



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

Distr.: General  
12 December 2014

Original: English

---

**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States  
parties under article 9 of the Convention**

**Eighteenth to twentieth periodic reports of States parties due  
in 2014**

**Rwanda\***

[Date received: 11 July 2014]

---

\* The present document is being issued without formal editing.

GE.14-24188 (E)



\* 1 4 2 4 1 8 8 \*

Please recycle 



## Contents

	<i>Paragraphs</i>	<i>Page</i>
Acronyms and abbreviations .....		3
I. Introduction .....	1–4	5
II. General information on Rwanda .....	5–13	5
III. Reply to concerns and recommendations issued by the Committee.....	14–77	9
IV. Information relating to articles 1 to 7 of the Convention .....	78–220	28
A. Definition of racial discrimination (article 1) .....	78–80	28
B. Measures to eliminate discrimination and promote equality (article 2).....	81–104	29
C. Condemnation of racial segregation and apartheid (article 3) .....	105–108	36
D. Measures taken to prohibit incitement to racial hatred (article 4).....	109–118	37
E. Measures taken to promote equality in enjoyment of rights and freedoms (article 5) .....	119–191	40
F. Right to effective protection, remedies and reparation (article 6).....	192–196	57
G. Education, culture and information to combat racial discrimination (article 7).....	197–220	58
V. Conclusion .....	221	66

## Acronyms and abbreviations

<b>ANC</b>	Antenatal care
<b>ART</b>	Antiretroviral therapy
<b>BNR</b>	National Bank of Rwanda
<b>CFSVA</b>	Comprehensive Food Security and Vulnerability Analysis
<b>CLADHO</b>	Collectif des Ligues et Associations de Défense des Droits de l'Homme
<b>COPORWA</b>	Communauté des Potiers du Rwanda/Community of Potters of Rwanda
<b>DWSS</b>	Drinking Water and Sanitation Services
<b>EAC</b>	East African Community
<b>EDPRS 1</b>	First Economic Development and Poverty Reduction Strategy
<b>EDPRS 2</b>	Second Economic Development and Poverty Reduction Strategy
<b>EICV2</b>	Integrated Household Living Conditions Survey
<b>EWSA</b>	Electricity, Water and Sanitation Agency
<b>FAWE</b>	Forum for African Women Educationalists
<b>GBV</b>	Gender-based violence
<b>GMLC</b>	Great Lakes Media Centre
<b>GoR</b>	Government of Rwanda
<b>HMG</b>	Historically marginalized groups
<b>IBUKA</b>	Association des rescapés du génocide au Rwanda
<b>ICRP</b>	Integrated Child Rights Policy
<b>LDGL</b>	Ligue des Droits de la personne dans la région des Grands Lacs
<b>MAJ</b>	Access to Justice Bureaus (Maisons d'Accès à la Justice)
<b>MHC</b>	Media High Council
<b>MIGEPROF</b>	Ministry of Gender and Family Promotion
<b>MINADEF</b>	Ministry of Defence
<b>MINALOC</b>	Ministry of Local Government
<b>MINECOFIN</b>	Ministry of Finance and Planning
<b>MINEDUC</b>	Ministry of Education
<b>MINJUST</b>	Ministry of Justice
<b>MINISANTE</b>	Ministry of Health/Ministère de la Santé
<b>NCC</b>	National Commission for Children
<b>NCHR</b>	National Commission for Human Rights

<b>NISR</b>	National Institute of Statistics of Rwanda
<b>NPPA</b>	National Public Prosecution Authority
<b>NURC</b>	National Unity and Reconciliation Commission
<b>O.G</b>	Official Gazette
<b>OVCs</b>	Orphans and Other Vulnerable Children
<b>PACFA</b>	Protection and Care of Families against HIV/AIDS
<b>PMTCT</b>	Preventing mother-to-child transmission
<b>PNEAR</b>	National Program of Water Supply and Sanitation in Rural Area
<b>PRIMATURE</b>	Prime Minister's Office
<b>RSSB</b>	Rwanda Social Security Board
<b>SACCOs</b>	Savings and credit cooperatives
<b>TVET</b>	Technical and vocational education and training
<b>VCT</b>	Voluntary counselling and testing
<b>VUP</b>	Vision 2020 Umurenge Programme

## I. Introduction

1. This is the combined eighteenth to twentieth periodic report of Rwanda on the current implementation status of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. As recommended by the Committee on the Elimination of Racial Discrimination, the present report addresses in particular the matters raised in the concluding observations (CERD/C/RWA/CO/13-17) that the Committee adopted after considering the thirteenth to seventeenth periodic reports of Rwanda (CERD/C/RWA/13-17) at its 2082nd and 2083rd sessions, held on 8 March 2011. In addition, the report includes further information on recent legislation and other measures taken in order to eliminate racial discrimination. The recommendations from this session have been widely public information by the Government of Rwanda, to the attention of public institutions and civil society organizations involved in the promotion and protection of human rights.
3. The preparation of this report followed a participatory and inclusive process (government, civil society, development partners) and addressed all the points of the harmonised guidelines of the Convention and considered all concluding observations and recommendations addressed to the Government of Rwanda by the Committee.
4. The purpose of this consolidated periodic report is not to repeat the detailed information already provided, but to present changes in domestic Laws, policies, programmes and practice that have occurred since submission of the thirteenth to seventeenth periodic report and update the previously submitted data. Furthermore, the report contains information on the follow-up to the concluding observations and recommendations made by the Committee.

## II. General information on Rwanda

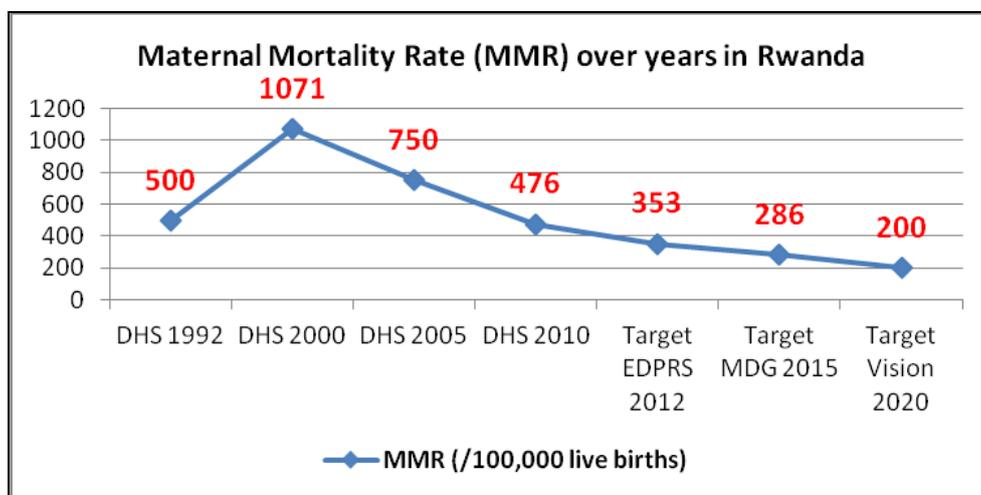
5. Rwanda has a surface area of 26,338 km<sup>2</sup> with a population estimated at 10,537,222 inhabitants, composed of 51.8% women and 48.2% men. The population density is 395 inhabitants per km<sup>2</sup> while the physiological density is 556 inhabitants per km<sup>2</sup>. The gross domestic product (GDP) per capita rose from US\$206 in 2002 to US\$595 in 2011. The economy is mainly based on agriculture, which employs 85% of the country's households yet contributing up to 37% of the gross domestic product. The population increases by about 2.8% annually and GDP increased rate at constant (base year) market prices is 8.6%. Rwanda aspires to be a middle-income country by the year 2020. Over the last 5 years, poverty has fallen significantly from 56.7 percent to 44.9 percent.<sup>1</sup>
6. Rwanda has made significant progress in restoring peace and security and in boosting the country's economy and infrastructure since the 1994 genocide against the Tutsi. The unity and reconciliation process represents a cornerstone in the development process of the country. The 2003 constitution provide for a multi-party system of government, promotes the spirit of unity and the rejection of divisionism, and the constant quest for solutions through dialogue and consensus. Rwanda has ratified most of the key international treaties relating to human rights and the constitution formally protects basic human rights and fundamental freedoms. Relevant improvements took place particularly in the social sectors through reforms to increase access to health and education services. There

---

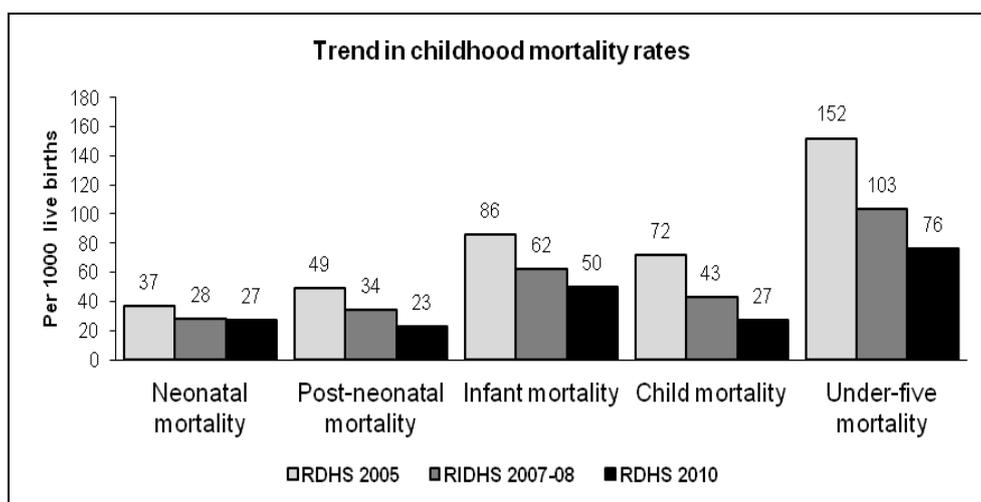
<sup>1</sup> Statistics year book 2012: NISR 2012 and Population and Housing Census 2012, Provisional Results, Nov. 2012.

have been positive reforms in the justice sector in order to ensure fair trials. The Gacaca transitional justice system, which ended in June 2012, contributed to reducing the backlog of genocide related crimes. Rwanda is also considered to be a country with a relatively low level of corruption. Gender equality is enshrined in the constitution and the representation of women in Parliament is guaranteed by the law. According to the Rwandan constitution, minorities and indigenous people are not recognized as separate ethnic entities, in order to guarantee the unity and reconciliation of the Rwandan population.

7. Over the last 5 years through EDPRS 1, poverty has fallen significantly from 56.7 percent to 44.9 percent. Likewise, in the health sector, the maternal mortality rate reduced from 750/100000 births in 2005, to 476/100000 live births in 2010 against the Millennium Development Goal 5 target of 286/100000 and against the vision 2020 target of 200/100000 in 2020, and child mortality reduced from 152/1000 live births in 2005, to 76/1000 against Millennium Development Goal 4 target of 51/1000 live births. Goal 4 is already achieved and Goal 5 is expected to be achieved in 2015.



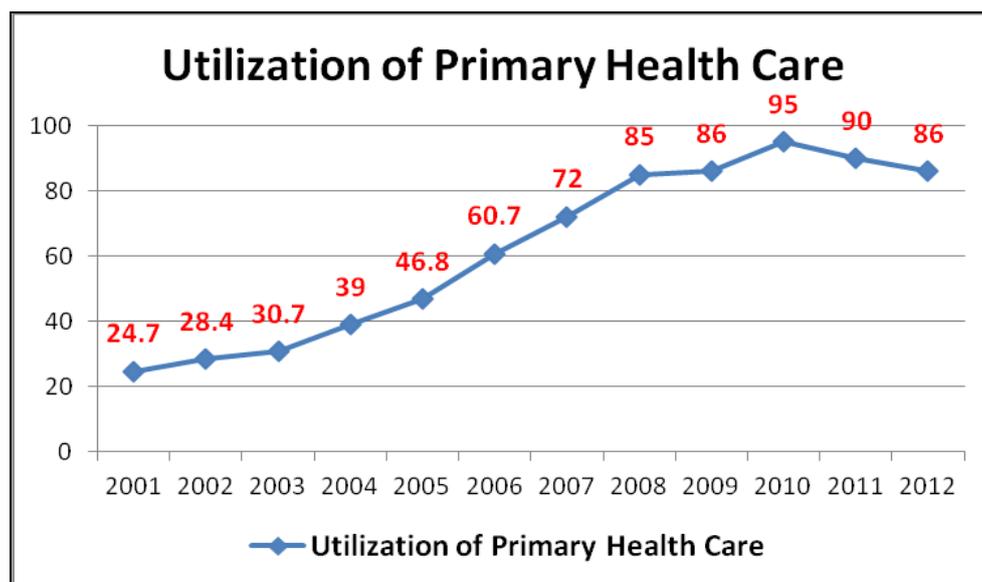
Source: MINISANTE, 2013.



Source: MINISANTE, 2013.

8. Currently, the fertility rate in Rwanda is 4.6. Fight against infectious diseases resulted in impressive results: Malaria cases and deaths declined by 85% from 2003. The

transmission of HIV from mother to child has declined from 10.8% in 2004 to 1.9% in 2012, while new HIV infections reduced by 50% among born children. The coverage of HIV care and treatment is currently 91.6%, up from 24.5% in 2004, and a total of 122,972 patients were under ART by end of June 2013, increasing from only 870 patients in 2003. In the meantime, the number of hospitals that was only 34 in 2000, increased to 46 in 2013, including 4 referral hospitals, while the number of health centres that was only 291 in 2000, increased up to 469 as of June 2013. This increased particularly the utilization of primary health care that increased from 0.33 in 2005 to 1 in 2012 particularly with the introduction of community based health insurance that had an adherence rate of 90.7% in 2010. Utilization of health services reduced recently due to the reduction of malaria (effective prevention) and of pneumonia cases (introduction of pneumococcal vaccine).



Source: MINISANTE, 2013.

9. Finally, the ratio Doctor/Population that was 1/50,000 in 2005, reduced to 1/16,001 by end of 2012 (Target: 1/10,000). The ratio Nurse/Population that was 1/3700 in 2005 is currently 1/1294 (Target: 1/1000).

10. Education slightly increased in net enrollment from 93.5% in 2005 to 96.5% in 2012 in primary school and 9% to 28.0% in secondary school in the same period. In high education learning, the number of students has increased from 62,734 from 2010 to 76,629 in 2012.<sup>2</sup> Rwanda received the first prize of the 2012 Commonwealth Education Good Practice Award for fast-tracking access to 9 years basic education (Mauritius, on 29 August 2012).

11. Remarkable socio-economic progress has been made during EDPRS 1. The economy grew strongly, and significant poverty reduction was achieved. Economic activity was driven by a large increase in agricultural output, robust exports, and strong domestic demand. Fortunately, Rwanda has remained relatively insulated from the slowdown in the advanced economies. Though inflation rose sharply in 2011, it has still remained in single digits and has been the lowest in the region. In 2012, high growth was sustained and inflation remained relatively modest, although risks from instability in commodity prices and aid flows remain. The National Bank of Rwanda maintained a prudent monetary policy

<sup>2</sup> MINEDUC: Education Statistics data 2012.

stance in order to stimulate further economic financing in the second half of 2013. Consequently, the inflation rate has been maintained at low levels in the first half of 2013. Annual headline inflation fell to 3.7% in June 2013 from 5.9% in June 2012.<sup>3</sup>

12. The Second Economic Development and Poverty Reduction Strategy (EDPRS 2) is a launch into the home strait of Vision 2020. Its main objective is to devise the country's medium-term strategy in order to put Rwanda on a higher growth trajectory to ensure that the country achieves middle-income status by 2020. In line with this objective, the Cabinet approved revised Vision 2020 targets, and EDPRS 2 targets are aligned to these. Rwanda needs to achieve at least 11.5% average GDP growth per annum, and also aims to reduce poverty to below 30%. The EDPRS2 period (2013–2017) is the time when the private sector is expected to take the driving seat in economic growth and poverty reduction. Through this strategy government efforts will focus on transforming the economy, the private sector and alleviating constraints to growth of investment. The appropriate skills and competencies will be developed to allow people, particularly the youth, to become more productive and competitive to support government ambitions. The platform for communities will be strengthened to engage decisively and to continue to develop home grown solutions that have been the bedrock of success. The role of civil society is crucial to the implementation of the recently adopted EDPRS II and in a context of significant budget support. Civil society organizations are organized into umbrella networks platforms to better perform their duties. These are fundamental principles as we work to improve the lives of all Rwandans in the face of an uncertain global economic environment.

13. It is important to note that the Genocide that took place in Rwanda in 1994 negatively impacted the social fabric of the society as well as other social amenities such as infrastructure. It is against this backdrop that the Government of Rwanda embarked on a programme of rebuilding itself, enhancing principles of rule of Law, respect for human rights and bringing about national unity and reconciliation. Rwandans believe reconciliation has been embraced as a national value and practice by citizens. More than 90% agreed that “common national values leading to reconciliation are being promoted in Rwanda today,” and 97.4% agreed that “most Rwandans believe that reconciliation is an important priority” while 96% of Rwandans have a view that, in everyday life, the actions and behaviour of most Rwandans promote reconciliation.<sup>4</sup>The Country has also formulated several policies and programmes geared towards the promotion and protection of human rights enshrined in various sector policy papers. Apart from the general policy of human rights, which remains one of the key priorities, almost all other key policies in different sectors related to human rights (education, health, social protection, rights of women, rights of children, rights of persons with disabilities) were adopted.

---

<sup>3</sup> Rwanda Government Report 2012/2013.

<sup>4</sup> Rwanda Reconciliation Barometer, NURC, 2012.

### III. Reply to concerns and recommendations issued by the Committee

#### Recommendations raised in paragraph 9:

*The Committee invites the State party to take into account, in its efforts to achieve reconciliation, national cohesion and unity, the specific characteristics of each of the groups that make up the population, including in the implementation of the various mechanisms, plans and programmes, particularly Rwanda Vision 2020, so that reconciliation, cohesion and national unity observe all aspects – including the political, economic, social and cultural aspects – of the human rights of persons belonging to these groups.*

14. In its effort to achieve national reconciliation, national cohesion and unity, the approach of the Government of Rwanda not to classify people in ethnic groups but according to their vulnerability (economic, social, etc.) to avoid stigmatization and discrimination. Rwanda as a nation, believes in finding home-grown solutions to its development challenges by preserving only the positive values of the Rwandan culture and identity. Those vulnerable groups are the survivors of genocide, the disabled, the indigent, the elderly, historically marginalised groups as well as Orphans and other Vulnerable Children (OVCs).<sup>5</sup> Historically marginalized groups (HMG) are included in the national social protection programmes according to their level of economic and social vulnerability.

15. The target for the end of EDPRS 2 (2018) is for less than 10% of Rwandan households to be in extreme poverty, from 24% in 2011. Social protection has been critical to enabling some of the poorest households to graduate out of extreme poverty in a sustainable way by increasing and sustaining graduation from core social protection programmes by connecting economic opportunities and financial services and by improving target and effectiveness of social protection interventions.<sup>6</sup>

16. To improve life of these vulnerable groups, HMG included, Vision 2020 program, through the EDPRS 1 attended to scale up and improve the targeting of the core social protection programmes to double, from 5% to 10% of the population, the number of those in extreme poverty receiving direct support and public works. In EDPRS 2, adopted in 2013, targeting improvements will be made through social protection programmes to take advantage of district poverty headcount data and to strengthen the *Ubudehe* categorisation process. The poorest districts and sectors will receive coordinated and targeted support to bring efficiencies in reaching the poorest households. Umurenge SACCOs will be strengthened to increasing financial inclusion and mobilising savings using its products and services. All people will benefit from support without discrimination.

17. The Vision 2020 Umurenge Programme (VUP) is a programme whose objective is to reduce the number of Rwandans living in extreme poverty without any form of discrimination, through its branches known as local economic development and social protection programs. Districts have executed 680 development projects in fiscal year 2012/2013. Among the projects 494 were fully completed and 186 projects were in execution process and shifted to fiscal year 2013/2014. 89,725 workers including 42,735 females and 46,990 males were employed by contractors who executed the development projects; Public Works was operating in 150 Sectors: implementation of 338 public works projects in 2012/2013 includes 217 completed projects and 121 ongoing

<sup>5</sup> Article 14 of the constitution.

<sup>6</sup> EDPRS 2: Shaping our development, MINECOFIN 2013.

projects. 89,011 Households including 45,566 male headed Households and 43,445 female headed Households got employed in public works projects. 4,764,131,966.5 RF was paid to workers; Direct Support was operating in 180 Sectors: 43,671 Households (28,855 female headed Households and 14,816 male headed Households) in all Districts with 99,817 family members have benefited from Direct Support and the total transfer to beneficiaries is 6,309,946,939 RF; Financial Service was operating in 150 Sectors: 55,212 people including 25,520 males and 29,692 females received 12,703 loans costing 3,592,317,386 RF. The recovery rates are 43.2% in 2012/2013, 55.6% in 2011/2012, 64.9% in 2010/2011 and 72.9% in 2009/2010.<sup>7</sup>

18. Ubudehe is one of the home-grown initiatives in Rwanda to solve its problems. Ubudehe consists of building problem-solving capacity at the local level by citizens, and government at the grass root level. It emphasizes assessing local problems/needs, participatory planning and solving problems of local people, by local people, for local people with support from local government, NGOs, local resource people and donors. In fiscal year 2012/2013, Ubudehe operated in 15 Districts within which community and households' projects were funded. 25,123 out of 27,520 Ubudehe facilitators were also trained in 3,672 villages from Districts so that they can facilitate in identification process of community projects and households beneficiaries of Ubudehe. 10,216 Ubudehe projects, which include 3,495 community projects and 6,721 household projects, were funded in fiscal year 2012/2013, implementation is ongoing and 2,351,892,233 RF were spent on Ubudehe projects.<sup>8</sup> In terms of impact of the Ubudehe program, a survey conducted by the Journal of Sustainable Development in Africa shows that 95% of the respondents confirm that their incomes had improved; within that, about 71% consider that their income had doubled and 22% consider that their income had more than tripled. More than 96% estimate that they are less poor today than before the project, thus significantly confirming the statement from "Voices of Ubudehe" that this programme appreciably empowers the poor.<sup>9</sup>

19. The National Program of Water Supply and Sanitation in Rural Area (PNEAR) is an initiative to ensure a sustainable supply of Drinking Water and Sanitation Services (DWSS) to rural populations and thereby enhance their living conditions. PNEAR has been defined in order to contribute to the achievement of Millennium Development Goals (MDG) and the Vision 2020 objectives in the water and sanitation sector. In fiscal year 2012/2013, the PNEAR project has been implemented in its 2nd phase. The PNEAR projects were successfully implemented in a such a way accumulated 12,210 individual latrines, 130 public latrines, 100 masonry water reservoirs of 10m<sup>3</sup> each, and 752 spring sources were completed at the end of fiscal year 2012/2013.<sup>10</sup>

20. The One Cow Per Poor Family Scheme in which poor families with more than 0.7 hectares are provided with a cow; a programme providing small animals (goats and rabbits) to poor households with little land; and fertilizer subsidies and seeds. The programme target (2010–2017) is for 350,000 poor households to receive a cow. Over 110,000 households have already benefited as of April 2011.<sup>11</sup>

21. Other measures have been taken to improve conditions of vulnerable groups, especially those living in rural areas. In 2012, 264 *Hanga Umurimo* projects (Job creation project) worth RF 3,539,900,602 were approved by Banks and there is a projection that

<sup>7</sup> RWANDA LOCAL DEVELOPMENT SUPPORT FUND, Annual activities report 2012/2013.

<sup>8</sup> Ibid.

<sup>9</sup> *Journal of Sustainable Development in Africa* (Volume 14, No. 3, 2012), Clarion University of Pennsylvania, Clarion, Pennsylvania and MINALOC, 2012.

<sup>10</sup> Ibid.

<sup>11</sup> UNICEF, Equity Case Study: Rwanda - One Cow per Poor Family, 2011.

4,982 off-farm jobs will be created. So far 61 projects received loans from banks worth 1,270,403,544 RWF, creating 1,435 new jobs. Sites for Integrated Craft Production Centres (*Udukiriro*) were identified in 10 Districts and their architectural designs were completed. Following the official launching of *Kuremera Initiative*, 1,203 women have been facilitated from to open small business in some markets in Kigali City; VUP components have been scaled up to an additional 30 sectors for Public works and financial services and 60 sectors for Direct Support; VUP Financial Services scaled up from 150 to 180 sectors and resources mobilized for more than 58,500 people to access loans; 21,996 off-farm jobs were registered.<sup>12</sup>

22. In all aspects including the political, economic, social and cultural aspects of the human rights of person, all Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by Law.<sup>13</sup>

#### **Recommendations raised in paragraph 10:**

*The Committee recommends that the State party provide information on the composition of the population and other information from socio-economic studies that will allow the economic, social and cultural situation of the population to be assessed. The Committee also recommends that the State party furnish comprehensive data, disaggregated by sex and national or ethnic origin, on the number of non-citizens living in its territory and on their socio-economic situation, in accordance with the Committee's general recommendation No. 30 (2005) on discrimination against non-citizens.*

23. The provisional results of the 4th Population and Housing Census of Rwanda give a total resident population of 10,537,222 people composed of 51.8% women and 48.2% men as of 15 August 2012, "census night". When comparing to the enumerated population in 2002 Census of 8,128,553, an increase of an average annual growth rate of 2.6%. The sex composition of the population, as measured by the sex ratio, indicates that, at national level, there are 93 males for every 100 females, whilst this ratio was 91 in 2002.<sup>14</sup> The distribution of population by broad age and sex is as follows: (a) **Under 5 years old**: 1,875,463 (male: 50.42%, female: 49.58%); (b) **5 to 14 years old**: 2,671,644 (male: 49.82%, female: 50.18%); (c) **15–64 years old**: 5,920,763 (male: 47.43%, female: 52.57%); (d) **65 years old+**: 250,508 (male: 39.41%, female: 60.59%).<sup>15</sup>

24. Currently, the population has been stratified in the following 3 categories:

- Category 1: 25.81%. This is a poor category that corresponds to categories 1 and 2 of the UBUDEHE program.
- Category 2: 65.36%. This category corresponds to categories 3 and 4 of UBUDEHE. This category contributes to CBHI 3,000 RF annually per person.
- Category 3: 4.82%. This category corresponds to categories 5 and 6 of UBUDEHE. This category contributes to CBHI 7,000 RF annually per person.

<sup>12</sup> Review of the Implementation of the 2012 National Leadership Retreat Recommendations, Part I, March, 2013.

<sup>13</sup> Article 11 of the constitution.

<sup>14</sup> NISR: Population and Housing Census provisional results, 2012.

<sup>15</sup> NISR: Statistics Year book 2012.

- The remaining 6.58% of the population was missing in the process and was categorized during the validation period, which ran from July to September 2011.<sup>16</sup> This categorization exercise is repeated every fiscal year, because it is expected that a certain number of families get wealthy and upgrade from poorer groups to wealthier ones. The stratification has been made by the population itself at village level, using the UBUDEHE database of the Ministry of Local Government (MINALOC), and the validation of this categorization was made at Umudugudu (village) level through a participatory process – where the population decided who will go in which category.

25. Human development continues to improve strongly, particularly school enrolment, parity in boys' and girls' education, as well as child and maternal health. The infant mortality Millennium Development Goal has been achieved, and Rwanda is set to meet the targets for universal primary education, gender equality and under-five mortality. Poverty and income inequality have also retreated.<sup>17</sup>

26. As mentioned, remarkable socio-economic progress has been made during EDPRS 1. The economy grew strongly, and significant poverty reduction was achieved. Economic activity was driven by a large increase in agricultural output, robust exports, and strong domestic demand. Fortunately, Rwanda has remained relatively insulated from the slowdown in the advanced economies. Though inflation rose sharply in 2011, it has still remained in single digits and has been the lowest in the region. In 2012, high growth was sustained and inflation remained relatively modest, although risks from instability in commodity prices and aid flows remain. Economic growth for the EDPRS 1 period 2008-2012 exceeded ambitious expectations. Real GDP growth averaged 8.2% annually, which translated into GDP per capita growth of 5.1% per year.<sup>18</sup>

#### Gross Domestic Product (GDP) Annual Growth Rates

	2008	2009	2010	2011	2012	Average Annual Growth rate
Real Gross Domestic Product (GDP)	11.2%	6.2%	7.2%	8.3%	8.0%	8.2%
Real GDP per capita	8.1%	3.2%	4.2%	5.2%	4.9%	5.1%

Source: EDPRS 2: MINECOFIN, 2013.

27. Information from socio-economic studies shows that Real Gross Domestic Product (GDP) growth remained strong in 2012, largely driven by the service and industry sectors. Agriculture grew by a moderate 3.0% during the first three quarters of 2012 due to unfavorable weather conditions. The diversification of markets for tea and minerals, particularly coltan, boosted the export sector, which increased by 24.8% in 2012. Development assistance is key to the 2013 economic outlook. Assuming that aid, suspended by some development partners in 2012, resumes in 2013, GDP growth is projected to moderate to 7.1% in 2013. This projection takes into account other factors, including programmed fiscal consolidation, which prioritizes public spending towards strategic investments, which, in turn, dampens aggregate demand, as well as a tight monetary policy that is a deterrent to the expansion of private sector credit. A protracted

<sup>16</sup> Ministry of Health (MINISANTE) Report, 2010-2011.

<sup>17</sup> EDPRS: Lessons learned, MINICOFIN, 2012.

<sup>18</sup> Ibid.

suspension of foreign assistance, however, could undermine the country's economic prospects including a further reduction in real GDP growth and reverse progress towards the MDGs.<sup>19</sup>

28. Headline inflation is expected to slow to 6.0% in 2013 because of a tight monetary policy and structural reforms to improve productive capacities, particularly in agriculture. However, meeting both this projection and the central bank's medium-term inflation target of 5.0% is contingent on the resumption of aid. Sustained investments in agriculture infrastructure and improved farm inputs should improve productivity and help make growth more inclusive. Pent-up import demand for intermediate products (i.e., products that have undergone partial processing generally used as raw materials in a successive productive step); capital goods and energy products is expected to continue outstripping the expanding but still narrow export base. This will lead to persistent current account deficits in the short to medium term. Exports currently cover only around 20–25% of Rwanda's imports.<sup>20</sup>

29. In spite of the Government's efforts to diversify the economy, Rwanda is still heavily dependent on natural resources and commodities. Agriculture continues to be the largest source of employment, providing jobs to 73% of the workforce, yet only accounts for 36% of output. Commodities make up 77% of Rwanda's exports. Although their contribution to GDP remains marginal, minerals (notably, cassiterite, coltan – columbite-tantalite and wolfram or tungsten) accounted for 28% of total export earnings in 2012, the remainder being primarily agricultural commodities.<sup>21</sup>

30. The country's structural transformation faces three significant challenges: (1) Productivity remains too low, particularly in agriculture, to support the development of employment in other sectors; lower food prices; and to ensure that farming is profitable; (2) High population density will continue to strain available natural resources and the environment; (3) Constraints in both domestic and external financing have hampered efforts to diversify the economy.

31. Four thematic areas, which reflect the emerging priorities for EDPRS 2 are: (1) Economic transformation for accelerated economic restructuring and growth striving for middle income country status; (2) Rural development to address the needs of the vast majority of the population and ensure sustainable poverty reduction and rural livelihoods; (3) Productivity and Youth Employment to ensure that growth and rural development are underpinned by appropriate skills and productive employment, especially for the growing cohort of youth; (4) Accountable Governance, to underpin improved service delivery and citizen participation in the development process.<sup>22</sup>

32. Rwanda receives a large number of migrants. According to the EICV 3 on thematic report on Economic Activity, migration rate is 10.7%.<sup>23</sup> International migrants represent about 1% of the population. Most of the international migrant population originates from the neighbouring countries of DR Congo and Tanzania (together about 74% of all international migrants)<sup>24</sup>. The improvement of the economic situation in the last 10 years and the implementation of support programmes for the growth of the economic sector facilitated the legal immigration in Rwanda. The statistics on the entries during the years 2012 demonstrate that Rwanda annually receives an ever-increasing number of migrants in general. According to the Directorate General of Immigration and Emigration, total entries

<sup>19</sup> EDPRS 2: Principles of EDPRS 2, p. 30-35.

<sup>20</sup> Ibid.

<sup>21</sup> Rwanda Mines and Geology Authority, Report 2012.

<sup>22</sup> EDPRS 2: Principles of EDPRS 2, op. cit. p. 30.

<sup>23</sup> EICV 3 – Thematic Report on Economic activity. NISR 2012.

<sup>24</sup> Ibid.

and exits were 5,106,423 and 4,990,070 respectively by November 2012. The Constitution stipulates that any citizen or foreign national lawfully in Rwanda has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to. Apart from victims of genocide ideology, there are no other victims of racial discrimination in Rwanda.

33. From 1 January 2013; Nationals of all African countries and some specific countries from other continent traveling to or transiting through Rwanda are issued with entry visa upon arrival at any Rwandan entry point. Non-citizens living in Rwanda are not discriminated against with regard to education, health care, household and land acquisition, sport and cultural activities. They are be issued with electronic resident identification cards that enable them to move freely within the country without having to carry their respective national passports. The Resident card is designed according to the wishes and proposals from non-nationals living in Rwanda and is machine readable just like the national Identification cards. This card will give the holder the right to access some of the services offered to nationals such as the right to obtain a driving license. In 2014's index, Rwanda is the 2nd most improved country in the world and the second easiest place to do business in Africa.<sup>25</sup> This result is a statement of consistent efforts to empower local and foreign entrepreneurs without discrimination. The results of socio-economic studies consistently indicate progress in all social and economic domains across the board and highlight where challenges remain.<sup>26</sup>

#### **Recommendations raised in paragraph 11:**

##### *Recognizing Batwa as indigenous people*

34. Rwanda undertook an initiative to consolidate its national unity and prevent ethnic conflicts as had happened in the past. The post-conflict government adopted a new policy according to which there is only one united Rwandan community composed of all Rwandans (Banyarwanda). The former distinction of groups into Bahutu, Batutsi and Batwa was largely seen to be divisive and unproductive to Rwandans. The Government of Rwanda does not consider any group of Rwandans as distinct from others. “*Ndi Umunyarwanda campaign*” (I am Rwandese) has been initiated to bring citizens to recognize the values of Rwandan culture which strengthened the ties between them, to embrace unity and reconciliation among Rwandans, which is different from unreliable ethnic labels and to strengthening the unity and peace among Rwandans through telling factual testimonies that must bring back values of national common identity of “*Ubunyarwanda*” i.e. Rwandanism. Adherence to Rwandanism (*Ubunyarwanda*) performed very well with 95.38%, due to enormous efforts deployed by the Government of Rwanda to unite Rwandans after the tragic period experienced in 1994. Results of these efforts are also the source of a good number of Rwandans that wish their children to aspire to be considered as Rwandans before any other identification.<sup>27</sup>

---

<sup>25</sup> Doing Business Report, World Bank, 2014.

<sup>26</sup> Integrated Household Living Conditions Surveys (EICV III) and Demographic and Health Surveys (DHS 2010) the 2012 Population and Housing Census.

<sup>27</sup> Rwanda Governance Scorecard 2012.

**Recommendations raised in paragraph 12:**

*Meaning, scope, content and clarification of the notion of “historically marginalized groups”*

35. Historically marginalised groups are those effectively excluded from decision-making processes and in socioeconomic life and their needs for development were not taken into account. This group includes the former denomination of Abatwa, Abanyambo, and Abashi. The Government recognises the particular situation of some vulnerable populations and, to that end; it has adopted a series of measures to improve their living conditions, as well as integrating them into mainstream Rwandan society to fully enjoy their rights as Rwandan citizens.

**Recommendations raised in paragraph 13:**

*The Committee recommends that the State party take appropriate steps to ensure that Article 11 of the State party's Constitution is fully consistent with article 1 of the Convention by including in it the concepts of descent and national origin.*

36. Article 11 of the Constitution of Rwanda covers discrimination based on descent and national origin because it prohibits any other form of discrimination; the concepts of descent and national origin are included. The prohibition of discrimination contained in other legislative and regulatory texts includes distinctions based on the same criteria. It covers both direct and indirect forms of racial discrimination. Law No. 47/2001 on discrimination provides that: discrimination is any speech, writing, or actions based on ethnicity, region or country of origin, the colour of the skin, physical features, sex, language, religion or ideas aimed at depriving a person or group of persons of their rights as provided by Rwandan Law and by International Conventions to which Rwanda is party.<sup>28</sup> Article 25 emphasises the right to asylum without any form of discrimination. Refugees are provided with food, health, nutrition, education and shelter. Considering that all citizens are equal before the Law, that no discrimination whatsoever should be exercised against anybody, whether based on ethnicity, the colour of the skin, physical features, origin, sex, opinion, religions.<sup>29</sup>

**Recommendations raised in paragraph 14:**

*The Committee recommends that the State party contemplate revising Law No. 18/2008 of 23 July 2008, which makes the ideology of genocide a punishable offence, with a view to making the definition of the term “the ideology of genocide” in article 2 more specific, and to include intention as one of the constituent elements of this crime listed in article 3, and thus to provide all the guarantees of predictability and legal security required of a criminal law and prevent any arbitrary interpretation or application of this law.*

37. To prevent any arbitrary interpretation of Law No. 18/2008 relating to genocide ideology and other related offence, this Law is currently under review at the Parliament. Genocide ideology is here clearly defined as any intentional act, done in public, which promotes the commission of genocide or supports the genocide. Offences related to genocide ideology have been reviewed to include intention as one of the elements of the genocide ideology crime. This draft suggests that only conducts referred to should be

<sup>28</sup> Article 2 of Law No. 47/2001 of 18/12/2001 instituting punishment for offences of Discrimination and sectarianism.

<sup>29</sup> Explanatory notes of Law No. 47/2001 of 18/12/2001 instituting punishment for offences of Discrimination and sectarianism.

punished only if they are manifested with intention in public. This has been introduced in response to criticisms against the existing Law (that it punishes thoughts or ideas). Only a person whose thoughts or ideas are manifested in public with intention to commit the offense will be considered as an offender.<sup>30</sup>

**Recommendations raised in paragraph 15:**

*The Committee notes that the State party's criminal legislation, in particular the Penal Code, does not cover all the offences punishable by law set out in article 4 of the Convention (art. 4). The Committee recommends that the State party include the necessary provisions in its Penal Code so as to give full effect to article 4 of the Convention.*

38. Rwanda recognises that more efforts could be made to cover all the offences punishable by Law set out in article 4 of the Convention. However, measures have been taken to prevent and punish offences set out in article 4 of the Convention. Article 3 of Law No. 47/2001 of 18/12/2001 on prevention, suppression and punishment of the crime of discrimination and sectarianism provides that "the crime of discrimination occurs when the author makes use of any speech, written statement or action based on ethnicity, region or country of origin, colour of the skin, physical features, sex, language, religion or ideas with the aim of denying one or a group of persons their human rights provided by Rwandan Laws or international conventions to which Rwanda is party. The crime of sectarianism occurs when the author makes use of any speech, written statement or action that causes an uprising that may degenerate into strife among people based on discrimination". When the offender of the crime of discrimination or sectarianism is a government official, a former government official, a political party official, an official in the private sector, or an official in non-governmental organisation, penalties are revised upwards (article 5).

39. Organizations which incite and encourage racial hatred or superiority of any group may be disbanded and their leaders prosecuted. Any association, political party, or non-profit making organisation found guilty of offences of discrimination is penalised with a suspension of between six months and one year and fined between 5,000,000 and 10,000,000 Rwandan Francs. The court may double the penalty, or decide to dissolve the concerned association, political party or non-profit-making organisation, according to the Law governing the dissolution of associations, political parties and non-profit-making organisations. The accomplices of discrimination or sectarianism are punished alongside the perpetrators. When discrimination has led to the death of the victim, the higher penalties provided by Law shall apply (article 10).

**Recommendations raised in paragraph 16:**

*The Committee is concerned at reports it has received of the persistence of negative stereotypes where the Batwa are concerned. It is also concerned at the weak impact of the measures taken by the State party to help the Batwa, who continue to suffer from poverty and discrimination in obtaining access to: Education, Adequate housing, Social services, Employment (art. 5).*

40. Rwanda applies the principle of the unity of the country and equality of treatment of all Rwandan citizens. Projects and programmes are implemented without consideration of any particular group but rather according to the resources of the State and of the development plan. The following measures applied for all Rwandan citizens and historically marginalised group benefiting from them: Policy for Primary Education for All

---

<sup>30</sup> Explanatory note of the draft Law on genocide ideology and related offences, Archives, MINIJUST.

and a Special Needs Education Policy. The Government guarantees by Law that every child in Rwanda has the right to fee-free and compulsory education for the first 12 years of basic (primary and lower secondary) education. The Government has taken the necessary measures to ensure that all children complete the 12 years of basic education (12YBE). This is serviced through a capitation grant to government and subsidized schools. In addition, the MINEDUC provides bursaries to select secondary school scholars in needs on the basis of their economic capacities. Therefore, dropout rate Overall decreased from 15.2% in 2008 to 10.9% in 2012, dropout girls decreased from 14.% in 2008 to 10.7% in 2012 and dropout boys decreased from 15.6% in 2008 to 11.2% in 2012. The number of adult literacy enrolled in centers in 2012 is 145,059 of which 63.2% are females and 36.8% are males, majority of them are in the age group between 15–44 with 121,268 learners, which represents 83.6% of all learners. Between the age group of 25–34 ranks first with 54,204 learners (37.4%), followed by the age group of 35–44 with 35,907 learners(24.8%) and the age group of 15–24 with 31,157 learners (21.5%).<sup>31</sup> COPORWA, CARE INTERNATIONAL in partnership with GoR have specific campaign to educate historically marginalized communities.<sup>32</sup>

41. The Government of Rwanda is committed to supporting the controlled development and the sustainability of human settlements both in urban and rural areas, which is economically accessible and socially integrated, where the rights of all people are recognized, particularly the rights women, children, handicapped people, and people living in poverty, the vulnerable groups. The government programs, including villagization policy, Bye Bye Nyakatsi program provided modern houses to the vulnerable groups in 2011. The Nyakatsi eradication exercise was successfully implemented through a joint venture (MINALOC, RDF, RNP and Local Governments with the population) where a number of 124,671 families living in grass thatched houses (Nyakatsi) shifted to decent houses, among them 77,009 were vulnerable families. Also the Government resettled families from high risk zones (1,300 families from Gishwati, 1,200 from Mt Rubavu, 180 families from Bweyeye.<sup>33</sup>

42. Steps to improve the access to health care, especially in rural areas and for disadvantaged and marginalized groups, have been developed by implementing high impact interventions for the prevention, the management and control of diseases and the strengthening of the national health system as provided in the Health Sector Policy, to ensure universal access to health services for all, in rural and urban areas, as well as for vulnerable and disadvantaged groups mainly living in rural areas. For this purpose, several programs and interventions have been implemented after the post-genocide emergency period: (1) Construction and equipment of health facilities (health centres, hospitals) to improve geographical accessibility. From 2000 to 2013, the number of hospitals increased from 34 to 46 including 3 national referral hospitals, and 10/12 of the new hospitals opened in rural areas. In 2000, there were 291 health centres and their number increased to 469 in 2013, almost all of them located in rural areas.

43. The minimum package of services of health centres has been increased to include all HIV services, family planning, mother and child services, nutrition, immunization and curative care. In Rwanda at least 20 Nurses and Midwives are deployed in each HC. A system of emergency transport has been put in place and at least 5 ambulances are deployed in each hospital to transport patients from health centres and to referral hospitals (some 150 ambulances purchased since 2008). A referral system has been put in place to ensure

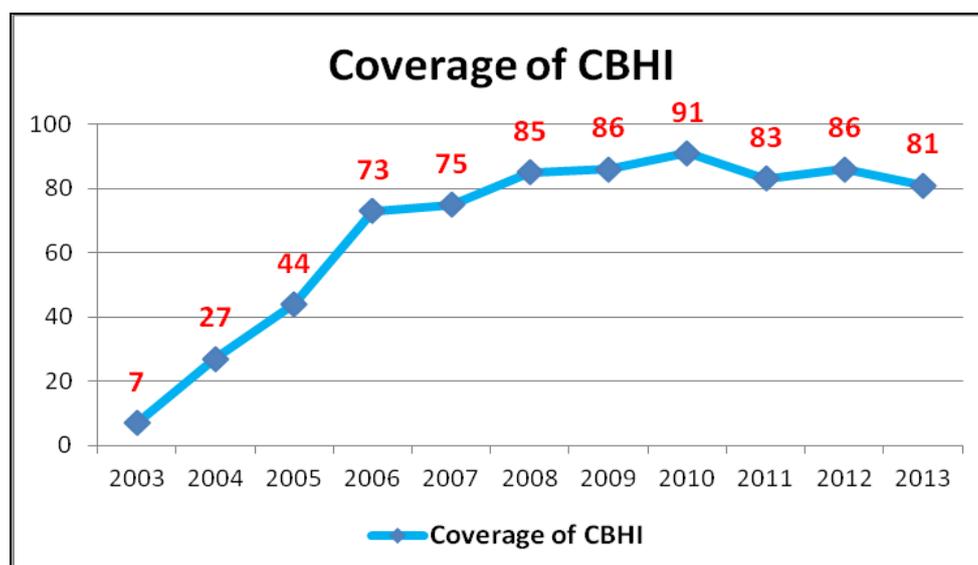
<sup>31</sup> MINEDUC: Education Statistics data 2012.

<sup>32</sup> See <http://coporwa1en.wordpress.com/programs/human-rights> and [www.betterplace.org/en/organisations/care](http://www.betterplace.org/en/organisations/care).

<sup>33</sup> Progress made and main achievements registered from 2009 to 2013, MINALOC Report 2013.

that a patient is referred when needed. In addition to this impressive achievement, health posts are being scaled up to provide family planning and outreach services nearest the population. Currently 200, they will be scaled up to 500 in the near future.

44. In order to ensure that all patients access health services, a health insurance scheme has been put in place to address financial barrier. At community level, the community based health insurance (CBHI) has been created since 2003. The adherence rate to CBHI that was 7% in 2003 increased to 91% in 2010, but slightly lowered to 86% in 2012 and 81% in 2013. In the beginning, all the population paid a flat premium of 1,000 RWF, but this amount was not sufficient to pay all bills, causing a lot of arrears. A new CBHI policy was then developed, based on stratified categorization, where adherents had to pay according to their capacity. The categorization of persons was made by the population itself at village level. The category 1 and 2 is composed of indigents and other vulnerables (26% of the population), unable to pay premium themselves. The Government pays CBHI premium for this category. In this category, are included all persons identified as marginalized and vulnerables unable to pay health insurance. The categories 3 and 4 are identified as poor, but able to pay and they pay 3,000 RWF/person. Categories 5 and 6 are identified as rich and pay 7,000 RWF/person. Apart from the support of the Government, other health insurances (RAMA, MMI and Private) are in obligation to transfer 1% of their annual revenues to support CBHI. CBHI premiums are used to pay health services at the health centre, adherents pay only 10% of the cost as *ticket modérateur*.



Source: MINISANTE, 2013.

45. In order to ensure universal access to health services in district hospitals, there is a "District Pooling Risk" made up with Government contributions and of 60% of the reserves made from premium paid by Adherents. This amount serves to pay health services for CBHI adherents and the ambulances. Also, there is a National Pooling Risk made up with Government funds and 20% of reserves of premiums paid by Adherents. This serves to pay health care provided by National referral hospitals to CBHI adherents referred from district hospitals. When indigents and other vulnerables unable to pay the *ticket modérateur* (too poor to pay), they are exonerated from paying when they hold an official card attesting that they are indigent and not able to pay.

46. Strategy to ensure universal access to health services, is the subsidization of health services. All family and population based health services like expanded programme of

immunization, family planning, antenatal care, HIV services, outreach services, all preventive services including the distribution of mosquito nets and in case of epidemics, are free of charge for the population. Also, all essential medicines are exonerated, while malaria drugs are subsidized, patients paying a very low amount. Another very important strategy to ensure that vulnerable or marginalized groups access health services is the Community health, through the 45,000 Community Health Workers deployed in the 14,800 villages (3/village). In their package, they are in charge of special follow up of certain groups of persons. They ensure that they get all needed health services like any other persons. This is facilitated by the current resettlement in villages "imidugudu". Special attention is made to monitor the child growth and to screen malnutrition and to follow up pregnant women.

47. Persons with disabilities are also categorized as vulnerable groups and specific health services are provided. Eye clinical services are provided to the population during Army Week. Nurses from Health centres have been trained to identify and provide primary care on eye problems and ensure early transfer. An NGO started to distribute lens and another distributes hearing devices. There are also different services for persons with physical disabilities (surgery and replacement materials) in different district hospitals of the country.

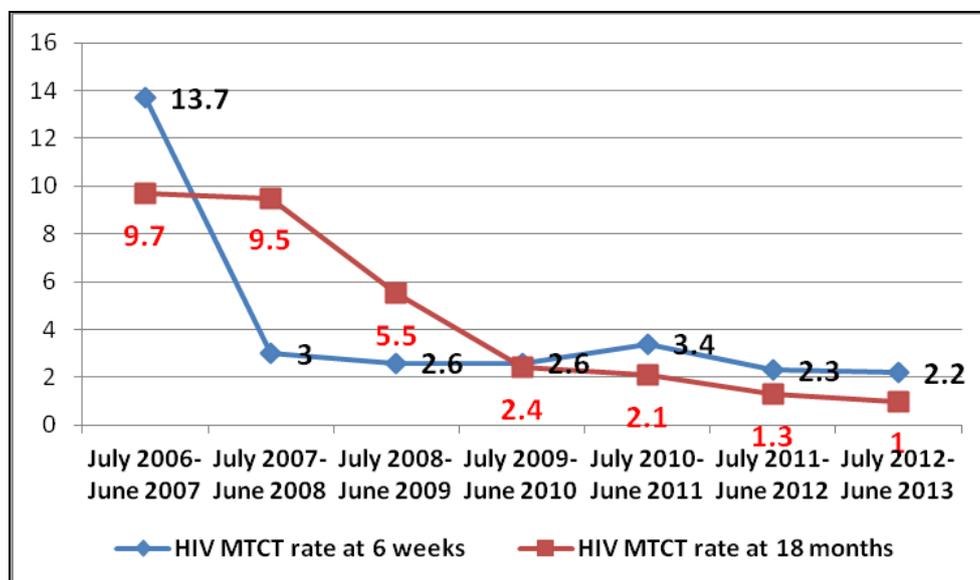
48. In terms of specialized services, a cancer centre has been created in Butaro Hospital (rural area) to provide diagnostic and treatment of breast, cervical and pediatric cancer, mainly for patients coming from rural areas. Also, teams of heart and neurospinal surgeons come regularly in Rwanda to operate children and adults with heart abnormalities, selected from all district hospitals. Other surgical teams come regularly to operate cleft palates to children referred from district hospitals. Finally, teams composed of national and foreign surgeons organize regular sessions to operate post-obstetrical genital fistula, all of them coming from rural areas. It is worth to mention again that young girls aged between 12 and 15 years are protected from cervical cancer through HPV vaccination (98% coverage). All those specialized services are free of charge for indigent persons.

49. Capacity building is a top priority to produce more skilled health service providers. The focus is currently made to have enough specialists that will be deployed in district hospitals (5 to 7 specialists) to reduce the flow of transfers towards national referral hospitals, located in towns, too far for the majority of transferred patients. Currently more than 200 doctors are pursuing clinical specialization studies. Also, focus has been made to produce much more midwives to be deployed in rural areas to improve obstetrical and neonatal care. By June 2013, a total of 17,475 Health Staff with 171 Medical Specialists, 520 General Practitioners, and 22 Master's in Nursing, 147 A0 Nurses, 2536 A1 Nurses, 492 Midwives and 6163 A2 Nurses. This means a Doctor/Population ratio of 1/15,400, down from 1/33,000 in 2008 and 1/50,000 in 2005. At least 75% of all staff is deployed in health facilities located in rural areas. Ratio Nurse/Population = 1/1291, reduced from 1/3,700 in 2005 and 1/1,700 in 2008. The overall objective is to have 1,170 specialized doctors, 7,000 Registered Nurses and Midwives and 2,200 General practitioners by 2019.

50. For HIV/AIDS prevention and control, three programmes are implemented as routine activities: Voluntary and Counseling Testing (VCT) programme aims at sensitizing and promoting voluntary testing for all the population and universal access has already been achieved. By June 2013, the number of health facilities offering HIV services has increased to 98% for VCT and for 97% for PMTCT; while 93% of health facilities provide full package including ART. It is worth to note that all HIV services are free of charge, including antiretroviral treatment. With regard to PMTCT, pregnant women attending antenatal care (ANC) are counselled and tested according to national protocol and the percentage of pregnant women tested for HIV is 98% while their partners' testing is at 84%. PMTCT (Prevention of maternal to child transmission) is expanded and the coverage

of ARV prophylaxis is currently 90%. The transmission of HIV from mother to child has declined from 10.8% in 2004 to 1.9% in 2012 and new HIV infections reduced by 50%. During 2012–2013, the new plan to eliminate mother to child transmission has been developed and disseminated while NSP 2013–2018 development is at final stage.

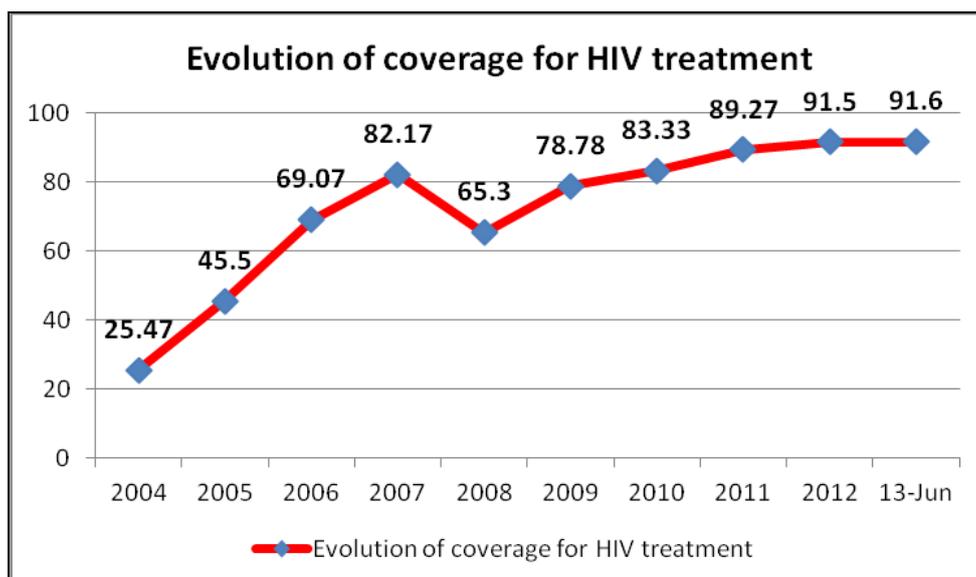
**HIV MTCT rates at 6 and 18 months of age for exposed children**



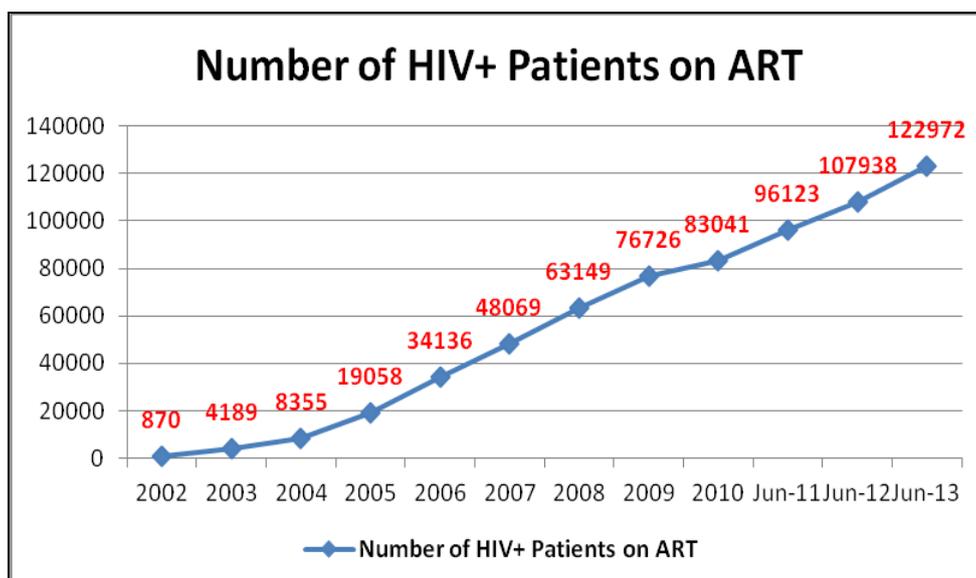
Source: MINISANTE, 2013.

51. For ARV, by end of June 2013, all eligible HIV patients continue to get medicines according to the national protocol. Currently 122,972 patients are on ART treatment. ART coverage among patients in need is at 91.6%. With new emerging evidences, it is planned to update the treatment protocol to include most at risk population. Meanwhile, persons living with HIV/AIDS and persons and families affected by HIV/AIDS receive support in terms of food, social, and psychological support, education, and also they are encouraged to create cooperatives for economic support. Finally, orphans and other vulnerable children have specific programmes to support them.<sup>34</sup>

<sup>34</sup> MINISANTE, Annual Report 2011/2012.



Source: MINISANTE, 2013.



Source: MINISANTE, 2013.

52. For Malaria, as prevention strategy, long-lasting insecticide treated mosquito nets (LLINs) are distributed free of charge to pregnant women attending ANC and to children attending EPI. Currently, 8 out of 10 Rwandan households own a mosquito net. In 2012-2013: 2,131,793 LLINs were distributed through mass campaigns of children under five countrywide as well as 190,854 LLINs distributed during EPI to children under one year, while 129,410 LLINs were distributed through ANC services. At the community level, 81,484 Under five children were treated by CHWs and among them 78,026 (96%) were treated within 24 hours of the onset of the fever. In 2010, the rate of malaria cases treated after laboratory confirmation was 99% in 2012. The number of mosquito nets distributed from July to September 2013 is: 1,312,316. In 2006, the world's most effective new combination malaria treatment drug was introduced in 100% of health facilities. At community level, this treatment is already extended to Community Health Workers in 21

out of 30 Districts and in some interested private pharmacies. Where community health workers have access to the drug, 9 out of 10 with malaria/fever are treated within 24 hours. Currently 100% of treated malaria cases are laboratory confirmed, including at community level, using the rapid test (RDT).

53. National employment policy further prohibits discrimination of whatever nature as against the country vision and Laws regulating employment. The main objective of the policy is to offer equal opportunities for all Rwandans in training and apprenticeship and allow them to make their personal choice of employment they wish to engage in. *Hanga Umurimo* Project and *Kuremera Program* are initiatives that the Government of Rwanda introduced recently to speed up job creation in the country. Eligible candidates under the programme consist of two categories: established entrepreneurs and start-ups, historically marginalized group is included in these categories. Those successful from each category qualify for loans of between 70 percent and 75 percent free from interest from the Business Development Fund (BDF).<sup>35</sup>

**Recommendations raised in paragraph 17:**

*The Committee recommends that the State party take all necessary steps, in consultation with and with the agreement of the Batwa, to offer them adequate land, inter alia under the land distribution plan established by the State party, so that they can retain their traditional lifestyle and engage in income-generating activities.*

54. Land distribution and settlement policy reforms have also contributed to eliminate discriminations. The Government adopted a policy (which is still under way) whereby private ownership of land and other rights related to land are granted by the Constitution. Rwanda has ensured the proper governance of land tenure by enabling every citizen to access and individually own land. To ensure security of land tenure for all, our country has implemented the land tenure reform that was developed and adopted in 2008. The 2005 Land act has been reviewed by Law No. 43/2013 of 16/06/2013 governing land in Rwanda. Article 3 of this Law states that: All forms of discrimination, such as that based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited.

55. The land registration and land titling policy, provided for under the land Law, addresses many aspects of discrimination issue and it is based on the principle of an appropriate land use management that shall include organisation of human settlement and promotion of land consolidation for economic and productive patterns. It provides for significant progress in such areas as equal rights and the prohibition of all forms of discrimination on grounds of gender, nationality or origin in regard to ownership and use of land. Land Reform carried out by the Government of Rwanda is fair and inclusive. Seven million land titles were issued by 2012 to all inhabitants in Rwanda without discrimination.<sup>36</sup> Laws, policies and programs are designed on the principles of equity and participation. In cases of expropriation broad-based consultations were made and compensation is compulsory according to the Law on expropriation. Remedies are available for those their rights were violated including historically marginalized groups. For example in 2010, 134 people in the Districts of Nyamasheke and Gicumbi recovered their land in accordance to the government policy to fight against injustice and discrimination.<sup>37</sup>

56. To clarify, two main features likely to be confused with forced settlement in Rwanda are illustrated. First, a settlement policy whereby people are advised and helped to stay in

---

<sup>35</sup> BDF is a government-owned fund established in every district to fund enterprises.

<sup>36</sup> Target and achievements of EDPRS 1 in EDPRS 2 MINECOFIN 2013.

<sup>37</sup> COPORWA Report 2011.

agglomerations was adopted in line to save land, space and facilitate easy access of developmental programs. Secondly, expropriation processes where people have been relocated mainly for reasons of public utility have also been confused with forced settlement. It is noted that the above scenarios are all legally established practices with no intent or likelihood of whatsoever to cause suffering or prejudice to one group at the expense of the other. Besides, agglomeration or *Imidugudu* settlement as popularly known in Kinyarwanda and expropriation are general policy operated for public interest. They are never used for discriminatory reasons but rather they are simply implemented for common interests.

**Recommendations raised in paragraph 18:**

*The Committee recommends that the State party take special measures to encourage and promote the participation of the Batwa in political and public life by such means as awareness campaigns among the rest of the population and training for the Batwa.*

57. Right to participate in political and public life is recognised to all Rwandan citizens including historically marginalized groups. The National Decentralisation Policy (2001, reviewed in 2012) is based on the Government of Rwanda's commitment to empower its people to determine their own future. Functioning decentralised systems provide a valid platform for citizen service delivery and participation that goes to community level (Umudugudu). This includes a lot of community level participation in programmes like Ubudehe (social protection), economic development strategies (EDPRS 1 and 2), national dialogue (Inama y'umushikirano), elections and Umuganda (community works). These existing home-grown systems can be strengthened and used as opportunities for real engagement with the community where community development and policy related issues can be discussed via appropriate feedback mechanisms.

58. Vulnerable groups were allowed to stand for election and participate in all aspects of public and political life. They held local and national level positions as Rwandan citizens, and the President had the power to appoint certain members of the Senate to ensure that all groups could participate in public affairs and access public services and facilities. Indeed, the Senate had representatives of historically marginalised groups. Campaigns have been launched to sensitise historically marginalised groups on their rights. In partnership with civil society organisations such as COPORWA, sensitisation was held to reinforce the knowledge as regards their rights of participation in decision making at all national levels, right to vote and to be eligible, about 750 potters have been sensitized on human rights, 325 judicial cases involving HMG have been solved; decent houses have been constructed to 2,227 marginalized families and vulnerable population. A number of children from marginalized and other vulnerable families are currently benefiting from free education for all in primary and secondary schools, with a good number of students from the same background studying in High Learning Institutions with the support of the Ministry of Local Government. The vulnerable groups, like other Rwandan citizens, benefit from different programs to improve the living conditions of the population: 84% of the qualified vulnerable families enjoy free health insurance (*mutuelle de santé*).<sup>38</sup>

<sup>38</sup> MINALOC, Annual Report 2011.

**Recommendations raised in paragraph 19:**

*The Committee recommends that the State party take all necessary steps to facilitate the access of the Batwa to justice, to disseminate legislation relating to racial discrimination, particularly among the Batwa, and to inform the latter of all the legal remedies available to them and of the possibility of obtaining legal assistance.*

59. All people living in Rwanda particularly vulnerable groups (indigent, women and children.) are facilitated access to justice and access to legal remedies and legal assistance. Preamble of the new Law No. 30/2013 of 24/05/2013 instituting the Code of Criminal Procedure provides that “penal cases must be held in public audience, be fair, impartial, comply with the principle of self defence, provide an opportunity for cross examination, treat litigants equally, be based on evidence obtained legally and be rendered without any undue delay”. Article 38 provides that any person arrested has the right to be informed of the charges against him or her and to contact his or her Lawyer or any other person. Any person detained may retain a Lawyer of his or her choice. If a detainee is not able to get one, he or she may ask to be given one by the Chair Person of the Bar Association. Under Article 39, the detainee can decide whether or not to accept the appointed Lawyer. Article 60 of the Law governing the Kigali Bar Association creates an office of consultation and defence in charge of legal aid for poor people.<sup>39</sup>

60. The Government has introduced a legal assistance system to ensure access to justice by vulnerable groups. Anyone with a local authority certificate proving that he/she is indigent may access justice before courts without paying court fees. In all other cases for vulnerable persons, the Bar Association appoints a counsel to assist the needy people. The Ministry of Justice has opened Access to Justice Bureaus (Maisons d’Accès à la Justice – MAJ) in all districts. Three lawyers are appointed in the said Access to Justice Bureau to promote access to justice and to deal with gender-based violence and children rights cases. Civil Society Organisations also, with the support of different partners, put in place a Legal aid Forum, with the mission for delivering legal aid to the people.

61. The end of the year 2012 and the beginning of 2013 saw a number of activities/projects implemented within the Legal Aid Forum. In 2012 more than 13,000 people benefited from different legal aid services provided (including legal assistance/advice, legal and human rights education, mediation, free legal representation). These beneficiaries include detainees/prisoners especially minors, and the general population especially the poor and vulnerable in rural communities.<sup>40</sup> In fact, the percentage of people satisfied with services of Maisons d’Accès à la Justice (MAJ) increased from 68% in 2010 to 81% 2012. In addition, even though the legal aid fund is not yet established, MINIJUST has successfully allocated a budget for Legal Support of 560M RWF to support the functioning of MAJ, Abunzi and bailiffs.<sup>41</sup> The weekly Legal Aid are organised throughout the country, advocate and legal providers of NGOs are recruited to assist minors and poor every year. From 9December to 13 December 2013 across the country the people were celebrating a legal aid week which facilitates some detainees to get free lawyers. In this legal aid week, vulnerable people get facilitation and access to justice services unrestricted and lawyers freely. Almost 150 minors and vulnerable persons detained benefited from free legal services from lawyers in 44 sectors in the country.<sup>42</sup>

---

<sup>39</sup> Art. 34 of Law No. 3/97 of 19/03/1997 relating to convention of Bar in Rwanda.

<sup>40</sup> Legal Aid Forum, Newsletter, April 2013.

<sup>41</sup> Rwanda Governance Scorecard 2012.

<sup>42</sup> MINIJUST, Human Rights and Legal Aid Department, 2013.

62. To solve the ever-present problem of legal representation, a civil society initiated “Legal Aid Forum” which brings together over 37 human rights organizations engaged in the provision of legal aid services to the indigent population and vulnerable groups in Rwanda. In practice, these mechanisms give to vulnerable group access to justice and necessary legal assistance without discrimination.

63. The Convention has been translated in three national languages for its wider dissemination and access to all brackets of the population. Distribution of copies to public and private institutions has been started. This method ensures that all actors are clearly aware and own the contents of the Convention. The National Commission for Human Rights provides regular training on human rights including provisions provided for by the Convention.<sup>43</sup> Radio and TV shows were organized once a week by MINIJUST, NCHR, and other CSOs to sensitize community to disseminate legislation relating to racial discrimination and other legal provision as awareness campaign among all brackets of population.

**Recommendations raised in paragraph 20:**

*The Committee takes note of the information provided by the State party to the effect that the Gacaca courts are to cease their functions. It is concerned, however, that certain cases pending in the Gacaca courts may not be heard with all the guarantees of due process (art. 6). The Committee recommends that the State party take all necessary steps to ensure that the mechanism established to hear the cases pending in the Gacaca courts respects all guarantees of due process.*

64. Gacaca courts began in 2001 and closed trials in June 2012, and have judged some 2 million cases.<sup>44</sup> These courts have the competence to try all genocide suspects except top planners. Apart from the mission of trying the mass of the 1994 Genocide related cases in a short time, Gacaca was also used as a tool for reconciliation between genocide survivors and perpetrators. As for certain cases requiring revision or appeal, they have been taken to ordinary courts while property cases have been treated by community mediators (Abunzi). Mechanisms for solving issues that were under the jurisdiction of Gacaca courts are clearly regulated by the Organic Law No. 04/2012/OL of 15/06/2012 terminating Gacaca courts and determining mechanisms for solving issues which were under their jurisdiction stipulates that the following offences “constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity” shall be tried at the first instance by an Intermediate Court: offenses or criminal participation acts aimed at planning, organising, inciting, supervising and leading the crime of genocide or other crimes against humanity, committed by a person with his/her accomplices; acts constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity committed between October 1, 1990 and December 31, 1994 by a person who, at that time, was in the organs of leadership, at national and prefecture levels with his/her accomplices.

65. The above law indicates that the following offences are in the jurisdiction of the Primary Court: acts constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity committed between October 1, 1990 and December 31, 1994 by a person who, at that time, was in the organs of leadership at sub-prefecture or commune level: in public administration, political parties, communal police, religious denominations, or illegal militia groups or encouraged other people to commit them, with his/her accomplices; acts of rape or sexual torture, committed by a person with his/her

<sup>43</sup> NCHR, Annual report 2011–2012.

<sup>44</sup> Administrative Report of the National Service of Gacaca Courts, Government of Rwanda, 2012.

accomplices; homicide; acts of torture; dehumanizing acts on a corpse; serious attacks against others causing death; causing injuries or committing other serious attacks against people, with intention to kill them, even if the objective was not accomplished; other criminal acts against persons without any intention of killing (Art. 5).

66. Notwithstanding of the value of the subject matter and the address of the parties to proceedings, offences related to looting and damaging of property committed between October 1, 1990 and December 31, 1994, which were within the jurisdiction of Gacaca Courts shall be tried by the Mediation Committees applying laws governing these committees regardless that they were committed by civilians, gendarmes or soldiers. Offenders shall be ordered to pay compensation (Art. 6). Acts constituting the crime of genocide perpetrated against Tutsi and other crimes against humanity committed by a soldier or a gendarme between October 1, 1990 and December 31, 1994, which were within the jurisdiction of Gacaca Courts but not relating to looting and damaging property shall be tried at the first instance by the Military Tribunal (Art. 7).

67. Judgments rendered by the Gacaca courts can be reviewed by a “competent court” in the following cases: if a person is convicted of homicide by a Gacaca Court final judgment and after the person alleged to have been killed is found alive; if a person is definitively convicted of homicide by a Gacaca Court and it is the only crime of which he/she is convicted, and later another person is convicted of the same crime where there is no complicity between the two; if, after a person has been acquitted by a Gacaca Court final judgment, it is found beyond reasonable doubt that there is reliable information disclosed during the period of collecting information, unknown at the time of adjudicating the case and which however proves his/her criminal responsibility; if a person has been convicted or acquitted by a Gacaca Court final judgment and later it is found that the bench which rendered the decision was corrupt, as decided by a competent court (Art. 10). All judicial proceedings are governed by fair trial guarantees provided by national laws and treaties in force in Rwanda.

#### **Recommendations raised in paragraph 21:**

*The Committee recommends that the State party take additional measures to ensure that civic education and efforts to teach, promote and foster awareness of human rights and the Convention cover all segments of the population, in particular the “historically marginalized groups”, whose access to the media is not always guaranteed. The Committee recommends that the State party redouble its efforts to ensure that law enforcement officers receive training in human rights and in the provisions of the Convention in particular.*

68. Campaigns have been launched to sensitise historically marginalised groups on their Rights. In partnership with civil society organisations such as COPORWA, sensitisation was held to reinforce the knowledge as regards their rights of participation in decision making at all national levels, right to vote and to be eligible, about 750 potters have been sensitized on human rights.

69. Rwanda has strongly embarked on improvement of skills of Lawyers, judges and prosecutors in human rights. To this effect, the Institute of Legal Practice and Development (ILPD) was created as a national institute to provide a Rwandan “post-graduate curriculum” for practical legal training and education in the development of the Law (and to do so in three languages – French, English and Kinyarwanda – and across three legal traditions – civil Law, common Law and African Law). The Institute has developed a training program for judges, prosecutors and Lawyers, awarding a Diploma in Legal Practice. For example, on 28th January 2013, training workshop for intermediate and primary court judges on the application of international human rights Law has officially opened in Kigali. The ILPD contributes to this objective through practical legal training offered to practitioners from

different stakeholders of the entire justice sector<sup>45</sup>. In 2012, judges benefited the following courses: introduction to common Law and civil procedures, Damages and compensation, Child sexual abuse, Induction Course for new judges, Extradition and universal jurisdiction, International criminal Law and court practices, International practices in taxation.

70. Besides the above general training that is given to all judiciary stakeholders, respective institutions, such as the Bar Association for advocates, National prosecution for prosecutors and the Judiciary for judges always have either joint or unilateral trainings on various human rights instruments. It is mandatory for example that advocates attain a certain minimum number of credits in human rights training under the continuing legal education (CLE) program to be issued practising certificates.<sup>46</sup>

#### **Recommendations raised in paragraph 22 to 28:**

*Ratification of those international human rights treaties to which it is not yet a party, particularly those which have a direct bearing on the question of racial discrimination, taking into account the Durban Declaration and Programme of Action*

71. Rwanda has signed and ratified, all core human rights conventions prohibiting any form of discrimination. Rwanda is in process of ratifying all those not yet ratified including those which have a direct bearing on the question of racial discrimination.

72. In line to Durban declaration and plan of action adopted in 2001 and the Durban review conference held in Geneva in April 2009, measures have been adopted to give effect to the undertaking of prevention and protection against racism, racial discrimination, xenophobia and related intolerance. Some of them date since long-time even before 2001 when the Conference of Durban was held. Domestic legislation were abrogated, amended or maintained and applied within the spirit and context of the declaration such as: Constitution (2003), Penal code (reviewed in 2012), Law repressing the crime of genocide, crimes against humanity and war crimes (2003), Law on repression crimes of discrimination and sectarianism (2001), Law punishing corruption and other related acts such as nepotism, favouritism (2003), Organic Law governing political organizations and politicians (modified in 2013), Law governing the organization and the functioning of non-governmental organizations (reviewed in 2012). All Laws in Rwanda do not allow any form of division or activities that may give rise to discrimination.<sup>47</sup> Equally, actions that are prone to conflict breeding or fostering such discrimination are thereto prohibited and reprimanded.

73. Political and administrative measures have been developed to combat racial discrimination and hatred. One of the major actions taken by the post-genocide government was to put in place a broad based Government (Government of National Unity) within which all categories of Rwanda are represented. All Rwandans are represented in the Legislative, the Executive and the Judiciary. There have been elections in Rwanda from 1999 whereby Rwandans freely elected their representatives from grass roots, in the Parliament, up to the Presidency of the Republic. A decentralization policy has been undertaken with a view to allow all the people of Rwanda to equally participate in the planning and implementation of programs set for development of their areas of residence,

<sup>45</sup> Institute of legal Practice and Development, [www.ilpd.ac.rw](http://www.ilpd.ac.rw).

<sup>46</sup> Reports from justice sector institutions (Judiciary, NPPA, RNP, RCS).

<sup>47</sup> See Art. 52-55 of the Constitution of the Republic of Rwanda as amended to date; Organic Law No. 10/2013/0L of 11/07/2013 governing political organizations and politicians, especially in its Art. 7.

former practices by which some regions were given special consideration than others were removed all country areas programs are planned in the same way at national level.

74. The NURC was mandated to prepare and coordinate all the country's programmes for promoting national unity and reconciliation.<sup>48</sup> The National Commission for Human Rights (NCHR) was mandated with two main tasks of investigating and follow-up on human rights violations and of educating the public on their rights.<sup>49</sup> The National Defence and Security is another area where the commitment of the State against racism has been witnessed before 1994 Genocide. There had been exclusion of the Tutsi group in the national defence and security forces. The post genocide Government of Rwanda has responded swiftly to this racial crisis by not only integrating members of the former defence and security forces in the newly formed Army, Police and other security organs but also by removing any exclusion in recruitment in the defence and security organs. Other specialised institutions were created such as: Office of the Ombudsman, Office of the Auditor General of State Finances, National Commission for the Fight against Genocide, National Electoral Commission, National Land Centre, National Women Council, National Youth Council, and National Council of Persons with Disabilities. These councils were established as forums through which women and youth issues can be debated and advocated for.

75. The National Identity Card where by ethnic group is now removed. Racial discrimination in the education sector and in public service has also been removed. A new examination policy based on fair and transparent principles has been established and is implemented by the Rwanda Education Board (REB). Recruitment in public service is only based on skills and qualifications according to the provisions of the Presidential Order N°46/01 of 29/07/2011 governing modalities for the recruitment, appointment and nomination of public servants.<sup>50</sup> Regional and International Integration, Gender equality and fight against poverty are the Government priorities and cross-cutting issues aimed at ending discrimination and inequality.

76. A consultative forum for NGOs was initiated by the National Human Rights Commission (NHRC), to strengthen capacity for sustained partnerships and collaboration with civil society actors. The Forum convenes twice a year and has been able to encourage engagement between the NHRC and civil society actors. Civil society actors may be invited to participate in the advocacy campaigns, public outreach activities and trainings to combat all form of racial discrimination and other forms of human right violations.

77. The core document is in the elaboration process and will be submitted soon. This consolidated report and concluding observations have been publicized in official languages as stated in the introduction.

## **IV. Information relating to articles 1 to 7 of the Convention**

### **A. Definition of racial discrimination (article 1)**

78. The Constitution of the Republic of Rwanda reaffirms the equality of rights between people without any discrimination. Article 11 stipulates that all forms of discrimination are

---

<sup>48</sup> It was established by Law No. 03/99 of 12/03/1999 establishing the National Unity and Reconciliation Commission, *O.G.* No. 6 of 15 March 1999.

<sup>49</sup> Created by Law No. 04/99 of 12/03/1999 establishing the national human rights commission as amended to date.

<sup>50</sup> *Official Gazette n° special of 31/07/2011*, p. 26.

prohibited by the Law. Article 16 of the Constitution of the Republic of Rwanda stipulates that all human beings are equal before the Law; they have the right, without any distinction, to equal protection by the Law. Article 25 emphasises the right to asylum without any form of discrimination. Considering that all citizens are equal before the Law, that no discrimination whatsoever should be exercised against anybody, whether based on ethnicity, the colour of the skin, physical features, origin, sex, opinion, religions;<sup>51</sup> Law No 47/2001 on discrimination provides that: discrimination is any speech, writing, or actions based on ethnicity, region or country of origin, the colour of the skin, physical features, sex, language, religion or ideas aimed at depriving a person or group of persons of their rights as provided by Rwandan Law and by International Conventions to which Rwanda is party.<sup>52</sup> Political organizations are prohibited from basing themselves on race, ethnic group, tribe, lineage, region, sex, religion or any other division which may lead to discrimination. During political competition and elections, politicians and political organization are ordered especially to avoid any speeches, writings and actions based or leading to discrimination or divisionism, to educate their members to participate in competition peacefully in mutual respect and sensitize the citizens to peacefully take part in activities that promote democracy and avoid all kinds of discrimination and divisionism.<sup>53</sup>

79. The prohibition of discrimination contained in other legislative and regulatory texts includes distinctions based on the same criteria. It covers both direct and indirect forms of racial discrimination. No reservation, restriction, limitation or derogation is made to the prohibition of racial discrimination in the country. The differential treatment that is practiced based on nationality or alien status mainly concerns access to jobs related to national sovereignty, such as those in national defense, the diplomatic service and the judiciary, which are reserved exclusively for nationals.

80. Some positive steps have been taken to promote the effective enjoyment of rights by certain categories of persons, such as those with disability, the elderly, women and children as well as other vulnerable groups, like the poor. However, these measures do not target a specific ethnic group.

## **B. Measures to eliminate discrimination and promote equality (article 2)**

### **1. Legal framework and general policies**

81. Rwanda has undertaken legal and policy framework to eliminate all forms of discrimination such as: constitution, Law punishing divisionism and sectarianism, criminal code, Law on terrorism and other special Laws, namely Law protecting persons with disabilities, Law on GBV, Law relating to the rights of children, law governing elections, law on political parties and politicians. Detailed information about the above laws is respectively highlighted in this report. Rwanda has effectively ratified core human rights instruments and most of their additional protocols. Many other international and regional conventions on human rights have been ratified by Rwanda or are in the process of ratification. Once ratified, treaties and conventions all are integrated into domestic law. According to the Constitution (Articles 189 and 190), ratified treaties have supremacy over organic and national Laws. Rwanda has withdrawn all reservations on international human

<sup>51</sup> Explanatory notes of Law No. 47/2001 of 18/12/2001 instituting punishment for offences of Discrimination and sectarianism.

<sup>52</sup> Article 2 of Law No. 47/2001 of 18/12/2001 instituting punishment for offences of discrimination and sectarianism.

<sup>53</sup> Articles 7, 37, 38 of Organic Law No. 10/2013/01 of 11/07/2013 Governing Political Organizations and Politicians, Official Gazette No. Special of 12/07/2013.

rights treaties. Several policies have been developed to combat racial discrimination such as: land reform policy in Rwanda, education sector policy, health sector policy, girl's education policy, integrated child right policy, social protection policy and unity and reconciliation programs and initiatives.

**2. Specific and detailed information on the legislative, judicial, administrative or other measures taken**

*Measures taken to engage in no act or practice of racial discrimination*

82. Equality between human beings and the prohibition of all forms of discrimination are two of the principles set forth in the Constitution. Similarly, many legislative and regulatory texts prohibit all forms of discrimination. Furthermore, no political parties or association may be formed on a racist basis (Constitution, art. 53, 54 and 55). Persecution against a person on political, racial, national, ethnic, cultural, religious grounds or any other form of discrimination when committed as part of a widespread or systematic attack directed against any civilian population because of its national, political, ethnic or religious affiliation is considered as a crime against humanity by the penal code and shall be liable to a term of imprisonment of ten (10) years to twenty-five (25) years.<sup>54</sup> Practices of apartheid and other inhuman and degrading practices, based on racial discrimination, which give rise to outrages on human dignity committed during armed conflict and directed against persons or property protected under the provisions of the Geneva Conventions of 12 August 1949 and their Additional Protocols I and II of 8 June 1977, are considered as war crimes and shall be liable to a term of imprisonment of ten (10) years to fifteen (15) years.<sup>55</sup> Also, the penal code establishes a penalty of 5 to 7 years' imprisonment for any person who commits the crime of discrimination and sectarian practices.

83. Rwanda ratified the following conventions which provide the right to non-discrimination in order to strength its international commitments: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18/12/1990 and ratified on 14/06/2010; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 06/10/1999 in New York and accessed on 31/08/2009; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10/12/1984 in New York and accessed on 15/12/2008; Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted on 15/12/1989 in New York and ratified on 01/10/2008; International Convention on the Rights of Persons with Disabilities, adopted on 13/12/2006 in New York and accessed on 15/12/2008; Optional Protocol to the Convention on the Rights of Persons with Disabilities, adopted on 13/12/2006 in New York and accessed on 15/12/2008; Convention on the Civil Aspects of International Child Abduction, adopted at the Hague on 25/10/1980; Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, adopted on 29/05/1993, in the Hague, Netherlands and ratified on 14/06/2010; International Labour Organization Convention No. 122 (1964) concerning Employment Policy, adopted on 9/07/1964 and ratified on 14/06/2010 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

84. New domestic Laws have been developed to protect certain categories of people from acts of discrimination since submission of the last periodic report. Main Laws have been promulgated: Law No. 54/2011 of 14/12/2011 relating to the rights and protection of

---

<sup>54</sup> Article 120, point 8° of the penal code.

<sup>55</sup> Article 123 point 12° as above.

child; N°59/2008 of 10/09/2008 On the prevention and punishment of Gender Based Violence as amended to date and its subsequent regulations; Prime minister's order No. 001/03 of 11/01/2012 determining modalities in which government institutions prevent and respond to gender-based violence; Ministerial Order No.°06 of 13/07/2010 determining the list of worst forms of child labour, the nature, categories of institutions that are not allowed to employ them and their prevention mechanisms were highlighted through this Ministerial Order; and Organic Law No. 01/2012/OL of 02/05/2012 instituting the New Penal Code. Law No. 30/2013 of 24/05/2013 instituting the Code of Criminal Procedure which preserves fundamental rights of people deprived of their liberty or in conflict with the criminal law; The Code of Ethics for the Judiciary, which binds the judge to serve the cause of justice with fidelity, integrity, objectivity and impartiality without any discrimination whatsoever, particularly with regard to race, colour, origin, ethnic group, clan, sex, opinion, religion, or social status.<sup>56</sup>

*Measures taken to not sponsor, defend and support racial discrimination*

85. Some scattered provisions in Rwandan legislation are relevant to this issue. The Constitution of Rwanda in its part relating to the formation of political parties and the Law on political parties does not allow political parties based on any form of division which may give rise to discrimination.<sup>57</sup> This clearly discourages any support that might be offered on the basis of discrimination or divisionism. The Law goes further to provide punishments in case of violation. Also, the Laws on different organizations provide that the formation of an association cannot be founded for an illicit objective, contrary to Laws, public order or morality.<sup>58</sup> This automatically makes peremptory the refusal to register organizations (associations, commercial firms, cooperatives, etc.) which have, expressly or implicitly, racism and racial discrimination as their objects. Furthermore, the newly adopted Law No. 04/2012 of 17/02/2012 governing the organisation and the functioning of national non-governmental organisations provides that requirements for becoming a legal representative of a national non-governmental organisation are not [to] have been sentenced for the offence of discrimination, sectarianism or the ideology of genocide.<sup>59</sup>

*Measures taken to review government policies and Laws to eliminate racial discrimination*

86. Rwanda has a well developmental road map (vision 2020) that guides its interventions up to 2020. It envisions the kind of society the country aspires to be by 2020. The plans are concrete and refocus the country's efforts towards breaking down barriers and creating a unified and economically stable society. Worthy to note are the short-term plans and the poverty reduction strategy paper and economic development poverty reduction strategy, which are simply implementation phases of Vision 2020.

87. Vision 2020 is mainly anchored on nine pillars. They include: Good Governance and a Capable State; Human Resource Development and a Knowledge-based Economy; Private Sector-led Development; Infrastructure Development; Productive High Value and Market Oriented Agriculture; Regional and International Integration; Gender Equality; Natural

<sup>56</sup> Article 12 of Law No. 09/2004 of 27/04/2004 establishing the code of ethics for the judiciary, O.G N° 11 of 1st June 2004.

<sup>57</sup> See arts. 52–58 of the Constitution of the Republic of Rwanda, O.G. of 4 June 2003; Organic Law No. 16/2003 of 27/06/2003 governing political organizations and politicians, O.G. of 27 June 2003, especially in its Art. 5.

<sup>58</sup> Law No. 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations.

<sup>59</sup> As above, Article 8.

Resources and the Environment; Science, Technology and ICT. These pillars have direct and indirect relevance to the elimination of discrimination.

88. Measures have been taken to eliminate discrimination against women. Women's representation in decision making positions makes Rwanda the world leader in the proportion of women in Parliament (64%). In addition, a policy and legal framework for mainstreaming gender in socio-economic sectors at all levels is in place (existence of a national gender policy, gender sensitive Laws such as Gender Based Violence (GBV) Law, inheritance Law, land Law, etc.). Pro-poor and gender friendly programmes such *Girinka* were initiated as well as gender mainstreaming programmes/projects such as the Gender Responsive Budgeting Initiative. Mobilisation of women to join national security forces and peace keeping operations has been reached to implement United Nations Security Council resolution 1325. Rwanda peacekeeping forces in Sudan (Darfur and Khartoum), South Sudan, Haiti, Côte d'Ivoire, Guinea Bissau, Liberia, Mali and the Central African Republic. Rwanda is the second highest contributor of female police officers peacekeepers worldwide and the first highest contributor of female police officers in Africa.

89. Different institutions including the Parliament, Rwanda Governance Board, the National Unity and Reconciliation Commission, the National Commission of Human Rights, Office of the Ombudsman, the National Commission of Demobilization and Reintegration, but also the Civil Society Organisations including churches, play a key role in sensitizing the Rwandan population against discrimination. Private research institutions also play a key role in the fight against discrimination in the Rwandan society; especially the Institute Rwandais pour le Dialogue, la Paix et la Démocratie (IRDP) and the Centre for Conflict Management (CCM) of the University of Rwanda. A descriptive analysis of the Rwanda Reconciliation Barometer (RRB) data points to significant progress in terms of forging social cohesion in the wake of the genocide in 1994. It suggests a positive shift in inter-group relations and interactions, and a considerable degree of willingness to engage in interactions with people from different groups. It appears, according to the data (more than 92% overall), as if this predisposition stems from an increase in trust of people from these different groups. The Rwanda Reconciliation Barometer also indicates that, contrary to popular belief, it is not ethnic, but rather economic cleavages that are most divisive in Rwandan society today. Thirty percent of adult Rwandans responded that the gap between rich and poor is the primary source of division in society. Responses suggest positive development (more than 80% overall) in terms of inter-ethnic relations and interactions, as well as the levels of trust that exist between communities that found themselves on different sides during the genocide.<sup>60</sup>

90. Numerous best practices have been put in place in order to build *Rwandanism* through a participatory approach that included wide consultations with the public and various stakeholders. These include among others Gacaca courts, Conciliatory Committees (Abunzi) Performance Contracts (Imihigo), Umuganda (Community Works), Itorero ry'Igihugu (National Civic Education), the National Programme for economic empowerment of the poor (Ubudehe), and the *Girinka* as well as the Community Based Health Insurance (Mutuelle de santé). Cooperation and mutual initiatives between genocide survivors and genocide perpetrators have greatly bridged the gap between the two groups and as a result improved unity and reconciliation within the community. Such initiatives have included cordial and mutual dialogue between the two parties and forgiveness-seeking by the offending party. As a result, trust and coexistence has improved.

91. Projects and programmes are implemented without consideration of any particular racial group but rather according to the resources of the State and of the development plan.

---

<sup>60</sup> Rwanda Reconciliation Barometer (RRB), NURC, 2010.

In general, increased monetisation of the economy and the rural area in particular, has led to reduce financial exclusion. This has dropped significantly since 2008. In 2008, 52% of adults (i.e. 18 years or older) were financially excluded. By 2012, this had reduced to 28%. In 2008, 21% of adults were served by formal finance institutions; and by 2012, this proportion increased to 42%. The increase in inclusion has been helped by an uptake of banking products offered by non-bank formal financial institutions (such as *Umurenge* SACCOs and insurance companies).<sup>61</sup>

92. Health sector policy have been implemented to reach non income reduction of poverty. Child mortality and maternal mortality rates declined. Children from poorer families are far less likely to attend secondary school than the better off, though the gap is closing. Access to clean drinking water and sanitation increased in all provinces to 71% to 75% coverage respectively. Electrification has expanded to cover 13% of households in 2012, compared with 3% in 2006, expansion is still running to cover more households especially in rural areas.

93. The Government guarantees by Law that every child in Rwanda has the right to fee-free and compulsory education for the first 12 years of basic (primary and lower secondary) education. Therefore, dropout rate overall decreased from 15.2% in 2008 to 10.9% in 2012, dropout girls decreased from 14.% in 2008 to 10.7% in 2012 and dropout boys decreased from 15.6% in 2008 to 11.2% in 2012, completion rate increased from 52.5% in 2008 to 72.7% in 2012, repetition rate decreased from 15.3% in 2008 to 12.7% in 2011. Plan is that completion rate for primary education will increased: from 52% in 2006 to 112% in 2015,<sup>62</sup> Reduction of drop-out rate: from 15% in 2006 to 5% in 2010 and 2% in 2015; Reduction of repetition rate: from 16% in 2006 to 8% in 2010 and 3% in 2015; Reduction of double shifting of teachers from 31% in 2004 to 6% in 2015; Reduction of pupil/teacher ratio from 70.1 in 2006 to 45.1 in 2015; Gross enrolment rate in junior secondary from 24% in 2006 to 69% in 2015.<sup>63</sup> According to education statistics, plan is in a right way.

94. The Government usually identifies families and households that cannot bear the other costs of education, such as uniforms and learning materials, and provides for them. Various options for social protection, such as school stipends or other cash transfer schemes are provided for those children who for economic, social or cultural reasons, tend to stay out of school (including but not limited to girl children, children affected by HIV and AIDS, other vulnerable children). The Ministry of Finance oversees the Rwanda Social Security Board (RSSB), a mandatory defined benefit fund that was founded in 1962. It provides old age, disability and survivors' pensions to members, among other services, pensions provided for contribute in survival and development of children and families.

95. The Ministry of Gender and Family Promotion provides support to orphans and other vulnerable children with emphasis on the most vulnerable through a minimum package of services which comprises health, nutrition, education, shelter, protection and psychosocial support. The Ministry of Agriculture offers a number of programmes that provide or subsidize assets to rural households. These include: *Girinka munyarwanda*, the One Cow Per Poor Family Scheme in which poor families with more than 0.7 hectares are provided with a cow, this brought the total number of cows distributed to 172,778 since the program started up to June 2013, program is still running.<sup>64</sup> This programme also providing small animals (goats and rabbits) to poor households with little land; and fertilizer subsidies

<sup>61</sup> Finscope Rwanda, 2012.

<sup>62</sup> The completion rate exceeds 100% because of the large number of students who are beyond school age (7–13 years), which means that the gross enrolment ratio is also above 100%.

<sup>63</sup> MINEDUC (2008), Education Strategic Plan ESSP 2008–2012, Kigali (Rwanda), July 2008, p. 10.

<sup>64</sup> Government Annual Report 2012/2013.

and seeds. The Ministry of Agriculture also has a major public works programme to tackle erosion the people are recruited and paid.

96. The Ministry of Trade and Commerce oversees microfinance institutions which are established in the sectors (Savings and Credit Cooperatives (SACCOS)) the Ministry of Finance and Economic Planning (MINECOFIN) and the Ministry of Local Government (MINALOC). These help people at the grassroots level learn the culture of saving and also to access loans that will support them to venture into entrepreneurship opportunities. Within the country's decentralized governance structure, District and Sector authorities have key responsibilities for the delivery of social protection programmes. Districts are also responsible for ensuring that budgets are accessed from central government and from to provide Sectors with the resources they require. Furthermore, a range of development partners and civil non-governmental actors are active in social protection. Some provide direct assistance and financial support to the core social protection sector, while others work across other sectors.

97. In 2010, under Law No. 40/2010 of 25/11/2010, Rwanda has established the Rwanda Housing Authority (RHA), which has responsibilities to promote the program for the provision of housing to individuals or assist them in building their own homes and collaborating with banking and financial institutions to help Rwandans to build their own homes. The Government of Rwanda is committed to supporting the controlled development and the sustainability of human settlements both in urban and rural areas, which is economically accessible and socially integrated, where the rights of all people are recognized, particularly the rights women, children, handicapped people, and people living in poverty, the vulnerable and disadvantaged groups. The government programs including, villagization policy, Bye Bye Nyakatsi program provided to the vulnerable groups modern houses in 2011 as stated above.

98. The Family Campaign is an annual event held throughout Rwanda to bring to the fore issues affecting the Rwandan family and promote the need to build strong families as a solid foundation to national development and stability. The main objectives of the campaign include: Supporting family members to maintain their self respect and dignity by seeking solutions to problems facing the Rwandan family; Sensitizing the communities and development actors to implement activities which contribute to family welfare and prosperity; Ensuring that every household in Rwanda sets itself objectives through family performance contracts (*Imihigo w'umuryango*) and family members develop their long-term personal development plans; Upholding positive cultural values that would enable the community to overcome challenges facing the Rwandan family.

99. Steps to improve the access to health care, especially in rural areas and for disadvantaged and marginalized groups, have been developed. In order to facilitate access to health care, the national health system is divided from national level to village level. The overall objective is to have all the population to walk less than 1 hour to access a health facility. The patient's charter of rights and responsibilities has been published and disseminated, as well as the Customer care indicators and guidelines for health care settings. Also the Client Charter has been developed. The general population benefits from health programmes and for those patients that are not able to pay, the programmes are free.

100. Other measures have been taken to improve health system in Rwanda: Construction and equipment of health centres and hospitals to increase the number of health facilities and then improve geographical accessibility; Increase of the quantity and the quality of skilled health professionals (for skilled birth attendance); Construction and equipment of maternities in Health centres and hospitals; Emergency obstetrical and neonatal care in Health centres (basic-EmONC) and in district hospitals (Comprehensive-EmONC); Sensitization of pregnant women and families to deliver in health facilities, that increased from 30 per cent in 2005, to 45 per cent in 2008 and to 69 per cent in 2010 (DHS);

Community based health insurance to address financial barriers; Emergency transport (deployment of ambulances in district hospitals); Antenatal care (ANC), preferably 4 ANC visits; Community health workers for the follow-up of pregnant women at community level; and Maternal Death Audits.

*Measures taken to encourage, where appropriate, non-governmental organizations and institutions that combat racial discrimination and foster mutual understanding*

101. Though the Government does not directly initiate creation of human rights or anti-discriminatory organizations, privately created human rights organisations (whether international or national) have largely benefited from the overall framework of Rwanda. Operation documents are processed within the shortest period of time possible upon fulfilment of the requirements. Notable operational human rights organisations include CLADHO, LDGL, IBUKA and its affiliates, Legal Aid Forum (with 31 NGO members), “PROFEMMES Twese hamwe” and other international organisations. These have not only complemented the Government in its constant quest for human rights but also have become permanent partners in the struggle against human rights violations. A consultative forum for national NGOs, an initiative of the National Human Rights Commission (NHRC), was set up to strengthen capacity for sustained partnerships with civil society actors. The Forum convenes twice a year and has been able to encourage engagement between the NHRC and civil society actors in order to facilitate synergy in human right education.

### **3. National human rights institution, created in accordance with the Paris principles**

102. The National Commission for Human Rights (NCHR) is a constitutional independent institution established in conformity with article 177 of the Constitution of the Republic of Rwanda as amended to date. Likewise, Law No. 30/2007 of 06/07/2007 determining its organisation and functioning stressed its independence and determines the mandate of the NCHR. This law has been revised by Law No. 19/2013 of 25/03/2013 to make it more independent. The NCHR is a member of the International Coordinating Committee (ICC) of National Institutions for the promotion and protection of human rights (ICC). It has been accredited by the ICC and granted “A” Status from 2001 to date,<sup>65</sup> meaning that it has been considered as an institution that complies fully with the Paris Principles. Although the NCHR’s budget is essentially allocated from the ordinary Government budget, it has full administrative and financial autonomy as regards the execution of its budget.

103. Furthermore, the independence of the NCHR vis-à-vis the Executive is emphasized by the fact that it performs its mission of promotion and protection of human rights with no influence, injunction or instructions of the Government. In fact, the NCHR submits its report to the Parliament and not to the Government. On the basis of human rights violation cases pointed out in the NCHR reports, the Parliament conducts an oversight of government actions. Moreover, to fulfill their mission independently, commissioners have immunity: “commissioners shall not be prosecuted before courts due to their views expressed or published on the basis of their responsibilities. Commissioners shall not be provisionally detained according to article 14 of the above mentioned Law”. Furthermore, the independence of the NCHR comes true also by the fact that it has autonomy in recruiting its staff.

<sup>65</sup> See the Chart of the Status of National Institutions, available at [http://www.ohchr.org/Documents/Countries/NHRI/Chart\\_Status\\_NIs.pdf](http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf).

**4. Measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups**

104. Article 14 of the Constitution of Rwanda as amended to date provides that: “The State shall, within the limits of its capacity, take special measures for the welfare of the survivors who were rendered destitute by genocide against the Tutsi committed in Rwanda from October 1st, 1990 to December 31st, 1994, the disabled, the indigent and the elderly as well as other vulnerable groups.” This provision, by and large, engages the positive obligation on the side of the Government to intervene in realisation of socio-economic rights. In addition, the GoR created a Public Genocide Survivors Fund (Fonds d’Assistance aux Rescapés de Genocide-FARG) in 1997. This fund supports genocide survivors by giving financial support mainly to schoolgoing children and construction of houses for the vulnerable genocide survivors. Special protection for persons with disabilities is provided by article 14 of the Constitution of Rwanda as amended to date. In effect, they are represented in Parliament as the youth and women. The national policy on employment equally focuses on strategies to promote and create employment opportunities for the disabled. Above all though, a Law on the rights of persons with disabilities and its implementation orders were adopted and protect a wide assortment of rights ranging from the right to education, health, and employment to access to infrastructure.<sup>66</sup>

**C. Condemnation of racial segregation and apartheid (article 3)**

105. Rwanda is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, which it ratified on 23 January 1981.<sup>67</sup> Practices of apartheid and other inhuman and degrading practices, based on racial discrimination, which give rise to outrages on human dignity, are condemned by article 123 point 12 and punished through article 125 point 2 of the penal code as mentioned above.

106. Rwanda also accords special protection to non-nationals. For that purpose Rwanda created a Ministry of Disaster Management and Refugees Affairs (MIDIMAR), to have a really pro-active refugee policy and a good mechanism for handling of Rwandan and Foreign Refugees affairs in respect of Rwandan law and international treaties ratified for protection of refugees which permit to develop a comprehensive advance response strategy. Non-nationals can be categorised into two separate groups: immigrants and refugees. They benefit from different status. Refugees are protected by both Rwandan domestic Laws and international instruments. Every person whose refugee status is recognized in Rwanda has the rights and the liberties provided in the international legal instruments relating to the refugees and ratified by Rwanda. Particularly: the right to non-discriminatory treatment; the freedom of religion recognized by the Laws; the right to personal property; the right of associations with a non-political character; the right to act before justice and to be represented in justice; the right to employment; the right to accommodation (housing); the right to assistance and protection by the administration; and the right to free movement according to the Law.<sup>68</sup>

107. Article 42 of the Constitution as amended to date states that “every foreigner legally residing in the Republic of Rwanda shall enjoy all rights except those reserved for nationals as determined under this constitution and other Laws”; impliedly, foreigners are only restricted from exercising some political rights such as voting or to be elected. The new

---

<sup>66</sup> Law No. 01/2007 of 20/01/2007 relating to protection of disabled persons in general, *O.G.* No. Special of 21/5/2007 and Ministerial Order No. 03/2009 of 27/07/2009.

<sup>67</sup> Arrêté Présidentiel No. 430/16 of 10/11/1986. *Journal Officiel* n° 23 of 01/12/86, p. 806.

<sup>68</sup> See Law No. 34/2001 of 05/07/2001 on refugees, *O.G.* No. 24 ter of 15 December 2001.

labour code provides that apart from issues related to working permits for foreigners working in Rwanda that are determined by immigration and emigration Laws, the contract of employment for foreigners working in Rwanda is governed by the national labour Law and shall be written.<sup>69</sup> According to the EICV 3 on thematic report on Economic Activity, the migration rate is 10.7%.<sup>70</sup> Non-citizens are not discriminated in Rwanda.

108. In particular, the Protocol on the Common Market of the East African Community lays down principles such as: the non-discrimination of nationals from other Member States on basis of their nationality, suppression of restrictions to movement of workers, harmonization of policies, programmes, the labour legislation and social services, the delivery of social security services and the establishment of common standards and measures of association of workers and employers, the creation of employment promotion centres and, in short, the adoption of a common employment policy.<sup>71</sup>

## **D. Measures taken to prohibit incitement to racial hatred (article 4)**

### **Legislative, judicial and administrative measures**

#### *Measures designed to eradicate and to punish all incitement to, or acts of, racial discrimination*

109. The constitution of Rwanda recognizes and respects the values and principles embodied in the Durban Declaration and all international instruments prohibiting racial discrimination which Rwanda has signed and ratified, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. Although bound by these international instruments since long before, Rwanda experienced the genocide and massacres of 1994. Thus, article 9 of the 2003 Constitution reads that “The State of Rwanda commits itself to conform to the following fundamental principles and to promote and enforce the respect thereof: fighting the ideology of genocide and all its manifestations; eradication of ethnic, regional and other divisions and promotion of national unity; equitable sharing of power; building a State governed by the rule of Law, a pluralistic democratic government, equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision making organs; building a State committed to promoting social welfare and establishing appropriate mechanisms for ensuring social justice; and the constant quest for solutions through dialogue and consensus”.

110. Furthermore, the Constitution of Rwanda explicitly singles out and protects the right to equality and freedom from discrimination. It makes clear, in its article 11, paragraph 1, that “All Rwandans are born and remain free and equal in rights and duties”.<sup>72</sup> In addition to that, paragraph (2) of the same article stipulates that “Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by Law”.<sup>73</sup>

111. The Penal Code has sound legal provisions that strongly repress any kind of discrimination caused to individual or groups of people. Any person who commits the

<sup>69</sup> Law No. 13/2009 of 27/05/2009 regulating labour code in Rwanda; Reference is made to article 18 of the Law.

<sup>70</sup> EICV 3 – Thematic Report on Economic activity, NISR 2012.

<sup>71</sup> Articles 12, 13 of the Protocol on Free Movement of Workers.

<sup>72</sup> See the Constitution of the Republic of Rwanda, *O.G.* of 4 June 2003, article 11, para. 1.

<sup>73</sup> As above, par. (2).

crime of genocide ideology and other related offences shall be liable to a term of imprisonment of more than five (5) years to nine (9) years and a fine of one hundred thousand (100,000) to one million (1,000, 000) Rwandan francs. Any person who commits the crime of discrimination and sectarian practices shall be liable to a term of imprisonment of more than five (5) years to seven (7) years and a fine of one hundred thousand (100,000) to one million (1,000, 000) Rwandan francs.<sup>74</sup>

112. According to article 1, 7 and 8 of the Law on discrimination and sectarianism, incitement to discrimination and propaganda are condemned and punished. Any person who masterminds, or helps another mastermind a plan to discriminate or sow sectarianism, is punished by penalties provided by the penal code. Any person who makes public any speech, writing, pictures or images or any symbols over radio airwaves, television, in a meeting or public place, with the aim of discriminating, people or sowing sectarianism among them is also punished with penalties provided by the penal code (seven (7) years of imprisonment and 100,000 RF of fine).<sup>75</sup> According to the law on discrimination and sectarianism, discrimination means any speech, writing, or actions based on ethnicity, region or country of origin, the colour of the skin, physical features, sex, language, religion or ideas aimed at depriving a person or group of persons, and sectarianism means the use of any speech, written statement or action that divides people, that is likely to spark conflicts among people, or that causes an uprising which might degenerate into strife among people based on discrimination.<sup>76</sup>

113. The same Law punishes a government official, a former government official, a political party official, an official in the private sector, or an official in non-governmental organisation, any association, political party, or non-profit making organisation found guilty of offences of discrimination with a suspension of between six months and one year. Depending on the seriousness of the consequences of that act of discrimination on the population, the Court may double the penalty, or decide to dissolve the concerned association, political party or non-profit making organisation, according to the Law governing the dissolution of associations, political parties and non-profit making organisations.

114. Mindful of the need to combat future discriminatory attempts, another significant anti-discriminatory Law on repression of the crime of genocide, crimes against humanity and war crimes Law was adopted in 2003 with the specific purpose of repressing the crime of genocide, crimes against humanity and war crimes. The Law defines the crime of genocide as acts committed with intent to destroy, in whole or in part, a national, regional, ethnical, racial or religious group, whether in time of peace or in time of war.<sup>77</sup> The Law on fight against corruption and other related acts such as nepotism, favoritism, etc. are also linked to discrimination. The Rwandan criminal legislation has been enriched through amendment and adoption of new anti-corruption Law, with the purpose of incriminating such acts.<sup>78</sup> This way, acts of corruption related to discrimination have been discouraged and reprimanded by the Law. Furthermore, the Law has made the public and private entities

---

<sup>74</sup> Article 135 of the penal code.

<sup>75</sup> Article 136 of the penal code.

<sup>76</sup> Art. 1 of Law n° 47/2001 on prevention, suppression and punishment of the crime of discrimination and sectarianism.

<sup>77</sup> Law No. 33 bis /2003 repressing the crime of genocide, crimes against humanity and war crimes, *O.G.* of 1 November 2003.

<sup>78</sup> Law No. 23/ 2003 of 07/08/2003, related to the punishment of corruption and related offences.

liable for corruption and other related acts.<sup>79</sup> The purpose of these laws is to discourage any form of discrimination or incitement to discrimination either in public or private sector.

*Measures to publicly condemn all propaganda and organizations based on ideas or theories of the superiority of one group of persons*

115. Rwanda experienced the genocide of Tutsis in 1994. In order to eradicate such discriminatory practices and genocide acts, Rwanda cannot tolerate any theory of superiority of one group of persons. Prevention of propaganda and organizations which are based on theories of racial discrimination was designated. Article 33 of the constitution condemns all propaganda based on discrimination as follow: “propagation of ethnic, regional, racial or discrimination or any other form of division is punishable by law”. In Rwanda, ethnicism was used for political manipulations before 1994. The constitution (articles 9 and 54) as well as organic law governing political organizations and politicians (articles 7, 22, 37- 40) does not allow political organisations basing on any form of division or activities that may give rise to discrimination.<sup>80</sup> Impliedly, this discourages any support that might be offered on the basis of discrimination. Equally, actions that are prone to conflict breeding or fostering such discrimination are thereto prohibited and reprimanded.<sup>81</sup> The Laws on formation and organization of associations have been enacted with the provision that the formation of an association cannot be founded for an illicit objective, contrary to Laws, public order or morality.<sup>82</sup>

116. It is known that the media played a negative role in inciting hatred, violence and discrimination that led to the genocide against Tutsi in 1994. The penal code provides penalties for press offense committed with the intent to undermine public order and territorial integrity and for a person who incites another to commit a press offence. Any person who incites another to commit a press offence shall be considered as an accomplice if such an incitement succeeds or is followed by an attempt and shall be liable to the penalty provided for such an offence. Any person who commits a press offence with the intent to undermine public order and territorial integrity shall be liable to a term of imprisonment of more than five (5) years to ten (10) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs.<sup>83</sup> It is also provided that Political organization shall have the right to create its own media and disseminate its publications in conformity with the existing laws and regulations. Nevertheless, political organization media is prohibited from disseminating information of libelling or divisive nature likely to undermine national security, territorial integrity and national unity.<sup>84</sup>

*Measures taken to not permit public authorities to incite racial discrimination*

117. The penal code prohibits public authorities from inciting or promoting racial discrimination. Any person in charge of a public or private service with general interest, who makes a decision based on favoritism, friendship, hatred or nepotism to any person who seeks a service, shall be liable to a term of imprisonment of one (1) year to three (3)

<sup>79</sup> See the above Law.

<sup>80</sup> See articles 9 and 54 of the constitution and articles 7, 22, 37–40 of Organic Law No. 10/2013/01 of 11/07/2013 governing. Political organizations and politicians.

<sup>81</sup> See arts. 52–58 of the Constitution of the Republic of Rwanda as amended to date.

<sup>82</sup> Law No. 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations; Law No. 07/2010 of 27/04/2009 modifying and complementing Law No. 07/2010 of 27/04/2009 relating to companies. See also the Law on cooperatives.

<sup>83</sup> Articles 703 and 704 of the Penal Code.

<sup>84</sup> Article 22 of Organic Law No. 10/2013/01 of 11/07/2013 governing political organizations and politicians.

years and a fine of three hundred thousand (300,000) to two million (2,000,000) Rwandan francs.<sup>85</sup>

118. The Law on the fight against discrimination and sectarianism punishes any person guilty of the crime of discrimination or sectarianism mentioned in article 3 of this Law. When the offender of the crime of discrimination or sectarianism is a government official, a former government official, a political party official, an official in the private sector, or an official in a non-governmental organisation, he/she is sentenced to severe penalties. This provision considers position of the offender as aggravating circumstance. In addition, article 5 provides that political parties are prohibited from basing themselves on ethnic group, race, tribe, clan, kinship, region, sex, religion or any other factor which may give rise to discrimination and divisionism.<sup>86</sup> Undoubtedly, these limitations warn institutions against irresponsibility and improper commissions that are likely to be tantamount to discrimination.

## **E. Measures taken to promote equality in enjoyment of rights and freedoms (article 5)**

### **Information grouped under particular rights**

#### *The right to equal treatment*

119. Information provided in the combined thirteenth to seventeenth periodic report remains valid. However, additional information and changes that have occurred since the previous report are outlined in the paragraphs below.

120. The Constitution guarantees all individuals living in Rwanda equal protection under the Law. Everyone is entitled to have his or her case heard by an independent and impartial tribunal. It further states that every accused person is presumed innocent until proven guilty. These principles apply to both citizens and foreign nationals living in the country, without distinction as to race, colour, descent or national or ethnic origin. These principles are also applied in case of terrorism. Procedure requires foreign plaintiffs to put up a surety known as an *exceptio judicatum solvi* (surety paid by a foreign national in legal proceedings).<sup>87</sup> The amount of the surety is set by the court to cover the payment of damages in the event of a conviction. The payment of this surety is required only if the defendant so requests *in limine litis* (that is, at the very beginning of the proceedings).

121. Rwanda has a Law No 45/2008 of 09/09/2008 on counter terrorism. This act does not include any discriminatory measure and applies to all persons without distinction. In case of emergency due to terrorism, a Police Officer, a security agent or any other authorized person may arrest without warrant in case of clear reasons for suspecting such a person to have committed or attempts to commit acts of terrorism and shall hand him/her over to the nearest police station in a period not exceeding forty-eight (48) hours. They may also enter and search all buildings in which such a suspect lives and the police authorities shall be informed in a period not exceeding forty-eight (48) hours. The warrant issued by security agent shall not exceed seventy-two (72) hours. All rights recognized to arrested people applied in case of terrorism.

---

<sup>85</sup> Article 647 of the Penal code.

<sup>86</sup> Organic Law No. 19/2007 of 04/05/2007 modifying and complementing Organic Law No. 16/2003 of 27/06/2003 governing political organisations and politicians, *O.G.* No. 11/01/06/2007.

<sup>87</sup> Article 82 of the code of civil procedure.

122. The right to a defense, including the right to freely choose a defense counsel, is also guaranteed in all courts. In practice, no restrictions are imposed and all requests are treated equally in terms of both the judicial and the administrative aspects. Any person who considers they have been wronged may refer the matter to a court, the Ombudsman or the administrative authority that issued the prejudicial decision, or any other legally competent authority. The conditions for filing an appeal with these authorities are broadly the same, with just a few differences.

123. The criteria for the jurisdiction of the different courts are set down in Law, and are the same as in other countries of Latin tradition. Nationality and race are not factors taken into account in access to justice in Rwanda. All persons living in Rwanda may also apply to the administrative courts on ultra vires grounds for the annulment of illegal administrative acts that are prejudicial to their interests. They may also submit a full appeal to the courts for compensation for any harm suffered as a result of an administrative act.

124. Any person who is the victim of a criminal offence may either file an ordinary complaint with the police or prosecutor's office or bring a criminal indemnification action before the competent court. Such a complaint or action may lead to the conviction of the perpetrator and payment to the victim of compensation for any harm suffered.

*Right to security of person and protection by the State against assault or bodily harm*

125. There have been no proven cases of racial discrimination in matters of security of person in Rwanda apart from genocide against Tutsi. Because of this, no action has been taken specifically to protect any given racial group. General measures are taken as part of national security policy to protect the whole population living in Rwanda. However, more specific effort has been made in the field of gender and child protection.

126. Within the National Police, there is a Gender based violence Monitoring Unit that oversees women and child protection. It has specialized Officers and offices (interview room) to receive cases of children witnesses or victims of violence. Police also set up a helpline and online services to report child abuse and violence. A special unit for the follow up and the prosecution of GBV related crimes and the unit for the protection of victims and witnesses in general were set up in the National Public prosecution Authority (NPPA), with a Free toll Hotline.

127. The Government made a decision to try GBV cases in Districts where offences were committed. Courts have received instructions from the Supreme Court to give priority to gender based cases implying that the perpetrators of violence will be caught and punished. In July 2011 the cabinet passed a policy and strategic plan against Gender Based Violence. Standard training modules on gender and Gender Based Violence to build the capacity of practitioners and the general public were developed in 2011. Prime Minister's order No. 001/03 of 11/01/2012 determining modalities in which government institutions prevent and respond to gender-based violence provides that Investigation on gender based violence cases must be speeded up and the cases shall be submitted legally to the investigation authority.

128. GBV committees were established from the central level down to the village/Umudugudu level, with the purpose of ensuring the implementation of Laws, policies and strategies for prevention and eradication of GBV. Various community initiatives on the fight against sexual/domestic violence are now operational, including among others, a community policing program, "Inzego z'impuruza" (whistle blowers) which are composed of all people who monitor issues related to gender, provide information on a daily basis. "Akagoroba k'ababyeyi (parents' evening)", a forum in which all parents of a given village meet every evening to discuss all social and health issues, including possible violence to which they may be subjected. Other initiatives were taken,

especially the creation of “gender clubs” in all schools (primary, secondary, and higher learning institutions), public institutions and private sector institutions.

129. ISANGE One Stop Centre which means “Feel welcome”, set up since July 2009 by the Government of Rwanda, was created to receive, host, care and treat GBV survivors. So far, six Isange One Stop Centres are operational with the full package of activities, but the clinical management of GBV cases is provided in all district hospitals, while the Police and Other authorities collaborate to offer all the needed services. Isange One Stop Centers offer free-of-charge holistic services to survivors of GBV. By end of December 2012, a total of 5,327 sexual violence cases have been reported in the year: 1,672 physical violences, 1,578 emotional violences, and 2,054 medical expertises performed. Rwanda National Police statistics on rape for the period 2009-2010 show that the majority of rape victims are girls under the age of 14 years (43%) and 71% are girls under 18.<sup>88</sup> 14% of rape victims are boys under 18 and 3% are boys under 14. More recent OSC data confirms similar trends Overall 92% of victims of sexual violence are female and a large majority – 65% – of victims of sexual violence are girls under 18. Just 4% of recorded cases of sexual violence are boys.<sup>89</sup>

130. The centre operates a free Hotline for help, protection from further violence, investigation of crimes, medical and psycho-social care as well as support and collection of forensic evidence. This centre is based on an innovative multidisciplinary approach to cases of GBV: in a single place, survivors are given medical and psychosocial care (including prevention of post-trauma disorders, emergency contraceptives, and prevention of sexually transmitted infections and unwanted pregnancies), as well as police and legal assistance. Since then, 4 other One Stop Centres have been created: Kacyiru Police Hospital (Gasabo), Gihundwe hospital (Rusizi), Gisenyi hospital (Rubavu), Nyagatare Hospital (Nyagatare): Assessment is being made to create 2 more centres in Ruhengeri (Musanze) and Kibungo (Ngoma). Apart from Kacyiru one stop centre, 5 other One Stop Centers are operational in GISENYI, GIHUNDWE, NYAGATARE , RUHENGERI, KIBUNGO and 10 others (BYUMBA, RWAMAGANA, RUHANGO, KINIHIRA, KIBUYE, BUSHENGE, KABGAYI, MUNINI , NYAMATA and NEMBA) have been assessed to host One Stop Centres by December 2013. Meanwhile, 200 health care providers trained from districts hospitals have been trained in hospitals on the clinical management of GBV cases and training of Community Health Workers has started to sensitize community on the issues of GBV.

131. The plan is that IOSC will be further enhanced with a modern forensic laboratory that has the capacity to test DNA. Additionally there are plans to further develop the skill level of the medical staff including targeting nurses for forensic training both within and around the country.<sup>90</sup> Rwanda won the United Nations Public Award in 2012 for its efforts to fight against GBV.

132. In respect of legislation, there is no Law that establishes any form of discrimination against children and the Government of Rwanda is working hard to prevent discrimination against children. To emphasize provisions of the Constitution of Rwanda, article 4 of Law No. 54/2011 of 14/12/2012 relating to the rights and protection of the child provided that “Children are born equal and entitled to the enjoyment of rights and freedoms recognized and guaranteed by the Law and are provided with the protections which are required by their childhood condition without any discrimination. However, the adoption of positive measures in favor of groups of disadvantaged children, in order to mitigate or to eliminate

<sup>88</sup> Police statistics reported in the *Stop Violence Against Children Conference Book*, October 2011.

<sup>89</sup> MINISANTE GBV Report 2013.

<sup>90</sup> *Idem*.

conditions which cause or contribute to perpetuate inequality in living conditions shall not be considered as a form of discrimination”. Article 5 of the same Law stipulates that, “Discrimination among children based on their birth conditions is prohibited. Terms like legitimate, illegitimate or natural or any other form of discrimination of children basing on the circumstances in which they are born shall be prohibited. No mention can be recorded in the civil status registry concerning the birth conditions of a child”. Registration and the provision of civil-status documentation in refugee camps are improved. All children under 12 months of age are registered. All people of concern have birth certificates issued by local authorities.

133. Article 54 of the same Law stipulates that “Handicapped children with physical or mental disability shall be entitled to a special protection from the Government and enjoy all the rights recognized to the child without any form of discrimination related to their state or any other situation which would result from it”. This Law prevents all forms of violence against children including corporal punishment as a form of violence. In its article 25, it is provided that “during the education of the child, the reprimand must not consist in traumatizing him/her; it is done with humanity and dignity. MIGEPROF worked hard to sensitize through media, RapidSMS, leaflets to fight against child corporal punishment. Article 218 of No. 01/2012/OL of 02/05/2012 Organic Law instituting the penal code provides sanctions for who inflicting severe suffering on a child, harassing or imposing severe punishments on him/her.

134. A consultative committee on child labor composed of the representatives of social ministries and unions meets quarterly to assess the status of the situation. There is an established National Advisory Committee on Child Labor comprised of various government ministries, the National Human Rights Commission, the Rwandan National Police, trade unions, and NGOs which meets regularly to provide guidance and technical assistance to the Government on child labor issues. The National Policy to fight against Child Labor and its Strategic Plan were adopted.

135. Protection of the rights of children deprived of a family environment has improved in recent years. Article 24 of Law No. 54/2011 of 14/12/2011 on protection of the rights of children provides that: Each child has the right to have a family from his/her birth, where he/she lives, grows, develops and which ensures all the protection and affection necessary to his/her full development. A child who is temporarily or definitively deprived of his or her birth family shall be entitled, through the relevant authority, to replacement protection which could consist of his or her placement in a foster family, an adoptive family or a placement in a relevant social welfare institution. When the child has not yet obtained a family, the relevant authority shall provide him/her with means for survival.

136. Progress made on the implementation of the National Policy of Orphans and other Vulnerable Children is characterized by the development of its strategic plan (2007-2011). Rwanda National Strategy for Child Care Reform (MIGEPROF, 2010), recognizing that transformation of orphanages is an entry point to building sustainable child care and protection systems. This strategy represents focuses on Alternative Family Based Care for Children Living in Institutions (orphanages). As a result, the first phase concerns 3,153 children and young adults living in the 34 known orphanages. 1,517 children have been placed in foster families from July 2011 up to now. The preferred solution is adoption or foster family, the watchword being: one child, one family.

137. The second phase of the reform will be undertaken towards the end of the first phase, and will focus on: (a) further strengthening child focused social protection programs; (b) expansion of community based centers that support vulnerable children to stay within their families; (c) strengthen social work at sector levels; (d) strengthen foster care; (e) and the further development of an effective referral system for children at risk of (or who have experienced) abuse, exploitation and neglect. Other measures have been taken such as:

Child status index, memorandum of understanding signed between NCC and Orphanages which provide all requirements for child right protection provided by the Integrated Child Rights Policy (ICRP). A Ministerial Instruction governing the system of placing children in foster families has been established.

*Political rights*

138. All Rwanda citizens, without distinction, have the right to exercise their political rights. They are all entitled to vote and to be elected in accordance with the Law. The criteria of eligibility or vote are fixed by law without any form of discrimination. A number of constitutional and legislative provisions lay down the organization and conduct of the different elections, as well as the conditions for participation. The right to vote, to be elected and to participate in elections on the basis of universal suffrage and to take part in the conduct of public affairs is a right for every Rwandan national to be exercised without discrimination on the ground of colour, race, sex, language, religion, political or other opinion or other status.

139. The major recurring elections in Rwanda on a national level are the election of the President of the Republic, deputies and senators. The president is elected directly through a simple majority for a 7-year term. The president appoints the prime minister. The Chamber of deputies has 80 members, however only 53 of those (2/3) are elected directly through a closed list proportional representation system. In addition to the registered parties, individual candidates can run for elections. Each list or each candidate has to have at least 5% of the votes. 24 seats are reserved for women, 4 Northern Province, 2 Kigali City, 6 Eastern Province, 6 Western Province and 6 for Southern Province through indirect elections, 2 are elected by the National Youth Council and 1 is elected by Council of People with disabilities. There is no direct election for any of the 26 Senate seats. 12 Senate members are elected by an electoral college consisting of members of the Districts Councils and the bureau Sectors Councils. Elections are held in one round. 8 members (31%) are appointed by the President of the Republic. 4 are designated by the National Consultative Forum of Political Organizations, and 2 are reserved for universities and higher learning institutions elected by the academic staff of private and public universities separately.

140. Election of leaders at local administrative level shall be at the level of Village, Cell, Sector District and the City of Kigali. The term of office for elected local administrative authorities is five (5) years. The elections of local administrative leaders at District and Kigali City levels are conducted through direct or indirect suffrage and by secret ballot. In administrative local elections at Village, Cell and Sector levels, the candidate who obtains the majority of votes through direct suffrage is declared the winner of the post. In case of one candidate, he/she is the winner if he / she obtains the absolute majority of votes. Where he /she does not obtain the absolute majority of votes, election is repeated until it is obtained. There are no factors which impede citizens from exercising their right to vote, such as illiteracy, language, poverty or impediment of free movement because polling are organised in the local official language (Kinyarwanda). Polling stations are very close to the population and use of fingerprints applied.

141. The positive aspect of the conduct of elections in Rwanda is better present by international elections observer teams. The European Union and Commonwealth observer mission and the Rwanda Civil Society Platform noted a positive conduct of elections in Rwanda. Voters turned out in extremely large numbers (97.5%) and conducted themselves in an extremely calm and orderly manner.

142. Any unsatisfied candidate can form petition before administrative or judicial instances. Any petition relating to presidential and legislative election may be filed with the Supreme Court in forty-eight (48) working hours following the announcement of provisional results by the National Electoral Commission Chairperson. The Supreme Court

shall take a decision within five (5) days starting from the day on which the petition was lodged. The decision indicates the grounds on which it is based and is communicated to the parties or their representatives. The Supreme Court shall nullify elections and declare fresh elections in a period of ninety (90) days after the first election if the petitioned laws have altered in a determining way the result of the election. Where the Supreme Court notices that such laws are not likely to lead to the cancellation thereof, it shall proceed with the rectification in a period not exceeding five (5) days following the decision. The rejection of claims is tantamount to the confirmation of provisional results proclaimed by the National Electoral Commission.

143. Electoral complaints at the local administrative levels are hindered by the higher instances according to their hierarchy. When the petitioner is not satisfied with the decision taken by the organ to which he or she filed the petition, he or she appeals to the next higher level of the National Electoral Commission, of the Province or City of Kigali and to the national level if necessary. The final decision taken at national level shall be appealed against in the competent court. The competent court that received the petition related to organization of the elections is obliged to have instituted the proceedings in all its legal arguments and to have pronounced the final verdict before the day of elections. In case of contesting against the electoral results, the court is obliged to hear and determine the case before the day of announcement of the final electoral results.<sup>91</sup>

144. Persons prohibited from their right to are: (1) person who has been deprived of his/her right to vote by competent courts of Law and has not been rehabilitated or has not been granted amnesty in accordance with the Law; (2) person convicted of murder and manslaughter; (3) a person definitively sentenced for the crime of genocide against the Tutsi or the crimes against humanity falling under the categories of planners, organizers, incitators, supervisors and leaders; a well-known murderer who distinguished him/herself in the location where he/she lived or wherever he/she passed, because of the zeal or excessive wickedness which characterized him/her in killings together; a person who committed acts of torture against others, a person who committed rape or sexual; a person who committed dehumanizing acts on the dead body together with his/her accomplices; a person who committed acts of violence having caused death; a person who injured or committed other serious violence against people with intent to cause death, but who did not successfully carry out his/her intention; a person who committed or aided to commit other criminal acts against persons without intent to cause death and their accomplices; (4) person who pleaded guilty of the crime of genocide and crimes against humanity which categorise him or her in the categories stated above in point (3); (5) person who was convicted of the crime of defilement; (6) person who was convicted of the crime of rape; (7) prisoner; and (8) a refugee.<sup>92</sup>

145. The following persons shall be temporarily disqualified from voting: (1) persons in preventive detention in accordance with the provisions of the Code of Criminal Procedure; (2) persons in detention in the execution of a sentence; (3) a person with or who shows the signs of mental illness or any other person who disrupt public order at a polling site. This act shall be recorded in a statement.”

#### *Other civil rights*

146. Any person living in Rwanda has the right to move freely and to choose where to live in the country. The same applies to the right to leave the country and to return to one's own country. This is subject to the granting of an entry visa for foreign nationals, with the

<sup>91</sup> Law no 27/2010 of 19/06/2010 on Elections in Rwanda. Official Gazette No. Special of 19/06/2010.

<sup>92</sup> Ibid.

exception of citizens of the member countries of the East African Community (EAC). There are no specific situations that would require a balance to be found between the exercise of civil rights and the right to protection against racial discrimination.

147. Amendments were also made on the right to nationality. A presidential order of May 2009 gave the responsibility of approving foreigners interested in acquiring Rwandan citizenship to the department of Immigration and Emigration. Unlike in the previous Law where only a child born to a Rwandan father was eligible, the revised Law stipulates that children born to either a Rwandan father or mother qualify. Under the new Law, “majority age” or the authorized age for anyone applying for nationality is at least 18 years and, any foreigner born on Rwandan territory to alien parents may acquire nationality upon application. A Rwandan or a descendant, who was deprived of their nationality between November 1959 and December 1994, shall upon return to Rwanda re-acquire their nationality of origin “without applying”. Statistics at immigration show those who acquired citizenship are categorized in four; nationality by marriage, nationality by birth, nationality by naturalization and nationality by being of Rwandan origin; 94 foreigners have so far acquired Rwandan nationality since 2009 to 2012.<sup>93</sup>

148. The right to own property alone, as well as in association with others, is protected by article 29 of the constitution which reads: “Every person has a right to private property, whether personal or owned in association with others. Private property, whether individually or collectively owned, is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by Law and subject to fair and prior compensation.”.

149. The right to inherit is conferred by the Law on succession. Rwanda’s Law on succession is blessed to ensuring equality between men and women by according women the right of inheritance as the same as their brothers, which is not applicable in so many countries over the world.

150. The freedom of thought, conscience and religion is a right of every person living in Rwanda. It is provided for by the Constitution (article 33) and the practice thereof is guaranteed by the State in accordance with conditions defined by the Law. Every citizen has the discretion to practice his/her faith, without any distinction or discrimination. The majority of Rwandans belong to various religious groups and associations. More than 312 Religion Based Organisations were registered in 2012.<sup>94</sup> Freedom of religion and worship is exercised without hindrance as long as it does not interfere with public order. Currently, there are six faith-based radio stations in the country.

151. One of the Rwanda Governance Board’s missions is to register national non-governmental and religious based organizations, grant them legal status and monitor the conformity of their activities with Law No. 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations. Requirements for registration of religious based organization are: application letter; authenticated statutes governing the religious-based organizations with contents respecting the provisions; location of its head office as well as its full address; names of the legal representative of the religious-based organizations, his/her deputy, their duties, full address, their CV (Curriculum Vitae) and their criminal records; a document certifying that the legal representative of the religious-based organizations and his/her deputy were appointed in accordance with its statutes; a brief statement describing the major doctrine of the religious-based organizations; the minutes of the general assembly which approved the statutes of the

---

<sup>93</sup> Most of those who acquired citizenship come from Africa. Burundi tops the list with 21. Others come from Uganda and Democratic Republic of Congo, American and European countries.

<sup>94</sup> Rwanda Governance Board, Report 2012/2013.

religious-based organizations; action plan for the fiscal year.<sup>95</sup> Faith based organisations are actively participated in the areas of population development, including human rights, education, health, women's empowerment, adolescents and youth.

152. A new Law No. 02/2013 of 08/02/2013 regulating media was also promulgated.<sup>96</sup> One major change is the introduction of media self-regulation mechanism. The print media shall self-regulate entirely, while the broadcast media will partially self-regulate. Media practitioners have started to regulate themselves. The number of newspapers rose from 15 in 2003 to 57 in 2012; from one national radio that existed in 1994, currently 31 radio stations are operating in the country. The national radio (only public radio) has established branches in all provinces to enable mass participation. More than 50 per cent of the adult Rwandan population own and use mobile phones for communication. It is noteworthy that some print media have evolved from weekly into dailies e.g.: the New Times and Imvaho Nshya. Some international radio stations have been licensed to operate on FM frequencies in Rwanda (These include BBC, DW, VOA and RFI) and some of them (BBC and VOA) broadcast their popular programmes in the national language Kinyarwanda). International newspapers enter freely the Rwandan market from neighbouring countries and even from American and European countries.

153. Law No. 04/2013 of 08/02/2013 relating to the access to information, published in March 2013, after years of deliberations and consultations within Parliament and media fraternity is already in application and has been published in the Official Gazette.<sup>97</sup> The Law guarantees reporters to access data held by the State; previously it was a challenge for journalists to get the information they want due to unnecessary protocol in the public bodies. Notable among its objectives is the promotion of open government through disclosure of information and facilitate the right of all persons to have access to information held by public authorities. The core principle of Access to Information Law is stipulated in article 3, where every person has the right of Access to information in possession of a public organ and some private bodies. Right to access to information is applying to all persons either national or foreigner.

154. A Media Policy (2004 reviewed in 2011) which provides guidance on media professionalism and development in the country is also in place to complement Laws and processes that grant the right of access to information. In facilitating the local media to publish their newspapers at low cost, the Government acquired a web machine with high capacity to locally print newspapers and other media products, thus reducing travel costs and associated expenses as most newspapers were printed in Kenya and Uganda. The Government has also been organising training programmes for journalists both abroad and inside the country. The School of Journalism has been established at the National University of Rwanda, and Journalism Faculties exist in some private Universities like the Catholic University of Kabgayi. The Great Lakes Media Centre (GMLC) was launched in Kigali in 2008 to upgrade the professional level of journalists of the sub region. In 2009, a total number of 93 Rwandan journalists graduated from GMLC.

155. The President of the Republic holds a regular press conference with the media in which local and international journalists have the opportunity to ask questions to public officials. This conference is held live on national radio and television. A Public open day is organised quarterly by the Ministry of Local Government, provinces, districts and sectors to provide information on service delivery to the public. Similarly, public accountability days, organised in the Parliament on quarterly basis to review the progress of districts in the

<sup>95</sup> Article 5 of the Law governing NGOs in Rwanda.

<sup>96</sup> As above.

<sup>97</sup> See *Official Gazette n° 10 of 11 March 2013*.

implementation of the performance contracts (Imihigo), offer a good opportunity of access to information.

156. The electronic media are available and the public is encouraged to use ICT as a modern technique to exercise their right of access to information. Cyber cafés and Telecentres are also available in different districts of the country. Rural areas are connected to internet, to allow them to have access to modern tools of information and communication. In June 2013, the Government launched a high-speed Fourth Generation (4G) broadband network across the country that will see Rwandans access fast, reliable and cheaper Internet services. The project targets to cover 95 per cent of the population within three years. Several TV Companies operate in Rwanda (Star Africa Media, DSTV, etc.) to provide a variety of choices on access to information.

157. The license to set up and operate a press or broadcasting media in Rwanda is applied for in writing in the prescribed form to the Rwanda Regulatory Agency (RURA). The licensing of broadcasting (Content services) in Rwanda is done on the basis of first come first served. RURA may advertise opportunities for establishment of broadcasting stations in areas it deems fit. Applications received are published in widely circulated newspapers and posted on website to invite public comments. After receipt of a complete application for a broadcasting content license a detailed evaluation basing on the pre-determined criteria for each license category is conducted. The applicant who complies is required to make a presentation of his/her project proposal during the interviewing session. Applicants who do not meet one or more of the above requirements are notified in writing of the missing elements and given 15 days to complete the missing elements. The following documents are required: duly filled application form; Business and roll-out plans; Company profile; Company certificate of Registration; Technical plan and required equipments; Payment of application fees; Information on previous experience; Declaration of the shareholding structure; Criminal record for senior staff; Benefits of project to the Rwandan people; Editorial policies. There is no cost involved for a license to operate a print media enterprise in Rwanda.

158. All members of the regional, continental and international media fraternity are welcome to cover, gather and disseminate news from Rwanda. The country and Media High Council in general are ready to assist all ways possible to ensure that foreign press in Rwanda are facilitated to carry on their work without any obstacles. Foreign journalists are required to produce: a copy of the passport; copy of a visa, except journalists from countries that benefit from the visa waiver; copy of a press card of the country of origin; receipt of payment from Rwanda Revenue Authority, except those exonerated as provided for by an Order of the Minister in charge of information; List of equipment to be used while covering and or gathering news from Rwanda. These may include, but are not limited to, digital cameras, broadcasting equipment, microphones, tripod stands etc. Upon satisfaction with the presentation of the applicant during the interview shall approve grant of broadcasting content license. The licensed media organ is given a license testifying such authorization by MHC to provide broadcasting services in the Republic of Rwanda for a period of five (5) years renewable.

159. The right to peaceable assembly is enshrined in the Constitution and recognized to all inhabitants without discrimination.<sup>98</sup> Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Prior authorization shall only be necessary if the Law so requires and solely in the case of assembly in the open air, in a public place or on a public road, to the extent that such is necessary in the interests of public safety, public health or public order. The Constitution

---

<sup>98</sup> Article 36 of the constitution.

allows the imposition of restriction on the manner of exercise of this right. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration.

160. Freedom of association is a right endowed to every Rwandan and foreigner without discrimination. This is in fulfillment of the obligations contained in the Rwandan constitution but also in the international instruments to which Rwanda is party. With due respect to the Law and other administrative requirements, Rwandans have the right to freely form political parties and various other types of associations. According to the Law, political organizations officially recognized are permitted to organize themselves in a consultative forum. To promote and protect the right to associate, legislative measures were adopted. These include among others the Organic Law governing Non-Governmental Organizations,<sup>99</sup> the Organic Law governing political organizations<sup>100</sup> and politicians and code of politician's ethics. These Laws contain preventive measures against discrimination, divisionism and sectarianism. Nevertheless, the number of political parties continues to grow. Currently there are 10 political parties officially recognized in Rwanda. From 2009, two new political parties were authorized: Parti Social Imberakuri in 2009 and the newly registered Democratic Green Party of Rwanda in 2013.

161. In the field of cooperatives and associations, the Government of Rwanda created the Rwanda Cooperative Agency (RCA), whose main mission is to highlight the importance of Cooperatives in the National economic development. In a large manner a policy document and a strategic plan have been designed to orient all actors without discrimination, who should ensure that Cooperatives become a viable tool for socio-economic development in Rwanda. The number of associations and cooperatives continues to grow. Currently, there are 4,893 primary cooperatives, 100 unions, 13 federations and 475 Savings and Credits Cooperatives (SACCOs).<sup>101</sup> Every person can be member of cooperatives either citizen or non-citizen.

#### *Economic, social and cultural rights*

##### The right to work

162. Information contained in previous report remains valid. Rwanda has continued on its pace of enacting new Laws and creation of new institutions for greater enjoyment of the equity in employment/work guaranteed under the Covenant. The Public Service Commission was created to overseeing the recruitment and placement of staff in all public institutions. It also arbitrates employment related complaints from individual workers. The National Labour Council was created in 2006 to advise the Government on the problems related to labour, employment, vocational training, social security, occupational health and safety as well as the working and living condition of workers. The Workforce Development Agency (WDA) was established to build technical skills of employees. One of its pillars is the implementation of the Labour Market Information System (LMIS) in order to connect employers and job seekers. These measures have been created to enhance equity in employment and to facilitate enjoyment of the right to equality and non-discrimination.

163. Apart from Laws detailed in the previous report that are still in force in Rwanda, new national legislations related to work have been enacted to prohibit discrimination in

<sup>99</sup> Law No. 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations.

<sup>100</sup> Organic Law No. 10/2013/01 of 11/07/2013 governing political organizations and politicians.

<sup>101</sup> Rwanda Cooperatives Agency, Report 2012.

employment and to facilitate realization of the right to employment/work, which include the following: A new Presidential Order No. 46/01 of 29/07/2011 governing modalities for the recruitment, appointment and nomination of public servants was enacted to facilitate the process of recruitment in public service and removed some barriers to application for Jobs in public Service; Prime Minister's Order No. 121/03 of 08/09/2010 establishing the procedure of performance appraisal and promotion of public servants was enacted; it gives rights to bonus and promotion to public servant who performs well; Ministerial order No. 07 of 13/07/2010 determining the modalities of functioning of the labour inspector; Ministerial Order No. 05 of 13/07/2010 determining the major contents and modalities for a written contract; Ministerial Order No. 04 of 13/07/2010 determining essential services that should not stop and the terms and conditions of exercising the right to strike in these services;<sup>102</sup> Ministerial Order No. 01 of 02/07/2010 fixing the period and modalities for payment and amount to be paid for funeral indemnities; and Ministerial Order No. 03 of 13/07/2010 determining circumstantial leaves.

164. The labour guarantees for remuneration, safe and healthy working conditions, equal opportunity for promotion, rest, leisure, limitation of working hours, and holiday, trade union rights, and right to social security for all workers in Rwanda either national or foreigner. By way of an update, the following regulations were enacted in 2010-2012: Prime minister's Order No. 121/03 of 08/09/2010 establishing the procedure of performance appraisal and promotion of public servants has been established in 2010; it provides for gratifications to public servants who performed well without discrimination. Ministerial Order No. 1 of 17/05/2012 setting up committee of health and safety at workplace. Ministerial Order No. 10 of 28/07/2010 determining the modalities of declaration of the enterprise, workers and nature of employer register; Ministerial Order determining the timeframe provided for granting of unilateral licence, a compulsory licence and opposition to registration of intellectual property; Ministerial Order No. 11 of 07/09/2010 determining the modalities and requirements for the registration of trade unions or employers' professional organization; Ministerial Order No. 2 of 17/05/2012 determining conditions for occupational health and safety.<sup>103</sup>

165. Ministerial Order No 03 of 13/07/2010 determining circumstantial leaves in the private sector. It states that apart from more favorable conventional provisions, every worker shall enjoy circumstantial leaves with full payment in the event of one of the following occurring in his/her family.<sup>104</sup> Ministerial order No. 11 of 07/09/2010 determining the modalities and requirements for the registration of trade unions or employers' professional organizations.<sup>105</sup> It highlights the modalities for registration, requirements for registrations and time frame for the registration for a trade union. It also states that trade unions and employers' professional organizations shall also apply for the registration of association of trade unions, federations and confederations.<sup>106</sup> Indeed in the same year, Ministerial order No. 09 of 13/07/2010 determining the modalities of electing workers representatives and fulfillment of their duties was established.

---

<sup>102</sup> The essential services are those meant safeguard peoples' basic right and freedoms such as the right to life, health, freedom and security, freedom of movement and freedom of communication and information (art. 3).

<sup>103</sup> Official Gazette No. Special of 25/05/2012.

<sup>104</sup> Article 2 of Ministerial Order No. 03 of 13/07/2010 determining circumstantial leaves.

<sup>105</sup> Official Gazette No. 30 of 26/07/2010.

<sup>106</sup> Article 8 of Ministerial order No. 11 of 07/09/2010 determining the modalities and requirements for the registration of trade unions or employers' professional organizations; the distribution of seats per Electoral College shall be agreed upon by the manager and the most representative employees' professional organization. Failing that, the issue will be settled by the competent labour inspector of that place'.

166. The following steps have been taken to reduce unemployment, particularly among the youth: Incubation and entrepreneurship business training programme are being implemented countrywide to facilitate youth to realize their full potential through gaining practical knowledge on business projects. Access to Finance Rwanda is a recently investment fund structured as a Rwandan registered company limited by guarantee introduced with main purpose of increased access to financial services for poor rural and urban people (especially women) and micro, small and medium enterprises (MSMEs). In line of regulating the informal sector, Article 3, para. 3 of Law No. 13/2009 regulating labour in Rwanda provides for the protection of people working in the informal sector in respect of social security, joining the trade union organization and those relating to health and safety in the workplace.

#### The right to form and to join trade union

167. The right to form trade unions for the defence and the promotion of legitimate professional interests is recognized by Laws. Any worker may defend his or her rights through trade union action under conditions determined by Law. Every employer has the right to join an employers' organization. Trade unions and employers' associations have the right to enter into general or specific agreements regulating their working relations.<sup>107</sup> Exercise of trade union rights is permitted in compliance with Law. Except as otherwise stipulated in Law, a registered trade union may: file a case on behalf of its members and represent them in any court case lodged under this Law; access the firm premises upon request to conduct trade union business; have the subscription fees deducted from the member's salary; merge with other registered trade unions to form a federation; join federations of trade unions and participate in their activities; enter into agreement with an employer or take part in collective convention where it is an authorized trade union; join any international workers organizations and participate in their activities.<sup>108</sup> These rights are recognised to all workers without discrimination.

#### The right to housing

168. As for the right to adequate housing several guarantees are still in force in Rwanda. In 2010, Rwanda has established the Rwanda Housing Authority (RHA),<sup>109</sup> determining its responsibilities, organisation and its functioning. This Law is believed to be playing a very critical role in both setting standards as well as guaranteeing the right to housing. It is important to note that in order to provide decent housing to the people in extreme poverty, funds amounting to 3.732 Billion Rwandese Francs (US\$5,741,538) were transferred to Districts for eradication of grass-thatched houses (Nyakatsi). All families living in grass thatched houses were given decent housing. With the assistance of the Government and the participation of the population, historically marginalised group benefited from new houses in the new resettlement scheme (*Imidugudu* /villages) and are no more living in separate groups or areas. Their new houses are provided with sanitation infrastructure and the new villages are prioritized in terms of water supply. There is no more specific problem regarding water supply and sanitation. In the last 5 years from 2008 to 2013, households in rural areas living in grouped settlements moved from 22% to 74.4%.<sup>110</sup>

169. Rwanda does not consider any group of Rwandans as a distinct to another. However, the Government recognises the particular situation of some vulnerable populations under

<sup>107</sup> Article 38 of the constitution.

<sup>108</sup> Article 115 of the Labour Law.

<sup>109</sup> Law No. 40/2010 of 25/11/2010 Rwanda establishing the Rwanda housing authority (RHA) and determining its responsibilities, organisation and functioning.

<sup>110</sup> Progress made and main achievements registered from 2009 to 2013, MINALOC Report 2013.

the category of “historically marginalised populations” and, to that end; it has adopted a series of measures to improve their living conditions, as well as integrating them into mainstream Rwandan society.<sup>111</sup> The provision of free education, health insurance and shelter schemes like *Imidugudu*-villagisation (common settlements aimed at extending public service and infrastructures like schools, health centers, electricity, water in rural area) and other poverty eradication schemes under EDPRS I and II and Vision 2020 have been undertaken to raise standards of living and integrate impressive welfare standards with the rest of the population. Actually, it is expected that by 2020, such historically marginalized category of people will be at parity with all other Rwandans. All inhabitants living in Rwanda, can rent, buy or sell parcel or house in whichever district without discrimination whatever based on, it depends on financial capacities and other conditions provided by law.

The right to public health, medical care, social security and social services.

170. For Public health, the following steps have been taken: Reinforcing community based health insurance and revisiting the health insurance legislation to enhance coverage. With these measures, the health insurance coverage is now above 90% and we expect further increase during the course of the year 2013. More details are highlighted in paragraphs related to reply to concerns and recommendation No. 16 in this report.

171. Universal social security coverage is contained in the national social security policy and is a key component of the Rwanda Social Security Board vision statement. In designing the 2011/2012-2013/2014 strategic plan, improving coverage is one of the key priorities in the above stated period. The steps taken to extend coverage to the uncovered groups in pension sector include: redesigning the social security system to make it attractive to the informal sector by introducing pre-retirement benefits like housing. The Law is before Parliament; amending the Law to remove restrictions on the participation of self-employed persons; and intensive sensitization to raise social security awareness.

172. The mission of the National Social Protection Policy (MINALOC 2011) is to strengthen measures to protect vulnerable groups and most disadvantaged people, and contribute to poverty and vulnerability alleviation through effective management of social risk. The focus of the National Social Protection Strategy developed by MINALOC in 2011 in the next five years (2011-2016) is to: (a) harmonize and coordinate different interventions to respond to the needs of the poor and vulnerable; (b) build on and extend existing cash transfer programmes, (c) extend access to public services to the poorest households; (d) begin to extend contributory social security mechanisms; (e) deliver complementary programmes to assist households to graduate; (f) build leadership and capacity across government on social protection and strengthen the alignment of non-governmental actors with national priorities; and (g) strengthen systems and structures for delivery of social protection. Children, persons with disabilities and older people are key beneficiaries of the Direct Support programme where they are members of those households receiving grants.

173. The Ministry of Local Government (MINALOC) have a specific mission to build a social protection system in general that tackles poverty and inequality, enables the poor to move out of poverty, helps reduce vulnerability and protect people from shocks and contributes to economic growth and wellbeing of population, children included. MINALOC has the overall policy lead on social protection. It heads a cross-governmental Social Protection Working Group, which includes representatives from Ministries working on social protection, key parastatal, development partners and NGOs. The responsibilities of

---

<sup>111</sup> Details are highlighted in information provided for article 27 of the Covenant.

the Social Protection Working Group are to provide co-ordination on social protection across government, oversee the development and implementation of the Social Protection Strategy, and report to central government on progress.

174. In order to improve social services, measures have been reinforced by the following initiatives: the national programme for economic empowerment of the poor (Ubudehe), the Girinka munyarwanda program (One cow per family), and the direct support through cash transfers through Vision 2020 Umurenge Programme (VUP) as well as the Community Based Health Insurance (*Mutuelle de santé*). Thus, the services are recognized to all without discrimination.

175. Under fiscal year 2012/2013 the following achievements has been reached. Under VUP, 42,412 extremely poor households in 180 sectors received unconditional cash transfers in form of direct support which are given to extremely poor households that do not have labour capacity; 47,217 extremely poor households with labour capacity in 150 sectors were provided with employment opportunities through the VUP public works programme; The financial services component which acts as a complementary service to social protection and provided investment loans to 181,229 beneficiaries in 150 sectors. 38,552 families that were relocated from grass roofed houses (Nyakatsi) to decent houses benefited from different social protection programs including Girinka, Ubudehe and other VUP schemes. About 10,216 Ubudehe community projects including 6,721 household projects and 3,495 community projects at village level were funded in 15 Districts. Support to vulnerable genocide survivors were supported through FARG, a fund established by the GoR in 1998 to assist needy Genocide survivors in shelter, health services, education, direct support and income generating projects. 40,007 vulnerable genocide survivors were assisted as follows: In Education 21,517 students in secondary school and 11,870 students in higher learning education were supported with tuition and scholastic materials. 2,628 were supported in health care services; 3,510 genocide survivors were given support in the form of financial services for income generating activities; 482 new houses were constructed for vulnerable genocide survivors without shelter.<sup>112</sup>

#### The right to education and training

176. The right to education is guaranteed without discrimination and as such various policies, legislative, institutional and administrative measures have been put in place to facilitate development of education. Organic Law No. 02/2011/OL of 27/07/2011 governing organisation of education, Law No. 20/2005 of 20/10/2005 establishing the organization and functioning of higher education; Law No. 50/2006 establishing and determining the responsibilities, organization and functioning of Student Financing Agency (SFAR) in charge of managing and administrating scholarships and student loans; Presidential Order determining the criteria for obtaining bursary and obligations of the bursary recipient during and after studies; Ministerial Order determining the criteria for providing loans for higher education, repayment and cost sharing mechanism between the Government and the beneficiary of the loan.

177. In respect of legislation and to enhance equality and non-discrimination, Laws and regulations governing education in Rwanda comply with the country context and take account of international programmes including “Education for All” and “Millennium Development Goals”.<sup>113</sup> Those Laws and regulations are as follows: Organic Law No. 20/2003 Of 03/08/2003 organising education in Rwanda and stipulates in its Article 35

<sup>112</sup> Government Annual Report July 2012–June 2013.

<sup>113</sup> MINEDUC (2004), Rapport national sur le développement de l'éducation au Rwanda (2000–2004), Kigali (Rwanda), p. 2.

that primary education is compulsory and that it is free in public schools and in government subsidized schools; Law No. 23/2012 of 15/06/2012 governing the organization and functioning of nursery school, primary and secondary education. This new legislation strengthens the role of parents (through parent committees) in transparent management of (primary and secondary) schools and it provides a legal framework for the decentralization of education.

178. The Government of Rwanda would like not only to build knowledge-based and technology-driven economy, but also to strengthen educational system providing girls and boys with skills and values needed for them to be good citizens. Education Sector Strategic Plan (2008-2012) whose main objectives are access to education for all, education quality, equity at all levels, education system effectiveness and efficiency, strengthening science, technology and ICT teaching, without forgetting culture, peace, unity and reconciliation,<sup>114</sup> increasing access to secondary education by sensitizing local communities to build District non-boarding schools ; reinforcing girls' retention in school system and their performance, especially in science and maths in order to fight against discrimination in the education sector.

179. As for the implementation of education policies and programmes, the following strategies have been applied: Parents built nurseries at community (Village) level with the main goal of developing the schooling of children aged between 3 and 6 years, awakening of their senses by enabling them to live and play with other children and practise several physical, rhythmic and manual activities.<sup>115</sup> Primary or basic education is free and compulsory in public and government subsidized schools, and it is aimed at ensuring to 7-12 year children civic, moral, intellectual and physical education and provide them with basic skills needed for real life, secondary and vocational education.<sup>116</sup> Awareness-raising campaigns for teachers and parents are conducted to encourage girls to study subjects such as science and technology, which would raise their position in society.<sup>117</sup> Special education system (catch-up programme) has been developed to meet the needs of out-of-school and non-schooled children, and children with special needs in ordinary school life (children with physical or mental disabilities), 386 teachers were trained in the methodology for such classes<sup>118</sup> to promote access to education for All.<sup>119</sup>

180. Technical and vocational education (TVE) was put in place to meet the country's needs of qualified professional and technical staff through the transformation of some vocational training centres (short cycle) into technical vocational schools (long cycle). ICT and science development is implemented through incremental furnishing of all the country primary and secondary schools with computer equipment and training a big number of ICT teachers, as well as through providing lab equipment to science sections in secondary schools according to available resources.<sup>120</sup> In this regard a "one laptop per child policy" has been launched to provide all learners with laptops. Distance learning programme was established to enhance the qualification level of teachers in secondary schools.<sup>121</sup>

---

<sup>114</sup> MINEDUC (2008), Education Sector Strategic Plan (2008–2012), Kigali, p. 9.

<sup>115</sup> MINEDUC (2002), Rapport initial sur la mise en œuvre de la Convention relative aux droits de l'enfant, Kigali (Rwanda), p. 57.

<sup>116</sup> *Idem*.

<sup>117</sup> MINEDUC/PACFA/FAWE (2006), Campagne scolaire: «Faire la différence pour les filles», Kigali (Rwanda), p. 1.

<sup>118</sup> MINEDUC Report, 2011.

<sup>119</sup> *Idem*.

<sup>120</sup> MINEDUC (2003), La politique sectorielle de l'éducation, Kigali (Rwanda), p. 21.

<sup>121</sup> MINEDUC (2002), *op.cit*, p. 7.

181. To enhance its education, Rwanda has opted to integrated technology in schools; specifically by implementing the One Laptop per Child program (OLPC) in primary school. In this regard, a total of 91,184 laptops were distributed in primary schools nationwide in the last financial year and the distribution reached a total deployment of 207,000 laptops in 407 schools. This made Rwanda the 3rd largest deployment in the world and the first in Africa. School servers as well as wireless Local Area Network (LAN) are being connected to schools, from which 981 teachers from 150 selected schools were trained on the use of XO laptops.<sup>122</sup> The program of provision of electricity was reinforced to half of schools to ease the use of ICT by the end of 2012.<sup>123</sup>

182. The Rwandan education sector policy emphasizes the elimination of disparities in education be it by sex, region, social group or other reason. The provision of basic educational services is for the benefit of all as their fundamental right. This impacted on the improvement of literacy rates. The literacy rate among the population aged 15 and above in urban area increased from 78.2% reported in the Integrated Household Living Conditions Survey (EICV2) to 82.7 as reported in EICV3 (2011) and from 62.6 to 67.3 in rural area. Literacy rates (%) among population aged 15 and above by sex increased from 60.1 (EICV2) to 64.7 (EICV3) for female and from 71.5 to 75.7 for male. Literacy programme is implemented by the Government in collaboration with its key partners, i.e. NGOs, religious denominations, associations and clubs and it is mainly aimed at reducing illiteracy, considered as an obstacle to the population sustainable development, especially in the category of the population aged between 10 and 40 years.<sup>124</sup> These measures applied to all without discrimination.<sup>125</sup>

183. The following are the measures taken to ensure inclusive education for children in the Primary and Secondary education levels: Training, deploying and supporting teachers and technical staff in special needs education; Provision of minimum package of material support to learners with special education needs; Providing flexible and accessible alternative opportunities for learners with special educational needs; Integrating provision for learners with special needs within District plans; Introduction of ICT to learners with different educational needs; Putting into consideration appropriate school infrastructures (barrier free environment) for example steps replaced by ramps following the norms and standards of the new infrastructures in Rwanda. The Ministry of Education (MINEDUC) has developed a Special Needs Education Policy which was adopted by the Cabinet. The Ministry of Education has been working with the United Nations Children’s Fund (UNICEF) to create “Child Friendly Schools” where children learn in healthy, welcoming, inclusive and empowering environments.

#### The right to equal participation in cultural activities

184. In its preamble, the constitution of Rwanda considers that Rwandan people shall enjoy the privilege of having one country, a common language, a common culture and a long shared history which ought to lead to a common vision of their destiny. Thus, every citizen has the right to equal participation in culture activities. There is no prohibition to foreigners and refugees to practice their culture activities.

185. The “Itorero ry’ Igihugu” is a Rwandan civic education institution created in 2007 which aims mainly at teaching all Rwandese to keep their culture through its different values such as national unity, social solidarity, patriotism, integrity, bravery, tolerance, etc.

<sup>122</sup> Government Annual Report 2012/2013.

<sup>123</sup> EWASA, Rwanda National Energy Policy and National Energy Strategy 2008–2012.

<sup>124</sup> *Idem*, p. 61.

<sup>125</sup> Rwanda Education Statistics 2012.

Through this instrument, Rwandans keep informed of Government policies and programmes; which will strengthen ownership of these policies and promote the role of the population in the implementation of these social-economic development programmes. Civic education is organised by the “Itorero ry’Igihugu” institution for different Rwandese categories such as youth, women, pupils, teachers etc. and this programme is available for any Rwandese who wants to attend, including Diaspora.<sup>126</sup> In 2011-2012, mobilization was mainly carried out through Itorero ry’Igihugu with training activities; over 40,000 people passed different civic education sessions and courses on unity and reconciliation programs to avoid any form of discrimination or hatred. 35,783 students; close to 2,500 taxi-moto drivers; 85 people in the Diaspora and also people in prison services received training. Itorero ry’Igihugu helps citizens keep values such as mutual respect, equality and non-discrimination.

186. *Akagoroba k’ababyeyi* (parents’ evening meeting), is another forum in which all parents of each village (Umudugudu) meet every evening at least one a month to discuss all social and health issues, possible violence to which they may be subjected including problems faced by families, this forum helps for promoting positive values in Rwandan culture. These practices help parents and their relatives keep values such as equality and non-discrimination.

The right of access to places of service

187. Right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes and places of entertainment, is recognized for all people without discrimination.

#### **Information by relevant groups of victims or potential victims of racial discrimination**

188. All persons within Rwanda, and particularly members of groups protected by the Convention (non-citizens, including immigrants, refugees, asylum-seekers and stateless persons), enjoy, free from racial discrimination, all the rights and freedoms referred to in article 5 of the Convention. Rwanda is party to the following regional agreements: Treaty Establishing the East African Community and its Protocol for the Establishment of the East African Community Common Market, especially Part D, on the free movement of persons and labour (1 July 2007), the Convention on the Free Movement of People, Goods, Services and Capital and on the right of establishment in Member Countries of the Economic Community of the Great Lakes countries (by Rwanda, Burundi and the Democratic Republic of the Congo, 14 November 1986), Protocol instituting meeting of Governors of cross-border provinces of Rwanda, Burundi and the Democratic Republic of the Congo (27 Mai 2009).

189. Rwanda participated in the adoption of the Strategic Framework for the Migration in Africa, adopted during the Seventh Ordinary Session of the African Union Conference, held in Banjul, in July 2006. The objective of this framework is to encourage Member States to implement and integrate issues related to migration in their national and regional programmes by reviewing national migration policies. Rwanda also participated in the adoption of the African Common Position on Migration and Development, during the Seventh Ordinary Session of the African Union Conference held in Banjul, in July 2006. This proposal provides for a set of measures to be implemented at the tripartite, national, continental and international level in the area of migration management. Rwanda is also party to the International Convention on the protection of the rights of all Migrant Workers and members of their families since 2008.

---

<sup>126</sup> NURC, Annual Report 2012.

190. The right to asylum is guaranteed under Rwandan Law. The extradition of foreigners is permitted only if it is in line with domestic Law and/or international conventions to which Rwanda is signatory. Rwanda ratified the Convention relating to the Status of Refugees, the Protocol Relating to the Status of Refugees and the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa. The African Union Convention on Displaced Persons has been signed and is in the process of ratification. To complement the above treaties, several legislative measures have been adopted, including the Law on Refugees and the Law on Immigration and Emigration.

191. Rwanda has also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted in Kampala on 23 October 2009. Rwanda enjoys a stable political environment, but the country has felt the reverberations of the violence in the neighbouring countries. This brings the total of refugees and asylum-seekers in Rwanda to more than 72,267.<sup>127</sup> The majority of these refugees live in four camps, in Gihembe, Kiziba, Nyabiheke, and Kigeme, with a small number residing in the capital, Kigali. All camp-based refugees receive shelter, food, medical assistance and education.<sup>128</sup> The Constitution stipulates that any citizen or foreign national lawfully in Rwanda has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to. Apart from victims of genocide ideology, there are no other victims of racial discrimination in Rwanda.

## **F. Right to effective protection, remedies and reparation (article 6)**

192. In Rwanda, the right to a remedy against acts of racial discrimination is assured first by the Constitution, in its article 16, which provides that: “All human beings are equal before the Law. They shall enjoy, without any discrimination, equal protection of the Law – Nobody shall be denied the right to appear before a competent judge by Law to hear his or her case (Article 19)”. Thus, the right to a remedy, recognized and safeguarded by the Constitution, is given effect by the various Laws and administrative acts. It must, however, be recognized that the right to a remedy as it is defined is not specific to discrimination cases but applies to all human rights violations.

193. If the actor has been prosecuted, Article 139 of the Code of Criminal Procedure gives the first possibility to the victim to seek damages at the same time as the criminal proceedings. The victim can lodge a claim for compensation in a competent court claiming damages by way of notice by stating the claim in the court registry or in court at the time of hearing. When proceedings do not take place, Article 142 of the Code gives to the victim a second possibility to sue a civil action by way of private prosecution. The victim may go to the court by claiming damages or demanding that the offender be punished in a private prosecution. This action starts to move the criminal action, informing directly the repressive judge in order to repair the damages and to apply the penalties. This possibility arises mainly when a criminal file was put in safe keeping or when a period of six months has elapsed without any action being taken by the Judicial Police Officer.

194. A department in charge of victim and witness protection has been set up at the NPPA to protect them against intimidation or any ill treatment. A victim has the possibility of recourse before impartial and competent courts and tribunals by claiming damages or demanding that the offender be punished by way of private prosecution. Specific programs of victim and witness protection have been instituted for these proceedings. Each Public

<sup>127</sup> Government Annual Report 2012/2013.

<sup>128</sup> Ibid.

Prosecution of Higher Instance Court has a staff to protect victims and witnesses. This system is intended to prevent harassment and re-traumatisation of victims. In addition, the Public Prosecution of Higher Instance Court provides medical care, transportation and support throughout the trial. A third possibility for victims is that of recourse before independent human rights institutions, especially the NCHR and the Office of the Ombudsman.

195. The right of victims to obtain compensation is subject to authentic act or recognition from the perpetrator of the offence giving rise to compensation. This act may be a decision to cast force of judgment establishing the guilt of the actor and/or giving compensation to the victim. The procedure of implementing the court's decisions regarding damages is governed by the provisions of the Code of Civil Procedure relating to safety and performance. The new Law No. 12/2013 of 22/03/2013 governing the Bailiff Function was published in Official Gazette No.°14 of 08/04/2013. From July 2012 to June 2013, 209,494 (67% of judgments were executed), while 100,435 (33%) judgments were pending execution. 30 MAJ personnel were given the power of non-professional bailiffs and were trained on the procedure of execution of judgments in order to strengthen the rule of law. Once the victim has a final court decision, he becomes a creditor to the perpetrator, and is entitled to the movable and immovable property of his debtor by voluntary or forced judgment decisions (Articles 191 to 312 of the Code of Civil Procedure). If a voluntary execution has not been observed, there will be forced execution in the legal forms (regular seizures and sales of assets of the debtor) with the assistance of the police.

196. Rwanda as a State like any other private organisation may be liable for acts committed by its agents in connection with their duties. Thus, it can participate in the compensation of a victim of discrimination committed by its agents on the basis of the provisions of the Civil Code relating to Civil Liability with respect to offences and quasi-offences (Articles 258 to LIII 262 of the Civil Code).

## **G. Education, culture and information to combat racial discrimination (article 7)**

### **1. Education and teaching**

#### *General information on the education system*

197. The right to education is guaranteed and as such various policies, legislative, institutional and administrative measures have been put in place to facilitate development of education. Organic Law No. 02/2011/OL of 27/07/2011 governing organisation of education, Presidential Order determining the criteria for obtaining bursary and obligations of the bursary recipient during and after studies; Ministerial Order determining the criteria for providing loans for higher education, repayment and cost sharing mechanism between the Government and the beneficiary of the loan. In respect of legislation, Laws and regulations governing education in Rwanda comply with the country context and take account of international programmes including "Education for All" and "Millennium Development Goals".<sup>129</sup>

198. The Law permits establishment of both public and private institutions. Public establishments naturally admit candidates without any discrimination whatsoever in accordance with the principle of equality and merit. Normally, the criteria for student

---

<sup>129</sup> MINEDUC (2004), Rapport national sur le développement de l'éducation au Rwanda (2000–2004), Kigali (Rwanda), p. 2.

admission in learning institutions (both lower and higher learning institutions) is based on attaining the admission mark set for public institutions from which selection of candidates by these institutions is done. The same criterion is applied in private establishments, whereupon setting of admissions marks and other requisite conditions for admission proceeds without any discriminatory preferences.

199. The Government of Rwanda would like not only to build knowledge-based and technology-driven economy, but also to strengthen educational system providing girls and boys with skills and values needed for them to be good citizens. The Education Sector Strategic Plan (2008-2012), whose main objectives are access to education for all, education quality, equity at all levels, education system effectiveness and efficiency, strengthening science, technology and ICT teaching, without forgetting culture, peace, unity and reconciliation, increasing access to secondary education by sensitizing local communities to build District non-boarding schools; reinforcing girls' retention in school system and their performance.<sup>130</sup>

200. Technical and vocational education (TVE) was put in place to meet the country's needs of qualified professional and technical staff through the transformation of some vocational training centres (short cycle) into technical vocational schools (long cycle).<sup>131</sup> ICT and science development is implemented through incremental furnishing of all the country primary and secondary schools with computer equipment and training a big number of ICT teachers, as well as through providing lab equipment to science sections in secondary schools according to available resources.<sup>132</sup> In this regard a "one laptop per child policy" has been launched to provide all learners with laptops while school servers as well as wireless Local Area Network (LAN) are being connected to schools. Distance learning programme was established to enhance the qualification level of teachers in secondary schools,<sup>133</sup> teachers from 150 selected schools were trained on the use of XO laptops. The program of provision of electricity was reinforced to half of schools to ease the use of ICT by the end of 2012.<sup>134</sup> Literacy programme is implemented by the Government in collaboration with its key partners, i.e. NGOs, religious denominations, associations and clubs and it is mainly aimed at reducing illiteracy, considered as an obstacle to the population sustainable development, especially in the category of the population aged between 10 and 40 years.<sup>135</sup> As for the implementation of education policies and programmes, the following strategies have been applied: Parents built nurseries at community (Village) level with the main goal of developing the schooling of children aged between 3 and 6 years, awakening of their senses by enabling them to live and play with other children and practise several physical, rhythmic and manual activities.<sup>136</sup>

201. Rwanda made significant progress in promotion of girls' education. Girls' Education Policy has been developed in 2008 with specific strategies to promote retention/completion in schools and institutions of higher education and address factors that may be barriers to full participation. The Girls Education Task Force have been put in place and annually compile the indicators in the policy matrix and develop a Gender Assessment of the Education System, to monitor gender disparities and eradicating them. Rwanda has one of the highest primary school net enrolment rates in Africa. 95% of boys and 98% of girls

<sup>130</sup> MINEDUC (2008), Education Sector Strategic Plan (2008–2012), Kigali, p. 9.

<sup>131</sup> *Idem*, p. 15.

<sup>132</sup> MINEDUC (2003), La politique sectorielle de l'éducation, Kigali (Rwanda), p. 21.

<sup>133</sup> MINEDUC (2002), *op. cit* p. 7.

<sup>134</sup> EWASA, Rwanda National Energy Policy and National Energy Strategy 2008–2012.

<sup>135</sup> *Idem*, p. 61.

<sup>136</sup> MINEDUC (2002), Rapport initial sur la mise en œuvre de la Convention relative aux droits de l'enfant, Kigali (Rwanda), p. 57.

were respectively enrolled in primary school, 25% of boys and 30% of girls enrolled in secondary school in 2012.<sup>137</sup>

202. We should point out cases among the categories of particularly vulnerable children, namely child heads of households, HIV/AIDS infected or affected children, children from poor families, disabled children and marginalised children suffering from inequalities in the enjoyment of their rights. With a view to achieving inclusive education for all Rwandan children and achieving the goals set for education in general, including that of eliminating all causes and barriers that lead to education disparities based on disability, sex, etc. the Government of Rwanda has established a National Policy on Special Needs Education. The purpose of this National Special Needs Education is to promote quality education for all children through the eradication of barriers resulting from the lack of equity in education, provided that the barriers that prevent some children (including disabled children) from entering, staying and succeeding in school are against the rights of the child in education.<sup>138</sup> Special education system (catch-up programme) has been developed to meet the needs of out-of-school and non-schooled children, and children with special needs in ordinary school life (children with physical or mental disabilities).<sup>139</sup>

#### **Number of children with disabilities attending regular primary schools in 2012**

<i>Hearing</i>	<i>Visual</i>	<i>Dumb</i>	<i>Physical</i>	<i>Mental</i>	<i>Others</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
2,484	4,594	1,374	11,855	4,964	2,082	14,944	12,409	<b>27,353</b>

#### **Number of children with disabilities attending regular secondary school in 2011**

<i>Hearing</i>	<i>Visual</i>	<i>Dumb</i>	<i>Physical</i>	<i>Mental</i>	<i>Others</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
597	1,944	206	2,868	439	1,108	3,714	3,448	<b>7,162</b>

#### **Number of children with disabilities attending special schools: Vocational Training**

<i>Hearing</i>	<i>Visual</i>	<i>Dumb</i>	<i>Physical</i>	<i>Mental</i>	<i>Others</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
51	69	6	257	54	85	303	219	<b>522</b>

*Source:* Rwanda Education Statistics 2012.

203. We should point out a few cases among the categories of particularly vulnerable children, namely child heads of households, HIV/AIDS infected or affected children, children from poor families, disabled children and historically marginalised children suffering from inequalities in the enjoyment of their rights. Indeed, access to education is not fully ensured either because of lack of knowledge, ignorance or lack of awareness among some parents. With a view to achieving inclusive education for all Rwandan children and achieving the goals set for education in general, including that of eliminating all causes and barriers that lead to education disparities based on disability, sex, etc. the Government of Rwanda has established OVC policy. The purpose of this policy is to promote well-being and quality education for all vulnerable children through the eradication of barriers resulting from the lack of equity in education.

<sup>137</sup> MINEDUC, Education Statistics data 2012.

<sup>138</sup> MINEDUC (2007), Special Needs Education Policy, July 2007, p. 13.

<sup>139</sup> MINEDUC (2002), op. cit, p. 24.

**Primary orphan pupils by grade in 2012**

<i>Level</i>	<i>Pupils who do not have:</i>			<i>Total</i>		<i>Total</i>
	<i>Mother</i>	<i>Father</i>	<i>Both Parents</i>	<i>Boys</i>	<i>Girls</i>	
P1	17,325	25,560	7,739	26,069	24,555	<b>50,624</b>
P2	15,319	25,882	7,273	24,871	23,603	<b>48,474</b>
P3	14,198	25,390	7,105	23,748	22,945	<b>46,693</b>
P4	14,013	26,435	7,682	24,135	23,995	<b>48,130</b>
P5	13,943	28,258	8,113	24,356	25,958	<b>50,314</b>
P6	10,029	22,148	6,641	18,445	20,373	<b>38,818</b>
<b>Total</b>	<b>84,827</b>	<b>153,673</b>	<b>44,553</b>	<b>141,624</b>	<b>141,429</b>	<b>283,053</b>
Percentage	30.0%	54.3%	15.7%	50.0%	50.0%	<b>100.0%</b>

*Source:* Rwanda Education statistics 2012.

204. As observed in the Table above, there are 283,053 orphaned pupils in primary schools, which represents 12% of all pupils enrolled in primary schools. Most of them do not have a father (54.3%).

205. Primary or basic education is free and compulsory in public and government subsidized schools, and it is aimed at ensuring to 7-12 year children civic, moral, intellectual and physical education and provide them with basic skills needed for real life, secondary and vocational education.<sup>140</sup> Rwanda is gradually breaking barriers that usually prevent children from attending primary education by the abolition of school fees and by constructing more classrooms at the administrative sector level where children can easily walk home. This programme has been adopted to enable the country to achieve the goal of education for all by 2015.

**Primary evolution from 2008 to 2012**

<i>Year</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
<b>Total pupils</b>	<b>2,190,270</b>	<b>2,264,672</b>	<b>2,299,326</b>	<b>2,341,146</b>	<b>2,394,674</b>
% of Boys	49.1%	49.2%	49.3%	49.1%	49.3%
% of Girls	50.9%	50.8%	50.7%	50.9%	50.7%
School staff	35,672	35,664	36,352	40,299	40,397
% of Male Staff	46.8%	47.0%	46.3%	48.4%	47.2%
% of Female Staff	53.2%	53.0%	53.7%	51.6%	52.8%
Pupil Teacher Ratio	61	64	63	58	59
Gross Enrolment Rate (GER)	127.9%	128.5%	126.5%	127.3%	123.2%
GER Boys	127.3%	127.4%	125.2%	125.7%	121.7%
GER Girls	128.5%	129.5%	127.6%	128.9%	124.8%
Net Enrolment Rate (NER)	94.2%	92.9%	95.4%	95.9%	96.5%
NER Boys	93.3%	91.6%	94.2%	94.3%	95.0%
NER Girls	95.1%	94.1%	96.5%	97.5%	98.0%
Completion Rate Overall	52.5%	74.5%	75.6%	78.6%	72.7%

<sup>140</sup> *Idem.*

<i>Year</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Transition Rate Overall	87.9%	95.0%	93.8%	86.2%	
Promotion rate Overall	69.5%	73.8%	75.6%	76.4%	
Repetition Rate Overall	15.3%	14.0%	13.0%	12.7%	These
Dropout Rate Overall	15.2%	12.2%	11.4%	10.9%	indicators will
Dropout Rate boys	15.6%	12.3%	11.5%	11.2%	be available
Dropout Rate girls	14.7%	12.2%	11.3%	10.7%	after 2013 data collection

*Source:* Rwanda Education statistics 2012.

206. Secondary education in Rwanda last six years: three years of ordinary level or lower secondary; and three years of advanced level or upper secondary. The advanced level comprises five fields of education that students choose to specialize in: Sciences, Humanities, Languages, Teacher Training (at Teacher Training Colleges: TTCs), and technical and vocational education and training (TVET). In addition to imparting knowledge, secondary education helps develop skills and competencies to prepare students for the labor market. In addition, general academic secondary schools prepare students for tertiary education. The school age of secondary education is 13 to 18.

#### **Secondary evolution from 2008-2012**

<i>Year</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
<b>Total students</b>	<b>288,036</b>	<b>346,518</b>	<b>425,587</b>	<b>486,437</b>	<b>534,712</b>
% of Male	52.2%	51.0%	49.3%	48.5%	47.8%
% of Female	47.8%	49.0%	50.7%	51.5%	52.2%
School staff	10,187	14,426	14,477	20,522	23,335
% of Male Staff	75.5%	71.6%	73.2%	72.2%	72.6%
% of Female Staff	24.5%	28.4%	26.8%	27.8%	27.4%
Student: teacher ratio	28	24	29	24	23
Gross Enrolment Rate	20.7%	25.9%	31.5%	35.5%	38.0%
GER Male	22.0%	26.8%	31.5%	34.9%	37.0%
GER Female	23.4%	25.0%	31.5%	36.2%	40.0%
Net Enrolment Rate	13.9%	13.2%	22.6%	25.7%	28.0%
NER Male	13.8%	12.8%	21.6%	24.2%	26.0%
NER Female	13.9%	13.7%	23.7%	27.2%	30.0%

*Source:* Rwanda Education statistics 2012.

207. A needs assessment survey for Technical and Vocational Education and Training (TVET) providing upgrading within infrastructure, equipment, materials and curricula, was completed and the necessary standard set. Model Standard Training Equipment Lists (STELs) and Training Workshop Specifications (TWS) were concluded; ICT and Automobile were also concluded. The 7 existing Integrated Polytechnic Regional Centres (IPRCs) (IPRC Kigali in Kicukiro, Kavumu and Huye in the Southern Province and Tumba in the Northern Province, Gishali and Kibungo in the Eastern Province, Kibuye in the Western Province) are operational. In addition, 7 curricula (Leather, Electronics, Tailoring, Woodwork, Handcrafts, Metal works, and Repair Services) were developed, and about 2,174 vulnerable youth were supported to attend vocational training in the above-mentioned

and other related fields. Over 5,000 women and 2,100 youth were trained in Entrepreneurship, and some 100 TVET graduates were facilitated in acquiring entrepreneurship skills at Kigali Institute of Science and Technology (KIST) for three months. Each District has at least five (5) Vocational Training Centers (VTC).

### Accessibility of learners to vocational training in 2012

<i>Course</i>	<i>Access to centers</i>	<i>Percentage</i>
Tailoring	605	88.5%
Plumbing	34	5.0%
Catering	224	32.7%
Carpentry	335	49.0%
Mechanic	147	21.5%
Hairdressing	157	23.0%
Welding	133	19.4%
Electrical	76	11.1%
Crafts	283	41.4%
Fishing	51	7.5%

*Source:* Rwanda Education statistics 2012.

208. The number of adult literacy students enrolled in centers in 2012 is 145,059, of which 63.2% are females and 36.8% are males, majority of them are in the age group between 15-44 with 121,268 learners, which represents 83.6% of all learners. The age group of 25-34 ranks first with 54,204 learners(37.4%), followed by the age group of 35-44 with 35,907 learners(24.8%) and the age group of 15-24 with 31,157 learners (21.5%), as indicated in table below.

### Number of Adult Literacy learners by sex and by age 2012

<i>Gender</i>	<i>Age group</i>						<i>Total</i>	<i>Percentage</i>
	<i>&lt;15</i>	<i>15-24</i>	<i>25-34</i>	<i>35-44</i>	<i>45-54</i>	<i>&gt;55</i>		
Male	611	12,088	20,188	13,026	5,972	1,491	<b>53,376</b>	36.8%
Female	882	19,069	34,016	22,881	11,811	3,024	<b>91,683</b>	63.2%
<b>Total</b>	<b>1,493</b>	<b>31,157</b>	<b>54,204</b>	<b>35,907</b>	<b>17,783</b>	<b>4,515</b>	<b>145,059</b>	<b>100.0%</b>
Percentage	1.0%	21.5%	37.4%	24.8%	12.3%	3.1%	<b>100.0%</b>	

*Source:* Rwanda Education statistics 2012.

209. Tertiary education has improved in the last ten years. Since 2007, tertiary students have significantly increased from 41,013 in 2007 to 76,629 in 2012, where in public institutions students doubled from 18,972 in 2007 to 37,632 in 2012, and in private institutions increased from 22,041 in 2007 to 38,997 in 2012. The EICV3 survey/study shows also that the percentage of individuals aged between 19 and 25 years attending institutions of higher learning doubled from 1.3% in EICV2 survey to 2.6% in EICV3 survey. In 2008, 9 new tertiary institutions have been established; those institutions are focusing on specialized areas such as Health, Education and Technology. The course duration for those institutions is between 2 and 3 years and after completing this level the graduates are awarded by a diploma; thus we categorize this institution as Post-secondary. In 2012, they are 31 tertiary of which 17 are public and 14 are private. Among 17 public

institutions in tertiary education: 8 are Higher learning institutions and 9 are post-secondary institutions, which includes 5 schools of Nursing and Midwifery, 2 colleges of Education and 2 colleges of Technology.

### Tertiary education students by status from 2007-2012

Status	Gender	2007	2008	2009	2010	2011	2012
	% Male	68.00%	67.90%	67.30%	67.10%	66.00%	66.64%
	% Female	32.00%	32.10%	32.70%	32.90%	34.00%	33.35%
<b>S/Total</b>		<b>18,972</b>	<b>20,966</b>	<b>26,304</b>	<b>31,564</b>	<b>37,902</b>	<b>37,632</b>
	% Male	50.30%	49.10%	46.60%	45.10%	47.10%	45.30%
	% Female	49.70%	50.90%	53.40%	54.90%	52.90%	54.69%
<b>S/Total</b>		<b>22,041</b>	<b>26,440</b>	<b>28,909</b>	<b>31,170</b>	<b>35,772</b>	<b>38,997</b>
	% Male	58.50%	57.40%	56.50%	56.20%	56.80%	55.78%
	% Female	41.50%	42.60%	43.50%	43.80%	43.20%	44.21%
<b>Total</b>		<b>41,013</b>	<b>47,406</b>	<b>55,213</b>	<b>62,734</b>	<b>73,674</b>	<b>76,629</b>
Student per 100,000 inhabitants	Male	522	575	639	701	808	800
	Female	343	396	459	511	575	595
	Overall	429	482	546	602	687	695

Source: Rwanda Education statistics 2012.

### Human rights education, tolerance and friendship

210. In general, following the past experienced difficult situations, Rwanda has decided to include lessons in its national education curriculum intended to all different categories of trainings mentioned above, with an aim to promote peace and harmony as well as respect of human rights, besides the programs set for intellectual and scientific development of people.<sup>141</sup> Especially, *Itorero ry'Igihugu* organises trainings for teachers and student in secondary and higher leaning institutions focused on history of Rwanda, equality and non discrimination, civic education, human rights and government policies.

211. In particular, it is worth noting that the NHRC has stepped up its work on the promotion and protection of human rights. In fiscal year 2011/2012, a number of human rights training and education programmes took place, including the provision of training for junior and senior police officers, senior non-commissioned officers in the army, secondary school students and students in higher learning institutions, religious, members of human rights clubs in secondary schools and universities, people living with HIV, disabilities, teachers, civil servants at all levels of administration, transporters (taxi, moto) etc.. In addition, training sessions for staff on human rights investigation techniques were provided under the auspices of the Commission in collaboration with the government officials from the Ministry of Justice and the Ministry of Social Affairs, Human Rights Watch, the International Committee of the Red Cross (ICRC), the National University of Rwanda, and the International Criminal Tribunal for Rwanda (ICTR). 12,345 people were trained on human rights principles including the rights provided for by the Convention.<sup>142</sup>

<sup>141</sup> For more details, see the National Curriculums in the Ministry of Education of the Republic of Rwanda.

<sup>142</sup> NHRC, Annual Report, 2011/2012.

212. Civil society and government partnership programs that promote better comprehension of human rights have been introduced. These include various trainings that have been jointly organised and carried out for various beneficiaries – leaders, women and youth included. Such trainings in human rights for leaders have allowed smooth application and transmission of human rights values to the populace they represent.

213. Specialised units that advocate and teaching for rights of different groups have been established for comprehension and dissemination convenience purposes. Such units include a gender unit, a children protection unit, youth council, disabled organisations and other vulnerable groups. Either as a group or individually, each of these groups has benefited from trainings or seminars on human rights. Human rights clubs are also common all over the country in schools, public and private institutions and have helped in the dissemination of human rights principles.

## 2. Culture

214. Given this situation, the Government of Rwanda through the Ministry of Sports and Culture has developed sport policy that promotes Sports and Cultural development initiatives that lead to the economic and social transformation as well as to a productive and patriotic generation. “Right to Play,”<sup>143</sup> a partner in the field of sport and recreation initiated by athletes, uses sports and game as vectors of development, health and peace, on the premise that the game nurtures health and friendship, it helps teamwork and building stronger and more peaceful communities that can work together.

215. One of the commitments of the Government of Rwanda is to promote culture which involves: values, institutions, expressions of Rwandan culture, National heritage and arts. Culture promotes a sense of togetherness, imagination, inspiration, inventiveness, which undoubtedly contributes to economic development and thus reduces poverty, from its mission to maintain fairness and harmony among Rwandans, resulting in the creation of an enabling environment for sustainable development. To ensure that all the programs are streamlined into our culture, the Ministry of Sport and Culture is tasked with building and strengthening institutions that promote our culture. These include: Unity and Reconciliation Commission, Itorero ry’Igihugu, Institute of National Museums of Rwanda (IMNR), Rwandan Office of Archives and Libraries (ORAB), National Commission of Fight against Genocide (CNLG), Rwandan Academy of Language and Culture (ARLC), Chancellery of Heroes, National Orders and Decorations of Honour (CHON).

216. An Institution for the revitalization of the National culture (Itorero ry’igihugu), as well as an academy of languages and culture have been established to promote culture and ensure transmission of positive cultural values from generation to generation. This is shown by the instauration of several associations including among others the association of old wise men (Inteko izirikana), association of writers, photographers, musicians, craftsmen, editors, association of dancing groups, the Rwanda Cinema Centre, the play production groups, umuco association etc. The national cultural troupe (Urukerereza) and different private cultural troupes like “Inganzo Ngali” participate in different international cultural festivals where they win various medals and prizes. Because of its renowned rich culture of traditional songs and dance, Rwanda was allocated by the African Union the organization of the Pan African Dance Festival (FESPAD) every two years.

217. In that framework, higher learning institutions were sensitized on heroism and the Rwandan Culture. This activity was carried out during heroes’ week which culminated in the Heroes successfully prepared and celebrated at grassroots levels (Villages). Similar

<sup>143</sup> [www.righttoplay.com](http://www.righttoplay.com).

sensitization campaigns (debates, discussions and talk shows) were organized in public and private institutions. The Rwanda Academy of Culture and Language was operational: Journalists were trained; secondary school leavers benefit the national solidarity camps (Ingando) at various sites around the country pupils and teachers were trained on cultural values and Rwandan history. A new Kinyarwanda-French dictionary in 2007 was celebrated as the first of its kind. By and large, it is hoped that such modality would increase the use of Kinyarwanda and do away with mysteries of certain words not found in French but in Kinyarwanda.

218. Cultural festivals (FESPAD-Festival Panafricain de danses). This is a cultural exchange occurrence that takes place every two years and engages various countries from Africa. Rwanda has established an archaeological research centre that investigates pre-colonial technologies in Rwanda. Various associations and United Nations Educational, Scientific and Cultural Organization (UNESCO) clubs exist such as the club for unity and reconciliation, the club for the African and Rwandan identity, to name a few. The Rwandan legislation on intellectual property is very useful for the protection of the right to enjoy the benefits of scientific progress and the protection of the interest of authors.

### **3. Information**

219. To combat racial prejudices that lead to racial discrimination, legally registered media houses do not give space to any particular discrimination. Given the Rwandan context, where freedom of expression was previously abused through media outlets culminating in the Genocide, Rwanda guarantees the freedom of expression while safeguarding against its abuse that might easily degenerate into another form of violence. In 2011 the media policy was reviewed and the media self-regulatory mechanism named: Rwanda Media Commission (RMC) was established in 2013. In the same order the Government of Rwanda through Media High Council (MHC) has shifted from media regulation to media capacity building. The law governing MHC was amended in March 2013 to include its new mandate of capacity building of the media sector.

220. Never Again Rwanda (NER) have a project seeking to empower Rwandan youth to play an active role in the democratic processes of their country, and to understand and defend human rights as part of a nation-building process. Activities each year include radio shows, democracy trainings, youth discussion forums, and public talks. This project operates in 10 districts within two provinces – Kigali and the Eastern Province. Many other NGOs play key role in Human Right Education.<sup>144</sup>

## **V. Conclusion**

221. This report presents progress made in terms of implanting the Convention since Rwanda submitted its combined thirteenth to seventeenth periodic reports. Rwanda fully understands and owns its national obligation to report and highlight implementation status of the Convention not only as an opportunity for self-evaluation but also for purposes of sharing both its success and weaknesses with the rest of Member States. Rwanda also conceives the Convention to be a human rights instrument that provides a unique opportunity to its member States to consolidate their traditional values for better protection against discrimination. Besides, the progress made in the two generation rights i.e. civil and political rights and socio-economic rights; right to development remain an outstanding priority of Government of Rwanda. Eighteen years after the worst human tragedy of the

---

<sup>144</sup> LIPRODHOR, CLADHO, HAGURUKA, PROFEMMES TWESE HAMWE, AJEPRODHO, RCN Justice et Démocratie, International Justice Mission (IJM), ADRA/Rwanda.

20th century have witnessed a huge and unprecedented progress in the field of human rights than ever expected. It is however noted that challenges still remain a reason that calls for renewed efforts to consolidate the culture of human rights respect in Rwanda. Such challenges range from ideological, structural and financial to capacity challenges.

---