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Fifth periodic report submitted by Rwanda under article 40 of the Covenant, due in 2019**

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Acronyms

ARJ	Association Rwandaise des Journalistes
CCL I	Code Civil Livre Premier
CLADHO	Collectif des Ligues et Associations de Défense des Droits de l'Homme
COPORWA	Communauté des Potiers du Rwanda
CRVS	Civil Registration and Vital Statistics
CUI	Coalition Umwana ku Isonga
DASSO	District Administration Security Support Organ
DGIE	Directorate General of Immigration and Emigration
GLIHD	Great Lakes Initiative for Human Rights and Development
GMO	Gender Monitoring Office
GoR	Government of Rwanda
HDI	Health Development Initiative
ICCPR	International Covenant on Civil and Political Rights
IOSC	Isange One Stop Centre
LAF	Legal Aid Forum
MIFOTRA	Ministry of Public Service and Labour
MIGEPROF	Ministry of Gender and Family Promotion
MINADEF	Ministry of Defence
MINAFFET	Ministry of Foreign Affairs and International Cooperation
MINEDUC	Ministry of Education
MINEMA	Ministry in Charge of Emergency Management
MINIJUST	Ministry of Justice
MoH	Ministry of Health
NAR	Never Again Rwanda
NCHR	National Commission for Human Rights
NEC	National Electoral Commission
NEP	National Employment Program
NGOs	Non-Governmental Organisations
NIDA	National Identification Agency
NISR	National Institute of Statistics of Rwanda
NPPA	National Public Prosecution Authority
NRS	National Rehabilitation Service
NST 1	National Strategy for Transformation (2017–2024)
NUDOR	National Union of Disability Organisations in Rwanda
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PSF	Private Sector Federation
PVT	Protection des Victimes et Témoins

RALGA	Rwanda Association of Local Government Authorities
RBA	Rwanda Bar Association
PSF	Private Sector Federation
PVT	Protection des Victimes et Témoins
RALGA	Rwanda Association of Local Government Authorities
RBA	Rwanda Bar Association
RCS	Rwanda Correctional Service
RGS	Rwanda Governance Scorecard
RIB	Rwanda Investigation Bureau
RLRC	Rwanda Law Reform Commission
RNP	Rwanda National Police
TBRTF	Treaty Body Reporting Task Force
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
VAT	Value Added Tax

I. Introduction

1. Rwanda has continued to implement its commitments under the International Covenant on Civil and Political Rights (the Covenant) since the presentation of the 4th State's report to the Human Rights Committee (the Committee) in 2016. The concluding observations of the Committee have contributed to inform policy formulation, the adoption or revision of legislation, and other strategies that contribute towards improving the enjoyment of human rights by citizens. The Government of Rwanda (GoR) is, therefore, pleased to present Rwanda's combined fifth and sixth periodic reports under Article 40 of the Covenant.
2. Rwanda's combined fifth and sixth periodic reports cover the period from July 2016 to December 31, 2023. This report should be read in conjunction with Rwanda's Common Core Document of 2015.
3. Rwanda last appeared before the Committee in March 2016. The Committee issued its concluding observations on Rwanda's fourth periodic report on May 2, 2016 (CCPR/C/RWA/CO/4). The report directly responds to the issues raised by the Committee in its 2016 concluding observations to the GoR. It also provides additional information on progress made towards implementing the provisions of the Covenant.
4. The GoR also refers the Committee to Rwanda's 2021 Universal Periodic Review and other state reports submitted to other treaty bodies of the UN human rights system, particularly those submitted post-2016.

II. Preparation and structure of the report

5. The report was prepared by the cross-institutional national Treaty Body Reporting Task Force (TBRTF) under the coordination of the Ministry of Justice (MINIJUST). The TBRTF is composed of representatives from relevant government and public institutions, as well as other stakeholders.
6. During the preparation of the report, meetings and other interactions of the TBRTF were attended by representatives from the MINIJUST, the Ministry of Foreign Affairs and International Cooperation (MINAFFET), the Ministry in Charge of Emergency Management (MINEMA), the Ministry of Public Service and Labour (MIFOTRA), the Ministry of Gender and Family Promotion (MIGEPROF), the Ministry of Defence (MoD), the Ministry of Health (MoH), the Ministry of Education (MINEDUC), the Ministry of National Unity and Civic Engagement (MINUBUMWE), the Ministry of Local Government (MINALOC), the Judiciary, the Gender Monitoring Office (GMO), the Rwanda Investigation Bureau (RIB), the Rwanda Law Reform Commission (RLRC), the Rwanda Governance Board (RGB), the Institute of Legal Practice and Development (ILPD) the National Electoral Commission (NEC), the Rwanda Correctional Service (RCS), the National Commission for Human Rights (NCHR), the Rwanda National Police (RNP), Directorate General of Immigration and Emigration (DGIE), Rwanda Association of Local Government Authorities (RALGA), the National Consultative Forum of Political Organizations (NFPO), and the National Public Prosecution Authority (NPPA).
7. Other government's stakeholders also played an active role in the report drafting process. The institutions involved include the Rwanda Bar Association (RBA), Coalition Umwana ku Isonga (CUI), Collectif des Liges et Associations de Défense des Droits de l'Homme (CLADHO), the Great Lakes Initiative for Human Rights and Development (GLIHD), the Communauté des Potiers du Rwanda (COPORWA), Legal Aid Forum (LAF), the Health Development Initiative (HDI), the Association Rwandaise des Journalistes (ARJ), HAGURUKA, the National Union of Disability Organisations in Rwanda (NUDOR), Never Again Rwanda (NAR), the Rwanda Media Commission (RMC), the Center for Rule of Law Rwanda (CERULAR).
8. The preparation of the report thus followed a participatory approach through wide stakeholders' consultation.

9. The report has four parts, namely: (1) introduction; (2) preparation and structure of the report; and (3) responses to the principal matters of concern and recommendations and (4) dissemination of information relating to the Covenant. Part three also contains the latest developments since the last report.

III. Responses to the principal matters of concern, recommendations and latest developments in the implementation of the Covenant

A. Status and applicability of the Covenant

Information on paragraph 6 of the concluding observations (CCPR/C/RWA/CO/4)

10. Article 169 of the Constitution of Rwanda recognises the binding force of international treaties and agreements, where it states that treaties and agreements duly ratified or approved have the force of law as national legislation in accordance with the hierarchy of laws provided for under the first paragraph of Article 95 of the Constitution.

11. The GoR is committed to abide by its obligation to ensure that domestic law, particularly organic laws, is consistent with the provisions of international human rights conventions in general and the ICCPR in particular. In this regard, the GoR wishes to assure the Human Rights Committee that the 2015 referendum and subsequent amendment in 2023 did not bring any change that would negatively impact Rwanda's compliance with the ratified international treaties and agreements.

12. The supremacy of the Constitution of the Republic of Rwanda (hereinafter referred to as "the Constitution") and Organic laws over international treaties as stipulated in Article 95 of the Constitution did not affect the provisions of the Covenant. Article 95(3) states that "organic laws are those designated as such and empowered by [the] Constitution to regulate other key matters in the place of the Constitution."

13. Moreover, the Constitution, in Article 171, addresses the possibility of having conflicts between international treaties and agreements and national legislation. The provision makes it clear that where an international treaty or agreement contains provisions which are conflicting with the Constitution or an organic law, the power to ratify or approve that treaty or agreement cannot be exercised until the Constitution or the organic law is amended.

14. Concerning awareness about the Covenant, the GoR continues to organise training sessions on international human rights in general and the ICCPR. For the period under consideration, 200 persons from different institutions of the justice sector, media and civil society received training on specific topics relevant to civil and political rights and the Covenant itself.

15. The National Electoral Commission (NEC), trained in matters relating to civil and political rights, 178,387 members of the Women Council and Opinion Leaders from District to Village Level; 144,403 members of the National Youth Council and Students in Institutions of Higher Learning; 112,756 members of the National Council of People with disabilities; 75,000 National Electoral Commission Election Volunteers; and 22,536 members of the National Electoral Commission Electoral Civic Education Coordination Committee. In the context of preparation for elections, the NEC reached 8.123.000 people on their rights to vote.

16. In addition, the National Consultative Forum of Political Organisations (NFPO) runs a capacity-building program targeting women and youth. During the period under consideration, 8984 women league members were trained on their political rights and the functioning of political parties in Rwanda. Similarly, during the same period, 946 youths graduated from the Youth Political Leadership Academy on the same subject.

17. With respect to the ratification of the First Optional Protocol to the Covenant, Rwanda is still considering the possibility of ratifying.

B. Withdrawal of the declaration accepting the competence of the African Court on Human and Peoples' Rights to receive cases

Information on paragraph 8 of the concluding observations

18. On 5th May 2003, Rwanda ratified the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (the Protocol). On 22nd January 2013, Rwanda made a declaration under Article 34(6) of the Protocol accepting the competence of the African Court on Human and Peoples' Rights (the Court) to receive cases directly lodged by individuals and non-governmental organizations (NGOs) with observer status.

19. This acceptance of the competence of the Court to receive and examine cases from individuals and NGOs was done unilaterally, genuinely, voluntarily and in good faith. In making the declaration, Rwanda did believe that it was another step towards the promotion and protection of the rights of its people and advancement in the way of human rights protection on the continent.

20. However, in 2013, the GoR obtained information about a consortium of NGOs that had been mobilising litigation against Rwanda since Rwanda had made the declaration. Further, in 2014, Rwanda obtained a project document for a project worth 300.000 Euros which stated clearly that its objective was to obtain at least five (5) judgments each condemning declarant states, including Rwanda, for violations of human rights and pressurising concerned states through any means to enforce the judgments. Indeed, within a very short period of time, five (5) cases were lodged against Rwanda and the number continued to increase.

21. Rwanda believed that such a trend put the independence and impartiality of the Court at stake, and therefore, the latter, in its wisdom, would consider the issue a matter of priority.

22. The matter was raised with the Court, and upon its failure to address the raised concerns, the GoR decided to withdraw for review of its declaration. Rwanda strongly believes that there was every legitimate necessity to take this decision, and Rwanda's stand remains the same as long as the matter is not resolved.

23. In spite of the above, Rwanda subscribes to the promotion and protection of human rights and remains a party to and fully supports the Court and other institutions working towards respecting human rights on the continent.

C. National human rights institution

Information on paragraph 10 of the concluding observations

24. The process to select and appoint the members of the National Commission for Human Rights enjoys full transparency and independence, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

25. The establishment of a selection committee for the national human rights commissioners is guided by principles of transparency, inclusivity, and independence to ensure that the commission is credible and effective. The committee's procedures are transparent, with clear guidelines on how members are selected and how decisions are made. The committee is accountable in the event of any conflicts of interest.

26. This process establishes a strong foundation for the human rights commission to operate effectively and impartially. The committee is established under a clear legal framework that outlines its mandate, composition, and procedures. It includes members from diverse backgrounds, including legal experts, human rights practitioners, and representatives from civil society organizations. In selecting commissioners, the selecting committee members consider candidates' expertise in human rights, integrity, and independence.

27. The National Commission for Human Rights (NCHR) has seven Commissioners including the Chairperson and the Vice Chairperson working full time.¹

28. According to Article 5 of Law N° 61/2018 of 24/08/2018 modifying Law N° 19/2013 of 25/03/2013 governing the National Commission for Human Rights (NCHR), Commissioners come from non-governmental organisations for the promotion and protection of human rights, public and private universities and institutions of higher learning, civil society, public institutions, and the private sector.

29. The current serving commissioners were selected from public institutions, civil society, and the private sector. At least thirty percent (30%) of commissioners selected from those bodies must be women.

30. Further, the above-mentioned law in Article 6 delegates a Presidential Order to determine the establishment, responsibilities, organizations, and functioning of the Committee in charge of selecting Candidate Commissioners (the Selection Committee). The Selection Committee was established by Presidential Order N° 72/01 of 12/03/2014 establishing the candidate selection committee for the post of Commissioner of the National Commission for Human Rights and determining its mission, organisation and functioning (the Presidential Order). The Selection Committee is independent, and in discharging its duties, it is required to comply with the principles of transparency and objectivity.

31. In its preamble, the Presidential Order specifies that the Selection Committee comprises of five members, nominated on proposal by the Minister of Justice/Attorney General and after consideration and adoption by the Cabinet. Article 4 of the Presidential Order determines that members of the Selection Committee come from national non-governmental organizations for the promotion and protection of human rights, the National Public Service Commission, civil society, experts of universities, and higher learning institutions with skills in human rights issues. Article 6 goes further to specify that members of the Selection Committee are appointed for a 5-year term, renewable once.

32. With regard to the selection and appointment of Commissioners, the procedure is set out in Articles 6 and 7 of Law N° 61/2018 of 24/08/2018 modifying Law N° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights. In selecting candidates, the Selection Committee is required to comply with the principles of transparency and independence and widely announce vacancies for commissioners. The law further provides that after selecting the candidates, the Selection Committee submits to the government a list of selected candidates, and the President of the Republic appoints the Chairperson and the Vice Chairperson if those posts are vacant. Commissioners are approved by the Senate.

33. The appointment procedure complies with the provisions of Articles 86 and 112 of the Constitution. Article 86 of the Constitution gives power to the Senate to approve the appointment of chairpersons, vice chairpersons, and other commissioners of National Commissions including the NCHR. Further, Article 112 provides that the President of the Republic enacts Presidential Orders by virtue of the powers vested in him or her by the Constitution and other laws regarding the appointment of the Chairpersons, Vice Chairpersons and other Commissioners of National Commissions.

34. Regarding the independence and functioning of the NCHR, the Constitution through Article 42 guarantees the independence of the NCHR.

35. Article 3 of Law N° 19/2013 of 25/3/2013 modified by Law N° 61/2018 of 24/08/2018 determining missions, organisation and functioning of the National Commission for Human Rights, also designates the NCHR as “independent and permanent” and stresses that in fulfilling its mission, the NCHR shall not be subject to any instructions from any other organ. In this regard, commissioners are selected and appointed on an individual basis, and they do not represent their institutions of origin.

¹ Law N° 61/2018 of 24/08/2018 modifying Law N° 19/2013 of 25/03/2013 governing the National Commission for Human Rights, Article 4.

36. The law also gives the NCHR legal personality and administrative and financial autonomy. The provisions of the law are reflected in practice, as nothing hinders or interferes with either its financial or administrative autonomy. In terms of financial autonomy, the NCHR manages its budget, whatever its sources². Further, the NCHR has autonomy in recruiting its staff, and recruitment is made on a competitive basis.

37. Since the revision of the law on the NCHR in 2018, the NCHR also serves as the National Preventive Mechanism provided under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).³ In addition, the NCHR was re-accredited with 'A' status in 2018.

D. Non-discrimination and equality between men and women

Information on paragraph 12 (a) of the concluding observations

38. The GoR does not tolerate discrimination, whatever its kind, including discrimination based on sex or gender. Equality between men and women remains among the country's top priorities. Since the last report, tremendous efforts have been made towards achieving equality between men and women—young girls and boys. Much has been done at the institutional, legal, and policy levels to advance gender equality.

39. The Constitution of the Republic of Rwanda, prohibits discrimination in all its forms and recognises the principle of equality between men and women.⁴

40. During the period under consideration, the government continued to revise its laws with a view to eliminating all provisions that would jeopardise the equality between women and men. In this regard, it is worth noting that in 2016 Rwanda adopted Law N° 32/2016 of 28/08/2016 governing persons and family. This law repealed Law n° 42/1988 of 27 October 1988 instituting the Preliminary Title and Book One of the Civil Code (CCL I)⁵.

41. The 2016 law repealed Article 83 of the CCL I, which obligated a woman to have as her domicile the domicile of her husband. The law also repealed Article 119 of the CCL, which allowed only a father to register children. A mother would only be allowed to do so if the father was not available. Further, the 2016 law repealed Article 206 of the CCL I, which recognised only men as heads of households. Currently, the law recognises joint management of household by both spouses.

42. Furthermore, Article 345 of the CCL I, which gave preference to husbands in matters of parental authority, was repealed. Regarding the administration of the child's property, the 2016 law governing persons and family repealed Article 352 of the CCL I, which gave preference to the father to represent and administer the child's property. The 2016 law gives power to either the parents or any other person with parental authority.

43. The 2016 law goes on to mention that when the marriage is no longer valid, the administration of a child's property is provided by the parent in charge of the child's custody.

44. Regarding competent persons to apply for a minor's emancipation, the 2016 law repealed Article 427 of the CCL I, which gave preference to fathers to apply for emancipation of their minor children. In accordance with Article 114 of the 2016 law, both parents now have the right to apply for emancipation of their children. In addition to this, adoptive parents, guardians and children's rights organisation have the right to apply for the emancipation of a minor child. The law also allows a minor who has attained the age of sixteen (16) years to apply alone for his or her emancipation if he or she has neither parents nor a guardian.

45. The GoR has also enacted Law No 27/2016 of 08/07/2016 governing matrimonial regimes, donations and succession. Article 75 gives an equal right of succession to either surviving spouse. This is a positive development since the previous law (Law N0 22/99 of

² Internal regulations of the National Commission for Human Rights, Article 5(2).

³ Articles 2 and 3 of the Law n° 61/2018 of 24/08/2018 modifying law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the national commission for human rights.

⁴ Constitution of the Republic of Rwanda, articles 10 (d), 16, 30, 46, 55 and 57.

⁵ *Code Civil Livre Premier*.

12/11/1999 supplementing CCL I and instituting Part Five regarding matrimonial regimes, liberalities and successions) allowed the surviving female spouse to only administer the family property for her children.

46. Further, Article 54 of the 2016 law emphasises equal treatment of children in succession. Legitimate children of the *de cujus* succeed in equal portions without any discrimination between male and female children. It is also worth noting that since 2013, Rwanda has had a law governing land, which provides equal rights to land for both spouses.⁶

47. In the Rwandan law of 1963 governing Rwandan nationality was repealed by Organic Law N0 002/2021.O.L of 16/07/2021 Governing Rwandan Nationality emphasises equal rights between men and women by repealing some provisions that display inequality, especially Article 1, which provided that children should acquire the nationality of their male parent, as well as Article 7, which provided for the loss of nationality for a woman marrying a person with a different nationality and getting the nationality of the husband.

Information on paragraph 12 (b) of the concluding observations

48. The Constitution of the Republic of Rwanda lays a strong foundation to combat stereotypes about the role of women in the family and in society by affirming the equality of all Rwandans and between men and women.⁷

49. Rwanda has intensified its campaign against gender stereotypes, particularly regarding women's roles in families and society. This includes bolstering awareness initiatives in rural areas. Notably, Rwanda has revised its national gender policy, emphasizing gender transformative approaches and the unique challenge of stereotypes. A national strategy to engage men and boys in achieving gender equality has been developed and approved for widespread dissemination.

50. The Ministry of Gender and Family Promotion (MIGEPROF) is spearheading community outreach programs aimed at challenging negative social norms and stereotypes. These efforts are viewed as sustainable pathways towards gender equality acceleration. Collaboration with stakeholders, such as CARE International and the Rwanda Men's Resource Centre, is pivotal. Together, they are developing and expanding gender transformative models targeting the root causes of gender inequalities.

51. Key initiatives include INDASHIKIRWA, a transformative couples program fostering healthy family relationships; Journey of Transformation (JOT), which enlists men as allies in women's economic empowerment; and Bandedereho/Role Model, encouraging men as positive partners in childcare from pregnancy through the early years. These programs signify Rwanda's commitment to transformative change in gender dynamics.

52. Through capacity development programmes, the NFPO has, since 2019, trained women from 11 registered political parties' members on triple roles. A woman as a spouse, a mother and a leader are key to Rwandan transformational governance. On one hand, women are at the forefront of family administration, children's education, and the transmission of positive values. On the other hand, women are serving in communities in different ways, and some of them contribute to decision-making organs such as local government, central government, parliament, civil society, and the private sector as implementers of national priorities in governance, social and economic development.

53. HeForShe campaigns have been conducted countrywide to engage men and boys in removing social and cultural barriers that hamper women and girls from achieving their full potential and rights. Further, radio and TV talk shows were held to raise community awareness, as well as a new serial drama introduced in July 2018 on the radio.⁸ In the framework of social reintegration, 1,661 girls and teen mothers were mentored on career guidance, leadership and entrepreneurship.

⁶ Law no 27/2021 of 10/06/2021 governing land in Rwanda, Article 5.

⁷ The Constitution of the Republic of Rwanda, Article 10 (d).

⁸ *Umurunga* serial drama is a radio serial drama on family promotion produced for MIGEPROF, which was broadcasted weekly (on Radio Rwanda) with one episode lasting 15 minutes. Fifty-two (52) episodes were produced and broadcasted.

54. As a result of the above efforts, a number of achievements have been registered by the GoR.

55. Rwanda progressed from 1st to 2nd in Africa and from 9th to 12th in the 2022 and 2023 Global Gender Gap reports. Amidst shifting rankings, it is seen as a dynamic landscape offering growth opportunities and collaboration. It's inspiring to witness global efforts to elevate standards. Gender equality and women's empowerment remain mainstreamed in all Rwandan development frameworks and within all sectoral strategic plans, including governance and decentralisation.

56. Gender equality principles have also informed the formulation of the National Strategy for Transformation 2017–2024 (NST1) and the Rwanda Vision 2050. These key documents have placed an emphasis on issues of women's economic empowerment and women's leadership and participation as tenets of economic transformation, social transformation and transformational governance.

57. The Government of Rwanda has institutionalized gender responsive budgeting and gender budget statements with a view to ensuring that commitments to advance gender equality and women's empowerment are matched with adequate funding.

58. Measures continue to be taken to combat stereotypes about the role of women in the family. In this regard, for example, the GoR and its partners, under the lead of the Ministry of Local Government, organises every year a national-wide Civil Registration and Vital Statistics Campaign (CRVS). The campaign has, among other objectives, to sensitize Rwandan citizens about civil registration and its importance and to help people register their vital events. In the context of the timeframe under examination, more than 10,000 families were reached and sensitised to register their marriages through those campaigns.

59. Women's empowerment programmes were initiated and implemented by different state partners, including a joint project with the United Nations Development Programme (UNDP) and UN Women as implementing partners named Deepening Democracy through Strengthening Citizens Participation and Accountable Governance; a long-term capacity development programme (initiated since 2013 and renewed in 2018 until 2023), which has produced successful changes in women's human and political rights awareness.

60. Among registered changes are women's occupation of 50% of ministerial portfolios, 61.3% of the seats in the Parliament Chamber of Deputies, 38% of the seats in the Senate, and 43.5% of councillors' seats at local government levels. In the judiciary, women judges are 46.5%; court registrars are 56%; and presidents of court are 34%. Political parties have also established within their leadership structures a women's wing led by women at all levels (from the top to the grassroots). This new structure is tasked with promoting women's concerns in political organization leadership, and it also serves as a space for women's empowerment in leadership skills, access to other resources, and socio-economic opportunities.

61. According to the 2023 Global Gender Gap Index report, the Political Empowerment subindex highlights notable achievements in gender parity. Rwanda emerges as a standout, being one of only five countries worldwide that have achieved full gender parity in the number of seats in their national legislatures. This accomplishment underscores Rwanda's commitment to fostering women's participation and representation in political decision-making processes, reflecting the nation's dedication to advancing gender equality and inclusivity in political leadership.

62. During the same period, there were also gender accountability day sessions conducted in different districts countrywide to showcase the achievements, experiences and lessons learned in promoting gender equality, raise awareness about women's empowerment, and increase efforts to address the persisting gender gaps. As a result of these sessions, 286 couples legalized their marriage. In addition, during the period under consideration, 154 District Administration Security Support Organ (DASSO) coordinators were trained as trainers on gender-based violence and response.

Information on paragraph 12 (c) of the concluding observations

63. The Constitution of the Republic of Rwanda recognizes the right to marry and found a family in Article 17. According to this article, a civil monogamous marriage between a man and a woman is the only recognized marital union. The same provision also recognizes a monogamous marriage between a man and a woman contracted outside Rwanda in accordance with the law of the country of celebration of that marriage as long as it is not contrary to public order or the social interests of Rwandan public morals.⁹

64. Considering that comprehensive registration of the population is essential for development in all aspects of human endeavors, including political and civil life, the GoR has embarked on the project of modernization of civil registration and vital statistic components, whereby all aspects of civil registration and vital events, including births, deaths, marriage, divorce, child recognition, annulment of marriage, and adoption, are electronically registered. The data therefrom will help the country in the planning process for health, justice, and other sectors, which are the key components of civil and political rights. The data will also serve as the backbone for better service delivery throughout the country.

65. Civil status services are available across the country and are free of charge. Based on the institutional and legal framework in place, Rwandans register their marriages at the time of their celebration. Public campaigns continue to be undertaken to sensitize those who are still in non-registered unions to register their marriages. For the period under consideration, 10,000 families registered their marriages.

Information on paragraph 14 of the concluding observations

66. The GoR is committed to ensuring women's representation and meaningful participation in decision-making positions in all sectors, including the private sector. Legal, policy, and institutional frameworks have been put in place to guide this deliberate choice of the government. However, while women are fairly represented and participate in public institutions, the rates are still low in the private sector, and hence the GoR pledges to continue its efforts to ensure positive changes. The GMO, in partnership with the UNDP and PSF, initiated a gender accountability program through the 10 women's chambers to increase women's representation in the private sector.

67. According to the most up-to-date data, female representation in the Private Sector Federation (PSF) stands as follows: at the national level, women hold 27% of board seats. The 1st vice-chairperson is a woman, unlike in previous years when women occupied the 2nd vice-presidency position. Among the 5 clusters, 60% of women occupy the position of 1st vice-President, increased from 10% in previous similar elections.¹⁰ The PSF Board of Directors in all 5 Provinces is composed of 95 members of whom women represent 45.2%. 23% of them are in the position of President (increased by 3% from 20%) while 20.9% (no improvement, 20%) are in the position of 1st Vice-Chairperson. At the District level, PSF Board of Directors in 30 Districts is composed of 840 members (28 per district) including 264 women representing 31.4%. Further, 3 districts out of 30 elected women at the position of chairperson while 11 districts out of 30 elected women at the position of 1st vice President (36.6%).¹¹

68. In the media sector, women's representation stood at 21.5% in the latest data. Women account for 24.5% of accredited journalists, 12.4% of chief editors, and 14.1. % of owners or managers of media houses.¹²

69. In line with closing wage gaps between men and women, the Government of Rwanda adopted Law N° 003/2016 of 30/03/2016 establishing and governing maternity leave benefits scheme. This law was initiated with the purpose of covering the gaps in terms of wage for women who give birth, because they had been losing wages whenever they gave birth. Currently, women employed in the private sector are fully paid for the period of three months during maternity leave, which was not the case before the law was adopted. Further, since

⁹ Rwanda Law N° 32/2016 of 28/08/2016 Governing Persons and the Family, Article 5.

¹⁰ Private Sector Federation 2018 elections.

¹¹ Results from the Private Sector Federation 2022 elections.

¹² Ibidem.

January 2023, the GoR adjusted school and working hours. With the news changes, schools will be opening at 8.30 a.m. instead of 8:00 a.m. while the working hours were pushed from 8:00 a.m. to 9:00 a.m. The changes aimed at improving quality of education as well as improving both workplace productivity and family well-being.

70. Regarding social protection, the above-stated law also covers the mother and the child in terms of health recovery after birth. In addition, the law covers the loss that should have been imputed to the mother's employer during maternity leave, as the law provides the employer with the right to get in all six weeks following the birth period. This has a positive effect in terms of preventing segregation based on gender in the recruitment of employees in the formal private sector, as governed by Law No 66/2018 regulating labor in Rwanda as amended to date. This law protects an employee against discrimination at the workplace. Article 9 of the law obligates every employer to pay employees an equal salary for work of equal value without discrimination of any kind.

71. The GoR does not tolerate any conduct amounting to segregation, whether vertical or horizontal, in employment.

E. Violence against women and children

Information on paragraph 16 (a) of the concluding observations

72. In 2018, the GoR adopted Law N° 68/2018 of 30/08/2018 determining offences and penalties in general. It replaced the Organic Law N° 01/2012/OL of 02/05/2012 instituting the penal code. Unlike the 2012 penal code, the 2018 law determining offences and penalties in general does not provide for the crime of marital rape. It instead created a crime of sexual violence against a spouse.¹³ This crime carries a penalty of imprisonment ranging between three (3) years and five (5) years. The penalty applies equally to the offender, regardless of sex or gender.

73. The 2018 law determining offences and penalties in general maintained the crime of rape. The crime is punishable with imprisonment for a term of not less than ten (10) years but not more than fifteen (15) years and a fine of not less than one million Rwandan francs (FRW 1,000,000) but not more than two million Rwandan francs (FRW 2,000,000). Depending on the nature of aggravating circumstances, the penalty can be increased up to life imprisonment.¹⁴

74. The provision criminalizing victims' refusal to testify under Organic Law No. 01/2012/OL of 02/05/2012 instituting the penal code was repealed in 2018. It is worthy to mention that Article 54 of Law No. 027/2019 of 19/09/2019 concerning criminal procedure allows victims to exercise their right to silence at all stages of proceedings.

Information on paragraph 16 (b) of the concluding observations

75. The GoR is determined to fight domestic and sexual violence in all its forms. Given the detrimental effects that such cases may have on society in general and on victims in particular, the government invests much effort in preventing these cases from happening. In this regard, Rwandan society at large is regularly sensitized about the negative effects of these criminal acts and meaningfully involved in fighting such occurrences.

76. Cases of domestic and sexual violence are given particular attention by investigation agencies and judicial organs. They are thoroughly investigated and convicted persons face harsh criminal penalties, which could go up to life imprisonment in some cases involving rape and child defilement. A victim has the right to file a civil action for compensation.

77. In an initiative aimed at preventing gender-based violence (GBV) cases, the NPPA commenced the publication of individuals convicted of defilement and rape offences since the year 2022. This significant step towards transparency and accountability is intended to serve as a deterrent and promote awareness regarding those convicted of such offences. The

¹³ Law N°68/2018 of 30/08/2018 determining offences and penalties in general, Article 137.

¹⁴ Ibidem, Article 134.

compiled list of offenders is readily accessible on the official website of the NPPA, where it is formally designated as the “Sex Offenders Registry.” This comprehensive online registry aligns with the legal provisions set forth in Article 4, paragraph 11, of the Prime Minister’s Order No. 001/03 dated 11/01/2012. The prime objective of this initiative is to ensure compliance with the modalities established by government institutions for the prevention and response to gender-based violence, underscoring the commitment to address and mitigate such offences through transparent and accountable measures.

Information on paragraph 16 (c) of the concluding observations

78. When domestic violence is present and there is a likelihood of it reoccurring, particularly between married couples, the law provides for a remedy.

79. The Law N° 32/2016 of 28/08/2016 governing persons and family (the 2016 law governing persons and family) in its article 226 allows any of the spouses (during divorce proceedings), plaintiff or defendant, to request the judge by means of unilateral petition an authorisation to leave the conjugal residence and live in a separate residence. Likewise, any of the spouses may request the judge to give an order to another spouse to vacate the conjugal residence and decide on means enabling him or her to find a separate residence.

80. For the best interests of the child, the above-mentioned provision further provides that the spouse in charge of provisional custody of children must remain in the conjugal residence pending a final judgment authorizing divorce.

81. The NPPA has safe houses where victims, including victims of GBV, can temporarily be housed if there are reasons to suspect that they are not safe in their respective places. The plans are also underway to build more safe houses along Isange One Stop Centres (IOSCs) that will particularly serve GBV victims.

82. The GoR notes that protection orders are yet to be applied to other family members or individuals other than spouses.

Information on paragraph 16 (d) of the concluding observations

83. For the period under review, Rwanda continued to increase the number of IOSCs. They increased from 9 in 2013 to 42 in 2016 and 48 in 2023. They operate at the level of district hospitals. Rwanda is committed to continuing to increase the capacity of IOSCs, both in numbers and services.

F. Termination of pregnancy

Information on paragraph 18 (a) of the concluding observations

84. Access to medical services is a right recognised for all Rwandans including women. No woman can be denied her right to access medical services necessary to protect her life and health. The right is respected both in law and practice.

85. The Constitution of the Republic of Rwanda reaffirmed a number of rights relevant to the protection of women’s rights to life and health. It provides for the rights to life, the inviolability of a human being, physical and mental integrity, good health, and the promotion of activities aimed at good health.¹⁵

86. Besides the Constitution, Rwanda also adopted in 2016 the Law No 21/05/2016 of 20/05/2016 relating to human reproductive health. This law is the first of its kind and fairly covers relevant aspects of human reproductive rights. The law aligns itself with the United Nations Population Fund’s (UNFPA) definition of sexual and reproductive health. Further, the law provides for a number of rights relevant to women’s reproductive health rights. These include the equal right to human reproductive health, the right to decide, the right to access education and medical services, the right not to be subjected to any act likely to be harmful to human reproductive health, the avoidance of any harm against one’s human

¹⁵ The Constitution of the Republic of Rwanda, Articles 12, 13, 14, 21 and 45.

reproductive health and that of others, and the provision of necessary medicines and health services closer to those in need thereof.¹⁶

87. Noting the concern expressed by the Human Rights Committee on the alleged reports that the draft bill on reproductive rights (now passed into law as indicated above) would limit legal abortion, the GoR is pleased to inform the Committee that the relevant law does not limit any woman's reproductive rights, including access to legal abortion. Further, subsequent revision of the law N°68/2018 of 30/08/2018 determining offences and penalties in general removed all the barriers that were previously raised as limiting women's right to safe legal abortion. Details are provided in the next paragraph of this report.

Information on paragraph 18 (b) of the concluding observations

88. On this particular recommendation, the Committee noted that the 2012 amendment to the Penal Code expanded the exceptions for legal abortion. However, the Committee was concerned that the law posed burdensome requirements for seeking permission to undergo abortion, namely, a court order recognizing rape, forced marriage, or incest, and the authorization of two doctors in the case of jeopardy to the health of the pregnant woman or the foetus. As a result of that, pregnant women sought clandestine abortion services that put their lives and health at risk.

89. With regard to the above concerns, the GoR is pleased to report to the Committee that in 2018, Rwanda adopted the new Law N° 68/2018 of 30/08/2018 determining offences and penalties in general. The law replaced the 2012 penal code and is progressive in matters of women's rights to legal abortion.

90. Article 125 of the law determining offences and penalties in general provides for exemption from criminal liability for abortion when 1°) the pregnant person is a child; 2°) the person having an abortion had become pregnant as a result of rape; 3°) the person having an abortion had become pregnant after being subjected to a forced marriage; 4°) the person having an abortion had become pregnant as a result of incest up to the second degree; 5°) the pregnancy puts at risk the health of the pregnant person or of the foetus.

91. Article 126 of the same law provides for the procedure by which an application for a child to abort is made. It stipulates that if a person wishing to abort is a child, the application to do so is made by persons with parental authority over her after agreeing upon it. If persons with parental authority over a child disagree among themselves or if they disagree with the child, the wish of the child prevails. Finally, a person requesting abortion for the child over whom he or she has parental authority files a request with a recognized medical doctor, accompanied by the child's birth certificate containing the date of birth.

92. Further, the court order that was provided for under the 2012 penal code was removed from the 2018 law determining offences and penalties in general. In addition to the 2018 law determining offences and penalties in general, the GoR has also adopted the Ministerial Order determining conditions to be satisfied for a medical doctor to perform an abortion.¹⁷ The Ministerial Order was adopted to operationalise the provisions of the law determining offences and penalties in general relating to abortion. It covers important matters such as allowed grounds for abortion, pregnancy age for termination, an eligible health facility to perform an abortion, the procedure by which an application for a child to abort is made, pre-procedure for abortion care, consent, access to abortion services and confidentiality among others.¹⁸

93. The Ministerial Order makes clear that the person requesting an abortion is not required to produce evidence of the grounds she invokes,¹⁹ and more importantly, that a person who wishes to access abortion services has the right to access an accredited health

¹⁶ Law No 21/05/2016 of 20/05/2016 relating to human reproductive health, Articles, 5, 7, 8, 9, 12, and 17.

¹⁷ Ministerial Order N° 002/MoH/2019 of 08/04/2019 determining conditions to be satisfied for a medical doctor to perform an abortion.

¹⁸ Ministerial Order N° 002/MoH/2019 of 08/04/2019 determining conditions to be satisfied for a medical doctor to perform an abortion, Articles 3, 4, 5, 6, 7, 8, 9 and 10.

¹⁹ Ibid, Article 3.

facility of her choice and to receive the services without necessarily presenting the medical transfer.²⁰

94. It is also worth bringing to the attention of the Committee that during the period under consideration, 541 women who were convicted and imprisoned for the offences of abortion, complicity in abortion, and infanticide received a presidential pardon and were released from jail.

Information on paragraph 18 (c) of the concluding observations

95. The Law No 21/05/2016 of 20/05/2016 relating to human reproductive health in Article 5 provides for equal rights to human reproductive health. It stipulates that all persons have equal rights in relation to human reproductive health. Further, it provides that no person shall be denied such rights based on any form of discrimination. Article 8 of the same law states that every person has the right to access education and medical services related to human reproductive health.

96. Women and adolescent girls have access to reproductive health services, and a number of strategies and programs are in place to ensure the accessibility of reproductive health services. The National Family Planning Policy guides reproductive health interventions for adolescents and young adults aged 10–24, whether in or out of school. Since 2020, GoR has opened youth corners at every health centre to provide reproductive services; at present, 370 youth corners are operational.

97. Special medical outreach campaigns are also regularly organized every year in remote areas through radio, TV, sport, community work, a parents' evening forum, etc.

98. In addition to the above, the GoR is committed to continuing to increase access to reproductive health services and intensifying education thereof. In this regard, in the NST1, education on sexual and reproductive health and rights, as well as adequate access to affordable, modern methods of contraception, including emergency contraception, for all women and girls, has been considered a priority.

99. Further, the NST1 committed to scaling up efforts to raise awareness on reproductive health and family planning to increase contraceptive prevalence from 48% (2013/14) to 68% in 2024; as of 2023, we are at 64% of family planning use with 58% use of modern methods. This was achieved by ensuring universal access to contraceptive information and services in order to avoid unplanned pregnancies and prevent sexually transmitted diseases, with a particular focus on youth.

100. In December 2019, Rwanda decided to scrap the value-added Added Tax (VAT) on sanitary pads. This makes the products affordable and easily accessible for users. Additionally, since 2015, GoR has introduced a girl's safe room (Icyumba cy'Umukobwa) at all schools, and the designated chamber for female students serves as a secure refuge for those unexpectedly encountering menstruation or facing related issues during their menstrual cycle.

101. Furnished with essential amenities such as sanitary pads, towels, painkillers, bedding, water, and soap, the girl's safe room ensures the provision of necessary resources. Notably, for economically disadvantaged girls who cannot afford sanitary pads, the school offers them complimentary during the entire duration of their menstrual period. This initiative has been acknowledged for its contribution to mitigating the incidence of female students discontinuing their education due to menstrual challenges.

G. Unlawful detention and allegations of torture and ill-treatment

Information on paragraph 20 (a) of the concluding observations

102. The law N° 027/2019 of 19/09/2019 relating to the criminal procedure provides under Article 66 that a suspect normally remains free during the investigation. However, in case the suspect is to be detained, the law allows pre-trial detention for a maximum of 5 days at

²⁰ Ibid, Article 9.

the Rwanda Investigation Bureau (RIB) and a maximum of 5 days at the National Public Prosecution Authority (NPPA). For the perpetrators who are caught red-handed and/or who admit their criminal acts, the time is decreased to 72 hours. It is important to mention that in practice investigators and prosecutors are encouraged to detain suspects for the minimum time possible. Besides this, the GoR adopted its first Criminal Justice Policy in September 2022. Among the aspects that were given due consideration in the policy are the alternatives to incarceration, including pre-trial detention.

103. Furthermore, the Criminal Procedure law of 2019 provides under Article 24 the possibilities of the prosecutor to initiate formalities for negotiations between the suspect and victim if he or she believes that it is the sole procedure to remedy the victim, nullify the consequences of the offence and facilitate rehabilitation of the offender. The prosecutor also may impose a fine without any proceedings, initiate plea bargaining, release the suspect, or release a suspect and instruct him or her to comply with a set of conditions.

104. The Prosecutor General has recently issued a set of instructions aimed at streamlining legal procedures and reducing detention measures. These instructions encompass diverse strategies, including the facilitation of plea bargaining, the imposition of fines without formal proceedings, and the release of suspects under specific conditions. The four specific instructions, namely Instruction No. 2/2022 dated 19/07/2022 outlining procedures for posting bail, Instruction No. 3/2022 dated 19/07/2022 detailing the imposition of fines without formal proceedings, Instruction No. 5/2022 dated 19/07/2022 addressing negotiations between suspects and victims, and Instruction No. 6/2022 dated 19/07/2022 concerning plea bargaining, collectively contribute to the broader objective of ensuring a more efficient and fair legal process while minimizing unnecessary detentions.

Information on paragraph 20 (b) of the concluding observations

105. It is worth noting that there are no secret or unofficial places of detention in Rwanda. All places of detention are determined by the law and are gazetted.

106. In Rwanda, individuals in custody are housed in designated official facilities and are afforded legal protections provided for by the law. The country places a strong emphasis on upholding the rights of detainees, ensuring access to legal representation, fair treatment, and due process. Additionally, efforts are made to provide detainees with appropriate living conditions and access to essential services, emphasizing the commitment to human rights principles within the judicial system. This commitment underscores Rwanda's dedication to maintaining a just and humane environment for those subject to legal detention.

Information on paragraph 20 (c) of the concluding observations

107. Rwanda does not allow unlawful detention. The Law N° 68/2018 of 30/08/2018 determining offences and penalties in general seriously criminalizes and punishes the acts of abduction and unlawful detention of a person. The acts call for a conviction and imprisonment of up to 7 years. The penalty may be increased to a 10-year jail term if the victim is a child.²¹

108. In addition, the above-mentioned law provides that any civil servant who unlawfully puts or retains a person in detention or prison commits an offence and upon conviction, the offender is liable to a term of imprisonment equivalent to the term incurred by the illegally detained person and a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than one million Rwandan francs (FRW 1, 000,000), or only one of those penalties.²²

109. Further, Law N° 027/2019 of 19/09/2019 relating to the criminal procedure covers important matters relating to unlawful detention. These include the acts constituting unlawful

²¹ Law N°68/2018 of 30/08/2018 determining offences and penalties in general, Article 151.

²² Ibid, Article 285.

detention,²³ the procedure for instituting a claim against unlawful detention,²⁴ and the decision on a claim against unlawful detention.²⁵

110. Regarding allegations of torture and ill-treatment, these are also prohibited and punishable by law. The Constitution stipulates that everyone has the right to physical and mental integrity.²⁶ Further, it states that no one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment.²⁷ The Law N° 68/2018 of 30/08/2018 determining offences and penalties in general implements the Constitution by defining torture and criminalising it.²⁸ For the penalties, the law has increased the penalties and added the crime of sexual torture. Torture carries an imprisonment term ranging from 20 years to 25 years, while sexual torture carries a penalty of life imprisonment.

111. In practice, where there have been allegations of torture or ill-treatment, prompt impartial investigations are conducted no matter who makes the claim, and the Rwanda Investigation Bureau (RIB) is responsible for carrying out investigations. Whoever claims impartiality has the right to submit the claim to the Quality Service and Inspection Directorate at RIB to verify the allegations' veracity.

Information on paragraph 20 (d) of the concluding observations

112. The law n° 027/2019 of 19/09/2019 relating to the criminal procedure provides for the procedure for instituting a claim against unlawful detention in Article 144. Among other procedural matters, the article provides that the court can summon the person who is accused of unlawful detention. The accused appears together with the person he or she is accused of having unlawfully detained. If the accused is convicted, he or she is sentenced in accordance with the provisions of the law N°68/2018 of 30/08/2018 determining offences and penalties in general in its article.²⁹ For the period under consideration, 26 cases of alleged unlawful detention were prosecuted against RCS staff, but none was found guilty.

113. Victims of unlawful detention, torture, and ill-treatment have the right to seek compensation as the result of injuries caused by a civil action. The Law N° 027/2019 of 19/09/2019 relating to the criminal procedure, provides that a victim of an offence without filing a civil action and a criminal action in the same court may directly seize a civil court to claim compensation for the damages caused by the acts committed against him or her.

114. If a civil action is heard separately, but when it arises from a criminal action, the hearing of the civil action is conducted under the provisions of the law determining the jurisdiction of courts.³⁰

H. Right to life

Information on paragraph 22 of the concluding observations

115. The right to life is guaranteed by the Constitution of the Republic of Rwanda in Article 12.

116. Rwanda explicitly condemns extrajudicial executions, enforced disappearances, and murder as grave criminal offences, actively pursuing legal measures to address and penalize such actions. The country's legal system is structured to enforce accountability, ensuring that perpetrators are brought to justice and face appropriate consequences for violating the sanctity of human life.

²³ Law n° 027/2019 of 19/09/2019 relating to the criminal procedure, Article 143.

²⁴ Ibid, Article 144.

²⁵ Ibid, Article 145.

²⁶ The Constitution of the Republic of Rwanda of 2003 revised in 2015, Article 15, paragraph 1.

²⁷ The Constitution of the Republic of Rwanda of 2003 revised in 2015, Article 15 paragraph 2.

²⁸ Law N°68/2018 of 30/08/2018 determining offences and penalties in general, Articles 112, 113 and 114.

²⁹ Law N°68/2018 of 30/08/2018 determining offences and penalties in general, article 668.

³⁰ Law N° 027/2019 of 19/09/2019 relating to the criminal procedure, Article 122.

117. With regard to enforced disappearance, in addition to existing mechanisms to investigate these cases, a desk has been established at RIB specifically charged with receiving claims of disappearances of persons. The cases are promptly investigated. For the period under review, there were no cases of enforced disappearances. All cases of missing persons have been investigated, and many have been found. Relatives or any concerned party of a missing person have the right to seek and receive information from the RIB.

118. For the period under consideration, 2,010 persons were reported missing. 1,706 were male, while 304 were female. Out of 2,010 persons reported missing, 2,008 were found while investigations continued to establish the whereabouts of two people.

119. Regarding causes of disappearances, the main reasons identified include undocumented rural-urban migration; illegal crossing of borders to settle or spend long periods in neighbouring countries; eluding settlement of debts; marital conflicts; and, in some cases, joining rebel groups in neighbouring countries.

120. It is worth mentioning that, given the porous borders of Rwanda with neighbouring countries and armed conflicts in the regions linked to geopolitics in the Great Lakes Region, there are some people who have been declared by their families to have disappeared, and after a certain time, they were found in the negative forces of Rwandans fighting in the forests of a neighbouring country at their return to Rwanda.

121. The GoR is conscious of the issue, continues to monitor the geopolitics of the region, and will continue to ensure that no one is enforced to disappear.

122. In instances of homicides, swift and impartial investigations are conducted, leading to the identification, apprehension, and subsequent judicial proceedings against the perpetrators in numerous cases.

I. Past human rights violations

Information on paragraph 24 of the concluding observations

123. All allegations of human rights violations, whether committed within Rwanda or abroad, are given due consideration and promptly and thoroughly investigated by competent authorities. The GoR remains committed to bringing to justice any person involved in acts that violate human rights. Strong and effective policy, legal, and institutional frameworks are in place to ensure the protection of every citizen from any possible human rights abuse. As this report alluded to in the preceding sections, the law recognizes the victim's right to reparation.

124. For more details on the response of the Government of Rwanda with regard to the alleged past human rights violations, including those allegedly perpetuated in the Democratic Republic of the Congo in 1996, the GoR refers the Committee to its comments on the draft UN Mapping Report on the DRC issued on September 30, 2010. The comments comprehensively respond to all allegations and categorically reject the UN Mapping report.³¹

J. Cooperation with armed groups

Information on paragraph 26 of the concluding observations

125. With regard to its alleged support for the M23, Rwanda's position has always been clear and unambiguous: The M23 is a Congolese problem that must be dealt with by the Congolese themselves. The Congolese government never ceases to accuse Rwanda of supporting the M23, yet behind these accusations, the Congolese government has never given any importance to the root causes that led to the existence of the M23. Namely, the violence

³¹ Rwanda's comments on the UN Mapping report are available at https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_Report_Comments_Rwanda.pdf

perpetrated against the Congolese Tutsi community, resulting in a large flow of Congolese refugees to neighbouring countries, including Rwanda.

126. The Rwandan government is concerned by the persistent flow of refugees into its territory over the past 25 years, fleeing the atrocities of illegal armed groups, mainly the genocidal militia (FDLR), which is supported by the Congolese government. The Rwandan government is also concerned about its security due to the proliferation of pro-government armed groups, including the FDLR, on its borders. Rwanda also won't allow the hate speech which has proliferated in the Eastern DRC to spread across its borders, threatening the unity the country has worked so hard to create.

127. The government of Rwanda is committed to working with the region on a political solution to the crisis in the DRC.

K. Criminalization and detention of persons on the grounds of vagrancy

Information on paragraph 28 of the concluding observations

128. In 2018, Rwanda adopted Law N° 68/2018 of 30/08/2018 determining offences and penalties in general. The law replaced the Organic Law N° 01/2012/OL of May 2, 2012, instituting the penal code. Vagrancy and begging are no longer crimes under the 2018 law determining offences and penalties in general. In addition, homelessness, begging, and being a member of a vulnerable family or group do not constitute criminal acts under Rwandan law and therefore are not grounds for detention. No person is arrested or detained simply because he or she is homeless or belongs to a vulnerable family.

129. Rehabilitation centres have been established and functioned per the law. All operational rehabilitation centres were established by specific Presidential Orders. They operate under the National Rehabilitation Service (NRS) which was also established by the law.³² The NRS was established with an overall mission to eradicate all forms of deviant behaviours by instilling positive behaviours, educating and providing professional skills.³³

130. Intending to improve social services, particularly for vulnerable persons, and deal with vagrancy and begging, the GoR adopted in 2005 the National Social Protection Policy, which was revised in 2018. The policy has its own strategic plan and is meant to ensure that all poor and vulnerable people are guaranteed a minimum income and access to essential services. In addition, the government is also implementing a number of strategies with the same purpose. These include:

- The National Policy against Delinquency of 2016 aims at establishing sustainable measures for prevention and response to all forms of juvenile delinquency;
- The National Employment Program (NEP) initiated in 2013, through which women can access supplementary collaterals to fulfil the lender's requirements in terms of guaranteeing up to 75% and grants of 15% towards their well-performing loans; and

131. Facilitation of women street vendors with working capital and access to working space, particularly the construction of selling points. During the period under consideration, 26 selling points were constructed in Kigali with 4242 beneficiaries. As a result, the gender gap in financial inclusion continues to narrow. In the most recent study (FinScope Rwanda 2020), 92% of women were financially included (versus 93% males) compared to 87% financially included women in 2016 (versus 91% males).³⁴

132. Regarding the provision of alternatives to the institutionalization of children in street situations, including their placement in family-based settings, it is important to note that the National Rehabilitation Service (NRS) has been put in place to deal with the issue of children living on the streets, among other priorities, and includes programs of reintegration, family

³² Law N° 17/2017 of 28/04/2017 establishing the national rehabilitation service and determining its mission, organisation and functioning.

³³ Law N° 17/2017 of 28/04/2017 establishing the national rehabilitation service and determining its mission, organisation and functioning, Article 7.

³⁴ National Institute of Statistics of Rwanda, FinScope Rwanda 2020.

strengthening, and prevention. For the period under consideration, 7,958 street children were integrated into families; among them, 7,530 were male and 428 were female.

133. The NRS runs vocational training programs for its beneficiaries. For the period under consideration, 19,312 people graduated through these programs; 18,345 were male and 967 were female. Further, it is worth mentioning that the National Child Development Agency (NCDA) removed 2,674 children from orphanages and integrated them into families.

134. In addition to the above, the GoR wishes to draw the attention of the Committee to Rwanda's combined fifth and sixth periodic reports on the Convention on the Rights of the Child (CRC/C/RWA/5-6), paragraphs 64, 104, and 184, published by the Committee on the Rights of the Child in March 2019.

L. Asylum seekers and immigration detention

Information on paragraph 30 of the concluding observations

135. The GoR enacted Law No 13 ter/2014 of 21/05/2014 relating to refugees, which explicitly provided for the principle of non-refoulement.³⁵ The principle applies to all refugees and asylum seekers, including those from Burundi. This has recently been repealed by Law n° 042/2024 of 19/04/2024 governing refugees and applicants for refugee status in Rwanda, which maintained the principle of non-refoulment. Article 27 of this law stipulates that a refugee or an applicant for refugee status cannot be expelled from Rwanda or deported to a country where his or her life or liberty could be threatened. However, the Organ³⁶ may expel from the Rwandan territory a person whose refugee status is revoked in the interest of national security and public order.

136. As explained in the preceding paragraph, the 2014 law relating to refugees has been repealed by the law n° 042/2024 of 19/04/2024 governing refugees and applicants for refugee status in Rwanda. The latter establishes in Article 15 an Appeal Tribunal that has legal personality, independence, and enjoys administrative and financial autonomy.³⁷

137. Following the adoption of Law n° 042/2024 of 19/04/2024 governing refugees and applicants for refugee status in Rwanda; other key legislations have been revised or adopted. In this regard, it is worth to mention the adoption of Law n° 041/2024 of 19/04/2024 amending Law n° 30/2018 of 02/06/2018 determining the jurisdiction of courts. Specifically, article one of this amended law expended the jurisdiction of the High Court to try at the first instance a claim of an applicant for refugee status and that of a refugee decided by the Appeal Tribunal.³⁸ Furthermore, the GoR adopted Presidential Order n° 051/01 of 19/04/2024 governing the appeal tribunal for refugees and applicants for refugee status.

138. Regarding the arrest and detention pending deportation of individuals for immigration-related reasons, the Committee is referred to Rwanda's second periodic report on the Rights of All Migrant Workers and Members of their Families submitted to the Committee on Migrant Workers in December 2019, paragraphs 58–62.

139. Besides the asylum seekers and refugees from Burundi, it is worth noting that Rwanda hosts asylum seekers and refugees from other countries within and outside the African continent, and efforts are being made to improve their basic human rights and living conditions. Since 2016, Rwanda has hosted at least 134,593 refugees and asylum seekers. In addition, Rwanda received 2,059 asylum seekers who were evacuated from Libya under a Memorandum of Understanding (MoU) signed between the GoR, UNHCR, the UN Refugee Agency, and the African Union (AU). Most of them have gone to resettlement, and until December 31, 2023, the Transit Centre remained with 669.

³⁵ Article 21.

³⁶ According to the Law n° 042/2024 of 19/04/2024 governing refugees and applicants for refugee status in Rwanda in its article 2 (g), the 'Orga' means the organ in charge of immigration and emigration.

³⁷ Presidential Order n° 051/01 of 19/04/2024 governing the appeal tribunal for refugees and applicants for refugee status.

³⁸ Law n° 041/2024 of 19/04/2024 amending Law n° 30/2018 of 02/06/2018 determining the jurisdiction of courts, article 1 (3) and (4).

140. The GoR, in collaboration with UNHCR, made efforts to improve the welfare of refugees. Refugees' camps have health centres; urban and student refugees are enrolled in community-based health insurance; refugee children have access to education, particularly 12-year basic education; and refugees have been included in socio-economic activities. A system to register children born as refugees is in place and has been implemented across all refugee camps in Rwanda. Some services offered through Isange One Stop Centers (IOSC) are also made available in refugee camps.

141. Concerning legal aid for asylum seekers and refugees, they access free legal services through different actors, including the Legal Aid Forum³⁹ (LAF) and Prison Fellowship Rwanda. During the period under consideration, legal aid services were offered 835 asylum seekers and 26,967 refugees.

142. Furthermore, the global migration and asylum system is faced with many challenges, including the refugee crisis, the provision of humanitarian response, strict and inefficient immigration policies, detention, and many other forms of unbearable human rights abuses for asylum seekers. Thus, the GoR reiterates its commitment to contribute to global efforts to find a solution to the current global migration and asylum system challenges.

M. Prison conditions (Article 10)

Information on paragraph 32 of the concluding observations

143. Reducing the population of correctional facilities and addressing overcrowding in other detention facilities remains a priority for the country. In this regard, a new correctional facility was built in Nyarugenge, and all the existing correctional facilities were renovated and expanded, particularly Rwamagana, Nyamagabe, Huye, Musanze, and Rubavu.

144. The number of police custody facilities continues to increase while the standards of the existing ones are being improved. Between 2016 and 2023, 23 new detention facilities were built to meet required standards, while 177 were renovated. The renovations focus on the size, lighting, aeration, water, toilets, and some other aspects necessary for the improvement of the detention facilities.

145. In addition to the above, the ongoing government's decisions to release inmates on parole and presidential pardon have had many positive impacts, including addressing the issue of overcrowding. Between 2016 and 2023, a total of 20,063 people were released on parole. During the same period, 992 were released by presidential pardon. During the same period, 7,429 cases were resolved through the prosecution's prerogative to initiate mediation between the suspect and victim, while 3,331 cases were resolved through a fine imposed by the prosecution.⁴⁰

146. In addition to the above, the GoR has, through Law N° 68/2018 of 30/08/2018 determining offences and penalties in general, adopted the penalty of community service⁴¹. In 2023, Presidential Order n° 022/01 of 31/03/2023 determining modalities for the execution of the penalty of community service was adopted.

147. In 2019, the GoR adopted N° 027/2019 of 19/09/2019 relating to the criminal procedure, which explicitly provides for the grounds on which a suspect or an accused can be placed under provisional detention and the duration of a provisional detention order.⁴²

148. The GoR is committed to continuing to reform its justice system to emphasize restorative and reformatory justice over retributive justice. In this regard, in September 2022, the GoR adopted the Criminal Justice Policy (CJP). The policy's purpose is to properly guide the policies and practices of institutions in the criminal justice chain, from crime detection,

³⁹ The Legal Aid Forum (LAF) is a membership-based network of 38 national and international NGOs, professional bodies, universities, legal aid clinics, faith-based organizations and trade unions that provide or support legal aid services to the indigent Rwandan population or vulnerable groups.

⁴⁰ Law n° 058/2023 of 04/12/2023 amending Law n° 027/2019 of 19/09/2019 relating to the criminal procedure, article 5 (c) and (d).

⁴¹ Law N° 68/2018 of 30/08/2018 determining offences and penalties, article 23.

⁴² Law N° 027/2019 of 19/09/2019 relating to the criminal procedure in articles 66 and 79.

prevention, investigation, prosecution, court proceedings, sentencing for deterrence, retribution, and compensation, to the offenders' rehabilitation and resocialization. Rwanda will continue to reform its justice system to emphasize restorative and reformatory justice over retributive justice.

149. The policy is based on eleven (11) principles, among which five are worth mentioning, namely: (1) reduction in crimes; (2) imprisonment as the last resort; (3) diversion from the criminal justice system; (4) rehabilitation as an aim of the criminal justice system; and (5) smart justice.

150. In 2023, the Supreme Court adopted the Practice Directions of the President of the Supreme Court n° 002/2023 of 05/09/2023 governing the plea-bargaining procedure. The Practice Directions provide that plea bargaining applies to all offences and may be initiated at any stage of the proceedings for any criminal case where the court has not yet taken a decision.

151. With the adoption of the Criminal Justice Policy, the National Public Prosecution Authority started implementing plea bargaining procedures, and for the period from October 2022 to December 2023, at least 5,365 cases have been resolved through plea bargaining. Considering the experience of 14 months since the introduction of plea bargaining, it is evident that the process will immensely contribute to speeding up the case process and, in turn, reducing the prison population.

152. In a parallel development, the GoR adopted a law allowing the use of technology to monitor suspects.⁴³ This implementation of the relevant provision of the law awaits the adoption of an implementing Ministerial Order. Once operationalized, this technology is also expected to substantially contribute to the ongoing efforts of the GoR to address the issue of overcrowding within correctional facilities.

153. Furthermore, legal reforms continue to be undertaken that would positively contribute to the reduction in the prison population. In this regard, two laws have been adopted, namely, the Law n° 058/2023 of 04/12/2023 amending Law n° 027/2019 of 19/09/2019 relating to the criminal procedure and the Law n° 059/2023 of 04/12/2023 amending Law n° 68/2018 of 30/08/2018 determining offences and penalties in general. While the former allowed investigators to transact and close cases at their levels. The later reduced penalties in petty but most committed offences and allowed the judge's discretion to give penalties below the minimum set by the law.

N. Independence of the judiciary, fair trial and military courts (Article 14)

Information on paragraph 34 (a) of the concluding observations

154. Judicial independence is guaranteed by the Constitution. Both institutional independence and personal independence are guaranteed and upheld by law and in fact. Article 151 of the Constitution of the Republic of Rwanda provides that the Judiciary is independent and enjoys financial and administrative autonomy. Article 152 lists the principles of the judicial system, including:

(a) Justice is rendered in the name of the people and nobody may be a judge in his or her own cause;

(b) Court proceedings are conducted in public, unless the Court determines that proceedings be held in camera in circumstances provided for by law;

(c) Every judgment indicates its basis, is written in its entirety and pronounced as provided for by the law;

(d) Court rulings are binding on all parties concerned, be they public authorities or individuals; they cannot be challenged except through procedures determined by law;

⁴³ Law N° 027/2019 of 19/09/2019 relating to the criminal procedure in articles 66 and 70.

(e) In exercising their judicial functions, judges at all times do it in accordance with the law and are independent from any power or authority.

155. Laws are in place to give effect to the above constitutional provisions:

- The functioning of the courts is regulated by the Law N° 012/2018 of 04/04/2018 determining the organization and functioning of the Judiciary, which reiterates their independence in Article 4 thereof.
- Judges are impartial and governed by the Code of Ethics set out in the Law N° 09/2004 of 29 April 2004 relating to the Code of Ethics for the Judiciary which greatly emanates from the Bangalore Principles.
- Decision and judgment rendered by the court are subject to appeal as per the Law No 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure in its article 147.
- Decisions of the courts are also subject to review in accordance with the Law No 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure under Article.

156. The High Council of the Judiciary is the supreme organ of the Judiciary of Rwanda. It sets general guidelines governing the administration of the Judiciary and it is composed of judicial and non-judicial members in order to ensure transparency and neutrality.⁴⁴

157. In order to safeguard its transparency and provide timely and quality justice, since 2016, the Judiciary of Rwanda has introduced the use of an integrated electronic case management system where litigants and other court users can interface with court staff to access court services easily.

158. National and global surveys and reports have fairly-ranked Rwanda in terms of the performance of the judiciary, including judicial independence.

159. The Rwanda Governance Board (RGB)⁴⁵ indicates that there has been improvement in the performance of the Judiciary. Performance of the Judiciary increased from 75.02% in 2016 to 79.55% in 2023. This positive trend is also observed in the specific indicator of independence of courts. The score on the independence of courts increased from 67.40% to 95.50% during the same period.

160. At regional and global levels, Rwanda has been fairly ranked in terms of judicial independence. At the regional level, Rwanda was ranked between 1st and 5th during the period between 2017 and 2019. At the global level, Rwanda was ranked between 25th and 37th during the same period.⁴⁶ The 2023 World Justice Rule of Law Index Report, ranked Rwanda 1st regionally and 41st at the global level.⁴⁷

161. Regarding the principles of presumption of innocence and equality of arms, they are both provided by laws starting from the Constitution and are well respected in practice.⁴⁸ Article 66 of Law N° 027/2019 of 19/09/2019 relating to the criminal procedure explains that a suspect is ordinarily at liberty during the investigative phase, yet provisional detention may be invoked should the alleged offence warrant imprisonment for a minimum of two years.

⁴⁴ Law N°012/2018 of 04/04/2018 Determining the Organization and Functioning of the Judiciary see article 6

⁴⁵ The Rwanda Governance Scorecard (RGS) is an annual publication of the Rwanda Governance Board (RGB) that seeks to accurately gauge the state of governance in Rwanda. The RGS is a comprehensive governance assessment tool constructed from data based on over 200 questions, which are structured based on a set of 8 indicators, 35 sub-indicators and 143 sub-sub-indicators. This initiative reflects a continued commitment to evidence-based policies and objective self-assessment in order to identify areas for improvement and drive policy reforms.

⁴⁶ The Global Competitiveness Index Reports, 2016/2017; 2017/2018 and 2018/2019.

⁴⁷ The World Justice Project Rule of Law Index 2023, available at <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIIndex2023.pdf>

⁴⁸ The Constitution of the Republic of Rwanda of 2003 revised in 2015, Articles 29 particularly in point 2° and the law N° 027/2019 of 19/09/2019 relating to the criminal procedure, Article 107.

162. Furthermore, even in cases where penalties are less than two years but not fewer than six months, provisional detention may be contemplated under specific circumstances. These include concerns about the suspect's potential evasion of justice, uncertainty or doubt regarding the suspect's identity, prevention of evidence tampering, safeguarding the accused, or thwarting the continuation or recurrence of the offence. The decision to impose detention also takes into account the suspect's conduct, the gravity and category of the offence, and an assessment of whether alternative measures are inadequate to achieve the objective of detention.

163. It is important to note that the statement of arrest and detention remains valid for a duration of five days, with no provision for extension. During this period, the suspect is promptly released if, upon investigation, the organ responsible for inquiry or the Public Prosecution determines the absence of serious grounds for suspecting the individual of committing or attempting to commit an offence. Such a determination is formally documented, with a corresponding copy reserved for the benefit of the suspect.

Information on paragraph 34 (b) of the concluding observations

164. The procedure of judicial appointments is spelled out in the Constitution and Law N° 012/2018 of 04/04/2018 determining the organization and functioning of the Judiciary. The High Council of the Judiciary plays a central role in the appointments and removal of judges. In addition, the appointments take into consideration the objective criteria of competence and independence.

Information on paragraph 34 (c) of the concluding observations

165. Gacaca courts operated for 10 years, from 2002 to 2012. They left a huge legacy on Rwandan society as regards finding truths about the 1994 genocide against the Tutsi, unity and reconciliation of Rwandans, speeding up trials, and putting an end to the culture of impunity, to name but a few positive impacts. Before the closing of Gacaca courts, the GoR had put in place a succession plan to address pending issues and any other issues that would arise thereafter.

166. The GoR adopted in 2012, the organic law N° 04/2012/OL of 15/06/2012 terminating Gacaca Courts and determining mechanisms for solving issues that were under their jurisdiction. The organic law is clear about which cases were to be tried by Primary Courts, Intermediate Courts and the Military Court.⁴⁹ It also empowered an ordinary law to regulate the matters of extradited cases related to the genocide against the Tutsi.⁵⁰ Article 9 of the same organic law recognised the right of a person to apply for a review of the judgment if that person was sued, tried, and sentenced by the Gacaca courts while abroad.

167. Further, Law No. 30/2018 of 02/06/2018 determining the jurisdiction of courts also accepts the review of Gacaca Judgments that fulfil the conditions required by the law.⁵¹

Information on paragraph 34 (d) of the concluding observations

168. In principle, military courts do not exercise jurisdiction over civilians. However, Military Courts try civilians on the basis of Law No. 30/2018/ of 02/06/2018 determining the jurisdiction of courts, particularly articles 83, 84, 85, and 96. These articles empower the Military Court and Military High Courts to try all offences committed by soldiers, their co-perpetrators, and accomplices.

⁴⁹ Organic law N° 04/2012/OL of 15/06/2012 terminating Gacaca Courts and determining mechanisms for solving issues which were under their jurisdiction, Articles 4, 5 and 7.

⁵⁰ Ibid, Article 8.

⁵¹ Law no 30/2018 of 02/06/2018 determining the jurisdiction of courts, Article 26.

O. Interception of communications (Article 17)

Information on paragraph 36 of the concluding observations

169. Rwanda respects and protects the privacy of all its citizens. In fact, respect for the privacy of a person and of family is a constitutional right. The provisions of Article 23 of the Constitution are in consonance with Article 17 of the Covenant.

170. The relevant provisions of the Constitution clearly provide that the privacy of a person, his or her family, home, or correspondence shall not be subjected to interference in a manner inconsistent with the law; the person's honour and dignity shall be respected. Further, the Constitution provides that confidentiality of correspondence and communication shall not be waived except in circumstances and per procedures determined by the law.

171. In 2019, the GoR adopted Law No. 027/2019 of 19/09/2019 relating to criminal procedure (the Law on Criminal Procedure). This law implements the above-mentioned constitutional provision and repeals some provisions of Law N° 60/2013 of 22/08/2013 regulating the interception of communications. The law on criminal procedure covers matters relating to the interception of communications in Articles 38, 39, 40, and 41.

172. Under Article 38 of the Law on Criminal Procedure, the interception of communication is allowed during investigations and prosecutions and for purposes of ascertaining the truth about the commission of offences against national security, offences of corruption, and offences of embezzlement of state property. The same article explicitly allows the authorities of state security organs specified by the Constitution of the Republic of Rwanda, the Office of the Ombudsman, and the Rwanda Investigation Bureau to intercept communication. Further, this Article permits interception only when it is authorized by the Prosecutor General.

173. Interception is done only to achieve specific and legitimate objectives, as the law on criminal procedure in the same article mentioned in the preceding paragraph makes it clear that the applicant for authorization must clearly prove to the Prosecutor General the link between the requested authorization to intercept communication and the offence subject to prosecution.

174. The above-stated law covers some other important matters, such as the form and content of an order for interception of communications and correspondences, a statement of interception of communications and correspondences, and prohibitions regarding seizure or interception.⁵²

175. Rwanda also has since 2014 Prime Minister's Order N° 90/03 of 11/09/2014 determining modalities for the enforcement of the law regulating interception of communication. This order details, in Article 3, crimes taken as crimes against national security. Particularly for media, Rwanda has, since 2013, enacted Law N°02/2013 of 08/02/2013 Regulating Media, which explicitly prohibits seizure of the materials of journalists. However, the provision goes further to provide that if there is an offence in media, seizure shall be exercised on documents and audio-visual recordings that are questionable. Seizure shall only be exercised on urgent court decisions without prejudice to the continuation of the proceedings.⁵³

176. Furthermore, in 2021, Rwanda adopted Law No. 058/2021 of 13/10/2021 relating to the protection of personal data and privacy. This law protects personal data and ensures the privacy of individuals in Rwanda.

177. One of the tenets of this law is the clear and unambiguous consent of an individual to the collection, storage, and processing of personal data, which is a fundamental right. The law brings Rwanda in line with international data protection standards, vital for the modern digital economy, facilitating services such as e-commerce, international financial transactions, and various online services.

⁵² Law N° 027/2019 of 19/09/2019 relating to the criminal procedure, Articles 39, 40 and 41.

⁵³ The Law N°02/2013 of 08/02/2013 Regulating Media, Article 10.

178. The primary goals of this law are to:

- Empower citizens with the agency over their personal data;
- Enable trusted and secure data flow, domestically and internationally;
- Provide regulatory certainty for existing businesses and prospective investors, and an enabling environment for SME growth;
- Accelerate Rwanda's ambitions toward a technology-enabled and data-driven economy.

179. At the institutional level, Rwanda established, in 2017, the National Cyber Security Authority (NCSA).⁵⁴ The NCSA has been operational since 2020, and among other responsibilities, the NCSA oversees implementation of the law relating to the protection of personal data and privacy.

P. Freedom of thought, conscience and religion (arts. 2, 18, 23–24 and 26–27)

Information on paragraph 38 of the concluding observations

180. The Rwandan Constitution guarantees freedom of conscience and religion. It provides that freedom of thought, conscience, religion, worship, and public manifestation thereof is guaranteed by the state in accordance with the law.⁵⁵ The Constitution, also prohibits any kind of discrimination, including based on religion or faith.⁵⁶

181. With regard to the Committee's concern about the restrictions placed on the enjoyment of freedom of conscience and religion of Jehovah's Witnesses with regard to refusing to sing the national anthem, to attend religious ceremonies of another faith in schools, or to take an oath holding the national flag, the GoR is pleased to inform the Committee that legal reforms are underway to address the issues.

182. In this regard, the GoR adopted in 2020 Law N° 017/2020 of 07/10/2020 establishing the general statute governing public servants. This law repealed articles 10 and 11 of Law N° 86/2013 of 11/09/2013 establishing the general statute for public service that provided for taking an oath and modalities for taking an oath before commencing official duties. Reforms are ongoing for other laws.

183. Regarding singing the national anthem and attending religious ceremonies of another faith allegedly forced by schools' leadership to Jehovah's Witness, the GoR wishes to note that students are neither obliged to sing the national anthem nor attend religious ceremonies of the same faith. In practice, students, including Jehovah's Witnesses, are free to attend religious services of their choice.

Q. Freedom of expression (arts. 9, 14 and 19)

Information on paragraph 40 of the concluding observations

184. The Rwandan Constitution provides in Article 38 that freedom of the press, of expression, and of access to information are recognized and guaranteed by the state. These rights are guaranteed both by law and in fact. According to the Rwanda Governance 10th Edition, the indicator of freedom of expression obtained a score 86.4%.⁵⁷

185. Concerning the Committee's recommendation that Rwanda refrain from prosecuting politicians, journalists, and human rights defenders as a means of discouraging them from freely expressing their opinions and taking immediate action to investigate attacks against

⁵⁴ Established by the Law No 26/2017 of 31/05/2017.

⁵⁵ The Constitution of the Republic of Rwanda, Article 37.

⁵⁶ Articles 16 and 37.

⁵⁷ Rwanda Governance Scorecard, 6th Edition, 2019 and Rwanda Governance Scorecard, 10th Edition, 2023.

them and to provide them with effective protection, the GoR wishes to inform the Committee that there are no prosecutions targeting persons simply because they are politicians, journalists, or human rights defenders. A person can only be prosecuted based on his or her act, which is prohibited and punishable by law. One's freedom to express his or her opinion is guaranteed by the law and, as such, is protected and respected.

186. Concerning the crime of defamation, the GoR wishes to inform the Committee that defamation and press offences were decriminalised in 2018.⁵⁸ Further, the 2018 law on offences and penalties in general clearly defines the crime of genocide,⁵⁹ crimes against humanity⁶⁰ and crimes against state security⁶¹. For the crime of genocide and the crimes against humanity, the law adopts the definitions of the intentional law.

187. In 2019, the Supreme Court, in the case N° RS/INCONST/SPEC 00002/2018/SC of 24/04/2019 repealed penal provisions punishing public defamation of religious rituals and humiliation of national authorities and persons in charge of public service.

188. Subsequently, in 2019, Law N° 69/2019 of 08/11/2019 amending Law N° 68/2018 of 30/08/2018 determining offences and penalties was adopted, decriminalizing insults or defamation against the President of the Republic.

189. In 2023, Law No 059/2023 of 04/12/2023, which amended Law No. 68/2018 of 30/08/2018 concerning offences and penalties in general, repealed Article 218, which criminalized humiliation or insult against individuals specified under Article 217 of Law No 68/2018. Article 217 pertained to a foreign Head of State, representatives of foreign countries, or international organizations while in Rwanda in the performance of their functions.

R. Freedom of peaceful assembly and association (arts. 19 and 21–22)

Information on paragraph 42 of the concluding observations

190. The rights to freedom of peaceful assembly and association are recognized by the Constitution, which provides unequivocally that these rights are guaranteed, that they do not require prior authorization, and that they are exercised in accordance with the law.⁶²

191. The GoR does not interfere in any way with the internal functioning of NGOs and political parties. The GoR instead takes NGOs and political parties as important partners, and its relationships with them are based on mutual respect, meaningful collaboration, and open dialogue. The laws are in place to regulate the functioning of NGOs and political parties, and, whenever there is a need to revise the law, the concerned parties are meaningfully involved throughout the process.

192. Currently, the law N°04/2012 of 17/02/2012 governing the organization and functioning of national non-governmental organizations is under revision, and any issue that is criticized as limiting the rights to freedom of assembly and association will be brought forward for discussion by all stakeholders.

193. With regard to political organizations, the Organic Law N° 10/2013/OL of 11/07/2013 governing Political Organizations and Politicians as amended to date, allows political organizations to hold public meetings and demonstrations.⁶³

194. In addition, political organizations have the National Consultative Forum of Political Organizations (NFPO), which is a platform for political dialogue on the country's problems and national policies through promoting consensus building and national cohesion.

⁵⁸ Law N° 69/2019 of 08/11/2019 amending law N° 68/2018 of 30/08/2018 determining offences and penalties in general, Article 7 and 10.

⁵⁹ Law N° 68/2018 of 30/08/2018 determining offences and penalties in general, Article 91.

⁶⁰ Law N° 68/2018 of 30/08/2018 determining offences and penalties in general, Article 94.

⁶¹ Law N° 68/2018 of 30/08/2018 determining offences and penalties in general, Articles 191-214.

⁶² Constitution of the Republic of Rwanda Articles 38 and 39.

⁶³ N° 10/2013/OL of 11/07/2013 Organic Law governing Political Organizations and Politicians, articles 19 and 20.

S. Child registration (arts. 16 and 24)

Information on paragraph 44 of the concluding observations

195. The state has taken measures to ensure free and immediate birth registration. In this regard, legal reforms have been taking place, strategies have been adopted, and countrywide campaigns have been taking place to raise awareness among citizens about the importance of birth registration.

196. In 2016, Rwanda adopted a law governing persons and family. The law meets the international principles of a comprehensive civil registration system, which are compulsoriness, continuity, universality, and permanence. The law repeals Book One of the Civil Code and all prior legal provisions contrary to the 2016 law.

197. The above-mentioned law extended the duration of birth registration from 15 days to 30 days. With this law, registration procedures were simplified to allow the registration of a child by a single parent. In addition, the government introduced e-registration at birth at health facilities, including health centres and hospitals.

198. To make registration easier and more accessible to citizens, Law N° 32/2016 of 28/08/2016 governing persons and family was amended in 2020. With this amendment, every child is declared immediately after birth in the health facility where he or she was born solely upon presentation of a medical birth certificate issued by a medical professional from the health facility where the child was born. In the event that the child was not born in a health facility, the declaration will still be made within thirty (30) days in accordance with the law.⁶⁴

199. The civil registration system is designed to enhance straightforward data collection and production of vital statistics, which will be gathered from health facilities, including health centres and hospitals, and then installed in the national system for statistical and civil registration needs. For the purpose of better coordination, the system is being implemented through the collaboration of the National Institute of Statistics of Rwanda (NISR), the National Identification Agency (NIDA), the Ministry of Health, and the Ministry of Local Government. The system is also benefiting both nationals and non-nationals, including immigrants, asylum seekers, and refugees.

200. Upon adoption of the law governing persons and family in August 2016, training of civil registrars and officers in charge of civil registration were organised and conducted countrywide. In addition, capacity building was conducted for data managers at health centres and good governance officers at district level in matters related to civil registration, specifically on the importance of birth registration.

201. Further, an extensive sensitisation campaign on child registration was conducted from November 2016 to January 2017, resulting in 621,862 children being registered. Similar campaigns were conducted in 2017/2018 during which 1,427 children were registered.⁶⁵ Further, campaigns were also conducted in refugee camps, through which 7,801 and 11,212 children were registered in 2016 and 2017 respectively.

202. With regard to the criminal penalties for non-declaration of childbirth, the GoR is pleased to report to the Committee that the provisions in the Law No 14/2008 of 04/06/2008 governing registration of the population and issuance of the national identity card⁶⁶ as well as the Organic Law No 01/2012/OL of 02/05/2012 instituting the penal code⁶⁷ were repealed by the Law N° 68/2018 of 30/08/2018 determining offences and penalties in general and the Law No 44/2018 of 13/08/2018 amending Law N°14/2008 of 04/6/2008 governing registration of the population and issuance of the national identity card. However, any person

⁶⁴ Law N° 001/2020 of 02/02/2020 amending law N° 32/2016 of 28/08/2016 governing persons and family, Article 9.

⁶⁵ Governance and Family Welfare Campaign Report 2018-2019, MIGEPROF.

⁶⁶ Law N° 14/2008 of 04/06/2008 governing registration of the population and issuance of the national identity card, Article 13.

⁶⁷ Organic law N° 01/2012/OL of 02/05/2012 instituting the penal code, Article 567.

who fails to declare the birth of a child or the death of a person commits a fault punishable by an administrative fine of ten thousand Rwandan francs (FRW 10,000).⁶⁸

T. 2015 referendum process (arts. 2, 14 and 25)

Information on paragraph 46 of the concluding observations

203. Rwanda is committed to building a state governed by the rule of law, based on respect for human rights, freedom, and the principle of equality for all Rwandans before the law and equality between men and women.⁶⁹

204. According to the Constitution in Article 2, suffrage is universal and equal for all Rwandans. All Rwandans, both men and women, fulfilling the requirements provided by law, have the right to vote and to be elected.

205. Suffrage is direct or indirect and secret, unless the Constitution or any other law provides otherwise. An organic law governing elections determines conditions and modalities for conducting elections.

206. Organic Law No 004/2018/OL 21/06/2018 governing elections stipulates, in Article 45 that “(...) secret, free and fair suffrage is granted to any Rwandan and that no one is coerced or influenced in any other manner in order to change his or her choice in the election.”⁷⁰

207. Concerning the 2015 referendum, the GoR wishes to inform the Committee that the amendment of the Constitution was initiated following the petitions of over 3.7 million Rwandans. Given that all power derives from the people, the lawmakers of two Chambers of Parliament endorsed the petitions and adopted the proposed amendments to the Constitution.

208. Before any referendum or election, the National Electoral Commission (NEC) conducts countrywide civic and voter education among the general population in order to ensure that the electorate is informed about the referendum or the election. This was the case with the 2015 referendum on the amendment to the Constitution.

209. During the 2015 referendum on the amendment of the Constitution, out of 6,392,867 registered voters, 6,143,000 (98.3%) of Rwandans approved the amendment of the Constitution. During and after the referendum, no petitions were lodged with competent courts challenging the preparation, conduct and outcome of the exercise. To this end, it can be concluded from this that there were no violations of any set laws or regulations related to the revision of the Constitution.

210. Concerning the issue of bringing the Head of State to account in case he or she commits crimes in violation of the provisions of the Covenant, the Constitution, in Article 15, states clearly that all persons are equal before the law. Further, the Constitution allows the prosecution of a sitting President of the Republic.⁷¹ In addition, the prosecution of the sitting president is described in articles 170 and 171 of Law N° 027/2019 of 19/09/2019 relating to the criminal procedure.

U. Rights of indigenous people (Arts. 26–27)

Information on paragraph 48 of the concluding observations

211. The Constitution prohibits any form of discrimination and emphasizes the principles of equality and non-discrimination.⁷²

⁶⁸ Law n° 44/2018 of 13/08/2018 amending law N°14/2008 of 04/6/2008 governing registration of the population and issuance of the national identity card, Article 5.

⁶⁹ Preamble of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

⁷⁰ This law has been revised in 2019 and 2023.

⁷¹ The Constitution of the Republic of Rwanda, article 105.

⁷² The Constitution of the Republic of Rwanda, Article 16.

212. Regarding the recognition of minorities and indigenous people and the specific mention of Batwa by the Committee, the GoR wishes to reiterate its position as provided in the Common Core Document and several other official government documents and statements that, since the 1994 genocide against the Tutsi, Rwanda has undertaken the position of consolidating national unity. The government adopted a policy according to which there is only one Rwandan community composed of all Rwandans (Banyarwanda). The former distinction of groups into Bahutu, Batutsi and Batwa was largely seen as divisive and unproductive for Rwandans. As a result of that policy, the Government of Rwanda does not consider any group of Rwandans as distinct from others.⁷³

213. The Government of Rwanda does not consider any specific ethnic group as distinct from other Rwandans.

214. In addition, since 2013, Rwanda has initiated the ‘Ndi Umunyarwanda’ (I am Rwandan) Programme. The program was initiated with the goal of building the national identity, strengthening the solidarity of Rwandan people, and upholding their moral and spiritual values by first making them understand their rights as Rwandans. The program remains an important tool to create platforms for Rwandans from all walks of life to engage in dialogue with a view to building a national identity and to foster a Rwandan community that is based on trust and unity.

IV. Dissemination of information relating to the Covenant

Information on paragraph 49 of the concluding observations

215. Upon receipt of the concluding observations, the Ministry of Justice organized a stakeholders’ meeting to discuss the recommendations. This is usually attended by members of the Treaty Body Reporting Task Force (TBRT). The TBRT is an ad hoc structure composed of focal persons from different institutions relevant to the implementation of concluding observations from different treaty bodies. These include both representatives from government institutions and civil society organizations. Through the TBRT, a roadmap of implementation was developed, and the Ministry of Justice monitored the implementation process.

216. Prior to the reporting period, the concluding observations were once again shared with all relevant institutions as a reminder. In addition, the concluding observations and the state’s report were made available on the website of the Ministry of Justice.

⁷³ The Committee is referred to Rwanda’s Common Core Document (2015), paragraph 5.