



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE  
Ninety-fourth session  
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**List of issues to be taken up in connection with the consideration  
of third periodic reports of States parties**

**Third periodic report of RWANDA (CCPR/C/RWA/3)\***

**Constitutional and legal framework within which the Covenant is implemented,  
right to effective remedy and efforts to combat impunity (art. 2)**

1. Please explain how article 190 of the Constitution, which stipulates that international treaties take precedence over laws (State party report, para. 4), is implemented in practice. Has the Covenant ever been directly applied by the courts? If so, please provide information about relevant cases.
2. Please explain what measures have been taken by the State party to bring about reconciliation in Rwanda and to promote harmonious relations among the country's various ethnic groups. Please also indicate whether the principle of equality for all and the rights recognized in the Covenant are taken into account in policies aimed at ensuring national unity, particularly in the activities and programmes of the National Unity and Reconciliation Commission.
3. Please provide information about cooperation between the State party and the International Criminal Tribunal for Rwanda (ICTR).

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\* Paragraph numbers in brackets refer to the State party report published under symbol CCPR/C/RWA/3.

**Right to life and prohibition against torture (arts. 6 and 7)**

4. There have been reliable reports of extrajudicial, summary or arbitrary executions by the military police in the Mulindi military detention centre in December 2005. Please comment and state what measures have been taken to investigate these allegations, prosecute the perpetrators and make reparations to the victims and their families.
5. Following the Supreme Court decision of 29 August 2008, please comment on the compatibility of the sentence of solitary confinement for life with article 7 of the Covenant.
6. According to a number of reports, the security services, particularly the police and the Local Defence Forces (LDF), use excessive and illegal force when arresting suspects. Please comment on these reports in the light of article 6 of the Covenant.

**Security of person and protection against arbitrary arrest (art. 9)**

7. In its annual report for 2007, the National Human Rights Commission, which was established in 1999, highlighted the increase in the number of cases of arbitrary detention by law enforcement officials and made recommendations in this regard. Please indicate what measures have been taken by the State party to follow up these recommendations and to ensure that there are no illegal detention centres anywhere in the country.
8. According to several reports, the Kigali authorities have arrested hundreds of persons from the most vulnerable segments of the population (street children, beggars, sex workers) on charges of “vagrancy” and are holding them in detention illegally without any criminal charges being brought. Please comment on these reports in the light of article 9 of the Covenant.
9. Please comment, in the light of article 9 of the Covenant, on reports that a large number of prisoners have been detained for long periods without trial after having been charged in connection with acts of genocide.

**State of emergency (art. 4)**

10. Please specify which rights in the Covenant are limited by a state of siege or state of emergency (report, para. 182). Please also indicate whether individuals can avail themselves of effective remedies during a state of siege or emergency.

**Equality between men and women (arts. 3 and 26)**

11. Please explain whether the State party is contemplating taking measures to revoke any provision of domestic legislation that may discriminate against women, in particular: article 206 of the Family Code, which stipulates that the husband is “head of the conjugal community”; article 213 of the Family Code, which stipulates that women may not engage in commercial activities or hold a job without their husband’s permission; and article 354 of the Criminal Code, which provides for severer penalties for women than for men in cases of adultery.
12. Please indicate: (a) whether the Ministry of Gender and Family Promotion (report, para. 146) and the National Women’s Council (report, paras. 104-107) are provided with an

adequate budget to carry out their missions; (b) what initiatives the National Women's Council can take and what role it plays in the formulation and implementation of action plans; (c) what are the eligibility criteria for the National Women's Council.

13. Please (a) indicate what steps have been taken by the State party to punish rape; (b) provide up-to-date information about criminal prosecutions of persons accused of rape, including rape in prisons, and the penalties handed down (report, para. 222); and (c) indicate what measures have been taken to ensure that victims of sexual violence, particularly those who suffer from HIV/AIDS, have access to effective legal remedies and adequate medical and psychological assistance.

14. Please provide details of the extent of the problem of violence against women and girls and of measures taken to put an end to such violence and protect victims, including those who report incidents to the police. Please indicate whether the legislation referred to in paragraph 139 of the State party's report has been adopted.

#### **Prohibition of slavery and forced labour (art. 8)**

15. According to a number of reports, Rwanda is the source of numerous cases of human trafficking, particularly of children compelled to engage in forced labour and women forced into prostitution. Please state what measures have been taken to prevent and punish such acts and in particular to ensure that the victims receive treatment.

#### **Treatment of persons deprived of their liberty (art. 10)**

16. According to several reports, the situation in Rwandan prisons is highly disturbing in terms of sanitary conditions, access to health care and food, and overpopulation. Please provide information on urgent medium- and long-term measures that have been taken or are contemplated by the State party to improve prison conditions and to ensure that anyone deprived of liberty is treated with the respect due to the human person.

17. Please indicate whether the system of community service as an alternative to imprisonment (report, para. 59) has been put into practice and whether it has been evaluated.

#### **Right to a fair trial (art. 14)**

18. The Gacaca system of popular justice raises numerous issues. There are reports of a lack of training among prosecutors and Gacaca court judges, corrupt practices in certain districts, instances of intimidation of members of the judiciary, a lack of defence attorneys and limited access to counsel. Moreover, while the provisions of the 2007 Act governing the Gacaca system appear to have speeded up Gacaca procedures, this has been to the detriment of fairness and the quality of decisions. Please comment on these reports in the light of article 14 of the Covenant and indicate what measures have been taken by the authorities to strengthen the Gacaca system and the system of justice as a whole, and to guarantee that trials are fair.

19. Please provide detailed and up-to-date information and detailed statistics on persons who have been tried or are currently on trial for the crime of genocide, in particular those falling in the categories listed in paragraph 45 of the report, as well on the sentences handed down and the courts issuing them.

20. In the light of the information provided in paragraph 233 of the report, please say whether free legal aid is guaranteed to the very poor.

**Freedom of expression and prohibition of advocacy of national and racial hatred (arts. 19 and 20)**

21. According to some reports, members of the opposition, the independent media and non-governmental organizations have been harassed, intimidated, arrested and illegally detained for having criticized the party in power; there are also reports that journalists have been accused of incitement to inter-ethnic hatred as a means of silencing them. Please comment on these reports and indicate what measures have been taken to guarantee freedom of expression, in accordance with article 19 of the Covenant. Please also provide information on legislation regulating the press, including the compatibility of the penalties provided for in the Criminal Code for press-related offences, and of the Press Act now under parliamentary review, with article 19 of the Covenant.

22. Please indicate what measures the State party has taken or is contemplating to counter all advocacy of national or racial hatred constituting incitement to discrimination, hostility or violence.

**Protection of children (art. 24)**

23. Please provide information, including statistical data, on the enrolment rates for girls and boys in primary and secondary school.

24. Please describe any measures taken to ensure the reintegration in society of juvenile prisoners who participated in the genocide.

**Participation in public life (art. 25)**

25. Please provide detailed and up-to-date information on: (a) measures taken by the State party to guarantee the right of every citizen to participate in public affairs and to hold public office under general conditions of equality; and (b) the mechanisms that exist in the State party to ensure that elections are transparent and fair. Please also say whether there have been any investigations or prosecutions in connection with allegations that there were numerous irregularities during the 2003 elections, such as instances of fraud and intimidation of the opposition.

26. Please provide information on the extent to which the Batwa enjoy the rights recognized in the Covenant, including political rights.

**Dissemination of the Covenant and of the Committee's concluding observations (art. 2)**

27. Please provide information on measures taken to disseminate information about the Covenant and the Committee's concluding observations. Are there any training programmes for members of the judiciary, law enforcement personnel and other civil servants regarding the provisions of the Covenant and their implementation?

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