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**Concluding Observations and Recommendations on
the Combined 11th, 12th, and 13th Periodic Report of the Republic of
Rwanda under the African Charter on Human and Peoples' Rights**

and

**Initial Report under the Protocol to the African Charter on Human and
Peoples' Right on the Rights of Women in Africa**

I. Introduction

1. The Republic of Rwanda (Rwanda) is a State Party to the African Charter on Human and Peoples Rights (African Charter or Charter), having ratified the Charter on **15 July 1983**.
2. Pursuant to Article 62 of the African Charter, Rwanda submitted its Initial Report in August 1990, its combined 1st to 5th periodic Reports in March 2000, its combined 6th and 7th periodic Reports in 2004, its 8th periodic Report in 2007, and its combined 9th and 10th periodic Report in 2009.
3. The present Report, which was submitted in January 2017, is the combined 11th, 12th, 13th and 14th periodic Report of Rwanda (covering the period 2009 to 2016), and it brings Rwanda up-to date with its reporting obligations provided for under Article 62 of the African Charter.
4. While Part A of the Report deals with Rwanda's obligation under the African Charter, Part B of the Report encompasses Rwanda's Initial Report under the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol), covering the period 2006 to 2016.
5. The Report was considered during the 61st Ordinary Session of the Commission from 1 to 15 November 2017, in Banjul, The Gambia. It was presented by the delegation from Rwanda led by **Ms. Providence Umurungi**, Head of International Justice and Judicial Cooperation, Ministry of Justice, Representing the Government of Rwanda, accompanied by **Mr. Epimaque RUBANGO KAYIHURA**, Senior State Attorney at the Ministry of Justice.
6. The Report highlights developments which took place in Rwanda in the promotion and protection of human rights, and the legislative, administrative and judicial measures put in place to comply with its obligations under the African Charter.
7. The present Concluding Observations and Recommendations give an account of the positive aspects, the factors restricting the enjoyment of human rights and the areas of concern regarding exercise of human rights in Rwanda.
8. In conclusion, the Commission makes recommendations to the Government of Rwanda on measures for strengthening the enjoyment of human rights as guaranteed by the African Charter, the Maputo Protocol as well as other relevant regional and international human rights instruments.

PART A: Concluding Observations and Recommendations on the Combined 11th, 12th, and 13th Periodic Report of the Republic of Rwanda under the African Charter on Human and Peoples' Rights

II. Positive Aspects

9. The Commission notes a number of positive aspects in Rwanda's efforts towards the fulfilment of its obligations under the African Charter:

Reporting Obligation and Cooperation with the Commission

10. The Commission:

- i. Welcomes the efforts made by Rwanda in preparing and presenting its Report and commends Rwanda for being up to date with its obligations under Article 62 of the African Charter;
- ii. Commends the efforts made by Rwanda to ensure that the preparatory process of the Periodic Report was participatory and transparent; and representatives of Civil Society Organizations (CSOs) involved in human rights in Rwanda;
- iii. Commends Rwanda for implementing recommendations of the Commission in its Concluding Observations on Rwanda's 9th and 10th Periodic Report.

Ratification of Regional and International Human Rights Instruments

11. The Commission commends Rwanda for ratifying the following international treaties during the period under review:

- i. *The African Charter on Democracy, Election and Governance, (ratified by Presidential Order No 27/01 of 09/07/2012);*
- ii. *The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (ratified by Presidential Order n°. 34/01 of 14/07/2009);*
- iii. *The International Convention against Doping in Sports (ratified by Presidential Order n° 07/01 of 31/03/2009);*
- iv. *The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ratified by Presidential Order n°33/01 of 17/05/2010);*
- v. *Optional Protocol to the Convention Against Torture and other cruel, Inhumane and Degrading Treatment or Punishment (ratified by presidential Order No 60/01 of 12/02/2014).*

Other Instruments

12. Other Instruments include:

- i. *The African Union (AU) Non-Aggression and Common Defence Pact (ratified by Presidential Order n° 35/01 of 14/07/2009);*
- ii. *The Additional Protocol to the Convention Relating to International Exhibitions (ratified by Presidential Order P.O. n° 36/01 of 17/05/2010).*

Enactment of National Laws and Policies guaranteeing human rights

National Legislation

13. The Commission commends the adoption of the following laws to guarantee human rights and promote peace and development:

- i. *Law N° 13/2009 of 27/05/2009 Regulating Labour in Rwanda;*
- ii. *Law N° 34/2010 on the establishment & organisation of Rwanda correctional Services;*
- iii. *Law N° 54/2011 of 14/12/2011 relating to the Rights and the Protection of the Child;*
- iv. *Law N° 03/2011 of 10/02/2011 Determining The Responsibilities, Organization And Functioning Of The National Council Of Persons With Disabilities;*
- v. *Law N° 01/2012/OL of 02/05/2012 instituting the Penal Code;*
- vi. *Law N° 04/2012 of 17/02/2012 governing the organization and the functioning of National Non-Governmental Organizations (NGOs);*
- vii. *Law N° 04/2013 of 08/02/2013 relating to Access to Information;*
- viii. *Law N° 10/2013/OL of 11/07/2013 governing political organisations and politicians;*
- ix. *Law N° 02/2011 of 10/02/2011 which established a National Women Council;*
- x. *Law No. 22/2011 of 28/6/2011 establishing the National Commission for Children (NCC);*
- xi. *Law N° 86/2013 of 11/09/2013 establishing the General Statute for Public Service;*
- xii. *Organic Law N° 10/2012/OL of 15/01/2013 repealing the Organic Law N° 55/2008 of 10/09/2008 governing NGOs;*
- xiii. *Law N° 84/2013 of 11/09/2013 on crime of genocide ideology and related offences;*
- xiv. *Law N° 02/2013 of 08/02/2013 which established Media Self-Regulatory Body in Rwanda;*
- xv. *Law N° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) regulating the licensing of media houses operating in Rwanda;*
- xvi. *Organic Law N° 12/2013/OL of 12/09/2013 on State finances and property institutionalizing Gender Responsible Budgeting;*

- xvii. *Law N° 41/2015 of 29/08/2015 relating to Disaster Management;*
- xviii. *Law N° 13/2014 of 21/05/2014 relating to refugees;*
- xix. *Law N° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions.*

National Policies

14. The Commission also commends the adoption of the following Policies:

- i. *Mining Policy of 2010;*
- ii. *Integrated Child Rights Policy of 2011;*
- iii. *Legal Aid Policy of 2014 to provide legal aid to juvenile offenders;*
- iv. *Health Sector Policy of 2015;*
- v. *Health Sector ICT Security Policy of 2016;*
- vi. *Rwanda Pharmacy Policy of 2016.*

Institutional Measures Promoting Human Rights

15. The Commission commends the following institutional measures in the promotion and protection of human rights:

- i. *Rwanda Agriculture Board (RAB) of 2010;*
- ii. *The National Food and Nutrition Strategic Plan (NFNSP) 2013-2018;*
- iii. *The Office of the Ombudsman whose authority was enhanced in 2013 with a new governing law with additional powers granted to the office;*
- iv. *The National Council for Persons with Disabilities (NCPD) established by law No. 03/2011 of 10/02/2011 to coordinate activities aimed at advancing persons with disabilities and advocating on the issues affecting them;*
- v. *The Rwanda Governance Board (RGB) established by law No 41/2011 of 30/09/2011 to promote the principles of good governance and decentralization;*
- vi. *The Rwanda Natural Resources Authority (RNRA).*

Civil and Political Rights

Death Penalty

16. The Commission congratulates Rwanda for abolishing the death penalty and replacing with life imprisonment.

Prohibition of Torture and Cruel, Inhuman and Degrading Treatments

17. The Commission commends Rwanda for the:

- i. Criminalisation of torture in Articles 176 and 187 in the Organic Law Instituting the Penal Code 2012 and Article 177 which provide for the penalties of torture;
- ii. Establishment of the National Preventive Mechanism (NPM) as a unit within the National Human Rights Commission (NHRC).

Conditions of Detention

18. The Commission commends Rwanda for the:

- i. Newly established Rwanda Correctional Services (RCS) responsible for the promotion and protection of the rights of incarcerated people in accordance with the Rwandan and international laws;
- ii. Building of new prisons in the Southern, Eastern, Western provinces and in Kigali City;
- iii. Rehabilitation of old prisons in Huye and Rwamagana;
- iv. Quality of the detention Centre-Mpanga prison which meets international standards;
- v. Increase of sleeping space (80cm by 2m) in prisons;
- vi. Establishment of nursery schools for children under three years old living with their mothers in prisons and the provision of a cow to provide fresh milk to the children;
- vii. Adoption of alternative measures to imprisonment including community work, otherwise known as “ the TIG program;”
- viii. The reintegration of 11,000 people under the TIG program, with some prisoners being released conditionally before the end of their prison sentences.

Right to Freedom of Expression and Access to Information

19. The Commission commends Rwanda for:

Freedom of Expression

- i. The National Utilities Statutory Regulator Agency which regulates audio, audio-visual media and internet;
- ii. The Media Self-Regulatory Body, established by Law No. 02/2013 of 08/02/2013.

Access to Information

- i. The enactment of Law N° 04/2013 of 08/02/2013 relating to Access to Information, which applies not only to public bodies but also to private bodies which carry out work in the public interest;
- ii. The publication of a list of 540 Information Officers who are responsible for responding to information requests by the office of the Ombudsman which is responsible for monitoring and implementing the Access to Information law.

Right to Freedom of Assembly and Association

20. The Commission commends Rwanda for the right to free association enshrined in Article 39 of the Rwandan Constitution as revised in 2015.

Refugees, IDPs and Migrants Workers

21. The Commission commends Rwanda for the:

- i. Establishment of a new Ministry of Disaster Management and Refugee Affairs which is expected to provide more attention to issues related to refugees and disasters, which has steered the campaign for voluntary repatriation and reintegration of refugees and asylum seekers;
- ii. Enactment of Laws relating to Disaster Management and to refugees.

Right to participation

22. The Commission commends Rwanda for the:

- i. Establishment of the Rwanda Governance Board in 2011, charged with promoting good governance and decentralization, conduct research and policy analysis related to governance, and enhance citizen participation;
- ii. Rwanda Governance Scorecard of 2014, a comprehensive governance assessment tool, which conducts surveys such as the Citizen Score Card;
- iii. Referendum of 2015 contributing to the positive outcome of Rwanda's 2017 peaceful elections;
- iv. Recognition of eleven political organizations in accordance with the law of 2013 on political parties.

Economic, Social and Cultural Rights

23. The Commission commends Rwanda on:

Right to housing

- i. Assistance to people living in rural areas to acquire low cost housing by allocating 416 block making machines and 100 tile making machines.

Right to work

- i. Regulation of Labour through Law N° 13/2009 of 27/05/2009 which amongst other things: provides safeguards for workers; prohibits work for children, forced labour, discrimination, unlawful dismissal; protects workers against harassment of any kind; protects pregnant and breastfeeding women; and promotes freedom of opinion in the work place;
- ii. Establishment of the Rwanda Agricultural Board;
- iii. Establishment of the new Ministry of Youth which has the mission to tackle among others, the issue of unemployment.

Right to health (HIV/AIDs)

24. The Commission commends Rwanda for:

- i. The various legislative, policy, administrative and other measures undertaken to give effect to the right to health, and in particular, for the prevention, management and control of HIV and AIDS, as well as for the legal protection and access to legal remedies for People Living With HIV (PLHIV) and those at risk, vulnerable to and affected by HIV;
- ii. Other HIV/AIDS prevention measures, including mass education and information dissemination carried out through different media, including radio and television programmes and theatre;
- iii. Popular long-running radio plays such as *Urunana* and *Musekweya* which provide critical information including adolescent sexual and reproductive health, antenatal health, nutrition and HIV prevention and management of HIV and other public health concerns.

Right to education

- i. Legislative institutional and administrative measures and policies put in place to facilitate development of education;
- ii. Free and compulsory Primary education, in line with Article 20 of the Constitution of the Republic of Rwanda of 2003 as revised in 2015;

- iii. *“Education for All”* program aimed at enabling Rwanda to become a knowledge based economy;
- iv. Construction of more classrooms;
- v. One Laptop per child program extended to primary schools all over the country;
- vi. Increase in the number of teachers in primary and secondary schools.
- vii. The introduction of education for children with physical or mental disabilities, and training of 386 teachers on the methodology for such classes;
- viii. Increased enrollment of persons with disabilities at different education levels.

Right to water

- i. Improved sanitation and sources of drinking water.

Right to food

- i. Co-operatives which have led to an increase in food security;
- ii. The Crop Intensification Programme at the Ministry of Agriculture and its partners, which uses co-operatives as a vehicle for the distribution of improved seeds and fertilisers to farmers.

Rights of Persons with Disabilities

25. The Commission commends Rwanda for the:

- i. Establishment of the National Council for Persons with Disabilities in 2011 to deal with issues affecting them;
- ii. One representative of persons with disabilities in the Parliament’s Chamber of Deputies;
- iii. Code of Practice on Disability Mainstreaming in Public Service;
- iv. 7 years Government Program, with a principle of *“No one left behind”*, aimed at facilitating access to employment and other social programs for persons with disabilities.

Extractive Industries and the Environment

26. The Commission commends Rwanda for:

- i. The Rwanda Natural Resources Authority (RNRA) established under Law No. 53/2010 of 25/01/2011;
- ii. The 2010 Mining Policy aimed at establishing a fair management of mining resources, eradicate poverty, as well as improve the wellbeing of the population;

- iii. Legislations safeguarding and protecting the exploitation of natural resources and the environment.

Right to Peace and Security

27. The Commission commends Rwanda for:

- i. Maintaining security across all Rwandan borders;
- ii. Ensuring that all people enjoy maximum security and safety that enables them to conduct their day and night activities;
- iii. Enhancing cooperation between leadership of all security agencies and the entire country;
- iv. Intensive sensitization campaigns of the public on national security.

III. Factors restricting the enjoyment of human rights guaranteed by the African Charter

28. Lack of awareness by the majority of the population about regional and international human rights instruments ratified by Rwanda restricts the effective enjoyment of human rights in the country.

IV. Areas of Concern

29. While acknowledging the significant efforts made by the Government of Rwanda to promote and protect human rights, the Commission is however concerned about the following:

Reporting Obligations and Cooperation with the Commission

30. The Commission appreciates Rwanda's response to its recommendations in Rwanda's combined 9th and 10th periodic Report of 2009. It however notes that, the current Report does not provide specific and comprehensive answers to some of the questions and issues raised by the Commission. The Report does not for instance, provide comprehensive disaggregated data, including gender disaggregated data on its implementation of the rights guaranteed in the African Charter in order to allow the Commission to objectively assess Rwanda's level of compliance *vis-à-vis* the obligations contained in the African Charter.

Lack of additional Information

31. The Commission is concerned that following the Delegation's commitment to provide additional information to the Commission on issues raised during presentation of the Report, information has not been forthcoming which impacts on the substance of the present Concluding Observations.

Ratification of Regional Human Rights Instruments

Withdrawal of the Declaration

32. The Commission is concerned by the withdrawal of Rwanda of the Declaration made under Article 34(6) of the Protocol to the African Court on Human and Peoples' Rights (the Protocol), accepting the jurisdiction of the Court to receive cases under Article 5 (3) of the Protocol in March 2016.

Civil and Political Rights

33. The Commission is generally concerned about the lack of information in the Report regarding adequate awareness of the population about their rights, legal procedures and available remedies in respect of their civil and political rights.

Prohibition of Torture and Ill-treatment

34. The Commission is concerned that:

- i. The Report does not contain information on measures the Government is putting in place to raise awareness amongst members of the judiciary on their obligation to open inquiries into allegations of torture or ill-treatment particularly when they are raised during trial;
- ii. The Report is silent on the remedies that are available for suspects who have been convicted despite alleging that their confessions were obtained through torture.

Conditions of Detention

35. The Commission is concerned about the:

- i. Lack of information regarding a database on torture-related complaints in police stations;
- ii. Lack of information on popularisation and implementation of the Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa.

Right to Freedom of Expression and Access to Information

36. The Commission is concerned about:

Freedom of Expression

- i. Criminal defamation, whose repeal from the statute-books is on-going;

- ii. Defamation, which was still a criminal offence in the Penal Code at the adoption of the Report.

Access to Information

- i. Lack of awareness of the public on their rights with regards to access to information;
- ii. Lack of knowledge by public institutions on their duty to promote the right to access to information which limits effective implementation of the Access to Information Law;
- iii. The Law relating to the protection of Whistle-Blowers which does not state the exact mechanisms for protecting whistle-blowers.

Right to Freedom of Assembly and Association

37. The Commission is concerned about lack of sufficient information in the Report concerning the protection of these rights.

Refugees, IDPs and Migrants Workers

38. The Commission is concerned with:

- i. The lack of information relating to the implementation of the Kampala Convention and no statistics on the number of Refugees and Returnees;
- ii. The lack of information relating to the implementation of the Kampala Convention and the situation of Migrants in Rwanda.

Economic, Social and Cultural Rights

Right to work

39. The Commission is concerned with the persistent high rate of unemployment amongst the youth amidst the different strategies put in place by the Government.

Right to health (HIV/AIDS)

40. The Commission is concerned that:

- i. There is no information about measures the Government of Rwanda is putting in place to integrate HIV/AIDS prevention and care information into the education system in Rwanda;
- ii. The Report does not indicate measures put in place by the State to support Orphaned and other vulnerable children affected by HIV/AIDS.

Older Persons

41. The Commission is concerned about lack of specific information regarding the rights of older persons in the Report.

Extractive Industries and Environment

42. The Commission is concerned about:

- i. Lack of information on national policy to ensure local involvement and benefit from extracted resources;
- ii. Lack of detailed information on legal framework to protect the environment which includes “various laws and ministerial orders,” and lack of information regarding a regulatory body to monitor implementation of these laws and ministerial orders;
- iii. Lack of information on the level of artisanal mining, and whether any programs or policies to monitor or regulate this practice are being developed.

Indigenous Populations

43. The Commission notes that:

- i. According to the Delegation, Rwanda has banned the identification of ethnicities in the country with a view to ensuring national unity. The Commission is however concerned that the prescribed solution may not effectively resolve the problem as unity can be achieved in diversity;
- ii. The Government has not defined any programs and policies for the benefit of ethnicities.

V. Recommendations

44. In view of the foregoing, the Commission makes the following recommendations to the Government of Rwanda:

Reporting Obligations

45. Rwanda should ensure it complies with its obligations under Article 62 of the African Charter by implementing these recommendations.

Ratification of Regional/International Human Rights Instruments

46. Rwanda should reconsider the withdrawal of its declaration under Article 34(6) of the Court Protocol.

Civil and Political Rights

47. Rwanda should include in its next Report, information in respect of legal procedures and available remedies on violations to the civil and political rights of the population, and also include civic education in school curricula if this is not already done.

Prohibition of Torture and Ill-treatment

48. Rwanda should, in its next review period:

- i. Provide information on measures the Government is putting in place to raise awareness amongst members of the judiciary on their obligation to open inquiries into allegations of torture or ill-treatment particularly when they are raised during trial;
- ii. Provide information on remedies available to suspects who have been convicted despite alleging that their confessions were obtained through torture.

Conditions of Detention

49. Rwanda should:

- i. Ensure that the office of the Director of Public Prosecution provides statistics as to how many cases referred to them by the IPOA have been prosecuted;
- ii. Establish a database on torture-related complaints in order to determine the prevalence of torture in police stations;
- iii. Effectively implement domestic laws and policies on bail bonds and sentencing to reduce overcrowding in prisons and resultant problems of violence and adverse health consequences;
- iv. Take appropriate measures to ensure strict respect of the 48 hours duration of police custody while reviewing the regime of pre-trial detention to comply with international standards such as the Commission's Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention (the Luanda Guidelines);
- v. Continue to ensure human rights training for the police and other law enforcement officers;
- vi. Make use of the Luanda Guidelines, and provide training to the police on the Guidelines;
- vii. Extend access to legal services for persons in Police Custody in conformity with the Luanda Guidelines.

Right to Freedom of Expression and Access to Information

Freedom of Expression

50. Rwanda should:

- i. Finalise the process of decriminalising defamation by repealing relevant provisions in the Penal Code.

Access to Information

51. Rwanda should:

- i. Take appropriate measures to ensure public institutions are empowered in their duty to promote the right to access information through training, advocacy, as well as material and financial resources;
- ii. Ensure that the public is aware of their rights with regards to access to information through capacity building programs;
- iii. Ensure that the Law relating to the protection of Whistle-Blowers is designed to protect whistle-blowers.

Rights to Freedom of Association and Assembly

52. Rwanda should:

- i. Provide more information on the above-mentioned rights during its next Reporting period;
- ii. Take legislative and other measures in order to protect, and promote human rights in conformity with the UN Declaration on Human Rights Defenders, the African Charter, the Kigali Declaration and other regional and international human rights instruments that guarantee the right to freedom of association and assembly;
- iii. Indicate to what extent the Government of Rwanda mainstreams the Guidelines on Freedom of Assembly and Association in subsequent Reports.

Refugees, IDPs and Migrants Workers

53. Rwanda should include information in its next Report on:

- i. Implementation of the Kampala Convention through the adoption of national laws and provide statistics on the number of refugees, statistics, and information on programs for reintegration of returnees;

- ii. Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- iii. The situation of Migrants in Rwanda.

Economic, Social and Cultural Rights

Right to work

54. The Commission urges the Government of Rwanda to:

- i. Implement the National Employment Policy and ensure that programs intended to promote employment have a component on financial literacy;
- ii. Promote skills and innovation for new types of jobs to provide employment opportunities for the youth population.

Right to health (HIV/AIDs)

55. Rwanda should:

- i. Ensure that the next Report includes information about measures the Government of Rwanda is putting in place to integrate HIV/AIDS prevention and care into the education system in Rwanda;
- ii. Include information and statistics on orphaned and vulnerable children affected by HIV/AIDS in its next Report as well as measures taken to support them.

Older Persons

56. Rwanda should provide more information on the rights of older persons in the country in its next Report.

Extractive Industries and Environment

57. Rwanda should:

- i. Adopt laws that protect the right to environment by all categories of people in the country and establish a Regulatory Body to monitor implementation of these laws;
- ii. Provide information in its next Report on artisanal gold miners and adopt policies to regulate artisanal mining.

Indigenous Populations

58. While recognising Rwanda's post-genocide approach to ethnicity, the Commission is concerned that this could impact negatively on some indigenous

groups such as the Batwas in the country. In this regard, the Commission urges the Government of Rwanda to recognise indigenous communities, as well as promote their cultures, traditions, ways of life so as to ensure effective unity and harmony. Rwanda should also consider creating specific policies and programs which will contribute to consolidating national unity.

Cooperation with the Commission

59. Rwanda Government should:

- i. Continue the regular submission of Periodic Reports on the implementation of the African Charter in compliance with Article 62 of the African Charter;
- ii. Provide, in its next Periodic Report, up-to-date statistics and data on all relevant sectors as well as on activities of institutions with a human rights mandate; and
- iii. Inform the Commission, in its next Periodic Report, of the measures taken to address the above issues of concern and to ensure the effective implementation of the recommendations contained in the present Concluding Observations relating to the African Charter.

PART B: MAPUTO PROTOCOL

60. Regarding the implementation of the Maputo Protocol, the Commission notes the following positive aspects:

I- POSITIVE ASPECTS

61. The Commission notes that there are many positive aspects regarding Rwanda's compliance with its obligations under the Maputo Protocol which it ratified on 25 June 2004.

Reporting obligation and cooperation with the Commission

62. The Commission commends the Republic of Rwanda for submitting its Initial Periodic Report in accordance with Article 26 of the Maputo Protocol which is well-articulated and in line with the Guidelines for State Reporting under the Maputo Protocol.

Legal framework for the promotion of women's rights in Rwanda

63. The Commission commends Rwanda for the following Laws:

Laws

- i. The Labour Law (2009) that prohibits gender-based discrimination and violence in the work place;*
- ii. Law No. 54/2011 of 14/12/2011 relating to the rights and protection of the child;*
- iii. Prime Minister's Order No 001/03 of 11/01/2012 determining modalities in which institutions prevent and respond to GBV as well as ensure that GBV cases are expedited and given priority;*
- iv. The Organic Budget Law (2013) institutionalizing Gender-Responsive Budgeting;*
- v. Land law No 43/2013 of 16/06/2013 which allows women and girls to be able to inherit land and property from their parents;*
- vi. Law No. 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions which provides for equal inheritance and property ownership rights between men and women.*

Policies

64. The Commission commends Rwanda for the following Policies:

- i. GBV Policy and Strategic Plan of 2011;*
- ii. Family Planning Policy of 2012.*

Government Institutions dealing with issues related to the Maputo Protocol

65. The Commission takes note of the establishment of the following institutions:

- i. *The Ministry of Gender and Family Promotion;*
- ii. *The establishment of the National Women Council;*
- iii. *Establishment of the Gender Monitoring Office;*
- iv. *The Rwandan Forum for Women Parliamentarians;*
- v. *The Office of the Ombudsman and the NHRC.*

IMPLEMENTATION OF SPECIFIC RIGHTS IN THE MAPUTO PROTOCOL

Article 2: Elimination of Discrimination against Women

66. The Commission commends Rwanda for:

- i. Its commitment to the promotion and protection of the rights of women through the enactment of a number of progressive laws aimed at reversing previously discriminatory laws, norms and practices in the country;
- ii. The Law governing matrimonial regimes, donations and successions which reversed the patriarchal marriage system;
- iii. Ensuring gender equality and the empowerment of women in the county through several strategies;
- iv. The enactment of laws and programs to ensure availability of resources for effective mainstreaming of gender perspective;
- v. The Rwandan Constitution (2003) revised in 2015 which prohibits elimination of discrimination against the girl-child and reaffirms in its Article 10(4) equality before the law between men and women, boys and girls, and the fundamental rights of all citizens of Rwanda.

Article 3: Right to Dignity

67. The Commission appreciates various initiatives taken by the Government of Rwanda in the fight against GBV. In particular, its policy of “zero tolerance” to GBV across all sectors including the establishment of anti-GBV Directorates within the Rwandan Defence Forces; the establishment of the *Isange* One Stop Centers (IOSC) aimed at providing psychosocial, medical, police and legal services to adult and child survivors of gender based violence and child abuse occurring in the family or in the community at large.

Article 4: The Rights to Life, Integrity and Security of the Person

68. The Commission commends Rwanda, for ensuring security of women and girls through the continental initiative and the Kigali International Conference

Declaration (KICD) on the Role of Security Organs in ending Violence Against Women (VAW) in Africa and the African Security Organs Centre for Coordination of Action to End VAW and Girls (AFSSOCA).

Article 5: Elimination of Harmful Practices

69. The Commission notes with satisfaction, the “*Men Engage*” initiative which promotes positive masculinity through sensitization and positive male role models.

Article 6: Marriage

70. The Commission lauds Rwanda for the Law governing matrimonial regimes, donations and successions, which has improved women’s right to property in the country.

Article 7: Separation, Divorce and Annulment of Marriage

71. The Commission notes Article 17 of the 2003 Constitution of Rwanda revised in 2015 which guarantees equality between spouses, stating that “*Spouses are entitled to equal rights and obligations at the time of marriage, during the marriage and at the time of divorce.*”

Article 8: Access to Justice and Equal Protection before the Law

72. The Commission commends Rwanda for the:

- i. *Access to Justice Office* at district level, which educates women and girls on the risk of VAW, and raises awareness on the rights of women and girls in the country;
- ii. *Access to Justice Bureaus (AJB)* which serve as a first point of orientation for the general public; sensitize population on their human rights; provide general legal aid services; assist prisoners and provide legal training to Abunzi;
- iii. Multi-sectoral and interdisciplinary Program aimed at providing, comprehensive, timely and effective psycho-social, medical, police and legal services to adult and child victims of GBV and child abuse occurring in the family or in the community at large;
- iv. Efforts to increase women’s legal literacy, including a manual for citizens of Rwanda with information about the land registration process and ways of safeguarding individual rights.

Article 9: Right to Participation in the Political and Decision-Making Process

73. The Commission commends Rwanda for:

- i. Its Constitution which reserves at-least 30% quota for women in decision making resulting to a high number of women being appointed or elected into decision-making positions at all levels;
- ii. The existing policies providing guidelines and environment that ensure equal participation of women and men;
- iii. The civic and voter education specific sessions which target women and youth;
- iv. The establishment of *Women Leaders Network* to provide political, leadership and communication training in leadership for young women and girls;
- v. Programmes such as *Imbuto Foundation's Toast Master clubs* which play a key role in building leadership qualities among young women and girls.

Article 12: Right to Education and Training

74. The Commission commends Rwanda for:

- i. Equal right to education guaranteed by the Constitution which has broken the traditional barrier of viewing girls' education as not important as that of boys;
- ii. The *Ministerial Order No 001/2016 of 08/01/2016* providing sanctions against parents who do not send their children to school;
- iii. An integrated early childhood development strategic plan 2011/12 - 2015/16;
- iv. Adoption of the universal Nine-years Basic Education (9YBE) programme in 2009, which was extended to 12 years in 2012 (12YBE);
- v. Increase in the number of girls in all levels of secondary school which has improved women's capacity to engage fully and contribute effectively to all aspects of national development;
- vi. The growing number of public and private education institutions, , which has provided women and girls with increased chances of up-grading their skills and employment opportunities;
- vii. Establishment of 5181 literacy centres across the country, and bringing them closer to the community.

Article 13: Economic and Social Welfare Rights

75. The Commission notes:

- i. Women's access to economic and productive assets, including land, which has greatly transformed women's social economic well-being and enhanced their contribution to Rwanda's economy;
- ii. A number of programs aimed at reducing poverty and economic inequalities between men and women, including a *Women and Youth Access to Finance Guarantee Fund*, currently operated by the Business Development Fund (BDF);
- iii. The use of the guarantee fund which is complemented by the creation of women-focused financial institutions, including the Women's Branch of Rwanda Community Bank savings and micro-credit cooperative;
- iv. The financial inclusion of women and youth through the village Credit and Saving Scheme (Umurenge SACCO), which has greatly improved women's livelihood and their economic independence.

Article 14: Health and Reproductive Rights

76. The Commission notes with satisfaction, the:

- i. Lifting of Rwanda's reservation on the Maputo Protocol relating to abortion;
- ii. Universal Community Health Insurance scheme (*Mutuelle de santé*) which renders quality health care affordable for the poor, especially women, for a minimal annual contribution of less than US\$ 5;
- iii. Improvement of access and proximity to health services which has increased utilization of modern health services, especially for pregnant women;
- iv. Improvement of women's nutritional status through the Health Sector Strategic Plan III (2012-2018) which envisages a number of interventions to improve the health status of Rwandans, with special attention to pregnant and lactating women and children;
- v. US\$5.7 million national Accelerated Plan for Women, Girls, Gender Equality and HIV (2010-2014), focused on addressing inequality and underlying factors that contribute to women and girls' higher risk and vulnerability to HIV and AIDS.

Article 22: Special Protection of Elderly Women

77. The Commission commends Rwanda for:

- i. The housing facilities provided to the most aging population without any discrimination and which considers the gender specific needs;
- ii. Efforts made in ensuring the protection of the rights of elderly women including the provision of the community based health insurance (*Mutuelles de Santé*) funded by the State particularly for indigent persons unable to pay their contribution/subscription and this facilitates women's access to quality health services;
- iii. Provision in the Penal Code specifically punishing the crime of rape or harassment committed on an elderly person.

Article 23: Special Protection of Women with Disabilities

78. The Commission applauds:

- i. Significant progress in supporting the rights of persons with disabilities and in ensuring people with disabilities benefit from and can contribute to national development through policies, laws and regulations, including eight Ministerial Orders affecting six Ministries;
- ii. The number of programs which have been put in place in schools to facilitate school attendance by women and girls with disabilities;
- iii. Development of strategies and guidelines for mainstreaming disability into the health system at the community level by the Ministry of Health;
- iv. The Presidential Order N°46/2011 of 29/07/2011 governing modalities for the recruitment, appointment and nomination of public servants which highlights gender promotion and promotion for people with disabilities.

Article 24: Special Protection of Women in Distress

79. The Commission appreciates special care given to women in distress, for instance, women victims of violence who are given special protection including psycho-social, legal and medical assistance from gender desks as well as at *Isange One Stop Centres*.

I. FACTORS RESTRICTING THE ENJOYMENT OF THE RIGHTS GUARANTEED IN THE MAPUTO PROTOCOL

80. Lack of awareness of the Maputo Protocol results to slow implementation of the Protocol.

III. AREAS OF CONCERN

81. In spite of the Government's efforts to promote and protect the rights of women, the Commission is concerned about the following:

Reporting obligation and cooperation with the Commission

82. The Commission appreciates the detailed responses provided by Rwanda to the various questions regarding implementation of the Maputo Protocol. However, the Commission would appreciate more information on the concerns raised by the Commission hereunder.

Lack of additional information

83. The Commission is concerned that following the Delegation's commitment to provide additional information to the Commission on issues raised during presentation of the Report, information has not been forthcoming which also impacts on the substance of the present Concluding Observations.

Article 5: Elimination of Harmful Practices

84. The Commission is concerned that there is no information on whether Rwanda has enacted specific laws on the Elimination of Harmful Cultural Practices.

Article 13: Economic and Social Welfare Rights

85. The Commission is concerned that even though Rwanda has enacted the new Law governing matrimonial regimes, donations and successions, which guarantees equal inheritance rights, the Report does not include information about the impact of this law since its enactment in 2016.

Article 16: Right to Adequate Housing

86. The Commission is concerned about the need of adequate housing especially among widows and female headed households.

V - RECOMMENDATIONS

87. In view of the foregoing, the Commission makes the following recommendations to the Government of Rwanda:

Reporting obligation

88. The Government should continue to comply with its obligations under Article 26 of the Maputo Protocol, including by implementing the Commission's recommendations.

Article 5: Elimination of Harmful Practices

89. Rwanda should:

- i. In its next Periodic Report, the Commission would appreciate more information on other forms of harmful cultural practices that exist in Rwanda;
- ii. Adopt laws to improve its programs and policies with a view to eradicating harmful cultural practices that exist in the country.

Article 13: Economic and Social Welfare Rights

90. In its next review period, the Commission would appreciate information on the extent to which the new law governing matrimonial regimes is being implemented and its impact in the country.

91. The Commission would also appreciate information on whether the new legislation expressly addresses or prohibits common discriminatory practices that still exist in Rwanda, especially under customary law as they relate to inheritance.

Cooperation with the Commission

92. The Commission urges Rwanda to provide in its next Periodic Report, detailed information on the effective implementation of the recommendations made in the present Concluding Observations relating to the Maputo Protocol.

Adopted by the African Commission on Human and Peoples' Rights at the 64th Ordinary Session held from 24 April to 14 May 2019 in Sharm El Sheikh, Arab Republic of Egypt