



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Consideration of reports submitted by States
parties under article 19 of the Convention

List of issues in relation to the second periodic report of Rwanda

Addendum

Replies of Rwanda to the list of issues*

[Date received: 3 November 2017]

Issue No. 1

In its previous concluding observations (see CAT/C/RWA/CO/1, para. 29) the Committee requested the State party to provide follow-up information in response to the Committee's recommendations with regard to: (a) conducting prompt, impartial and effective investigations; (b) prosecuting suspects and sanctioning perpetrators of torture and ill-treatment; (c) providing redress to victims; and (d) guaranteeing fundamental legal safeguards to detainees held in police stations and in secret detention centers; and (e) reducing overcrowding in prisons; as contained in paragraphs 10, 11, 12, 14 and 19 (a) and (b) of the previous concluding observations. The Committee regrets that the State party has not provided the follow-up information requested, in spite of the reminder letter addressed to the State party by the Committee's Rapporteur for follow-up to concluding observations, on 3 June 2013. The Committee considers that the recommendations contained in paragraphs 10, 11, 12, 14 and 19 (a) and (b) of the previous concluding observations have not yet been fully implemented (see paras. 4, 13, 14, 22 and 23 below).

Response

1. Generally, prompt impartial investigations are conducted whoever claims and the Rwanda National Police is responsible for this. Whoever claims impartiality has the right to submit the claim to Quality Service and Inspection Directorate at Rwanda National Police for verifying the veracity of the said allegations.
2. With regard to prosecuting suspects and sanctioning perpetrators of torture and ill-treatment, a number of cases have been prosecuted. As example, only for the Year 2015-2016, 6 cases of torture were investigated and prosecuted, and 3 persons were convicted,

* The present document is being issued without formal editing.



where the penalties imposed were between 0 and 5 years. For the Year 2016-2017, 5 cases were prosecuted and 3 persons were convicted. And penalties imposed were between 0 and 5 years.

3. Like other offences, victims of torture are compensated for injuries caused through a civil action procedure.

4. With regard to guaranteeing fundamental legal safeguards to detainees held in police stations and in secret detention centers, it is worthy to mention first of all that there are no secret detention centers in Rwanda. In case a detainee is held at Police Custody, A Judicial Police officer informs him/her about his/her fundamental legal safeguards such as having a legal counsel, the right to communicate to his/her relatives and so on. As stipulated in article 38 of the Criminal Procedure Code, *“Any person held in custody by the Judicial Police shall be informed of the charges against him/her and his/her rights including the right to inform his/her legal counsel or any other person of his/her choice thereof. Such prerogative shall be indicated in the statement signed by both the Judicial Police Officer and the suspect”*.

5. As reduction of overcrowding in prison is concerned, since 2012, a new prison of MAGERAGERE was constructed. New blocks in different prisons have been constructed to increase the number of rooms for the inmates in Huye, Rubavu and Ngoma prisons. Furthermore, other measures were taken including granting conditional release.

6. There are no secret detention centres in Rwanda. All detention facilities are well known and determined by law. The presidential order of 2012 establishes 15 prisons in Rwanda. These are Ngoma, Rwamagana, Bugesera, Nyagatare, Rusizi, Rubavu, Musanze, Gicumbi, Nyamagabe, Huye, Nyanza, Muhanga, Nyarugenge, Gasabo and the Military Prison.

Articles 1 and 4

Issue No. 2

With reference to the Committee’s previous concluding observations (see para. 7) and bearing in mind that the penalty for the crime of torture committed by a civil servant would be two years, in accordance with article 177 of the Penal Code of 2012, please clarify whether the State party intends to amend the Penal Code to provide for appropriate penalties for acts of torture, that take into account the grave nature of such acts. Please also clarify whether the State officials who instigate, consent to or acquiesce to acts of torture would be punished for those acts, and with what penalties, and whether persons acting in an official capacity who inflict acts of torture would be punished with the same penalties as public officials.

Response

7. While reviewing the Penal Code of 2012, the raised issues were taken into consideration and the current definition of torture in the Penal Code is in conformity with article 1 of the Convention against Torture.

8. With regards to penalties, the article 177 of the Penal Code of 2012, provides that “any person who inflicts torture on another person, shall be liable to a term of imprisonment of six (6) months to two (2) years. If torture results in either incurable illness, permanent incapacity to work, full loss of function of an organ or serious mutilation, the penalty shall be a term of imprisonment of more than five (5) years to seven (7) years.

9. If the offences under Paragraphs one and 2 of this Article are committed by a Judicial Police Officer or a Prosecutor or any other security service officer or civil servant, the offender shall be liable to the provided maximum penalty”.

Issue No. 3

Taking into account that the status of the Convention in the domestic legal order changed following the 2015 amendments to the State Party’s Constitution, which

establishes the supremacy of the Constitution and organic laws over international treaty law, please indicate the measures taken to ensure that domestic law, and in particular organic laws, are consistent with the provisions of the Convention. In the light of the previous concluding observations (para. 8) and the information provided in the State party's report, please provide examples of judicial proceedings in which the provisions of the Convention have been invoked by either party or applied by the judiciary.

Response

10. The supremacy of the Constitution and organic laws over international treaty as stipulated in article 95 of the Constitution of Rwanda as revised in 2015 did not change anything in particular regarding the provision of the Convention. The rationale of the article 95 is that the Organic law deals with constitutional matters. As the legislator will not have to amend the constitution all the time an amendment or harmonization of a constitution provision is needed, the organic law will be adopted to address that constitutional matter. That's why Organic laws are empowered by the Constitution to regulate other key matters in the place of the Constitution, therefore have supremacy over International Conventions.

11. With regard to judicial proceedings in which the provisions of the Convention have been invoked by either party or applied by the judiciary, the judgement RPA 0198/CS, *Prosecutor v. Mujawamariya and Nyirahabimana* delivered on 12th September 2014 serve as example.

12. In this judgement Mujawamariya and Nyirahabimana were accused of poisoning Bariyanga and Nyiransabimana who both died. Basing on their guilt plea before the Judicial Police and Prosecution, the High Court, Chamber of Musanze ruled that Mujawamariya and Nyirahabimana are convicted of the offence and sentenced them to life imprisonment, as well as the loss of all civil rights.

13. Mujawamariya and Nyirahabimana appealed to the Supreme Court stating that they deserve to be declared innocent since there is no tangible evidence proving that they committed the alleged offence.

14. The Supreme Court held that the High Court should not have convicted the appellants of the offence of poisoning basing on the admission that took place before the investigating bodies while their admission was obtained in violation of article 6 of Law No 15/2004 of 12/06/2004 regulating evidence and its production, which prohibits torturing the accused so that she may say what she had refused to say willingly. Therefore, the accused were declared innocent.

15. In this case, neither the parties nor the court did invoke the Convention against torture as such. However, in paragraph 15 of the judgment, the court rejected the confession that was made by the accused at the investigation level, basing on article 6 of the law no 15/2004 of 12/06/2004 related to evidence, which prohibits the fact of intentionally inflicting body pain and suffering on a person with the purpose of obtaining from him/her information or confession.

Issue No. 4

Article 27

Bearing in mind the Committee's previous concluding observations (para. 12) and taking into account the information provided by the State party in its report, please provide information on the measures taken to: (a) Ensure that the maximum period of time during which a person may be in police custody before being presented to a judge is 48 hours; (b) Ensure that all persons deprived of their liberty can enjoy, in practice, fundamental legal safeguards from the moment of arrest, in particular: (i) the right to be informed of their rights in connection with their detention; (ii) prompt access to a lawyer during any interrogation by the police, or, if necessary, to legal aid, and being able to consult privately therewith; (iii) access to an independent medical

examination, preferably by a doctor of their choice, and access to treatment on request; (iv) being able to notify a relative of their detention; and (v) assistance by an interpreter, if necessary. In that regard, please comment on allegations that during a 2014 security operation in Musanze and Rubavu, security forces reportedly detained persons incommunicado without access to legal representation for up to two months; (c) Ensure the systematic registration of all detainees and accurate recordkeeping of all periods of pretrial detention; (d) Monitor compliance by police and other security officials with these legal safeguards. In this regard, please provide information on any disciplinary or other action taken against law enforcement officials for refusing to provide prompt access to the fundamental legal safeguards mentioned above and for failure to complete the registers properly.

Response

16. Article 37 of Code of Criminal Procedure states that “If an offence is punishable with imprisonment of at least two (2) years or if there are serious grounds for believing that a suspect may escape or his/her identity is unknown or regarded as doubtful, a Judicial Police Officer may, for the purposes of investigation, arrest and detain the suspect in a relevant custody facility if there are serious grounds for suspecting that he/she has committed the offence. A statement of arrest and detention of the suspect shall be valid for five (5) days which cannot be extended. A suspect who is arrested shall be immediately released if the Public Prosecution finds in the course of investigation that there are no serious grounds for suspecting him/her of having committed or attempted to commit an offence”. In practice, the Judicial Police officers do their best not to exceed between 48 to 72 hours, and 5 days are just the maximum it can take.

17. The constitution of Rwanda in article 29 (1°) guarantees the right to be informed of the nature and cause of charges and the right to defense and legal representation. The fundamental rights of the suspect persons are also provided for in article 38 of the Rwandan law relating to criminal procedure, where it provides that any person held in custody by the Judicial Police shall be informed of the charges against him/her and his/her rights including the right to inform his/her legal counsel or any other person of his/her choice thereof. That such prerogative is indeed indicated in the statement signed by both the Judicial Police Officer and the suspect.

18. To ensure the respect of the fundamental rights, the National Public Prosecution Authority (NPPA) conducts regular visits to the police custodies, where the prosecution at primary level on weekly basis conduct visit to all police custodies in his/her jurisdiction, every month for the prosecution at intermediate level, while the prosecution at national level conducts their visits on quarterly basis.¹

19. Concerning the issue on persons detained without legal representation, the National Commission for Human Rights, Public Prosecutions as well as other non-governmental Organization conduct regular visit in detention places to handle such kind of issues. The National Public Prosecution Authority reported 3 cases of unlawful detention that have been investigated and prosecuted within the Period of 2015 to 2017.²

20. In relation to systematic registration of all detainees and keeping record of them, generally each police station holds a record book where the detainees in pre-trial detentions are regularly registered.

Issue No. 5

With reference to the Committee’s previous concluding observations (para. 24), and taking into account the information provided by the State party in its report regarding the National Commission for Human Rights, please provide information on: (a) The measures taken to strengthen the independence of the committee in charge of selecting commissioners for the National Commission for Human Rights; (b) Annual

¹ Art 40 of the organic law n° 04/2011/OL of 03/10/2011 determining the organization, functioning and competence of the national public prosecution authority and the military prosecution department.

² National public prosecution authority, annual report, 2015-2016, 2016-2017.

statistical data since 2012 on the number of cases of torture and ill-treatment investigated by the Commission on its own initiative or upon request, and the results of such investigations; (c) The measures taken to ensure that State authorities implement the recommendations of the Commission. Please provide examples of recommendations made by the Commission relating to the prevention and investigation of torture and ill-treatment, and relating to the prosecution of those responsible, that have been implemented by the authorities during the reporting period; (d) The measures taken to ensure that the Commission has sufficient resources to fully comply with its mandate and to enhance its role in protecting human rights.

Response

21. The independence of the Committee in charge of selecting commissioners for the National Commission for Human Rights is guaranteed by the article 2 of the Presidential Order No 72/01 of 12/03.2014 which establishes the candidate selection committee, determine its mission, organization and functioning. The Committee is independent and comply with the principles of transparency and objectivity.

22. Since 2012 to 2017, The National Commission for Human Right, has received and carried out investigation in 4 cases of torture. 2 cases among them were on torture committed by policemen, and were filed to Court, the accused were found guilty and convicted. (Ntaganira David case who alleged to have been tortured by the policemen at the Kamembe Police Station. (case RP 0271/6). The accused were found guilty of assault and battery and were sentenced to 1 Year of imprisonment.

23. The second case is of Mr Ngendahayo Mohamed who also alleged to have been tortured by policemen in Nyagatare District. The case was filed to Court under number RONPJ3121817/SI/12/NJ/NC/SI and is ongoing.

24. In its letter No. CND/MAR/541/15.16 of 10 March 2016, within its mandate to monitor the implementation of recommendations received by the Government, the Commission wrote to the Ministry of Justice and submitted the report on the findings of the assessment conducted on the implementation of the concluding observations on the initial report of Rwanda on CAT. Among the recommendation of the Commission, it recalled all concerned institutions that have the responsibility in the judicial process, especially the Supreme Court, Ministry of Justice, National Public Prosecutor Authority, and Rwanda National Police, to organize regular trainings on the Convention against Torture to enable key players in the trial chain to direct invoke its provisions before domestic courts and to ensure that the Istanbul Protocol is included in the training programs.

25. The NCHR has the autonomy in the management of its budget and the financial support from donors (Internal Regulation, Art. 5-2). The quarterly allocations are directly deposited on the NCHR's accounts. In addition, article 40 (3) of the law stipulates that the NCHR shall have autonomy in managing its property. The use, management and audit of the property of the Commission shall be carried out in accordance with relevant legal provision.

Issue No. 6

Recalling the Committee's previous concluding observations (para. 16), and taking into account the information provided by the State party in its report, please provide further information on the measures taken to combat gender-based violence, including domestic violence, in particular: (a) Annual statistical data from 2012 onwards — disaggregated by the type of crime and by the victim's sex, age range and urban/rural location — on the number of complaints lodged or allegations registered by the police or through the gender-based and domestic violence helpline, the number of such complaints that have been investigated, how many of those complaints have led to prosecutions and convictions and the punishment imposed in those cases; (b) Steps taken to amend article 36 of Law No. 59/2008 on the prevention and punishment of gender-based violence, which criminalizes the victim's refusal to testify about the violence; (c) A brief indication of the means of redress provided to victims of domestic and other gender-based violence, including the annual percentage of cases in which

compensation has been awarded; (d) Measures taken to protect women and children from violence, including the number of protection orders requested and granted during the reporting period and an update on the steps taken to ensure the availability of a sufficient number of Isange One Stop centres in all parts of the country,18 as indicated in the State party's report.

Response

26. The table below indicates the number of Gender based violence cases investigated from January 2012 to September 2017.³

No	Province	Rape		Child defilement		Spouse harassment	
1	Kigali city	330		2 374		614	
2	East	257		1 332		494	
3	Southern	307		1 757		405	
4	Western	308		1 648		299	
5	Northern	453		2 915		436	
Total		1 638		8 905		2 222	
		F	M	F	M	F	M
T/by Sex		1 635	3	8 650	255	2 024	198

The complaints that have been led to prosecutions,⁴ convictions and Punishment

2012-2013

Offence	Received cases by NPPA	Cases filed to courts	Convicted person
Child defilement	2 324	2 301	700
Rape	383	379	88
Spouse harassment	901	869	166

2013-2014

Offence	Received cases by NPPA	Cases filed to courts	Convicted person
Child defilement	1 819	1 819	876
Rape	307	307	177
Spouse harassment	711	711	226

2014-2015

Offence	Received cases by NPPA	Cases filed to courts	Convicted person
Child defilement	1 879	1 864	632
Rape	331	307	102
Spouse harassment	608	582	227

³ Rwanda National Police, Gender Based Violence Department.

⁴ National Public Prosecution Authority, achievements in combatting Gender based Violence (GBV), 2012-2017.

2015-2016

<i>Offence</i>	<i>Received cases by NPPA</i>	<i>Cases filed to courts</i>	<i>Convicted person</i>
Child defilement	1 917	1 907	647
Rape	287	286	74
Spouse harassment	607	605	249

2016-2017

<i>Offence</i>	<i>Received cases by NPPA</i>	<i>Cases filed to courts</i>	<i>Convicted person</i>
Child defilement	2 086	1 285	1 109
Rape	308	130	64
Spouse harassment	736	517	315

27. The penalties were imposed in accordance with the law instituting the Rwanda's penal code.⁵

28. Even if the article 36 of the law preventing and punishing gender based violence punishes the victim of GBV for not testifying the violence committed against her/him; the Penal Code of Rwanda which is hierarchically superior to the law on Gender based violence, punishes a person who refuses to assist or seek assistance for the victim of gender-based violence or to testify on violence and not victims.⁶ The 765 of the Penal Code repealed all provisions contrary to its provision, therefore, article 36 of Law No. 59/2008 on the prevention and punishment of gender-based violence was implicitly repealed.

29. With regard to the protection measures, many measures were taken for the purpose of protection against domestic violence. The Government increased the scale up of ISANGE One Stop Centers across the country, there is a hotline that victims or witnesses of domestic violence can call to request immediate intervention. Currently, there are 28 Isange One Stop Centers (IOSCs) which are operational and 16 IOSCs will be constructed and /or scaled up in next financial year. Each IOSC has 2 permanent staffs: 1 police officer and 1 GBV Officer. There are also temporarily staffs: a medical doctor, a psychologist and a social worker.

Issue No. 7

With regard to the crime of trafficking in persons, please provide:

(a) **Annual statistical data since 2012, disaggregated on the basis of the gender, age range, country of origin and employment sector of the victim, on the number of victims of trafficking and the number of complaints lodged and reports regarding this crime registered by the police, as well as information on prosecutions and convictions, and on sanctions imposed on perpetrators;**

(b) **Information on whether the State party has opened investigations into the allegations that security and military officials were complicit in the sex trafficking of Congolese refugees and in facilitating the recruitment of Burundian refugees into armed groups. Please also inform the Committee about the outcome of those investigations, if any;**

(c) **Information on steps taken to improve the identification of victims of trafficking among vulnerable populations, in particular among refugees, street children and children in domestic servitude;**

(d) **Updates on redress and assistance provided to victims of trafficking, including long-term protection services, the procedure for obtaining**

⁵ Art. 190-201 of the law N° 01/2012/OL of 02/05/2012 Organic Law instituting the penal code.

⁶ Ibidem, art. 216.

compensation, the number of cases in which compensation was awarded and the average amount of compensation granted.

Response

Human trafficking as per age and provinces⁷

Year 2012

No	Province	Under 10 years	10-14 years	15 to 17 years	Total under 18	Above 18 years	G. total
1	Kigali city	00	00	01	01	02	03
2	East	00	00	01	01	01	02
3	Southern	00	00	00	00	00	00
4	Western	00	00	00	00	00	00
5	Northern	00	00	01	01	02	03
Total		00	00	03	03	05	08

Year 2013

No	Province	Under 10 years	10-14 years	15 to 17 years	Total under 18	Above 18 years	G. total
1	Kigali city	00	01	02	03	02	05
2	East	00	00	01	01	01	02
3	Southern	00	00	00	00	02	02
4	Western	00	00	00	00	02	02
5	Northern	00	00	00	00	00	00
Total		00	01	03	04	07	11

Year 2014

No	Province	Under 10 years	10-14 years	15 to 17 years	Total under 18	Above 18 years	G. total
1	Kigali city	00	00	02	02	02	04
2	East	00	00	03	03	07	10
3	Southern	00	00	00	00	00	00
4	Western	00	00	00	00	02	02
5	Northern	00	00	01	01	02	03
Total		00	00	03	06	13	19

Year 2015

No	Province	Under 10 years	10-14 years	15 to 17 years	Total under 18	Above 18 years	G. total
1	Kigali city	00	00	04	04	06	10
2	East	00	00	03	03	10	13
3	Southern	00	00	01	01	02	03
4	Western	00	00	02	02	04	06

⁷ Rwanda National Police.

No	Province	Under 10 years	10-14 years	15 to 17 years	Total under 18	Above 18 years	G. total
5	Northern	00	00	01	00	02	02
	Total	00	00	10	10	24	34

Year 2016

No	Province	Under 10 years	10-14 years	15 to 17 years	Total under 18	Above 18 years	G. total
1	Kigali city	00	00	05	05	09	14
2	East	00	00	03	03	10	13
3	Southern	00	00	00	00	03	03
4	Western	00	00	00	00	06	06
5	Northern	00	00	00	00	07	07
	Total	00	00	08	00	35	43

From January-August 2017

No	Province	Under 10 years	10-14 years	15 to 17 years	Total under 18	Above 18 years	G. total
1	Kigali city	00	00	00	00	03	03
2	East	00	00	00	00	02	02
3	Southern	00	00	00	00	02	02
4	Western	00	00	00	00	05	05
5	Northern	00	00	00	00	04	04
	Total	00	00	00	00	16	16

Prosecution of Human trafficking offences

30. Human trafficking are relatively new offences in Rwandan criminal law. They became offences following the amendment of the Rwanda's penal code in 2012. They therefore started to be prosecuted in 2013.

No	Year	Received cases by the prosecution	Cases filed to courts	Closed cases (classer sans suite)	Pending cases
1	2013-2014	7	5	2	0
2	2014-2015	51	21	20	10
3	2015-2016	32	15	16	1
4	2016-2017	65	25	32	3
	Total	155	66	60	14

31. Concerning an investigation into the allegations that Rwandan security and military officials were complicity in the sex trafficking of Congolese refugees and facilitating recruitment of Burundian refugees into armed groups; this never happened in Rwanda.

32. With regard to the identification of Human Trafficking victims, many activities have been carried out namely: Conduct awareness campaign through the media, in schools, refugee camps, in communities etc; Formation of anti-crime clubs in schools; Training of youth volunteers in community policing; Partnership with Police ambassadors to combat crimes; Collaborate with Community Policing Committees; Continue to reinforce security of borders and the airports; Enhance cooperation with other states.

33. To redress and assist the victim of human trafficking, The Isange One Stop Centers have among their mandate to host the victims of trafficking in person upon they have rescued. In these centers they are provided with free medical exams, counseling, short-term shelter, as well as legal assistance.

Issue No. 8

With reference to the Committee's previous concluding observations (para. 18) and taking into account the information provided by the State party in its report, please provide information on:

(a) **Measures taken to ensure that all asylum seekers, without any restriction relating to nationality or to the profile of the claim, have prompt access to the asylum determination procedure, and to strengthen the capacity of the National Refugee Status Determination Committee to adjudicate on asylum claims within the legal time frame;**

(b) **Whether there is an effective judicial remedy to challenge the deportation of asylum applicants and other undocumented immigrants with automatic suspensive effect of the deportation;**

(c) **Whether asylum seekers and persons subject to extradition have access to independent legal assistance free of charge, including during the appeals process.**

Response

34. Measures to ensure that all asylum seekers access asylum, the government of Rwanda promulgated the Law n0 13ter/2014 of 21/05/2014 relating to refugee's rights as well as The Prime Minister's Order n0 112/03 of 19/06/2015 determining and functioning of the Refugee Status Determination Committee.

35. With regard to the strengthening the capacity of the national refugee status determination committee, the members of committee were trained on the following points: The Mandate of UNHCR, the refugee rights, the 1951 convention relating to the status of refugees, Definition of crimes against peace, Definition of war crimes, Definition of crimes against humanity, International protection, Consequences of cessation

36. The asylum claims are provided under the law relating to refugees. It stated that if a person applying for refugee status is not satisfied with the decision of the Refugee Status Determination Committee, he/she may appeal to the Minister in charge of Refugees. Furthermore, asylum applicants have the right to sue in court and to have legal counsel.

37. Asylum seekers and refugees have the right to be represented in Courts of Law. Legal assistance is also provided to these persons of concern through some Implementing Partners like the Legal Aid Forum (LAF) which is a local NGO contracted for that purpose.

Issue No. 9

Please provide statistical data from 2012 onwards, disaggregated by year and country of origin, on:

(a) **The number of asylum requests registered during the reporting period;**

(b) **The number of requests for asylum or refugee status or other forms of humanitarian protection granted during the reporting period;**

(c) **The number of torture victims identified among asylum seekers, the procedures applied to undertake such identification and the measures taken to help those identified as torture victims;**

(d) **The number of persons extradited, expelled or returned and the countries to which they were removed.**

Response

38. The total number of asylum seekers is 9, 813. Their number is not yet broken down as they are still waiting for the verification to be conducted in the coming months.⁸

39. The number of requests for asylum or refugee status or other forms of humanitarian protection granted during the reporting period.⁹

	<i>December 2013</i>	<i>December 2014</i>	<i>December 2015</i>	<i>December 2016</i>	<i>August 2017</i>
Nationality	Congolese	Congolese	Burundian	Burundian	Burundian
Female	37 485	40 682	76 994	82 006	87 208
Male	26 233	33 150	68 321	75 121	79 749
Sub/Total	73 718	73 832	145 315	157 127	166 777
Total	175 922				

40. So far the Ministry of the Disaster Management and Refugees (MIDIMAR) received 30 cases of torture's victims that took place when they were in their countries of origin and which was one of the main reasons of their forced displacement. These cases were presented by victims themselves to the MIDIMAR or were reported by their fellow Burundian refugees. MIDIMAR work hand-in hand with ICRC and UNHCR to provide medical assistance to victims of torture and protection to ensure that victims of torture continue to receive medical as well as psycho-socio assistance.

41. During the reporting period there was no person extradited, expelled or returned to his/her country of origin. Rwanda as a State party to the 1951 Convention relating to refugees, applies the Principle of Non-refoulement.

Articles 5-9**Issue No. 10**

Please indicate whether the State party has rejected, for any reason, the request of a State for the extradition of an individual suspected of having committed torture, and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such proceedings.

Response

42. Rwanda did not receive any request for extradition of an individual suspected of having committed torture.

Article 10**Issue No. 11**

With reference to the Committee's previous concluding observations (para. 21) and the information provided in the State party's report.

Please clarify whether law enforcement personnel at all levels, State security entities, prison staff, immigration officials, medical personnel dealing with detainees or prisoners, forensic doctors and any other person who may be involved in the custody, interrogation or treatment of persons deprived of their liberty receive training on:

- (a) **The provisions of the Convention;**
- (b) **Non-coercive investigatory and restraint techniques, as well as the principle of the use of force as a last resort;**

⁸ Ministry of Disaster Management and Refugees.

⁹ Idem.

(c) **Guidelines for the detection of signs of torture and ill-treatment, reflecting the standards set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(d) **Identification of victims of trafficking, torture and sexual violence among asylum seekers and refugees.**

Response

43. The Ministry of Justice organized trainings for 40 members of the Treaty Body Reporting task force from different institutions, including representatives of Police, Rwanda Correctional Services (RCS) and staff from Directorate General on Immigration and migration on CAT and its OP in 2015. In 2016, other trainings were organized for 136 Police Staff and 72 staff of RCS on Human Rights in general and emphasised on rights of detainees where the provisions of the Convention against Torture (CAT) and its protocol (OP.CAT and the Istanbul Protocol) were discussed.

Issue No. 12

Please indicate briefly whether the training is regular and compulsory, the overall size of the target group and the percentage of those trained during the period under review.

44. The trainings organized are not compulsory but are conducted regularly. Since 2015, the Ministry of Justice organized 6 training sessions and concerned institutions were invited to nominate participants. It is in this regards that 212 people in total were trained, those include 136 Staff of Rwanda National Police who were trained in 4 sessions, 40 members of the Treaty Body Reporting Task Force and 2 sessions of trainings of 72 Staff of Rwanda Correctional services.

Issue No. 13

Please outline any measures taken to develop and implement a methodology to monitor and assess the effectiveness of those training programme in reducing the incidence of torture and ill-treatment.

Response

45. The strategies to monitor and assess the effectiveness of the above mentioned trainings are the regular monitoring field visits, conducted by the Ministry of Justice through the Law Enforcement Directorate that was established within the Ministry of Justice, to regulate the law enforcement sectors and related subsectors through implementation and dissemination of standards and norms applicable to law enforcement and correctional services. To carry out this activity the law enforcement directorate used to conduct field visit to the prisons and police stations. It is in this framework that during the financial year 2017-2018 it is planned to carry out inspection in 10 prisons and 15 police stations.

Issue No. 14

With reference to the Committee's previous concluding observations (para. 11) and the information provided in the State party's report, please clarify if the State party has undertaken any investigations into the alleged use of "unofficial detention centres and the outcome of those investigations. In that regard, please comment on reports that cases of unlawful and incommunicado detention continued to occur and indicate the measures taken to effectively end arbitrary and secret detentions by security forces.

Response

46. The National Commission for Human Rights has a mission under the law N° 19/2013 of 25/03/2013 to carry out visit to custodial places and other places of deprivation of liberties with the purpose of inspecting whether the rights of detainees are respected and

to check any unlawful detention. Such kinds of visits are conducted every year in the whole country.

47. There is no unlawful and incommunicado detention in Rwanda. Article 40 of the criminal procedure code is clear about legal custody facilities in Rwanda. Any arbitrary detention is prohibited under article 90 and 91 of that law. All detention facilities are known and provided for by law.

Issue No. 15

With reference to the Committee's previous concluding observations (para. 19) and the information provided in the State party's report addressing conditions of detention, please provide the following updated information:

(a) **Annual statistical data since 2012, disaggregated by place of detention, including police and military detention centers, on the capacity and occupancy rates of all places of detention, indicating the number of pre-trial detainees at each place of detention and the average and maximum duration of pre-trial detention;**

(b) **Measures taken to improve the conditions in police and military detention centers with regard to hygiene, access to health care and food;**

(c) **Information on the efficacy of the measures in place to ensure the prompt release of prisoners who have completed their sentences;**

(d) **Progress made to separate pre-trial detainees from convicted prisoners, and to ensure that mothers detained with their babies are placed in more appropriate settings.**

Response

48. People detained in police and military detention centers, have an appropriate place to sleep, access to water, provision of food to every detainee in custody and facilitate those who have special diet recommended by a doctor, as well as the provision of health care to them. In addition to that, the Prosecution and National Commission for Human Right conduct regular visits to check whether the rights of detainees are respected.

49. In relation to prompt release of prisoners who completed their sentences, there is a new system called "prison watch system" established in prisons aimed at reminding sentences completed.

50. Efforts have also been made to separate person in pre-trial detention from those serving sentences. Although they are in the same prison facilities, every effort is made to ensure that there is no interaction between the two groups which are housed in separate blocs. In addition to that, the different sets of detainees wear different uniform colors for easy distinction.

51. Pregnant women, breastfeeding mothers as well as their babies under 3 years are donated food supplements, such as milk and special diet; Babies with their detained mothers are placed in special area where they are treated like other children outside prison.

Issue No. 16

With reference to the Committee's previous concluding observations (para. 13) and the information provided in the State party's report, please provide annual data since 2012 of the number of visits to places of detention conducted by the National Commission for Human Rights, the Office of the Ombudsman and non-governmental organizations, disaggregated by location. Indicate also the timeline for the establishment of the national preventive mechanism, in compliance with the Optional Protocol to the Convention.

Response

52. From 2012 to 2017 The National Commission for Human Rights conducted 288 visits to police stations, 88 visits to prisons and 55 visits to Community Service Camps as indicated in the table below.

Annual data since 2012 of the number of visits to detention premises conducted by The National Commission for Human Rights

	<i>Number of visits to police stations per year</i>	<i>Number of visits to prisons per year</i>	<i>Number of visits of community service camps</i>
2012	84	15	20
2013		15	35
2014	67	14	
2015	52	14	
2016	35	13	
2017	50	14	
Total	288	88	55

As for NGOs visits, from 2012 to 2017 the legal Aid Forum (LAF) visited 5 police stations and 58 prisons.

Annual data since 2012 of the number of visits to detention premises conducted by the LAF

	<i>Number of visits of police stations per year</i>	<i>Number of visits of prisons per year</i>	<i>Number of visits of community service camps</i>
2012	-	12	-
2013	-	14	-
2014	-	14	-
2015	-	-	-
2016	-	10	-
2017	5	8	-
Total	5	58	0

53. With regards to the timeline of the establishment of the National Preventive Mechanisms, the draft law is already in place, it remains its approval by the Cabinet and go through the normal process before the Parliament.

Issue No. 17

With reference to the Committee's previous concluding observations (para. 20) and the information provided in the State party's report, please indicate the measures taken to promote the use of alternative measures to detention for children in conflict with the law, and ensure that children below the age of 18 are only deprived of their liberty as a measure of last resort, when other alternative measures have been exhausted and for the shortest possible time. Please also indicate the steps taken to ensure that juveniles aged between 12 and 14 years in police custody are detained separately from adults.

Response

54. Concerning alternative measures to detention for children in conflict with the law, the law N° 54/2011 of 14/12/2011 relating to the rights and the protection of the child, provides in articles its Article 61 that the Prosecutor has the power to suggest a compromise between a child, his/her parent or guardian and the victim of the offence when such an offence is punishable by a term of imprisonment not more than five (5) years.

55. Also the article 63 of the same law provides that “where the judge to whom offence committed by a child is referred establishes that child is liable to a term of imprisonment not exceeding two (2) years, he or she may order that the child be placed under a rehabilitation Centre. Upon request by the authority of prison, the judge may order that the child who has been sentenced to imprisonment and who has not yet met the requirements for release on parole be placed under rehabilitation Centre if his or her prison file shows positive behavior”.

56. Concerning measures to separate children from adult, the Ministerial order of 28/05/2014 determining judicial police custody facilities provide in article 3 that Judicial Police custody must be constructed in a way that detained children are separated from adult persons and it is respected in practice.

Issue No. 18

Please provide annual statistical data since 2012, disaggregated by place of deprivation of liberty and the victims’ sex and age range, on the number of deaths in custody, indicating the number of persons injured or killed as a result of violence or the excessive use of restrictive measures inside places of detention or in the prisoner transportation system, indicating whether the perpetrator was a State official or a fellow detainee. Please provide detailed information on the outcome of investigations into such deaths or injuries, including the penalties imposed on the perpetrators of torture, ill-treatment or negligence that caused the death or the injuries.

Responses

57. From 2012 to date, only one case of injury occurred due to the negligence of some police officers, in Bugesera District was reported, whereby those police officers were prosecuted, convicted and punished to imprisonment of 7 years.

Issue No. 19

Please indicate whether there are any due process rights with regard to the imposition of disciplinary sanctions in places of detention. With regard to solitary confinement, please provide information on the regime applicable, including the maximum and average duration, whether it could apply to juveniles and persons with disabilities, and whether or not the duration is recorded in each case.

Response

58. Due process rights with regard to the imposition of disciplinary sanctions are provided in article 22 of the instructions of the Commissioner General of Prison of 14/12/2015 determining internal rules and regulation. The prison regulations establish the procedures for handling acts of serious misconduct.

59. Article 21 of the above directives provides solitary confinement as one of disciplinary sanctions imposed to inmates. The prisoner is deprived of contact with others for a maximum period of 15 days. However, this punishment is imposed in exceptional cases and as a last resort and is not applicable to vulnerable people including children and persons with disabilities.

Issue No. 20

With reference to the information provided in the State party’s report, please provide information on the so-called “rehabilitation or transit centres”, indicating the number of facilities of this kind that are operating, the procedure of admission and regime applicable, the number of children and adults that are subject to this type of administrative detention, the reasons for their detention, the means of challenging such detention and any safeguards put in place for such persons. Please comment on reports about the alleged beatings and ill-treatment of detained street vendors, sex workers and beggars at the Gikondo Transit Center by police or other detainees by order or approval of police, and indicate whether the State party has investigated these allegations. Please also indicate if the State party has taken any steps to provide

alternatives to the institutionalization of children in street situations, including their placement in family-based settings.**Response**

60. Rehabilitation Center is defined as “premises used for the conduct of activities dedicated to reforming, educating and providing professional skills and reintegrate any person exhibiting deviant acts or behaviors”,¹⁰ while Transit Centers are referred to “premises used for accommodating on a temporary basis the people whose behaviors may constitute a cause for placement in the rehabilitation center”.¹¹

61. So far, there are 28 transit centers operating in Rwanda, and are located in each district except Kigali City which has one transit center for 3 districts. There are 2 Rehabilitation centers named “IWAWA and GITAGATA”.

62. Numbers of children and adults in rehabilitation and detention centers are not fixed; their number changes day and night depending on those who come in and others who are released. The main reasons for their detention in rehabilitation or Transit centers is to instilling positive behaviors, educating and providing professional skills to them, hence becoming health and productive citizens rather than deviant people.¹²

63. The means put in place to challenge and safeguard such persons are numerous depending on the problem manifested. Some of the deviants receive psychological rehabilitation service such as, Medical care, Social intervention, Psychological counselling.

64. As some young children dropped from school, when they are sent to IWAWA or GITAGATA, they get education, they learn to read and mathematics, some get vocational trainings in masonry, carpentry, tailoring, crop production and on entrepreneurship. After their graduation, they are reintegrated in their communities, and the Center give them means to start income generating activities.

Issue No. 21

Please clarify if foreigners subjected to deportation orders, including children, can be detained in correctional facilities with other prisoners and report on the average duration and conditions of their detention. Please also report on measures taken to provide for non-custodial alternatives to such detention and to ensure that detention is used only as a measure of last resort and for a period of time as short as possible.

Responses

65. Article 39 of the Criminal Procedure code is clear about condition and duration of detention. There is no special treatment for foreigners

Article 12**Issue No. 22**

Please provide annual statistical data from 2012 onwards, disaggregated by crime and the age range and sex of the victim, on: (a) the number of complaints filed and police reports initiated relating to torture, as well as the number of such complaints and reports related to ill-treatment, attempted commission of, or complicity or participation in, such acts, and killings or excessive use of force allegedly committed by or with the acquiescence or consent of law enforcement, security, military or prison personnel; (b) the number of investigations initiated as a result of those complaints and by which authority; (c) the number of those complaints that were dismissed; (d) the number of those complaints that led to prosecutions; (e) the number of those complaints that led to convictions and the penal and disciplinary

¹⁰ Art. 3 (2) of the law n° 20 of 15/05/2017 establishing National Rehabilitation Service.

¹¹ Idem, Art. 3 (3).

¹² Ibidem, Art. 33.

sanctions that were applied to public officials who were found guilty, including the length of prison sentences; (f) the number of ex officio investigations into cases of torture and ill-treatment and the number of ex officio prosecutions per year; and (g) the number of cases of torture or ill-treatment reported by doctors following medical examinations of detainees and the outcome of those cases.

Response

66. From 2012 to date, 3 complaints related to torture committed by law enforcement personnel. 2 of them were prosecuted and found guilty of beating and inflicting injuries and not of torture. Only one case of injury occurred due to the negligence of some police officers, in Bugesera District was reported, whereby those police officers were prosecuted, convicted and punished to imprisonment of 7 years.

With reference to the Committee’s previous concluding observations (para. 14) and the information provided in the State party’s report, please provide information on the outcome of the criminal proceedings and the sentences meted out regarding the alleged cases of torture and ill-treatment during interrogations by Rwanda military intelligence in the Kami and Kinyinga camps. Please comment on reports that the use of torture and ill-treatment by the military and the police continued between 2011 and 2014 in the Kami military camp and in other unofficial places of detention, such as the so-called “Chez Gacinya”, in Kigali. Please explain if these allegations have been investigated and the outcome of the proceedings, if any.

Response

67. On this issues, the clarifications of these allegations are needed because the people who alleges to have been tortured by the Rwandan Military intelligence during their interrogations in The Kami Military Camp are unknown. Those reports did not provide names of victims and suspects; therefore, no investigations were conducted.

Issue No. 24

With reference to the Committee’s previous concluding observations (para. 14) and the information provided in the State party’s report, please provide updated information on the investigations, prosecutions, convictions and punishments related to reported cases of enforced disappearances and extrajudicial executions, including any possible complicity in those acts by members of the police and security forces. Please also provide information on the outcome of the prosecutions against members of the former Rwandese Armed Forces for the abduction of Emmanuel Hakizimana, as well as the outcome of the investigations into the disappearances of other relevant political figures, such as André Kagwa Rwisereka, mentioned in the previous concluding observations, Jean Damascène Munyeshyaka, as well as regarding the executions of Denis Ntare Semadwinga and of Dr. Emmanuel Gasakure. Please also indicate the measures taken to prevent cases of disappearances and executions, establish the truth of the circumstances and the fate of the victims and provide full reparation to victims’ families.

Response

68. Investigations are still underway. Some of mechanisms to prevent disappearances include work hand in hand with the family members, tracing the missing person by all means and collaborate with media and give the progress of the findings.

Issue No. 25

With reference to the Committee’s previous concluding observations (para. 15) and the information provided in the State party’s report, please provide information on the appointment procedure of judges and clarify if judicial appointments are made according to objective criteria of competence and independence. Please also provide information on the measures adopted to prevent undue interference in the

administration of justice. Please also indicate the measures taken to ensure that military courts are prevented from exercising jurisdiction over civilians.

Responses

69. In Rwanda, judicial appointments are governed by the Law no. 10/2013 of 08/03/2013 governing the statutes of judges and judicial personnel, as modified and complemented in 2015, and the Chief Justice's Order no 048/2012 of 24/04/2012 governing modalities for the recruitment, appointment and nomination of judges and registrars.

70. Judges from primary court level to high court level are appointed by the High Council of the Judiciary, based on objective criteria of competence and independence, in accordance with the Law no. 10/2013 of 08/03/2013 mentioned above. Supreme Court Judges are appointed by a Presidential Order.

71. Article 12 to 22 of the law no. 10/2013 of 08/03/2013 governing the Statutes of Judges and judicial personnel provide for requirements¹³ to be fulfilled by any person aspiring to be a judge at different levels. In the same line, the Chief Justice Order no 048/2012 of 24/04/2012 cited above provides for modalities of recruitment, appointment and nomination of judges.

72. Aside to the constitutional guaranty of independence and separation of the judiciary from the legislative and executive power,¹⁴ the law governing the Statutes of judges and judicial personnel provides that judges are fully independent in exercising their duties. In the exercise of their duties, judges shall be subject to the law and be independent without receiving injunction from authority or any administration.¹⁵ The President of the Supreme Court shall guarantee the independence of the judicial power.¹⁶

73. With regard to the exercise of military jurisdiction over civilians, in principle, under the Rwandan legislation, military courts do not exercise jurisdiction over civilians. Article 137 of Organic Law n° 51/2008 of 09/09/2008 determining the organization, functioning and jurisdiction of Courts provides that the Military Tribunal tries in the first instance all offences committed by all military personnel irrespective of their rank. It also has powers to try military personnel accused of the crime of genocide and crimes against humanity committed in Rwanda between October 1st 1990 and December 31st 1994. However, article 148¹⁷ of the law n° 51/2008 of 09/09/2008 cited above, provides that "When several accused persons some of whom are triable by ordinary Courts and others by Military Courts are jointly charged with the commission of the same offence or related offences they shall all be tried by a competent military Court". These provisions shall not apply exceptionally if one of the accused jointly charged with military personnel is triable by the Supreme Court because in such a situation, they shall all be triable by the Supreme Court.

Article 13

Issue No. 26

Please provide information on the measures in place to ensure the confidentiality and independence of the mechanism for filing complaints of torture and ill-treatment, particularly when the victims are deprived of their liberty.

¹³ Those requirements include: to be a person of integrity, to be impartial, to be independent minded, to be a person of irreproachable morals and conduct, to be a holder of at least a bachelor degree in law and a certificate issued by a judicial training institution recognised by the Government; to have successfully gone through the competitive process conducted by the High Council of the Judiciary, etc.

¹⁴ Article 150 of the 2003 Constitution of the Republic of Rwanda.

¹⁵ Article 33 of law n° 10/2013 of 08/03/2013 governing the Statutes of Judges and judicial personnel.

¹⁶ Ibid.

¹⁷ This article governs precedence of military courts over ordinary courts.

Response

74. The Rwandan legislation protects and guarantees the confidentiality and independence of filing complaints of all offences, including torture and ill-treatment. The detainee is be entitled to the right of being visited by his/her lawyer during working hours and they are allowed to communicate in speech or in writing with no hindrance.¹⁸ In this situation when any person raises that he has been tortured, his council can file a complaint before the competent authority or court. The National Commission of Human Right conduct regular visits in prisons and its staff has the right to talk to detainees.

Issue No. 27

With reference to the information provided in the State party's report regarding the existing measures for witness protection; please explain to what extent these measures protect victims and witnesses of torture and ill-treatment from reprisals. Please also provide annual statistical data, disaggregated by the gender and age range of the complainant, on: (i) the number of complaints received pertaining to threats or reprisals against victims or witnesses of torture and ill-treatment; (ii) the number of investigations or inquiries conducted into those complaints; and (iii) the outcome of those investigations.

Response

75. There is a Witnesses and Victims Protection Unit created in 2006 in the National Public Prosecution Authority with the General Mission for the Protection of Victims and Witnesses (V & W); promote the rights of V & W; preventing crimes against V & W; receiving various claims from V & W; Advocate on behalf of V & W in the judicial bodies to seek additional evidence; and facilitate access to medical, social and psychological care. If there are victims and witnesses of torture and ill-treatment from reprisals, they will be treat within the same framework.

76. Concerning complaints pertaining to threats or reprisals against victim or witness, so far there is no case reported to National Public Prosecution Authority or to the police.

Article 14**Issue No. 28**

With reference to the Committee's previous concluding observations (para. 22), and the information provided in the State party's report, please indicate if the State party is considering removing the condition based on "recognition of offence by the perpetrator", so that victims of torture may seek and obtain prompt, fair and adequate compensation, even in cases where a perpetrator is not identified. Please also indicate the measures taken to ensure that claims for redress for torture are not subject to a statute of limitations.

Response

77. According to article 146 of the CCP, an injured party, without joining his or her action to any criminal action by the prosecution, and without instituting a private prosecution, can sue directly in a civil court seeking to recover damages for injury arising from the offence. The proceedings are then conducted in accordance with ordinary rules of civil procedure.

Issue No. 29

Please provide statistical data on the redress and compensation measures granted each year, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture or ill-treatment and their families since the

¹⁸ Law n° 38/2006 of 25/09/2006 establishing and determining the organization of the national prisons service.

examination of the previous periodic report, in 2012. That information should include the number of a) applications for State compensation for torture and abuse lodged, b) applications time-barred due to courts' inaction, c) applications granted and the range of awards in successful cases.

Response

<i>Year</i>	<i>Number of cases</i>	<i>Case number</i>	<i>Compensation and moral damages</i>
2013	1	RP 00156/13/TGI/GSBO	210 360 000 Frw
2014	0	-	-
2015	1	RP 0124/15/TGI/NGOMA	9 360 000 Frw
2016	0	-	-
2017	0	-	-

Article 15

Issue No. 30

In the light of the Committee's previous concluding observations (para. 23), and the information provided in the State party's report, please provide information on:

(a) The measures taken to ensure that State officials always bear the burden of proof for establishing that a confession has not been produced through torture or ill-treatment;

(b) Statistical data since 2012 on the number of cases in which detainees have alleged that their confessions were extracted through torture, the number of such complaints that have led to investigations and their outcomes, including punishments meted out to convicted perpetrators, if any, and reparations and compensation offered to victims;

(c) Whether the State party has reviewed any criminal conviction based solely on confessions, in order to identify instances of wrongful convictions, in particular those related to individuals charged with threatening national security and detained at Kami or Mukamira military camps as well as in "safehouses" in Kigali, mentioned in the previous concluding observations. Please provide details of those cases, if any.

Responses

78. Rwanda has taken legal measures to ensure that State officials always bear the burden of proof for establishing that a confession has not been produced through torture or ill treatment. The Rwandan Evidence Act provides that it is prohibited to resort to torture or brain washing to extort an admission from the parties or the testimony of witnesses.¹⁹ The evidence found by torture is void in determining the issues of a case, without prejudice to any sanctions provided for by the penal code.²⁰

79. With regards to statistical since 2012 on the number of cases in which detainees have alleged that their confessions were extracted through torture.

<i>Year</i>	<i>Number of cases</i>	<i>Case number</i>	<i>Number of convicted perpetrators</i>	<i>Punishments</i>	<i>Reparation and compensation</i>
2013	0	-	-	-	-

¹⁹ Article 6 of law n° 15/2004 of 12/6/2004 relating to evidence and its production.

²⁰ Ibid, Article 8.

<i>Year</i>	<i>Number of cases</i>	<i>Case number</i>	<i>Number of convicted perpetrators</i>	<i>Punishments</i>	<i>Reparation and compensation</i>
2014	0	-	-	-	-
2015	0	-	-	-	-
2016	0	-	-	-	-
2017	0	-	-	-	-

80. Measures taken to ensure that confession has not been produced through torture or ill treatment, is also provided by the code of criminal procedure in article 39 which stated that any persons held in custody by the Judicial Police have right to legal counsel and to communicate with him/her. He has the right to keep silent until he has a legal counsel.

Article 16

Issue

In relation to the information provided in the State report please mention the legislative measures taken to explicitly prohibit corporal punishment of children in all settings, as established in the National Integrated Child Rights Policy. Please also indicate whether any measures have been taken to encourage non-violent forms of discipline and to raise awareness about the harmful effects of corporal punishment.

Response

81. In the perspective of continuously discouraging corporal punishment and encouraging non-violent forms of discipline in all settings with special emphasis to continuous mentorship of parents; the Republic of Rwanda through the National Commission for Children has inserted a component of fighting corporal punishment in the training module of Community-based child and family protection volunteers locally known as “Inshuti z’Umuryango”. These are volunteers based at Village level (A man and a woman) who have been trained to ensure regular home visits for mentorship of parents, advocacy for child protection critical cases and coordination of child protection interventions at Village level in close partnership with the Village leader. With that part of the message on fighting corporal punishment in the training module that all “Inshuti z’Umuryango” have gone through, they learned alternative ways of disciplining children and the programme continue in countrywide.

With reference to the Committee’s previous concluding observations (para. 17) and the information provided in the State party’s report, please report on the measures taken to provide effective protection against intimidation, threats and arbitrary detention of human rights defenders and journalists reporting on human rights-related issues and issues of public interest. Please provide information from 2012 onwards on the number of complaints and the outcome of the investigations of those complaints, the convictions and penalties imposed in cases of assault, threats, harassment and murders believed to be linked to the victims’ activities as journalists or reporters of human rights violations, for example with regard to the murder in July 2013 of Gustave Sharangabo Makonene, coordinator of Transparency International Rwanda’s Advocacy and Legal Advice Centre.

Response

82. Concerning measures taken to provide effective protection against intimidation , threats and arbitrary detention of human rights defenders and journalist, the government of Rwanda established a media self-regulatory Body (Rwanda Media Commission) whose responsibility is to promote nurture and protect ethical journalistic practices, to defend media freedom and; to speaking on behalf of the media fraternity as a whole especially as far as promotion and protection of ethical principles as well as freedom are concerned. The

Body exists since 2013 and it has received more than 230 complaints, some are from media practitioners whose rights were violated when on duty.

83. Rwanda adopted the media law regulation media in Rwanda and the introduction of law on access to information law in Rwanda. Several trainings took place with the support of UNESCO. Police officers and Journalists were trained on Safety of Journalists using the UNESCO Freedom of Expression and Public Order Training Manual; Training of Police cadets on safety of journalists, working relationship and public order, Awareness campaigns on access to information law among local authorities and security organs etc. Regular dialogue meetings between Rwanda National Police and media fraternity to enhance working relationship; there have been also five outreach seminars on journalists' rights with Rwanda National Police and other security agents.

84. Rwanda Media Commission put in place a helpline/toll free line (3536) available 24/7 for journalists in case of emergency or any inquiry

85. With regard to complaints received from 2012, media self-regulatory body received 16 complaints related to media. The complaints were in relation to harassment made to journalists, threatened by authorities, went missing, detained for their work or denied access to the source of information. All cases were fully handled with intervention of Rwanda Media Commission and other relevant institution.

86. With regard to the case of Makonene Shirangabo Gustave Coordinator of Transparency International Rwanda, the two police officers accused for his murder was prosecuted and sentenced for 20 years of imprisonment.

Issue

Please clarify the criteria used to qualify the application of the crimes of “endangering state security”, “inciting public disorder” or “separatism” and indicate the number of human rights defenders, opposition politicians and journalists who have been deprived of their liberty since 2012 on grounds of the above-mentioned crimes, disaggregated by year and type of offence.

Response

87. The penal code of Rwanda defines offences against state security. These offences are divided into 2 categories, offences against internal State Security stated from articles 446 to 459, and offences against external State security starting from article 460 to 475.

88. The law no 47/2001 related to sectarianism define the practice of sectarianism or separatism as any oral, written or any divisional act, which can generate conflicts among the population, or because quarrels based on discrimination.

Issue

Taking into account that the 2012 amendment to the Penal Code expanded the exceptions for permissible abortion, please explain the measures taken to ensure that women qualifying under these exceptions can have prompt and effective access to legal and safe abortion. In this regard, please comment on reports indicating that the requirements of obtaining a court order certifying that a woman has become pregnant as a result of rape, incest, or forced marriage, or obtaining the permission of two doctors in the case of an abortion for the reason of health, create barriers that lead pregnant women to seek clandestine abortion services that put their lives and health at risk.

Response

89. Generally, according to article 165 of Penal Code, “there is no criminal liability for a woman who commits abortion and a medical doctor who helps a woman to abort if one of the conditions set by this article is met, and only if the woman who seeks abortion submits to the doctor an order issued by the competent Court recognizing one of the cases under these items, or when this is proven to the Court by a person charged of abortion. The Penal

Code is now under revision and all comments and reports made about this provision were taken into consideration.

90. Since 2012 up to date, 8 complaints seeking abortion, were received and judged in Rwandan courts (2 cases in TGI Gicumbi, 2 cases in TGI Rubavu, 1 case in TGI Muhanga, 1 case in TGI Ngoma, 1 in TGI Nyarugenge, 1 in TGI Gasabo).

Other issues

Please indicate whether the State party is considering accepting the competence of the Committee under article 22 of the Convention.

91. Consultative meetings are still on going to see whether it is necessary.
