhuman treatment were reported in prisons.

Nevertheless, the monitoring into respect for the rights of detainees and prisoners raised the following challenges:

- Population density increased from 57,596 (100.2%) in 2016-2017 to 65,917 (114.6%) in 2017-2018. More particularly, the density is high in Rwamagana, Musanze, Gicumbi, Bugesera, Rusizi and Huye Prisons;
- Shortage in detainees' and prisoners' uniforms;
- Some correctional facilities are old (Nyamagabe, Musanze and Gicumbi prisons).

Based on its findings from the monitoring into the respect for human rights in prisons, the Commission issues the following recommendations to the Ministry of Justice:

- Speed up implementation of alternative mechanisms of serving sentences without necessary being detained in prison.
- Put in place efficient strategy to address high density in prisons, especially in Rwamagana Prison.
- Appoint in each prison a staff with mental health skills to assist those inmates with mental health related problems.

1.5. Monitoring the respect for the rights of detainees in Police Custody

The Commission inspected 109 Police Station detention cells to assess the respect for the rights of detainees and request relevant organs to address identified cases of human rights violation.

The monitoring process looked into the following aspects:

- Enquiring about the size population of detainees in Police Station detention cells to assess the density;
- Verifying detainee case files (PVA, MAP, judge's order) to ensure compliance with detention period;
- Ensuring the detainee is informed of his/her rights to interrogation in the presence of a counsel, especially for children, and in a language he/she understands;
- Ensuring the detainee gets informed of the offence for which he/she is prosecuted, gets sufficient time to prepare his/her defence files together with counsel;
- Ensuring the detainee's family (or Embassy for foreigners) is informed of the arrest;
- Ensuring no torture or cruel, inhumane, mental and degrading acts are used during interrogation;
- Monitoring the respect for rights with regard to social welfare of detainees in Police Station detention cells.

A. Statistical data on detainees in Police Station detention cells

Table n° 12: Monitored Police Station detention cells, their location, date and the size population of detainees

District	Detention Cell	Date	Men	Women	Boys	Girls	Total
Bugesera	Ruhuha	15/03/2018	36	-	-	-	36
Burera	Butaro	15/03/2018	2	-	-	-	2
	Gahunga	16/03/2018	6	-	-	-	6
	Cyanika	15/03/2018	4	-	-	-	4
Gakenke	Ruli	15/03/2018	5	-	-	-	5
	Gakenke	16/03/2018	15	-	-	-	15
	Rushashi	15/03/2018	11	-	-	-	11
Gasabo	Remera	13/03/2018	28	1	-	-	29
	Rusororo	14/03/2018	147	2	-	1	150
Gatsibo	Gatsibo	16/03/2018	4	-	-	-	4
	Kiramuruzi	15/03/2018	75	3	-	-	78
	Ngarama	16/03/2018	26	-	-	-	26
	Kabarore	15/03/2018	3	-	-	-	3
Gicumbi	Byumba	16/03/2018	57	-	2	-	59
Huye	Rusatira	05/03/2018	5	-	2	-	7
	Mbazi	05/03/2018	-	-	1	-	1
	Ngoma	05/03/2018	77	9	-	-	86
Gisagara	Gikonko	06/03/2018	5	-	-	-	5
	Mugombwa	07/03/2018	-	-	-	-	-
	Ndora	07/03/2018	53	1	-	-	54
Kamonyi	Remera – Rukoma	06/03/2018	-	-	-	-	-
	Musambira	07/03/2018	3	-	-	-	3
	Kayenzi	06/03/2018	1	-	-	-	1

	Runda	05/03/2018	63	-	-	-	63
	Mugina	06/03/2018	3	-	-	-	3
Karongi	Gashari	06/03/2018	12	-	-	-	12
	Gishyita	07/03/2018	3	-	1	-	4
	Twumba	07/03/2018	-	-	-	-	-
	Rubengera	08/03/2018	11	-	-	-	11
	Bwishyura	08/03/2018	51	-	1	-	52
	Rugabano	09/03/2018	-	-	-	-	-
Kayanza	Rukara	15/03/2018	19	-	-	-	19
	Mukarange	15/03/2018	5	-	-	-	5
	Ndego	16/03/2018	4	-	-	-	4
	Kabarondo	15/03/2018	26	-	-	-	26
	Rwinkwavu	16/03/2018	3	-	-	-	3
	Nyamirama	16/03/2018	4	-	-	-	4
Kicukiro	Gikondo	14/03/2018	36	1	-	-	37
	Masaka	13/03/2018	5	4	-	-	9
	Nyarugunga	13/03/2018	46	-	-	1	47
	Kanombe	13/03/2018	1	2	1	-	4
	Kicukiro	14/03/2018	90	2	-	-	92
Kirehe	Gatore	15/03/2018	-	-	-	-	-
	Kirehe	15/03/2018	26	-	-	-	26
	Nyarubuye	15/03/2018	30	1	-	-	31
	Nyamugari	15/03/2018	1	-	-	-	1
	Mahama	15/03/2018	2	-	-	-	2
Muhanga	Nyamabuye	08/03/2018	71	-	-	-	71
	Muhanga	07/03/2018	44	-	-	-	44
	Mushishiro	06/03/2018	2	-	-	-	2
	Kiyumba	06/03/2018	2	-	-	-	2
Musanze	Muhoza	06/03/2018	64	-	-	-	64
	Busogo	05/03/2018	2	-	-	-	2
	Cyuve	09/03/2018	-	-	-	-	-
	Remera	09/03/2018	4	-	-	-	4
	Kinigi	06/03/2018	3	-	-	-	3
Ngoma	Remera	15/03/2018	5	-	-	-	5
	Kibungo	15/03/2018	68	2	-	-	70
	Zaza	16/03/2018	12	-	-	-	12
	Sake	16/03/2018	25	1	-	-	26
Ngororero	Nyange	05/03/2018	-	-	-	-	-
	Gatumba	05/03/2018	15	-	-	-	15
	Kavumu	06/03/2018	5	-	-	-	5
	Ngororero	06/03/2018	3	-	-	-	3
	Kabaya	09/03/2018	27	-	-	-	27
Nyabihu	Mukamira	07/03/2018	30	-	-	-	30
	Kabatwa	08/03/2018	-	-	-	-	-
	Jenda	08/03/2018	1	-	-	-	1

	Jomba	09/03/2018	7	-	-	-	7
	Rugera	08/03/2018	-	-	-	-	-
Nyagatare	Nyagatare	15/03/2018	122	-	1	-	123
Nyamagabe	Gasaka	16/03/2018	58	-	1	-	59
	Tare	16/03/2018	1	-	-	-	1
Nyamasheke	Ruharambuga	09/03/2018	40	-	-	-	40
	Macuba	09/03/2018	6	-	-	-	6
	Kanjongo	09/03/2018	15	-	-	-	15
Nyanza	Busasamana	07/03/2018	26	-	-	-	26
	Ntyazo	06/03/2018	-	-	-	-	-
	Busoro	06/03/2018	-	-	-	-	-
	Muyira	06/03/2018	-	-	-	-	-
	Mukingo	07/03/2018	2	-	-	-	2
Nyarugenge	Nyarugenge	14/03/2018	52	5	-	-	57
	Rwezamenyo	14/03/2018	33	-	-	-	33
Nyaruguru	Mata	05/03/2018	17	-	-	-	17
	Nyagisozi	07/03/2018	2	-	-	-	2
	Busanze	07/03/2018	1	-	-	-	1
	Muganza	08/03/2018	6	-	-	-	6
Rubavu	Gisenyi	07/03/2018	84	-	-	1	85
	Rugerero	07/03/2018	7	-	-	-	7
	Kanama	07/03/2018	28	-	-	-	28
	Busasamana	06/03/2018	2	-	-	-	2
Ruhango	Ntongwe	07/03/2018	-	-	-	-	-
	Ruhango	08/03/2018	14	-	-	-	14
	Kabagari	09/03/2018	5	-	-	-	5
	Byimana	07/03/2018	21	-	-	-	21
	Kinazi	07/03/2018	-	-	-	-	-
Rulindo	Bushoki	16/03/2018	8	1	-	-	9
	Kinihira	16/03/2018	4	-	-	-	4
	Murambi	16/03/2018	14	-	-	-	14
Rusizi	Kamembe	07/03/2018	50	-	-	-	50
	Gashonga	07/03/2018	3	-	-	-	3
	Bugarama	07/03/2018	4	-	-	-	4
Rutsiro	Gihango	06/03/2018	11	-	-	-	11
	Kivumu	05/03/2018	10	-	1	-	11
	Ruhango	05/03/2018	20	-	-	-	20
Rwamagana	Kigabiro	16/03/2018	50	-	-	-	50
	Gishari	16/03/2018	-	-	-	-	-
	Muyumbu	16/03/2018	6	-	-	-	6
Total			2,116	35	11	3	2,165

As indicated in Table n° 12, the size population of detainees in monitored Police Station detention cells is 2,116 men, 35 women; 11 boys and 3 girls.

The Commission realized that the Police Station detention cells that have a big number of detainees are those located near Primary Courts because they accommodate detainees who are waiting for trial, those awaiting pronouncement of judgement or those for who the judgment was pronounced and are awaiting transport to prison. These detention cells include Rusororo Police detention cell with 150 detainees, 123 for Nyagatare Police detention cell, 86 for Ngoma Police detention cell, 85 for Gisenyi Police detention cell, 78 for Kiramuruzi Police detention cell, 71 for Nyamabuye Police detention cell and 70 for Kibungo Police detention cell.

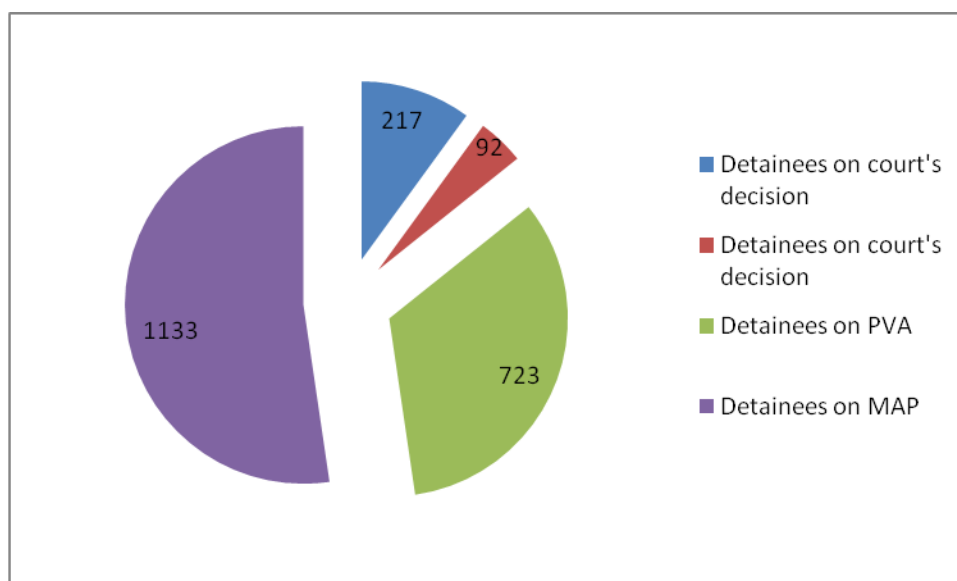
B. Verification of case files for detainees in Police Station detention cells

The verification focused into the following issues:

- PVA (statement of arrest), MAP (provisional arrest warrant or the provisional Judge's detention order;
- If detainees do not hold expired arrest warrant;
- Detainees who continued to be detained while the Judge has ordered a provisional detention in prison.

The graphs below illustrate the findings of the monitoring related to the verification of detainee's case files in Police Station detention cells:

Graph n° 2: Case files of those in police station detention cells



As indicated in Graph n° 2, the Commission reports the following data on detainees:

- 723 i.e. 33.3% are detained on PVA;

- 1,133 i.e. 52.3% are detained on MAP;
- 217 i.e. 10% are detained on Judge's provisional detention order or urgent matters;
- 92 i.e. 4.2% had no provisional detention order and were mainly composed of 17 freshly detained inmates, and 75 vagrants and street beggars who were waiting to be transferred to Transit Centres.

➤ **Statement of arrest (PVA)**

Among 723 inmates detained on statement of arrest (PVA), the Commission found three (3) were detained on statement of arrest exceeding five days provided for by law. These detainees were in Police Station detention cells of Kibungo (1), Sake (1) and Gasaka (1).

➤ **Detainees on provisional arrest warrant (MAP)**

The Commission found that out of 1,133 inmates detained on provisional arrest warrant (MAP), 37 were expired because they exceeded five (5) days provided for by law. These detainees were in Police Station detention cells of Mata (8), Kibungo (3), Sake (5), Ndora (14), Gasaka (6) and Kiramuruzi (1).

The Commission further found seven (7) detainees in Police Station detention cells of Gasaka; Bwishyura and Rusororo whose judge's Order delayed for the law provides that they should be informed of the Court's decision within 72 hours.

➤ **Detainees with no arrest warrant**

Among 92 detainees without provisional arrest warrants, the Commission found that 76 were in possession of a document transferred them in transit centre: they are detained in Police station cells of Remera (3), Rusororo (3), Gikondo (4), Masaka (8), Kanombe (3), Nyarugenge (12), Gisenyi (9), Kanama (5) and Kabagari (2).

The arrest statements of Sixteen (16) detainees were not yet available (PAV) as they have just entered the cells. These detainees were found in Police Stations of Kicukiro (5), Nyamabuye (2), Nyarubuye (1); Muhoza (2), Rwezamenyo (5) and Ruhango (1).

C. Social welfare for detainees in Police Station detention cells

Concerning detainees' social welfare in Police Station detention cells the Commission focussed on the following rights:

- Right to medical care;
- Right to be detained in facilities with enough air and lighting;
- Right to adequate food;
- Right to bed and cover;
- Right to live in a clean premises;
- Right not to be detained handcuffed.

Findings of the Commission:

- **Right to medical care:** The Commission knew that medical treatment is provided from a nearest Health center or hospital when a detainee falls ill. A detainee uses his/her health insurance (Mutual Health). When the detainee is not covered by any insurance, he himself pays the costs, and when he/she is unable to pay, the medical care costs are covered by the District, Sector or the Police Station where he/she is detained. Nevertheless, the Commission did not identify any common mechanism to offer medical care to vulnerable detainees.
- **Enough air and lighting:** The Commission found that most of Police Station detention cell premises have enough lighting and air, apart from the Police Station detention cells of Ngororero, Gasaka, Tare, Gisenyi, Nyamabuye, Kivumu, Ruhango, Gihango, Twumba, Gishyita, Bwishyura, Busoro, Rubengera, Kabarondo, Kirehe, Nyarubuye, Byumba and Remera (Ngoma District) due to high population density or very small windows.
- **Right to adequate food:** Detainees are entitled to two (2) meals a day.
- **Right to bedding:** The Commission noticed that some Police Stations allow detainees to bring in their own beddings while others do not. Carrying own beddings is not allowed in the following Police stations: Gasaka, Rwinkwavu, Ndego, Kabarondo, Rukara, Mukarange, Nyamirama, Byumba, Kirehe, Nyarubuye, Nyamugari, Mahama, Kiramuruzi, Ngarama, Gatsibo, Kabarore, Tare, Rusatira, Gikonko, Ndora, Busogo, Muhoza, Gatumba, Kavumu, Ngororero, Kabaya, Mukamira, Jenda, Jomba, Ruli, Rushashi, Gakenke, Ruhuha, Remera, Rusororo, Gashonga, Bugarama, Kamembe, Ruharambuga, Kanjongo, Mata, Nyagisozi, Muganza and Macuba.
- **Right to be detained in clean a place:** In general, the Commission found that detainees sleep in dormitories, use clean toilets and wash rooms. But poor hygiene was noticed in Gasaka, Tare, Gisenyi, Nyamabuye, Macuba, Bwishyura, Gihango, Ruhango, Kabarondo, Rwinkwavu, Kabarore and Byumba Police Station detention cells due to shortage of water supply.

D. Other monitored detainee's rights

- **Right not to be detained handcuffed:** The Commission noted that the right not to be detained handcuffed when inside detention cells is respect.
- **Right of detainee to be informed of his/her offence:** In all Police detention cells surveyed, the Commission observed full respect for the detainee's right to be informed of his/her offence.
- **Right to a lawyer during interrogation:** The Commission knew that detainees are informed of their right to a lawyer when they are interrogated both in police and prosecution, but due to financial constraints most of them do not find lawyers. **Rights of a juvenile offender to a lawyer during interrogation:** The Commission noticed that, juvenile offenders are assisted by lawyers during interrogation both in police and prosecution.

- **Right of detainees to be visited by families:** The Commission realized that detainees have the right to be visited by their family members at least once a week and by a lawyer whenever they are in need.
- **Right of detainees to be interrogated in a language they understand well:** During its monitoring, the Commission found nine (9) foreigners detainees who declared that they have been interrogated in languages they understand well (Swahili, French, Kirundi and English).
- **Right of detainees to inform their families of their arrest and detention:** The Commission disclosed that this right is not respected as the Police claim the lack efficient mechanism to inform the families of detainees.
- **Right not to be subjected to torture and other cruel, inhumane, mental and degrading treatment:** No case of torture or other cruel, inhumane, mental and degrading treatment was reported.

E. Conclusion

The following are findings of the Commission after its monitoring of March 2018 on the respect of the rights of detainees in 109 Police Station detention cells:

- The rights to a lawful detention is respected in monitored Police Station detention cells. Nevertheless, 39 detainees were reported as being detained illegally because they were still detained after expiry of their statement of arrest and provisional warrant of arrest.
- No torture or other cruel, inhumane, mental or degrading treatment was reported in monitored Police Station detention cells.
- The rights of detainee including the right to be informed of his/her offence, interrogation in the presence of a lawyer, interrogation in a language he/she understands well, being visited by family members, and not to be detained handcuffed, are all respected.
- There are reports of respect for the right to social welfare through provision of meals twice a day. Detainees have access to medical care despite the lack of a common mechanism to ensure medical care to those who cannot afford health care fees due to limited resources.
- Dormitories, washrooms and toilet of Police Station detention cells were reported to be clean apart from twelve (12) Police Station detention cells where poor hygiene was noticed. Some Police Station detention cells allow detainees to bring in their own beddings while others do not. A large number of detention premises have enough air and lighting but others are not adequately designed to let in sufficient air and light, which eventually affects the health of inmates.

Based on the findings of its survey into the respect for human rights in Police Station detention cells, the Commission recommends the following to the Ministry of Justice:

- Rehabilitation and extension of Police Station detention cells to ensure they let in enough air and light.
- Establishment of efficient mechanisms to inform the families of those detained and location of their detention.

1.6. Monitoring the respect of human rights in transit centres and Gitagata Rehabilitation Centre

Based on its missions as entrusted by Law n° 19/2013 of 25/3/2013 establishing the National Commission for Human Rights and determining its mission, organization and functioning, the Commission monitored the respect of human rights in 27 transit centres and Gitagata Rehabilitation Centre.

Law n° 17/2017 of 28/04/2017 establishing National Rehabilitation Service (NRS) and determining its mission, organization and functioning provides that a rehabilitation centre refers to premises used for the conduct of activities dedicated to reforming, educating and providing professional skills and reintegrate any person exhibiting deviant acts or behaviours.

Ministerial Order n° 001/07.01 of 19/04/2018 determining mission, organization and functioning of transit centres defines a transit centre as a local centre used for accommodating on a temporary basis the people exhibiting deviant acts or behaviours, before their selection and placement to a rehabilitation centre or their being rehabilitated at the transit centre, or placement to another premise according to their behaviour.

The monitoring activity aimed to assess the respect of the rights of those placed in transit centres and rehabilitation centre.

Specifically, the Commission monitored the following aspects:

- Number of those placed in transit centres;
- Process for placement in transit centres, period of detention and lectures dispensed to them;
- Functioning of transit and rehabilitation centre;
- Respect of human rights for those placed in transit centres.

A. Number of those placed in surveyed transit and rehabilitation centres

Table n° 13: Monitored transit centres, number of those placed in Transit Centers and date of Monitoring

Nº	Transit centre/ District	Sector	Date monitoring	Number of detainees the day of monitoring				Total
				Children		Adults		
				Boys	Girls	Male	Female	

1	Burera	Rusarabuye	15/03/2018	-	1	17	-	18
2	Gakenke	Rushashi	15/03/2018	-	-	21	5	26
3	Gatsibo	Gatsibo	16/03/2018	4	-	45	2	51
4	Gicumbi	Kageyo	16/03/2018	4	-	36	11	51
5	Gisagara	Gikonko	07/03/2018	1	-	54	5	60
6	Huye	Mbazi	05/03/2018	23	-	53	28	104
7	Kamonyi	Rukoma	07/03/2018	6	-	57	1	64
8	Karongi	Mwendo	06/03/2018	1	-	39	-	40
9	Kayanza	Rukara	15-16/03/2018	10	1	83	1	95
10	Kirehe	Kirehe	16/03/2018	4	-	88	20	112
11	Muhanga	Muhanga	07/03/2018	12	-	87	-	99
12	Musanze	Kinigi	08/03/2018	13	1	48	15	77
13	Ngoma	Ngoma	16/03/2018	5	-	32	-	37
14	Ngororero	Kabaya	09/03/2018	3	-	17	-	20
15	Nyabihu	Karago	07/03/2018	4	-	27	9	40
16	Nyagatare	Nyagatare	16/03/2018	9	1	87	12	109
17	Nyamagabe	Tare	16/03/2018	7	2	47	2	58
18	Nyamasheke	Kagano	09/03/2018	-	-	45	-	45
19	Nyanza	Ntyazo	06/03/2018	3	1	65	3	72
20	Nyaruguru	Nyaruguru	06/03/2018	3	-	53	1	57
21	Rubavu	Mudende	06/03/2018	8	2	59	12	81
22	Ruhango	Ruhango	07/03/2018	2	-	75	-	77
23	Rulindo	Bushoki	16/03/2018	-	1	10	1	12
24	Rusizi	Gashonga	07/03/2018	10	-	55	10	75
25	Rutsiro	Murunda	05/03/2018	2	-	48	-	50
26	Rwamagana	Kigabiro	15/03/2018	2	-	105	1	108
27	City of Kigali	Gikondo	13/03/2018	99	2	2225	200	2526
Total				235	12	3578	339	4,164

As indicated in Table n° 13, the Commission monitored 27 transit centres accommodating 4,164 detainees. Three thousand nine hundred seventeen (3,917) of them are above 18 years including 3,578 men and 339 women. The Commission also found that 247 detainees were below 18 years including 235 boys and 12 girls. The transit centre located in the City of Kigali, Kicukiro District is the one that accommodate a big number of detainees (2,526) because it gathers persons from all three (3) Districts within the City of Kigali.

Gitagata Rehabilitation Centre was monitored on 20 March 2018 and was found with 318 detainees only boys.

➤ **Process for admission, period of detention and program of discussions**

During its field visit in transit centres and rehabilitation centre, the Commission noticed that these centres accommodate persons with deviant behaviour such as prostitution, drug abuse, begging, vagrancy, informal street vending.

Community Policing, DASSO and Police are organs usually involved in arresting of these persons, other individuals found to have deviant behaviours towards their families, are brought in centres by local government authorities, their parents or their guardians.

Counselling and public discussions program are organized for detainees with the aim to bring them back to a proper orientation towards appropriate behavior and lifestyle. Each District prepares its own agenda for training and discussions.

➤ **Respect for human rights in transit and rehabilitation centres**

With regard the respect of human rights in the above mentioned centres, the Commission monitored the right to medical care, feeding, right to live in a clean and safe place and the right to be visited and informed of reasons for arrest.

B. Findings of the Commission

- **Right to medical care**

As reported by the Commission, detainees in transit and rehabilitation centres access medical care using mutual health insurance while the Districts where the centre is located cover the medical cares for those who are not affiliated in MUSA. Worth noting is that a large number of those placed in these centres have no mutual health insurance.

Another issue to be addressed concerns HIV/AIDS infected persons brought in centres that are far from their place of residence, which cut off from doctors who make their follow up and this results in disruption of ARVs and new doctors lack information regarding what kind of ARV the patient was taking.

- **Feeding**

During the monitoring of the respect of human rights in transit and rehabilitation centres, the Commission knew that they eat twice a day except the transit centre of Rusizi, Musanze, Kayonza Districts and the Kigali Transit centre where those placed in centre are entitled to one (1) meal per day. The Commission observes that all those placed in the centres should have equal access to two (2) meals a day.

No special diet is provided to those placed in centre with health problems save in such cases as ascertained by a doctor in which case the detainee's family is allowed to bring in ready food.

- **Clean water**

The Commission noticed that monitored centres are supplied with clean water used for cleaning and hygiene except for Gatsibo District where detainees fetch water from outside. For drinking water, monitored centres in Burera, Rulindo, Ruhango Districts, the City of Kigali, and Karongi District use boiled water treated with antibacterial drugs *Sur Eau*.

- **Hygiene**

Facilities in which detainees are kept have enough air and light; toilet and /bathroom are clean except in Gisagara, Kirehe and Nyanza Districts where the transit centres were found with poor hygiene. As regards beddings, District purchases beddings for detainees. Nevertheless, some centres in Nyagatare, Ngoma, Kirehe and Nyanza Districts have no beddings.

- **Right to be informed of reason for arrest**

The Commission noted that those placed in transit centres are informed of reasons for their arrest and are recorded in appropriate registers.

The Commission observed that laws are fully respected as regards the period spent in transit centres. Nevertheless, there are reports of those placed in the centres located in Karongi and in City of Kigali who have been detained for more than two (2) months the length stay in transit center as provided for by law before their release or transfer to rehabilitation centres.

- **Right to be visited by families**

The Commission knew that families of those placed in centre are informed of reasons for arrest and are allowed to visit them.

C. Problems identified in the functioning of transit and rehabilitation centres:

- **Transit centre facilities:** With everything considered, transit centre facilities are in good condition except those located in Nyaruguru, Nyamagabe, Nyanza and Kayanza districts that work in old facilities. The design of these facilities does not allow detainees to enjoy their right to leisure. Furthermore, no specific facilities are reserved for children apart from the facilities found in Kamonyi and Ruhango Districts as well as in the City of Kigali where children and adults are accommodated in separate facilities.
- **Staff:** The Commission found that some Centres without enough staff compared to the number of detainees. Therefore, transit centers face challenges in performing their duties. The lack of enough staff was noted in the centres of Gakenke, Gicumbi, Kamonyi, Nyaruguru, Rulindo Districts as well as in the City of Kigali.
- **Training:** The Commission noticed the lack of a coordinated mechanism in organising training and discussions.

Gitagata Rehabilitation Centre:

- **Concerning the functioning of Gitagata Rehabilitation Centre:** The Commission found that there was Lack of sufficient baby care staff and security. There is also poor hygiene in sleeping rooms and toilet are located far from their sleeping rooms. Another problem is the lack of leisure facilities and appropriate equipment, which affect their right to leisure.

D. Conclusion

During the monitoring carried out in March 2018 to Gitagata Rehabilitation Centre and 27 transit centres, the Commission noticed full respect of basic rights of detainees. Nevertheless, there is still need for improvement especially with regard to renovate old facilities, addressing the issue of staff shortage, the problem of detainees that are kept in transit and rehabilitation centres more than the period provided for by law. The NCHR therefore requests the National Rehabilitation Service (NRS) to do its possible to ensure all identified problems are solved. In this regard, the following are the recommendations to NRS:

- To develop a training curricula for those placed in transit centres;
- To train staff of transit and rehabilitation centres on the laws governing management of these centres and human rights;
- To renovate old facilities and separate adults from children;
- To facilitate those placed in centres with HIV/AIDS to access ARVs;
- Respect the period for stay in centres as provided for by law;
- To allocate budget to cover medical costs for those placed in transit centres without health insurance and who cannot afford medical costs;
- To avail beddings in some transit centres;
- To ensure enough staff for transit centres.

PART II: RECEIVING AND PROCESSING COMPLAINTS

The National Commission for Human Rights is specifically mandated to receive, examine and investigate complaints of violation of human rights by public institutions, abuse of power by public officials, associations and individual persons. The Commission is also empowered to request relevant organs to render justice to any person whose rights are violated as stipulated in Articles 6 and 7, 6^o of Law n^o 19/2013 of 25/03/2013 determining its missions, organisation and functioning.

During the year 2017-2018, the Commission continued to receive, examine and investigate complaints and resumed processing of complaints left pending for the previous year 2016-2017.

2.1. Complaints received in 2017-2018 and those that remain pending by the end of 2016-2017

In 2017-2018, the Commission processed 1,868 complaints of human rights violation, including 771 (41.3%) submitted in 2017-2018 and 1,097 (58.7%) complaints for which the process was still ongoing by the end of 2016-2017.

Table n^o 14: Complaints submitted to the Commission in 2017-2018 and those pending by end of 2016-2017

Complaints processed in 2017-2018		Adults		Children		Total	Percentage
		Male	Female	Boys	Girls		
Complaints submitted to NCHR in 2017-2018		268	232	90	181	771	41.3%
Complaints being processed by end of 2016-2017	Under investigation	82	110	44	76	312	16.7%
	Complaints for which solution was pending	283	199	31	85	598	32.0%
	Complaints for which investigation was pending	80	54	15	38	187	10.0%
Total		713	595	180	380	1868	100%

As indicated in Table nº 14, among 1,097 complaints processed by the Commission by the end of 2016-2017, 312 were still under investigation, 598 complaints were unsolved while investigations for 187 complaints has not yet begun.

In general, the Commission processed 713 complaints related to men, 595 related to women, 180 related to boys and 380 related to girls.

2.2. Processing complaints submitted in 2017-2018

The Commission assessed and investigated complaints received in 2017-2018 and those left pending by the end of the year 2016-2017 to determine whether human rights were violated in order to request relevant organs for redress to those who were deprived of their rights.

Table nº 15: Status for complaints process in 2017-2018

Status for complaints process	Adults		Children		Total	Percentage
	Male	Female	Boys	Girls		
Number of complaints for which the Commission fully investigated and forwarded them to relevant authorities for action	564	445	144	288	1441	77.1%
Complaints under investigation	66	85	27	58	236	12.6%
Complaints for which investigation has not yet begun	38	27	5	21	91	4.9%
Complaints for which complainants were advised to refer them to other relevant organs	32	30	2	11	75	4.0%
Complaints that the Commission did not processed because they do not meet the requirements for admissibility ²⁶	13	8	2	2	25	1.4%
Total	713	595	180	380	1868	100.0%

²⁶ Non admissible complaints are those complaints containing insults, hearsay, rumours and dreadful allegations.

As indicated in Table nº 15, out of 1,868 complaints received, 25 complaints (1.4%) were rejected as they did not meet admissibility criteria. The Commission advised complaints in 75 complaints (4%) to refer them to other organs. Investigation is still ongoing for 236 complaints (12.6%) while investigation was completed for 1,441 complaints (77.1%) and sent to relevant organs for further action. Table nº 15 below indicates the status of complaints submitted to organs for action.

Table nº 15: Solved and not yet solved complaints

Complaints submitted to relevant organs	Adults		Children		Total	Percentage
	Male	Female	Boys	Girls		
Number of solved complaints	374	273	103	163	913	63.4%
Number of not yet solved complaints	190	172	41	125	528	36.6%
Total	564	445	144	288	1,441	100.0%

Table nº 15 indicates that the Commission completed investigation for 1,441 complaints and sent a report thereof to relevant organs for action; 913 complaints (63.4%) were fully solved while solution is still pending for 528 complaints (36.6%).

Table nº 16: Complaints processed by the Commission per category of rights

No	Category of rights	Adult			Children			Sub Total	Percentage
		Male	Female	All	Boys	Girls	All		
1	Right to property	332	292	624	8	10	18	642	34.4%
2	Right to justice	246	194	440	6	11	17	457	24.5%
3	Right to be protected against sexual violence /child abuse (defilement)	4	7	11	9	204	213	224	12.0%
4	Right to education	3	-	3	63	42	105	108	5.8%
5	Right to know parents and be raised by parents	2	9	11	29	34	63	74	4.0%
6	Right to Employment	64	6	70	-	-	-	70	3.7%
7	Right to registration in civil status records	8	8	16	8	24	32	48	2.6%
8	Right to social warfare	-	-	-	21	18	39	39	2.1%
9	Domestic violence	3	23	26	2	7	9	35	1.9%
10	Rights to adequate housing	10	21	31	-	-	-	31	1.7%
11	Right to Life	7	9	16	7	5	12	28	1.5%
12	Right to Social welfare	8	10	18	5	2	7	25	1.3%
13	Right to Health	9	6	15	1	7	8	23	1.2%
14	Right not to be subjected to worst forms of labour	-	-	-	10	5	15	15	0.8%

15	Right not to be subjected to corporal punishment	4	1	5	3	5	8	13	0.7%
16	Right to freedom	2	6	8	2	-	2	10	0.5%
17	Right not to be subjected to inhuman treatment	-	-	-	4	1	5	5	0.3%
18	Disappearance of persons	3		3	1	1	2	5	0.3%
19	Citizenship and Identity Card	2	2	4	-	-	-	4	0.2%
20	Right not to be subjected to discrimination	-	-	-	1	3	4	4	0.2%
21	Rights of the Elderly	2	1	3	-	-	-	3	0.2%
22	Right to Security	1	-	1	-	-	-	1	0.1%
23	Not to be subjected to Human trafficking	-	-	-	-	1	1	1	0.1%
24	Right to be informed of the charges against him/her	1	-	1	-	-	-	1	0.1%
25	Rights of Refugees	1	-	1	-	-	-	1	0.1%
26	Right to free movement and settlement	1	-	1	-	-	-	1	0.1%
27	Total	713	595	1,308	180	380	560	1,868	100.0%

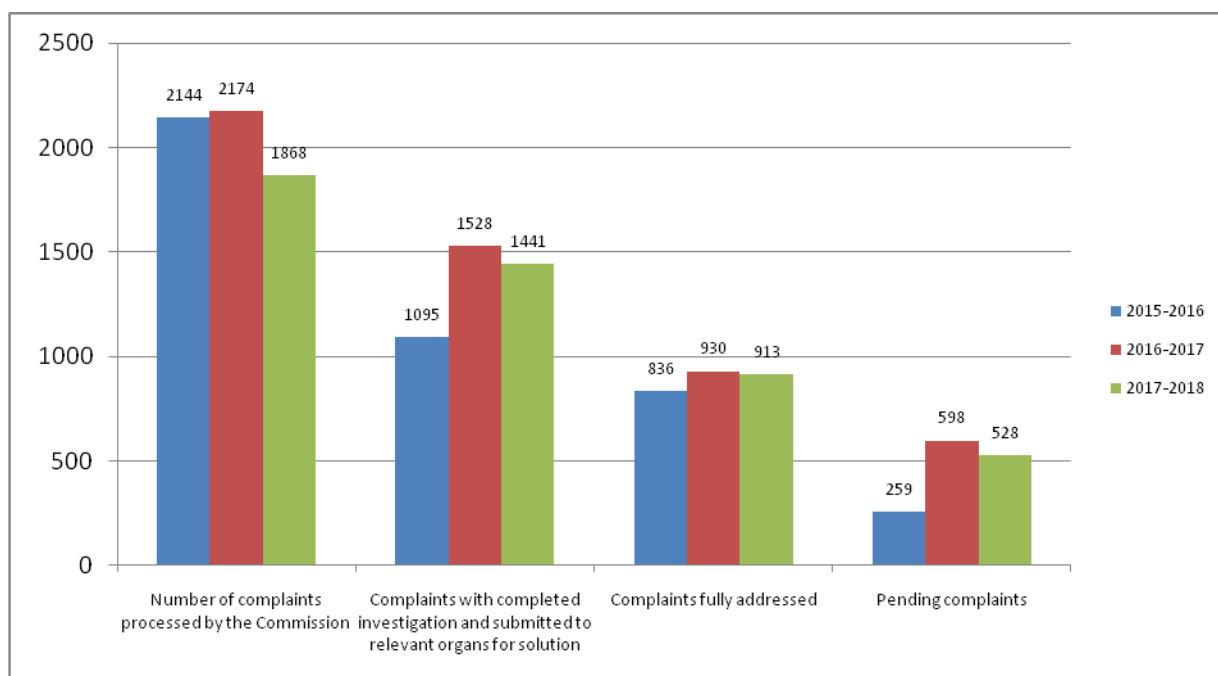
As indicated in Table nº 16, in 2017-2018, the Commission processed 1,868 complaints, among them the complaints related to violation of the right to property top the list with 642 complaints (34.4%), while those related to the right to justice are (456 [24.5%]), the right not to be subjected to sexual violence and child abuse/defilement) (224 [12%]), right to education (108 [5.8%]), right to know parents and be raised by them (74 [4%]) and the right to employment (70 [3.7%]).

The big number of complaints related to the right to property are mainly composed of land conflicts and the right to compensation for property damaged following construction of infrastructure. Complaints related to the right to justice are mainly related to execution of judgments and to the right to seek redress.

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

This section presents a summary of complaints processed by the Commission in 2015-2016, 2016-2017 and 2017-2018.

Graph nº 3: Performance scored by organs in handling complaints referred by the Commission



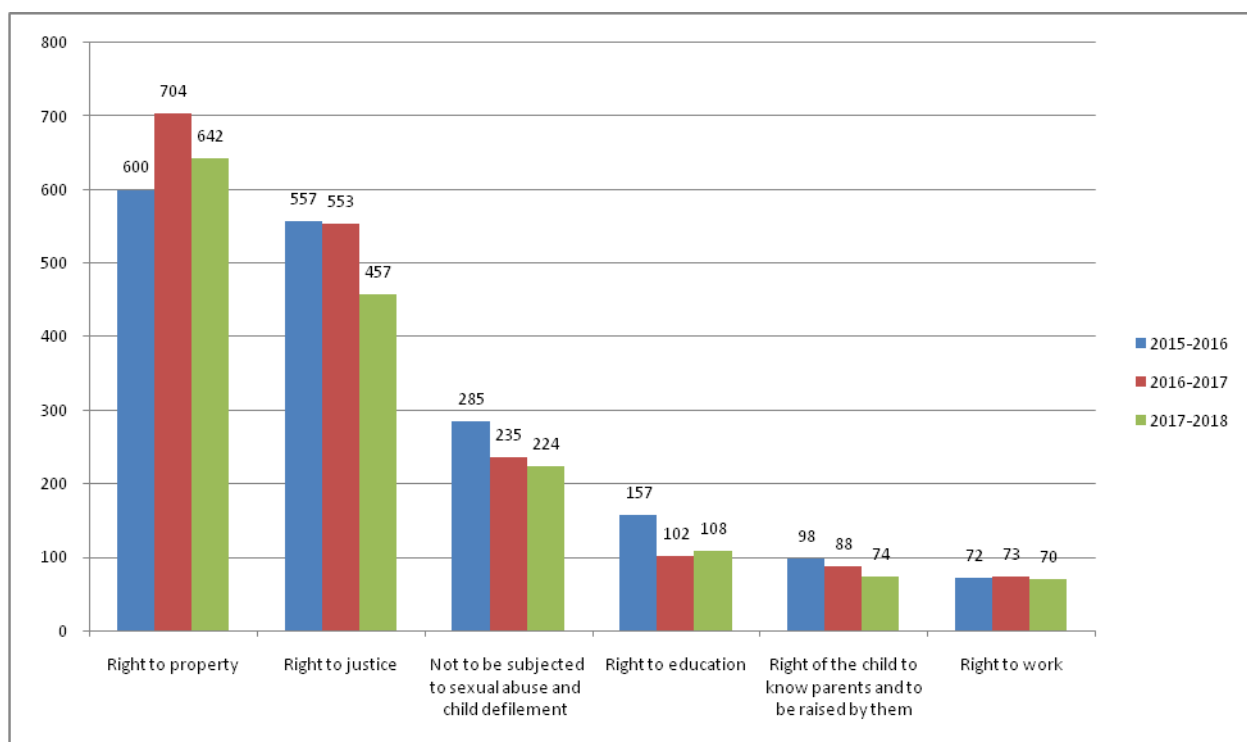
Graph n° 3 indicates that in 2017-2018, the Commission completed investigation for 1,441 complaints and requested relevant organs to handle them while 913 complaints (63.35%) of those submitted to relevant organs found solution.

In 2016-2017, the Commission processed 1,528 complaints, among which 930 complaints (60.86%) for which the Commission completed investigation and urged relevant organs for further action were resolved.

In 2015-2016, fully addressed complaints were 836 (76.34%) out of 1,095 complaints for which the Commission had completed investigation and urged relevant organs to address them.

In general, many organs proved their commitment in solving citizens' complaints submitted by the Commission even though some complaints were not immediately addressed.

Graph n° 4: Recurrence of complaints processed over the past three years per category of rights



Graph n° 4 indicates that violations of the right to property, the right to justice, the right not to be subjected to sexual abuse and child abuse (defilement), the right to education, the right of the child to know his/her parents and to be raised by them and the right to employment are recurrent in the complaints processed by the Commission over the past three years.

During complaints analysis, the Commission found that those complaints related to the right to property mainly resulted from land disputes while complaints related to justice are mainly due to non-execution of judgments.

2.4. Examples of complaints related to human rights processed by the Commission

This section describes typical complaints on not yet resolved human rights violation processed by the Commission. They include complaints related to violation of the right to property, the right to justice and the right to adequate housing.

2.4.1. Right to property

1. Complaint of NTAHORUTABA Balthazar and his colleagues

On 24 November 2017, NTAHORUTABA Balthazar and his 81 colleagues of Ryabega Village, in Karangazi Cell, Karangazi Sector in Nyagatare District wrote to the Commission seeking justice following the information got from Nyagatare District. They claim that they gave them their land titles because they were informed that they will be relocated as the land they occupied was to be used for construction of an industrial park. They added that four years elapsed and the District did not relocate them nor return their land titles. These citizens report to be in confusion as they are not allowed to carry out any activity on their land. Some of them see their houses in bad conditions while they are not allowed to renovate them, others

have contracted bank loans to start up income generating activities but immediately having heard the information, they decided to return the money to the bank.

During investigations, the Commission learnt that Nyagatare District had compensated some citizens in Ryabega Village, Ryabega Cell, Nyagatare Sector who had relocated whereas other citizens remained on their land waiting for compensation.

The Commission learnt that, while the citizens of Ryabega were waiting for land surveyors, the District decided to build the industrial park in Rutaraka Cell instead of Ryabega and they were not yet given back their land titles.

On 6 June 2018, based on a decision by the District Council and the Ministry of Trade and Industry of January 2018 to relocate the industrial park to Rutaraka Cell, Nyagatare Sector, the citizens wrote a letter to Nyagatare District requesting to be given back their land titles but their request did not receive any feedback.

The Commission met Authorities of Nyagatare District who accepted to return the land titles to owners of the land and promised to speed up the processing of their complaints.

By the time the Commission was drafting this report, it addressed to Authorities of Nyagatare letter REF: CNDP/AUG/034/8.19 dated 8 August 2018 requesting that NTAHORUTABA Balthazar and his colleagues be given back their land titles but did not receive any response to its letter nor did the citizens receive their land titles.

The Commission notes that NTAHORUTABA Balthazar and his colleagues were deprived of their right to property because the District has taken their land titles and has not given back to them while the industrial park is to be implemented on another site and still, those citizens are not allowed to enjoy their right to property.

The Commission requests the District to give back the land titles to these citizens for them to enjoy full rights on their property.

2. Complaint of NYIRAHABIYAREMYE Laurentine

Acting on behalf of her family, NYIRAHABIYAREMYE Laurentine, residing in Nyamigina Cell, Gikundamvura Sector in Rusizi District, addressed a letter to the National Commission for Human Rights Human, on 11 April 2016, seeking justice.

She alleges that *Eglise de Dieu* built Mwegera Primary School Centre on her family land and compensated her with two and a half hectares in Bugarama Rice Plantation and was issued with a land title as compensation. She writes that after being compensated, Rusizi District removed them from the land claiming the land was in State-owned Property and requested *Eglise de Dieu* to give them another compensation. *Eglise de Dieu* accepted to compensate them with Rwf 1,072,000 but is yet to release that money.

During its investigations, the Commission learnt that the Mayor of Rusizi District wrote to the management of *Eglise de Dieu* letter n° 01578/0306 dated 11 June 2014 requesting to release the cash to

compensate NYIRAHABIYAREMYE Laurentine latest by 20 June 2014, but cash for compensation is yet to be released.

On 27 December 2016, the Commission wrote Letter n° CNDP/DEC/283/16.17, to the Mayor of Rusizi District, requesting him to solve the complaint but did not receive any feedback.

The Commission conducted the follow up on this complaint and met the Mayor of Rusizi District who pledged to do everything possible to ensure NYIRAHABIYAREMYE Laurentine gets compensated on the budget for 2017-2018 but in vain.

On 24 November 2017, the Commission wrote to the Minister of Local Government, letter n° CNDP/NOV/225/17.18 requesting him to render justice to NYIRAHABIYAREMYE Laurentine but did not get any feedback.

The Commission learnt that, Rusizi District Council, meet on 20 January 2018, and adopted that NYIRAHABIYAREMYE Laurentine should be given compensation equivalent to her land, but by the time of drafting this report, the resolution was not yet implemented.

The Commission notes that the family represented by NYIRAHABIYAREMYE Laurentine was deprived of the right to fair compensation for the land on which Mwegera Primary School Centre is built and therefore requests Rusizi District to solve this complaint by granting a compensation equivalent to the land.

3. Complaint of SHUMBUSHO Augustin and his 9 colleagues

As the National Commission for Human Rights was in a public hearing session. in Nyange Sector, Ngororero District, SHUMBUSHO Augustin, RIBONABAKE Théoneste, SERUGENDO Augustin, NYIRABAGENZI Madeleine, MUKAGATARE Anne Marie, NYIRAHATEGEKIMANA Theresie, MUKARUGIRA Thérèse, MANIRAKIZA Assoumpta, MANIRAGUHA Marie Claire and MUGIRASE Immaculée, submitted a complaint related to their property used for land plotting to build grouped settlements for vulnerable groups who lived in scattered houses as part of Government programme for settlement in grouped villages. They all claim they were dispossessed of their land in 1998 with no equivalent compensation. SHUMBUSHO Augustin and his colleagues further explain that they submitted their complaint to Sector and District authorities but no solution was found.

During its investigations, the Commission learnt that whenever a citizen was relocated from where he/she resided to live in the grouped settlements, he/she was to compensate the owner of the land with a portion of land of the same size as that on which the house is built. The Government is supposed to pay compensation for those with no land or who could not afford to pay compensation.

NCHR wrote to Ngororero District Letter n° CNDP/MAY/536/16.17 dated 5 May 2017 on the complaints related to violation of human rights and requested that solutions be found to ensure the citizens recover their rights. The complaint of SHUMBUSHO and his colleagues is also one of those complaints.

On 17 May 2018, the Executive Secretary of Nyange Sector wrote to the Mayor of Ngororero District Letter n° 431/03/05/13/2018 submitting a list of ten (10) citizens whose plots of land were used to build houses for vulnerable groups; its attachment included the amount of money requested for each plot as well as the names of those resettled.

The Commission notes that SHUMBUSHO Augustin and his colleagues were deprived of the right to their property without any compensation for their plots used to build houses for vulnerable groups.

The National Commission for Human Rights requests Ngororero District authorities to compensate the citizens for their property.

4. Complaint of NTAWUBASERURA Annonciata and 3 neighbours

On 21/12/2016, NTAWUBASERURA Annonciata, residing in Kabeza Village, Nyamiyaga Cell, Rubaya Sector, Gicumbi District, submitted a complaint saying that a portion of her land was taken by Rubaya Sector with the aim to build a house for a returnee from Tanzania but she claimed that no compensation was given.

During its investigations, the Commission noted that indeed a portion of the land of NTAWUBASERURA Annonciata and three (3) neighbours: CYIZA David, NYIRANTAMBARA Beatrice and SEMUHINZI Faustin, was taken by Sector authorities to avail a plot for the construction of a returnee's house. The plot encroaches on their four (4) pieces of land. Rubaya Sector confiscated their land titles promising them compensation but this payment was never made.

The Commission knew that two years have elapsed since these citizens were denied the right to cultivate their remaining portions of land reserved for construction of grouped villages. This year, they were allowed to cultivate their land while the process of paying compensation is still pending but they do not know whether they will ever be paid.

On 29 May 2017, the National Commission for Human Rights wrote to authorities of Gicumbi District Letter n° CNDP/MAY/600/17.18 requesting the District to provide an update on the process that was made on complaints submitted during a public hearing. By the time of drafting this report, the Commission had not received any feedback on the letter from the District.

At different occasions, the Commission continued to follow up this complaint without noting any action towards solving it. The Commission finds that NTAWUBASERURA Annonciata and her neighbours were deprived of the right to their land since no compensation was granted. Gicumbi District is therefore requested to address the complaint within a shorter deadline.

4. Complaint of MUKAKABERA Verena

On 29 November 2016, as the Commission conducted a public hearing in Byimana Sector, Ruhango District, MUKAKABERA Vèrene, of Gakomeye Village, Kamusenyi Cell, Byimana Sector, Ruhango District, submitted her complaint to the Commission saying that in 1995 a portion of her land located in Gakomeye Village, Kamusenyi Cell, Byimana Sector, Ruhango District, was confiscated by the former Commune of Mukingi and where were built a Police Station detention cell and a kitchen but no compensation was granted.

During its investigations, the Commission learnt of the presence of a deep hole in that portion of land which served as latrines for detainees at Byimana Police Station around which was a small portion of land cultivated by detainees and other facilities used by the Police Station.

The Commission also learnt that Ruhango District Council decided to grant compensation to MUKAKABERA Vèrene for her land used for public interests by former Ntenyo Commune but the decision was never implemented.

On 9 May 2017, the Commission wrote to the Mayor of Ruhango District Letter n° CNDP/MAY/540/16.17, submitting 64 complaints from the residents of that District including that of MUKAKABERA Vèrene, requesting the District to indicate what measures were taken to address those complaints but no feedback was received.

The Commission notes that MUKAKABERA Vèrene was deprived of her right to compensation for the land she owned, and urges Ruhango District to grant compensation for the land.

2.4.2. Right to justice

1. Complaint of MUKANKAKA Charlotte

On 1 November 2016, MUKANKAKA Charlotte resident of Cyerezo Village, Cyerezo Cell, Mukingo Sector Nyanza District, submitted her complaint related to non-execution of judgment in Case RC 0204/06/TGI/NYGE she won against MUSABYIMANA Emmanuel. In her case as decided on 27/07/2007 by the Intermediate Court of Nyarugenge, the court ruled that MUKANKAKA Charlotte won the case, and ordered MUSABYIMANA Emmanuel to pay her Rwf 6,660,122.

On various occasions, the Commission followed up this complaint and learnt that MUSABYIMANA Emmanuel and NIYONSABA Eugene, MUKANKAKA Charlotte's deceased husband, are both heirs of their father, RWESABAHIZI, also deceased. MUKANKAKA Charlotte filed a case against MUSABYIMANA Emmanuel because he was chosen to represent the family of RWASABAHIZI when Nyanza Prison purchased land parcels within its land boundaries so that he would share compensation among the heirs. After the payment was made, he kept all the money alone and did not share with anyone among the family members.

MUSABYIMANA Emmanuel appealed against the Court's decision in Case RCA 0228/07/HC/KIG decided by the High Court on 29/10/2009, declaring the appeal inadmissible and ordered that judgment in case RC 0204/06/TGI/NYGE be executed with immediate effect.

The Commission met the Executive Secretary of Mukingi Sector who disclosed all the attempts he made to execute the judgment but yielded no effect for lack of property owned by MUSABYIMANA Emmanuel from which any sale proceeds could serve as compensation because all the assets alleged to belong to him are registered under other persons.

The Commission did not find information of any land property registered under MUSABYIMANA Emmanuel and his wife MUKAKIZIMA Consolate as evidenced by the land register available in the Land Centre (Rwanda National Resources Authority).

The Commission notes that MUKANKAKA Charlotte was deprived of her right to execution of judgment within a period specified by the law to obtain reparations.

The Commission requests the Ministry of Justice to solve the complaint of MUKANKAKA Charlotte by ensuring execution of judgment in the case she won.

2. Complaint of MUKAKINANI Alphonsine

On 22 September 2016, MUKAKINANI Alphonsine of Ruhinga Village, Gashirabwoba Cell, Bushenge Sector, Nyamasheke District wrote to the Commission seeking justice because she was deprived of her right to property following Case n° RC0003/09/TB/SHNG she won in a judgment pronounced on 24/6/2009.

MUKAKINANI Alphonsine states that her mother NYIRABUNDOYI Geneviève married GAHAKWA Félicien but brought with her a son named NSHAMIHIGO Augustin. She alleges that NSHAMIHIGO Augustin built a house on a plot of land owned by GAHAKWA Félicien, when he is not his son. Sometime later, her mother named NYIRABUNDOYI went to his father MAREKABIRI residing in Mururu Sector, Rusizi District, who gave the son a share on his property.,.

Later, NSHAMIHIGO and NIKUZE Spéciose, not legally married, had a daughter named MUREBWAYIRE Béatha, but later separated from each other with NIKUZE getting married to another husband while NSHAMIHIGO was killed in the 1994 Genocide against Tutsi.

NIKUZE Spéciose filed a case with the Mediators' Committee against MUKAKINANI Alphonsine seeking ownership right on the land belonging to her husband NSHAMIHIGO but lost the case. The case was referred to the Primary Court of Shangi and judgment in Case n° RC0003/09/TB/SHNG was pronounced on 24/6/2009, whereby the Court declared MUKAKINANI winner in this case. Execution of judgment was enforced on 10/01/2013 by a non-professional bailiff of Kagatamu Cell, Bushenge Sector but land was not transferred to MUKAKINANI Alphonsine for usufruct as land was occupied by MUREBWAYIRE Béatha.

MUKAKINANI Alphonsine explains that she submitted a complaint to various organs including Police, Authorities of Bushenge Sector and Nyamasheke District seeking transfer of full ownership right over that land but was not granted such right.

The Commission wrote to the Mayor of Nyamasheke District Letter n° CNDP/APR/454/16.17 dated 6 April 2017, requesting him to solve the complaint of MUKAKINANI Alphonsine but did not receive any feedback.

The Commission learnt that, on 27 August 2018, in the Community Assembly of Gashirabwoba Cell, Bushenge Sector, chaired by an officer in charge of good governance in Nyamasheke District and MAJ, MUREBWAYIRE Beatha accepted to vacate the land latest by 4 July 2018 but did not honor her commitment.

The Commission notes that MUKAKINANI Alphonsine was deprived of her right to property over which ownership was granted by a Court's decision and requests Nyamasheke District to solve this matter by ensuring that ownership right is transferred to owner as per Court's decision.

2.2.3. Right to adequate housing

1. Complaint of MUKANDUTIYE Angelique

On 31 January 2018, as the Commission was publicly receiving the complaints in Nyabihu District, MUKANDUTIYE Angelique of Bikingi Village, Kintobo Cell, Kintobo Sector, submitted her complaint related to her land because during the construction of the road connecting Kabashumba and Gatovu, which was completed in February 2018, “Groupement Capital Workshop Construction Ltd” and “Kigali Global Suppliers and Constructors Ltd” companies drawn the rain water channels in her land.

MUKANDUTIYE Angelique further explained her worries that her house could be washed away by flowing waters due to lack of proper drainage, a situation that endangered her life and that of her family. She added that during construction of that feeder road, she requested the firms to build a water draining structure to avoid any damaging effect to her property.

The Commission heard this complaint in the presence of the Interim Director in charge of Good Governance in Nyabihu District who pledged to conduct advocacy for a quicker solution but nothing was done.



Photo showing a water drain near the house of MUKANDUTIYE Angélique

The Commission noted that MUKANDUTIYE Angelique unsuccessfully sought assistance from the Authorities of Nyabihu District indicating concerns over water channelled into her property.

The Commission observes that the life of Mukandutiye Angelique and her family are in danger and requests Nyabihu District to timely address this issue.

PART III: PROMOTING HUMAN RIGHTS

Promotion of human rights refers to all activities aimed at raising awareness and strengthening human rights principles through education and dissemination to build the capacity of the public so that they can change their mind towards an enhanced culture of respect for human rights.

Pursuant to Article 42 of the Constitution of the Republic of Rwanda of 2003 revised in 2015, the National Commission for Human Rights has the mission to promote human rights, while Article 5, (1) of Law n° 19/2013 of 25/03/2013 determines its missions, organisation and functioning.

Promotion of Human Rights is a provision of the Preamble and Article 26(2) of the International Declaration on Human Rights stating that knowledge dispensed through education should work for advancement of human rights and freedoms. Human rights promotion is also stipulated in Article 13 of the International Covenant on Economic, Social and Cultural Human Rights which states that education seeks to ensure full respect for human rights, freedoms and liberties.

Article 25 of the African Charter on Human and People's Rights stipulated that Signatory Countries, undertake to promote and protect the rights and freedoms contained therein, through education, teachings and dissemination.

Activities of the National Commission for Human Rights for the year 2017-2018 in the promotion of human rights include, but are not limited to: education and sensitization of Rwandan citizens on human rights, providing views on draft laws, urging relevant institutions to ratify international conventions related to human rights and producing timely reports and collaborating with other organs in matters related to promotion and protection of human rights.

3.1. Human Rights Education

Human rights education entails all activities in connection with educating Rwandan citizens on human rights issues through training workshops.

The National Commission for Human Rights conducts such training to impart knowledge and build skills of trainees in their endeavours to promote and protect human rights. Training workshops enable leaders to ensure the respect for human rights principles in their day-to-day business.

The Commission organized training workshops for persons falling in various categories as indicated in Table n° 17 below.

Table n° 17: Categories of persons trained in 2017- 2018

N°	Trainees	Topic	Date	District of training	Number of Trainees		
					Men	Women	Total
1	Representatives of non-governmental organizations	Respect for Human Rights in electoral process	11/07/2017	Kicukiro	35	15	50

		Sustainable Development Goals and their implementation	21/12/2017	Kicukiro	21	5	26
2	Journalists	Respect for Human Rights in electoral process	12/07/2017	Kicukiro	30	7	37
		Sustainable Development Goals and their implementation	22/12/2017	Kicukiro	75	25	100
3	Religious Leaders	Respect for Human Rights in electoral process	13/07/2017	Kicukiro	84	16	100
4	Members of the Forum of Political Parties	Respect for Human Rights in electoral process	01/08/2017	Kicukiro	58	42	100
5	Pastors and deacons of churches operating in Bungwe Sector in Burera District	Role of Churches in ensuring respect of human rights and child rights	28-29/06/2018	Burera	36	14	50
Total					339	124	463

As indicated in Table n° 17, the number of trainees from July 2017 to June 2018 is 463, including 76 representatives of non-governmental organizations, 137 journalists, 100 church representatives, 100 members of the Consultative Forum of Political Organizations and 50 pastors and deacons.

3.1.1. Training workshops for representatives of non-governmental organizations, journalists and members of the Consultative Forum for Political Organizations

From 11 July to 13 July 2017 and on 1 August 2017, the National Commission for Human Rights organized, training sessions for members of the Civil Society, the Forum of Church Leaders, Journalists and members of the Consultative Forum for Political Organizations under the theme: "Respect for Human Rights in Electoral Process" as part of preparations for the scheduled elections.

The main objective of the training workshop was to build knowledge and skills in matters related to human rights during elections.

Lectures at these training workshops addressed the following topics:

- Civic education during elections;
- Elections and Human Rights;
- Ensuring respect for human rights during elections;
- Role of the National Commission for Human Rights, Civil Society, Religious Leaders, Journalists and members of the Consultative Forum of Political Organizations in a smooth electoral process.

Trainees were enlightened on matters relating to monitoring respect for human rights during elections including the rights of voters and candidates and the mechanism to ensure compliance with all laws and instructions relating to elections and whether elections are held in a free, fair and secure atmosphere.

3.1.2. Training for representatives of non-governmental organizations on Sustainable Development Goals (SDGs)

The National Commission for Human Rights organized training workshops for representatives of human rights non-governmental organizations and journalists working for media organs in Rwanda on Sustainable Development Goals and monitoring their implementation through increased respect for human rights principles.

On 21 December 2017, training workshops targeted 26 representatives from non-governmental organizations. Male representatives were 21 and 5 female delegates from the following non-governmental organizations: CLADHO, AJPRODHO, ARAMA, Never Again, ADL, TI - Rwanda, Kanyarwanda, AVP, Uvisenga n'Imanzi, ADECOR, ARDHO, FADA, REWU, OHEO, ASLVS and Solidarité.



Trainees from Non-governmental Organizations posing with Senior Officials of the Commission

On 22 December 2017, 37 journalists comprising of 30 men and 7 women from 37 media organs operating in Rwanda attended the training workshop.



Some of the journalists trained posing with senior officials of the Commission

Training workshops were organized under the theme **"Role of Non-governmental organizations and media in implementing Sustainable Development Goals"**

The following are the topics covered during the training sessions:

- Functioning and collaboration between the Commission and other organs;
- Implementation of Sustainable Development Goals;
- Ensuring respect for human rights in implementing Sustainable Development Goals.

After a brief explanation on Sustainable Development Goals, trainees from non-governmental organizations involved in promoting human rights and journalists pledged their commitment to include in their strategic plan activities related to mobilising citizens around sustainable development goals.

3.1.3. Training for Pastors and Deacons of Bungwe Sector in Burera District

The National Commission for Human Rights conducted, from 28 to 29 June 2018, training workshops intended for 50 Pastors and Deacons, including 36 men and 14 women of Bungwe Sector in Burera District from these religious denominations: ADEPR, Inkuru Nziza, EPAR, EAR, EBR, Catholic Church and Amizero. Gatebe Health Centre premises served as the venue for this training workshop.

The following are the topics covered during the training:

- What to know about the National Commission for Human Rights, its mission, organization and functioning;
- Fundamental principles of Human Rights;
- Human Rights in Civil and Political matters;

- Human Rights in Economic, Social Welfare and Cultural matters;
- Child Rights;
- Role of churches in ensuring respect for human rights and child rights.

After the training workshops, participants pledged their commitment to work as stakeholders of the National Commission for Human Rights in promoting human rights and improving the lessons they usually dispense through the respect for human rights principles.



pastors and deacons at the training premises

3.2. Mobilising Rwandan citizens to embrace human rights

In 2017-2018, activities aimed at mobilising Rwanda citizens to embrace human rights include seminars intended for various categories of citizens on human rights, including seminars held in citizens' committees, primary and secondary schools, through media organs and other means of mass communications as indicated in Table n° 18 below.

Table n° 18: Categories targeted by seminars organized in 2017 – 2018

N°	Category	Date	District	Men	Women	Total
1	Drivers of public passenger transport vehicles and moto-taxi drivers.	12-29/09/2017	All Districts across the Country	2,849	72	2,921

2	Small scale business dealers	October 2017- March 2018	All Districts across the Country	2,845	1,628	4,473
3	Citizens during public hearing of complaints	January - February 2018	Nyaruguru, Huye Muhanga, Kayonza Ngororero, Rutsiro Karongi, Rubavu, Rulindo, Nyamasheke Rwamagana, Nyabihu Nyarugenge, Kicukiro Gasabo	15,085	21,221	36,306
4	Youth	06/12/2017	Nyagatare, Kirehe Burera, Gicumbi, Rubavu, Rusizi Huye, Nyarugenge	442	373	815
5	Primary and Secondary School students	14/05- 29/06/2018	All Districts across the Country	97,968	107,110	205,078
Total				119,189	130,404	249,593

As indicated in Table n° 18, the number of participants in seminars organized on human rights from July 2017 to June 2018 reached 249,593, including 119,189 men and 130,404 women. Participants came from various categories including 2,921 drivers of public passenger transport vehicles and moto-taxi drivers, 4,473 small-scale business dealers, 36,306 citizens during public hearing of complaints, 815 youths and 205,078 students from primary and secondary schools.

3.2.1. Seminars organized for drivers of passenger transport vehicles and moto-taxi drivers

The National Commission for Human Rights conducted, from 12 to 29 September 2017, a public awareness campaign among the drivers of public passenger transport vehicles (bus and minibus) and moto-taxi drivers across all the Districts of the Country on preventing and combatting sexual violence against children.

Selection of this category focused on passenger drivers and moto-taxi drivers as they are the persons most frequently in contact with students as they drive them to or from school and are, therefore, most likely to play a crucial role in preventing and combatting sexual violence once they fully understand the gravity of this problem.

Table n° 19: Passenger transport vehicles and moto-taxi drivers who attended seminars

N°	Date	District	Number of attendees		
			Men	Women	Total
1	12/09/2017	Musanze	88	4	92

2	13/09/2017	Rubavu	91	8	99
3	14/09/2017	Nyabihu	93	3	96
4	15/09/2017	Ngororero	86	2	88
5	28/09/2017	Karongi	98	1	99
6	29/09/2017	Rutsiro	99	1	100
7	28/09/2017	Rusizi	85	0	85
8	29/09/2017	Nyamasheke	99	0	99
9	29/09/2017	Gakenke	111	0	111
10	27/09/2017	Gicumbi	94	4	98
11	28/09/2017	Burera	102	0	102
12	12/09/2017	Rwamagana	88	2	90
13	13/09/2017	Kirehe	109	1	110
14	14/09/2017	Ngoma	98	2	100
15	15/09/2017	Gasabo	79	3	82
16	27/09/2017	Kayanza	94	6	100
17	28/09/2017	Gatsibo	99	1	100
18	29/09/2017	Nyagatare	94	6	100
19	12/09/2017	Nyanza	96	4	100
20	13/09/2017	Ruhango	98	2	100
21	14/09/2017	Muhanga	98	2	100
22	15/09/2017	Kamonyi	98	2	100
23	26/09/2017	Rulindo	99	0	99
24	27/09/2017	Nyarugenge	71	5	76
25	12/09/2017	Gisagara	98	0	98
26	13/09/2017	Huye	84	13	97
27	14/09/2017	Nyaruguru	100	0	100
28	29/09/2017	Kicukiro	100	0	100
29	26/09/2017	Bugesera	103	1	104
30	15/09/2017	Nyamagabe	97	0	97
Total			2,849	72	2,921

As indicated in Table n° 19, a total 2,921 passenger transport vehicles and moto-taxi drivers attended seminars on human rights, including 2,849 men and 72 women. This table also shows that a large number of participants are men as the category most represented in the public passenger transport industry.



Some passenger vehicle drivers and moto-taxi drivers after a seminar held during a training workshop

Drivers of public passenger transport vehicles and moto-taxi drivers who attended seminars pledged their commitment to actively take part in preventing and combatting sexual violence against children. This requires timely communication of information to prevent the offence of child defilement.

3.2.3 Seminar organized for small-scale business dealers

The National Commission for Human Rights conducted, from October 2017 to March 2018, a public awareness campaign among small-scale business dealers in shopping centres within the vicinity of primary and secondary school centres in all Districts across the Country. Table n° 20 below shows the number of small-scale business dealers present during seminars.

Table n° 20: Number of small-scale business dealers attending seminars

N°	Date	Districts	Number of attendees		
			Men	Women	Total
1	24 - 25/10/2017	Kayonza	93	57	150
2	26 - 27/10/2017	Rwamagana	78	89	167
3	15/11/2017	Huye	92	68	160
4	16 - 17/11/2017	Gisagara	104	46	150
5	1 - 2/11/2017	Kicukiro	82	78	160
6	25 - 26/10/2017	Rulindo	127	33	160
7	19 - 20/10/2017	Nyarugenge	117	43	160
8	24 - 25/10/2017	Nyagatare	105	50	155
9	26 - 27/10/2017	Gatsibo	60	100	160
10	14 - 15/11/2017	Nyanza	104	46	150
11	16 - 17/11/2017	Ruhango	105	65	170
12	27/12/2017	Burera	132	28	160
13	28/12/2017	Nyabihu	118	37	155
14	29/12/2017	Musanze	68	85	153
15	14 - 15/11/2017	Nyaruguru	116	44	160
16	16 - 17/11/2017	Nyamagabe	110	50	160
17	16 - 17/11/2017	Muhanga	107	41	148

18	15/11/2017	Kamonyi	89	43	132
19	26 - 27/10/2017	Kirehe	120	35	155
20	24 - 25/10/2017	Ngoma	117	39	156
21	29/03/2018	Rubavu	101	52	153
22	29/03/2018	Rusizi	102	58	160
23	29/03/2018	Nyamasheke	123	35	158
24	29/03/2018	Karongi	53	17	70
25	29/03/2018	Rutsiro	105	30	135
26	29/03/2018	Bugesera	28	50	78
27	29/03/2018	Gasabo	106	54	160
28	11/01/2018	Gakenke	101	39	140
29	11/01/2018	Ngororero	45	115	160
30	11/01/2018	Gicumbi	37	101	138
Total			2,845	1,628	4,473

As indicated in Table n° 20, 4,473 small-scale business dealers, of whom 2,845 were men and 1,628 women, attended these seminars held in all the Districts.

After attending these seminars and exchanging views and opinions, small-scale business dealers appreciated enriching lessons learnt with regard to child rights. As a result, they pledged to act as champions and defenders of child rights by fighting against any violence directed against children.



Some small-scale business dealers of Gicumbi District in a training workshop

3.2.4. Sensitization campaign for primary and secondary school students

The National Commission for Human Rights conducted, from 14 May to 29 June 2018, a sensitisation campaign on prevention of sexual violence against children which was intended for primary and secondary school students in all Districts across the Country.

Table n° 21: Number of students who attended seminars

N°	District	Date	Number of students in attendance		
			Boys	Girls	Total
1	Ngoma	14 - 18/05/2018	3674	3266	6940
2	Kirehe	14 - 18/05/2018	2375	2363	4738
3	Kayanza	14 - 18/05/ 2018	4571	4673	9244
4	Rwamagana	14 - 18/05/2018	3220	3957	7177
5	Gatsibo	14 - 18/05/2018	5618	5824	11442
6	Nyagatare	14 - 18/05/2018	2544	2450	4994
7	Bugesera	21 - 25/05/2018	2554	2742	5296
8	Rulindo	21 - 25/05/2018	4081	4151	8232
9	Gicumbi	21 - 25/05/2018	6146	6156	12302
10	Burera	21 - 25/05/2018	2330	3157	5487
11	Gakenke	21 - 25/05/2018	2465	3004	5469
12	Musanze	21 - 25/05/2018	2606	3222	5828
13	Ngororero	28/05 – 01/06/2018	3262	2245	5507
14	Nyabihu	28/05 – 01/06/2018	4921	6446	11367
15	Rubavu	28/05 – 01/06/2018	768	784	1552
16	Rutsiro	28/05 – 01/06/2018	3252	4687	7939
17	Karongi	28/05 – 01/06/2018	2163	2511	4674
18	Rusizi	28/05 – 01/06/2018	3023	3391	6414
19	Nyamasheke	28/05 – 01/06/2018	3460	4032	7492
20	Kamonyi	18 - 22/06/2018	1711	2062	3773
21	Muhanga	18 - 22/06/2018	4455	5443	9898
22	Ruhango	18 - 22/06/2018	3152	3516	6668
23	Nyanza	18 - 22/06/2018	3636	3840	7476
24	Gisagara	18 - 22/06/2018	2935	3397	6332
25	Huye	18 - 22/06/2018	3297	3741	7038
26	Nyamagabe	18 - 22/06/2018	4066	4911	8977
27	Nyaruguru	18 - 22/06/2018	3212	2625	5837
28	Kicukiro	26 - 29/06/2018	3886	3768	7654
29	Nyarugenge	26 - 29/06/2018	1667	1824	3491
30	Gasabo	26 - 29/06/2018	2918	2922	5840
Total			97,968	107,110	205,078

Following the lessons learnt from the seminars, students adopted the following strategies: avoiding lust for wealth, listening to warnings and advice of their parents, teachers/educators, their elders and good advice from their colleagues, being able to say “NO” whenever any person wants to drag them into temptations, contentment with what they own, being watchful for their colleagues, love for work, having a vision and striving for self-development.



Students of G. S. St Jean de la Mennais Kirambo attending a seminar in Burera District

3.2.5. Lectures delivered to the citizens during public hearings of their complaints

During January and February 2018, the National Commission for Human Rights held presentations with citizens participating in its campaign to sensitize Rwandans on human rights and hearing in public citizens' complaints in 15 Districts. Various leaders including leaders from Local Governments and security organs attended the presentations. The latter aimed at mobilising each member of represented organs on increased understanding of fundamental principles of human rights. Participants and venue of the presentations are indicated in Table n° 22 below:

Table n° 22: Participants in the presentations during public hearing sessions of citizens' complaints

No	Date	District	Men	Women	Total
1.	15– 19/01/2018	Nyaruguru	825	1177	2002
2.		Huye	381	584	965
3.		Muhanga	269	590	859
4.		Kayanza	900	1400	2300
5.	22-26/02/2018	Ngororero	3592	4392	7984
6.		Rutsiro	2040	3560	5600
7.		Karongi	806	954	1760

8.		Rubavu	2520	2980	5500
9.		Rulindo	680	852	1532
10.		Nyamasheke	237	433	670
11.	29 –31/01/2018 and 02/02/2018	Rwamagana	554	1356	1919
12.		Nyabihu	1242	1361	2603
13.	13/02/2018	Nyarugenge	285	526	811
14.		Kicukiro	252	413	665
15.		Gasabo	502	1169	1671
Total			15,085	21,221	36,832

As indicated in Table n° 22 above, a total of 36,832 citizens followed the presentations in public hearing sessions of citizens' complaints. Of this total, 15,085 were men and 21,221 women.



A Commissioner making a presentation in a public event to hear complaints of Nyaruguru District

After attending the presentations, citizens had a clearer understanding of the mandate of the National Commission for Human Rights, fundamental principles of human rights negative effects of drug use/abuse in the violation of human rights with a view to preventing and fighting against drug addiction.

3.2.6. Programs aired on Radio and TV stations

The National Commission for Human Rights hosted a program «*Rights at Home*» aired twice a month (every Wednesday of first and third week) on Rwanda Radio, from 18h45 to 19h00 as part of an ongoing programme to sensitize the citizens on human rights. The programs focused on various topics articulated on human rights and activities undertaken to promote and protect human rights.

Some of the programs covered the following topics:

- Persons with mental diseases need to be taken care of as any other persons;
- Every citizen has the duty to vote fit and proper leaders for the Nation;
- Leaders and citizens have rights and obligations to fulfil;
- Rights of women grant them freedom for self-development;
- Children are weak and vulnerable groups in need of protection against violence;
- No instructions were issued to violate the right to life;
- Respect for human rights leads to citizens' development;
- Let us stand up all to fight violence against children;
- Combatting sexual violence against children is everyone's obligation;
- Cooperation among organs helps to easily address complaints of citizens in public;
- Commemoration of the Genocide against Tutsi is an obligation for every Rwandan citizen;
- Characteristics of human rights and some of its fundamental principles;
- Categories of human rights;
- Human Rights and duties of a citizen.

The programs helped citizens fully learn about and understand human rights and their duties and obligations as Rwandan citizens.

Programs aired on TV and various radio stations focused on the following topics:

- Presentation on international principles governing respect for the rights of detainees and prisoners produced as part of marking Mandela Day celebrated on 18 July aired on TV on 16 July 2017.
- Presentation on the role of the National Commissions for Human Rights on implementation of Sustainable Development Goals 2030 and African Union agenda for 2063 produced on 6 November 2017 as part of the 11th Conference of African National Human Rights Institutions held in Kigali from 7 to 9 November 2017.
- Presentation on Human Rights in the African Charter on Human and People's Rights produced on 21 October 2017 and aired on a radio stations covering all provinces of the country (Radio Huguka, Isanganiro, Ishingiro and Radio Izuba). A presentation on the right to employment aired on 3 February 2018 in a programme aired on radio stations covering all the provinces of the Country (Radio Huguka, Isanganiro, Ishingiro and Radio Izuba).
- Presentation on the respect for the right of the Elderly and Fight violence against them aired on Rwanda TV on 12 June 2018, on Isango Star Radio on 14 June and on Radio Rwanda on 15 June 2018.

3.3. Events to mark Annual Human Rights Days

The National Commission for Human Rights marks annual days on human rights in order to publicize human rights principles. In this connection, celebrations were organized to mark these days: International Human Rights Day, Commemoration of the Genocide against Tutsi in 1994, International Labour Day and International Day of the African Child.

3.3.1. International Human Rights Day

The International Human Rights Day is one of the days annually celebrated on 10th December. In 2017-2018, the National Commission for Human Rights, in collaboration with various institutions celebrated this Day on 8 December 2018, under international theme “**Stand up for someone’s right today**». At national level, the theme was “**Stand up for human rights and fight drug abuse among the youth**” because drug abuse has adverse effects in violating human rights especially among the youth.

In the framework of celebrating the Day, the National Commission for Human Rights organized a *Human Rights Week* launched on 1st December and concluded on 8th December 2017. Various events were organized during this week including an awareness campaign for the youth in various Districts, especially border and urban Districts to protect human rights and avoid drug abuse; delivering messages and lectures on Rwanda TV and posting written message in media organs.

3.3.2. Events organized during the International Human Rights Week

A. Messages and lectures through media organs

- In joint collaboration with the National Commission for Human Rights, on 6 December 2017, the Ministry of Youth and Rwanda National Police, a programme was aired on Rwanda Television on the following theme “*Stand up for Human Rights and fight against drug abuse among youths*”.
- From 5 to 7 December 2017, a message was broadcast on Rwanda Television as an announcement and communication to viewers about the International Human Rights Day.

B. Awareness campaign among the youth

An awareness campaign was conducted on 6 December 2017 among the youth in some border and urban Districts aimed at encouraging the youth to protect and promote human rights through avoidance of drug abuse. The following are the topics of seminars organized by the National Commission for Human Rights in joint collaboration with the National Youth Council and **Non**-governmental organizations:

- Missions, organisation and functioning of the National Commission for Human Rights;
- Fundamental principles of Human Rights;
- Prevention and Fighting against Drug Abuse among Youths.

Table n° 23 below shows the number of young people who attended the seminars:

Table n° 23: Young people who attended seminars

Nº	District	Date	Women	Men	All
1.	Nyagatare	06/12/2017	39	61	100
2.	Kirehe	06/12/2017	54	46	100
3.	Burera	06/12/2017	38	62	100
4.	Gicumbi	06/12/2017	38	62	100
5.	Rubavu	06/12/2017	55	45	100

6.	Rusizi	06/12/2017	61	39	100
7.	Huye	06/12/2017	43	57	100
8.	Nyarugenge	06/12/2017	45	70	115
	Total		373	442	815

Table n° 23 indicates that a total 815 young people, including 442 boys and 373 girls, attended the seminars.

Thanks to the lessons learnt from the discussions held during the seminars, the youth pledged their strong commitment to protect and promote human rights through mobilisation of their fellow young people against drug abuse and its negative effects in human rights violations.



The youth of Nyarugenge District attending a seminar

C. Celebrating the International Human Rights Day

Events to mark the International Human Rights Day on 8 December 2017 took place at Ubworoherane stadium in Musanze District, Northern Province.

A bicycle racing competition bringing together 108 youths, boys and girls, from various Sectors of Musanze District, was the kick-off event for the celebrations. Young people who outperformed others in this cycling competition are four boys and four girls who scooped various awards including gas cookers and accessories and bicycles donated by stakeholders.

Various messages from leaders focused on encouraging the citizens to actively contribute in promoting human rights. Messages were delivered by various officials including Fodé Ndiaye, United Nations Resident Representative to Rwanda, Nirere Madeleine, Chairperson of the National Commission for Human Rights, GATABAZI Jean Marie Vianney, Governor for the Northern Province and Honourable Busingye Johnston, Minister of Justice/Attorney General.



Celebrations to mark the International Human Rights Day in Musanze District

3.3.3. Commemoration of the 1994 Genocide against Tutsi, 24th Edition

The National Commission for Human Rights teamed up with the National Unity and Reconciliation Commission in commemoration activities of the Genocide against Tutsi, 24th Edition. Presentations focused on this theme “**Remember, Rebuild, Renew**”. These presentations were held at the headquarters of the National Commission for Human Rights from 7 to 13 April 2018 bringing together Officials and Staff of both Commissions.

Throughout that commemoration week, presentations covered the following topics:

- Characteristics of the Genocide against Tutsi and importance of preserving its evidence;
- Rwanda’s Uniqueness in tackling Consequences of the Genocide against Tutsi;
- Specificity of the Genocide and its difference from other crimes of murder.



Senior Officials and Staff of both Commissions at a presentation during Genocide Commemoration

Leaders and Staff on the National Unity and Reconciliation Commission and National Commission for human Rights visited, on 14 June 2018, Campaign Against Genocide Museum at Kimihurura in the Parliament Building for increased understanding of historical events during the National Liberation Struggle.



Senior officials and staff of both Commissions posing near the Campaign Against Genocide Museum

After their visit to the Campaign Against Genocide Museum, leaders and staff of both Commissions visited the Genocide Memorial Site in Rulindo District, Rusiga Sector, which is home to 6,402 victims of the Genocide against Tutsi in 1994. They joined citizens of that Sector to pay tribute to innocent victims and comfort survivors of the Genocide against Tutsi in messages delivered by various leaders attending the function.

At that function, cows were donated to seven (7) citizens including survivors of the Genocide against Tutsi, veterans of the struggle to stop Genocide and a Protector of Friendship Pact who saved those who had sought refuge at his home.



Leaders and staff of National Commission for Human Rights and National Unity and Reconciliation Commission with residents of Rulindo District during Commemoration of the Genocide against Tutsi, 24th Edition



Recipient of a cow donated at a function to commemorate the Genocide against Tutsi, 24th Edition

3.3.4. International Labour Day

Every year, the International Labour Day is celebrated on 1st May worldwide. At national level, this day was celebrated under the theme: **“Promote Efficient Work, Speed up Development”**. Under this framework, Leaders and staff of the National Commission for Human Rights celebrated that Day on 1st May 2018 exchanging with citizens on strategies likely to improve efficient work to ensure successful delivery on Commission's missions.

3.3.5. International Day of the African Child

The International Day of the African Child is celebrated, annually, on 16 June. At national level, the theme for 2018 was “**Embrace Early Childhood Development Programme, Plan for a brighter Future for Rwanda**”.

The National Commission for Human Rights joined around 220 teenage boys in Gitagata Rehabilitation Centre located in Musenyi Sector, Bugesera District to celebrate the International Day of the African Child on 14 June 2018.

It also conducted an awareness campaign among these children on their rights and obligations and mobilised them to protect themselves against sexual violence directed against children and drugs. During this campaign, various donations to children included t-shirts, shoes and school materials.

After the lectures, children committed to abandon bad behaviours, to study with zeal and change before returning to their respective families.

3.4. Providing views on draft laws

Article 5, 4^o of Law n° 19/2013 of 25/03/2013 determining the missions, organisation and functioning of the National Commission for Human Rights stipulates that *‘the special mission of the Commission regarding Human Rights promotion shall be 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’*.

In 2017-2018, the National Commission for Human Rights prepared and submitted to the Parliament and the Ministry of Justice, written views on five (5) draft laws as follows:

- **Draft Law on prevention, combatting and punishing human trafficking and personal gains:** Views were submitted to the Parliament, Chamber of Deputies, in Letter n° CNDP/NOV/224/17.18 dated 23 November 2017;
- **Draft Law regulating Labour in Rwanda:** views were submitted to the Parliament, Chamber of Deputies in Letter no CNDP/MAY/386/17.18, dated 2 May 2018;
- **Draft Organic Law modifying and complementing Organic Law n° 10/2013/OL of 11/07/2013 governing political organisations and politicians:** views were submitted to the Parliament, Chamber of Deputies, in Letter n° CNDP/APR/373/17.18 dated 09 April 2018;
- **Draft Law relating to immigration and emigration in Rwanda:** views were submitted to the Parliament, Chamber of Deputies, in Letter n° CNDP/APR/372/17.18 dated 9 April 2018;
- **Draft Law modifying and complementing Law n° 19/2013 of 25/03/2013 determining the missions, organisation and functioning of National Commission for Human Rights:** views were submitted to the Ministry of Justice, in Letter n° CNDP/DEC/270/17.18 dated 28 December 2017.

During examination of these draft laws within Parliamentary Committees, views provided by the National Commission for Human Rights were taken into consideration to fine-tune those draft laws to ensure their conformity with fundamental principles of human rights.

3.5. Urging relevant institutions to ratify international treaties related to human rights and incorporate them in the existing domestic laws and timely reporting

Article 5, 5° and 6° of Law n° 19/2013 of 25/03/2013 determining the missions, organisation and functioning of National Commission for Human Rights states that the Commission shall have the special mission to *'urge relevant government institutions to ratify international treaties related to Human Rights and incorporate them in the existing laws (...) and to submit on time the reports related to international treaties on Human Rights ratified by Rwanda'*.

3.5.1. Urging relevant institutions to ratify international treaties related to human rights

The National Commission for Human Rights produced a handbook compiling Human Rights International Treaties ratified and not yet ratified by Rwanda. The handbook was distributed to Government institutions and stakeholders with transmittal letter Letter n° CNDP/JAN/282/17-18 dated 16 January 2018 as part of ongoing advocacy with State institutions involved in ratifying international treaties on human rights.

3.5.2. Urging relevant institutions to submit required reports on time

The National Commission for Human Rights produced a booklet indicating reports already submitted by Rwanda on International Treaties on Human Rights ratified by Rwanda, date of submission, pending reports and proposed period of submission. This booklet was distributed to State Institutions and stakeholders of the Commission in Letter n° CNDP/JAN/282/17-18 dated 16 January 2018.

3.5.3. Assessing implementation of concluding observations to Rwanda on Human Rights periodic reports

Over the period extending from December 2017 to March 2018, the National Commission for Human Rights assessed progress in implementing observations made to Rwanda during International Periodic Review on Human Rights for each country as conducted in 2015. Among 50 observations, the National Commission for Human Rights noted that 34 (68%) concluding observations were implemented, while implementation is ongoing for 16 (32%) concluding observations. Relevant organs are therefore requested to speed up implementation before the next periodic review schedules for 2020.

From November to December 2017, the National Commission for Human Rights, in collaboration with non-governmental organizations involved in promoting human rights, assessed the implementation of concluding observations issued to Rwanda on second to third reports as submitted in 2015 relating to the African Charter on the Rights and Social Welfare of the Child. Among 28 concluding observations made to Rwanda, the National Commission for Human Rights noted that 16 (57%) observations were implemented while implementation for 42.8% is ongoing. Relevant organs are, therefore, requested to speed up implementation.

3.6. Collaboration with other institutions

Pursuant to Law n° 19/2013 of 25/3/2013 determining the missions, organisation and functioning of National Commission for Human Rights, Article 5, 2° and 8° stipulates that the Commission shall have mission to '*collaborate with other organs in designing strategies to prevent violation of Human Rights*'. It shall also '*collaborate with other foreign national Human Rights institutions, local associations and international organizations in Human Rights promotion and protection activities*'.

In this regard, the National Commission for Human Rights collaborated with various international human rights institutions, including those operating at global and continental levels, governmental institutions and local human rights organizations.

3.6.1. Collaboration at international level

From 23 to 27 November 2017, the National Commission for Human Rights was represented to the 6th Conference of the Association of National Human Rights Institutions of the French Speaking Countries held in Abidjan, Côte d'Ivoire. This conference focused on the role of National Human Rights Institutions in promoting and protecting immigrants. Participants indicated that protection of the rights of immigrants is the responsibility of their countries of origin and host countries.

The National Commission for Human Rights was represented, from 19 to 23 February 2018, in the annual conference organized in Geneva, Switzerland, by the Global Alliance for National Human Rights Institutions (GANHRI). Participants in the conference focused on the rights of persons with disabilities. The session highlighted the role of National Human Rights Institutions in monitoring the implementation of objectives set out in International Treaties on the Rights of Persons with Disabilities.

In margin, a General Assembly of the Network of the African National Human Rights Institutions was held in Geneva. The National Commission for Human Rights of Rwanda was represented. Participants in this session approved the Alliance Plan of Action for 2018 and the implementation of strategies set out in the Kigali Declaration of November 2017 on Sustainable Development and Role of National Human Rights Institutions.

The National Commission for Human Rights was also represented in the conference of the Alliance of National Human Rights Institutions from English speaking Countries, held on 20 February 2018. The conference focused on Trade and Human Rights.

From 16 to 17 April 2018, in London, Great Britain, the National Commission for Human Rights was represented in the conference of the Forum of Commonwealth Countries of National Human Rights Institutions from English speaking Countries which focused on three (3) topics: Business and Human Rights, Games and Human Rights and the Future Perspective for the Alliance.

On 18 April 2018, in London, Great Britain, the National Commission for Human Rights was represented in a meeting of the Women's Forum from English speaking countries under the theme 'Women and Girls' Empowerment'. The meeting highlighted a mechanism whereby the role of women in leadership helps to fight against gender inequality and how self-confidence ensures a woman's dignity and trustworthiness.

From 16 to 24 June 2018, the National Commission for Human Rights was represented at the 8th Conference that reviews, on an annual basis, the collaboration strategies. The conference brings together the General Alliance of National Human Rights Institutions at global level, the United Nations Development Programme and the United Nations Office of the High Commissioner for Human Rights which assesses collaboration progress, challenges, priorities, potential and how to ensure continuation of collaboration.

3.6.2. Collaboration at African level

From 30 July to 11 August 2017, in the East African Community framework, the National Commission for Human Rights sent a delegation to Observe Presidential, Parliamentary and Provincial Governors Elections. The activity aimed at monitoring whether elections are transparent, free, and secure in conformity with democratic principles.

Following Kenya Supreme Court's invalidation of the results from Presidential Polls, and ordering preparations of new elections, from 22 to 29 October 2017, the National Commission for Human Rights resent delegates to the Observer Group from the East African Community for the repeated electoral process.

From 28 August to 1st September 2017, the National Commission for Human Rights sent delegates to a meeting that brought together experts in coordinating the operational mechanism for Police Force in the East African Community sub-region held in Entebbe, Uganda. The purpose of the meeting was to coordinate the operational mechanism in Fighting Cyber Crime, violence against children and domestic violence and human trafficking.

Additionally, the National Commission for Human Rights sent a representative to the conference held from 2 to 7 October 2017 in Rabat, Morocco, to examine the role of African National Human Rights Institutions in abolishing Death Penalty. The Commission's representative seized the opportunity to share with participants on progress made on this issue eleven years (11) since this penalty was abolished.

It also sent a representative to the 61st ordinary session of the Conference of African Commission for Human and People's Rights held in Banjul, Gambia, from 3 to 8 November 2017. In the course of that conference, the Government of Rwanda submitted its combined reports from 11 to 13 on the African Charter on Human and People's Rights.

The 11th Biennial Conference of the Network of National African Human Rights Institutions took place in Kigali, Rwanda, from 7 to 9 November 2017. The conference focused on the Plan of Action for 2030 on Sustainable Development and the African Agenda for 2063. The conference also examined the role to be played by the National Human Rights Institutions in those Plans of Action announced in the Agenda. A declaration at the close of the conference stressed that those institutions should play an active role in implementing those programmes especially through monitoring implementation by relevant institutions.

3.6.3. Collaboration at national level

In 2017-2018, the National Commission for Human Rights collaborated with other institutions including State institutions and non-governmental organizations dealing with the promotion of Human Rights.

3.6.4. Collaboration with State Institutions

➤ Parliament

The National Commission for Human Rights submitted its Annual Report for 2016-2017 to Parliamentary Plenary Session, and monitored its analysis within Parliamentary Committees in charge of monitoring respect for Human Rights. Another salient feature of this collaboration is the Commission's views on various draft laws.

Also submitted to Parliament, is the National Commission for Human Rights' Report on assessment of recommendations issued by an independent Human Rights Institution "Human Rights Watch" conducted in July 2017 on violations of Human Rights in Rubavu and Rutsiro Districts. The National Commission for Human Rights highlighted in the report that information published by *Human Right Watch* is in contradiction with the reality on the ground and that such information was collected in a manner not in conformity with the principles for monitoring Human Rights violation.



Members of Parliament, both Chambers, during presentation on the Commission's Annual Report for 2016-2017

➤ Ministry of Local Government

In 2017-2018, collaboration between the National Commission for Human Rights and the Ministry of Local Government looked into collaboration with Local Governments in educating and sensitizing Rwandans on Human Rights and in citizens' complaints submission in public hearing for solution.

The National Commission for Human Rights held discussions with the Ministry of Local Government and grassroots Administrative Entities on problems identified during the Commission's monitoring of the respect for Human Rights countrywide.

The National Commission for Human Rights met other relevant institutions including the Ministry of Health, Rwanda Social Security Board in an attempt to find solutions to problems raised during its monitoring of respect for Human Rights in various categories.

3.6.5. Collaboration with human rights non-governmental and foreign organizations

In 2017-2018, the National Commission for Human Rights joined foreign and non-governmental organizations in charge of promoting Human Rights in various events including training workshops, awareness campaign and celebration of annual days related to promotion of Human Rights.

3.6.6. Visitors to the National Commission for Human Rights

Various guests including officials from Government institutions and non-governmental organizations operating in Rwanda and officials from foreign countries visited the National Commission for Human Rights in 2017-2018.

Table n° 24 below indicates some of the guests, issues discussed and outcome of the visits:

Table n° 24: Guests hosted

N°	Date	Guests	Purpose of visit	Outcome
1	2/8/2017	Delegates from the International Organization for French Speaking Countries	Exchanging on monitoring, by the National Commission for Human Rights, of respect for Human Rights during Presidential Elections	Update on progress made by the National Commission for Human Rights in its preparations for Presidential Elections scheduled on 4 August 2017 and its role in monitoring respect for Human Rights during electoral process.
2	17/10/2017	United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (SPT)	Exchanging views on the establishment of a National Mechanism on Prevention of Torture	Discussions focused on the structure of a Bill defining the National Commission for Human Rights as a National Mechanism for Prevention of Torture.
3	21/11/2017	Members of the Committee on Policy and Good Governance in the Senate	Discussions on the implementation of strategies to fight against sexual violence	In their discussions, Senators indicated the high rate of cases of child sexual abuse (defilement) and domestic violence, and concluded that relevant organs should increase mobilisation and ensure that those found guilty be punished for the victims to enjoy their right to justice.
4	05/02/2018	Sweden's Ambassador and his delegation to	Understanding the functioning of the National Commission	Guests commended progress in achievements towards promotion and protection of Human Rights

		Rwanda	for Human Rights with regard to respect for human rights and achievements made in protecting human rights	and pledged collaboration especially in promoting the rights of women and children and monitoring implementation of Sustainable Development Goals.
5	30/04/2018	Delegates from Amnesty International	Overall Rwanda Human Rights Status	The National Commission for Human Rights highlighted achievements made in preventing and fighting against Human Rights violation



Members of the Committee on Policy and Good Governance in the Senate pose with Commissioners



Guests from Sweden's Embassy

PART IV: IMPLEMENTATION OF RESOLUTIONS AND RECOMMENDATIONS CONTAINED IN THE ANNUAL REPORT FOR 2016-2017

4.1. Implementation of recommendations in the Annual Report for 2016-2017

N°	Resolutions	Implementing Institution	Status
1	Adopt a Ministerial Order determining missions, organization and functioning of Transit centers. The Order shall also determine criteria for selection and determination of people with deviant behaviors and will specify competent authorities to determine such people and the period of stay for those placed in the center as provided by article 33 of Law no 17/2017 of 28/04/2017 establishing the national rehabilitation service and determining its mission, organization and functioning.	Ministry of Local Government	implemented Ministerial Order n°001/07.01 of 19/04/2018 determining the mission, organization and functioning of Transit Centres, was adopted.
2	Establish regulations related to the registration of orphans that were placed in foster families in civil status records;	Ministry of Local Government	Implemented Children removed from orphanages for placement in foster families are registered in accordance with Law n° 32/2016 of 28/08/2016 governing persons and family in Rwanda, may be registered in the register of adoption records or in the register of guardianship records; these registers are provided for by Article 74 of the Law stated above. MINALOC in collaboration with MIGEPROF and NCC conduct a public awareness campaign to encouraging specifically foster parents to register them during the Civil Status Week launched on 31/07/2018 to end 10/08/2018.
3	Establish strategies to help foster families to register children during the <i>Ubudehe</i> categorization process	Ministry of Local Government	Implemented Children placed in foster families are put in same <i>Ubudehe</i> Category as that of their foster families.
4	Adopt a policy for the protection of the elderly	Ministry of Local Government	Ongoing Drafting the Policy for the protection of the elderly is under way.
5		Ministry of Local	Ongoing

	Make a follow up of the <i>Ubudehe</i> categorization for the poor elderly who live in conurbation	Government	During its investigations conducted in 2017-2018, the National Commission for Human Rights learnt that some centres face challenges in acquiring mutual health insurance scheme for the Elderly because they were initially put in Ubudehe Category of persons with resources (non-vulnerable groups).
6	Establish strategies to remove from street life and treat mentally disabled persons with no families or whose background/origin is unknown	Ministry of Local Government	Ongoing Security organs collaborate with Districts to remove from street life persons with mental disabilities without families for placement in appropriate hospitals to access medical treatment with related costs borne by Districts.
7	Continue to raise awareness of the population against the culture of taking justice into their own hands and sensitize people to submit their complaints to the authorities in the framework of preventing murder offences.	Ministry of Local Government	Ongoing Through regular mobilisation campaigns conducted through collaboration of the Ministry of Local Government, the Ministry of Gender and Family Promotion and security organs, citizens are sensitized at village level to avoid household disputes, criminality and drug abuse, and are encouraged to give information on time and avoid taking justice into their own hands. Specific mobilisation was also conducted during the Good Governance Week, whereby citizens are warned against initiative to punish defaulters as it is repressed by law.
8	Make a follow up on the living conditions of disabled prisoners in order to identify their problems and make advocacy for them, especially regarding the provision and repair of orthotics and prostheses	Ministry of Justice	Implemented Some detainees with motor disability in various prisons were availed with prosthesis and orthosis. Regarding other problems facing persons with disabilities identified from the beginning of 2018-2019, Rwanda Correctional Service allocated specific budget to attend to all the problems facing persons with disabilities in correctional facilities.
9	Ensure that all detainees on a 30 days' provisional detention are transferred to prison	Ministry of Justice	Implemented All detainees for whom a Court's provisional detention decision is available are immediately transferred to prisons.
10	Establish efficient strategies to punish careless parents and resolve domestic conflicts which jeopardize the child's welfare and right to education	Ministry of Gender and Family Promotion	Ongoing Through ongoing mobilisation campaign conducted by the Ministry of Gender and Family

			Promotion in conjunction with the Ministry of Local Government encouraging citizens in general to build a family without disputes and sensitize parents to fulfil their obligations in attending to their children's education.
11	Finalize the program of finding foster families for children who are still in orphanages taking into account their financial capacity to meet children's basic needs and to ensure their education	Ministry of Gender and Family Promotion	Implemented Before placing a child in a foster family, the foster family should first be prepared and families with limited resources should be assisted through grassroots administrative entities
12	Ratify the International Convention on decent work for domestic workers enforced on 5 September 2013	Ministry of Public Service and Labour	Pending Rwanda is yet to be signatory to International Protocol of the International Labour Organization on Domestic Workers No. 189. However, as part of promoting workers' rights in general, and informal workers in particular, including domestic workers, several provisions in this Protocol were incorporated in Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda.
13	Establish regulations governing industries regarding the insurance against accident, professional disability and diseases occurred at work place	Ministry of Public Service and Labour	Implemented Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda has included provisions governing various categories of works including industries/factories to ensure workers get insured against occupational hazards, disabilities and illness
14	Adopt strategies to monitor the respect of Law regulating labour in industries especially insurance against accident, professional disability and diseases occurred at workplace	Ministry of Public Service and Labour	Implemented Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda has extended the power of labour inspectors to better exercise their responsibilities. Annual meetings are organized bringing together the Ministry of Public Service and Labour, its Stakeholders and Private Operators (private sector) held in each Province and City of Kigali to exchange ideas and adopt strategies to address issues of failure to enforce the Law regulating labour.
15	Establish rules and regulations governing dumping sites to avoid consequences that may be caused by wastes mismanagement	Ministry of Environment	Ongoing Research is under way through collaboration between the Ministry of Environment and the Ministry of Infrastructure, that will suggest the best way for managing all types of waste in general.

16	Establish special procedures to protect the health of employees at dumping sites for the prevention of professional diseases	Ministry of Health	Ongoing Directors in charge of Health and Hygiene in all Districts were specifically requested to improve management of dumping sites in general.
17	Establish strategies to help poor disabled persons to access health insurance as provided by Order no 20/19 of 27/7/2009 determining strategies to help persons with disability to access medical care	Ministry of Health	Pending Provisions in Ministerial Order N° 20/19 of 27/7/2009 determining modalities of facilitating persons with disabilities access medical care are not yet implemented. To this date, persons with disabilities access medical care using the mutual health insurance scheme.
18	Accelerate the adoption of the Ministerial Orders provided for in the Law n° 49/2012 of 22/01/2013 establishing medical professional liability insurance	Ministry of Health	Ongoing These Orders are still in the drafting process by relevant Ministries namely the Ministry of Finance and Economic Planning and the Ministry of Health.

Eleven (11 i.e. 61.1%) out of eighteen (18) recommendations submitted by the National Commission for Human Rights to the Parliament, in its Annual Report for 2016–2017, were implemented, while implementation for five (5 i.e. 27.8%) recommendations is ongoing; nevertheless, implementation for two (2 i.e. 11.1%) recommendations is still pending.

4.2. Implementation of recommendations on complaints that the National Commission for Human Rights highlighted in its Annual Reports for 2015-2016 and 2016-2017

N°	Complainant	District	Summary of Complaint	Page reference of in Annual Report	Current status
RIGHT TO LIFE					
1	NIKUZE Xavérine	Musanze	On 24 December 2014, NIKUZE Xavérine (aged 14) of Nyange Sector, Musanze District was murdered after being raped, her body was thrown near Rwebeya River in Nyange Sector.	Annual Report 2016-2017 Page 153.	Solved Case heard by Supreme Court on 19/2/2018.
FILING CASE WITH COURTS					

2	MUHAWENI MANA Marc	Rusizi	MUHAWENIMANA Marc, was shot dead on 1 June 2010 by a forest ranger of Nyungwe forest, MUSABYEMUNGU Gérard, who was convicted of murder in criminal case n° RP 0009/11/HC/RSZ. MUSABYEMUNGU Gérard was ordered to pay damages amounting to 3,000,000Frw to MANIRARORA Vèrene and MANIRAFASHA Réponse and 1,500,000F as Lawyer's fees, making a total of 4,500,000Frw.	Annual Report 2015-2016 Page 109	Pending in Courts MUSABYEMUNGU Gérard, as defendant, filed a case with Supreme Court for review of judgment in case RRPAA00041/2017/CS
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RIGHT TO PROPERTY

3	MUKANTWA RI Gloriose	Nyaruguru	MUKANTWARI Gloriose requested to possess the land title of the plot she claimed it belonged to her parents while Nyaruguru District that kept the documents alleged that the plot belongs to the District	Annual Report 2015-2016 Page 75	Solved Ministry of Land indicated that land belonged to State
4	NKUNDIMAN A Célestin	Kicukiro	In 2003, Kicukiro District divided his family land into plots and distributed them, leaving him without land.	Annual Report 2015-2016 Page 78	Solved He was given a plot of land in Nyarurama, Kigarama Sector

RIGHT TO JUSTICE

5	MAPFURIRO Canisius	Kirehe	Mareba gacaca Court convicted Mathias SEBUTURO, KWITONDA Ezéchiél and NZABAHIMANA of damaging the property of MAPFURIRO Canisius during the genocide against the Tutsi. The Court	Annual Report 2015-2016 Page 82	Solved Persons who had to pay money compensation to MAPFURIRO Canisius for damage to his property during Genocide against Tutsi
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			decided that they pay him four hundred ninety-five thousand Rwanda francs(495.000Frw) but till then the court decision had not yet been enforced. The property that was damaged was located in Rurenge Village, Mareba Cell, Nyarubuye Sector, Kirehe District.		as determined by Mareba Gacaca Court have already paid.
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RIGHT TO WORK

6	Claim filed by HAGENIMANA Joseph and his colleagues	Nyamagabe	HAGENIMANA Joseph, and his 39 fellow masons and their assistants saying that in January 2016, they built primary school classrooms and were paid a half of the contracted amount while an amount of five hundred thousand (500.000 Rwf) remained unpaid. In addition, they built primary school classrooms of Magumira and were not paid four hundred thousand (400,000 Rwf). The Sector owes them a total amount of nine hundred thousand (900,000 Rwf).	Annual Report 2016-2017 Page 92	Under process Sector paid Rwf 279,000 out of the total debt owed worth Rwf 500,000, the remaining balance was included in a report to District for inclusion among debts to be paid by the District. But the District has not yet paid.
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RIGHT TO PROPERTY

7	MUKAMULIGO Marie	Kicukiro	In 2002, land property owned by her family was used to build Gahoromani Market at Kabuga but she did not receive compensation.	Annual Report 2016-2017 Page 93	Solved Family was compensated with land in Masaka Sector
8	MUGEMAYIRE Desire	Kayonza	Land owned by his family was used to build grouped villages but the family did not receive compensation.	Annual Report 2016-2017 Page 94	Not yet solved Kayonza District has not yet solved this issue as his judgement has been executed yet
9	NDAYISABA Celestin,	Kayonza	Their property was damaged during	Annual Report 2016-2017	Not yet solved

	NYIRABAVAKU RE Drocella and HAKIZIMANA Viateur		construction of Nyankora- Nasho road but they were not get compensated for their property.	Page 94	Kayanza District referred the issue to the Ministry of Infrastructure
10	BIYANDUJIKI Stefano and his colleagues	Rutsiro	BIYANDUJIKI Stefano and his colleagues were granted a loan worth nine million (Rwf 9,000,000) as part of VUP Programme in 2009 to construct modern furnaces to fire bricks and clay tiles. However, the contractor who was awarded the tender by Sector authorities did not complete construction of the furnaces. Currently, BIYANDUJIKI and his colleagues are requested to repay loan whereas all the money was given to contractor.	Annual Report 2016 2017 Page 95	Not yet solved District authorities said the issue was referred to MINALOC
11	NTEZIYAREMY E Michel and his colleagues	Burera	In 2008, their property was damaged by MTN during construction of a road section to access its telecommunication tower in Kagogo Sector, Burera District. At that time, MTN in collaboration with Kagogo Sector authorities conducted a property valuation worth sixteen million eight hundred eight one thousand ten francs (Rwf 16,881,010), which amount was not released. MTN conducted another property valuation whose value was never communicated and paid them three million one hundred seven thousand	Annual Report 2016 2017 Page 96	Not yet solved Not yet solved by District authorities

			Rwanda francs (Rwf 3,107,000) only.		
12	IMANIRAKIZA Raphaël	Burera	In 2006, authorities of former Bukamba Commune took his land property located in Musarara Village, Nyamabuye Cell, Kagogo Sector, for the settlement of returnee who was a 1959 refugee with no shelter. At that time, authorities gave him another plot of land within boundaries of Burera Lake, in Mfashe Village, Nyamabuye Cell, Kagogo Sector; but he is not currently allowed to use that land because it is within 50 meters from Burera Lake shores. He requested another compensation to no avail.	Annual Report 2016 2017 Page 97	Not yet solved District authorities have not yet compensated him
RIGHT TO JUSTICE					
13	MUKACYUMA Drocella	Kayonza	Judgment in Case RCAA 0029/05/HC/RWG she and her husband won has not yet been executed. In this case, the Court ordered KANANURA Moses to pay to MUKACYUMA Drocella One million three hundred thirty two thousand francs (Rwf 1,332,000).	Annual Report 2016-2017 Page 99	Not yet solved No action is yet to be undertaken by Kayonza District
14	MUSABWASONI Primitiva	Gasabo	SIBONIYO Jean Paul's failure to pay property of her family which was located in Kicukiro District, damaged during the Genocide against Tutsi in 1994 following a case she won in judgment rendered	Annual Report 2016-2017 Page 98	Not yet solved Kicukiro District tried to reconcile both parties but SIBONIYO did not honour the agreement they had reached. Then,

			by Gacaca Court		MUSABWASONI Primitiva filed the case with Court.
15	MUKANKUSI Marciana	Kayonza	Judgment in Case n° RC0056/15/TB/KDO she won against RUKUNDO Charles was partly executed. The Court had ordered that she be given land and five hundred seventy five thousand Rwanda francs (Rwf 575,000)	Annual Report 2016-2017 Urup.98	Under process She received the land title but has not yet received the amount of money as granted by Court's decision.

SEIZING COURTS

16	UWASE Nadia aged 6 under guardianship of GASANA Evariste, residing in Gasabo Village, Kabeza Cell, Kanombe Sector, Kicukiro District		<p>The Commission filed a case to petition the Court against the judgment related to guardianship of UWASE Nadia and made a third party opposition against the complaint filed against GASANA Evariste who is the guardian of this child.</p> <p>UWASE Nadia was entrusted to a guardian named VAN EYCK Marleen Gabriella Margaretha; a Belgian national who lives in Belgium.</p> <p>GASANA Evariste also filed a legal action seeking to invalidate of the composition of the Guardianship Council in judgement n° RC 00248/2016/TB/NYGE heard by the Primary Court of Nyarugenge. The National Commission for Human Rights intervened</p>	Annual Report 2016-2017 Page 99	Ongoing Case was scheduled for hearing on 05/10/2018
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			<p><i>sua sponte</i> and filed a complaint under n° RC 00307/2016/TB/NYGE. Both complaints were jointly heard under the request of the Commission; they aimed to oppose the validity of decision n° 0008/14 appointing guardian and surrogate guardian for UWASE Nadia and to invalidate the guardianship because it was illegally granted.</p>		
RIGHT TO LIFE					
17	GISAGARA Bernard	Gatsibo	<p>GISAGARA Bernard was killed on 13 December 2015 after being beaten by UWITIJE Jean Claude and MUSABIREMA Cyprien both Village security officers, on the allegations that he has been absent on night patrol and failure to pay mutual health insurance. Upon conviction, the Court sentenced them to five (5) years of imprisonment.</p> <p>Pursuant to its power to seize Courts, the National Commission for Human Rights hired a lawyer for the family of GISAGARA Bernard to file a claim for compensation in Case n° 00026/2017/THI/NYGT with Nyagatare Intermediate Court. The Court's decision ordered that a compensation worth five million Rwanda francs</p>	<p>Annual Report 2016-2017 Page 101</p>	<p>Under process</p> <p>Judgement n° 00026/2017/THI/NYGT pronounced on 31/10/2017 has not yet been executed for family of Gisagara Bernard to get compensation worth five million Rwanda francs (Rwf 5,000,000) as per Court's decision.</p>

			(Rwf 5,000,000) be paid to the family of GISAGARA.		
CHILD RIGHTS					
18	NALIBOWA Djamila	Muhanga	<p>Since June 2016, the Commission made follow up of NALIBOWA Djamila's issue who was aged 17, and was confined in a pigsty by her grandmother named MUKANDAMAGE Espérance. This teenage girl was living a deplorable life, with no adequate food, no hygiene and was isolated in a pigsty.</p> <p>The Commission made a follow up of this issue and seized courts in Case RP00006/2017/TGI/MUH decided on 05/12/2017; MUKANDAMAGE Espérance was found guilty of abandonment of a child to whom she was responsible to provide care and was sentenced to a three (3) year term of imprisonment suspended for a period of five (5) years.</p>	Annual Report 2016-2017 Page 102	<p>Solved</p> <p>NALIBOWA Djamila was placed in a centre for persons with disability called HRD Muhanga. She is now in perfect health and living conditions; after treatment and recovery, she is now studying.</p>
RIGHTS OF PERSONS WITH DISABILITIES					
19	Children with disabilities living in Centre Inshuti Zacu	Kicukiro	Through its inspection, the Commission noted that there are problems in <i>Centre Inshuti Zacu</i> related to social welfare and security for those with disabilities and started advocacy with a view to address these problems. In this regard, Kicukiro District agreed to help the Centre	Annual Report 2016-2017 Page 104	<p>Solved</p> <p>Kicukiro District allocated funds to help this centre build a fence.</p>

		build a fence.		
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Seven (7) i.e. 36.8% out of nineteen (19) complaints with related recommendations as submitted by the National Commission for Human Rights in its report to Parliament, both Chambers, were solved. Four (4) complaints i.e. 21.1% are under process while eight (8) i.e. 42.1% are not yet solved.

4.3. Implementation of recommendations on monitoring of the respect for the rights of detainees in prisons and detention cells conducted in 2016-2017

The National Commission for Human Rights produces, on an annual basis, a report on monitoring of respect for the rights of detainees and prisoners in prisons and Police Station detention cells, with details on observed issues and makes recommendations to relevant organs.

In this regard, the National Commission for Human Rights made a summary on the status of implementation of its recommendations to relevant organs following a monitoring process conducted in 2017-2018 as detailed in the table below:

National Public Prosecution Authority

Nº	Recommendations included in Annual Report 2015-2016 to relevant organs	Status of implementation by July 2018
1	Respecting period provided for by Law relating to criminal procedure code as regards monitoring case files for suspects, both at investigation or prosecution levels.	Period is respected except some improvement still needed because the National Commission for Human Rights found a few detainees still held in custody based on a Statement of arrest (PVA) or Provisional arrest warrant (MAP) exceeding five (5) days provided for by law.

SUPREME COURT

Nº	Recommendations in Annual Report 2015-2016 submitted by the National Commission for Human Rights to relevant organs	Status of implementation by July 2018
1	Adopting strategies for Courts to immediately submit to prison authorities copies of judgments rendered with a view to enforce, without delay, Court's decisions relating to prisoners.	Already solved because soon after pronouncement of judgments, courts enter copies in the electronic system for prisons to know the decisions taken by Courts.
2	Requesting Courts to inform, latest within 72 hours, all detainees whose case on provisional detention was heard, of the decisions made by Courts and avail them with written court decisions as provided for by law relating to criminal procedure code.	Not yet operationalized: The National Commission for Human Rights found detainees had stayed in Police Station detention cells for more than 72 hours after trial and without information of decision made by Court.

MINISTRY OF JUSTICE

Nº	Recommendations in Annual Report 2016-2017 submitted by the National Commission for Human Rights to relevant organs	Status of implementation by July 2018
	Continue to renovate prison facilities with insufficient air and light and to address the issue of population density in some prisons.	Renovation is gradually done as per availability of resources despite high population density still noticed in some prisons such as Rwamagana Prison.
	Conduct special follow up for persons with disabilities living in prisons to identify challenges they face, conduct specific advocacy because most of them need prosthesis and orthosis, including wheel chairs, crutches and those in need of special medical treatment.	Not yet done.
	Regarding the right to compensation for victims, determining in the shortest period possible, how people unable to afford payment due to limited resources but with strength to work, should perform income generating activities with resulting money being deposited in an appropriate fund to be regularly used to pay persons aggrieved by offences but whose authors could not afford compensation.	Law not yet enacted.
	Using means determined by law in executing judgments for people with means of payment.	Implementation has started.
	Providing detainees and prisoners inside prison's cells with beddings.	Beddings are provided in some prison's detention cell while in other facilities, detainees and prisoners refuse to take beddings with them as they would find their usual sleeping space already occupied by others.
	Determining modalities to ensure medical treatment for persons in Police Station detention cells with no health insurance and cannot afford medical costs.	Implemented: medical costs are covered by Sector where Police Station is built.
	Renovating detention facilities to avoid population density and ensure sufficient air intake and light, more specifically, renovation of Police Station detention cells of Nyamabuye and Gahunga.	Implemented: the number of detainees held in Police Station of Nyamabuye was reduced.
	Putting in place a sound programme to provide same meals to detainees in all Police Station detention cells.	Not yet implemented: at some Police Stations detainees are not served (sorghum/maize) porridge in the morning.
	Ensuring that all detainees with thirty (30) day provisional Court's detention decision are immediately transferred to prison.	Not yet finalised: The National Commission for Human Rights found some detainees held at Police Stations despite having a Court's decision on provisional detention. The reason advanced is lack of transport vehicle.

NATIONAL PUBLIC PROSECUTION AUTHORITY

Nº	Issues in Annual Report 2016-2017 to be solved by relevant organs as per request by the National Commission for Human Rights	Status of implementation by July 2018
1	Submitting to Judge case file within a period of five (5) days as provided for by Article 49 of Law nº 30/2013 of 24/5/2013 relating to the code of criminal procedure.	Not yet perfect: the Commission -found few detainees who had exceeded 5 days before being brought before the Court.

PART V: ADMINISTRATION AND FINANCE

Throughout this part, the National Commission for Human Rights lists activities conducted as part of building capacities for Commissioners through training workshops attended inside and outside the Country.

This part also describes execution of Budget allocated to the National Commission for Human Rights for 2017-2018 by State and other Stakeholders.

5.1. Capacity building for the National Commission for Human Rights

In 2017-2018, capacity building for Commissioners and Staff focused on issues related to their day-to-day duties and responsibilities. Training workshops were organized in and outside the Country. Table n° 25 below indicates training workshops organized for Commissioners and Staff.

Table n° 25: Training workshops organized for Commissioners and Staff

Day	Venue	Trainees	Topic	Purpose	Training outcome
From 29 to 30 January 2018	Kigali	Commissioners and Staff	Prevention of Torture as provided for in Rwandan Legislation and International Treaties	Understanding missions and functioning of the Office in Charge of Prevention of Torture	Building skills in their duties and responsibilities to prevent torture
From 21 to 23 March 2018	Bugesera	Commissioners and Staff	Trade and Respect of Human Rights	Building skills for Commission to monitor respect for Human Rights in trade	Trainees got to understand responsibilities of Government and traders in ensuring respect for Human Rights in Trade businesses
April 2017 May 2018	Institute of Legal Practice and Development (ILPD)/ Kigali	Legal Officer and Human Rights Protection Officer	Studying Law	Building skills in Law	Enabling trainees to improve on delivery at work
From 15 to 20 April 2018	Muhanga	Director for Administration and Finance and Human Resource Officer	Public Service Staff Salary Processing using new IPPIS programme	Skills in Salary processing using new IPPIS programme	Skills in components of staff salary in accordance with horizontal and vertical grade promotion

From 12 to 15 June 2018 and from 25 to 27 June 2018	Bugesera	Director for Administration and Finance and two (2) Accountants	Managing public finances and assets using IFMS	Learning how to manage public finances using modern system.	<p>Trainees learnt the new system used to enter and pay for services provided using IFMS programme connected to (internet) web-based bank services.</p> <p>Producing report on use of public finances using IFMS programme.</p>
From 12 to 16 March 2018	Kigali	Seven (7) members of internal tender committee	Laws and regulations on Public Procurement	Getting to understand the new E-Procurement System	Knowledge in Laws and regulations used in public procurement.
From 17 to 21 April 2018	Sanremo city, Italy	Human Rights Protection Officer	International Law governing Refugees	Building skills in Refugees' Rights	Skills in protection of refugees, basic principles for granting refugee status and mechanism used in refugee interrogation.

5.2. Financial Report

Preparation and submission of financial statements by public entities are provided for by Article 66 of Organic Law n° 12/2013/OL of 12/09/2013 on State finances and property while Article 13 of Law n° 19/2013 of 25/03/2013 determining the missions, organisation and functioning of National Commission for Human Rights provides for State Institutions to which the Commission 'reports are submitted.

This financial report indicates funds allocated to the National Commission for Human Rights from Ordinary Budget commenced 1st July 2017 and ended 30 June 2018 and funds donated by Stakeholders and how they were used.

5.2.1. Ordinary Budget allocation for 2017-2018

In 2017-2018, Ordinary Budget allocated to the National Commission for Human Rights amounting to *One billion a hundred thirty-eight million eight hundred seventy-two thousand five hundred twenty* (Rwf 1,138,872,520) Rwanda francs as provided for in Law n° 30/2017 of 29/06/2017 on Ordinary Budget for 2017-2018.

Table n° 26: Source of budget

N°	Source of funds	Budget allocated
1	State Budget	1,119,310,170
2	United Nations Development Programme (UNDP)	19,562,350
	Total	1,138,872,520

5.2.2. Funds allocated after Budget revision for 2017-2018

The National Commission for Human Rights was allocated, under the revised budget for 2017-2018, an amount of *one billion two hundred sixty million two hundred sixty six thousand nine hundred and ten* (Rwf 1,260,266,910 F)²⁷.

Table n° 27: Source of funds allocated under revised budget

N°	Source of funds	Budget allocated
1.	Ordinary Budget	1,240,704,560
2.	United Nations Development Programme (UNDP)	19,562,350
	Total	1,260,266,910

5.2.3. Other funds allocated on Ordinary Budget for 2017-2018

Paragraph 3 of Article 40 of Law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights stipulates: "*Property may also come from partners' grants, donations and bequests*".

²⁷Law n° 011/2018 of 26/03/2018 modifying and complementing Law n° 30/2017 of 29/06/2017 on State Budget for 2017-2018

Under Ordinary Budget for 2017-2018, additional funds were allocated to the National Commission for Human Rights as indicated in Table n° 27 below:

Table n° 28: Other funds received from stakeholders and allocations on budget for 2017-2018

N°	Source of funds	Funds allocated by Partners (Rwf)	Actual funds received (Rwf)
1	International Organization of the Francophonie (OIF)	29,125,149	14,643,657
2	United Nations Development Programme (UNDP)	74,369,000	6,614,278
3	United Nations Children's Fund (UNICEF)	114,608,737	40,345,328
4	China Embassy	6,244,907	6,244,907
5	Korea Embassy	1,661,241	1,661,241
6	World Vision International Rwanda	2,000,000	2,000,000
Total		218,102,886	71,509,411

5.2.4. Funds allocated on revised Ordinary Budget and those allocated by stakeholders per action plan for 2017-2018

Table n° 28 below shows total funds allocated on Ordinary Budget and funds allocated by Stakeholders per action plan for 2017-2018.

Table n° 28: Funds allocated for 2017-2018 per action plan

Source of funds	Action plan	Budget allocated
A. Ordinary Budget	Daily support activities	
	Salaries and related expenses on Commissioners and Staff	585,279,566
	Equipment and Services	475,254,503
	Capital Equipment	69,256,005
	Miscellaneous Services	9,833,345
	Sub-total (1)	1,139,623,419
	Promoting and protecting Human Rights	
	Promoting Human Rights	23,464,990
	Protecting Human Rights	77,616,151
	Subtotal (2)	101,081,141
	Subtotal (1+2)	1,240,704,560
B. Funds per Law on Ordinary Budget granted by Stakeholders	Promoting and protecting Human Rights	
	United Nations Development Programme (UNDP)	19,562,350
	Total (B)	19,562,350
Grand Total (A+B)		1,260,266,910

As shown in the table above, the National Commission for Human Rights was allocated one billion two hundred sixty million two hundred sixty-six thousand nine hundred and ten Rwanda francs (Rwf 1,260,266,910), comprising of funds allocated on Ordinary Budget and funds granted by Stakeholders.

5.2.5. Financial Statement for 2017-2018

Table n° 29 below shows funds received by the National Commission for Human Rights for financial year commenced 1st July 2017 until 30th June 2018 and its utilisation. Table n° 29 also shows the balance as of 30th June 2018.

Table n° 29: Use of funds received by the National Commission for Human Rights for 2017-2018

A. Received funds	Amount of funds (Rwf)
1. Received funds for 2017-2018	
Funds allocated on Ordinary Budget as of 30 th June 2018	1,180,245,663
Subtotal (1)	1,180,245,663
2. Funds donated by Stakeholders (2)	
China Embassy	6,244,907
Korea Embassy	1,661,241
World Vision International Rwanda	2,000,000
United Nations Development Programme (UNDP)	6,614,278
United Nations Children's Fund (UNICEF)	40,345,328
OIF	14,643,657
Subtotal of funds donated by Stakeholders (2)	71,509,411
Total of funds received for 2017-2018 (1+2)	1,251,755,074
B. Expenditures	
1. Staff Salaries	556,697,059
2. Promoting and Protecting Human Rights, Capacity Building and Support Service.	755,365,188
Total(3)=1+2	1,312,062,247
Balance between Funds Received and Expenditures A-B	(60,307,173)
C. Balance as of 30th June 2018	
Money on Bank accounts	3,199,686
Petty cash	274,800
Receivables	488,814
Total 1	3,936,300
Debts owed to suppliers	(3,250,255)
Total 2	(3,250,255)
TOTAL 3 (Actual balance as of 30th June 2018)=1+2	713,045
Amount carried forward from 2016/2017	62,978,553
Balance between funds received and expenditures for 2017/2018	(60,307,173)
Amount returned to Stakeholder (UNDP) for 2017/2018	(1,958,335)
Balance as of 30/06/2018	713,045

As of 30th June 2018, the National Commission for Human Rights had in its bank accounts an amount of *three million one hundred ninety-nine thousand six hundred eighty-six* Rwanda francs (Rwf 3,199,686) and amount in petty cash worth Rwanda francs *two hundred seventy-four thousand eight hundred* (Rwf 274,800).

At the closure of the financial year, the National Commission for Human Rights had accumulated debts worth three million two hundred fifty thousand two hundred fifty-five Rwanda francs (Rwf 3,250,255) and receivables worth four hundred eighty-eight thousand eight hundred fourteen Rwanda francs (Rwf 488,814), which was deposited on the account of Rwanda Social Security Board (RSSB) while it was meant for payment to Military Medical Insurance (MMI).

5.2.6. Use of funds allocated under Ordinary Budget for 2017/2018 per Action Plan for 2017-2018

Table n° 30 below shows the use of funds allocated to the National Commission for Human Rights on Ordinary Budget for 2017-2018 per budget lines.

Table n° 30: Use of funds allocated under Ordinary Budget for 2017-2018 per Budget Items

Budget line	Name of Budget line	Budget Allocated	Funds allocated under Revised Budget	Expenditures	Difference	Percentage
21	Expenses on Commissioners and Staff	546,552,176	585,279,566	556,697,059	28,582,507	95.12%
22	Equipment and miscellaneous support services	550,259,132	586,241,792	563,453,269	22,788,523	96.11%
23	Capital equipment	9,656,005	69,256,005	65,376,968	3,879,037	94.45%
28	Miscellaneous other expenses	12,842,857	9,833,345	7,142,875	2,690,470	72.64%
Total		1,119,310,177	1,250,610,708	1,192,674,425	57,936,283	95.36%

As shown in Table n° 30, out of the budget allocated to the National Commission for Human Rights worth Rwf 1,250,610,708, expenditures were equivalent to Rwf 1,192,674,425, accounting for 95.36%.

The Revised Budget indicates that National Commission for Human Rights was allocated Rwf 1, 240, 704,560 but budget execution indicates expenditures equivalent to Rwf 1,250,610,708. The balance resulted from additional funds donated by Stakeholders amounting to Rwf 9,906,148 that were allocated for the conference of the Network of African National Human Rights Institutions (NANHRIIs).

Budget line 21 for Salaries for Commissioners and Staff: Not all funds initially allocated for salaries of Commissioners and Staff were spent. A balance worth Rwf 28,582,507 was realised due to the following reasons:

Two (2) staff members went into retirement in the middle of the financial year and were not replaced. Funds for their salaries had been provided for in budget for 2017-2018.

Two (2) staff members did not get their salaries for horizontal promotion because one staff temporarily suspended work while the other was not promoted for failure to meet criteria. Funds for their salaries were provided for in budget for 2017-2018.

Funds for salaries related to bonus were not computed for two staff members because they did not fulfil requirements.

- Funds for salary related to travel were not calculated for Director of Administration and Finance who went for study abroad.
- **Budget items 22 and 23 relating to supplies:** indicates a balance worth Rwf 26,667,560 resulting from tenders won but not successfully implemented by successful bidders and tender contracts were terminated.
- **Budget item 28 relating to other services:** indicates a balance worth an amount of Rwf 2,690,470 relating to benefits allocated to members of Audit Committee who attended a meeting but the entire amount was not allocated due to Ministerial Order n° 003/17/10/TC of 27/10/2017 putting in place regulations governing internal audit and audit committee in public institutions which made changes in benefits allocated to them.

5.2.7. Use of funds donated by Stakeholders for 2017-2018

Table n° 31 below indicates use of funds donated by Stakeholders for 2017-2018 per budget lines.

Table n°31: Use of funds donated by Stakeholders for 2017-2018 per budget lines

Budget line	Name of budget line	Funds allocated	Funds received	Expenditures	Balance	Percentage
221	Office furniture	3 726 460	-	-	-	0%
2214	Communication	3 620 000	3 620 000	2 665 000	955,000	73.62%
2216	Bank charges	166 000	166,000	73, 500	92,500	44.28%
2217	Conferences inside the Country	22, 645,005	22, 645,005	1, 500,000	21, 145,005	6.62%
222	Support services	34, 605,000	34, 605,000	5, 411,906	29, 193,094	16.64%
2231	Travel and	116, 818,079	116, 818,079	82, 877,416	33, 940,663	70.95%

	Missions					
2261	Training Workshops	36, 522,350	36, 522,350	26, 860,000	9, 662,350	73.54%
Total		218, 102,894	218, 102,894	119, 387,822	98, 715,072	54.74%

As shown in Table n° 31, out of Rwf **2018,102,894** donated by Stakeholders, expenses are equivalent to Rwf **119,387,822** accounting for **Rwf 54.74%**. This percentage is low for the following reasons:

- **Budget line 221 (Books):** Funds meant for production of booklets to disseminate information from research conducted by the National Commission for Human Rights were not used because such research was not yet completed.
- **Budget line 2214 (Communication):** Communication fees were used at the rate of 73.62%. These fees were partly utilised because project activities will continue.

Budget line 2217 (Conferences inside the Country): Fees earmarked for events to present to Stakeholders findings from investigations were not utilized because the event was not organized. In addition, some activities planned under the programme of National Commission for Human Rights but at the time of payment, Stakeholders paid for those activities with money not transferred through its accounts hence the low rate of expenses on this budget line (6.62%)

Budget line 222 (Support services): These funds were meant for:

- Payment of the salary of an employee in charge of accounting for UNICEF project still working on a contractual basis;
- Payment to suppliers who had to assist the National Commission for Human Rights in preparing various feasibility studies which were not undertaken because their bids were above the budget forecasts and no successful bidder was awarded the tender.

PART VI: GENERAL CONCLUSION AND KEY ACTIVITIES PLANNED FOR 2018-2019

6.1. General conclusion

Pursuant to its missions and powers as granted by the Constitution of the Republic of Rwanda of 2003 revised in 2015, in Article 42 and Law n° 19/2013 of 25 March 2013 determining its missions, organisation and functioning, in 2017-2018, the National Commission for Human Rights implemented various activities related to the promotion and protection of Human Rights.

Regarding promotion of Human Rights, the National Commission for Human Rights organized training workshops and awareness campaigns for citizens in various categories on Human Rights. Seminars organized aimed at building the skills for people of different categories to help them prevent human rights violations and enhance the culture of human rights in the Country. The National Commission for Human Rights also provided views on draft laws and urged relevant organs to report on time on implementation of International Treaties to which Rwanda is signatory.

Under protection of Human Rights, the National Commission for Human Rights monitored the respect for human rights in various areas in order to prevent human rights violations. The National Commission for Human Rights increased processing of complaints of human rights violations submitted by citizens and requested relevant organs to address them.

Based on activities detailed in this report, the National Commission for Human Rights notes that there has been progress in the respect for human rights. Nevertheless, the National Commission for Human Rights requests various organs to implement recommendations following findings from surveys and investigations into various complaints to ensure increased respect for human rights.

6.2. Key activities planned for 2018-2019

The National Commission for Human Rights will focus on following activities in its effort to promote and protect Human Rights for 2018-2019:

➤ Promotion of Human Rights

Under the section of Human Rights Promotion, activities planned include:

- Training workshops on Human Rights organized for Commanders of Police Stations and RIB Investigators at Sector level;
- Seminars on prevention of sexual violence against children to be organized for various categories of people (Executive Secretaries of Cells, Students in Primary and Secondary Schools);
- Seminars on Human Rights will be organized for various categories of people (National Itorero Commission, Citizen Committees, Refugee Camps, Centres for Persons with disabilities and Public hearing of Citizen Complaints);
- Programs will be aired on audio-visual media organs intended for Rwandan citizens in general;
- Celebrating Annual Human Rights Days;
- The National Commission for Human Rights will continue its process of analysing laws and policies and providing views on draft laws to ensure their conformity with fundamental principles of Human Rights;

- The National Commission for Human Rights will continue to urge relevant organs to sign and ratify International Treaties relating to Human Rights and to submit related reports on time;
- The National Commission for Human Rights will continue collaboration with **non**-governmental organizations, Human Rights Institutions of other countries and Networks of National Human Rights Institutions;
- The National Commission for Human Rights will continue its process of monitoring implementation of concluded observations on Human Rights Periodical Review given to and accepted by Rwanda and other resolutions from United Nations Human Rights Institutions in various International Treaties.

➤ **Protection of Human Rights**

The following are activities planned as part of protecting human rights:

- Receiving, examining and conducting investigation into complaints related to human rights violation, submitting them to relevant organs and requesting relevant organs to render justice without causing unnecessary suffering to complainants, to any person whose rights were violated;
- Monitoring the respect for Human Rights in Parliamentary Elections, Chamber of Deputies; monitoring respect for rights of refugees, the elderly and persons with disabilities;
- Monitoring the rights of detainees and prisoners and those placed in rehabilitation centres;
- Conducting investigation into respect of the right to justice in executing judgments rendered in civil matters;
- Monitoring implementation of National Human Rights Action Plan.

➤ **Capacity building**

The following are activities planned under capacity building section:

- Training workshops for volunteers of National Commission for Human Rights, responsible for ensuring the respect of child rights;
- Training workshops for Commissioners and Staff of National Commission for Human Rights.