

NATIONAL COMMISSION FOR HUMAN RIGHTS



ANNUAL ACTIVITY REPORT
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FOREWORD



As provided for by articles 12 and 13 of Law n° 19/2013 of 25/03/2013 modified by Law n° 61/2018 of 24/08/2018 determining its missions, organization and functioning, the National Commission for Human Rights is delighted to present to the Parliament and submit a copy to His Excellency the President of the Republic, the Supreme Court and the Government its annual activity report for the year 2021-2022 and its annual action plan for the year 2022-2023.

This report covers activities related to the missions of the Commission related to the protection of human rights, the prevention of torture and other cruel, inhuman or degrading treatment or punishment and that of the promotion of human rights performed by the Commission during the year 2021-2022.

In this report, the Commission also indicates the status of implementation of recommendations issued in its annual activity report for the year 2020-2021, the use of allocated budget and planned activities for the year 2022-2023.

The Commission seizes this opportunity to commend the Government of Rwanda for measures taken to cope with the aftermaths of COVID-19 which was spread worldwide. The Commission remains grateful to the Government for the budget that it is given each year to facilitate it in the fulfillment of its missions.

The Commission is also grateful to various stakeholders including government institutions, non-governmental organizations, the private sector and its volunteers as it considers that the activities covered in this report are a good result from the partnership with them.

MUKASINE Marie Claire
Chairperson of the Commission

MISSIONS, ORGANISATION AND FUNCTIONING OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS

The National Commission for Human Rights is provided for by Article 139 of the Constitution of the Republic of Rwanda of 2003 revised in 2015. Article 42 of the Constitution entrusts the Commission with a special mission of human rights promotion. The Commission is especially governed by the Law n° 19/2013 of 25/03/2013 modified by the Law n° 61/2018 of 24/08/2018 determining its missions, organization and functioning.

As a National Human Rights Institution, the Commission complies with the Fundamental Principles governing the organization and functioning of such organizations as provided for by Resolution A/RES/48/134 adopted by the United Nations on 20/12/1993 in Paris, instituting the fundamental principles of the National Human Rights Institutions. These Principles govern the organization and functioning of states organs promoting Human Rights. The compliance of the provisions of these principles by the Commission, has resulted in its accreditation with “A” Status issued by the Global Alliance of National Human Rights Institutions (GANHRI).

Being accredited with “A” Status enables the Commission to participate in international conferences and in activities that gather National Human Rights Institutions whereby it has the right to deliver a speech and is eligible to be elected for leadership as a member of the Global Alliance of the National Human Rights Institutions. The Commission also participates in the meetings of the United Nations Human Rights Council and is allowed to deliver a speech.

Vision of the Commission

A Rwandan society that enjoys Human Rights and Fundamental Freedoms (see previous years' translated reports)

Overall mission of the Commission

Law n° 19/2013 of 25/03/2013 modified by Law n° 61/2018 of 24/08/2018 determining missions, organization and functioning of the National Commission for Human Rights, entrusts the Commission the overall mission of human rights promotion and protection as provided for by Article 4.

Special responsibilities

With regard to the promotion of human rights, the special responsibilities of the Commission are as follows:

- To educate and sensitize the population on matters relating to human rights and participate in the development of Human Rights educational programs;
- To collaborate with other organs to put in place strategies to prevent violations of Human Rights;
- To prepare and disseminate reports on the situation of Human Rights in Rwanda on annual basis and whenever deemed necessary;
- To provide views, upon request or at its own initiative on laws, regulations of state organs in force in the country and bills so as to ensure their conformity to fundamental principles of Human Rights;

- To urge relevant government institutions to ratify international treaties related to Human Rights and incorporate them in the existing domestic laws;
- To urge relevant government institutions to submit on time the reports related to international treaties on Human Rights ratified by Rwanda;
- To propose to relevant government authorities measures to be taken to address and punish any violation of Human Rights in accordance with law;
- To collaborate with other foreign National Human Rights Institutions, local associations and international organizations in Human Rights promotion and protection activities.

With regard to the protection of human rights, the special missions of the Commission are as follows:

- To monitor the compliance with the human rights, in particular with the rights of child, woman, persons with disabilities, people infected with HIV/ AIDS, refugees, migrant workers and members of their families and elderly's rights;
- To receive, examine and investigate complaints relating to human rights violations;
- To examine human rights violations in Rwanda committed by public or private organs, associations, non-governmental organizations, persons abusing their powers, a group of persons or individuals;
- To visit premises of detention with a view to monitor respect for the rights of detainees and to request the relevant institutions to solve identified problems with regard to the violations of the rights of detainees;
- To monitor the respect for human rights throughout elections process and submit reports to relevant organs.

With regard to the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the special missions of the Commission are as follows:

- To carry out, with or without notice, regular visits at any time when deemed necessary to the following places: prisons; places of detention investigation measures; rehabilitation and transit centers; centers for mentally handicapped and psychiatric hospitals; elderly centers; transit centers for immigrants with problems; vehicles or any other means of detainees' transport; any other place where persons are or may be deprived of their liberty;
- To regularly monitor the conditions of detention of persons deprived of their liberty and other rights with a view to improve their protection against torture or other cruel, inhuman or degrading treatment or punishment;
- To issue recommendations to relevant authorities with the aim to improve the conditions of detention of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, based on international, regional and national laws and ask them to solve identified problems;
- To monitor the implementation of recommendations that the Commission submitted to other institutions;
- To provide opinions on existing laws and draft laws relating to the prevention of torture and other cruel, inhuman or degrading treatment or punishment occurring in detention places;
- To receive complaints relating to detention, well-being and other rights of detainees;
- To carry out research and studies on detention, well-being and other rights of detainees with the aim of preventing or combating torture and other cruel, inhuman or degrading treatment or punishment;

- To promote good relationship and cooperation with other institutions with the same missions as the Commission.

Powers of the Commission

The powers of the National Commission for Human Rights are as follows:

- To receive and analyse testimonies on Human Rights violations;
- To have access to any place where human rights violations are alleged or reported including places of detention for the purpose of investigation;
- To contact, interrogate and seek explanations from any person likely to have testimony, information, responsibility and expertise deemed to enlighten the Commission on scrutinizing and collecting Human Rights violation evidence;
- To have access to documents, consult them on the spot or get their copies as well as any other document required by the Commission in analyzing and collecting Human Rights violation evidence. Documents or items given to the Commission shall be returned to owners or organs of origin within a period not exceeding three (3) months;
- To conduct mediation and conciliation between parties with Human Rights litigations where the mediation or conciliation does not contravene the law;
- To request relevant organs unconditionally restore the rights of any person where it appears that his/her rights have been violated;
- To request relevant organs to bring to justice any person having committed offences related to the violation of Human Rights;
- To carry out survey on thematic issues and publish findings with the aim of promoting Human Rights;
- Unrestricted access to all documents and all information owned by relevant institutions, relating to the number of detainees, the number of detention places and their location;
- Unrestricted access to places of detention, their premises and facilities;
- To conduct talks in private at any time with detainee or with any other person likely to provide useful information;
- To make audio recording and take photos that can help the Commission in fulfilling its missions by respecting the privacy of the person.

Commissioners shall have permanent investigation power throughout the territory of Rwanda while discharging their duties. If deemed necessary, a member of staff of the Commission may be given such powers by a competent authority upon request by the Chairperson of the Commission.

Besides, the Commission has powers to file legal proceedings in civil, commercial, labour and administrative matters for violation of human rights provided by the Constitution, international treaties ratified by Rwanda and other laws.

Organs of the Commission

The National Commission for Human Rights has seven (7) Commissioners, including the Chairperson and the Vice Chairperson who work on a full-time basis and have a five-year (5) term renewable only once. They are selected by the Committee in charge of selecting candidate commissioners governed by a Presidential Order.

In fulfilling its missions, the National Commission for Human Rights has got administrative bodies comprised of the Council of Commissioners, which is the higher organ of the Commission, the Bureau of the Commission comprised of the Chairperson and the Vice-Chairperson, and the General Secretariat headed by the Secretary General.

MEMBERS OF THE COUNCIL OF COMMISSIONERS



MUKASINE Marie Claire
Chairperson



SINYIGAYA Silas
Vice Chairperson



UWIZEYE Marie Thérèse
Commissioner



GAHONGAYIRE Aurélie
Commissioner



KAWERA Marie Sylvie
Commissioner



MAKOMBE Jean Marie Vianney
Commissioner



MUHONGERWA Patricia
Commissioner

EXECUTIVE SUMMARY

This report covers activities of the Commission carried out during the financial year 2021-2022, in accordance with its missions of promoting human rights, protecting human rights and preventing torture and other cruel, inhuman or degrading treatment or punishment.

While fulfilling its mission of protecting human rights, the Commission carried out investigation on 519 complaints related to human rights violation, including 385 (74.18%) complaints submitted to the Commission during the year 2021-2022 and 134 (25.82%) complaints that were still under investigation by the end of the year 2020-2021. It monitored the respect of human rights during the elections of leaders of local administrative entities and those of national councils which took place in the 2021. It also monitored the respect of the rights of people with disabilities living in centres, the respect of refugees' rights, asylum seekers and the respect of the rights of immigrant workers and their families. The Commission also conducted a survey on the respect of human rights in mining and on the respect of the right to justice and the right to damages for victims of gender-based violence.

The Commission found that the right to elect and be elected was respected before, during and after elections. The vote counting was made in transparency and freedom. However the National Electoral Commission should provide thorough information on election activity, as in some places, the Commission found that members of the electoral body and Rwandans in general do not have enough information on how elections had to be conducted.

The Commission found that the rights of refugees are respected based on the government and stakeholders activities aimed at promoting the wellbeing of refugees, immigrant workers and their families and those of people seeking asylum. Nevertheless, the Commission finds it necessary to put in place strategies facilitating refugees to find the refugee identity cards for those who have attained the required age and those whose refugee identity cards have expired.

It found that the rights of persons with disabilities are respected in specialized care centres as they are provided with decent diet, registered in civil status registers and various organs continue to work hand in hand with centres for persons with disabilities so that children with disabilities enjoy the same rights to be educated in a family as other children. However, the Commission finds that there is still a problem of special treatment needed by persons with disabilities which is not catered for by the community health insurance scheme.

During the survey conducted by the Commission on the respect of human rights in the mining domain, it noticed that a significant improvement had been made with regard to the respect of human rights, be they those of workers, residents around the mining sites or those of owners of mining sites. However, it noticed that some improvements are needed for the strengthening of those rights including a regular publication of mining prices that can serve as reference while workers in mining sites bargain with their

employers on their remuneration and sensitize those still practicing low scale and artisanal mining to use advanced mining technology and equipment to improve their production, which entails better remuneration of workers. There is also a need to keep on promoting women's employment and investment in Rwanda mining sector..

During the survey on the respect of the right to justice and to fair compensation for victims of gender based violence, the Commission found that there are constraints related to the lack of evidences, hence causing a high rate of complaints submitted to the prosecution to be finally closed and a high rate of cases in which the prosecution loses in courts. It also found that the public prosecution stopped prosecuting actions equaling to 43% it received, and lost 33.7% of judgements on child defilement cases pronounced by courts. The Commission also found that there is a problem of preservation of gender based violence related elements of evidence and that of concealing information on those who commit child defilement.

Concerning the respect of the right to claim compensation for victims of gender based violence, the Commission found that there is still a low rate of complaints claiming compensation compared to the number of criminal actions, especially due to the residents' lack of skills in legal matters and in criminal procedure.

During the implementation of its mandate of prevention of torture and other cruel, inhuman or degrading treatment or punishment, the Commission monitored the respect of human rights in 14 correctional facilities, in 70 RIB stations custodies, in 28 transit centres, in 8 rehabilitation centres including two (2) public rehabilitation centres and six (6) private rehabilitations centres. The Commission also monitored 32 hospitals providing mental health services, 8 centres for older persons and 4 hostels for the elderly.

In RIB Stations custodies, the Commission found that the right to lawful detention and the right to the social well-being are respected. However, the Commission found that infants who are in Custody with their mothers are not provided with special diet. The Commission also found that in 11 Districts sick detainees without community health insurance and without means to access medical care services and they could hardly get treated. It also found 13 custodies operating in very old premises and 6 custodies with very old toilets. In addition, it found that all monitored 70 custodies had no special toilets for detainees with physical disability.

In correctional facilities, the Commission found that the rights of detainees and prisoners are respected. However the Commission found that it takes a long time to find legal assistance for detainees and prisoners who are eligible to benefit from it. The Commission also found that the occupancy rate in correctional facilities is higher on the rate of 129.9% considering their capacity.

In transit centres, the Commission found that the right to adequate standard of living of occupants are respected as they are provided with adequate food, get medical treatment, and those suffering from diseases who are not able to take ordinary food, pregnant and breastfeeding women and infants who are with their mothers are provided with special diets. However, the Commission found that the right to leisure and

information are not duly respected as there are no playing grounds for leisure and on the fact that 20 centres have neither radio nor television. The occupancy rate in transit centres is high as occupants in those centres are 131% compared to the transit centers' capacity. The Commission found that all monitored centres have no psychologists except, Kigali City transit and rehabilitation center.

In rehabilitation centres, the Commission found that the right to adequate standard of living and the right to education are respected as persons being rehabilitated in those centres are provided with an adequate food, sick persons get the required medical treatment and young children attend primary school while adults are provided with various vocational trainings. No high occupancy rate was noticed.

In centres for the elderly, the Commission found that the right to adequate standard of living and the right to access to information of occupants are respected and there is no high occupancy rate.

In hospitals caring for people with mental illness, the Commission found that the right to adequate standard of living is respected as they are duly provided with medical treatment and a decent diet. However, a high occupancy rate was noticed in CARAES Ndera and CARAES Butare Pyschiatric hospitals as the number of patients in those hospitals was high in comparison with their capacity.

In fulfilling its mission of promoting human rights, the Commission conducted activities of sensitizing Rwandan inhabitants about human rights through radio, television, social media and interviews with different organs. Provided conferences focused on the right to fair justice, fight against corruption and its consequences on human rights, fundamental principles of human rights, fostering the unity of Rwandans and combating the genocide ideology. The Commission also provided various training sessions to 871 people from different categories.

In collaboration with various organs including government institutions and some of non-governmental organizations that strive for human rights, the Commission commemorated the international days related to human rights, including the anniversary of Universal declaration for human rights, the international day of persons with disability, the international woman day, the commemoration of the Genocide perpetrated against Tutsis in 1994 and the African child day.

The Commission also analysed and provided opinions on draft laws so that they may abide by fundamental principles of human rights.

The Commission has continued cooperation with international human rights organizations at both global and continental levels, and cooperated with government institutions and non-government organizations conducting various activities that promote and protect Human rights.

Particularly, the Commission organized and hosted a conference of the Common Wealth forum of national human rights Institutions that took place in Kigali, on 16-17 June 2022. During that conference, the Commission was elected to chair the forum for a two (2) years term.

In order to achieve activities embodied in this report, during the year 2021-2022, the Commission used a budget of one billion sixty one million, eight hundred thirty six thousand and nine hundred fifty two Rwandan Francs (**Rwf 1,061,836,952**) including a budget allocated by the Government equaling to one billion twenty million, six hundred fifty three thousand and one hundred twenty-two Rwandan Francs (Rwf 1,020,653,122) and forty one million, one hundred eighty three thousand and eight hundred thirty Rwandan Francs (Rwf 41,183,830) from stakeholders.

PART ONE: PROTECTION OF HUMAN RIGHTS

Activities of the Commission related to the protection of Human Rights during the 2021-2022 include investigating complaints related to human rights violations and monitoring the respect of Human Rights.

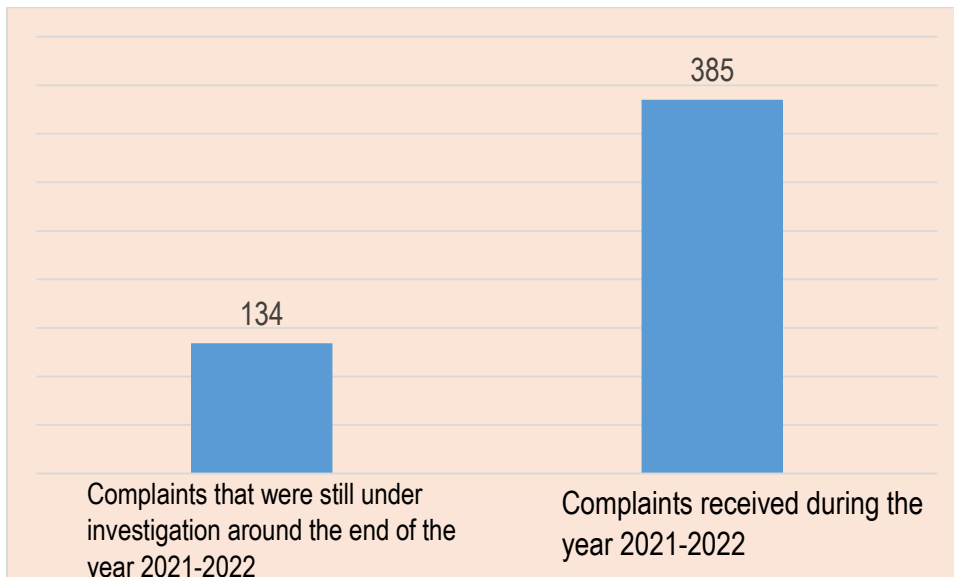
1.1. INVESTIGATING COMPLAINTS DURING THE YEAR 2021 – 2022

The Commission has the responsibility to receive, examine and investigate complaints relating to human rights violations as provided for by Law n°19 / 2013 of 25/03/2013 modified by Law n° 61/2018 of 24/08/2018 determining missions, organization and functioning, in its article 6 (2). This chapter highlights how the Commission investigated complaints during the financial year 2021-2022 by indicating the number of complaints that were investigated, and their status towards solutions.

1.1.1. Complaints that were investigated during the year 2021-2022

During the year 2021-2022, the Commission investigated 519 complaints related to violation of human rights, of which 385 (74.18%) complaints were received during the year 2021-2022 and 134 (25.82%) complaints which were still under investigation in the end of the year 2020-2021 including 65 complaints whose investigation had been closed by the Commission but whose solutions were not yet found, and 69 complaints which were still under investigation.

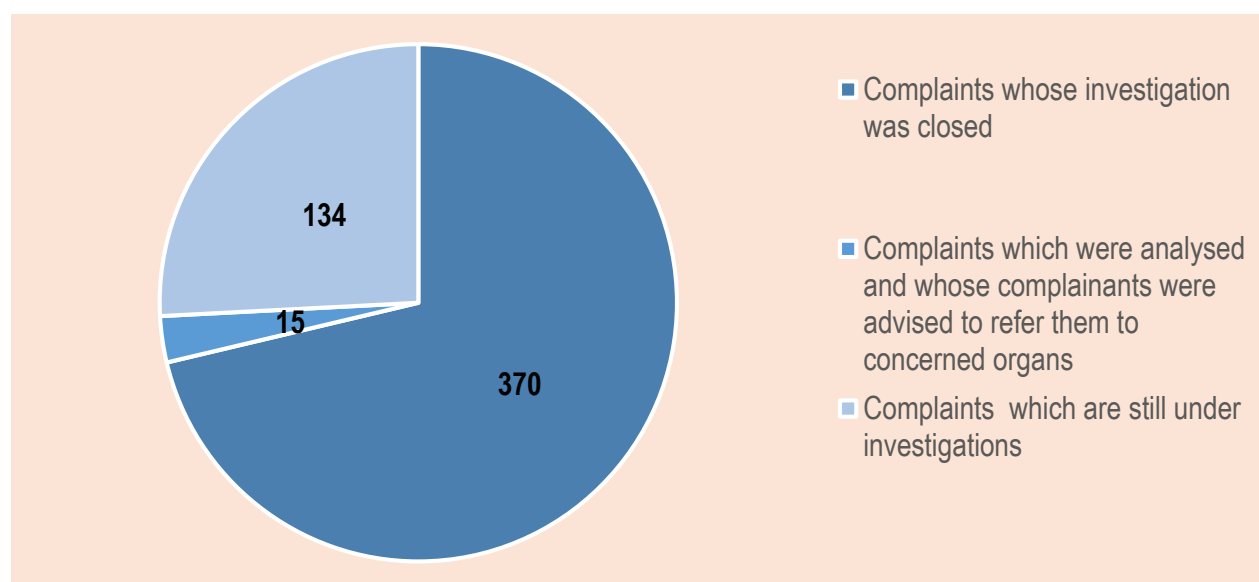
Graph n°1: Complaints that were investigated during the year 2021-2022



1.1.2. Analysis of complaints investigated by the Commission during the year 2021-2022

The Commission analysed and carried out investigation on received complaints aiming at providing reliable solutions. Out of 519 complaints investigated by the Commission during the year 2021-2022, the investigation was closed for 370 complaints, equaling to 71.3% , while 134 complaints equaling 25.8% are still under investigation ,. Concerning 15 complaints equaling 2.9%, the Commission advised the complainants to refer them to other organs because the Commission found that their were under their capacity.

Graph n° 2: Status of investigation on complaints around the end of the year 2021-2022



Out of 370 complaints whose investigation was closed, 314 complaints equaling to 85% have been solved, while solutions have not yet been found for 56 complaints equaling to 15%.

During the analysis made by the Commission, it was found that the high rate of complaints are those related right to property, the right to justice, the right not to physical and mental integrity, the right to parents and be brought up by them, and the right to education respectively.

Table nº1: Complaints investigated by the Commission considering categories of rights

No	Rights	Adults		Children		Total	Percentage
		Male	Female	Male	Female		
1	Right to Property	73	58	-	3	134	25.8%
2	Right to Justice	54	54	1	8	117	22.5%
3	Right to physical and mental integrity	6	6	4	71	87	16.8%
4	Right to know parents and be raised by them	3	10	15	15	43	8.3%
5	Right to Education	2	-	14	23	39	7.5%
6	Right to Work	17	6	-	-	23	4.4%
7	Right to be registered in Civil registers	4	2	3	5	14	2.7%
8	Right to Health	2	8	2	1	13	2.5%
9	Right to wellbeing	7		1	3	11	2.1%
10	Right not to be subject to discrimination			4	5	9	1.7%
11	Right to adequate housing	2	5	1	-	8	1.5%
12	Right to inform the families of the persons who are placed in place where they are deprived freedom of movement	1	5		1	7	1.3%
13	Right not to submit a child to prohibited labor	-	-	4	2	6	1.2%
14	Right to fair compensation	2	3	-	-	5	1.0%
15	Right not to be subjected to domestic violence	-	1		-	1	0.2%
16	Right not to be subjected to early marriage	-	-	1	-	1	0.2%
17	Right to be brought up in a family	-	-	1	-	1	0.2%
Grand total		173	158	51	137	519	100.0%

Table nº1, indicates that complaints related to the property dominate with the percentage of 25.8% followed by those related to the right to justice (22.2%), Right to physical and mental integrity (16.8%), Right to parents and be brought up by them (7.9%) and the right to education (7.5%).

Complaints related to the right to property are mainly comprised of those related to conflicts based on land and unfair compensation concerning properties of residents damaged by public interests activities. Complaints related to the right to justice are mainly comprised of complaints related to non-execution of judgments having binding force, while complaints related to the right to physical and mental integrity are mainly related to child defilement, especially for girls. Complaints related to the right to parents and be brought up by them are mainly related to male parents who refuse to recognize their children, as well as parents who leave children alone without bringing them up. Complaints related to the right to education are based on parents who get children drop out for household works or other remunerating works.

1.2. MONITORING OF THE RESPECT OF HUMAN RIGHTS

In 2021-2022, the Commission conducted the monitoring of the respect of human rights during the election of leaders in both local and special councils from village to national level held in October and November 2021, the monitoring of respect of rights of persons with disabilities in the host centers and the monitoring of the respect of the rights of refugees, the asylum seekers, the migrant workers and members of their families.

1.2.1. Monitoring of the human rights respect during the election of leaders in both local and special councils from village to national level held in October and November 2021

During October and November 2021, there were held in Rwanda the election activity of leaders of the decentralized entities from the Village to the District levels, and that of members of the National Women Council and the National Youth Council from the Village to the National levels. There were also held election of the members of the committees of the National Council of the Persons with Disabilities from the Cell to the National levels. The Commission monitored the preparation of the elections, the elections themselves and the post-election operations.

1.2.1.1. Preparation of elections

On 12/10/2021, the Commission held discussions with the National Electoral Commission in a bid to enquire about the status of the election preparation. During the meeting, Commissioners of both Commissions discussed the issues to be taken into account during the election preparation with emphasis on the respect of the human rights during the elections and the findings of the recent elections which should be improved.



Members of both Commissions after discussions on election preparation (Picture: NCHR, 2021)

On 11/11/2021, the National Commission of Human Rights participated in the observers' meeting convened by the National Electoral Commission. The meeting brought together observers from different bodies in order to be provided with the guidelines during the elections.

1.2.1.2. Election itself

During the election itself, the Commission monitored the respect of the right to vote, to be elected and the right to participate in the governance of the country, the right of non-discrimination and the observers' rights.

The Commission also monitored the rights of the members of special categories including the persons with disabilities, the elderly persons, the pregnant and breastfeeding women.

- **The right to vote, to be elected and the right to participate in the Government of the Country**

The Constitution of the Republic of Rwanda of 2003 revised in 2015 in its Article 2 provides that "Suffrage is universal and equal for all Rwandans. All Rwandans, both men and women, fulfilling the requirements provided for by the law, have the right to vote and be elected. Suffrage is direct or indirect and secret, unless this Constitution or any other law provides otherwise."

Article 27 of the Constitution, paragraph one, 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."

The Commission found that the rights to vote and be elected were respected because the persons fulfilling the requirements were allowed to vote and be elected.



The election assessors took oath before orientating the voters (Picture: NCHR, 2021)

The Commission found that the participation rate in the elections was high and this indicates that the Rwandans participated in the Government of the Country by freely choosing their representatives at different levels. However, the Commission found that members of electoral colleges at the village and cell levels were not enough informed about the conduct of elections.

- **Right to non-discrimination**

The Constitution of the Republic of Rwanda of 2003 revised in 2015 in its Article 16 provides that “all Rwandans are born and remain equal in rights and freedoms, the discrimination of any kind or its propaganda are prohibited and punished by law”.

During the monitoring conducted by the Commission, the latter found that there was no discrimination against the voters nor the persons to be elected because their respective rights were respected as required for all.

- **Rights of electoral observers**

African Charter on Democracy, Elections and Governance, in its Article 21(2) provides that “Electoral observer missions shall be conducted by appropriate and competent experts in the area of election monitoring [...]”

The Organic Law N° 001/2019.O.L of 29/07/2019 governing elections, in its Article 37 as amended by Organic Law N° 003/2021.O.L of 09/10/2021 provides that the rights of electoral observers are as follows:

- To be informed about the electoral schedule;
- To be informed about how election is conducted;
- To be informed about where all electoral operations are done;
- To be given easy access to all documents related to elections;
- To have free access to where all electoral operations are conducted except the polling booth after the commencement of polling operations, and be informed about election results within the period provided for by the law.

- **Rights of specific categories during the elections**

The Commission monitored the respect of the rights of persons with disability, the elderly persons, the pregnant and breastfeeding women.

- **Rights of persons with disabilities**

The Commission monitored the respect of the rights of persons with disability and found that they were respected because they were given easy access to the polling operations and the polling stations were constructed in the manner that gave them easy access to the polling stations and rooms in accordance with Law N° 01/2007 of 20/01/2007 relating to protection of disabled persons in general which reads that “Buildings in which various services meant for residents are conducted are required to be built in a way such that they facilitate the disabled persons to acquire access to such services”.



Some of the persons with disability participated in elections in Bugesera District (Picture: NCHR, 2021)

Especially concerning the rights of persons with blindness, the Commission found that they were respected because all of those who reached the polling stations were allowed to vote in accordance with Instructions N° 01/2021 of 15/10/2021 of the National Electoral Commission governing the elections of the leaders of the decentralized entities and the national councils in 2021 in its Article 24, paragraph one which states that “Any person with blindness or arm disabilities which make them unable to vote themselves or insert the ballot paper in the ballot box is allowed to bring with him/her a child aged at least of fourteen (14) years but under eighteen (18) years of age to assist him/her for voting. The person assisted for voting shall be present himself/herself”.

- ***Rights of the elderly***

The Commission found that the rights of the elderly were respected because they were assisted in voting without queuing. The Commission found that this has been done in accordance with the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa which reads that “States Parties shall take measures to ensure that Older Persons have access to infrastructure, including buildings, public transport and are accorded seating priority”.

- ***Rights of pregnant and breastfeeding women***

The rights of the pregnant and breastfeeding women were also respected, they were facilitated in voting before others as provided for by Article 9(a) of Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa which reads that “States parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that women participate without any discrimination in all elections”.

1.2.1.3. Post-election monitoring

The Commission monitored the post-election operations in order to ensure if there was no complaint or conflict or troubles following the elections and the modalities of handling them. The Commission found that there were the persons dissatisfied with the election results at some levels, it monitored if they were settled; it found that the electoral volunteers made a follow up on those complaints which were handled, on basis of Article 127 of the Organic Law N° 001/2019.OL of 29/07/2019 governing elections as amended by the Organic Law N° 003/2021.OL of 09/10/2021.

1.2.1.4. Conclusion

The Commission found that the human rights were respected, before, during and after the elections because the elections were conducted in transparency, freedom and security. The rights to vote, to be elected, those of observers, of non-discrimination and those of special categories were respected.

Even though elections were smoothly conducted, the Commission finds that Rwandans should continuously be sensitized about the conduct of elections so that there may be an improvement in the way they are conducted for future elections.

1.2.2. Monitoring of the rights of refugees, asylum seekers, migrant workers and members of their families

The rights of refugees are providedd for by the Constitution of the Republic of Rwanda of 2003 revised in 2015 in its Article 28 andthe Geneva Convention of 28 July 1951 relating to the status of Refugees and by Article 18 of Law N° 13/ter/2014 of 21/5/2014 relating to Refugees.

In May 2022, pursuant to the Law N°19/2013 of 25/03/2013 modified by Law N° 61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights, especially in its article 6 (1⁰) which provides that the Commission monitors the respect of refugees, the migrant workers and members of their families, the Commission conducted the monitoring of the respect of the rights of refugees inside and outside the camps, the rights of asylum seekers and the rights of migrant workers and members of their families.

The Commission carried out such monitoring in order to assesse the challenges on the respect of the rights of those categories, and the status of addressing the challenges observed in the previous monitoring for conducting advocacy.

The Commission held discussions with the management of refugee camps, members of refugee committees, representatives of special categories, representatives of funding organizations operating in the camps, the Immigration and Emigration Office at District level, the Ministry of Emergency Management (**MINEMA**), the Ministry of Public Service and Labour and the National Identification Agency (**NIDA**). It also inspected the status of buildings located in the camps.

During that monitoring, the Commission focussed on the situation and the management of camps, the respect of civil, political, economic, social and cultural rights. The Commission also monitored the respect of the rights of refugees in special categories and in general the respect of the refugees rights during COVID-19 pandemic.

1.2.2.1. Number of refugees within the camps

Table N°2: Monitored camps, their location, monitoring date and number of refugees

Monitored camps	District	Monitoring date	Number of refugees				Total	Accommodation capacity	Percentage ¹
			Men	Women	Boys	Girls			
Mugombwa	Gisagara	12/05/2022	1,884	3,275	3,050	3,057	11,266	12,000	93,88%
Kigeme	Nyamagabe	11/05/2022	2,781	4,063	3,827	3,752	14,423	16,000	90.14%
Nyabiheke	Gatsibo	12/05/2022	2,934	4,066	4,057	4,039	15,096	15,000	100,64%
Mahama	Kirehe	11/05/2022	14,062	16,728	14,690	19,996	65,476	61,000	107,38%
Kiziba	Karongi	12/05/2022	3,800	5,113	3,767	3,949	16,629	18,000	92,38%
Gashora transit center ²	Bugesera	12/05/2022	185	70	63	64	382	700	54,57%
Nyanza reception center ³	Nyanza	11/05/2022	10	9	16	11	46	800	5.75%
Total			25,656	33,324	29,470	34,868	123,318	123,500	99.85%

Source: MINEMA, 2022

¹ Percentage of the number of refugees within the camp in comparison to the accommodation capacity

² Gashora transit center

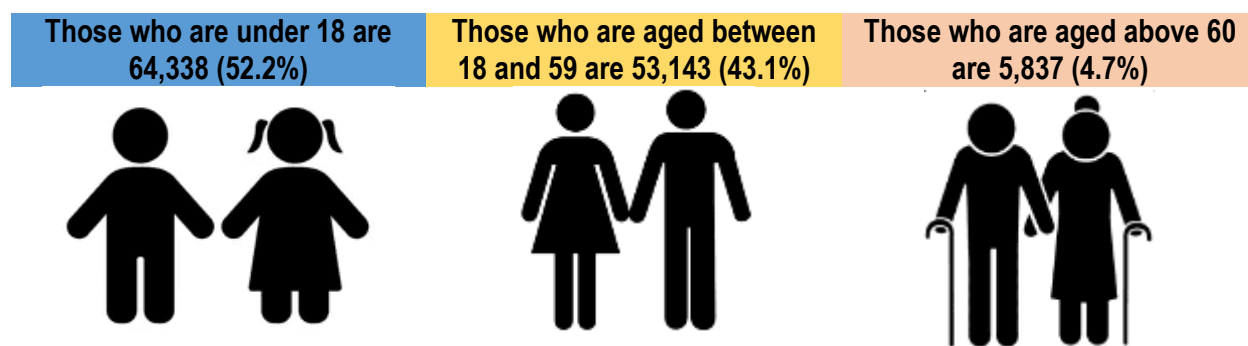
³ Nyanza Reception Center

As indicated in table n°2, during the monitoring conducted by the Commission in five (5) refugee camps, in Gashora transit center and Nyanza Reception Center, it was found that they host a total number of 123,318 persons.

Especially during this year, the Commission monitored Nyanza Reception Center located in Nyanza District, Muyira Sector, Nyundo Cell, Mugari Village. It has the accommodation capacity of 800 refugees, but the Commission found there are 46 refugees awaiting to be relocated in other camps.

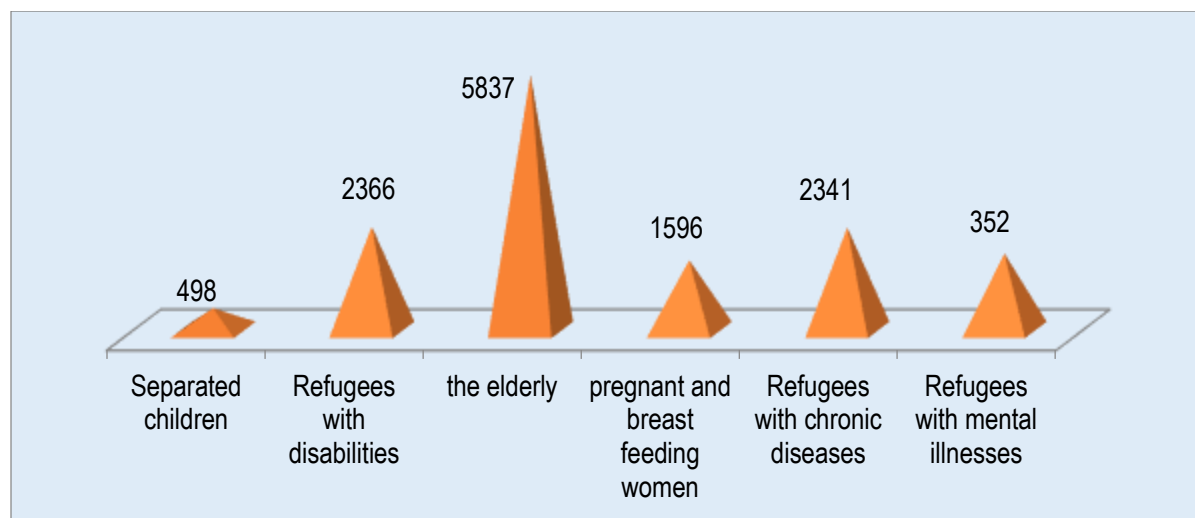
In consideration of their age, the total number of children under 18 years is 64,338 (52.2%), the refugees aged between 18 and 59 are 53,143 (43.1%) while those who are above 60 years are 5,837(4.7%). It is obvious that most of the refugees in the camps are the children under 18 years.

Graph n°3: Graph indicating the age categories



The Commission found that refugees in the special categories are **14389** including children who fled separately from members of their families **498**, persons with disabilities **2366**, the elderly **5,837**, the pregnant and breastfeeding women **1,596**, refugees with chronic diseases **2,341** and 352 refugees with mental illnesses .

Graph no 4: Numbers of people in special categories



1.2.2.2. The respect of the refugees' rights in the monitored camps

- **The right to free movement**

The Commission found that the right to free movement is respected as refugees are allowed to freely move in Rwanda for different reasons including having medical treatment, visiting friends and relatives, seeking and performing jobs. The permission is issued by the camp management. With travel clearance, refugees are also allowed to go outside the country for travelling to foreign countries, except their countries of origin.

- **The right to hold the refugee identification document**

The right of the refugee to hold the identification document is provided for by Article 12 of Law N°13ter/ 2014 of 21/05/2014 relating to refugees which states that "A refugee identity card shall be issued to the person granted refugee status, his/her spouse, children under the age of eighteen (18) years and persons under his/her dependence".

The Commission found that the right to hold the refugee identification document is respected because they have the identity card. However, in all camps, there is a problem related to the delay in granting the identity cards to refugees who have attained the required age or to those whose cards have expired.

- **The right of the refugee children to be registered in civil status registers**

The Commission found that this right is respected because the newborns are registered by a health center and the parents are issued a registration number which serves for registering the child in civil status register at Sector level. It found that there are non-governmental organisations (Prison Fellowship and Legal Aid Forum) that make a follow up on registering newborn children and assist in getting the birth certificate.

- **The right to legal marriage**

The right to marriage of refugees is provided for by Law N° 13ter/2014 of 21/05/2014 relating to refugees in its Article 20 which states: "The marriage of refugees shall be governed by Rwandan laws".

The Commission found that the right to marriage of refugees as governed by Rwandan laws is respected. The organisations (Prison Fellowship and Legal Aid Forum) together with the authorities of the sector where the camp is located assist the refugees living in the camp for activities related to the legal marriage.

- **The right to information**

The Commission found that the refugee's right to information is respected as camps have radios and televisions in different zones. Refugees can have access to information using social media through internet connection provided by the United Nations High Commission for Refugees and most of them have mobile phones.

- **The right to security**

The Commission found that security is well ensured in refugee camps and some refugees have been chosen as Community Policing members. The security of the population in general including refugees is ensured by the security organs operating in the area where the camp is located.

- **The right to adequate standard of living**

It was monitored whether camps are supplied with clean and sufficient drinking water, adequate food, especially for assessing the status of the issue related to the decrease of grants allocated to refugees, its impact on their life and strategies for enhancing the refugee adequate standard of living, organisations operating in the camps for the refugee development, sanitation and a decent housing.

The right to clean water:The right to clean water is provided for by Resolution n° A/RES/64/292 of the United Nations General Assembly of 28 July 2010 which resolved that the right to clean water and sanitation is fundamental for good health.

The Commission found that refugees have access to sufficient drinking and cleaning water. Camps are equipped with water taps and tanks and each person is entitled 20 litres per day.

In monitored camps, there is a staff in charge of making a follow up on sanitation and the organisation ALIGHT working with refugees is in charge of sensitizing all refugees on sanitation.

The right to adequate food : The right to adequate food is provided for by Article 20 of the Convention relating to the Status of Refugees which states: “where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals”.

The Commission found that the refugees are granted an amount of money between three thousand five hundred (3.500 Frw) and seven thousand six hundred (7.600 Frw) for nutrition, it is granted according to the refugee categories based on the capacity to work/ earn money for getting food. The minors, the pregnant women and some of those with chronic diseases like those having HIV/AIDS are given sosoma porridge flour as food supplement.

However, the Commission found that the elderly without means are not provided with special assistance concerning nutrition in some camps.

During the discussions held between the Ministry in charge of Emergency Management (MINEMA) and the Commission, it stated that it will continue to conduct advocacy together with UNHCR and other partners for special assistance to the elderly.

Within the framework of handling the issue related to the decrease of financial grants for food, the Commission noticed that among the strategies for improving the adequate standard of living of refugees, there are refugees who were granted the assistance for boosting the businesses affected by the COVID-19 pandemic.

Concerning the assistance for the development of refugees, the Commission found that they are assisted in forming saving and credit groups, starting development projects, being granted small livestock, getting jobs and being granted small loans. The Government of Rwanda together with organisations such as UNHCR, INKOMOKO, CARITAS, AHA, GIZ and H&I play a role in those activities.

During the discussions held between MINEMA and the Commission on the issue related to the decrease of the refugee financial grants which affects their adequate standard of living, MINEMA explained that in partnership with UNHCR and WFP, a programme of refugee assistance was initiated basing on the neediest and those who are capable to work are encouraged to work for self-reliance.

MINEMA also stated that a programme was initiated to encourage the refugees for self-reliance, in that context, through “Jya-Mbere” project together with other partners, they are implementing projects aimed at enhancing the capacity of refugees for their self-reliance in the future.

MINEMA pointed out that the advocacy would be maintained for further assistance of refugees, but more efforts would be put on sensitizing them to self-reliance.

The right to adequate housing: The right to adequate housing is provided for by Article 22 of the Geneva Convention of 28 July 1951 which provides that “*The Contracting States incorporate this Convention by establishing the mechanisms for affording adequate and secure houses to the refugees*”. The Commission monitored the houses in which the refugees live and found that UNHCR grants to each family a house in accordance with its members.

- **The right to health**

The right to health is provided for by Article 25 of the Universal Declaration of Human Rights which stipulates that “*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control*”.

The Commission found that the refugees living in camps are provided with basic medical treatment by health centers located in the camps which are managed by the non-governmental organisations such as AHA, Save the Children and ALIGHT. Refugees are provided with medical treatment for free, and if necessary, they are transferred to district hospitals or referral hospitals.

- **The right to education**

The right to education is provided for by Article 22, paragraph one of Geneva Convention of 28 July 1951 relating to the Status of Refugees which states that “The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.”

The Commission found that the children of refugees with school age study in the schools located near the camps together with the nationals (integrated education), except in Kiziba camp where the school is located inside the camp. The students graduating from the secondary schools have opportunities to be admitted in the University located in the camp which was constructed by Kepler in partnership with American University of Southern New Hampshire University.

Refugee representatives pointed out the issue related to the lack of vocational school for those who are not admitted in the University.

Refugees in Gashora Transit Center undergo short-term courses including languages (Kinyarwanda, French and English) and vocational trainings (driving, sewing, electricity, etc).

- **The right to work**

The right to work is provided for by Article 21 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Economic, Social and Cultural Rights.

During the monitoring, the Commission found that the refugees carry out different activities including teaching, nursing, business, vocational activities including construction, agriculture and other manual activities.

- **The rights of special categories**

The rights of separated children:

Separated children are given special assistance as provided for by Article 28 of the Geneva Convention of 28 July 1951 which states: “*Contracting parties shall put into place the mechanisms to reunite the children and their families and to protect them before the reunification*”.

The Commission found that those children are placed in foster families. There are non-governmental organisations such as ALIGHT, ICRC, Plan International and Save the Children which make a follow up on them and they are assisted to talk with their families using the telephone by ICRC intervention.

Pregnant and breastfeeding women:

Basing on Article 10 of the International Covenant on Economic, Social and Cultural Rights which states that “*The States Parties to the present Covenant recognize that special protection should be accorded to mothers during a reasonable period before and after childbirth*”, the Commission monitored if there is special protection accorded to that category. It was found that pregnant women are provided with the porridge flour and after the childbirth they continue to receive it until the child is aged two (2) years.

Persons with disabilities:

The Commission found that the persons with disabilities are assisted by the Organisation “HI” as regards the special medical treatment including providing special medicines, being provided with prosthesis and orthosis appliances.

The Commission also found that children with disabilities who are able to attend classes with other children study with them in normal schools. Those who are unable to do so are assisted by World Vision to study in schools offering special education.

Persons with mental illness:

The Commission found that the persons with mental illness are assisted as the camp health facilities have the medical care units in charge of them. They are provided assistance of various types including medicines, conversations for identifying the illness causes and activities intended to fight against the solitude.

Organisations such as “AHA” and “HI” assist refugees with mental illness as regards special medical treatment and any other kind of needed assistance.

Elderly and persons with chronic diseases:

The Commission found that the elderly and persons with chronic diseases are assisted in different ways by non-governmental organisations such as HI, ALIGHT, CARITAS Rwanda and AHA.

They are assisted in their respective families and those who are not physically fit are placed in areas which facilitate them to access medical facilities and the administration, while those who have no families to care for them are assisted by volunteers.

- **The refugee rights during the COVID-19 pandemic:**

The Commission monitored the issue related to the persons infected with the pandemic the effects of the pandemic on the refugees’ life and assessed whether refugees got all required vaccines. By the time of monitoring in the camps, there were no COVID-19 patients.

The Commission found that COVID-19 has had negative effects on the refugees’ life because the financial grants they received greatly decreased, travels were restricted so that the refugees were not able to go outside the camps to seek jobs for subsistence, the businesses crashed as it was the case for other businesses in general.

The Commission found that refugees were vaccinated against COVID-19 according to the national vaccination programme.

1.2.2.3. Findings of the monitoring of the respect of the rights of refugees living outside the camps

By conducting the monitoring of the respect of the rights of refugees living outside the camps, the Commission intended to know the extent to which the respect of their right to adequate standard of living is respected.

The Commission found that the rights of refugees living outside the camps are respected because, following the discussions held between the refugee representatives living outside the camps and the Commission, they indicated that they enjoy the rights to free movement except to their countries of origin, they hold the identification documents, their children are registered in civil status registers and they have the right to marriage provided under the law and other economic, social and cultural rights. Concerning development activities, they pointed out the challenge that banks cannot grant to them loans that require mortgage.

During the discussions held between the Commission and the Ministry in charge of the Emergency Management (MINEMA), it indicated that until 31 May 2022, refugees living outside the camps were 12,106.

1.2.2.3.1. The rights of asylum seekers, migrant workers and members of their families

- **Asylum seekers**

Asylum is sought on basis of Law N° 13ter/2014 of 21/05/2014 relating to refugees. Article 7 provides for the requirements for obtaining asylum.

Article 10 of the same law provides for the notification of the refugee status to the applicant while Article 11 provides for the appeal by a refugee status applicant.

Article 23 of the law relating to refugees abovementioned provides that every person granted asylum shall be entitled to a shelter until he/she is granted refugee status. Asylum seeker able to live in the City is allowed to live there.

The Commission held discussions with refugees in Nyanza Reception Center, a transit camp for a short time for the applicants who are not yet granted the refugee identification documents, located in Nyanza District, Muyira Sector, Nyundo Cell, Mugari Village.

Refugees in that center told to the Commission that they spend a short time there and that their rights are respected including the right to free movement because they seek jobs outside the center and visit friends and relatives who live in other areas. They are secured and registered in computer. Their right to adequate standard of living is respected because UNHCR provides them with food, they are medically treated, they are supplied with clean water, they are clean and they live in a clean place.

The Commission finds that the rights of the asylum seekers in Rwanda are respected as they indicated it to the Commission and the decisions are taken on basis of Law N° 13ter/2014 of 21/05/2014 relating to refugees and the international conventions ratified by Rwanda.

- **Migrant workers and members of their families:**

The information provided to the Commission by Districts, the Directorate General of Immigration and Emigration and the Ministry of Public Service and Labour indicated that migrant workers are protected by Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda like other workers.

Within the framework of encouraging the expert workers to be hired in Rwanda, Rwanda suppressed the work permit fee for foreigners from East Africa while other foreigners are facilitated to obtain such permit. This has been done in accordance with the Protocol on the Establishment of East Africa Community Common Market ratified in 2009.

Within the framework of facilitating migrant workers, Rwanda easily grants the short term visa for those who want to visit their relatives working in Rwanda. Law N°57/2018 of 13/08/2018 on Immigration and Emigration in Rwanda allows foreigners who join their families in Rwanda to obtain the residence permit and to participate in economic, social and cultural activities for those who want to do so.

Concerning the right to education for the children of migrant workers, the Commission found that they study in primary and secondary schools as well as in universities without discrimination as provided for by Article

30 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ratified by Rwanda on 14/06/2010.

The Commission finds that in Rwanda the rights of migrant workers and members of their families provided for by the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families adopted by the General Assembly resolution No 45/158 of 18 December 1990 are respected as the concerned rights are provided for by Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda, Law N°57/2018 of 13/08/2018 on Immigration and Emigration in Rwanda, Law N° 32/2016 of 28/08/2016 governing persons and family, different Protocols of East African Community and other laws.

1.2.2.4. Conclusion

The Commission finds that Rwanda continues to make more efforts in promoting and protecting the rights of the categories monitored and anti-COVID-19 mechanisms are respected. Even though there are achievements for safeguarding the rights of refugees, migrant workers and members of their families and asylum seekers, there are other aspects which must be improved for effectively protecting their rights.

Basing on the findings, the Commission recommends to the Ministry in charge of the Emergency Management (MINEMA) to conduct advocacy for handling existent issues. To that effect, the Commission recommends to MINEMA to:

- To put in place the appropriate procedures which facilitate refugees to be granted the identity cards on time for those who are entitled to be granted the refugee identity card, refugees whose identity cards have expired and others with special problems who legally cannot get those cards;
- To maintain advocacy for allowing children in Kigeme, Nyabiheke and Mahama camps who graduate from secondary schools in the context of basic education programme but are not able to be admitted in the universities and cannot have access to vocational schools to be granted support for attending vocational schools;
- To maintain advocacy for allowing refugees to be assisted to run projects for self-reliance and home-grown solutions to address the issue of the decrease of the financial grants awarded to refugees, especially those classified in special categories.

1.2.3. Monitoring of the respect of the rights of persons with disabilities

The Constitution of the Republic of Rwanda of 2003 revised in 2015 in its chapter related to human rights and freedoms as well as the duties of State; in Articles 10, 16, and 51 highlight that the persons with disabilities have rights equal to those of other Rwandans including non-discrimination, freedom and special protection of their welfare.

The Convention on the Rights of Persons with Disabilities of 13 December 2006 ratified by Rwanda on 15 December 2008, in its Article one, paragraph 2 provides that “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.

Pursuant to the Law N°01/2007 of 20 January 2007 relating to protection of disabled persons in general and Law N°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission For Human Rights as modified by Law N° 61/2018 of 24/08/2018, in March 2022, the Commission carried out the monitoring of the respect of the rights of persons with disabilities in the host centers.

In particular, during the monitoring, the Commission intended to ensure how The Tubarere Mu Muryango /Let’s Raise Children in the Family (TMM) take into consideration the on the rights of children with disabilities placed in the centers for persons with disabilities; to ensure how the rights of persons with disabilities are respected in those centers especially the rights to life, the right to good health and the right to be educated in the family as well as to conduct advocacy for handling identified irregularities.

Within that context, the Commission held discussions with heads of the centers, employees of those centers and some of the persons with disabilities; officers in charge of persons with disabilities in the Districts, the National Council of Persons with Disabilities in Districts, the District vice-mayors in charge of social affairs and the Ministry of Local Government.

The Commission monitored the number of persons with disabilities in the host centers and the respect of the right of persons with disabilities to be cared in families, the right to life, to adequate standard of living and to be registered in the civil registers. It also monitored the collaboration between the centers for persons with disabilities with public organs and funding organisations.

1.2.3.1. Number of persons with disabilities within the monitored centers

Within 26 monitored centers for persons with disabilities, there were **1,425** persons with disabilities, including **730** males (**51.2%**) and **695** females (**48.8%**). Among **730** males with disabilities, those who are under 18 years are 574 including children under 6 years who are **146**, those aged from six (6) to under 14 are **246**, the persons aged from 14 to under 18 are 187 and those who are aged from 18 to above are **156**.

Among **695** females with disabilities in the centers, those who are under 18 are **521** including children under six (6) years who are **105**, those aged from six (6) to under 14 are **227**, those aged from 14 to under 18 are **189** and the persons from 18 to above are **174**.

Table N°3: Persons with disabilities in the monitored centers per sex and age

District	N°	Monitored Centers for persons with disabilities	Number of prsons with disabilities in the monitored center per sex and age										General Total	Accommodation capacity
			Males				Total	Females				Total		
			Under 6	6 to under 14	14 to under 18	18 and above		Under 6	6 to under 14	14 to under 18	18 and above			
Rusizi	1.	Centre des handicapés Saint Francois d'Assise de Rusizi	4	6	1	-	11	2	6	0	0	8	19	20
	2.	Centre Urugwiro de Nkanka	16	14	12	28	70	8	11	12	34	65	135	135
Nyamasheke	3.	Alivera Center and Alivera Village	-	19	2	13	34	-	16	3	12	31	65	80
Kayonza	4.	Urugo rw'amahoro rwa Mukarange	-	-	1	7	8	-	-	1	6	7	15	15
	5.	Urugo rw'Amahoro rwa Kabarondo	-	-	-	3	3	-	-	-	4	4	7	11
Ngoma	6.	Urugo rw'Amahoro rwa Bare	-	-	-	5	5	-	-	-	8	8	13	13
Nyagatare	7.	Umutara Deaf School	3	11	20	19	53	2	6	25	22	55	108	149
Gasabo	8.	HVP Catagara- HUMURA	12	7	6	8	33	11	27	5	1	44	77	120
Muhanga	9.	Centre d'accueil la Miséricorde	-	9	11	4	24	1	17	6	4	28	52	75
Ngororero	10.	APAX Muramba	-	6	1	11	18	-	3	-	12	15	33	60
	11.	Ineza Kabaya	4	7	4	3	18	2	3	6	4	15	33	75
Nyabihu	12.	Empowering Children with Disability (EMCD)	2	23	10	8	43	1	13	11	7	32	75	75

District	N°	Monitored Centers for persons with disabilities	Number of prsons with disabilities in the monitored center per sex and age										General Total	Accommodation capacity
			Males				Total	Females				Total		
			Under 6	6 to under 14	14 to under 18	18 and above		Under 6	6 to under 14	14 to under 18	18 and above			
Musanze	13.	Centre Saint Vincent	-	8	4	5	17	-	9	8	12	29	46	50
Burera	14.	Shenge Children Organization	2	3	-	-	5	1	7	-	-	8	13	13
Gakenke	15.	APAX – Janja	0	5	12	7	24	-	9	19	1	29	53	53
Gicumbi	16.	Centre Izere Nyinawimana	1	29	17	1	48	1	21	15	2	39	87	87
Nyaruguru	17.	Ikigo ASFA ⁴ Centre	2	4	-	-	6	2	2	-	-	4	10	20
Nyamagabe	18.	Centre des Handicapés Saint Francois d'Assise / Kitabi	9	5	5	4	23	4	7	8	6	25	48	100
Huye	19.	ADAR ⁵ Tubahoze	-	1	-	2	3	-	-	1	13	14	17	25
Bugesera	20.	AVEH ⁶ Umurerwa	-	5	3	3	11	-	2	5	2	9	20	22
Rulindo	21.	Maison d'Accueil l'Espérance	-	24	25	11	60	-	22	20	10	52	112	113
Kamonyi	22.	CEFAPEK ⁷	6	8	3	-	17	2	16	8	-	26	43	45
Rutsiro	23.	Centre Komera	-	11	29	9	49	3	9	22	4	38	87	150

⁴ ASFA : Amis de Saint François d'Assise

⁵ ADAR : Association pour le Développement intégral des Aveugles et d'autres Handicapés au Rwanda

⁶ AVEH: Association des Volontaires pour les Enfants Handicapés

⁷ CEFAPEK: Centre de Formation Agricole et de Petit Elevage de Kamonyi, School for persons with disabilities

District	N°	Monitored Centers for persons with disabilities	Number of prsons with disabilities in the monitored center per sex and age										General Total	Accommodation capacity
			Males				Total	Females				Total		
			Under 6	6 to under 14	14 to under 18	18 and above		Under 6	6 to under 14	14 to under 18	18 and above			
Gisagara	24.	Amizero y`Ubuzima (Palloti Children's Hope Centre)	7	26	14	3	50	10	10	10	9	39	89	80
Ruhango	25.	Centre des Handicapés Saint François d'Assise / Ruhango	14	6	1	-	21	10	8	3	-	21	42	25
	26.	HVP ⁸ Gatagara / Ruhango	59	9	6	2	76	45	3	1	1	50	126	92
Total			141	246	187	156	730	105	227	189	174	695	1 425	1 703

As described in table N° 3, within 26 monitored centers, the Commission found that most of the persons living in the concerned centers are the children from six years but not attaining 14 years are 473 (33.2%) including 246 males and 227 females.

The Commission found that 24 centers host a number of persons fitting with their accommodation capacity and 3, namely Amizero y`Ubuzima (Palloti Children's Hope Centre), Centre des Handicapés Saint François d'Assise / Ruhango and HVP Gatagara / Ruhango have a big number of persons which does not fit with their accommodation capacity.

The Commission found that the centers should host persons fitting with their accommodation capacity because this affects the right to adequate standard of living of the persons they accommodate.

⁸ HVP: Home de la Vierge des Pauvres

1.2.3.2. The respect of the rights of the persons with disabilities in the host centers

In March 2022, the Commission conducted monitoring of the respect of the rights of persons with disabilities in 26 host centers; it monitored the following rights: the right to be educated in the family, the right to life, the right to adequate standard of living and the right to be registered in the civil registers.

- **The right to be educated in the family**

The Law N°01/2007 of 20/01/2007 relating to protection of disabled persons in general, in its Article 5, paragraph one, provides that “A disabled person has the right to live in the family in the same conditions as others.”

The Law N°71/2018 of 31/08/2018 relating to the protection of the child, in its Article 18, paragraph one, provides that “The parent is responsible for taking care of the child with disability.”, the paragraph 3 provides that “A child with a special physical or mental disability is placed in special institution for care and treatment where necessary”.

As provided for by the the law, a child with disabilities has the right to live and be educated in the family as others, without discrimination based on disability. In 2021, Rwanda modified the programme “Tubarerere mu Muryango” for extending it to all children, without discrimination of the children with disabilities who were kept in centers for persons with disabilities.

Within that context, in 2021, the guidelines of such programme implementation were modified, by adding the new required guidelines focusing on the fact that each child must enjoy the right to be raised in the family without discrimination of children with disabilities (Operational Guidance on Inclusive Children’s Reintegration).

During the monitoring conducted by the Commission in centers for persons disabilities, it found that the centers collaborate with National Council of the Persons with Disabilities (NCPD), National Child Development Agency (NCDA) and the Organisation Hope and Homes for Children to reintegrate children with disabilities in families where they are assisted. Among 26 monitored centers, the following centers have already reintegrated children in their families: ADAR Tubahoze (9 children), AVEH–Umurerwa (4 children), Maison d’Accueil l’Esperance (2 children), CEFAPEK (4 children), Amizero y’Ubuzima (5 children) and Urugo rw’Amahoro rwa Kabarondo (2 children).

Moreover, in the context of this programme, the Commission found that there are centers for the persons with disabilities who are not yet reintegrated in their families because they have been abandoned by them or they do not have means to adequately take care of them and others for whom foster families are still being sought as they don’t have them, to the stage that the centers are still seeking foster families in collaboration with NCPD and NCDA.

Such persons are in the following centers: Alvera Center (7), Ineza Kabaya (3), Centre d’Accueil la Misericorde (12), AVEH Umurerwa (6), ADAR Tubahoze (6), Urugo rw’Amahoro rwa Mukarange (5), Urugo rw’Amahoro rwa Kabarondo (3), Urugo rw’Amahoro rwa Bare (4).

During the discussions held between the Commission and NCPD and NCDA, it found that those entities start by assessing the capacity of the family to accommodate the child with disability and make a follow up of the living conditions of the child after being reintegrated in the family for avoiding his/her regression.

Even though the *Tubarerere Mu Muryango* Programme is being implemented taking into consideration the special category of children with disabilities so that they can be reintegrated in families where they are assisted, the Commission finds that children with severe multiple disabilities from poor families or without families and who may seem constitute a problem for being reintegrated in foster families, should continue to be accommodated by the centers as provided for by Law n° 71/2018 of 31/08/2018 relating to the protection of the child abovementioned.

The Commission recommends that NCPD and NCDA should improve the advocacy towards the centers for the persons with disabilities and the decentralised entities about *Tubarerere Mu Muryango* programme for children with disabilities, its content and its implementation.

- **The right to health**

The Law N°01/2007 of 20/01/2007 relating to the protection of disabled persons in general, in its Article 14, provides that “The Government shall facilitate a disabled person in getting medical care and prosthesis and orthosis appliances if required”.

The Commission found that persons with disabilities receive medical care through the community health insurance scheme (MUSA) of their families, or health insurance paid by Districts or partners, Military Medical Insurance (MMI) or that of Rwanda Social Security Board (RSSB).

The Commission also found that the centers still face the issue related to special medical treatment needed by persons with disabilities but not paid for by the mutual health insurance scheme “MUSA”.

On 11/08/2022 during the discussions held between the Commission and the Ministry of Health (MoH) about that issue, it stated that the issue is still under assessment by competent organs so that the prosthesis and orthosis appliances not yet approved on the list of insured medical services may be added on services insured by RSSB health insurance in manner that does not cause a loss.

- **The right to adequate standard of living**

The Convention on the Rights of Persons with Disabilities of 13 December 2006, in its Article 28, paragraph one provides that “states parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability”.

The Order of the Minister of Local Government N° 10/07.01 of 12/10/2007 governing federations, associations and centres that cater for persons with disabilities, in its Article 35, provides that “activities and services for the persons with disabilities performed in the host centers must aim at safeguarding their welfare and being reintegrated in the normal life”.

During the monitoring carried out in centers for the persons with disabilities, the Commission found that persons with disabilities are provided with adequate food, clean water and their living environment is clean.

- **The right to be registered in the civil registers**

The Convention on the Rights of Persons with Disabilities of 13 December 2006, in its Article 18 reads that “ Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents”.

The Commission found that the children living in the centers for persons with disabilities are made registered in the civil registers by their parents or custodians. However, the Commission found that in some centers there are still children with disabilities without families or whose origin is unknown because they were brought in the centers from the streets, reason why they are not registered in the civil status registers. Those children were found in AVEH-UMURERWA (7 children), Urugo rw’Amahoro rwa Mukarange (1 child) and ADAR TUBAHOZE (1 child).

Following the discussions held between the Commission and the authorities of Nyamata Sector in July 2022 about the issue of children with disabilities living in AVEH UMURERWA not yet registered in the civil status registers, those seven (7) children were registered in the civil status registers of Nyamata Sector.

- **The role of the Government organs in the protection of the rights of persons with disabilities**

As provided for by Article 4, paragraph 2 of the Law relating to the protection of disabled persons in general, the State has the obligation to monitor and support the federations, associations and centres that cater for disabled persons.

During the monitoring, the Commission found that the centres that cater for the persons with disabilities are the centres founded by the religious organisations, individual persons or associations and they are monitored by local decentralized entities (Sector and District) and the Government organs including NCPD, NCDA (National Child Development Agency), MINISANTE, MIGEPROF.

The Commission found that the centres that cater for the persons with disabilities are funded by the Government on annual basis through the National Council of Persons with Disabilities (NCPD) and the Districts.

1.2.3.3. Conclusion

Basing on the findings in the 26 monitored centres for the persons with disabilities, the Commission found that in general the rights of the persons with disabilities are respected by the concerned centers because it observed that they are provided with adequate food, medical care, registered in the civil status registers and different organs collaborate with the centers for guaranteeing to the children with disabilities the right of being educated in the families like others.

However, the Commission noted that, concerning the right to medical care, there is still the issue of special medical treatment needed by the persons with disabilities which is not insured by the community health insurance scheme.

The Commission recommends the Ministry of Health and Rwanda Social Security Board to speed up the inclusion of the medical services provided to the persons with disabilities including prosthesis and orthosis appliance not yet insured by RSSB.

The Commission appreciates the programme of *Tubarerere Mu Muryango* (TMM) which has been extended to the children with disabilities and the fact that the Government provides funds to the centres that cater for the persons with disabilities. However, the Commission recommends to the Ministry of Local Government to improve the sensitization on guidelines governing centers for the persons with disabilities and monitor their implementation.

1.3. RESEARCH ON THE RESPECT OF HUMAN RIGHTS

Basing on the Law n° 19/2013 of 25/03/2013 as amended by the Law n° 61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights, in its Article 7 (8°) which provides that the Commission has the power of carrying out research on thematic issues and publish findings with the purpose of promoting Human Rights, the Commission conducted research on the respect of human rights in the mining sector and on the respect of the right to justice and effective remedy for SGBV victims in Rwanda .

1.3.1. Survey on the respect of human rights in the mining sector

1.3.1.1. Introduction

Mining has economic interests and it is vital in the country development, but when it is illegally carried out it has negative effects on adequate standard of living and environment.^{9,10}.

The United Nations Guiding Principles on Business and Human Rights stipulate that States have the duty to protect and promote the human rights in the businesses and business enterprises have the duty to respect the laws and human rights and effective measures should be taken to redress human rights abuses by business enterprises¹¹.

Through various reports, the Commission realized that in the mining sector there are still challenges on the respect of human rights including the lack of work contract for the employees, the lack of protective equipments for employees, children working in the mines, the mining activities that destroy the environment, workers without contract, daily workers, the weak participation of women and others as pointed out by different research reports.

Those reports include the preliminary monitoring conducted by the Commission on the respect of human rights in mining sector in 2014, the research carried out by Transparency International Rwanda (TI-Rwanda) in 2021 and the research conducted by International Institute for Sustainable Development (IISD).

In November 2021, the Commission carried out the research on the respect of human rights in the mining sector in order to ensure how the rights of workers, investors and the population living near the mines are respected.

The research was conducted in 91 mines located in 15 Districts namely: Nyarugenge, Bugesera, Gatsibo, Kayonza, Rwamagana, Kamonyi, Muhanga, Ruhango, Karongi, Ngororero, Nyamasheke, Rutsiro, Burera, Gakenke and Rulindo.

⁹ Oluwatosin B. Igbayiloye and Danny Bradlow, 'An Assessment of the Regulatory Legal and Institutional Framework of the Mining Industry in South Africa and Kenya for Effective Human Rights Protection: Lessons for Other Countries', *African Human Rights Law Journal*, 21.1 (2021), 363–88 <<https://doi.org/10.17159/1996-2096/2021/v21n1a16>>

¹⁰ The Mining Reality In Ecuador And The Guarantee Of The Human Rights Of Indigenous Peoples', *Actualidad Jurídica Ambiental*,

¹¹ UN, 'The UN Guiding Principles on Business and Human Rights', *United Nations Human Rights*, 2011, 45–63 <<https://doi.org/10.4324/9781351171922-3>>.



The Chairperson of the Commission during the research in Kamonyi District (Picture: NCHR, 2021)

The information was gathered from 357 persons interviewed on basis of the questionnaire including minors, investors and individuals living near the mines. The Commission also interviewed 29 key persons in public institutions, non-governmental organisations and leaders in the decentralized entities.

The research was focused on the respect of human rights including the right to work in a healthy and safe workplace environment, the right to the salary, the right to the employment contract and the right to social security. Besides that the survey assessed the right to be trained, the right to form trade unions, child right to be protected against the worst form of work and women's right to equal employment opportunities as menworkers.

The research also analysed the respect of the investors' rights including the right to the mining permits and the independence in their activities as regards the construction of required buildings, drilling boreholes and making excavations as may be necessary, installation of equipments, industries buildings and other facilities on the mining sites.

1.3.1.2. Findings

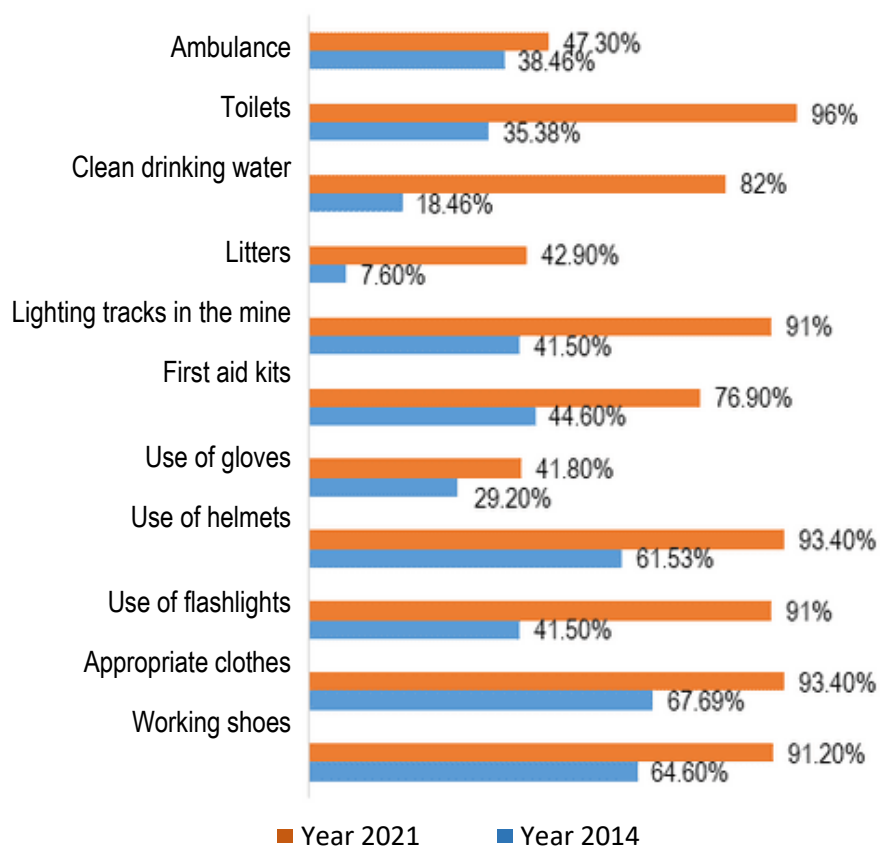
1.3.1.2.1. The workers' rights

- **The right to work in a healthy and safe workplace environment**

The right to work in a healthy and safe workplace environment is provided for by Articles 77, 78, 79, 80, 81 and 82 of Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda. Those articles provide for general health and safety conditions in the workplace, personal protective equipment, first aid, fire fighting and imminent danger, preventing and fighting occupational accidents and diseases.

The Commission monitored how the workers' rights to work in secure and safe environment is respected in the mining sector, it assessed if workers are provided with the equipment and the conditions of health and security on workplace and it found that they are respected as follows:

Graph n°5: Use of personal protective equipment in the mines



Source: Information gathered by the Commission in 2014 and 2021

As indicated in graph n°6, the Commission found that the workers are provided with health and security protective equipment and conditions at high level in 2021 compared to the findings of 2014. However, some aspects should be improved including alarming equipment, litters, ambulances and the use of litters.

Apart from the personal protective equipment, the Commission found that workers have the health insurance at 77% and the accident insurance at 90.1%.

- **The right to the work contract**

Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda in its Article 11 provides that the employment contract is concluded based on the mutual consent between the employee and employer and can be written or unwritten.

The Commission found that 18.6% of minors have written contracts and 81.4% do not have contract, they are daily workers and they are paid on basis of the production per day.

- **The right to salary**

The right to salary is provided for by Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda in its Article 66 which stipulates that “an employee is entitled to a salary for the work performed”.

The Commission found that the salary of the minors is calculated on basis of the production per day. It found that there are mines where modern mining techniques are not used, which entails the low production and as a consequence, the workers’ remunerations are also low.

The Commission found that the salary of workers in the same mine is similarly calculated. However, the minors’ salary is different in consideration of mines and companies where they work. The Commission found that the minors’ salary is calculated on basis of the production of minerals in accordance with the market price of minerals. However, there is no procedure to inform the minors about the variation of minerals market price which can serve during the negotiation with employers about the salary.

- **The right to the pension contributions**

The right to pension contributions is provided for by Law N° 05/2015 of 30/03/2015 governing the organization of pension schemes in its Article 4 which provides that all employees governed by the Law regulating labour in Rwanda regardless of nationality, type of contract, duration of the contract or the amount of wages are subject to mandatory pension scheme. Article 11 of the same Law states that the employer shall send to the public entity in charge of pension scheme collected contributions not later than the 15th day of the month following the month to which such contributions relate.

The Commission found that in the mining sector, the pension contributions are paid for 56% of the workers.

- **The right to paid leave**

Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda in its Article 45 states that “an employee is entitled to an annual leave. He/she can also receive circumstantial leave, maternity, sick leave or authorized absence”.

Concerning the paid leave for workers with permanent salary, the Commission found that in the mining sector, only 26% of workers are entitled to it.

- **The right to training**

The right of the minors to training is provided for by Law N° 58/2018 of 13/08/2018 on mining and quarry operations in its Article 64 which provides that the holder of a mineral or quarry licence must have a program for the employees in order to build capacities allowing them to fulfil their duties.

The Commission found that 78% mines provide regulations to the workers before engaging in mines. It found that 56% of minors are trained.

- **The right to freedom of expression and association**

The right to freedom of expression and association is provided for by Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda in its Article 10 which reads that “employees and their representatives have the right to express their opinions with regard to working conditions, work execution and organization. Employees have the right to form or join a trade union.”

The Commission found that 49.45% of workers in mining sector are members of federations or associations which allow them to protect their interests and rights.

- **The right to be protected against the child labour**

Mining is among the worst forms of child labour prohibited because it may be hazardous to the child life, affect his/her security and morality as provided for by the Ministerial Order n°06 of 13/07/2010 determining the list of worst forms of child labour, their nature, categories of institutions that are not allowed to employ them and their prevention mechanisms.

Among 91 monitored mines, the Commission found that 90 (98.9%) do not employ children. There is one mine where the Commission found that it employs 3 children out of 87 workers.

- **The right to equal opportunities of women and men at the workplace**

Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda in its Article 9 provides that “An employer must give employees equal opportunities at the workplace. An employer is prohibited from discriminating employees on basis of ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural difference, language, physical or mental disability or any other form of discrimination. Every employer must pay employees equal salary for work of equal value without discrimination of any kind”.

The Commission found that 83.5% of mines employ female workers. However, the number of female workers was too low in comparison to males. It found that women and men got equal salary for the work of equal value.

Concerning the female investment in mining sector, the Commission found that it was estimated at 5.41%.



Women also are involved in the mining sector (Picture: NCHR, 2021)

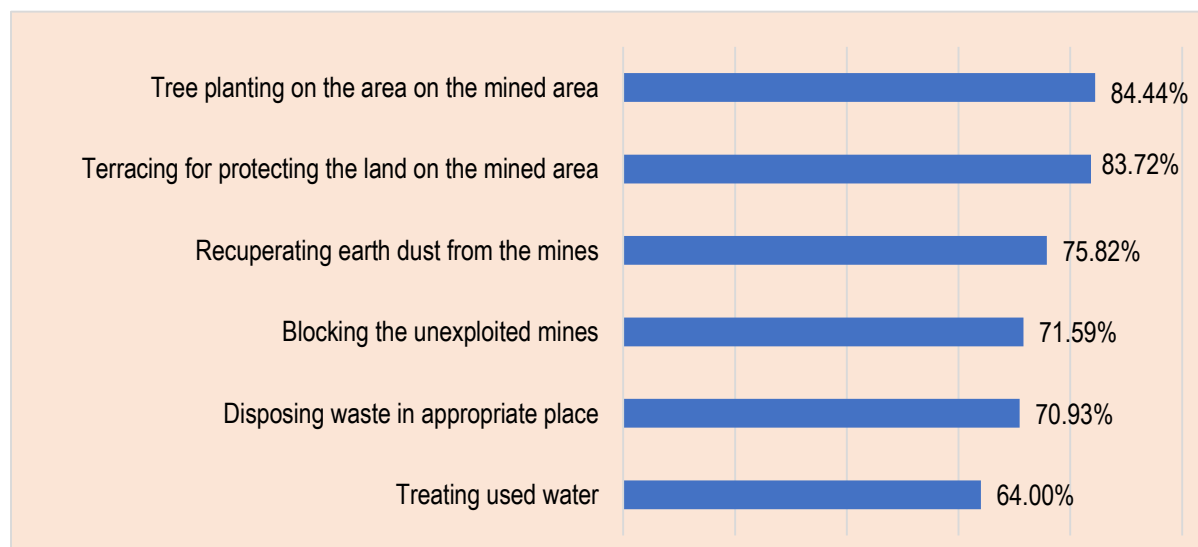
Concerning the low number of female workers in the mining sector, the Commission found that it is due to the nature of such a work and the limited resources to potential investors.

1.3.1.2.2. The rights of the population surrounding the mines

- **The right to healthy environment**

During the research, the Commission assessed the mechanisms established by the mine owners to protect the environment in order to preserve the life and security of the population surrounding the mines.

Graph n° 6: Mechanisms established by the mine owners to protect the environment



Graph n°6 indicates that different mechanisms for the environment protection include tree planting on the area on the mined area, terracing for protecting the land on the mined area, recuperating earth dust from the mines, blocking the unexploited mines, disposing waste in appropriate places and treating used water.

- **The right to property of the population surrounding the mines**

The Commission assessed if the mining activities did not affect the property of the population surrounding the mines and it found that 20.8% have been affected. It noted that owners of the affected property were compensated, except one person who indicated that he was not compensated by a company which destroyed his cassava plantation when it was conducting the exploration of the mining area.

1.3.1.2.3. The respect of the rights of the mine owners

The right of the holder of exploration license is provided for by Law n° 58/2018 of 13/08/2018 on mining and quarry operations in its Article 23 which reads that “The holder of an exploration licence has the full right to: explore minerals in respect of which the licence is granted; drill boreholes and make such excavations as may be necessary; collect from the exploration licence area mineral samples for the purpose of having them analysed and valued but their quantity should not exceed such limit determined through regulations issued by the competent authority and construct necessary buildings”.

The Commission assessed how the rights of the mine owners are respected and found that they appreciate the conditions in which they are facilitated to construct required buildings at the level of 80%, to obtain the exploration licence at the level of 82.1%, to process the mining production at the level of 95.5%, to install machines and other equipments on the site at the level of 98.4% and to sell the production at the level of 79.1%.

1.3.1.3. Conclusion

Basing on the research findings, the Commission found that there is improvement in the respect of the human rights in the mining sector, be they for the rights of workers, the rights of the population surrounding the mines and those of mine owners.

However, it found that there are some aspects that should be enhanced for more effective respect of human rights and recommended the following:

- Make public the mineral price for facilitating the workers in negotiating the salary with the employers;
- Encourage those who use rudimentary techniques to engage with modern techniques which allow enough production to enable of the remuneration increase ;
- Encourage females to be engaged and invest in the mining sector.

1.3.2. Survey on the respect of the right to justice and fair compensation to the victims of gender-based violence

1.3.2.1. Introduction

Basing on the number of the victims of gender-based violence which is increasing especially for children under 18, the fact that all those offences are not reported to competent organs for follow up and the fact that the number of the damages claimants is still too low,

Basing on the International Covenant on Civil and Political Rights in its Article 2 (b) which provides that “each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant”,

The Commission conducted in June 2022 the research on the respect of the rights to justice and damages for the victims of gender-based violence in order to assess the challenges in the investigation of those offences, the adjudication of those offences before the courts and the challenges in claiming the damages for providing recommendations for effective respect of those rights.

The Commission conducted the survey in 9 Districts of all Provinces and Kigali City: Rubavu, Nyagatare, Karongi, Muhanga, Nyarugenge, Musanze, Gicumbi, Nyamagabe and Huye. 71 persons were interviewed including the victims of gender-based violence, 17 judges in Intermediate Courts and High Courts and 10 prosecutors at the level of Intermediate Courts and High Courts. It interviewed also representatives of Government organs and the non-governmental organisations having in their remits the gender-based violence: Rwanda Bar Association (RBA), Rwanda Investigation Bureau (RIB), Legal Aid Forum (LAF), Haguruka, ARDHO, CLADHO, the Ministry of Justice (MINIJUST), Gender Monitoring Office (GMO), the Ministry of Gender and Family Promotion (MIGEPROF) and the Professional Bailiffs Association.

1.3.2.2. Findings

1.3.2.2.1. The right to justice

The right to justice for the children under 18 years victims of gender-based violence is provided for by Law n° 69/2019 of 08/11/2019 amending Law n° 68/2018 of 30/08/2018 determining offences and penalties in general in its Article 4 which reads that any person who commits any of the sex related acts listed below on a child, commits an offence and upon conviction, he or she is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty-five (25) years.

While monitoring the respect of the right to justice for the victims of gender-based violence, the Commission assessed complaints received by the Prosecution and their adjudication before the courts.

Table n°4: Number of complaints related to gender-based violence against the children under 18 filed before the Public Prosecution in 2020-2021

No	Prosecution Level	Filed complaints	Complaints filed before the courts	Closed files	Pending complaints
1	Intermediate Court of Gasabo	785	414	371	-
2	Intermediate Court of Gicumbi	268	165	101	2
3	Intermediate Court of Huye	313	177	135	1
4	Intermediate Court of Karongi	199	139	60	-
5	Intermediate Court of Muhanga	426	255	170	1
6	Intermediate Court of Musanze	390	211	178	1
7	Intermediate Court of Ngoma	832	445	387	-
8	Intermediate Court of Nyagatare	866	559	307	-
9	Intermediate Court of Nyamagabe	156	105	50	1
10	Intermediate Court of Nyarugenge	433	243	190	-
11	Intermediate Court of Rubavu	401	189	212	-
12	Intermediate Court of Rusizi	209	98	110	1
Total		5,278	3,000	2,271	7

Source: Data provided by the National Public Prosecution Authority (2022)

As described by table n° 4, out of 5,278 complaints related to gender-based violence against the children under 18 submitted to the Public prosecution, 2,271 (43%) were closed without being filed to the courts.

The Commission found that the reason for closing the great number of files is due to the lack of pieces of evidence. The reasons of lack of pieces of evidence are the following:

- Lack of birth certificates of the victims of gender-based violence who are not registered in the civil status registers;
- Victims who do not reveal the offenders because they assist them in their life;
- Victims who do not preserve pieces of evidence and claim for violence after disappearance of evidence;
- Delaying to disclose the violence and it is disclosed after disappearance of evidence.

Apart from the assessment of complaints submitted to the Public Prosecution, the Commission analysed the complaints filed before the courts by the Public Prosecution in order to assess the court decisions on those complaints.

Graph n°7: Court decisions on cases related to child defilement filed by the Prosecution in 2020-2021



Source: Data provided by the National Public Prosecution Authority (2022)

As indicated in graph n°7, out of 2178 child defilement cases decided by the courts, the Public Prosecution lost 735 (33.7%) for lack of sufficient pieces of evidence incriminating suspects.

The Commission finds that it is necessary to improve the sensitization towards the people to preserve pieces of evidence on gender-based violence and disclose the offenders.

1.3.2.2. The right to effective remedy

The right to effective remedy is provided for by Law n° 027/2019 of 19/09/2019 relating to the criminal procedure, in its Article 10 which reads that “ a civil action may be instituted by any person aggrieved by an offence”.

The Commission assessed how the victims of gender-based violence in instituting the civil action and it analysed the hearing of such cases in the courts.

It was found that the number of plaintiffs in civil actions is low in comparison with the number of criminal cases. Out of 44 victims of gender-based violence interviewed, the Commission found that 5 persons equaling 11.36% instituted civil actions.

Among the constraints related to instituting a civil action the Commission pointed out the following:

- Victims who are not aware of the legal provisions of about the civil action;
- Insufficiency of legal aid services;
- Offenders who are insolvent and the victims are discouraged to institute civil action;
- Delays in deciding about the criminal cases so that there are delays for instituting criminal actions.

The Commission noted that there is a need for advocacy to the right to damages for the victims of gender-based violence who, especially, must be encouraged to institute civil action as provided for by Law N° 027/2019 of 19/09/2019 relating to the criminal procedure in its Article 116 which provides that “ a victim of an offence may file a civil action to a competent court in order to be indemnified, from the time when the court is seized with the criminal action to the time when the proceedings are closed at first instance”.

Concerning the adjudication of civil action in the courts, the Commission found that there is a difference in the quantity of the damages awarded for the offences of gender-based violence due to the fact that the judges award damages in their discretion.

The Commission finds that the modalities of calculation of damages for offences related to gender-based violence should be provided under the law for guiding judges to award such damages.

1.3.2.3. Conclusion

During the survey conducted on the respect of the right to justice and damages to the victims of gender-based violence, the Commission found that there are still constraints related to the lack of pieces of evidence and the low number of civil action cases in comparison to the criminal cases due to the ignorance of the victims on the right to civil action.

For effective respect of the right to justice and effective remedy for the victims of gender-based violence, the Commission recommends the following:

- Put in place appropriate procedure to reduce the imbalance in awarding the damages in the cases of similar nature in cases related to gender-based violence;
- Sensitize the citizens on the legal provisions related to gender-based violence, preserve pieces of evidence to the victims of violence, disclose the offenders and file civil actions.

PART TWO: PREVENTION OF TORTURE AND OTHER, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The Constitution of the Republic of Rwanda of 2003 revised in 2015 in its Article 14, paragraph 2, provides that “No one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment”.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10/12/1984 was ratified by Rwanda by the Presidential Order N° 51/01 of 5 September 2008.

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified by Rwanda on 12/02/2014 in its Articles 3 and 17 provides that “each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (NPM: National Preventive Mechanism)”.

The International Covenant on Civil and political Rights in its Articles 7 and 10 provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. The article 10 of the same Covenant provides that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

The African Charter on human and people’s rights, in its Article 5, provides that “ every individual shall have the rights to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited”.

The Law N° 68/2018 of 30/08/2018 amended by Law N° 69/2019 of 8/11/2019 governing offences and penalties in general in its Article 112 provides that “Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or third person information or confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind”.

Inhuman or degrading acts are those causing physical or mental pain and suffering (Doctrine of the General Assembly of the International Committee of Red Cross of 9 June 2011).

Degrading acts are those which deprive a human being of his/her dignity so that the victim feels that they are detrimental to him/her (Doctrine of the General Assembly of the International Committee of Red Cross of 9 June 2011).

The Law N°19/2013 of 25/03/2013 modified by Law N°61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights, in its Article 6, provides that the Commission has special mission as regards to the prevention of torture and other cruel, inhuman and degrading acts, including carrying out visits on regular basis, announced and unannounced and whenever necessary, custodial places in order to fulfil its mission.

It is in this context that, in 2021-2022, the Commission monitored the respect of the human rights in correctional facilities, investigation custodies transit centers, rehabilitation centers, centers for elderly, hospitals and centers which provide mental health services. After the monitoring, the Commission held discussions with the Ministry of Justice, the Ministry of Interior, the Ministry of Health, the Ministry of Local Government, Rwanda Correctional Service, Rwanda National Police, the National Public Prosecution Authority, Rwanda Investigation Bureau and Rwanda Biomedical Center for settling the issues observed during the monitoring activities conducted in 2021-2022.

2.1. MONITORING OF THE RESPECT OF THE RIGHTS OF INCARCERATED PERSONS

In November and December 2021 and in February 2022, the Commission carried out the monitoring on human rights in 14 correctional facilities to ensure how the rights of incarcerated persons are respected in order to prevent the torture and other cruel, inhuman and degrading treatment or punishment.

The monitoring was conducted in the following correctional facilities: Bugesera, Gicumbi, Huye, Muhanga, Musanze, Ngoma, Nyagatare, Nyamagabe, Nyanza, Nyarugenge, Rwamagana, Rubavu, Rusizi and Mulindi Military Prison.

2.1.1. Number and categories of incarcerated persons

The table below indicates the number of men, women, boys and girls incarcerated in the correctional facilities by the time of visits.

Table n°6: Monitored correctional facilities, date of visit, number and categories of incarcerated persons, offences, accommodation capacity and the percentage for each prison

Correctional facility	Visit date	OFFENCES																		Grand total	Accommodation capacity of Correctional facility ¹²	Percentage of the number of incarcerated persons compared to the accommodation capacity
		COMMON OFFENCES										GENOCIDE										
		Persons on remand					Prisoners					Grand Total	Prisoners			Persons on remand			Grand Total			
		Men	Women	Boys	Girls	Total	Men	Women	Boys	Girls	Total		Men	Women	Total	Men	Women	Total				
1. Bugesera	25/11/2021	1363	0	0	0	1363	328	0	0	0	328	1691	1775	0	1775	0	0	0	1775	3466	2782	124,5%
2. Gicumbi	25/11/2021	2553	0	0	0	2553	412	0	0	0	412	2965	554	0	554	1	0	1	555	3520	2000	176%

¹ The number of detainees according to prison accommodation capacity has been provided by RCS through the letter N° 458/CG/RCS/MM/20 of 17/7/2020.

² Boys and girls are children aged between 14 and 18.

Correctional facility	Visit date	OFFENCES																		Grand total	Accommodation capacity of Correctional facility ¹²	Percentage of the number of incarcerated persons compared to the accommodation capacity
		COMMON OFFENCES										GENOCIDE										
		Persons on remand					Prisoners					Grand Total	Prisoners			Persons on remand			Grand Total			
		Men	Women	Boys 13	Girls	Total	Men	Women	Boys	Girls	Total		Men	Women	Total	Men	Women	Total				
3. Huye	25/11/2021	5924	0	0	0	5924	948	0	0	0	948	6872	5898	0	5898	1	0	0	5899	12.771	9000	141%
4. Muhanga	24/11/2021	4049	322	2	0	4373	975	76	11	0	1062	5435	1048	158	1206	5	0	5	1211	6646	2720	244%
5. Mulindi ¹⁴	03/12/2021	295	4	0	0	299	203	1	0	0	204	503	14	0	14	0	0	0	14	517	800	64,6%
6. Musanze	23/11/2021	2548	592	5	0	3145	369	88	26	1	484	3629	129	80	209	1	0	1	210	3839	2272	168,9%
7. Ngoma	23/11/2021	0	653	0	0	653	0	170	0	0	170	823	244	297	541	0	0	0	541	1364	1300	104,9%
8. Nyagatare ¹⁵	25/11/2021	82	0	360	17	459	0	0	50	3	53	512	97	6	103	0	0	0	103	615	574	107%

¹⁴ Mulindi Military Prison hosts the soldiers.

¹⁵ Nyagatare Juvenile Correctional facility is destined to rehabilitate the young offenders.

Correctional facility	Visit date	OFFENCES																		Grand total	Accommodation of Correctional facility ¹²	Percentage of the number of incarcerated persons compared to the accommodation capacity
		COMMON OFFENCES											GENOCIDE									
		Persons on remand					Prisoners					Grand Total	Prisoners			Persons on remand			Grand Total			
		Men	Women	Boys	Girls	Total	Men	Women	Boys	Girls	Total		Men	Women	Total	Men	Women	Total				
9. Nyamagabe	24/11/2021	4	432	0	0	436	0	50	0	0	50	486	463	969	1432	0	0	0	1432	1918	2200	87%
10. Nyanza	24/11/2021	1682	0	0	0	1682	3	0	0	0	3	1685	5163	0	5163	3	0	3	5166	6851	7500	91,3%
11. Nyarugenge	02/12/2021	4908	730	0	0	5638	3381	505	0	0	3886	9524	1133	223	1356	9	3	12	1368	10892	12000	90,7%
12. Rubavu	25/11/2021	5085	0	0	0	5085	902	0	0	0	902	5987	1980	0	1980	3	0	3	1983	7970	6183	128,9%
13. Rusizi	25/11/2021	2160	0	4	0	2164	240	0	0	0	240	2404	1266	0	1266	0	0	0	1266	3670	2450	149,9%
14. Rwamagana	25/11/2021	9635	0	0	0	9635	2882	0	0	0	2882	12517	3117	0	3117	1	0	1	3118	15635	9520	164%

Correctional facility	Visit date	OFFENCES																Grand total	Accommodation capacity of Correctional facility ¹²	Percentage of the number of incarcerated persons compared to the accommodation capacity		
		COMMON OFFENCES									GENOCIDE											
		Persons on remand					Prisoners				Grand Total	Prisoners			Persons on remand						Grand Total	
		Men	Women	Boys	Girls	Total	Men	Women	Boys	Girls		Total	Men	Women	Total	Men	Women					Total
TOTAL		4028	273	371	17	43409	1064	890	87	4	1162	55033	228	173	24614	23	3	26	24640	79673	61301	129.9%

As indicated in table n°5, there were **79673** persons incarcerated in 14 monitored correctional facilities including **73835** men, **5359** women, **458** boys and **21** girls.

The total number of incarcerated persons is **68023** (63169 men, 4466 women, 571 boys and 17 girls) and detainees are 11650 (10666 men, 893 women, 87 boys and 4 girls).

The persons incarcerated for common offences are **55033** including **43409** prisoners (40288 men, 2733 women, 371 boys and 17 girls), **11624 persons on remand** (10643 men, 890 women, 87 boys and 4 girls).

The persons incarcerated for genocide are **22640** including **24640** prisoners (22881 men and 1733 women) and **26** persons on remand including **23** men and **3** women.

The Commission calculated the percentage of the persons in correctional facilities in comparison to their accommodation capacity in order to assess the prison congestion. It noticed that the 14 monitored correctional facilities with the accommodation capacity of **61301** persons host **79673** equaling **129.9%** of their capacity.

Correctional facilities which have a high number of incarcerated persons in comparison with their accommodation capacity are Muhanga (244%), Gicumbi (176%), Musanze (168,9%), Rwamagana (164,2 %), Rusizi (149,9%), Huye (138,6%), Bugesera (124,5%), Rubavu (128,9%), Nyagatare (107,1%), and Ngoma (104,9%).

Correctional facilities with a low prison congestion are Mulindi Military Prison (64,6%), Nyamagabe (87,1%), Nyarugenge (90,7%) and Nyanza (91,3%).

In comparison to 2020-2021, the number of incarcerated persons increased because it shifted from 76099 equaling 124.1% to **79673** equaling 129.07%. The prison congestion rate was increased of **4.9%** in the year 2021-2022.

The Commission noticed that the prison congestion rate in correctional facilities affect the welfare of incarcerated persons, to the stage that there are some of them who have no where to sleep inside the prison and they spend night outside.

During the discussions held between the Commission and the Ministry of Interior and the Ministry of Justice, it noted that there are strategies to decrease the prison congestion rate in correctional facilities including the provision of non-custodial alternatives to imprisonment provided for by Law N° 027/2019 of 19/09/2019 relating to the criminal procedure, refurbishment of old correctional facilities, relocation of prisoners from correctional facilities with high prison congestion rate to the ones with the low prison congestion rate in consideration of the principle of detaining a sentenced person in a prison located near his/her family and applying for release on parole for prisoners with good behavior in correctional facilities.

The Commission recommends to speed up the strategies for decreasing the prison congestion rate in correctional facilities.

2.1.2. The respect of the rights of incarcerated persons

The Commission monitored the respect of the rights of **incarcerated persons**, including the right to adequate food, the right to health, the right to education, the right to be visited by family members, the right to fair trial and the right to be not subjected to torture and other cruel, inhuman and degrading treatment or punishment.

2.1.2.1 The right to adequate food

Law N° 34/2010 of 12/11/2010 modified and complemented by Law N° 19 bis/2017 of 28/04/2017 on the establishment, functioning and organisation of Rwanda Correctional Service (RCS), in its Article 36 provides that “Any incarcerated person has an inalienable right to a sufficient daily ration of food with a balanced nutritional value as well as the accessibility to adequate clean drinking water provided by the Government”.

During the monitoring carried out by the Commission, it found that the incarcerated persons are provided with adequate food twice a day. In order to improve the nutrition, all correctional facilities grow vegetables which complements that diet. Sick persons with chronic diseases, pregnant and breastfeeding women, the elderly and the persons with HIV/AIDS are provided with diet with additive nutrients. Children living with their mothers are provided with special nutrient diet.

2.1.2.2. The right to health

Law N° 34/2010 of 12/11/2010 modified and complemented by Law N° 19 bis/2017 of 28/04/2017 the establishment, functioning and organisation of Rwanda Correctional Service (RCS), in its Article 39 states that “Every prison shall have a medical doctor charged with the health care of incarcerated persons. Every incarcerated person has the same right to medical care as any other citizen.”

During the monitoring, the Commission found that every correctional facility has a medical facility for detainees and prisoners with illness symptoms which are not severe. Each detainee or prisoner who is admitted to the correctional facility is checked for ensuring that he/she has not communicable diseases. A person seriously sick is transferred to the nearest medical facility which can transfer him/her to other medical facility according to the illness, and he/she gets medical treatment using the medical insurance scheme provided by the prison. All sick persons are appropriately treated.

2.1.2.3. The right to education and training

Article 104 of The United Nations Standard Minimum Rules for the Treatment of Detainees and Prisoners, known as the Nelson Mandela Rules, states that “Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration”.

During the monitoring, the Commission found that all correctional facilities provide literacy courses for illiterate persons who wish so.

In Nyagatare Juvenile Correctional facility, children attend primary and ordinary level schools and vocational training including welding, sewing and construction. In 2021-2022, the Commission found that 453 children including 21 girls and 432 boys are attending courses. In primary schools (P1-P6) there are 274 children (15 girls and 259 boys), in ordinary level there are 43 children (1 girl and 42 boys), in vocational training there are 136 children (5 girls and 131 boys).

The Commission found that from 2020-2021, Correctional facilities of Rubavu, Nyanza, Rwamagana, Nyarugenge and Huye had introduced vocational training on car mechanics, hairstyling, sewing, electricity, plumbing, construction, welding, arts and technology according to the curricula prepared by Rwanda TVET Board – RTB and they are awarded certificates when they graduate. Those who are

allowed to attend the vocational trainings are those who have been sentenced and are serving penalties, their total number is **603** (496 males and 107 females).

During discussions with the Commission, the Ministry of Interior stated that the Ministry of Education makes inspections on education in Nyagatare Juvenile correctional facility and it is planned that the children have to attend and cover the whole secondary school program.

2.1.2.4. The right to be visited by family members

Law N° 34/2010 of 12/11/2010 modified and complemented by Law N° 19 bis/2017 of 28/04/2017 on the establishment, functioning and organisation of Rwanda Correctional Service (RCS), in its Article 40, provides that “Without prejudice to the public order, every incarcerated person has the right to be visited at the hours and on the days set by the internal rules and regulations of the prison, and to communicate with visitors in the presence of a prison guard or other competent prison staff”.

By the time of the monitoring of the correctional facilities, the Commission found that incarcerated persons were not visited for preventing the spread of COVID-19 pandemic, but it was informed that in February 2022, the RCS published the Instructions n°13/2022 of Commissioner General of RCS of 14/02/2022 regulating visits to detainees and prisoners during the period of COVID-19 pandemic. Those instructions provide for modalities of visiting incarcerated persons whereby visitors must be tested on COVID-19 pandemic within a period of 72 hours before the visit day and should have been vaccinated with at least two doses COVID-19 vaccine.

2.1.2.5. Right to justice

The commission monitored the right of the incarcerated persons to have a legal counsel, the right to access documents related to the trials in Integrated electronic management system (IECMS), the right to a sign language interpreter for the deaf or visual impairment persons, the right to an interpreter for foreign prisoners, right to have a lawyer and to communicate with their country's embassies or consulars, the right of the child in conflict with the law, the right to legal detention and the right to be teied in a reasonable time. The commission also held discussions with institutions and organizations that provide legal assistance.

- ***Right to legal assistance***

The Law n° 027/2019 of 19/09/2019 relating to criminal, in its article 46, provides that the investigator or the prosecutor notifies the suspect that he has the right to legal assistance and to speak with her legal assistant in camera. If he is unable to find a lawyer, the investigator or the prosecutor shall notify the President of the Bar Association to appoint one forth him/her.

The Commission found that the Ministry of Justice has entered into an agreement with the Rwandan Bar Association to provide legal assistance to children who are in conflict with the law, the vulnerable persons who have their cases in the Court of Appeal and in the Supreme Court and those who have been transfered by foreign courts and the International Residual Mechanism for Criminal Tribunals, were prosecuted for the crime of genocide perpetrated against the Tutsis in 1994. The cost is paid by the Ministry of Justice.

The commission found that for other prisoners who are not in the categories mentioned above, in case there is someone who needs a lawyer having the ability, looks for him/her, when s/he is vulnerable person, writes to the Rwanda Bar Association with authorization of the prison management, but it is often that the lawyers provided by the Bar Association are availed on time which lead to many prisoners to face courts without being assisted.

In discussions the Commission had with non-governmental organizations that provide legal aid, it found that those who pro bono services from non-governmental organizations in correctional facilities are pre-trial detainees. The person who needs such service must be in the first or second category of vulnerable persons of UBUDEHE. The commission found that those organizations provide assistance according to the budget they have, consequently, this assistance does not reach to all the needy in the prison.

The Ministry of Justice in discussion with the Commission, said that it will work more closely with the Rwandan Bar Association in order to monitor the service delivery of legal assistance for children and the vulnerable persons.

- ***The right to be allowed to read or receive documents related to cases in electronic system (IECMS)***

Article 75 of Law N^o 27/2019 of 19/09/2019 relating to criminal procedure provides that upon submission of the case file to the court, the public prosecution immediately submits it to the suspect and his or her counsel, if any.

Based on what was found in the monitoring it carried out in 14 Correctional facilities, the Commission found that in all Correctional facilities the detainees are allowed to read or receive documents related to their cases. Every prison has a put in placea room for inmates to read documents related to their cases, but due to the COVID-19 pandemic, the time spent in computer rooms was reduced because those rooms are frequently used for e-court. In the interview the Ministry of Internal affairs had with the Commission, said that in the year 2021-2022 it provided computers to every prison and this work will continue this year and in the following years in accordance with the availability of budget.

The commission finds that the computers used in court hearing and in reading the files of prisoners should continue to be increased so that those who need court hearing and those who need to read their files would be able to do it easily.

- ***The right to a sign language interpreter for those who are hearing impairment***

During the inspection carried out by the Commission, it found that a sign language interpreter is given to the prisoner who is in need, and there are obstacles for prisoners with hearing impairment who do not learn sign language and do not know how to read and write, which make it difficult to express their opinions. The Commission has learnt that in solving this problem, non-professional interpreters intervene.

- ***The right to an interpreter for foreign prisoners, to have a lawyer and to communicate with the representatives of their countries***

Article 204 of Law N^o 27/2019 of 19/09/2019 relating to the criminal procedure provides that " the language of the court is Kinyarwanda. However, the court can conduct the hearing in another official language. The party in proceedings can litigate in a language that he or she understands very well and the court seeks an interpreter."

During the inspection, the Commission found that foreigners who do not understand the Kinyarwanda language are provided with interpreters and lawyers. A foreigner who has the capacity finds a lawyer by him/herself, and those who cannot afford him, is provided by Non-Governmental Organisations which provide legal aid. Refugees are provided lawyers by the United Nations High Commissioner for Refugees (UNHCR). Foreigners are allowed to communicate with the representatives of their countries in Rwanda and visit them in the prison where they are imprisoned.

- ***The rights of a child who is in conflict with the law***

Article 26 of Law N^o 71/2018 of 31/08/2018 relating to the protection of child provides that The privacy of a child under prosecution or the victim must be respected and protected at all stages of criminal proceedings. The Government shall provide legal assistance to a child who has no guardian when he/she is tried before courts. The child's case referred to in this provision is tried in camera by a relevant court. The identity of a child under prosecution or victim should, in any case, be disclosed to the public or to the media.

In the inspection carried out by the Commission, it found that all the children were freely assisted in the criminal justice system based on the agreement between the Ministry of Justice and the Rwanda Bar Association. Children are assisted from the time of arrest to the courts, and the privacy of a child is always protected as the child's name are not recorded, but only initial letters are used.

The Commission found that the way in which legal assistance services are provided to children should be improved because some lawyers meet with children in court without preparing the hearing together and force them to guilty plea in order to mitigate their penalties. The commission also found that the contract of the children's lawyers lasts for one year after the end of the ongoing case, which affects their appeal.

- ***Rights of pre-trial detainees***

Article 79 paragraph 1 of the Law N^o 027/2019 of 19/09/2019 relating to the criminal procedure stipulates that the The provisional detention order against a suspect is valid for thirty (30) days including the date on which it was rendered. The order is subject to renewal for more thirty (30) days on a continuous basis. The renewal of such thirty (30) days must be justified in relation to what was done in the previous thirty (30) days in regard to the investigation and the objective of additional time requested. However, for petty offences, if the period of thirty (30) days expires, it is not renewed. For misdemeanours, the period cannot be renewed after three (3) months the person is in detention, and for felonies such a period cannot be renewed after six (6) months the person is in detention. If the time limits provided for under this Paragraph expire before the case file is submitted to the court, the suspect under provisional detention is granted provisional release.

In the inspection carried out by the Commission, it found that the right of the provisional detainees for 30 days is respected because no detainee was found to have continued to be imprisoned and those 30 days

have not been extended, or it has been increased more times than expected in accordance with the criminal procedure Code.

- ***The right to be heard in reasonable time***

The commission checked whether there are prisoners whose cases have been postponed more than three times and the reasons why they were postponed, and whether there are cases that have been brought before the courts but have been pending for more than 6 months.

Cases postponed more than twice and reasons for adjournment: Law N^o 22/2018 of 29/04/2018 regarding to the civil, commercial, labour and administrative procedure in its article 17, which provides that “the adjournment of a case for reasons specific to parties is subject to consideration and approval by the court and can only occur in case of unforeseen and special reasons”.

In the inspection carried out by the Commission, it found that there were **24** cases adjourned more than two (2) times, due to various reasons including cases postponed due to the COVID-19 pandemic; cases were adjourned because the accused were waiting for lawyers; adjournments due to judges being busy in other attributions, adjournments due to illness of litigants and cases adjourned due to summoning of litigants who have unknown residence.

The commission finds that the right of detainees and prisoners of not to have their cases postponed more than 2 times for the reasons of the parties is respected by the courts because all 24 cases were postponed for reasonable motives and approved by the court.

Cases that have been pending for more than six (6) months without being started trying: Law N^o 22/2018 of 29/04/2018 relating to civil, commercial, labour and administrative procedure in its article 16 (1) stipulates that “any case referred to the court must be decided within six (6) months from the date the claim is referred to the court”.

The commission checked if there are prisoners in the prison whose cases have been pending for more than six (6) months without being tried, and found that there are **20** prisoners in Gicumbi Prison, **24** in Nyagatare Prison, **87** in Ngoma Prison, **101** in Rubavu Prison, **182** in Muhanga Prison, **319** in Rwamagana Prison and **3** Nyarugenge Prison.

While the Commission was preparing this report, it learned that some of these cases were tried in Nyagatare Prison, **21** cases remain, Ngoma Prison **41**, Rubavu Prison **43**, Nyarugenge Prison **3**, Muhanga Prison **105** and Rwamagana Prison **113**. The Commission learned that the adjournment of cases was caused by the COVID-19 pandemic and therefore found that no human rights violations had occurred.

2.1.2.6. The right not to be subject to torture and other cruel, inhuman or degrading treatment or punishment:

Law N^o 34/2010 of 12/11/2010 modified and supplemented by Law N^o 19 bis/2017 of 28/04/2017 on the establishment, functioning and organisation of Rwanda Correctional Service (RCS) in its article 30, provides that “a person detained must be treated in a manner that respects human rights; in particular, the protection against physical torture, cruel or inhuman and any other degrading treatment”.

During the inspection, the Commission talked in privacy to the detainees and prisoners who were detained in the prison's cells and found that there is no acts of torture or other cruel, inhuman or degrading treatment or punishment.

2.1.3. Conclusion

In the monitoring activities carried out by the Commission in 14 correctional facilities, it found that the rights of the incarcerated persons are respected. Those rights include the right to justice, well-being and freedom from torture and other cruel, inhuman or degrading treatment or punishment.

The commission found that all 14 correctional facilities host 79,673 prisoners, which is 129.9% of their capacity. The highest prison congestion was observed in Muhanga, Gicumbi, Musanze, Rwamagana, Rusizi, Huye, Bugesera, Rubavu, Nyagatare and Ngoma Correctional facilities.

It found that the right of prisoners to justice is respected because children and vulnerable people are helped to find lawyers, no pre-trial detainee was found to have continued detention yet 30 days have passed without being extended, or has been extended more than the number of times provided by law and no prisoner or inmate has had his trial postponed more than two (2) for illegal reasons.

It also found that there is no act of torture or other cruel, inhuman or degrading treatment or punishment of prisoners and that the rights of detainees and prisoners to social welfare are respected.

2.2. MONITORING IN RIB STATIONS CELLS

The commission monitored the respect of human rights in 70 RIB stations cells located in all districts of the country. The monitoring focused on the detainees' right to justice, welfare and freedom from torture and other cruel, inhuman or degrading treatment or punishment.

The 70 RIB stations cells monitored are the following: Nyamata, Ruhuha, Gashora, Cyanika, Butaro, Gakenke, Ruli, Kimironko, Rusororo, Remera, Kiramuruzi, Ngarama, Byumba, Rutare, Kaniga, Ndora, Save, Simbi, Gacurabwenge, Bwishyura, Gashari, Kabarondo, Rukara, Kicukiro, Gikondo, Nyarubuye, Nyakarambi, Nyamabuye, Muhanga, Kiyumba, Muhoza, Busogo, Kibungo, Sake, Rukira, Kabaya, Gatumba, Jomba, Mukamira, Nyagatare, Rwimiyaga, Gatunda, Gasaka, Kaduha, Musebeya, Ruharambuga, Kanjongo, Busasamana, Kibirizi, Ntyazo, Nyarugenge, Rwezamenyo, Kibeho, Ngera, Gisenyi, Kanama, Bweramana, Ruhango, Murambi, Shyorongi, Kamembe, Nyakabuye, Muganza, Nyarenzo, Gihango, Ruhango, Kigabiro, Karengye and Nzige.

2.2.1. Number of detainees in RIB stations cells

Table n° 6: Inspected RIB stations cells, District, Period of inspection, Number of detainees and Their Categories

District	Inspected RIB station cell	date of inspection	Number of detainees	Males						Females					
				PVA	MAP	Provisional detention order or copy of judgment	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees	PVA	MAP	provisional detention order or copy of judgment Detainees	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees
Bugesera	1. Nyamata	26/11/2021	51	9	32	2	-	-	-	2	4	2	-	-	-
	2. Ruhuha	22/02/2022	3	2	-	-	-	-	-	1	-	-	-	-	-
	3. Gashora	23/02/2022	5	4	-	-	-	-	-	1	-	-	-	-	-
Burera	4. Cyanika	23/02/2022	23	6	-	-	-	9	-	8	-	-	-	-	-
	5. Butaro	23/02/2022	8	7	-	-	-	-	-	1	-	-	-	-	-
Gakenke	6. Gakenke	22/02/2022	48	8	30	-	-	-	-	1	7	2	-	-	-
	7. Ruli	22/02/2022	0	-	-	-	-	-	-	-	-	-	-	-	-
Gasabo	8. Kimironko	02/12/2021	166	36	35	53	-	17	-	9	12	4	-	-	-
	9. Rusororo	02/12/2021	162	9	50	85	-	1	-	3	14	-	-	-	-
	10. Remera	24/02/2022	20	1	15	-	-	-	-	1	3	-	-	-	-
Gatsibo	11. Kiramuruzi	22/02/2022	222	7	158	43	-	-	-	2	9	3	-	-	-

District	Inspected RIB station cell	date of inspection	Number of detainees	Males						Females					
				PVA	MAP	Provisional detention order or copy of judgment	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees	PVA	MAP	provisional detention order or copy of judgment Detainees	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees
	12. Ngarama	22/02/2022	33	8	19	-	-	-	-	1	5	-	-	-	-
Gicumbi	13. Byumba	24/11/2021	81	-	60	1	-	11	-	2	7	-	-	-	-
	14. Rutare	21/02/2022	10	10	-	-	-	-	-	-	-	-	-	-	-
	15. Kaniga	22/02/2022	18	9	4	4	-	-	-	1	-	-	-	-	-
Gisagara	16. Ndora	24/02/2022	36	6	28	-	-	-	-	1	1	-	-	-	-
	17. Save	25/02/2022	0	-	-	-	-	-	-	-	-	-	-	-	-
Huye	18. Ngoma	26/11/2021	117	29	66	7	-	-	-	5	7	3	-	-	-
	19. Simbi	23/02/2022	12	11	1	-	-	-	-	-	-	-	-	-	-
Kamonyi	20. Gacurabwenge	21/02/2022	103	9	86	-	-	2	-	-	6	-	-	-	-
Karongi	21. Bwishyura	21/02/2022	62	31	12	17	-	-	-	-	2	-	-	-	-
	22. Gashari	22/02/2022	7	1	6	-	-	-	-	-	-	-	-	-	-
Kayonza	23. Kabarondo	21/02/2022	81	24	20	26	-	-	-	5	6	-	-	-	-
	24. Rukara	21/02/2022	129	18	25	80	-	-	-	2	4	-	-	-	-

District	Inspected RIB station cell	date of inspection	Number of detainees	Males						Females					
				PVA	MAP	Provisional detention order or copy of judgment	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees	PVA	MAP	provisional detention order or copy of judgment Detainees	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees
Kicukiro	25. Kicukiro	02/12/2021	80	18	48	8	-	6	-	-	-	-	-	-	-
	26. Gikondo	02/12/2021	17	-	-	-	-	-	-	2	9	6	-	-	-
Kirehe	27. Nyarubuye	23/02/2022	53	7	24	17	-	-	-	-	3	2	-	-	-
	28. Nyakarambi	23/02/2022	41	6	24	10	-	-	-	-	1	-	-	-	-
Muhanga	29. Nyamabuye	23/01/2021	126	21	68	26	-	-	-	2	3	6	-	-	-
	30. Muhanga	22/02/2022	15	5	10	-	-	-	-	-	-	-	-	-	-
	31. Kiyumba	21/02/2022	12	6	4	-	-	2	-	-	-	-	-	-	-
Musanze	32. Muhoza	24/11/2021	85	16	17	44	-	-	-	1	6	1	-	-	-
	33. Busogo	25/02/2022	4	-	-	-	-	4	-	-	-	-	-	-	-
Ngoma	34. Kibungo	23/11/2021	67	25	26	10	-	-	-	-	3	3	-	-	-
	35. Sake	22/02/2022	13	-	12	-	-	-	-	-	1	-	-	-	-
	36. Rukira	24/02/2022	0	-	-	-	-	-	-	-	-	-	-	-	-
Ngororero	37. Kabaya	23/02/2022	8	8	-	-	-	-	-	-	-	-	-	-	-

District	Inspected RIB station cell	date of inspection	Number of detainees	Males						Females					
				PVA	MAP	Provisional detention order or copy of judgment	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees	PVA	MAP	provisional detention order or copy of judgment Detainees	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees
	38. Gatumba	23/02/2022	60	21	33	-	-	-	-	2	4	-	-	-	-
Nyabihu	39. Jomba	24/02/2022	48	5	43	-	-	-	-	-	-	-	-	-	-
	40. Mukamira	25/02/2022	43	5	31	-	-	-	-	-	7	-	-	-	-
Nyagatare	41. Nyagatare	26/11/2021	229	19	167	21	-	-	-	-	21	1	-	-	-
	42. Rwimiyaga	24/02/2022	4	3	-	-	-	1	-	-	-	-	-	-	-
	43. Gatunda	24/02/2022	32	8	19	5	-	-	-	-	-	-	-	-	-
Nyamagabe	44. Gasaka	24/11/2021	54	14	20	10	-	-	-	5	5	-	-	-	-
	45. Kaduha	21/02/2022	11	1	10	-	-	-	-	-	-	-	-	-	-
	46. Musebeya	22/02/2022	4	4	-	-	-	-	-	-	-	-	-	-	-
Nyamasheke	47. Ruhambuga	22/02/2022	45	12	20	9	-	-	-	-	4	-	-	-	-
	48. Kanjongo	23/02/2022	16	-	15	-	-	-	-	-	1	-	-	-	-
Nyanza	49. Busasama	24/11/2021	17	1	10	3	-	-	-	3	-	-	-	-	-
	50. Kibirizi	23/02/2022	5	4	-	-	-	-	-	1	-	-	-	-	-

District	Inspected RIB station cell	date of inspection	Number of detainees	Males						Females					
				PVA	MAP	Provisional detention order or copy of judgment	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees	PVA	MAP	provisional detention order or copy of judgment Detainees	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees
	51. Ntyazo	23/02/2022	4	4	-	-	-	-	-	-	-	-	-	-	-
Nyarugenge	52. Nyarugenge	02/12/2021	53	15	17	-	-	-	-	5	13	3	-	-	-
	53. Rwezamanyo	02/12/2021	77	6	42	28	-	-	1	-	-	-	-	-	-
Nyaruguru	54. Kibeho	23/02/2022	73	5	56	9	-	-	-	-	3	-	-	-	-
	55. Ngera	24/02/2022	1	1	-	-	-	-	-	-	-	-	-	-	-
Rubavu	56. Gisenyi	26/11/2021	165	28	47	52	-	11	-	-	-	9	-	-	18
	57. Kanama	25/02/2022	75	17	28	16	-	5	1	5	3	-	-	-	-
Ruhango	58. Bweramana	21/02/2022	0	-	-	-	-	-	-	-	-	-	-	-	-
	59. Ruhango	22/02/2022	51	14	23	7	-	-	-	2	5	-	-	-	-
Rulindo	60. Murambi	24/02/2022	67	8	24	10	-	22	-	1	2	-	-	-	-
	61. Shyorongi	23/02/2022	4	-	-	-	4	-	-	-	-	-	-	-	-
Rusizi	62. Kamembe	26/11/2021	87	22	54	4	-	1	-	4	2	-	-	-	-
	63. Nyakabuye	23/02/2022	2	2	-	-	-	-	-	-	-	-	-	-	-

District	Inspected RIB station cell	date of inspection	Number of detainees	Males						Females					
				PVA	MAP	Provisional detention order or copy of judgment	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees	PVA	MAP	provisional detention order or copy of judgment Detainees	detainees without detention paper	Detainees to send to "Transit Center"	Directorate of Immigration and Emigration Detainees
	64. Muganza	23/02/2022	128	8	101	8	-	4	-	-	5	1	-	1	-
	65. Nyakarenzo	22/02/2022	0	-	-	-	-	-	-	-	-	-	-	-	-
Rutsiro	66. Gihango	23/02/2022	53	13	17	18	-	-	-	2	2	1	-	-	-
	67. Ruhango	23/02/2022	2	2	-	-	-	-	-	-	-	-	-	-	-
Rwamagana	68. Kigabiro	24/11/2021	118	28	42	40	-	-	-	2	2	4	-	-	-
	69. Karengé	21/02/2022	2	-	-	-	-	2	-	-	-	-	-	-	-
	70. Nzige	21/02/2022	88	21	34	32	-	-	-	-	-	1	-	-	-
Total			3536	648	1733	705	4	98	2	83	192	52	0	1	18

As described by Table N^o 6 , in the 70 RIB stations cells that were monitored, there were 3536 detainees, consisting of 3190 men and 346 women. 99.9% of the detainees had their documents, means that PVA, MAP, decision of provisional detention, the form to be taken to the transit center and the arrest warrant filled by the Direction of Immigration and Emigration in the Country³⁵, while 0.1%, to mean 4, had no arrest warrant, and the Commission found that it was the time they were brought to the RIB Station, awaiting interrogation.

The RIB Stations RIB Stations custodies with the so many detainees are Nyagatare Prison (**229**), Kiramuruzi (**222**), Kimironko (**166**), Gisenyi (**165**), Rusororo (**162**), Rukara (**129**), Muganza (**128**), Nyamabuye (**126**), Ngoma (**117**) and Gacurabwenge (**103**) because they are close to courts. Among these detainees are those who are waiting for interrogation by the prosecutor, those who are waiting for trial, those who are waiting pronouncement or who had their decision pronounced but are still in RIB stationS waiting for a car to take them to prison.

2.2.2. Rights of Detainees in RIB Station Custody

The commission monitored the respect of the rights of detainees including the right to justice, to social welfare, the right to inform their families of place of detention and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

2.2.2.1. Right to justice

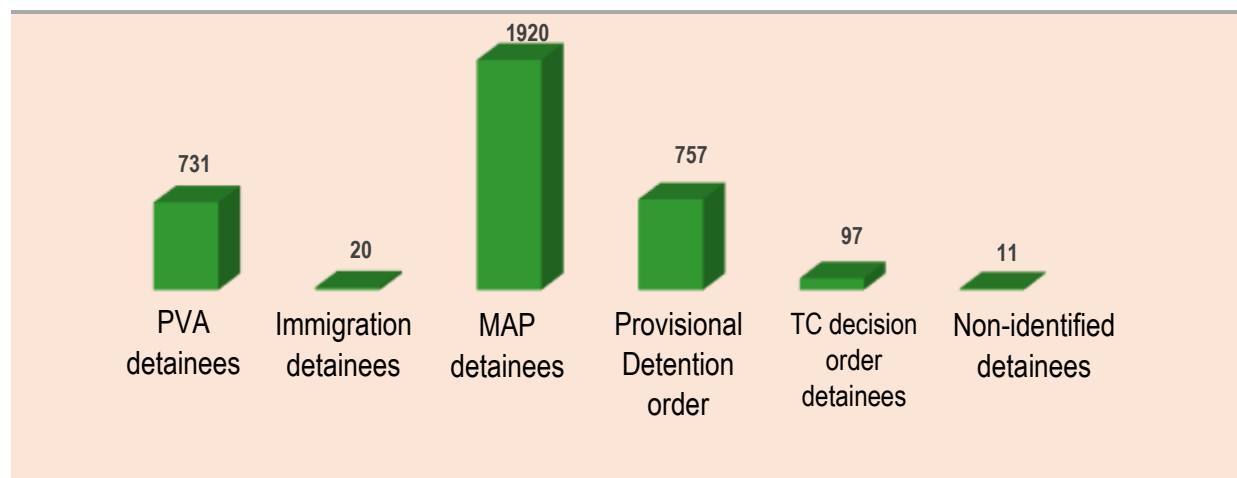
The commission checked the files of those who are detained in RIB Station RIB Station custody to find out if they were detained in accordance with the law. It also inspected that the right to defense is respected, to have an interpreter including sign language when s/he does not understand the language of the trial, the right to read the statement made by the investigator before signing it and the right to access to information on the file made by the prosecutor before pretrial detention.

- **Files of detainees in RIB stations cells**

The Commission, based on Law N^o 027/2019 of 19/09/2019 relating to the criminal procedure in its articles 35, 66 and 77 dealing with the arrest and imprisonment of those who are accused of crimes, inspected the files of detainees in RIB Station custody include the PVA, the MAP and the Decision of Provisional Detention taken by the Judge.

³⁵ Article 31 of Law n^o 57/2018 of 13/08/2018 On Immigration and Emigration in Rwanda provides that an immigration officer of has the power of criminal investigation.

Graph n°8: Number of detainees according to their detention orders



As shown by Graph no 8 , there were **3536** detainees in the inspected custody, of which **731** (20.7%) detainees were imprisoned on PVA, **1920** (54.3%) detainees were imprisoned on MAP, **757** (21.4%) detainees were imprisoned on decision of provisional detention or on a judgment for the accused summary proceeding, **11** (0.1%) detainees did not have arrest warrants because it was the time they were brought to the RIB Station, **97** (2.7%) detainees were detained on a transit centers order, **20** (0.5%) detainees were detained on an Immigration and Emmigration Service form.

The commission found that the right of the detainees to be imprisoned in a way that complies with the law is respected, because all of those who were in RIB Station custody had the arrest papers provided by the law which are not expired.

- ***The right to defense***

Law N^o 027/2019 of 19/09/ relating to the criminal procedure, in its article 46, provides that n investigator or a prosecutor notifies the suspect of his/her right to legal counsel and to have private communication with him or her. If a suspect is unable to get a legal counsel, the investigator or the prosecutor informs the President of the Bar Association for him or her to assign a legal counsel to the suspect.

The commission found that during the interrogation, the investigator and the prosecutor notifies the detainees that they have the right to legal representation and to communicate with their legal counsels in private. However, the Commission found that few vulnerable detainees are given legal counsels.

It also found that there is no communication means that can be used by the investigator or the prosecutor to notify the President of the Bar Association or other legal aid organizations to find for vulnerable detainees legal counsels in short time.

In an interview with the Commission, the Ministry of Justice said that it will work more closely with the Rwandan Bar Association in order to monitor the deliverly of the legal aid services for the vulnerables.

The Commission finds that it is necessary to improve the way of helping the vulnerable detainees to find for them legal counsels from the investigation bureau, the prosecution and the courts so that they find justice.

- ***Right to an interpreter***

Article 4 (h) of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) stipulates that detainees have the right to be provided with an interpreter and information.

In the RIB Stations custodies that the Commission inspected, it found that there are foreign detainees who do not know kinyarwanda language, who speak English, French and Swahili, and among the investigators and prosecutors there are those who know well so that there is no the need for an interpreter to interrogate a suspect. The commission found that when an investigator or prosecutor does not know the language the suspect speaks, the suspect requires to have an interpreter.

The commission found that investigators and prosecutors who do not know sign language use non-professional interpreters to help them in the interrogation of a suspect who is deaf. At the time of writing this report, the Commission learned that investigators have started to be taught sign language and this program will continue.

- ***The right to read or to be read the statement made by an investigator before signing it***

Law N^o 027/2019 of 19/09/2019 relating to the criminal procedure, in its article 51, provides that "each page of the statement is signed by the prosecutor or investigator and the person interrogated. The person interrogated is asked to read and sign or affix his/her fingerprint on his/her statement put in writing if he or she agrees to its contents. If he or she is unable to read, the statement is read to him or her."

During the inspection carried out by the Commission, it was found that after the detainees has been interrogated, the investigator reads the statement to him or her before signing it. However, some detainees from Muganza, Kanjongo, Kigabiro, Gakenke, Gacurabwenge, Gikondo, Rukara and Kirehe RIB Station custody said that they were not read the statement except to those who requested them.

In the interview the Commission had with the Districts Chief Investigators (DCIs) , they pointed out that if it happened, it would be the bad practice of some of the investigators and it will be monitored and corrected.

The Commission finds that a suspect who does not know how to read should be read the statement made by the investigator before signing it, while those who can read should be given the right to read statement before signing it.

- ***The right to be provided information about the file prepared by the prosecutor before the provisional detention hearing***

Law N^o 027/2019 of 19/09/2019 relating to the criminal procedure, in its Article 75, provides that " Upon submission of the case file to the court, the public prosecution immediately submits it to the suspect and his or her counsel, if any. The suspect has the right to prepare the defense submissions and submit them to the Prosecution in a period of five (5) days from the date on which the case file was served to him or her."

During the monitoring carried out by the Commission, it found that detainees who have legal counsels, are the ones who know information about their files prepared by the prosecutor and are assisted to prepare their

defense submissions. Those who do not have legal counsels do not know contents of their files, they do not even prepare defense submissions because they are prepared in "IECMS", and contents of their files are known when they arrive in court. The Commission found that it is not easy for detainees to make a follow up on their files in "IECMS" because at some RIB Stations there are not enough staffs and the technological equipments or infrastructure are not enough.

The Commission finds that while it is not easy to access IECMS for detainees with no legal counsels who are in custody when some of them are even illiterate, there is a need to establish a way to inform them about contents of their files to help them prepare their cases.

2.2.2.2 The right to adequate standard of living

The commission monitored whether detainees are provided with a decent diet, whether they are treated in case they are sick, and whether they are detained in a clean environment, with enough air and light.

- ***The right to a decent diet***

Article 4(e) of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) provides that detainees have the right to adequate food and clean water.

The commission found that those who are imprisoned in station cells are provided with decent diet twice a day. Pregnant women, *breastfeeding* women and young children with their mothers do not have a special diet. Those with chronic diseases who have a doctor's certificate confirming that they are on a special diet, are allowed to be brought food by their families.

The Ministry of Internal Affairs, in an interview with the Commission, declared that this year 2022-2023 a budget has been set aside for a special diet for breastfeeding women, pregnant women and people with chronic diseases detained in RIB station cells.

- ***The right to life***

Article 4(e) of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) provides that detainees have the right to a quick medical treatment and to any assistance related to medical treatment.

During the monitoring carried out by the Commission, it found that a detainee who is sick is treated at the health center near the custody, whether they have health insurance or not, the District administration pays the cost of the treatment they receive. In the Districts of Rulindo, Kamonyi, Gakenke, Gicumbi, Bugesera, Kicukiro, Ruhango, Rusizi, Ngororero, Rubavu and Nyarugenge, those who do not have health insurance and do not have means to afford the health service costs hardly get medical treatment, they are often brought to health facilities only when they are found to be very ill.

In all custodies, detainees who are currently taking HIV/AIDS medication are still helped to continue taking them at the nearest health centers. Detainees are also vaccinated against COVID-19 pandemic.

During the discussions held between the Commission and the Ministry of Local Government, the Ministry declared that it will discuss with the Rwanda Social Security Board (RSSB) on the issue of detainees with no health insurance in order to find a solution.

- ***The right to be detained in clean places with enough oxygen and lighting***

Article 4(e) of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) provides that detainees have the right to be detained in a place where there are basic needs and with a toilet and bathroom.

In station cells monitored by the Commission, it found that there are new RIB stations cells that have been built (Kirehe, Kigabiro, Ruhango, Byumba, Remera, Kaniga, Rusororo, Rwezamenyo, Kicukiro, Mukarange, Gisenyi, Gacurabwenge.....), and new ones that have been refurbished (Nyamata, Kiyumba and Muhanga stations cells) and other ones which have been moved to other buildings (Nyakabuye and Ngoma) with enough cleanliness, oxygen and lightning.

The commission found that station cells of Bwishyura, Rutare, Nyarubuye, Rukara, Rukira, Sake, Ngarama, Nyamabuye, Kamembe, Kabaya, Kanama, Jomba and Gihango were operating in very old buildings. All visited 70 station cells have no special toilets for detainees with physical disabilities.

The Ministry of Internal Affairs, in an interview with the Commission, indicated that station cells are being built and repaired in a way that provides enough lighting and hygiene according to the available resources.

The Commission finds that the refurbishment of RIB station cells should be accelerated so that the right to be detained in clean places with enough oxygen and lighting be more respected.

- ***The right to adequate standard of living for a special category of women and girls***

Article 32 of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) provides that detained women must be provided with sanitary equipment.

During the monitoring carried out by the Commission, it found that women and girls in RIB station cells are not provided with sanitary equipment.

The Ministry of Interior, in an interview with the Commission, declared that this year 2022-2023, a special budget has been allocated to the purchase of sanitary equipment needed by women.

The commission finds that the budget for the purchase of sanitary equipment for women and girls in RIB station cells should be made every year so that their rights be more respected.

2.2.2.3 The right to inform the families of detainees that they have been detained or transferred

Article 4(e) of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) provides that detainees have the right to be assisted in informing their families

or other person in their choice their place of detention and inform the representatives of their countries about foreign prisoners.

In the monitoring carried out by the Commission, it found that there is no consistent and unified way for detainees to inform their families that they are detained or they have been transferred to another place. Police officers or investigators lend them their telephones so as to inform their families that they are detained, but it finds it difficult because no budget has been allocated to this issue while there are many detainees are at station cell.

In interviews held between the Commission and the Ministry of Internal Affairs and the Ministry of Justice, they said that this issue was discussed and it was decided that it is the responsibility of the investigator who made the detainee's file to inform his or her family and operate in a way that does not interfere with the investigation.

The Commission finds that it is necessary to improve the way in which a person who is detained informs his or her family that he/she is detained or that he/she has been transferred.

2.2.2.4 Freedom from torture and other cruel, inhuman or degrading treatment or punishment

Article 4(e) of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) provides that detainees should not be subjected to torture and other cruel, inhuman or degrading treatment or punishments.

During the monitoring, the Commission talked privately with those detained in RIB station cells and found that there was no torture and other cruel, inhuman or degrading treatment or punishments applied to them where they are detained.

2.2.1. Conclusion

In the inspection carried out by the Commission in 70 RIB Stations custodies, it found that the right to welfare is respected because detainees are provided with adequate food, clean water, they are provided with medical treatment and station cells are kept clean, with enough oxygen and lighting.

It found that the right to justice is respected because the detainees had legal arrest warrant that had not expired and the detainees are interrogated in the language they understand. They were also provided with a interpreter, when needed. However, it found that very few needy detainees are provided with legal counsels.

The commission also found that no detainees are subjected to torture or other cruel, inhuman or degrading treatment or punishments.

2.3. MONITORING OF THE RESPECT OF HUMAN RIGHTS IN TRANSIT CENTERS

The Commission, based on Law N^o 19/2013 of 25/03/2013 modified by Law N^o 61/2018 of 24/08/2018 determining Missions, organisation and functioning of the National Commission for Human Rights, in its Article 6 bis which stipulates special responsibilities of conducting regular announced or announced

monitoring visits to places of deprivation of liberty including transit centers to prevent torture and other forms of ill-treatments;

In February and March 2022, the Commission conducted visits in 28 transit centers in order to monitor the respect of human rights and advocate on solving the identified violation of human rights to the relevant authorities .

The Commission also checked the structure and functioning of the centers and the respect of the right to adequate standard of living of the residents, including the right to a decent diet and clean drinking water, the right to medical treatment and the right to recreation. The respect of their right to be visited by their families and not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment was also monitored.

After the monitoring, the Commission had interviews with the Ministry of Interior, the Ministry of Local Government and the National Rehabilitation Services in order to exchange ideas on strategies to sustainably solve identified problems.

2.3.1. The number of people with deviant behavior in Transit Centers

Table n° 7: Transit Centers monitored, period of monitoring and number of people who were inside

No	District of location	Sector	Date of monitoring	number of people who were inside the facility during the monitoring				Total	number of people the facility is supposed to host	%
				children		adults				
				boys	girls	Male	Female			
1	Kamonyi	Kayenzi	21/02/2022	-	-	96	3	99	100	99%
2	Muhanga	Muhanga	22/02/2022	1	-	84	-	85	100	85%
3	Ruhango	Ntongwe	24/02/2022	8	-	126	8	142	100	142%
4	Nyanza	Ntyazo	23/02/2022	8	2	95	4	109	150	72.7%
5	Huye	Mbazi	25/02/2022	-	-	136	16	152	150	101.3%
6	Gisagara	Gikonko	22/02/2022	1	-	33	1	35	70	50%
7	Nyamagabe	Tare	22/02/2022	-	-	78	12	90	100	90%
8	Nyaruguru	Munini	23/02/2022	-	-	57	3	60	50	120%
9	Rusizi	Gihundwe	22/02/2022	-	-	103	3	106	150	70.7%
10	Nyamasheke	Kagano	24/02/2022	-	-	51	-	51	70	72.9%
11	Karongi	Gashari	22/02/2022	-	-	58	2	60	50	120%
12	Rutsiro	Murunda	23/02/2022	-	-	74	-	74	50	148%
13	Rubavu	Kanzenze	24/02/2022	8	2	258	24	292	200	146%
14	Nyabihu	Karago	24/02/2022	4	-	26	-	30	50	60%
15	Ngororero	Kabaya	23/02/2022	2	-	53	7	62	50	124%
16	Musanze	Kinigi	25/02/2022	-	-	264	-	264	220	120%

No	District of location	Sector	Date of monitoring	number of people who were inside the facility during the monitoring				Total	number of people the facility is supposed to host	%
				children		adults				
				boys	girls	Male	Female			
17	Burera	Nemba	23/02/2022	-	-	127	17	144	200	72%
18	Gakenke	Rushashi	22/02/2022	-	-	42	4	46	65	70.8%
19	Gicumbi	Kageyo	21/02/2022	-	-	250	25	275	200	137.5%
20	Rulindo	Bushoki	23/02/2022	-	-	92	2	94	60	156.7%
21	Bugesera	Ruhuha	21/02/2022	8	-	165	-	173	200	86.5%
22	Rwamagana	Kigabiro	22/02/2022	-	-	36	-	36	140	25.7%
23	Kayonza	Rukara	25/02/2022	-	-	63	1	64	200	32%
24	Gatsibo	Rurama	23/02/2022	-	-	110	-	110	150	73.3%
25	Nyagatare	Nyagatare	25/02/2022	-	-	380	14	394	300	131.3%
26	Ngoma	Zaza	22/02/2022	-	-	40	-	40	80	50%
27	Kirehe	Nyamugari	21/02/2022	-	-	73	-	73	70	104.3%
28	Kigali City	Gikondo	13/03/2022	176	17	2702	293	3188	1500	212.5%
Grand total				216	21	5672	439	6348	4825	131%

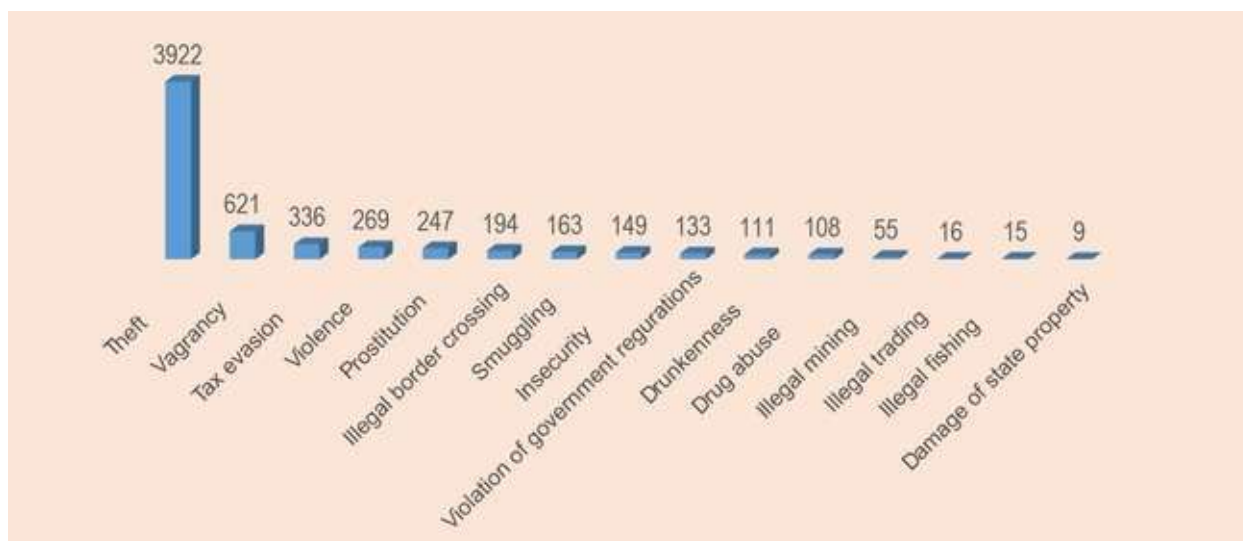
As described by the table above, in **28** transit centers monitored, there were **6348 (131%)** people while they had the capacity to accommodate **4825** people. Among **6348** people in those centers, there were **439 (6%)** women, men were **5672 (88%)**, girls were **21 (0.3%)** and boys were **216 (3.4%)**. Kigali City Transit Center had a population of **3188**, which is **50.2%** of the total people in all centres.

The Transit centers that had more people compared to their capacity were Kigali City Transit Center (**212.5%**), Rulindo (**156.7%**), Rutsiro (**148%**), Rubavu (**146%**), Ruhango (**142%**), Gicumbi (**137%**), Nyagatare (**131.3%**), Ngororero (124%), Nyaruguru (**120%**), Karongi (**120%**), Musanze (**104%**) and Kirehe (**101%**).

2.2.3 Reason for being brought to Transit Centers

The Ministerial Order N°001/07.01 of 19/04/2018 determining Missions, Organisation and functioning of Transit Centers, in its Article 2, paragraph 2 provides that those brought to transit centers are those who demonstrate deviant behaviors that are harmful to the public.

Figure 8: Number of people in transit centers and reasons



As shown by Graph N° 9, the Commission found that **6348** people were in Transit centers because of the following deviant behaviors: **3922 (61.7%)** theft suspects, **621 (9.7%)** vagrancy, **336 (5.2 %)** tax evasion, **269 (4.2%)** violence, prostitution **247 (3.8%)**, illegal border crossing **194 (3%)**, smuggling **163 (2.5%)**, insecurity **149 (2.3%)**, drunkenness **111 (1.7%)**, drug abuse **108 (1.7%)**, violation of government regulations **133 (0.9%)**, street vending **55 (0.8%)**, illegal fishing **15 (0.2%)** and damage of state property **9 (0.1%)** .

The Commission, basing on Ministerial order n°001/07.01 of 19/04/2018 determining mission, organization and functioning of transit centers , in its section 2 of article 2, outlines deviant behavior relied upon to bring a person to a transit center, found that some people are brought to the centers for crimes punishable by law, such as illegal border crossing, drug-related abuse, tax evasion and damage of state property.

The Ministry of Local Government, in an interview with the Commission, said that it is going to revise the above mentioned Ministerial Order so that the problem of the gap notices in its section 2 of Article 2 concerning those who are brought to transit centers for reasons not mentioned by the Order due to the addition of other behaviors that endangers the public be resolved.

The Commission finds that the revision of the Minister's Order N°001/07.01 of 19/04/2018 determining Missions, Organisation and functioning of Transit Centers should be hurried up so that the people mentioned by that Order be brought in those centers.

2.2.4 Time limit for screening

Minister Order N°001/07.01 of 19/04/2018 determining Missions, Organisation and functioning of Transit Centers, in its Article 15, provides that the person admitted to the Transit center is screened within seventy-two (72) hours counted from the time he/she was admitted into the center.

During the monitoring carried out by the Commission, it found that the Kigali City transit center is the one that complies with the provisions of the aforementioned Order.

In the districts of Kamonyi, Gicumbi, Musanze, Huye, Rwamagana, Nyagatare, Ngororero, Rusizi and Kirehe, the selection is done once a week; in Gatsibo, Rubavu, Karongi and Burera Districts screening is done once a month; In the districts of Bugesera, Gakenke, Rulindo, Nyamagabe, Nyaruguru, Rutsiro, Muhanga, Gisagara, Nyanza, Ruhango and Nyamasheke, the screening is done twice a month, while in the districts of Kayonza, Nyabihu and Ngoma, there is no specified period for the screening.

The Ministry of Local Government, in an interview with the Commission, declared that it is going to revise the above mentioned Ministerial Order and that matters related to the members of the selection committee will be taken into account.

The Commission finds that the revision of the Ministerial Order N°001/07.01 of 19/04/2018 determining missions, organisation and functioning of Transit Centers should be hurried up so that the screening be carried as required.

2.2.5 The time spent in transit centers

The Ministerial Order No. 001/07.01 of 19/04/2018 determining Missions, Organisation and functioning of Transit Centers, in its Articles 15 and 18, provides that a person who has been rehabilitated in the center for a short period, s/he can not exceed two (2) months. When the screening shows that the person has not changed his or her behavior, the screening Committee may decide to extend the period of stay that cannot exceed one (1) month or decide to send him/her to another place, including being placed in a rehabilitation center, handed over to the investigation bureau, or placed in a detention center treatment.

During the monitoring carried out by the Commission, it found that the transit Centers of the Districts of Bugesera, Gakenke, Rulindo, Kamonyi, Muhanga, Ngororero, Nyabihu, Gisagara, Nyanza, Rubavu and Ruhango are the ones that comply with the period of two (2) months which can be extended for a period not exceeding one month (1).

In the transit centers of the districts of Karongi, Rubavu, Nyamagabe, Nyaruguru, Huye, Burera and Gicumbi districts and the Kigali City Transit Center, the Commission found that there are people caught in smuggling activities who have been there for more than three (3) months. They were deprived of their caught handed goods, these actions are contrary to the provisions of Law N° 026/2019 of 18/09/2019 that determines the taxation procedure in its Article 87, which provides for the crime of tax evasion and the East African Community Customs Management Act, 2004 which provides in its Article 199 that smuggled goods seized are subject to auction.

The Commission finds that the provisions of this Order relating to the duration of time spent by those who are brought to transit centers should be respected.

2.3.5. Education programs and lectures offered in transit centers

Paragraph 4 of article 3 of the Ministerial Order N° 001/07.01 of 19/04/2018 determining Missions, Organisation and functioning of Transit Centers, provides for the establishment of a counseling program

and 'discussions given to those who pass through transit centers are aimed at getting them back on track and leading them to correct behavior.

During the monitoring carried out by the Commission, it found that the National Rehabilitation Service (NRS) has established broad guidelines and manuals to be used by the Districts in preparing the training given to those in transit centers. Courses and lectures offered help them to change their behavior.

During the COVID-19 pandemic, the program of giving Courses and lectures offered at transit centers had been postponed, and has been resumed in compliance with the regulations related to preventing the spread of the pandemic.

2.3.6. Functioning of Transit Centers

Registration : During the monitoring carried out by the Commission, it found that those staying in transit centers are registered in the designated books or in the computer, and each of them was filled a designated form that shows information about his or her health.

Employees: The Ministerial Order N°001/07.01 of 04/19/2018 determining Missions, Organisation and functioning of Transit Centers in its Article 4, stipulates that the centers must have at least two (2) employees including a coordinator and an officer in charge of discipline, civic education, nutrition and hygiene.

During the monitoring carried out by the Commission, it found that out of the 28 inspected centers, four (4) centers do not have a coordinator: the Nyaruguru and Rusizi District Centers are managed by DASSO, the Musanze District Center is managed by the logistics officer and the center of Kayonza District is managed by the Police. All the monitored centers do not have psychologists, except for the center of the City of Kigali.

The Ministry of Local Government, in an interview with the Commission, it declared that the districts that have centers without enough employees are doing everything possible to ensure that employees provided for by the aforementioned Ministerial Order are appointed in positions not later than this year 2022-2023.

The Commission finds that the districts that have centers without enough employees should speed up their appointment, as stated by Article 4 of the Ministerial Order N°001/07.01 of 19/04/2018 determining Missions, Organisation and functioning of Transit Centers.

Buildings: During the monitoring carried out by the Commission, it found that all people in transit centers sleep in separate rooms following their sex, men and women separately. But it found that children live in the same rooms as adults, except in the centers of Gakenke and Rulindo districts and the center of the City of Kigali, which is due to the fact that the centers operate in buildings that are not designed for them, so the rooms are not enough to avail rooms for children.

The Ministry of Local Government, in an interview with the Commission, it declared that the problem was caused by the insufficient budget, and that it is being sought so that transit centers be refurbished in order to allow children be in separate rooms from adults.

The Commission highlighted this problem in its various reports, and it finds that the renovation of the buildings for transit centers should be given priority and that they should be provided with equipment helping people being rehabilitated.

Equipment: The Commission found that 28 monitored centers have sufficient equipment, especially in terms of cleaning and kitchen. Kayonza and Ngoma District centers do not have office equipment.

The Commission found that the monitored centers have bedding except for centers of the districts of Gakenke, Musanze, Burera and Rulindo which do not have mattresses and sleep in schools. Centers of the Districts of Rubavu, Nyamagabe, Nyaruguru, Bugesera, Gicumbi and Huye have insufficient and old bedding.

The Commission finds that the Districts should solve the problem of inadequate equipment noticed in the above-mentioned transit centers, and solve the problem of those who sleep on traditional mats without mattresses.

2.3.7. Respect of the rights of those who are in the centers

The rights of those who are in transit centers have been monitored basing on the provisions of the International Convention on Civil and Political Rights³⁶ and the Ministerial Order No. 001/07.01 determining Missions, Organisation and functioning of Transit Centers³⁷.

- ***The right to the decent diet and clean water***

The Commission checked whether those in the centers are provided with a decent diet and clean water, and found that they receive them in the morning and in the afternoon. Those who are sick and cannot eat regular meals, pregnant women, breastfeeding women and children who are with their mothers are provided with a special diet that includes vegetables, rice and small fish.

The Commission finds that the right to a decent diet and clean water for those in transit centers is properly respected.

- ***The Right to health***

During the monitoring carried out by the Commission, it found that all those in transit centers are first examined before being admitted to the center and treated when they are sick. Those who are brought to the centers with illnesses that require regular medicines are provided with them through the cooperation with clinics, hospitals and the District where the center is located, which also pays for the medical services provided to those in the centers.

³⁶ Article 10 of the International Convention on Civil and Political Rights, provides that every person who is deprived of the right to free movement taken as a human being and provided with adequate dignity.

³⁷Article 19 of the Ministerial Order No. 001/07.01 determining Missions, Organisation and functioning of Transit Centers provides in general the rights of a person admitted to the transit center.

All centers have the capability to test malaria and COVID-19 using the rapid test method, those suffering from malaria are provided with medicines and all people in transit centers have been vaccinated against COVID-19.

- ***The right to recreation and information***

During the monitoring carried out by the Commission, it found that the right to recreation is not respected as it should be because there are no physical exercises in all centers. Concerning the right to external information, the Commission found that it is also not respected as it should be because the Centers of the Districts of Ngororero, Nyamagabe, Nyaruguru, Gakenke, Rulindo, Kamonyi, Bugesera, Gicumbi, Kayonza, Ngoma, Kirehe, Nyagatare, Karongi, Rubavu, Rwamagana, Rutsiro, Nyamasheke, Nyabihu, Muhanga and Gatsibo have no television or radio.

- ***The right to inform the families***

The commission found that those in transit centers are helped to inform their families of their where they are, using the telephone numbers of those who manage these transits or those in charge of security, except in Musanze TransitCenter.

- ***The freedom from torture and other cruel, inhuman or degrading treatment or punishment***

The Commission discussed with the representatives of different categories of people in the centers (women, men, children, the elderly, those with chronic diseases, foreigners) and they proved that there are no such acts against them.

- ***The rights of a special category of women and girls:***

During the monitoring, the Commission found that in the 28 monitored centers, there were **439** women, with no pregnant women, and there were breastfeeding women in the center of Kigali City. These breastfeeding women are provided with a special diet and porridge at least twice a day. The Commission found that they receive sanitary equipment and special medical services in health centers or hospitals of the district where the center is located.

2.3.8. Conclusion

Based on the findings of the monitoring conducted in 28 transit centers, the Commission found that the rights of the occupants are respected because they are provided with a decent diet and clean water, they are treated and they are provided with teachings which help them to regain good behaviors.

The Commission also found that there was no torture or other cruel, inhuman or degrading treatment or punishments perpetrated against them.

But the Commission finds that the selection committees should comply with the selection period of 72 hours provided by for by the Ministerial Order N°001/07.01 of 04/19/2018 determining Missions, Organisation and functioning of Transit Centers because out of 28 monitored centers, 27 centers did not comply with that period.

2.4. MONITORING OF THE RESPECT OF HUMAN RIGHTS IN REHABILITATION CENTERS

In February and May 2022, the Commission monitored the respect of human rights in eight (8) rehabilitation centers, including two (2) public rehabilitation centers, and six (6) private centers,.

The purpose of the monitoring was to verify whether the rights of the occupants are respected, including the right to adequate standard of living, to education and to the freedom from torture or and other cruel, inhuman or degrading treatment or punishments as provided for by the following laws.

- Presidential Order N° 100/01 of 02/06/2018 establishing Gitagata Rehabilitation Center;
- Presidential Order N° 101/01 of 02/06/2018 establishing Nyamagabe Rehabilitation Center;
- United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) ;
- Directive N° 001/0702 of 03/03/2020 of the Minister of Local Government aims to stop vagrancy among children, straighten vagrant children and reintegrate them to family and school;
- Instruction N° 1 of 30/07/2018 of the Director General of the National Rehabilitation Services regarding the functioning and Organisation of Rehabilitation Centers managed by partners.

After the monitoring, the Commission held discussions with the Ministry of Local Government and the National Rehabilitation Services in order to resolve problems identified during the monitoring.

2.4.1. Monitoring of Human Rights in public Rehabilitation Centers

The public Rehabilitation Centers that were monitored are Gitagata Rehabilitation Center in Bugesera District and Nyamagabe Rehabilitation Center in Nyamagabe District.

2.4.1.1. Population figures

Table no. 8: Number of persons in the monitored public Rehabilitation Centers

No	Monitored Rehabilitation Center	District of Location	Date of monitoring	Number of people hosted					Expected hosted persons ³⁸	%
				children		adults		total		
				boys	girls	female	male			
1	Gitagata	Bugesera	22/02/2022	154	23	94	-	271	450	60.2%
2	Nyamagabe	Nyamagabe	11/05/2022	130	-	-	1072	1202	1203	99.9%

³⁸ Figures of persons admitted in center given by National Rehabilitation Services (NRS) in May 2022.

As described by table n° 8, the Commission found that there is no overcrowding in the two public Rehabilitation Centers because Gitagata Center was accommodating 271 people equaling 60.2% of its capacity to accommodate 450 people and Nyamagabe Center was accommodating 1202 people equaling 99.9% compared to its capacity to accommodate 1203 people.

Gitagata center is designed to receive women and children aged between 10 and 18 years while Nyamagabe center is designed to receive only men.

By the time the Commission was conducting the monitoring in Nyamagabe center, it found that there were 130 boys who had to stay there for a short time and then be reintegrated to their families.

2.4.1.2. The admission

Gitagata and Nyamagabe Rehabilitation Centers receive people approved by the Districts or City of Kigali authorities after they have been removed from transit centers and it appears that they still need a long period of rehabilitation as stipulated in Articles 5 and 6 of the Presidential Order n° 100/01 of 02/06/2018 establishing Gitagata Rehabilitation Center and the Presidential Order n°101/01 of 02/06/2018 establishing Nyamagabe Rehabilitation Center.

2.4.1.3. Period of stay in the Rehabilitation Centers

The time persons spend in the Center is determined by the management of the Center in accordance with the short or medium-term training program and the type of rehabilitative program s/he receives in accordance with the provisions of the Presidential Order n° 100/01 of 02/06/ 2018 establishing the Gitagata Rehabilitation Center and the Presidential Order n° 101/01 of 02/06/2018 establishing Nyamagabe Rehabilitation Center.

During the monitoring carried out by the Commission, it found that persons in Gitagata and Nyamagabe Rehabilitation Centers spend a period of up to one year, which can be reduced due to the fact that the person changes his or her behavior quickly.

2.4.1.4. Staff of the Rehabilitation Center

The Commission checked whether the Centers have enough employees as stipulated by the organisational structure of those centers.

The Commission found that Gitagata Rehabilitation Center has **20 (54%)** out of **37** employees planned and Nyamagabe Rehabilitation Center has **24 (58%)** out of **41** employees provided for in the organisational chart. The commission found that in the Rehabilitation Centers of Gitagata and Nyamagabe there is a problem of few employees compared to the number of employees provided for by the organisational chart for those centers.

The Ministry of Local Government and the National Rehabilitation Services, during an interview with the Commission, it declared that this problem is about to be resolved because the vacant positions have been put on market and are about to be contested for.

2.4.1.5. Rights of persons admitted in rehabilitation centers

The rights that were monitored are those provided for by the Constitution of the Republic of Rwanda³⁹, the International Covenant on Civil and Political Rights⁴⁰, the Order establishing Gitagata rehabilitation centre, the Order establishing Nyamagabe rehabilitation centre and in the Resolutions No 45/112 of 14/12 /1990 of the General Assembly of the United Nations relating to the Prevention of Juvenile Delinquency adopted in Riyadh.

• *The right to a decent diet*

The Commission found that the persons rehabilitated in Gitagata and Nyamagabe centres are provided with a decent diet in the morning, noon and evening. Those with specific health problems receive a special food. The persons living in these two centers are provided with clean drinking water.

• *The right to live in a safe and clean environment*

The Commission found that the centres are staffed with safety personnel, they are fenced and no danger can disturb the safety of their residents. It also found that persons rehabilitated in Gitagata and Nyamagabe centres are characterized with cleanliness on their bodies, dormitories, showers, toilets as well as in their training rooms. Everyone has their own bed with a mattress and clean covers and they are provided with clothes which are clean.

• *The right to health*

The Commission found that admitted persons rehabilitated in Gitagata and Nyamagabe centres receive disease prevention services and those who are sick receive appropriate medical care using community health insurance scheme. Each of the two centres has a specialized room for the isolation of patients with contagious diseases. Newcomers to Nyamagabe rehabilitation centre are entitled to a week of medical follow-up where examinations are carried out to check whether they have any contagious and other diseases. Those who are found ill receive immediate treatment.

• *The right to education*

³⁹ The Constitution of the Republic of Rwanda of 2003 revised in 2015 (Article 14, 20 and 22)

⁴⁰ Article 10 of the International Covenant on Civil and Political Rights any person denied of his or her freedom shall be treated as a human being and accorded the respect convenient to a human being

The Commission found that admitted persons rehabilitated in Gitagata and Nyamagabe centres permanently benefit from lectures and courses that help them in the process of changing their behaviors from different administrative institutions as well as trainers hired for this purpose. Young people rehabilitated in Gitagata centre benefit from courses in addition to primary education courses. Infants who are with their mothers are cared for through a kindergarten inside Gitagata rehabilitation centre.

People rehabilitated in Gitagata Centre benefit from vocational courses in tailoring, culinary and hairdressing while those living in Nyamagabe Rehabilitation centre benefit from courses in electricity and carpentry. In these two centres, vocational education extends over a period of six months (6) based on the program of Rwanda TVET Board (RTB) and the courses are taught by professional teachers.

- ***The right to inform the families***

The Commission found that the family of a person admitted in Gitagata and Nyamagabe rehabilitation centres is informed of his/her presence in the centre.

- ***The right to be visited by the families and to talk with their families***

The Commission found that, within the context of preventing the spread of the COVID-19 pandemic, people admitted in Gitagata and Nyamagabe rehabilitation centres are no longer allowed to be visited and parent meetings that were held quarterly had been suspended. However, the administration of the said centres has provided a telephone number that is used to communicate with their families. At the time of the preparation of this report, the Commission learnt that visits have resumed, but in strict compliance with the prevention of COVID-19 pandemic measures.

- **The right to recreation**

The Commission found that Gitagata and Nyamagabe rehabilitation centres have each a field used by their residents for physical exercises or to play football or volleyball. The Persons rehabilitated in these centres organize concerts and other recreational events and they have equipment for this.

- **The right to information**

The Commission found that persons living in rehabilitation centres receive information via radio and television.

- **The rights of a special category of women and girls in Gitagata rehabilitation centre**

The Commission found that women and girls are provided with sanitary equipment. Pregnant and breastfeeding women benefit from appropriate care.

- **The freedom from torture and other cruel or inhuman or degrading treatment or punishments**

During the monitoring carried out by the Commission, it held interviews in private with the representatives of persons living in Gitagata and Nyamagabe rehabilitation centres and they affirmed that they are not subjected to torture and other cruel or inhuman or degrading treatment or punishment. They proved that they are well treated and live in freedom.

2.4.2. Monitoring of private rehabilitation centres

The Commission monitored the respect of human rights in 6 rehabilitation centres managed by governmental partners. In this monitoring, the Commission checked the number of persons admitted in the centres, their functioning as well as the respect of the rights of persons rehabilitated therein.

2.4.2.1. The number of rehabilitated persons

Table no. 9: The number of persons who were in private rehabilitation centres

No	Monitored Rehabilitation centre	District of location	Date of monitoring	Number of rehabilitated persons			Accommodation capacity of the centre	%
				Male	Female	Total		
Centres rehabilitating admitted children								
1	SOS Children's Village Kacyiru	Gasabo	25/2/2022	44	22	66	105	62.8%
2	SOS Children's Village Byumba	Gicumbi	22/02/2022	57	11	68	150	45%
3	SOS Children's Village Nyamagabe	Nyamagabe	22/02/2022	54	16	70	75	93%
4	Karibu Center Kayonza	Kayonza	25/02/2022	5	-	5	30	16.6%
Centres rehabilitating children at their usual residence								
5	<u>Centre Cyprien et Daphrose Rugamba (CECYDAR)</u>	Gasabo	23/02/2022	99	240	339	400	84%

6	Point d'Ecoute	Rubavu	24/02/2022	185	220	405	500	81%
Grand total				444	509	953	953	-

As described by Table n°9, the 6 private rehabilitation centres that have been monitored provide rehabilitation services to **953** children comprised of **444** boys and **509** girls.

Among the **6** monitored centres, **4** of them provide rehabilitation services to admitted children while **2** others provide the same services by reaching out their beneficiaries in special sites accommodating them or in their respective households.

No overcrowding was found in these rehabilitation centres as all of them were serving a low number of persons compared to their accommodation and rehabilitation capacity.

2.4.2.2. The functioning of private rehabilitation centers

The Commission monitored whether the centres possessed administrative documents allowing them to deliver rehabilitation services and found that they have legal personality documents issued by Rwanda Governance Board (RGB) and that they are governed by Ordinance No 1 of 30/07/2018 from the Director General of NRS relating to the administration and functioning of rehabilitation centres managed by partners.

The Commission found that "SOS Children's Villages" branch of Kacyiru, Byumba, Nyamagabe and Karibu Center Kayonza provide youth rehabilitation services by accommodating them in as provided for by the aforementioned Ordinance while CECYDAR and Point d'Ecoute provide rehabilitation services to young people by meeting them in their respective sites or families.

In addition, the Commission found that there are memorandums of understanding (MoU) the centres have signed with the National Rehabilitation Service (NRS) renewable every two years but these contracts have expired as they have not yet been renewed since 2019.

The centres have good partnership with their respective districts. They sign annual memorandums of understanding (MoU) with the administration of the said districts in the activities aimed at preventing and protecting the rights of the child including the prevention of vagrancy, removing children from the street, seeking their families, as well as their reunification, help children and their families to develop and ensure their reintegration into school.

2.4.2.3.. The persons eligible for rehabilitation, the way they are transferred to the centres, their reception as well as the duration of the rehabilitation

During the monitoring carried out by the Commission, it checked conditions required for a child to be eligible for admitted in rehabilitation, the way children are selected and transferred to rehabilitation centres, how their identifications are recorded and the duration of their rehabilitation.

The Commission found that:

- The centres managed by "SOS Children's Villages" and Karibu Center Kayonza accommodate the children and rehabilitate them in compliance with provisions of the Ordinance No1 of 30/07/2018 of the Director General of the NRS relating to the administration and functioning of private rehabilitation centers in its Article 8 (a) which stipulates that the centres receive children from transit centres who are at least ten (10) years old but not older than eighteen (18) years old.
- CECYDAR and Point d'Ecoute which do not accommodate their beneficiaries ensure the rehabilitation of children from transit centres and those caught in unhealthy acts in the street with the aim of helping them to change and return to family life.
- The causes that are the basis of children being rehabilitated in all the visited centres include vagrancy and drug abuse. However, in the centres managed by "SOS Children's Villages Rwanda" there are children who have been brought there not because they are vagrant but because they have not yet received hosting families in "Tubarere mu muryango" program after the closure of the former orphanages. These children are transferred to these centres by the administration of the district or the City of Kigali based on Ordinance No. 001/0702 of 03/03/2020 of MINALOC relating to the fight against delinquency among children, rehabilitation of delinquent children, ensure their family and school reintegration⁴¹ and on the memorandum of understanding (MoU) that this organization signed with the Ministry of Gender and Family (MIGEPROF) and the National Child Development Agency (NCDA) in 2019.
- The selection of children to be rehabilitated in all the visited centres is done in partnership with their respective administrations and the administration of the transit centres from which the children come. The transport of children to their rehabilitation centres is the responsibility of the administration of the centres as provided for by Article 9 of the aforementioned Ordinance. Concerning the follow up and the rehabilitation of children who are still on the street, CECYDAR and Point d'Ecoute are engaged in this activity in partnership with the local administration and the Police.
- Concerning the duration of rehabilitation, the Commission found that children who are in the rehabilitation centers managed by "SOS Children's Villages Rwanda" who have not yet received hosting families, remain accommodated by the centres until they reach the age of 23 years and that receive support for their integration in ordinary life. Likewise, in "Karibu Center Kabarondo", a child who has not found the hosting family after the rehabilitation stays in the centre and leaves it after he/she has found a custodian.

2.4.2.4. Respect for the rights of children rehabilitated by private rehabilitation centres

⁴¹ Article 12 of Ordinance No. 001/0702 of 03/03/2020 of MINALOC relating to the fight against delinquency among children, rehabilitation of delinquent children, ensure their family and school reintegration providing how the District can transfer a child to a Rehabilitation centre

The rights of the child rehabilitated by private rehabilitation centres are provided for by Article 17 of the Ordinance of the Director General of NRS no 1 of 30/07/2018 relating to the functioning of the said centres.

• ***The right to a decent diet and clean drinking water***

During the monitoring carried by the Commission, it found that in all centres that accommodate children which were visited, children are provided with a decent diet in the morning, midday and evening. They are also provided with receive drinking water. Those with health problems are provided with a special diet.

The Commission found that the centres CECYDAR and Point d'Ecoute, although they do not accommodate children, feed those who are following rehabilitation trainings at noon, and who return to their residence in the evening.

• ***The right to live in a safe and clean environment***

The Commission found that the rehabilitation centres monitored are clean in the dormitories, showers, toilets and the children are clean on their bodies. All the centres have sufficient rooms for both girls and boys with clean beds.

• ***The right to health***

The Commission found that before rehabilitation, the children are first diagnosed and those who are found ill receive appropriate medical care with the help of the community health insurance scheme paid by the centre. Those with communicable diseases such as HIV are appropriately provided with drugs.

• ***The right to education***

The Commission found that admitted children regularly benefit from lectures and teachings that help them to change their behaviors. They also benefit from civic education courses through various topics. These topics are facilitated by different administrative institutions and trainers hired for this purpose. Admitted children who reach the age of attending the primary school are benefit from a support in order to be integrated into school.

The Commission found that the centres of "CECYDAR" and "Point d'Ecoute" collaborate with the local administration and the administration of the schools in the reintegration of children coming from streets, whether these children dropped out of school, or never attended school. Orphans and children from poor families are provided with school fees and materials. Apart from the regular courses, these centres organize for children discussions based teachings related to civic education and behavior change.

• ***The right to inform family members and to being visited by them***

The Commission found that private rehabilitation centres inform families of the children they have admitted. During the COVID-19 period admitted persons were still being visited with strict respect of preventive measures of the pandemic.

• ***The right to recreation and information***

The Commission found that in private rehabilitation centres there are playgrounds which help admitted children to do physical exercises and play various games including football and volleyball. They organize concerts. The Commission found that the centres help their residents to be informed about the situation outside the centres and they are all equipped with radio and television sets.

• ***The rights of a special category of female children***

The Commission found that in all the visited centers, children benefit from education on reproductive health and how to prevent gender based violence. They are also provided with sanitary equipment.

• ***The freedom from torture and other cruel or inhuman or degrading treatment or punishment***

During the monitoring carried out by , the Commission in private rehabilitation centres , it held interviews in private with the admitted children and they affirmed that they are not subjected to torture and other cruel or inhuman or degrading treatment or punishment.

2.4.2. Conclusion

During the the monitoring of Human Rights carried out by the Commission in rehabilitation centres in order to prevent torture and other cruel or inhuman or degrading treatment or punishment, it found that the rights of persons rehabilitated in those centres and those of the persons followed up are respected.

2.5. MONITORING OF THE RESPECT OF HUMAN RIGHTS OF PERSONS WITH MENTAL ILLNESS IN HOSPITALS AND PSYCHIATRIC CENTERS

Law n° 19/2013 of 25/03/2013 modified by Law n° 61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights in its Article 6 bis, paragraph 1, confers a particular responsibility to carry out, with or without notice, regular visits at any time when deemed necessary to various places including centres for mentally handicapped and psychiatric hospitals with a view to prevent torture and other cruel or inhuman or degrading treatment or punishment.

Within the framework of fulfilling this special responsibility, from March 21 to 25, 2022, the Commission carried out a monitoring in hospitals and psychiatric centers in order to have information on how their rights to health and adequate standard of living are respected, but also to have information on the problems that the said centres and hospitals encounter in order to advocate for them to improve the respect of human rights of the people treated therein.

The Commission monitored the respect of human rights of persons with mental illness in **32** hospitals, including CARAES Ndera with its branches of CARAES Butare and Centre Icyizere, 2 University Teaching Hospitals (CHUK and CHUB), 3 referral hospitals (Referral hospital of Kibuye, Ruhengeri and Kibungo) 3 provincial hospitals (provincial hospital of Ruhango, Rwamagana and Bushenge) and 21 District hospitals.

After the monitoring, the Commission held talks with the Ministry of Health as well as Rwanda Biomedical Center (RBC) in order to seek solutions to the problems that were identified during the monitoring carried out in the year 2021-2022 for the lasting solutions. Those institutions explained to the Commission taken measures to solve those problems.

2.5.1. Monitoring Findings

The Commission monitored the number of persons with mental illnesses who are cared for in psychiatric hospitals or in centres, and monitored how their rights are respected especially during the period of COVID-19 pandemic.

2.5.1.1. The number of persons treated in hospitals monitored

During the monitoring carried out by the its monitoring, Commission, it found that out of 32 hospitals visited, 21 hospitals had mental patients while 11 hospitals had no mental patients and it also found that all those patients come to the hospital to seek medical services and return back home.

Table no 10: The number of patients admitted to hospitals

N°	Monitored hospitals	District	Date of monitoring	Number of patients admitted to hospitals				
				Adults		Children		Total
				Female	Male	Female	Male	
1	CARAES Ndera	Gasabo	22/03/2022	103	179	10	11	303
2	CARAES Butare	Huye	23/03/2022	52	66	-	-	118
3	Centre Icyizere	Kicukiro	22/03/2022	9	12	-	-	21
4	Nyamata	Bugesera	22/03/2022	2	2	-	-	4
5	Kabgayi	Muhanga	23/03/2022	1	2	-	-	3
6	Rutongo	Rurindo	24/03/2022	1	-	-	-	1
7	Nemba	Gakenke	25/03/2022	8	-	-	-	8
8	Ruhengeri	Musanze	22/03/2022	3	2	-	-	5
9	Byumba	Gicumbi	21/03/2022	6	4	-	-	10
10	Butaro	Burera	23/03/2022	5	3	-	-	8
11	Shyira	Nyabihu	25/03/2022	-	1	-	-	1
12	Muhororo	Ngororero	24/03/2022	1	-	1	-	2
13	Kibuye	Karongi	22/03/2022	1	1	-	-	2
14	Mugonero	Karongi	22/03/2022	3	1	1	1	6
15	Gihundwe	Rusizi	23/03/2022	11	3	2	1	17
16	Bushenge	Nyamasheke	23/03/2022	1	-	-	-	1

N°	Monitored hospitals	District	Date of monitoring	Number of patients admitted to hospitals				
				Adults		Children		Total
				Female	Male	Female	Male	
17	Kibogora	Nyamasheke	24/03/2022	2	-	-	-	2
18	Rwinkwavu	Kayonza	25/03/2022	3	-	-	-	3
19	Kibungo	Ngoma	24/03/2022	2	1	-	-	3
20	Kirehe	Kirehe	23/03/2022	6	4	-	-	10
21	Kigeme	Nyamagabe	22/03/2022	2	1	-	-	3
Total				222	282	14	13	531

As described by table 10 , in 21 hospitals monitored by the Commission, it found that the persons with mental illnesses who were treated therein were **531**, comprised of **222** women, **282** men, **14** boys and **13** girls.

442 patients among them, representing 83.2%, were treated by CARAES Ndera psychiatric hospital and by its branches of CARAES Butare and Centre Icyizere because it is a hospital specialized in the treatment of mental illnesses and possess appropriate equipment as well as psychiatrists specialized in the treatment of such diseases.

CARAES Ndera psychiatric hospital was accommodating 303 patients (147%) out of 206 as its accommodating capacity while CARAES Butare was accommodating 118 patients (107.2%) out of 110 as its accommodating capacity, which proves a high occupancy rate in these two psychiatric hospitals.

During an interview held between the Commission and the Ministry of Health, the Ministry declared that as part of solving this problem, another psychiatric centre is being built in Gasabo district and this centre will support CARAES Ndera.

2.5.1.2. Bedrooms for patients

The Commission found that CARAES Ndera psychiatric hospital, CARAES Butare, Centre Icyizere and Nyamata District hospital are the only ones which have specialized rooms to accommodate persons with mental illnesses, in other hospitals and centres, persons with mental illnesses are accommodated in the same rooms as internal medicine patients. The Commission found that CARAES Ndera is the only one that has a building specialized for the care of children.

2.5.1.3. The rights of persons with mental illness in psychiatric hospitals

The Commission monitored the respect of right to health, adequate standard of living and the right of the special category of women, girls and children who are with their mothers in hospitals.

2.5.1.3.1 The right to health

Principle 14 paragraph 1 (a, b, c) in the international principles relating to the protection of persons with mental illness and the improvement of mental health care which were enshrined in the United Nations

resolution No 46/119 of 17/12/1991, provides that each mental health facility shall have qualified medical and other appropriate professional staff in sufficient numbers, sufficient medicines and appropriate equipment to diagnose mental illnesses.

The Commission monitored whether mental health facilities have sufficient and qualified staff, sufficient drugs and appropriate equipment.

- **Medical staff**

During the monitoring carried out by the Commission, it found that CARAES Ndera psychiatric hospital and its branches CARAES Butare and Centre Icyizere have qualified medical and other appropriate professional staff in sufficient numbers and a doctor circulates in these three centres as needed. However, the Commission found that there is no toxicologist whereas a large number of drug addicts are admitted there.

In other monitored hospitals, the Commission found that there is a specialized service for mental health. In the referral hospitals, on the organization structure, there are 7 doctors for this service, 17 for Kigali University Teaching Hospital (CHUK), 8 for Butare University Teaching Hospital (CHUB) and 4 for other hospitals.

Kigali University Teaching Hospital (CHUK) has 3 doctors specialized in mental diseases, 10 psychiatrists, including 3 on short-term contracts and 5 nurses who have been trained in mental health while CHUB has 1 specialist doctor in mental diseases and 4 nurses who have been trained in mental health.

The service caring for mental diseases in Kibungo referral hospital has 4 doctors out of 7 planned doctors, in Ruhengeri referral hospital there are 3 and in Kibuye referral hospital there are only 2.

The provincial hospitals of Rwamagana and Ruhango have 3 out of 4 planned doctors, Bushenge provincial hospital has 2 including a mental disease specialist paid by a partner.

Kirehe and Butaro district hospitals have enough doctors (Kirehe:12, Butaro:8) thanks to their partnership with Partners in Health which pays those doctors. Rwigyiru district hospital has 4 doctors as planned, the district hospital of Muhororo, Murunda, Mugonero and Kibirizi have 2 out of 4 planned doctors, Nyamata, Kabgayi, Rutongo, Nemba, Byumba, Shyira, Gihundwe, Kibogora, Kigeme, Gisenyi, Nyanza, Munini, Kiziguro and Nyagatare hospitals have 3 out of 4 planned doctors.

In an interview held between the Commission and the Ministry of Health, the Minister explained that doctors are recruited little by little according to available resources.

- **Equipment used in the treatment of mental diseases**

During the monitoring carried out by the Commission, it found that CARAES Ndera, CARAES Butare and Centre Icyizere have "Electro-Encephalo-Gramme" and "Magnetic Resonance Imaging" used for the diagnosis of mental illnesses, the brain and the spinal cord. However, equipment found in CARAES Ndera broke down and it is no longer operational. Persons with mental illnesses who need it are transferred to King Faysal Hospital, Kanombe Military Hospital or to "Medihealth Diagnostic and Fertility Center".

CHUK and CHUB University Teaching Hospitals, Kibuye and Ruhengeri referral hospitals, Bushenge provincial hospital, Nyanza and Rwinkwavu district hospitals also have an Electro-Encephalo-Gram.

The Commission also found that CARAES Ndera, CARAES Huye and Centre Icyizere have a method called "Ergotherapy" used in the treatment of mental illnesses using works.

The Commission found that the following hospitals: Nyamata, Kabgayi, Rutongo, Nemba, Byumba, Butaro, Shyira, Muhororo, Mugonero, Gihundwe, Kibogora, Gihundwe, Kirehe, Kigeme, Gisenyi, Murunda, Kibirizi, Munini, Rwamagana, Kiziguro, Ruhango and Nyagatare use only the healing conversation method since they have no materials. Each one of these hospitals each has a psychiatrist.

• **Drugs used in the treatment of mental illnesses**

Principle 10 in the International Principles relating to the protection of persons with mental illness and the improvement of mental health care which were enshrined in the United Nations resolution No 46/119 of 17/12/1991, provides that the drugs used shall coincide with one's own illness.

During the monitoring carried out by the Commission, it found that hospitals have the drugs needed to treat mental illnesses. Those drugs are administered based on each patient's health insurance. Those who do not have health insurance receive drugs and hospital administration bills are paid by their respective districts.

Gihundwe, Kibogora, Gisenyi, Murunda, Kiziguro and Kigeme District hospitals, Kigali University Teaching Hospital (CHUK) and Rwamagana Provincial Hospital have problems of insufficient drugs. Centre Icyizere encounters problems related to the fact that insurance companies do not cover the services provided to drug addicts, including examinations, while that centre receives many drug addicts, especially young people.

During an interview held between the Commission and the Ministry of Health, the Ministry explained that they are in discussions with insurance companies so that all services given to drug addicts are covered by health insurance.

2.5.1.3.2 The right to adequate standard of living

The commission monitored whether the patients are provided with a decent diet, whether they are visited by their families, cleanliness in hospitals and the rights of a special category of women and girls as well as those of children who are with their mothers in hospitals.

Medical care provided to patients: The Commission found that out of **531** hospitalized patients, only **299** have families, **203** are hospital supported, **18** are district supported while **11** are supported by other permanent benefactors.

The Commission also found that patients who are cared for by the hospital, the district and the benefactors are provided with a decent diet in the morning, noon and evening. Others are provided with meals by their families once a day. Patients who are at Centre Icyizere are provided with a special meal that they pay themselves because those patients have sufficient financial means.

Family visits: The Commission found that patients are visited by their families except those who are at CARAES Ndera and CARAES Butare because of compliance with measures taken to prevent COVID-19 pandemic. At the time of preparation of this report, the Commission learned that visits have resumed at CARAES Ndera and CARAES Butare and are subjected to strict respect of COVID-19 prevention measures.

Hygiene: The Commission found that all the hospitals have contractors who are responsible for hygiene and their work is going well except in Kibuye and Ruhengeri referral hospitals, Gicumbi district hospital as well as Bushenge Provincial Hospital where dirt was found in patient rooms, showers and toilets.

2.5.2.3.3. The rights of a special category of women, girls and children who are with their mothers

During the monitoring carried out by the Commission, it found that in all the hospitals, there are 222 women, including one pregnant woman and two breastfeeding women. They are both cared for by their respective families concerning their social well-being. Women who have no families to care for them are cared for by the hospital.

2.5.2. Conclusion

During the monitoring carried out by the Commission in 31 hospitals and Icyizere Centre, it found that the rights of patients with mental illnesses who are followed up are respected. They are treated appropriately, they are visited by their families and they are not subjected to torture and other cruel or inhuman or degrading treatment or punishment.

Although a lot has been done to ensure that patients be cared for appropriately, the Commission finds that it is necessary to strengthen collaboration between institutions so that problems noticed in some hospitals be solved, including inadequate hygiene be resolved; so that the quality of medical care provided to persons with mental illnesses be improved, become cheaper and accessible to a large number of those who need it.

2.6. MONITORING OF THE RESPECT OF THE RIGHTS OF THE ELDERLY

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, in its Article 51, paragraph 3, which states that "The State has also the duty, within the limits of its means, to undertake special actions aimed at the welfare of the vulnerable, the elderly and other vulnerable groups";

Pursuant also to Law No14/2020 of 07/09/2020 approving the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa in its Articles 5,11,15 and 17;

Pursuant to Law n° 19/2013 of 25/03/2013 modified by Law n° 61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights, in its Article 6 bis, paragraph 1, in March 2022, it carried out the monitoring activities in **8 centres** caring for the elderly and **4 homes** caring for survivors (INTWAZA) of the genocide against the Tutsis perpetrated in 1994 (Impinganzima) in the districts of Bugesera, Huye, Nyanza and Rusizi with the aim to determine check how the rights of the elderly are respected and to prevent torture and other cruel or inhuman or degrading treatment or punishment.

The Commission also carried out a monitoring in **22** hospitals on the functioning of the services of palliative care to the persons with incurable diseases which cause bodily and psychological pain in order to accompany them in the last days of their lives.

After the monitoring, the Commission held talks with the Ministry of Health and Rwanda Biomedical Centre (RBC) in order to seek solutions to the problems that were identified during the monitoring so that they may find lasting solutions. The institutions that took part in these talks explained to the Commission the measures that were taken to solve those problems.

2.6.1. Monitoring of respect of the rights of the elderly in their caring centres and in Impinganzima homes

2.6.1.1. Number of people living in elderly caring centres and Impinganzima homes

Table n° 11: Number of people living in elderly caring centres and Impinganzima homes based on age, sex and the accommodation capacity of the centre

N°	Centre and its location	Sex	Different categories of the elderly based on their age										Total	Capacity of the centre	Percentage	
			Elderly under 60 years old			Elderly with 60 years old and above										
			-50	51-59	Total	60-70	71-80	81-90	91-100	100	Total					
Elderly caring centres																
1.	Home Saint Pierre Huye District	Female	5	2	7	2	3	5	1	-	11	18	22	95%		
		Male	2	1	3	-	-	-	-	-	-	3				
		Total	7	3	10	2	3	5	1	-	11	21				
2.	Home Bikiramariya Amizero yacu. Ngoma District	Female	4	1	5	3	3	1	-	-	7	12	30	66%		
		Male	3	-	3	3	-	2	-	-	5	8				
		Total	7	1	8	6	3	3	-	-	12	20				
3.	Home Sainte Thérèse de l'enfant Jesus. Gicumbi District	Female	5	3	8	1	-	-	2	-	3	11	12	100%		
		Male	1	-	1	-	-	-	-	-	-	1				
		Total	6	3	9	1	-	-	2	-	3	12				
4.	Home Umubyeyi w'Ubuhungiro Rubavu District	Female	2	1	3	2	-	-	2	-	4	7	20	60%		
		Male	-	-	-	2	2	1	-	-	5	5				

N°	Centre and its location	Sex	Different categories of the elderly based on their age									Total	Capacity of the centre	Percentage
			Elderly under 60 years old			Elderly with 60 years old and above								
			-50	51-59	Total	60-70	71-80	81-90	91-100	100	Total			
		Total	2	1	3	4	2	1	2	-	9	12		
5.	Home Saint Vincent de Paul (Inshuti z'abakene) Nyarugenge District	Female	-	3	3	-	1	4	3	-	8	11	20	80%
		Male	-	1	1	1	2	1	-	-	4	5		
		Total	-	4	4	1	3	5	3	-	12	16		
6.	Home Saint Joseph Muhanga District	Female	-	1	1	-	1	10	-	-	11	12	20	65%
		Male	-	-	-	-	-	1	-	-	1	1		
		Total	-	1	1	-	1	11	-	-	12	13		
7.	Home Saint Aloys Huye District	Female	3	-	3	1	9	1	2	-	13	16	22	95%
		Male	3	1	4	-	-	1	-	-	1	5		
		Total	6	1	7	1	9	2	2	-	14	21		
8.	Home of Joy Ngoma District	Female	-	-	-	-	-	-	-	-	0	0	30	86%
		Male	16	3	19	1	4	2	-	-	7	26		
		Total	16	3	19	1	4	2	-	-	7	26		
Grand total			44	17	61	16	25	29	10	0	80	141	176	80%
• Impinganzima homes caring for the elderly														
9.	Impinganzima home Bugesera	Female	-	1	1	20	21	13	3	-	57	58	68	97%

N°	Centre and its location	Sex	Different categories of the elderly based on their age									Total	Capacity of the centre	Percentage
			Elderly under 60 years old			Elderly with 60 years old and above								
			-50	51-59	Total	60-70	71-80	81-90	91-100	100	Total			
		Male	-	-	-	2	4	2	-	-	8	8		
		Total	-	1	1	22	25	15	3	-	65	66		
10.	Impinganzima home Nyanza	Female	-	3	3	5	7	7	2	-	21	24	36	80.5%
		Male	-	-	-	2	2	1	-	-	5	5		
		Total	-	3	3	7	9	8	2	0	26	29		
11.	Impinganzima home Huye	Female	-	2	2	13	41	26	5	1	86	88	105	89.5%
		Male	-	-	-	-	3	3	-	-	6	6		
		Total	-	2	2	13	44	29	5	1	92	94		
12.	Impinganzima home Rusizi	Female	-	11	11	8	6	1	-	1	16	27	52	69%
		Male	-	1	1	5	-	1	1	1	8	9		
		Total	-	12	12	13	6	2	1	2	24	36		
Grand total			-	18	-	55	84	54	11	6	207	225	261	86 %

According to table N-11, the Commission found no high occupancy rate in 8 elderly centres because the total number of older persons living in those centres was 141 whereas their accommodating capacity is 176, while Impinganzima homes were hosting 225 elderly out of 261 as their accommodating capacity.

Most of the elderly under the age of 60 found in elderly caring centres are people with disabilities, people who do not have families to care for them as well as other people who have health problems and do not have families to care for them and have been brought into the centres by local administration entities.

2.6.1.2. Structure and functioning of elderly caring centres and Impinganzima homes

The Commission found that some elderly people are sent to elderly caring centres by the basic ecclesial communities, others are sent by local authorities or people of goodwill from the streets while others ask themselves to be taken in because of their poverty or the lack of families which could take care of them. Impinganzima homes accommodate the elderly whose children were decimated by the genocide against the Tutsis in 1994 who are over 60 years old. Those who have not yet attained this age are those living with diseases that cannot allow them to live alone. The elderly who are hosted in centres or Impinganzima homes are recorded in the registers and in the computer allowing the centres to have their complete identifications.

2.6.1.3. Respect of human rights in centres for elderly and in Impinganzima homes

The rights of the elderly that have been monitored are provided for by the Protocol to the African Charter on Human and Peoples' Rights of 31 January 2016 relating to the Rights of Older Persons in Africa which was enshrined by Presidential Order No 088/01 from 07/09/2020.

The rights that have been monitored are:

- ***The right to live in a secure and clean environment***

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Elderly Persons in Africa in its Article 11, provides that States shall Enact or review existing legislation to ensure that residential care is optional and affordable for Older Persons while respecting national, regional and international standards.

The Commission found that the centres caring for the elderly and Impinganzima homes have sufficient, safe and clean buildings, including those provided for women and others for men. All the caring centres have enough staff who take care of the social well-being of the persons living there.

- ***The right to adequate food and drinking water***

Article 1 of the United Nations Resolution on Older Persons provides that "Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help".

The Commission found that the right to adequate food is respected because persons living in elderly caring centres and Impinganzima homes are provided with a balanced meal and drinking water. Those who are sick are provided with a special diet.

- ***The right to health***

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa in its Article 15 paragraphs 1, 2 and 3 specifies that "Older persons should have health services near them allowing them have access to basic and specialized care and should be given health insurance".

The Commission found that the right to health is respected because older persons living in caring centres or Impinganzima homes benefit from appropriate medical services using community health insurance scheme (MUSA), the drugs that are not insured by MUSA are paid by centres caring for them.

- ***The right to leisure and to participate in the promotion of culture***

The Protocol to the African Convention on Human and Citizens' Rights on the Rights of Older Persons in its Article 17 provides that "States Parties shall develop policies that ensure the rights of Older Persons to enjoy all aspects of life, including active participation in socio – economic development, cultural programmes, leisure and sports".

The Commission found that the elderly living in caring centres and in Impinganzima homes benefit from recreational activities in accordance with their age, they do physical exercises, they practice small walks, they play different games such as «*Igisoro*» and the card game. The Commission also found that they participate in the promotion of culture through self praises, , songs, proverbs, pastoral songs, riddles and stories.

- ***The right to information***

The Protocol to the African Convention on Human and Citizens' Rights on the Rights of Older Persons of January 31, 2016 in its Article 19, paragraph 2 stipulates that "Older persons should have different knowledge and have information related to their rights and have other needed information helping them to have adequate social-wellbeing".

The Commission found that this right is respected since their administration helps them to increase their knowledge and to have access to information and the centres are equipped with radio and television sets. They also have discussions with the authorities of the centres and local administration that provide them with information on Government programs.

• ***The right to decide what should be done for them***

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa in its Article 5 paragraphs 2 and 3 provides that “Older persons have the right to decide themselves and to choose what should be done for them without being impeded by any person”

The Commission found that the elderly participate in the choices of the activities which should be done for them without constraint, they express their opinions and those opinions count in the process of decision making on matters relating to their life.

2.6.2. Monitoring of the respect of the rights of the elderly with incurable diseases for palliative care

“Palliative Care” is care provided to people with incurable diseases causing bodily and psychological pain to the patients or their families, and to accompany them in their last days by ensuring the prevention of severe pain. All this is done to accompany the person in his or her last days for his or her inestimable importance.

It is in this context that palliative care is of paramount importance for patients with incurable diseases, including the elderly, in order to help them enjoy their fundamental rights necessary to live in calm and serenity. Those people are cared for by hospitals and centres or are followed up in their homes by doctors and volunteers who give them drugs and other materials they need.

Article 11 paragraph 3 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa stipulates that “Older Persons in palliative care receive adequate care and pain management medication”.

The Commission monitored **22** hospitals on the functioning of the palliative care services provided to people, including the elderly, who suffer from incurable diseases causing bodily and psychological pain.

2.6.2.1. The number of older persons benefiting from “Palliative Care” services

During the monitoring carried out by the Commission, it found that in 22 hospitals providing palliative care services which have been monitored, there were **282** elderly people including 149 women and 133 men. The table below shows the number of older persons who were in the monitored hospitals.

Table n°12: Number of older persons receiving “Palliative Care” in hospitals based on monitored categories

N°	Date of monitoring	Monitored hospital and its location District	Sex	Aged between 60-100	Aged more than 100 years	Total
1	23/03/2022	Gihundwe Hospital (Rusizi)	Female	6	-	6
			Male	3	-	3
			Total	9	-	9

2		Bushenge Hospital (Nyamasheke)	Female	25	-	25
			Male	42	-	42
			Total	67	-	67
3	24/03/2022	Kibogora Hospital (Nyamasheke)	Female	24	1	25
			Male	10	-	10
			Total	34	1	35
4	22/03/2022	Kigeme Hospital (Nyamagabe)	Female	10	2	12
			Male	8	2	10
			Total	18	4	22
5	21/03/2022	Munini Hospital (Nyaruguru)	Female	1	-	1
			Male	1	-	1
			Total	2	-	2
6	23/03/2022	CHUB (Huye)	Female	28	-	28
			Male	17	-	17
			Total	45	-	45
7	23/03/2022	Rutongo Hospital (Rulindo)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
8	23/03/2022	Nyamata Hospital (Bugesera)	Female	-	3	3
			Male	2	-	2
			Total	2	3	5
9	23/03/2022	Kibungo Hospital (Ngoma)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
10	23/03/2022	Ruhengeli Hospital (Musanze)	Female	8	-	8
			Male	14	-	14
			Total	22	-	22
11	23/03/2022	Byumba Hospital (Gicumbi)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
12	23/03/2022	Butaro Hospital (Burera)	Female	3	-	3
			Male	2	-	2
			Total	5	-	5
13	23/03/2022	Muhororo Hospital (Ngororero)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
14	23/03/2022	Shyira Hospital	Female	10	-	10

		(Nyabihu)	Male	5	-	5
			Total	15	-	15
15	23/03/2022	Kabgayi Hospital (Muhanga)	Female	17	-	17
			Male	14	-	14
			Total	31	-	31
16	23/03/2022	Kibirizi Hospital (Gisagara)	Female	-	4	4
			Male	-	1	1
			Total	-	5	5
17	23/03/2022	Kinazi Hospital (Ruhango)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
18	23/03/2022	Kibuye Hospital (Karongi)	Female	5	-	5
			Male	4	-	4
			Total	9	-	9
19	25/03/2022	Nyagatare Hospital (Nyagatare)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
20	23/03/2022	Kiziguro Hospital (Gatsibo)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
21	22/03/2022	Rwamagana Hospital (Rwamagana)	Female	-	-	-
			Male	-	-	-
			Total	-	-	-
22	4/04/2022	Kibagabaga Hospital (Gasabo)	Female	2	-	2
			Male	8	-	8
			Total	10	-	-
Grand total				269	13	282

2.6.2.2. The way Palliative Care is provided to the elderly

The Commission verified whether older persons with incurable diseases receive palliative care and whether hospitals have enough staff to provide it.

• Medications provided in palliative care

During the monitoring carried out by the Commission, it was found that “Morphine” administered orally is the most used drug in palliative care because its instructions for use are simple and it is distributed free of charge and there are conditions to be followed for its administration.

• Palliative care staff

During the monitoring carried out by the Commission, it found that there is a group in charge of palliative care in each hospital composed by doctors and nurses from different departments and that there are other non-governmental organizations caring for patients who receive home palliative care. All those professionals have been trained in the administration of palliative care. However, the trained persons are still few compared to the needed number. .

In an interview that the Commission held with the Ministry of Health and RBC, it explained that there is a budget earmarked for the training of doctors and CHWs so that palliative care service become available everywhere in hospitals and that health centers and CHWs become able to provide home palliative care.

• Diseases causing severe pain

The Commission noted that the incurable diseases causing severe pain are: : diabetes and its complications, pulmonary diseases, heart disease, various cancers including internal, breast, blood, and lung cancers, stroke, blood insufficiency, liver sirosis, prostate, stomach, cervix as well as incurable diseases caused by accidents causing severe pain. Most of the victims of those diseases are older persons because of their weak bodies.

• Rooms in which palliative care is provided

The Commission found that patients who need palliative care are treated in different hospitals including District, Provincial and University Teaching Hospitals. Some are treated in particular centres while others receive care at home in collaboration with other NGOs specialized in this field.

The Commission found that the majority of patients receive palliative care at hospitals compared to those receiving it at home.

• Rooms accommodating patients under palliative care

The Commission found that there are no specific rooms for patients receiving palliative care. They are accommodated in the same rooms as those suffering from internal medicine diseases. However, Kibogora Hospital has partners who have built a specific palliative care building for them. This hospital receives a large number of patients.

The Commission found that there are patients who receive palliative care and after a certain time, they become a burden on hospitals because of the drugs and services received, including daily dressing. There are times when those patients do not have health insurance or those who do are not able to pay the health insurance co-payments themselves.

The Commission finds that the Government should redouble its efforts in training health professionals on palliative care for patients under treatment either in hospitals, health centers or those followed up by CHWs in order to help the elderly suffering from incurable diseases associated with severe pain to reduce those pains so that they may spend the rest of their lives in dignity.

2.6.3. Conclusion

During the monitoring conducted by the Commission on the respect of the rights of elderly, it monitored how the rights of older persons living in centres caring for elderly elderly and Impinganzima homes are respected and it monitored how the rights of the elderly living with incurable diseases under palliative care are respected.

The Commission found that the rights of older persons living in centres caring for the elderly and Impinganzima homes are respected since they are provided with medical services, food and live in a healthy and safe environment. They have leisure time, they enjoy the right to information and participate in choosing what should be done for them.

The Commission found that the rights of older persons under palliative care in hospitals are respected, they are provided with palliative care free of charge.

PART THREE : PROMOTION OF HUMAN RIGHTS

The responsibility of the Commission related to the promotion of human rights is entrusted to the Commission by the Constitution of the Republic of Rwanda of 2003 revised in 2015, Article 42. Similarly, the said mission is also entrusted to the Commission by Law no 19/2013 of 25/3/2013 which was amended by Law no 61/2018 of 24/08/2018 determining missions, organisation and functioning of the Commission in its Article 5 (1).

During the year 2020-2021, the activities of the Commission related to the promotion of human rights focused on sensitizing and educating the Rwandan community to the issue of human rights, yearly celebrations of international human rights days, seeking contributions to draft laws, urging relevant officials to ratify a number of international human rights treaties and release reports on time, compilation, submission and publishing activity report for the year 2019-2020, and collaboration with other institutions for the sake of human rights protection and promotion.

3.1. Sensitization of the Rwandan population to human rights

In order to educate and sensitize the Rwandan community on human rights, the Commission held talks with different groups of Rwandans using internet, print, audio, video, social media, and through training.

3.1.1. Radio and television shows

During the year 2021-2022, the Commission organized 16 radio and 6 TV shows on different radio and televisions stations.

Those shows were organized by the Commission in collaboration with some of the government institutions including the Ministry of National Unity and Civic Engagement (MINUBUMWE), Rwanda Biomedical Center (RBC), the National Council of Persons with Disabilities (NCPD) and 'Non-Governmental Organizations striving for the promotion of Human Rights.

Table 13: Radio and TV stations used for broadcasting shows

No	Radio	Number of radio talks	Television	Number of TV shows
1	Radio Rwanda	1	RTV	3
2	Community radios as Radio Rwanda's branches (Huye, Nyagatare, Musanze, Rubavu, Rusizi)	7	Flash FM	1
3	Private community radios (Izuba, Isangano, Huguka, Ishingiro)	4	Isango Star TV	1
4	Isango Star Radio	1	Izuba TV	1
5	Country FM	1	-	-
6	Flash FM	2	-	-
	Total	16	Total	6

The talk shows focused on the following themes:

- Fundamental principles of human rights, strengthening the unity of Rwandans and fighting the ideology of genocide (Shows broadcasted during the Human Rights Week);
- The role of each institution in reducing imbalances and promoting human rights, especially during and after COVID-19;
- Know your rights to fair justice;
- Know your rights and stand against corruption and its effects on human rights;
- Let us fight genocide and its ideology by promoting human rights (Show broadcasted within the framework of commemorating the Genocide perpetrated against the Tutsis in 1994).

The shows organized by the Commission and broadcasted through radios and television were productive because they reached many people and wherever the Commission organized a show, the people were given time to give their opinions on the themes discussed, through telephone lines or on social media platforms of radio or television that hosted the Commission's show.

3.1.2. Educating the Rwandan community on Human Rights

While educating the Rwandan community on human rights, the Commission trained people of different categories on the right to fair justice and the rights of people with disabilities.

3.1.2.1. Training on the right to fair justice

On 18/05/2022, at Lemigo Hotel, the Commission, in collaboration with Rwanda Bridges to Justice (RBJ) trained 197 people comprised of 124 men and 73 women, including professional court bailiffs, Legal Advisors in different levels of government and non-governmental organizations and those responsible for promoting human rights in all correctional facilities in Rwanda.

Discussions focused on the fundamental principles of Human Rights, the right to having the judgments executed and receiving what you have won in a lawsuit, the right to fair justice and the rights of prisoners and detainees (Mandela rules).



Participants in the training on the right to fair justice (Photos: NCHR, 2022)

During trainings, participants were explained about negative impact of not non-execution of judgments and not receiving what you have won in a lawsuit on the right to the well-being of the people in particular and the country in general t. Various suggestions have been raised to improve the respect of the right of having the judgments executed and receiving what you have won in a lawsuit.

3.1.2.2. Training on the rights of people with disabilities

On June 9, 2022, in Kigali at Nobleza Hotel, the National Commission for Human Rights, in collaboration with NUDOR and Humanity & Inclusion NGOs, provided training to 125 people, comprised of 54 men and 71 women from some of the medical organs, representatives of government organs , those working in the fight against gender-based violence and representatives of non-governmental organizations.;



Participants in the training on the rights of Persons With Disabilities (Photo: NCHR, 2022)

The training focused on the rights of people with disabilities and combating gender-based violence and has been a good opportunity to exchange ideas and take action to continue to focus on the protection of the rights of people with disabilities and the fight against gender-based violence.

3.2. Celebration of international Human Rights Days

On yearly basis, the Commission celebrates International human rights days in order to make people be aware of human rights [which are part of international treaties related to those days](#).

For that reason, in 2021-2022, the Commission celebrated International Human Rights Day, International Day of Persons with Disabilities, International Women's Day, International Labor Day and the Day of the African Child. The Commission also joined the Rwandan community in commemorating the 28th anniversary of the Genocide perpetrated against the Tutsis in 1994.

3.2.1. International Human Rights Day

Every year, on December 10, the world celebrates International Human Rights Day. On that day, the United Nations approved the text of the Universal Declaration of Human Rights, in 1948. In 2020 - 2021, the Commission joined various government institutions and its partners in celebrating the 73rd anniversary of the International Declaration of Human Rights under the international theme: "***Equality, reducing inequality, promoting human rights.***"

In this regard, from November 30, 2021 to December 10, 2021, the Commission organized a human rights week, characterized by various activities aimed at raising awareness among Rwandans of the rights enshrined in - the Universal Declaration of Human Rights.

- ***Press conference***

On 30/11/2021, the Commission, in collaboration with the Office of High Commissioner for Human Rights (OHCHR), the Ministry of National Unity and Civic Engagement (MINUBUMWE), Rwanda Biomedical Center (RBC), the Office of the Ombudsman, the National Council of Persons with Disabilities (NCPD) and a Non-Governmental Organization "Humanity & Inclusion", held a press conference aimed at highlighting, explaining and disseminating the human rights enshrined in the Universal Declaration of Human Rights and highlighting activities that will be carried out during the Human Rights Week.

During that conference, the Commission and its partners answered questions asked by journalists on the topics related to the international days celebrated that week and on human rights in general.

- ***Discussions with members of the Advisory Council to prevent and combat injustice and corruption in all provinces of the country***

On December 2, 2021, in cooperation with the Office of the Ombudsman, the Commission organized a presentation to members of the extended security council at Provincial level and members of the Advisory Council against corruption and injustice in districts in each Province on consequences of corruption on the respect of human rights and the role of institutions in the respect of human rights.

The discussions were held in the conference room of each province, attended by 229 people including 58 from the Eastern Province, 47 from the Northern Province, 60 from the Western Province and 64 from the Southern Province. Among the participants were Provincial Governors, representatives of the African Union of Parliamentary Members Against Corruption (**APNAC**), representatives of security agencies at Provincial level, District Leaders who are also leaders of the District Advisory Council and "representatives of anti-corruption clubs" at provincial level.



Members of the Extended Provincial Security Council and the Advisory Council against Corruption and Injustice in the Eastern Province after discussions with Commissioner MUHONGERWA Patricia and the Chief Ombudsman (Photo: NCHR, 2022)

The participants to the discussions were explained that corruption is a threat to human rights because it creates extreme inequalities among citizens and makes people feel that their rights are not being respected including not to be given what they are entitled to by law. They were also reminded of their responsibilities, including the implementation of policies, programs and laws that have been established to protect the citizens' rights.

3.2.2. International Day of Persons with Disabilities

On December 3, 2021, the Commission joined other institutions to celebrate the International Day of Persons with Disabilities which was celebrated at national level in Rubavu District under the theme "**The Role of Persons with Disabilities in Inclusive Good Governance after Covid- 19**".

In this event, the National Commission for Human Rights was represented by Commissioner GAHONGAYIRE Aurélie, who delivered a message on the rights of persons with disabilities.

The celebration of the day was marked by various activities including messages delivered to the participants of the event, visiting the exhibition organized by People with Disabilities and different games were played by People with Disabilities.

• **Radio and Television shows**

On the 5th and 8th of December 2021, the Commission in collaboration with the Ministry of National Unity and Civic Engagement (MINUBUMWE), Rwanda Biomedical Center (RBC) and the National Council of Persons with Disabilities (NCPD), broadcasted a show on Rwanda radio and television and on Flash radio and television.

The broadcasted shows were focused on the theme "**Let us fight against Genocide and its ideology by promoting human rights**". The Commission explained to the Rwandan community the negative effects of the Genocide and its impact on the respect of Human Rights and encouraged everyone to participate in the promotion and protection of Human Rights.

• **Training of youth volunteers**

In collaboration with the NGO "Humanity and Inclusion", on December 7, 2021, at Nobleza Hotel, the Commission trained 211 youth volunteers from the City of Kigali on their role in promoting human rights by combating inequality.

Discussions focused on the fundamental Principles of Human Rights enshrined in the Universal Declaration of Human Rights. Participants seized the opportunity to have a better understanding of human rights, and were asked to take part in mobilizing the Rwandan community to respect principles of equality and non-discrimination because it is the most important pillar in building sustainable peace in society, the country's development, democracy and good governance.

3.2.3. International Women's Day

On March 8, 2022, the Commission, in collaboration with NGO "Strive Foundation Rwanda", joined residents of Tumba Sector in Huye District to celebrate the International Women's Day under the theme "**Equality and Complementarity in coping with climate change**". To celebrate this day was a good opportunity to raise awareness among the participants on human rights in general and the role of equality and Complementarity in coping with climate change.

The celebration was preceded by the wedding engagement of 8 families that had formed illegal unions and some of them are members of the Association "*Ingoro ihuje ababyeyi*", a group of women supported by "Strive Foundation" in their development process and the group performs activities that protect the environment.



Legally married families together with guests attending the celebration of the International Women's Day (Photo: NCHR, 2022)

During the celebration, 42 clean cookstoves were donated to members of the association and some of the participants in order to support them in the fight to protect the environment. The Commission also delivered a message on women's rights and the role of equality and inclusiveness in coping with climate change, highlighting the obstacles preventing women from enjoying the rights provided by law and fully participating in the country's development.

During the delivered messages, women were asked to continue to be at the forefront in promoting equality and complementarity by participating in the promotion of human rights, continuing to gather in different associations and avoiding all activities of air pollution and participating in raising awareness on that issue among others.

The Commission also visited activities of "Ingoro ihuje ababyeyi" Association related to making and burning bricks without using wood and the association was requested to continue to promote its activities and continue to support government programs by respecting human rights.



Some of the participants in the celebration receiving clean cookstoves (Photo: NCHR, 2022)

3.2.4. The International Human Rights Day on December 10, 2021

The event to celebrate the International Human Rights Day, which was held in the form of a conference, took place at the Serena Hotel and was attended by 112 people from different backgrounds, including the State Minister in the Ministry of Justice in charge of the Constitution and other Laws, who was the guest of Honor, the UN Resident Coordinator, representatives of their countries in Rwanda, representatives of government institutions and representatives of NGOs aimed at promoting Human Rights.



Photos showing some of the guests of Honors and the Chair Person of the Commission delivering a message to the participants of the event (Pictures: NCHR, 2021)

The message delivered in that celebration was about the rights enshrined in the Universal Declaration of Human Rights and praised the role of the Government of Rwanda in creating programs and policies that promote the citizens' rights.

In the message of the State Minister in charge of *the Constitution* and other laws, Mrs. Solina NYIRAHABIMANA, who was the Guest of Honor, she thanked the Commission for its role in protecting and promoting human rights, and reminded the role of the Government in promoting human rights leaving no one behind and in establishing programs and policies aimed at the development of the population and combating any kind of inequalities and discriminations.

3.2.5. Commemoration of the Genocide perpetrated against the Tutsis in 1994

Every year, on the 7th of April, the Rwandan community joins the rest of the world in commemorating the Genocide perpetrated against the Tutsis in 1994. The commemoration is preceded by a week of mourning that lasts for seven (7) days, from the 7th to the 13th April. The commemoration continues for a period of one hundred (100) days, beginning with the week of mourning, and ending on July 3rd of each year.

Within this context, on April 12, 2022, the Commission collaborated with officials and employees of the Special Guarantee Fund (SGF), members of the National Council of Persons with Disabilities and members of Command Post on border projects delivery in the commemoration ceremony for the 28th anniversary of the Genocide perpetrated against the Tutsis in 1994. The ceremony took place at the Commission headquarters. The theme was "Remember Unite Renew".

Participants to the ceremony discussed on the role of the Genocide ideology in destroying the unity of Rwandans and everyone's responsibility to build it. They were encouraged to continue rebuilding themselves striving to respect everyone's rights, especially the right to live because it is the foundation of all other rights.



Officials and employees of the Commission and fellow institutions during the commemoration day of the Genocide perpetrated against the Tutsis (Pictures: NCHR, 2022)

In order to continue to commemorate the Genocide perpetrated against the Tutsis and to support the survivors, on April 29, 2022, officials and employees of the National Commission for Human Rights and those of the NGO "Never Again Rwanda" visited Nyamata Genocide memorial where bodies of the victims of the Genocide against the Tutsis are buried.



Officials of the National Commission for Human Rights, Never Again Rwanda and Bugesera District laying flowers on the graves at Nyamata Memorial where bodies of Tutsis who were killed during the 1994 Genocide against the Tutsis are buried (Picture: NCHR, 2022)

After visiting the memorial, the commemoration continued with a visit to 12 families of the Genocide Survivors who were settled in Kivugiza Village, Murama Cell in Nyamata Sector, who did not have electricity, and they were provided with solar energy, mobile phones and television sets that will help them get out of isolation.



Families of the Genocide survivors receiving solar energy equipment , telephones and television sets (Picture: NCHR, 2022)

3.2.6. The International Labor Day

On May 1st yearly, Rwanda joins the rest of the world in celebrating the International Labor Day. In 2022, the International Labor Day was celebrated under the theme: "**The Future of Work, Our Common Purpose**".

In order to continue to comply with the measures to prevent the spread of COVID-19 pandemic, Employers were requested to exchange ideas with employees virtually on how to improve the work.

Within this context, on 4/5/2022, the Commission held a virtual discussion with its employees which focused on the characteristics of good performance, right attitude and behavior, the consequences of poor performance and unprofessionalism, as well as measures to be taken to correct mistakes which are still noticeable.

Every employee was reminded that he/she has the responsibility to have the right attitude, to enjoy work and improve it in order to provide good and fast service, to help the Commission to achieve its goals by improving their works and always think of positive changes and be creative with a view to review and speed up work in general.

3.2.7. The International Day of the African Child

Every year, on June 16, Rwanda joins other African countries in celebrating the Day of the African Child.

As part of its duties to promote human rights in general and children's rights in particular, on 25/06/2022, the Commission, in collaboration with the NGO "Strive Foundation Rwanda", joined residents of Kagano Sector, Nyamasheke District to celebrate that day. The theme was: **"Protect a child, build a better future "**.

The celebration of the day focused on the theme with a special emphasis on the fight against teenage pregnancies and prohibited child labor as some of the constraints threatening children's rights in the Rwandan society.



The Chairperson of the Commission and other officials listening to the children's poem (Pictures: NCHR, 2022)

The message delivered went back to the history and reason for celebrating the Day of the African Child, and reminded that all children have equal rights and should be respected without any discrimination.

The participants in the celebration were encouraged to cooperate with government institutions in preventing any kind of violence, but especially child gender based violence, because teenage pregnancies have a negative impact on the child, his/her family and the country's development in general.

During those festivities, some of the best artworks were shown in the competition held in 10 primary and secondary schools in Kagano Sector where students competed in songs, dances, poems, and illustrated stories. It was a competition designed to highlight the violence against children, especially based on gender, as well as the hard work some children are subjected to. This competition also allowed the participating children to demonstrate their role in the fight against violence so that their rights continue to be respected. Each child who participated in the competition was awarded a prize consisting of school supplies, but the winners were awarded higher prizes.

3.3. Providing views on draft laws

The Commission provides views on laws, guidelines, administrative instructions and draft laws to ensure they comply with the fundamental human rights principles as stipulated by Law no 19/2013 of 25/03/ 2013 which was amended by Law no61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights, in its Article 5, paragraph 4.

In the year 2021-2022, the Commission analyzed and provided views and ideas on the following draft laws implementing Law No. 27/2021 of 10/06/2021 regulating land:

- The draft Ministerial Order determining the type of paths provided and how they are done;
- The draft Ministerial Order determining the methods and requirements for resolving disputes based on the general registration of land and its boundaries;
- The draft Ministerial Order determining the method of changing the use of land;
- The draft Ministerial Order regarding land registration;
- The draft Prime Minister Order determining the method for providing and acquiring land;
- The draft Ministerial Order regulating land use;
- The draft Presidential Order determining other ways in which a foreigner can own land.

Those orders were approved by the Cabinet and the opinions provided by the Commission were taken into account.

3. 4. Urge relevant government institutions to ratify international human rights treaties and to submit on time the reports relating thereto

As part of the mandate conferred on it by law, during the year 2021-2022, the Commission urged relevant Rwandan government institutions to ratify international human rights instruments and to submit timely reports relating thereto.

3.4.1. Urge relevant government institutions to ratify international human rights treaties

Within the framework of urging government institutions to ratify international human rights treaties, the National Commission for Human Rights has prepared a booklet listing international human rights treaties that have already ratified by the government of Rwanda and those that have not yet been ratified. This booklet was transmitted to government institutions through letter n° CNDP/049/SEP/21.22 of September 23, 2021.

The booklet includes some articles of the International Convention on Human Rights that Rwanda has ratified but has yet to decide on. Those articles require that the country allows individuals to submit complaints (communications) to international human rights instruments committees.

On March 31, 2022, the Commission held a meeting with the Minister of Justice and Attorney General to discuss these issues. Both parties appreciated that out of the 9 core international human rights instruments, Rwanda has ratified 8. The one that is not yet ratified is the International Convention for the Protection of All Persons from Enforced Disappearance. This convention, as well as the articles that require the authorization of individual complaints, are being evaluated to determine the obligations they contain and to ensure that, if ratified, they will not be used for purposes likely to harm the country's interest.

3.4.2. Urge relevant government institutions to submit on time the reports related to international Human Rights treaties

As part of urging the competent public institutions to submit, on time, reports on the international human rights instruments that the country has ratified, the National Commission for Human Rights has prepared a booklet listing the reports that Rwanda has already submitted on these international conventions and those that are overdue. This booklet was sent to public institutions through letter no CNDP/051/SEP/21.22 of September 24, 2021.

On March 31, 2022, during the discussions the Commission held with the Minister of Justice and Attorney General, it was revealed that the delay in submitting reports on the International Human Rights Conventions was due to the fact that the staff responsible for preparing them were not working properly due to the lockdowns related to the COVID-19 pandemic.

3.4.3. Assessment of the implementation of the recommendations issued to Rwanda after submitting reports on international human rights treaties

This year, a document was prepared to request information from various institutions concerning the implementation of the recommendations issued to Rwanda on its initial report on the International Convention on the Rights of Persons with Disabilities. The document was submitted to the relevant government institutions to provide information to be used in preparation of the report.

In collaboration with the Great Lakes Initiative for Human Rights and Development (GLIHD), from 25th to 27th May 2022, the Commission organized a retreat held in Musanze District, which brought together 50 people from government institutions and civil society organizations. They reviewed 160 recommendations issued to Rwanda in January 2021 as part of the 3rd cycle of the Universal Periodic Review.



The Chairperson of the Commission delivering a message to the participants of the retreat (Pictures: NCHR, 2022)

The participants in the retreat analyzed the content of these recommendations given in Rwanda and discussed on the actions to be considered as part of the monitoring of their implementation.

3.5. Compilation, submission and dissemination of annual activity report for 2020-2021

As provided for by law no 19/2013 of 25/03/2013 amended by law n° 61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights, in its Article 5, paragraph 3 and in Articles 13 and 14, the Commission has a responsibility to write a report and submit it to both chambers of the Parliament and give a copy to the President of the Republic, the Cabinet and the Supreme Court and disseminate it subsequent to its submission to the Parliament.

Within this context, on 21th October 2021, the Commission submitted its activity report for the year 2020-2021 and its action plan for the year 2021-2022 to the Parliament/both Chambers in plenary assembly using video conference.

The Commission also followed up the analysis of that report in the Parliament commissions in charge of monitoring the respect of human rights, and continued to monitor the implementation of the recommendations issued to the Government by the Parliament on that report.

3.6. Collaboration between the Commission and other institutions

The National Commission for Human Rights has a responsibility to work in collaboration with other institutions in charge of human rights from other countries, associations carrying out their activities across the country together with international organisations in order to promote and protect human rights as provided for by paragraph 8 of Article 5, of the law determining missions, organisation and functioning of the National Commission for Human Rights.

In this regard, during the year 2021-2022, the Commission kept working in collaboration with international institutions on human rights world wide and across African continent. In addition, the Commission continued to work in collaboration with non government organisations promoting human rights which operate in the country.

Within the context of that collaboration, the Commission conducted training sessions with different institutions and provided its views and ideas and shared some experiences with those institutions. But, for the sake of COVID 19 pandemic prevention, most of the meetings were virtual. .

3.6.1. Collaboration at the international level

At the international level, the Commission cooperated with international institutions and organizations responsible for human rights.

3.6.1.1. Cooperation with the Office of High Commissioner for Human Rights in Rwanda

On 14-16/12/2021, Commissioners and employees of the Commission were trained in order to increase their knowledge on monitoring and reporting on human rights violations. The training was held in collaboration with the **Office of High Commissioner for Human Rights** in Rwanda.



Commissioners and Commission staff participated in the training (Picture: NCHR, 2021)

3.6.1.2. Collaboration with Global Alliance for National Human Rights Institutions (GANHRI)

Virtually, the Commission attended the following meetings organised by the Global Alliance for National Human Rights Institutions

- On 30/11/2021, the Commission participated in a meeting aiming at discussing the role of the National Commissions of Human Rights in facilitating people to recover their deprived rights, especially in terms of small trade and human rights;
- On 25/01/2022, the Commission participated in a meeting on fulfilling obligations related to human rights in implementing sustainable development goals;
- The Commission also participated in the meeting held on 17/02/2022, which was aimed at reviewing the role of human rights institutions in relation to the new Convention on the rights of the elderly;
- On 14 - 15/02/2022, the Commission participated in a meeting on the implementation of the "Marrakech Declaration" related to the promotion and protection of human rights activists;
- On 8-10/03/2022, the Commission participated in meetings aimed at exchanging ideas and sharing experience on the good functioning of National Human Rights Commissions.

3.6.1.3. Collaboration with human rights Commissions from Commonwealth member States

- On 03/07/2022, virtually, the Commission participated in the annual meeting of the Forum of Human Rights Institutions of Commonwealth member states. During this meeting, the report of the forum was presented and there was a discussion on its leadership that was supposed to be replaced in June 2022.
- On 6-12/03/2022, the Commission made a study trip to England aimed at preparing the meeting of the Forum scheduled to be held in Rwanda on 16-17/06/2022. During the study trip, the delegation of the Commission discussed with the Management of the British Human Rights Commission in order to prepare the conference.

According to the principles governing the Forum of National Human Rights Institutions of Commonwealth member States adopted in March 2019, CFNHRIs meet every two years in a meeting held at the same time as CHOGM.

Within this framework, on June 16 and 17, 2022, the Forum of National Human Rights Institutions of Commonwealth held a conference in Kigali at Marriot Hotel. The conference, which brought together 48 delegates from 28 member States of the Commonwealth, was held on the theme: **“Human Rights for all at the heart of recovery efforts during and after COVID-19”**.



***Participants to the Conference of Commonwealth Forum of National Human Rights Institutions
(Picture: NCHR, 2022)***

During the conference, the National Commission for Human Rights of Rwanda was assigned to chair the Forum of Human Rights Commissions of Commonwealth member States for a period of two years, replacing the British Commission for Human Rights.



Baroness Kishwer Falkner and Marie Claire MUKASINE at the handover ceremony (Picture: NCHR, 2022)

At the end of the conference, on 17/05/2022, members of the Commonwealth Forum of National Human Rights Institutions approved Kigali Declaration on continuing to promote human rights in times of pandemics and other disasters that may threaten the Earth.

Members of the forum requested heads of States and governments to accept the importance of putting human rights first in recovering national economies during pandemics and other disasters that can threaten the world.



Participants voting for “Kigali Declaration” (Pictures: NCHR, 2022)

The Commission also participated in the meetings of the People's Forum, the Women's Forum and the Sports Forum. All these Forums were held as side events of the CHOGM.

3.6.1.4. Collaboration with the Francophone Association of National Human Rights Commissions

- On 7 and 8/09/2021, the Commission participated in a training aimed at increasing the Commission's knowledge in relation to corruption and Human Rights;
- On 30/11/2021, the Commission participated in a meeting that studied the role of Human Rights Commissions in promoting human rights in terms of business and ways to compensate the wronged;
- On 22/02/2022, the Commission participated in the meeting of the Presidents of National Commissions for Human Rights, which examined ways to improve the functioning of the said Commissions;
- On the 17th and 8/03/2022, the Commission organized a training on the effects of corruption on the respect of human rights, the training was attended by 58 people including 35 men and 23 women from various departments including government agencies, Non-governmental organizations and the private sector organisations in connexion with the prevention and fight against corruption.



Participants to the training from different institutions (Picture: NCHR, 2022)

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

- On 26/08/2021, the Commission participated in a meeting that examined the International Convention related to moving from one country to another in a fair and perfect manner.
- The Commission also participated in the 4th meeting of the Network of African National Human Rights Institutions held on 12-13/04/2022, which was aimed at preparing the 71st meeting of the African Commission for Human and Citizen Rights;
- The Commission participated in the 71st meeting of the African Commission for Human and Citizen Rights held on 21-30/04/2022;
- The Commission participated in the meeting of the Executive Committee and general meetings of the Network of African National Human Rights Institutions on 1-2/11/2021;

- On 8/02/2022, the Commission participated in a meeting that brought together East and Central African countries that was aimed at reviewing the implementation of the "Marrakech Declaration";
- On 14-15/02/2022, the Commission participated in a meeting convened by the Network of African National Human Rights Institutions, which examined the implementation of the Marrakech Declaration, the meeting was held virtually;
- On 13-15/10/2021, with the support of the Cooperation Office of the Swiss Embassy in Rwanda, the Commission's staff and commissioners benefited from a training which increased their knowledge in terms of developing, implementing and reporting on the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Convention).



Commissioners and Commission staff who benefited from the training (Picture: NCHR, 2021)

3.6.1.6. Collaboration with the African Commission on Human and Peoples Rights

On 15-24/11/2021, the Commission attended the 69th ordinary meeting of the African Commission on Human and Peoples Rights, which was held virtually

3.6.1.7. Collaboration with Association for Preventing Torture (APT)

- On 25/01/2022 the Commission organised a training for Commissioners and the Commission's staff members intended for their capacity building to help them fulfil the Commission's duty to prevent torture, Other Cruel, Inhuman or Degrading Treatment or Punishment. They also discussed new Mandela principles regarding effective methods of surveying and data collection in order to prevent torture;
- The Commission also participated in a meeting held on 22/04/2022, which was aimed at improving the interaction between the Commission and the Association for Preventing Torture.

3.6.2. Collaboration at national level

In the year 2021-2022, the Commission worked in collaboration with other institutions in the country including government institutions and the civil society organisation in different activities.

3.6.2.1. Collaboration with government institutions

- On different opportunities, the Commission held meetings with various government institutions including the Supreme Court, the Ministry of Justice, the Ministry of Education, the Ministry of Refugees and Disaster Management, the Ministry of Local Government, the Ministry of Health and the Ministry of Finance and Planning. The purpose of the meetings was to discuss issues raised by the Commission in its different monitoring and researches on the respect of human rights. They also discussed how people's complaints monitored by the Commission, including violations of human rights, would find sustainable solutions;
- On 20/05/2022, the Commission held the 10th meeting of the Committee of the Department in charge of monitoring the respect of the Rights of Children and Persons with Disabilities at the National Level (ODE), on the theme of **"Let's come together to combat child labor and its consequences"**;

In addition to the discussions that focused on the theme, the Commission presented to the participants of the meeting some of the results of the research it carried out in the year 2020-2021 on the respect of the child's rights to education, health and proper development. The issues raised were discussed and measures were taken to cope with them so that they may be reduced and solved through institutional cooperation;

- On different dates, upon the invitation from the Forum of Political Parties, the Chair Person of the Commission conducted presentations on "The Role of Women in Politics: A Woman is Able" in training sessions intended for leaders of the Forum of Women in Political Parties from the Districts of the Northern, Eastern and Western Provinces held in Musanze, Rwamagana and Karongi.

3.6.2.2. Collaboration with non-governmental organizations fighting for human rights

In the year 2021-2022, the cooperation between the Commission and Non-Governmental Organizations fighting for Human Rights was shown in the training described in this report. There was also a meeting of the Union of the Commissions and Non-Governmental Organizations and a conference to launch a campaign against child defilement and prohibited child labor.

Meeting of the Commissions' Forum and Non-Governmental Organizations

- On June 10, 2022, in collaboration with HAGURUKA, the Commission organized a meeting of the General Assembly of the Dialogue Forum between the National Commission for Human Rights and Rwandan and Foreign NGOs involved in promoting and protecting human rights. The meeting was held in Kigali at Grand Legacy Hotel and was attended by representatives of 45 organizations. During this meeting, participants reviewed internal rules and regulations governing the Forum, important activities carried out by the Commission in collaboration with those organizations, recommendations issued to Rwanda during the International Periodic Review on the respect of human rights and activities that will be focused on by the Forum during the year 2022-2023. During the meeting, 5 new organizations were also welcomed into the Forum.

- The Commission also collaborated with REWU in the advisory meeting to launch a campaign against child defilement and prohibited work for them. The event took place in the Southern Province, in Muhanga District on 7/09/2021 and in the Western Province, in Karongi District on 10/09/2021, and the Commission had the opportunity to describe its role in fighting child defilement and prohibited work for them, and it was also an opportunity to strengthen cooperation with non-governmental organizations in continuing to promote human rights.

3.7. Visitors to the Commission

During the year 2021-2022, the National Commission for Human Rights received different visitors as follows:

Table n° 14: Some visitors to the Commission

No	Date	Visitors	Point of discussion
1.	03/09/2021	Mrs. Alice Wairimu Nderitu, Special Adviser to the Secretary General of the United Nations on Genocide Prevention	Prevention of Genocide
2.	11/10/202	Mr. Fodé Ndiaye, the UN Resident Coordinator, accompanied by Mr. Komi G nondoli, the General Counsel of the United Nations in charge of Human Rights in Rwanda.	They discussed the cooperation of the two institutions in promoting and protecting human rights.
3.	20/10/2021	Head Office of the High Commission of Canada in Kigali, Mr. François Queneville Dumont	Discussed the cooperation between the two institutions in terms of promoting and protecting human rights in our country
4.	8/02/2022	The representatives of the European Union in Rwanda, Mr. Ben Nupnau, Deputy Director and Mrs. Eleanor Friel, Program Manager	Discussed the possible cooperation between the two institutions
5.	23/03/2022	The delegation from Luxembourg including Mr. Joaquim Monteiro, Ms. Lisa Kersh, Mr. Sebastien Kieffer, Mr. Max Glesener, Ms. Christine OMES and Mr. Christian Baron	Discussed the cooperation that the country could have with the Commission in order to fulfill its responsibility to promote, protect and defend Human rights
6.	21-25/03/2022	Delegates of the Forum of National Human Rights Institutions in Commonwealth (CFNHRI), Mrs. Sian Lambert, Secretary General and Mrs. Jordan A. in charge of communication,	Discussed on the preparations for the meeting of the Forum that was scheduled for June 2022 during the CHOGM.

PART FOUR: IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMISSION MENTIONED IN ITS ANNUAL ACTIVITY REPORT 2020-2021

The Commission followed up the implementation of the recommendations mentioned in its annual report for the year 2020-2021 and continued to monitor how the complaints expressed in the report were resolved

Table n° 15: Recommendations mentioned by the Commission in the annual activity report 2020-2021 and their implementation progress

N°	Institution to - which a recommendation was made	Recommendation	Implementation progress
1	The Ministry in charge of Emergency Management (MINEMA)	To carry out an in-depth study to determine the path and nature of the breaks resulting from volcanic earthquakes in order to prevent the re-installation of infrastructure or other human activities in order to avoid its effects in the future.	In April 2022, Rwanda Housing Authority (RHA) in collaboration with Rwanda Mines, Petroleum And Gas Board (RMB) conducted a study in order to determine the process and nature of the breaks resulting from earthquakes caused by the volcano and advised on areas that should not be used for building matters (buffer zone), and it was shown that Rubavu District can bear only houses that can withstand earthquakes.
2	The Ministry of Justice	To speed up the revision of the law on the establishment, functioning and organisation of Rwanda Correctional Service (RCS) in order to establish a Presidential Order determining how the punishment of community service will be executed as provided by Law no. 68/2018 of 30/08/2018 determining offences and penalties in general.	On 28/06/2022, the Parliament, Chamber of Deputies voted for a law governing the Rwanda Correctional Service and determining its goals, responsibilities, powers, organization and functioning. That body is responsible for monitoring the execution of of the community service penalty. The order determining how the penalty of community service is executed will be expedited after the enactment of the Law.
3	Ministry of Local Government	Revision of Ministerial Order No. 001/07.01 of 19/04/2018 determining the role, structure and function of transit centres in a way that helps to comply with the selecting time and decision-making based on the continued existence of the problem	The Ministry of Local Government informed the Commission that the process of revising the order has begun.

		of selecting the persons in transit centres which does not respect the scheduled 72 hours.	
4	The Public Prosecution Authority	Further implementation of provisions of Law No. 027/2019 of 19/09/2019 relating to the criminal procedure in its Articles 24, 25, 26, 70 and 80 providing for modalities to prosecute a suspect who is free.	<p>The Public Prosecution Authority revealed measures taken in order to execute provisions of Law No. 027/2019 of 19/09/2019 relating to the criminal procedure in its Articles 24, 25, 26, 70 and 80.</p> <p>Prosecutors conducting the prosecution at Intermediate level are requested to encourage prosecutors to implement provisions of Law No. 027/2019 of 19/09/2019 relating to the criminal referred to procedure in the above-mentioned Articles, in the files they deem necessary.</p> <p>Guidelines on how this is has been put in place. Those guidelines are as follows :</p> <ul style="list-style-type: none"> • Guidelines regarding the agreement between the suspect and the victim. • Guidelines on how to settle fines without trial (Transactional fines). • Guidelines on the use of plea bargaining. • Guidelines on how to give release on bail (Caution).

Table n°16: Complaints which were part of the Commission's report of the year 2020-2021 which had not yet been solved and their current status

N°	Names	District of location	Brief description of the complaint	Page number where the complaint is found	Current status of the complaint
1	Hakorimana Jean de la Croix and his 184 neighbors	Gicumbi	Their properties consisting of crops and forests that were destroyed by REG while developing a grid for the supply of electricity in Kabuga, Jomba and Kiziba Cells located in Nyamiyaga Sector, Gicumbi District.	16	So far, 174 people have already been compensated; they were paid in June 2020 and in January 2022; there are 10 people who have to complete their documents.
2	Uwimana Jean Leonard and his 57 neighbors	Gicumbi	Their properties consisted of fields and trees destroyed by STRABAG Company in 2013 when it crossed a road in their fields to reach the place where it was excavating land to build Kigali-Gatuna road. At that time, that company assured the people that they would be compensated for the damage but it did not do so.	17	People have not yet been compensated.
3	Munyaneza Boniface	Nyagatare	A Chinese company called CHICO damaged his plot of 30 by 15 meters in which there were crops and the company introduced a large water pipe there; but he was not compensated.	18	This issue has been resolved. Munyaneza Boniface was compensated on 09/22/2021.
4	Mukandanga Josephine	Nyagatare	In the year 1998, she was given by the Commission in charge of land distribution a plot of land equaling one hectare (Ha 1) in Ryabega Village, Ryabega Cell, Nyagatare Sector, in Nyagatare District, but she went for land registration and found that it was not full a hectare because a man	19	This issue has not yet been resolved

			called RUCAKATSI demarcated his entire land of 25 hectares and included a part of MUKANDANGA Josephine's land; this prevented her from receiving her land certificate.		
5	Nzamura baho Jean Bosco	Muhanga	<p>NZAMURAMBAHO Jean Bosco represents 22 families whose properties were damaged in 2015 by ETS SINDAMBIWE, conducting mining activities and they did not receive any compensation.</p> <p>Muhanga district was also requested to relocate the buildings near Nyabarongo river and the people living in the the mining area had to be relocated in grouped settlements .</p>	20	<p>All the people whose properties were damaged by Ets SINDAMBIWE have already been compensated.</p> <p>On 14/6/2022, Birehe Catholic Centre in Rongi Sector had already been paid Frw 8,000,000 out of Frw 10,104,136 that had to be paid and there are still Frw 2,104,136 to be paid.</p> <p>Relocating the people living near Nyabarongo River and the people living in mines has not yet been done</p>
6	Mukansanga Beata	Ruhango	She was not compensated for the land located in Rwankuba Village, Bunyogombe Cell, Ruhango Sector. Her land was used by the former Tambwe Commune in 1996 for building houses for the population	22	The problem was solved and Mukansanga was compensated on 21/03/2022

PART FIVE: ADMINISTRATION AND FINANCE

Administrative and financial activities include capacity building of the Commission and financial management.

5.1. Capacity Building of the Commission

In order to increase the capacity of the Commission, Commissioners and employees of the Commission benefited from training sessions, employees were appointed in positions according to the new Commission's organizational chart, equipment was purchased, and internet pipes were installed in the building in which the Commission works.

5.1.1. Training for the Commissioners and staff members of the Commission

Commissioners and staff of the Commission benefited from the following training sessions:

- The training of 13-15/10/2021, provided to the Commissioners and the staff of the Commission with the aim of increasing their knowledge in terms of elaborating, implementing and reporting on the PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA "Maputo protocol". The training was held in collaboration with the Network of Africa National Human Rights Institutions (NANHRIs)
- Virtual training on the new system of performance contract provided by the Ministry of Public Service and Labour to the Heads of Departments on October 12, 2021 .
- Training on the best way to get rid of old equipment that can have a negative impact on health and the environment, this training was provided to logistics officers from 02 to 03 December 2021 at "La Palisse Hotel Nyamata".
- Training on human rights monitoring and reporting provided by the United Nations Office for Human Rights in Rwanda, to Commissioners and staff from December 14 to 16, 2021 in Musanze.
- The training on the new organizational chart included in the human resources management system was virtually attended by the human resource management officer on January 18, 2022 .
- The Training on the monitoring and follow-up of complaints of human rights violations, provided by the "US Department of State" through the Embassy of the United States of America in Rwanda was held virtually from 03 to 24 February 2022 attended by the officer in charge of the child rights.
- The training on the reform of the Integrated Financial Management Information & System (IFIMIS) provided by the Ministry of Finance (MINECOFIN) to accountants and managers in the Department of Finance on 04/05/2022 virtually.
- The training on the new laws of human resources management, professionalism and the promotion of professional ethics among employees was given to the head of the Board of Personnel Ethics in the Commission, human resources management officer and the head of human resource management officer and was held on 04/04/2022 virtually.

- Training on methods of interrogation in conducting investigations and gathering information for the purpose of preventing torture, based on "Méndez Principles" provided by the "Association pour la Prévention de la Torture (APT)" virtually on February 3, 2022, attended by Commissioners and staff of the Department for the Prevention of Torture.

5.1.2. Appointment of employees

In the new Commission's organisational structure, there are new positions and positions that have been changed. In this regard, the Commission appointed 13 employees, including;

- Head of the Department of Prevention of Torture;
- Five (5) staff responsible preventing torture;
- Research Specialist;
- Legal Adviser Officer;
- Officer in charge of receiving claims from the Officer Adviser to the the Vice Chair Person of the Commission;
- Planning, Monitoring, Evaluation and Cooperation Specialist;
- Internal Audit Officer;
- Accountant;

5.1.3. Equipment

In order to help employees to fulfill their duties and increase productivity, eighteen (18) computers were purchased and given to employees.

5.1.4. Technology and communication

The Commission has begun to install internet in its current headquarters, and the process has reached 90% and this will help the Commission to fulfill its responsibilities and provide good services to its customers.

In collaboration with Rwanda Information Society Authority (RISA), the Commission continues to build a technology system used in receiving and monitoring complaints related to human rights violations. The installation of this technology is about 92% of the total expected works to be done.

5.2. The use of finances

In the 2021-2022 financial year, the Commission received a budget of Frw 1,085,438,800 including Frw 1,043,899,553 from the government's Ordinary budget and Frw 41,539,247 from partners.

The financial year ended after the Commission has spent funds equaling one billion sixty-one million eight hundred and thirty-six thousand nine hundred fifty-two (Frw 1,061,836,952) equaling 98%.

The Commission spent from the government's Ordinary budget an amount equaling one billion and twenty million, six hundred fifty-three thousand one hundred and twenty-two Rwandan francs (Frw 1,020,653,122) equaling 98% and the funds spent coming from partners amount to forty one million one hundred eighty-three thousand eight hundred and thirty Rwandan francs (Frw 41,183,830) equaling 99%.

Table nº.17: Funds allocated to the Commission from the government's Ordinary budget and its expenditure

No	Activity	Annual revised budget for the year 2021-2022	Expenditure	Remaining amount	Expenditure in percentage
Management and supporting services					
1	Wages, Lumpsums and other allowances for employees	782,663,230	776,719,880	5,943,350	99.20%
2	Office supplies & consumables and Beverages expenses	12,911,468	12,726,746	184,722	98.60%
3	Water, electricity and fuel charges.	6,400,000	6,361,123	38,877	99.40%
4	Telecommunications, internet and system subscription fees	54,239,996	52,821,840	1,418,156	97.40%
5	Meeting and hospitality fees	2,364,588	2,364,588	0	100.00%
6	Costs related to prevention of COVID 19 (Medical Suppliers)	2,358,726	1,705,726	653,000	72.30%
7	Bank charges	186,000	144,388	41,612	77.60%
8	Professional and contractual staff	38,226,800	33,319,267	4,907,533	87.20%
9	Administration correspondence fees and daily expenses for the car.	26,791,002	27,500,158	-709,156	102.60%
10	Security and Social order fees	2,931,120	2,886,860	44,260	98.50%
11	Audit committee and selection committee per diem	1,516,000	1,371,432	144,568	90.50%
12	Fees related to the preparation and publication of annual activity report of the Commission.	600,000	570,000	30,000	95.00%
13	Money for gifts	928,572	925,000	3,572	99.60%
14	Expenses related to the purchase of office supplies	9,870,000	-	9,870,000	0.00%
15	Amount related to the purchase of Laptops	13,600,001	13,563,015	36,986	99.70%
16	Fees for the purchase of Access points and other electronic equipment.	6,108,016	6,145,002	-36,986	100.60%
Total		961,695,519	939,125,025	22,570,494	98%
Promoting human rights					

1	Membership and subscription fees	12,593,186	12,538,317	54,869	100
2	Annual Celebration of international days	5,770,000	5,769,549	451	100
	Total	18,363,186	18,307,866	55,320	100
Protection and Monitoring of Human Rights					
1	Fees related to the follow up of Complaints, Monitoring of centres of Persons with Disabilities, Camps, Correctional facilities, , Rehabilitation centres, transi centres, elderly caring homes and RIB Stations)	62 206 848	61 755 231	451 617	99
2	Meeting of the members of the Committee for monitoring the respect of the rights of the child and persons with disabilities (ODE)	1,634,000	1,465,000	169,000	90%
	Total	63,840,848	63,220,231	620,617	99%
	Grand total	1,043,899,553	1,020,653,122	23,246,431	98%

As shown in table no. 17, the Commission was allocated funds from the government's Ordinary budget equaling one billion forty-three million eight hundred and ninety-nine thousand five hundred fifty-three Rwandan francs (Frw 1,043,899,553) and spent a sum equaling one billion twenty million six hundred fifty-three thousand one hundred twenty-two Rwandan francs (Frw 1,020,653,122) equaling 98%.

For activities showing a low percentage of the use of the budget, this is due to the following:

- Concerning the purchase of office supplies, the allocated budget was not spent due to the late delivery of the supplies by the successful bidder
- Concerning the budget allocated to the prevention of COVID 19 (Medical Supplies), this budget was not fully used due to the late delay in delivering face masks by the successful bidder.

Table n°18: Funds that the Commission received from partners and their use.

No	Activity	Budget for the year 2021-2022	Revised budget for the year 2021-2022	Expenditure	Remaining amount	Expenditure in percentage
1	Discussions and trainings aimed at teaching the effects of corruption on human rights	-	11,939,247	11,939,247	0	100%
2	Research on Human Rights in Mining	-	29,600,000	29,199,583	400,417	98.60%
	Total	-	41,539,247	41,183,830	400,417	99%

As shown by table n° 18, the Commission received funds equaling forty one million five hundred thirty nine thousand two hundred forty seven Rwandan francs (**Frw 41,539,247**) from partners, and the financial year 2021-2022 ended while the Commission has spent the amount equaling forty-one million one hundred eighty-three thousand eight hundred and thirty Rwandan francs (**Frw 41,183,830**) equaling **99%**.

PART SIX :GENERAL CONCLUSION AND RECOMMENDATIONS

Basing on the activities it carried out related to its mission activities to promote human rights, protect human rights and prevent torture and other cruel or inhuman or degrading treatment or punishment,

The Commission finds that human rights are increasingly being respected because institutions participate in solving the problems raised by the population on the violation of human rights submitted by the Commission and the population better understood its rights and responsibilities to respect the rights of other people

In addition, the Commission finds that there are steps made by the Government in fulfilling its responsibility to protect and defend human rights through laws protecting human rights and by encouraging its institutions to respect them.

However, despite the progress made, there are some issues that should be addressed in order to better respect human rights. In particular, the Commission requests to the institutions the following:

1. Rwanda Mines, Petroleum And Gas Board (RMB)

- Establish measures to help artisanal miners use modern methods allowing them to work in safe places and ensure adequate production and thus increase workers' rewards.
- Consistently publish mineral prices to help miners negotiate with employers the rewards they receive.

2. Ministry of Justice

- To raise public awareness on the provisions of the law on gender-based violence, preserving evidence for those who have been victims of such violence, avoid concealing abusers and appealing for compensation.
- Accelerate the implementation of measures to reduce high prison congestion rates in correctional facilities, including the proceeding of non-incarcerated persons, community service sentences and increased temporarily release of eligible inmates.

3. Supreme Court

To establish fair procedures helping to reduce the gross disparity in determining of compensation in similar cases of gender-based violence.

4. Ministry of Local Government

- Expediate the revision of the Ministerial Order N° 001/07.01 of 19/04/2018 determining missions, organisation and functioning of transit centres in order to remove obstacles encountered in its implementation.

PART SEVEN: ACTIVITIES PLANNED BY THE COMMISSION FOR THE YEAR 2022-2023

As provided for by Article 12 of Law n° 19/2013 of 25/3/2013 amended by Law n° 61/2018 of 24/08/2018 determining the mission, organisation, and functioning of the National Commission for Human Rights, the Commission submits to the Parliament (both Chambers) its activity plan within three months at the beginning of financial year, with a copy to the President of the Republic, the Cabinet and the Supreme court.

It is within this framework that the National Commission for Human Rights planned its main activities for the financial year 2022-2023 as follows:

7.1. Promotion of Human rights

In order to promote human rights, during the financial year 2022-2023, the National Commission for Human Rights will focus on the following activities:

- Providing opinions on existing laws, draft laws and national policies in order to help the Government having laws that respect human rights;
- Urging relevant government institutions to ratify international conventions on human rights and submit on time the reports on these conventions;
- Maintaining cooperation between the Commission and non-governmental organizations, international organizations and forums of other countries' institutions responsible for human rights;
- Carrying out tasks related to chairing the Forum of National Human Rights Commissions of Commonwealth;
- Celebrating yearly human rights days;
- Hold discussions with partners of the Commission including judges, lawyers and non-governmental organizations;
- Campaigning for human rights in transit centres
- Training volunteers of the Commission responsible for the respect of the rights of children and people with disabilities;
- Educating the Rwandan community about human rights through radio and television talk shows;
- Conducting research on the welfare of the elderly;
- Conducting research on the quality of legal services provided to minors and the underprivileged;

7.2. Protection of Human rights

In order to protect human rights, the following activities are planned:

- Pursuing complaints related to human rights violations;
- Monitoring the respect of human rights in refugee camps and centres for people with disabilities;
- Monitoring the respect of the rights of children hosted by honest people (*Malayika Mulinzi*)
- Monitoring the respect of the rights of children and persons with disabilities using Volunteers of the Commission (ODE);

Approaching the people where they live in order to raise their awareness on human rights and know how to solve the problems they face relating to the violation of human rights so that they may be solved

7.3. Prevention of torture and other cruel, inhuman or degrading treatment or punishments

As part of the effort to prevent torture and other cruel, inhuman or degrading treatment or punishment, the Commission will carry out the following activities:

- Conduct monitoring in psychiatric hospitals, transit centres, rehabilitation centres, homes and centres caring for elderly, RIB custodies station cells and all correctional facilities in Rwanda.
- Train the Commission's partners including the Rwanda National Police, Rwanda Investigation Bureau, the **Public Prosecution Authority**, Rwanda Correctional Service (RCS), National Rehabilitation Service (NRS), District Authorities, DASSO and immigration officials on the prevention of torture.