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KINYARWANDA VERSION

Prepared by;



Maputo Protocol in Kinyarwanda

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IBYEREKEYE AKA GATABO

Aka gatabo gafite ibice bibiri. Igice cya mbere gihuriza hamwe imfashanyigisho ku masezerano y'i Maputo zikoreshwa mu Rwanda n'Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD). Igice cya kabiri kivuga ku rubanza rwaburanwe n'Ikigo gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) yaburanye k' Uburenganzira ku Buzima bw'Imyororokere no ku Mibonano Mpuzabitsina (SRHR). Ibyo bikorwa byose byakozwe mu rwego rwo gushyira mu bikorwa umushinga wiswe *Uburenganzira mu Maboko Yacu* (Rights in our Hands) uterwa inkunga na Oxfam.

Guhuriza hamwe imfashanyigisho bigizwe n'ingingo ebyiri ari zo: **Incamake y'Amasezerano y'i Maputo no Ishyirwa mu Bikorwa ry'Amasezerano y' i Maputo nkuko biteganywa n'Inzego z'Amategeko y'u Rwanda**. Izo ngingo zavuzwe haruguru zakomjweho mu gihe cy'uruhererekane rw'amahugurwa yakozwe mu 2015 mu Rwanda. Ayo mahugurwa yari agenewe abakora umwuga w'itangazamakuru, abagore, abagabo, abangavu batowe mu mashyirahamwe ashyingiye ku baturage, abayobozi b'abagore batowe. Ibikubiyemo muri izo ngingo nibyo kandi byanshingiyeho mu gutegura amanama yo ku rwego rwo hejuru.

Ingingo ijyanye **n'Incamake y'Amasezerano y'i Maputo** itanga amakuru yerekeye umwaka ayo Masezerano yemerejwemo, umubare w'ibyemezo n'ubusobanuro bw'ayo Masezerano. Igaragaza kandi bumwe mu burenganzira bw'ingenzi bwemejwe nkuko biteganywa n'ayo Masezerano.

Ingingo ivuga **kw'Ishyirwa mu Bikorwa ry'Amasezerano y'i Maputo nkuko biteganywa n'Inzego z'Amategeko y'u Rwanda** igaragaza inshingano z'u Rwanda zishyingiye ku mategeko yo kubahiriza Amasezerano y'i Maputo binyuze mw' ishyirwaho ry'amategeko.

Iyi ngingo igereranya zimwe mu ngingo z'ingenzi zigize Amasezerano y'i Maputo n'amategeko y'u Rwanda hakubiyemo n'Itegeko Nshinga ryo mu 2015 hamwe n'ayandi mategeko. Iyi ngingo igaragaza zimwe mu mbogamizi z'ingenzi zagaragaye mw'ishyirwa mu bikorwa bya zimwe mu ngingo ziri mu Masezerano y'i Maputo.

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IGICE CYA MBERE: IRUNDANYA RY'IMFASHANYIGISHO KU MASEZERANO Y'I MAPUTO ZIKORESHA N'IKIGO GISHINZWE UBURENGANZIRA BWA MUNTU N'ITERAMBERE MU KARERE K'IBIYAGA BIGARI (GLIHD) MU RWANDA

1. INCAMAKE Y'AMASEZERANO Y'I MAPUTO

1.1. Inkomoko y'iryo zina

Amasezerano agenga Amahame Nyafurika ku Burenganzira bwa Muntu n'Abaturage no ku Burenganzira bw'Abagore muri Afurika yemerejwe i Maputo (Mozambique). Abantu bise ayo Masezerano ko ari Amasezerano y'i Maputo bashyingiye kw'izina ry'ahantu ayo Masezerano yemerejwe. Cyakora izina ryemewe mu mategeko rikomeza ari: **Amasezerano Agenga Amahame Nyafurika ku Burenganzira bwa Muntu n'Abaturage no ku Burenganzira bw'Abagore muri Afurika.**

1.2. Ukwemeza ayo Masezerano

Ayo masezerano yemerejwe i Maputo, Mozambique kuri 11 Nyakanga 2003. Ayo Masezerano yatangiye gukurikizwa kuri 25 Ugushyingo 2005 (inyuma yuko ibihugu 15 biyemeje). Ibi bisobanura yuko ayo Masezerano ubu ngubu yubahirizwa. Kugeza ubu ngubu ku bihugu bya Afurika 54, ibihugu 36 nibyo bimaze kwemeza ayo Masezerano.

1.3. Umwihariko w'Amasezerano y'i Maputo

Amasezerano y'i Maputo yita ku imbogamizi abagore bo muri Afurika (Isobanurampamvu) bahura nazo mu bijyanye n'uburenganzira bwa muntu. Amasezerano y' i Maputo agamije kuzamura urwego rw'Abagore ba banyafurika binyuze mu gushimangira uburinganire no kurandura ivangura. Iyi niyo nyandiko yonyine yo mu karere ivuga ku burenganzira bw'abagore. Indi migabane y'isi ntifite inyandiko nk'iyi yihariye ivuga ku burenganzira bw'abagore.

Byongeye, ayo Masezerano azirikana kandi ibyiciro bitandukanye by'abagore (abapfakazi, abagore bageze mu zabukuru, abagore bafite ubumuga, abagore baba mu cyaro, n'ibindi ...). Ibi

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bikaba ari ingenzi cyane kubera yuko abagore bari muri ibyo byiciro bahura buri muni n'ivangura ribakorerwa mu bihugu byinshi bya Afurika. Mu gusoza, ayo Masezerano arengera abagore n'abakobwa bose. Agamije kuzamura urwego rw'Abagore ba banyafurika binyuze mu gushimangira uburinganire no kurandura ivangura.

1.4. Uburenganzira bw'ingenzi buteganywa n'Amasezerano y'i Maputo

Ayo Masezerano ateganya itsinda ry'uburenganzira bw'abagore nk'urugero kurindwa ivangura, uburenganzira bwo kubaho, bwo kudahutazwa, n'umutekano bya muntu, kurindwa ibikorwa byangiza umubiri, uburenganzira bungana mu bushyingiranwe, uburenganzira bwo guhabwa ubutabera no kurengerwa mu buryo bureshya imbere y'amategeko, uburenganzira bwo kugira uruhare muri politiki no mu nzego zifatirwamo ibyemezo, uburenganzira ku mahoro, uburenganzira ku burezi, uburenganzira ku bukungu no ku mibereho myiza, uburenganzira ku buzima bw'imyorokere no ku mibonano mpuzabitsina, uburenganzira bw'abapfakazi, uburenganzira bwo kuzungura, uburenganzira bwo kurindwa mu buryo bwihariye ku bagore bageze mu za bukuru, uburenganzira bwo kurindwa ku bagore bafite ubumuga n'uburenganzira bwo guhabwa indishyi.

• Kurindwa ivangura

Ingingo ya 2 y'Amasezerano y'i Maputo itegeka Ibihugu bihuriye kuri ayo Masezerano kurandura ivangura iryo ari ryo ryose rikorerwa abagore. Ayo Masezerano asobanura ivangura rikorerwa abagore nka: ugutandukanya uko ari ko kwose, ugukumira cyangwa inguno cyangwa imyifatire itandukanya iyo ari yo yose bishyngiye ku gitsina kandi intego cyangwa inkurikizi zabyo zihungabanya cyangwa zigasenya ukwemera, ikoreshwa cyangwa ugukoreshya kw'abagore k'uburenganzira bwa muntu n'ubwisanzure ndangashingiro mu byiciro byose by'imibereho, hatitaweho irangamimerere yabo.



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- **Uburenganzira bwo Kubaho, Kudahutazwa n'Umutekano bya Muntu**



Ingingo ya 3 y'Amasezerano y'i Maputo ateganya uburenganzira bwo Kubaho, Kudahutazwa n'Umutekano bya muntu (**umugore**). Iyi ngingo yamagana ibyazanyungu iryo ari ryo ryose, ibikorwa n'ibihano bibabaza umubiri, by'ubugome cyangwa biteshya agaciro umuntu. Amasezerano y'i Maputo atanga inshyingano ku Bihugu zo gushyiraho no kubahiriza amategekoagira icyaha ibikorwa by'ubugizi bwa nabi ibyo ari byo byose bikorerwa abagore hakubiyemo guhatirwa no gukoreshwa imibonano mpuzabitsina ku gahato, haba mu ruhamwe cyangwa ahantu hiherereye.

Iyi ngingo iramagana mu buryo bugaragara gukoreshwa imibonano mpuzabitsina ku gahato hakubiyemo gukoreshwa imibonano mpuzabitsina ku gahato n'uwo bashyingiranywe (gukoreshwa imibonano mpuzabitsina ku gahato bikoze n'umwe mu bashyingiranywe abikoreye uwo

bashyingiranywe umugabo cyangwa umugore). Ibi ni ingenzi cyane kubera yuko abantu bamwe na bamwe bashakira kwirengagiza agahinda gaterwa no 'gukoreshwa imibonano mpuzabitsina ku gahato n'uwo bashyingiranywe'. Amasezerano y'i Maputo yeguriye Ibihugu bihurira kuri ayo Masezerano inshyingano zo gushyiraho amategeko ahana icyaha cyo gukoreshwa imibonano mpuzabitsina ku gahato.

Nubwo Amasezerano y'i Maputo adasobanura neza ibikorwa bigize ibikorwa bibabaza umubiri, iby'ubugome cyangwa biteshya agaciro, umuntu ashobora kwisunga ihuzamikirize y'imanza zaciwe n'Urukiko rw'i Burayi rw'Uburenganzira bwa Muntu rwabigerageje. *Igihano cyangwa igikorwa gitesha agaciro* bisobanura igikorwa cyangwa igihano icyo ari cyo cyose gikoze isoni cyangwa giteshya agaciro, kigaragaza kutubahwa cyangwa kugabanya

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agaciro k'umuntu umugore cyangwa umugabo cyangwa kikazamura inyumvo y'ubwoba, y'umubabaro cyangwa y'agaciro gake bigashobora guhungabanya imyifatire mbonezabupfura y'umuntu hamwe n'ukwihangana k'umubiri, kigatera

ububabare bwinshi bukomeye bwo ku mubiri cyangwa mu mutwe naho igihano cyangwa igikorwa kidakwiye umuntu ni igikorwa cyangwa ukudakorera umuntu nkana ibyari ngombwa, bihanishwa umuntu, bigatera ububabare bwinshi ku mubiri no mu mutwe.

Kurindwa Imikorere Yangiza ikorerwa Abagore

Ingingo ya 5 y'Amasezerano y'i Maputo itegeka Ibihugu bihuriye kuri ayo Masezerano kubuza no kwamagana imikorere iyo ari yo yose ihungabanya uburenganzira bwa muntu bw'abagore.

Amasezerano y'i Maputo asobanura 'imikorere yangiza' nka *'imico yose, imyitwarire n'/cyangwa imikorere ihungabanya uburenganzira ndemanshyingiro bw'abagore n'abakobwa, nk'uburenganzira bwo kubaho, ku buzima bwiza, bwo guhabwa agaciro, ku burezi, no kudahutazwa'*.

Amasezerano y'i Maputo ntatanga urutonde ruhamye rw'imikorere yangiza. Ubu bukaba ari uburyo burimo ubushishozi kubera yuko urutonde ruhamye rushobora kuzatuma habaho imiterere aho imikorere imwe n'imwe ishyobora kwirengagizwa kandi yangiza.



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- **Uburenganzira bungana mu Bushyingiranwe**

Ingingo ya 6 y'Amasezerano y'i Maputo isaba Ibihugu bihuriye kuri ayo Masezerano gukora ibishoboka byose kugira ngo abagabo n'abagore bagire uburenganzira bungana kandi bafatwe nk'abanyamuryango bangana mu bushyingiranwe. Ayo Masezerano arasaba kandi yuko ubushyingiranwe bwose bwandikwa kandi iyo ngingo ishyiraho imyaka 18 nk'imyaka mike ishyoboka ushyingirwa agomba kuba yujuje.



Ingingo ya 6 (c) y'Amasezerano y'i Maputo ahamagarira Ibihugu bihurira kuri ayo Masezerano gushishikariza ugushyingiranwa k'umugabo umwe n'umugore umwe nk'uburyo bw'ubushyingiranwe bahitamo, bikanarengera uburenganzira bw'abagore bari mu buharike. Nkuko biteganwa n'amategeko aturuka k'umuco Nyafurika, ubuharike burakorwa cyane. Gushyiraho imyaka mike y'ubushyingiranwe (18) ni ingenzi cyane kubera yuko birinda abakobwa gushyingirwa bakiri abana, imikorere yasakaye cyane mu bihugu byinshi.

Ingingo ya 7 y'Amasezerano y'i Maputo ivuga k'ukwahukana, ugutandukana no kw'iseswa ry'ubushyingiranwe bigomba gutegekwa n'itegeko ry'ubucamanza. Iyi ngingo irengera abagore bashyingiwe kugira ngo badahura n'akarengane mu kwahukana no m'ugutandukana. Byongeye, iyo ngingo iteganya uburenganzira bungana ku bagore n'abagabo bashaka kwahukana, gutandukana cyangwa gusesa ubushyingiranwe. Iri tegeko rishyirahira uburinganire hagati y'abashakanye yaba umugabo cyangwa umugore mu manza zijyanye n'ukwahukana, ugutandukana n'iseswa ry'ubushyingiranwe.

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- **Uburenganzira ku Guhabwa Ubutabera no Kurengerwa n'Itegeko mu Buryo Bumwe**



Ingingo ya 8 y'Amasezerano y'i Maputo yemera yuko abagabo n'abagore bareshya imbere y'itegeko. Iyo ngingo iteganya kandi yuko abagore bahabwa ubushobozi buhagije bwo guhabwa ubufasha mu mategeko no mu bucamanza, hakubiyemo n'ubufasha mu mategeko buhabwa abatishyoboye.

Iyo ngingo itegeka Ibihugu bihuriye kuri ayo Masezerano gushyigikira ibikorwa gakondo, byo mugihugu, mu karere na mpuzamahanga bigamije guha ubushobozi abagore bwo guhabwa ubufasha mu mategeko hakubiyemo n'ubufasha mu mategeko buhabwa abatishyoboye.

Hashyngiwe ku Mahame y'Umushinga w'Ibihugu by'Abibumbye no ku Mabwiriza agenga guhabwa Ubufasha

mu Mategeko mu Nzego zishinzwe Imanza, ubufasha mu mategeko buhabwa abatishyoboye bukubiyemo, gufashwa no guhagararirwa ku bahohotewe no ku bafashwe, abagikurikiranweho ibyaha mu nkiko hamwe n'abantu bari muri gereza mu nzego zishinzwe imanza, bugatangwa ku buntu ku badafite amikoro.

Iyo ngingo itegeka Ibihugu gushyiraho inzego ziboneye z'uburezi n'izindi zikwiye zifite umwihariko wo kwita ku bagore no gukangurira buri wese ibijyanye n'uburenganzira bw'abagore. Itegeka Ibihugu gukora ibishoboka byose kugira ngo inzego zishinzwe kubahiriza itegeko mu byiciro byose zihabwe ubushobozi bwo gusobanura neza no kubahiriza uburenganzira bungana kumugabo n'umugore.

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- **Uburenganzira bwo kugira uruhare muri Politiki no mu nzego zifatirwamo ibyemezo**

Ingingo ya 9 iha uburenganzira umugore bwo kugira uruhare muri Politiki no mu nzego zifatirwamo ibyemezo. Ibihugu bihuriye kuri ayo Masezerano bisabwa gufata ingamba ziboneye mu guteza imbere ubuyobozi buhuriweho na bose hamwe n'ubwitabire bungana bw'abagore mu buzima bwa politiki bw'ibihugu byabo binyujijwe mu bikorwa byiza, mw'ishyirwaho ry' amategeko hamwe no gufata izindi ngamba.



- **Uburenganzira ku Mahoro**



Ingingo ya 10 iteganya uburenganzira ku mahoro. Abagore bafite uburenganzira bwo kubaho mu mudendezo hamwe n'uburenganzira bwo kugira uruhare mu guharanira no kubungabunga amahoro. Ibihugu bihuriye kuri ayo Masezerano bigomba gufata ingamba ziboneye mu kugabanya imari ikoreshwa mu bijyanye n'igisirikare mu buryo bugaragara bigashyira imbere imari ikoreshwa mw'iterambere ry'abaturage muri rusange, no mu guteza imbere abagore by'umwihariko.

Ingingo ya 11 iteganya kurinda abagore mu gihe habayeho imirwano. Ibihugu

bihuriye kuri ayo Masezerano byiyemeje kubahiriza no gukora ibishoboka byose ngo amabwiriza agenga amategeko mpuzamahanga arengera ikiremwamuntu ashirwa mu bikorwa mu gihe habayeho imirwano, ikaba igira ingaruka ku baturage, by'umwihariko abagore. Ibihugu bihuriye kuri ayo Masezeranobigomba gufata ingamba ziboneye kugira ngo ntihagire umwana, by'umwihariko abakobwa bafite muni y'inyaka 18, bagira uruhare rutaziguye mu mirwano kandi ntihagire umwana ujanwa mu gisirikare.

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- **Uburenganzira ku burezi**

Ingingo ya 12 iteganya uburenganzira bw'abagore bwo guhabwa uburezi n'amahugurwa. Ibihugu bihuriye kuri ayo Masezerano bifite inshingano zo kurandura ivangura iryo ari ryo ryose rikorerwa abagore kandi bigatanga amahirwe hamwe n'ubushobozi bungana mu guhabwa uburezi n'amahugurwa. Ibihugu bihuriye kuri ayo Masezerano bifite inshingano zo kurandura ivangura rishingiye ku gitsina rigaragara mu bitabo, ibitabo bikubiyemo amasomo no mw'itangazamakuru bikwirakwiza iryo vangura.



- **Uburenganzira ku bukungu no ku Mibereho Myiza**

Ingingo ya 13 y'Amasezerano y'i Maputo itegeka Ibihugu bihuriye kuri ayo Masezerano kwemeza no kubahiriza ishyirwaho ry'amategeko n'andi mabwiriza ateganya guha amahirwe angana abagore ku murimo no kuzamuka mu ntera kimwe n'andi mahirwe agaragara mu bukungu.



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- **Uburenganzira ku Mibonano Mpuzabitsina no ku Buzima bw’Imyororokere**

Nkuko biteganywa n’Ingingo ya 14 y’Amasezerano y’i Maputo, hanakurikijwe imikorere myiza n’ingingo zikurikizwa ku rwego mpuzamahanga, abagore bafite uburenganzira bwo kumenyeshwa imiterere y’ubuzima bwabo hamwe n’imiterere y’ubuzima bw’abo bashakanye, by’umwihariko mu gihe baba babana n’ingwara zandurira mu mibonano mpuzabitsina (hakubiyemo n’icyorezo cya SIDA). Byongeye, nkuko biteganywa n’iyi ngingo abagore bafite uburenganzira bwo kugenzura uburumbuke bwabo, gufata icyemezo niba babyara, umubare w’abana bipfuzza kubyara n’imyaka iri hagati y’abana kandi bagahitamo gukoresha uburyo ubwo ari bwo bwose bwo kuboneza urubyaro.



Byongeye kandi Ingingo ya 14 (2) y’Amasezerano y’i Maputo itegeka Ibihugu bihuriye kuri ayo Masezerano gufata ingamba ziboneye zirengera uburenganzira ku buzima bw’imyororokere bw’abagore mu kubemerera gukuramo inda bikozwe n’abaganga mu gihe habayeho ubugizi bwa nabi bushyingiye ku gitsina, gukoreshwa imibonano mpuzabitsina ku gahato, ugusambana kw’abafite igisanira cya bugufi, kandi no mu gihe uko gutwita gukomeje gushyira mu byago ubuzima bw’umubiri n’ubwo mu mutwe bw’umubyeyi cyangwa imibereho y’umubyeyi cyangwa y’umwana ukiri mu nda.

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Umuryango w'Abibumbye utera Inkunga Ibikorwa by'Abaturage (UNFPA) wasobanuye yuko ubuzima bw'imyororokere ari imiterere yo kumererwa neza mu buryo bwuzuye k'umubiri, mu mutwe, n'imibereho myiza ya rubanda mu bibazo byose bijyanye n'ubuzima bw'imyororokere hamwe n'ibijyanye n'umumaro wabyo n'uko bukora mu gihe abaturage bafite ubushobozi bwo gukora imibonano mpuzabitsina bishimiye, ikingiye kandi bashyobora kwirengera ingaruka, kandi bafite ububasha bwo kubyara n'ubwisanzure bwo gufata icyemezo niba, ryari no mu buhe buryo babikora.

- **Uburenganzira bw'abapfakazi**

Ingingo ya 20 iteganya kurinda abapfakazi ibikorwa bidakwiye umuntu, bikoza isozi cyangwa bitesha agaciro. Iyi ngingo itegeka Ibihugu bihuriye kuri ayo Masezerano gukora ibishoboka byose kugira ngo umupfakazi ahite aba umwishingizi n'umurezi w'abana bwe inyuma y'urupfu rw'umugabo we, kiretse mu gihe byaba bibangamiye inyungu n'imibereho myiza y'abana. Ibi ni ingenzi cyane kubera yuko mu bihugu byinshi bya Afurika, uburenganzira bwo kurera umwana, umupfakazi abuhabwa n'umuryango yashatsemo.



- **Uburenganzira bwo Kuzungura**

Ingingo ya 21 y'Amasezerano y'i Maputo ateganya uburenganzira bungana hagati y'umugabo n'umugore bwo kuzungura imigabane ingana y'imitungo y'ababyeyi babo. Iyi ngingo iteganya

uburenganzira bw'umupfakazi w'umugore bwo guhabwa umugabane ungana mw'izungura ry'umutungo w'umugabo we, hakubiyemo uburenganzira bwo gukomeza gutura mu nzu bwite ya

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nyakwigendera babanagamo, kabone no mu gihe yongeye gushyingirwa. Iyi ngingo irinda abagorekwirukanwa mu nzu bwite ya nyakwigendera babanagamo nyuma y'urupfu rw'abagabo babo mu gihe batishimiwe n'abagize umuryango wapfushije. Mu bihugu bimwe na bimwe nk'urugero Kenya na Nigeria, kugira ngo umupfakazi w'umugore agumane umutungo, ashobora guhatirwa n'abavandimwe kugira uruhare mu imikorere gakondo ishyigikira ivangura nk'urugero ku byerekeye izungura ry'umupfakazi w'umugore aho umupfakazi w'umugore ahatirwa gushingiranwa ku gahato n'umwe mu bagize umuryango yashatsemo.



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- **Uburenganzira ku Kurindwa Kwihariye ku Bagore bageze mu za Bukuru**

Ingingo ya 22 y'Amasezerano y'i Maputo ateganya ukurindwa kwihariye ku bagore bageze mu zabukuru. Ibihugu bihuriye kuri ayo Masezerano bifite inshingano zo gukora ibishoboka byose kugira ngo uburenganzira bw'abagore bageze mu za bukuru barindwe ubugizi bwa nabi, hakubiyemo ihohoterwa rishyingiye ku gutsina, ivangura rishyingiye ku myaka n'uburenganzira bwo gusuzumwa mu cyubahiro.

Iyi ngingo ni ingenzi cyane kubera yuko abagore bageze mu zabukuru bashobora kwitwa abarizi noneho bigatuma habaho ihohoterwa rishyingiye ku kwihanira mu gihe habayeho ibirego bijyanye n'uburozi mu baturage.

Ibihugu bihuriye kuri ayo Masezerano bifite inshingano zo kurinda abagore bageze mu za bukuru kandi bigafata ingamba zihariye zijyanye n'ibyo umubiri ukenera, mu bukungu no mu mibereho kimwe no guhabwa umurimo n'amahugurwa y'ubunyamwuga.

Iyi ngingo ni ingenzi cyane kubera yuko abagore bageze mu za bukuru bashyobora guhura n'imbogamizi zikomeye zijyanye n'ubukungu kubera yuko baba badafite imirimo ibabyarira inyungu.



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- **Uburenganzira bwo Kurinda Abagore bafite Ubumuga**

Ingingo ya 23 y'Amasezerano y'i Maputo iha ibihugu bihuriye kuri ayo Masezerano inshingano zo kurinda abagore bafite ubumuga no gufata ingamba ziboneye zijyanye n'ibikenerwa ku mubiri, mu bukungu no mu mibereho kugira ngo biborohereze guhabwa umurimo, amahugurwa y'ubunyamwuga n'ay'ubumenyiringiro kimwe no kugira uruhare mu nzego zifatirwamo ibyemezo. Ibihugu bihuriye kuri ayo Masezerano bifite inshingano zo gukora ibishoboka byose kugira ngo uburenganzira bw'abagore bafite ubumuga bwo kurindwa ubugizi bwa nabi, hakubiyemo ihohotera rishingiye ku gitsina, ivangura rishingiye ku bumuga n'uburenganzira bwo gusuzumwamu cyubahiro bwubahirizwe. Ibi bishobora kugerwaho binyujijwe mu gushiraho amategeko no kubahiriza mu buryo bwuzuye amategeko ahindura ubugizi bwa nabi icyaha, bukubiyemo ihohotera rishyngiye ku gitsina n'ivangura rishingiye ku bumuga.

Iyi ngingo ni ingenzi cyane kubera yuko abagore n'abakobwa bafite ubumuga bangiwe inshingano gakondo yo kubyara mu bihugu bimwe na bimwe aho bahatirwa ku gahato guhindurwa ingumba. Muri Mexique, Disability Rights International and Colectivo Chuhcan yegeranije ibibazo by'abagore n'abakobwa bafite ubumuga aho bahatiwe ku gahato guhindurwa ingumba kugira ngo badatwita mu gihe baba bakoreshejwe imibonano mpuzabitsina ku gahato. Iyi mikorere ibabaje igira ingaruka ku bagore bafite ubumuga ishobora kugaragara mu bihugu byinshi bya Afurika.



- **Uburenganzira bwo huhabwa Indishyi**

Ingingo ya 25 y'Amasezerano y'i Maputo itegeka ibihugu bihuriye kuri ayo Masezerano gutanga indishyi zabugenewe ku mugore uwo ari we wese uburenganzira bwe bwahungabanyijwe kandi bigakora ibishoboka byose kugira ngo izo ndishyi zigenwe n'inzego z'ubutabera zibifitiye ububashya cyangwa undi muyobozi uteganywa n'itegeko.

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Iyi ngingo ni ingenzi cyane kubera yuko iyubahirizwa ry'uburenganzira ryaba ridafite icyo rimaze mu gihe nyiri guhabwa uburenganzira, umugore cyangwa umugabo, adashyobora guhabwa indishyi igihe uburenganzira bwe bwahungabanijwe.



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2. ISHYIRWA MU BIKORWA RY'AMASEZERANO Y'I MAPUTO NKUKO BITEGANYWA N'INZEGO Z'UBUTABERA Z'U RWANDA

2.1. Iriburiro

Guverinoma y'u Rwanda yemeje Amasezerano y'i Maputo muri 2004.¹ Guverinoma y'u Rwanda yarifashe ku ngingo ya 14 (2) C y' Amasezerano y'i Maputo ivuga ku burenganzira bwo gukuramo inda mu buryo bwiza. Iyo nguno isobanura yuko u Rwanda rudafite inshingano zo kubahiriza Ingingo ya 14 (2) C y'Amasezerano y'i Maputo. Cyakora, U Rwanda rwaretse cyangwa rwavanyeho izo nzitizi ku wa 16 Werurwe 2012. Ibi bisobanura yuko U Rwanda rufite inshingano zo kubahiriza ingingo zose z'Amasezerano y'i Maputo, hakubiyemo n'Ingingo ya 14 (2) C y'Amasezerano y'i Maputo. Inkurikizi zishingiye kumategeko yo kwemeza Amasezerano y'i Maputo zigizwe n'inshingano zihabwa Guverinoma y'u Rwanda zo gushyiraho amategeko n'ingamba zubahiriza Amasezerano y'i Maputo.

2.2. Kubuza Ivangura

Ingingo ya 2 (1) y'Amasezerano y'i Maputo itegeka Ibihugu bihuriye kuri ayo Masezerano, hakubiyemo n'U Rwanda, kurwanya ivangura iryo ari ryo ryose rikorerwa abagore binyuze mu gushyiraho amategeko, inzego hamwe no gufata izindi ngamba. U Rwanda rwashizeho amategeko atandukanye ahana ivangura.

Ingingo ya 16 (2) y'Itegeko Nshinga Ryavuguruwe mu 2015, ivuga yuko: 'Ivangura iryo ari ryo ryose cyangwa kurikwirakwiza byaba bishingiye ku bwoko, ku muryango cyangwa ku gisekuru, ku nzu, ku ibara ry'umubiri, ku gitsina, ku karere, ku byiciro by'ubukungu, ku idini cyangwa ukwemera, ku bitekerezo, ku mutungo, ku itandukaniro ry'umuco, ku rurimi, ku bukungu, ku bumuga bw'umubiri cyangwa ubwo mu mutwe no ku rindi vangura iryo ari ryo ryose, birabujijwe kandi bihanwa n'amategeko'.

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Ingingo ya 30 y'Itegeko Nshinga Ryavuguruwe muri 2015, ivuga yuko: 'Abantu bose bakora umurimo umwe bagomba guhembwa kimwe nta vangura iryo ari ryo ryose. Hejuru yo kubuza ivangura rishingiye ku gitsina nkuko biteganwa n'Itegeko Nshinga, hiyongeraho andi mategeko nayo abuzwa ivangura rishingiye ku gitsina nk'urugero mu guhabwa ubutaka cyangwa umurimo.

Ingingo ya 4 y'Itegeko N° 43/2013 yo ku wa 16/06/2013 Rigenga Ubutaka mu Rwanda rivuga yuko ivangura iryo ari ryo ryose, ryaba irishingiye ku gitsina cyangwa inkomoko, ku byerekeranye no kubona ubutaka no kugira uburenganzira bwo kubutunga rirabujijwe. Ku byerekeye umurimo, ingingo ya 12 y'Itegeko N° 13/2009 yo ku wa 27/05/2009 Rigenga Umurimo ribuza ivangura rishingiye ku gitsina, kuba yarashatse cyangwa atarashatse cyangwa se inshingano ze z'umuryango, ugutwita mu gihe kiriho, icyahise n'ikizaza.

2.3. Guhabwa Ubutabera no Kurengerwa n'Itegeko mu Buryo Bumwe

Ingingo ya 8 y'Amasezerano y'i Maputo iteganya ihame ry'uburinganire hagati y'abagabo n'abagore imbere y'amategeko kandi no mu bijyanye no kurindwa n'itegeko. Tukivuga ku bireba U Rwanda, ihame ry'uburinganire riteganwa n'Ingingo ya 15 y'Itegeko Nshinga Ryavuguruwe mu 2015 mu buryo bukurikira: *'Abantu bose bararashya imbere y'amategeko. Itegeko ribarengera ku buryo bumwe'*. Nta wajya impaka yuko 'Abantu bose' hakubiyemo n'abagore.

¹ Iteka rya Prezida N° 11/01 ryo ku wa 24 Kamena 2004.

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2.4. Ubushingiranwe

Ihame ry'uburinganire naryo riteganwa nk'uburenganzira mu bushingiranwe nkuko biteganwa n'Amasezerano y'i Maputo n'Itegeko Nshinga ry' U Rwanda. Ingingo ya 6 y'Amasezerano y'i Maputo ategenya ikoresha ry'uburenganzira bungana ku bagore no ku bagabo hamwe no kuba abanyamuryango bangana mu bushingiranwe hagati y'abagore n'abagabo.

Nkuko biteganwa n'amategeko y'U Rwanda, Ingingo ya 17 (5) y'Itegeko Nshinga Ryavuguruwe muri 2015 iteganya uburenganzira n'inshingano bingana hagati y'umugabo n'umugore mu gihe cyo gushyingiranwa, igihe babana n'igihe cyo gutandukana.

Ubwumvikane bw'abanyamuryango bose (umugore n'umugabo) imbere yuko bashyingiranwa buteganywa nk'uburenganzira hakurikijwe Amasezerano y'i Maputo n'amategeko y'URwanda. Ingingo ya 6 (a) y'Amasezerano y'i Maputo isaba ko amabwiriza ashyingiye ku mategeko yuko yakongeramo amategeko asaba ubwumvikane bwuzuye kandi bwisanzuye bw'impande zombi. U Rwanda rwubahirije iyi nshingano nkuko biteganwa n'Amasezerano y'i Maputo mu gushyiraho Ingingo ya 17 (4) y'Itegeko Nshinga Ryavuguruwe muri 2015, ivuga yuko nta muntu n'umwe ushobora gushyingirwa atabyemeye ku bushake bwe, yaba umugore cyangwa umugabo.



Mu rwego rwo gukumira ugushyingirwa kw'abana, Ingingo ya 6 (b) y'Amasezerano y'i Maputo yashyizeho imyaka mike ishyoboka y'ubushyingiranwe ku myaka 18 ku bagore, U Rwanda rwarenze imyaka mike ishyoboka nkuko iteganywa mu Masezerano y'i Maputo mu gushyiraho imyaka mike ishyoboka y'ubushyingiranwe ku myaka 21, nkuko biteganwa n'Ingingo ya 17

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y'Itegeko N° 42/1988 yo ku wa 27 Ukwakira 1988 Rishyiraho Interuro y'Ibanze n'Igitabo cya Mbere cy'Urwunge rw'Amategeko Mbonezamubano yemera gusa ugushyingiranwa ku mugabo umwe no ku mugore umwe. Ibi bisobanura yuko Amategeko y'U Rwanda atemera ubuharike nk'uburyo bw'ubushyingiranwe.

2.5. Kugira Uruhare muri Politiki no mu Nzego zifatirwamo Ibyemezo

Ingingo ya 9 y'Amasezerano y'i Maputo itegeka Ibihugu bihuriye kuri ayo Masezerano, hakubiyemo n'U Rwanda, gufata ingamba zihariye ziboneye zo guteza imbere ubuyobozi buhuriyemo na bose hamwe no kugira uruhare ku rugero rungana ku bagore mu buzima bwa politiki bw'ibihugu byabo binyuze mu ngamba ziboneye.

U Rwanda rwafashe ingamba ziboneye nkuko biteganwa n'Itegeko Nshinga. Ingingo ya 10 (4) y'Itegeko Nshinga Ryavuguruwe muri 2015 iteganya muri zimwe mu mahame remezo yayo uburinganire bw'Abanyarwanda bose n'uburinganire hagati y'abagabo n'abagore, bushyirwaho n'uko abagore bagira nibura mirongo itatu kw'ijana (30%) by'imyanya y'imirimo mu nzego zifatirwamo ibyemezo. Byongeye, Ingingo ya 75 y'Itegeko Nshinga Ryavuguruwe muri 2015 iteganya yuko 24 kuri 80 y'Intumwa za Rubanda mu Inteko Ishinga Amategeko bagomba kuba ari abagore batorwa n'inzego zihariye hakurikijwe inzego z'imitegekere y'igihugu. Mu gusoza, Ingingo ya 80 y'Itegeko Nshinga Ryavuguruwe muri 2015 iteganya yuko nibura mirongo itatu kw'ijana (30%) by'Abasenateri batorwa hamwe n'Abasenateri bashyirwaho bagomba kuba ari ab'igitsina gore.



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2.6. Uburenganzira ku Buzima bw'Imyororokere

Ingingo ya 14 y'Amasezerano y'i Maputo iha inshingano Ibihugu bihuriye kuri ayo Masezerano, harimo n'U Rwanda, yo gukora ibishoboka byose kugira ngo uburenganzira bw'abagore bwo kugenzura uburumbuke bwabo, gufata icyemezo niba babyara, umubare w'abana n'imyaka iri hagati y'abana kandi bagahitamo gukoresha uburyo ubwo ari bwo bwose bwo kuboneza urubyaro, kumenyeshwa imiterere y'ubuzima bwabo hamwe n'imiterere y'ubuzima bw'abo bashakanye, by'umwihariko mu gihe baba bafite ingwara zandurira mu mibonano mpuzabitsina hakubiyemo n'icyorezo cya SIDA.



Amategeko y'U Rwanda ahindura icyaha **kubuzwa ubwisanzure bwo kuboneza urubyaro**. Ingingo ya 239 y'Itegeko Ngenga N° 01/2012/OL ryo ku wa 02/05/2012 Rishyiraho Igitabo cy'Amategeko Ahana ivuga yuko: 'Umuntu wese witwaza ubushyingirane, agahohotera uwo bashyingiranywe cyangwa akamuhoza ku nkeke kubera icyemezo yafashe ku birebana no kuboneza urubyaro, ahanishwa igifungo kuva ku mezi abiri (2) ariko kitageze ku mezi atandatu (6).'

Ingingo ya 14 (2) y'Amasezerano y'i Maputo itegeka Ibihugu bihuriye kuri ayo Masezerano, harimo n'U Rwanda gufata ingamba ziboneye mu kurinda uburenganzira bw'abagore ku

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myororokere mu kwemera gukuramo inda bikozwe n'umuganga mu gihe habayeho ubugizi bwa nabi bushingiye ku gitsina, gukoreshwa imibonano mpuzabitsina ku gahato, ugusambana kw'abafite igisanira cya bugufi, no mu gihe kuba inda itwiswe ibangamiye ubuzima bwo mu mutwe n'umubiri by'umubyeyi cyangwa ubuzima bw'umwana.

Nkuko biteganwa n'amategeko y'U Rwanda, gukuramo inda n'icyaha. Cyakora, Ingingo ya 165 y' Igitabo cy'Amategeko Ahana yashyizeho ingingo zigomba kubahirizwa imbere yuko gukuramo inda bikorwa. Gukuramo inda byemerwa mu gihe hagaragaye impamvu zikurikira: kuba umugore yatwaye inda atayishaka kubera gukoreshwa imibonano mpuzabitsina ku gahato; kuba yatewe inda n'uwo bafitanye isano ya hafi kugera ku gisanira cya kabiri; kuba yarashyngiye ku gahato; kuba inda itwiswe ibangamiye cyane ubuzima bw'umwana cyangwa ubw'umubyeyi.

2.7. Uburenganzira bwo Kuzungura

Ingingo ya 21 y'Amasezerano y'i Maputo iteganya uburenganzira bw'abapfakazi bwo guhabwa umurage ungana mw'izungura ry'umutungo w'umugabo we, uburenganzira bwo gukomeza kuba mu nzu bwite ya nyakwigendera babanagamo. Iyo ngingo ivuga yuko abagore n'abagabo bafite uburenganzira bwo kuzungura, imigabane ingana ku mutungo w'ababyeyi babo.

Nkuko biteganwa n'Amategeko y'U Rwanda, abapfakazi bafite uburenganzira bwo kuzungura. Hashingiye ku Ingingo ya 70 y'Itegeko No 22/99 ryo ku wa 12/11/1999 Ryuzuza Igitabo cya Mbere cy'Urwunge rw'Amategeko Mbenezamubano kandi rishyiraho Igice cya Gatanu Cyerekeye Imicungire y'Umutungo w'Abashyngiranwe, impano n'izungura, mu gihe umwe mu bashyngiranwe apfuye, uwapfakaye agomba gucunga umutungo wose. Iyo Ingingo ikomeza guteganya yuko iyo uwapfakaye nta mwana afitanye na nyakwigendera uwapfakaye afata 1/2 cy'umutungo bafatanyije ikindi 1/2 kigahabwa abazungura ba nyakwigendera.

Ingingo ya 75 y'Itegeko No 22/99 ryo ku wa 12/11/1999 Ryuzuza Igitabo cya Mbere cy'Urwunge rw'Amategeko Mbenezamubano kandi Rishyiraho Igice cya Gatanu Cyerekeye Imicungire y'Umutungo w'Abashyngiranwe, impano n'izungura iteganya uburenganzira bw'umupfakazi bwo gukomeza kuba mu nzu bwite ya nyakwigendera babanagamo.

Ingingo ya 4 y'Itegeko No 43/2013 ryo ku wa 16/06/2013



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Rigenga Ubutaka mu Rwanda ribuza ivangura iryo ari ryo ryose, ryaba irishingiye ku gitsina cyangwa inkomoko, ku byerekeranye no kubona ubutaka no kugira uburenganzira bwo kubutunga. Iri tegeko ni ingenzi cyane kubera yuko abagore bahabwa ubutaka mu buryo butaziguye, byaba binyuze mu kugura cyangwa kuzungura.

2.8. icyuho kigaragara mw'ishyirwa mu bikorwa ry'Amasezerano y'i Maputo

Ibigo byose by'ubwishingizi mu buvuzi ntibyishyura kuboneza urubyaro. Hari icyuho kigaragara mw'isakaza ry'ingamba zo kuboneza urubyaro. Ubu ngubu ubufasha mu by'amategeko buhabwa abatishyoboye bugenerwa abadafite amikoro n'abana gusa, bityo abagore bakorewe ihohoterwa rishingiye ku gitsina ntibahita bahabwa ubufasha mu by'amategeko ku buntu mu nkiko, kiretse iyo babashije kugaragaza ko badafite amikoro.

Igitabo cy'Amategeko Ahana gifite inzitizi zijyanye no gukuramo inda mu buryo bwiza kubera yuko bisaba icyemezo cy'urukiko mu gihe uko gutwita kwatewe no gukoreshwa imibonano mpuzabitsina ku gahato, ugusambana kw'abafite igisanira cya bugufi no gushyingirwa ku gahato. Byongeye, ugutwita gutewe no gusambanya umwana ntikwavuzwe muri zimwe mu mpamvu zo gusaba gukuramo inda mu buryo bwemewe n'amategeko.

2.9. Ibyifuzonama

Kuziba ibyuhoro byagaragajwe bizafasha mw'ishyirwa mu bikorwa mu buryo bwuzuye Amasezerano y'i Maputo. Birakenewe kuvugurura amategeko agenga ubufasha mu by'amategeko buhabwa abatishyoboye akoroshwa ubu ngubu, hagamijwe kongera ubufasha mu by'amategeko buhabwa abatishyoboye ku buntu bugenewe abagore n'abakobwa bakorewe ihohoterwa rishingiye ku gitsina hadashingiwe ku miterere y'ubukungu bwabo.

Byongeye, Igitabo cy'Amategeko Ahana gikeneye kuvugururwa hagamijwe kongeramo ugutwita gutewe n'ugusambanya abana nk'imwe mu mpamvu zo gukuramo inda mu buryo bwemewe n'amategeko ndetse n'ivananwaho ry'icyemezo cy'urukiko nk'igisabwa mu kwemererwa gukuramo inda mu gihe habayeho gutwita bitewe no gukoreshwa imibonano mpuzabitsina ku gahato, ugusambana kw'abafite igisanira cya bugufi no gushyingirwa ku gahato.

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Igitabo cy'Amategeko Ahana kigomba kandi kuvugururwa hagamijwe yuko zimwe mu ngingo zacyo nk'Ingingo ya 165 n'ya 166 zijyane n'Amasezerano y'i Maputo. Muri kino gihe, izo Ingingo zashyizeho impamvu nshingiro ziri ku rwego rwo hejuru kugira ngo abagore b'Abanyarwandakazi bemerewe gukuramo inda.

2.10. Gusozo

Amasezerano y'i Maputo ahuriza hamwe ingingo zishyingingiye ku mategeko zigomba gukurikizwa zijyanye n'uburenganzira bw'abagore zikurikizwa kuri bose, hatitaweho irangamimerere yabo, imiterere y'imibereho n'ubukungu bwabo hamwe n'ibitekerezo bya politiki. Amasezerano y'i Maputo ahatira ibihugu byose byayemeje, gufata ingamba ziboneye kugira ngo abagore bose babashe gukoresha uburenganzira bwa muntu bwose n'ubwisanzure ndemashingiro mu rwego rwa politiki, rw'ubukungu, rw'imbonezamubano, rw'imibereho n'umuco; hashingiwe ku burunganire n'abagabo.

Hagomba kubaho amahirwe ku bagore n'uburenganzira ku burunganire byombi bishyingingiye ku mategeko no mu rwego rw'ibikorwa, aha twavugaga nk'urugero ihame ry'uburinganire mw'Itegeko Nshinga no mu yandi mategeko, gushyiraho amategeko ahana ivangura, kongeramo ihame ry'uburinganire mu byemezo byose no gukora ibishoboka byose kugira ngo imikorere gakondo yangiza ivanweho.

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IGICE CYA 2: INKURU Y'INKURIKIZI Z'URUBANZA RWABURANWE N'IKIGO GISHINZWE UBURENGANZIRA BWA MUNTU N'ITERAMBERE MU KARERE K'IBIYAGA BIGARI (GLIHD)

Irangashingiro

Ku wa 28 Kanama 2015, Ikigo gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) cyamuritse ubushakashatsi bwacyo bwakozwe ku mutwe uvuga ngo: 'Ni Ryari gukuramo inda biba icyaha: Rwanda'. Ubwo bushakashatsi kwasuzumye inkurikizi zituruka ku mategeko y'U Rwanda agenga gukuramo inda n'aya agenga uburenganzira ku mibonano mpuzabitsina no ku myororokere y'abagore mu Rwanda akoreshwa ubu ngubu. Ubwo bushakashatsi bwagaragaje yuko amategeko akoreshwa ubu azitira cyane kwemererwa gukuramo inda mu buryo bwemewe n'amategeko kandi bikozwe n'abaganga, kandi yuko abagore benshi bahohotewe n'ayo mategeko ku rugero rw'uko abarenga 20% by'abagore bose bari muri gereza bahamwe n'icyaha cyo gukuramo inda. Ubwo bushakashatsi bwagaragaje bumwe mu buhamya bwatanze n'abo bagore bari muri gereza. Buragaragaza kandi ivuguruzanya rigaragara hagati y'Amategeko y'U Rwanda n'Amahame Mpuzamahanga ku Burenganzira bwa Muntu muri rusange n'Amasezerano Agenga Amahame Nyafurika ku Burenganzira bwa Muntu n'Abaturage no ku Burenganzira bw'Umugore muri Afurika (Amasezerano y'i Maputo) by'umwihariko.

Mu ntangiriro y'ukwezi kwa Nzeli 2015, ku bufatanye na OXFAM binyujijwe mw'ishyirwa mu bikorwa ry'Umushinga w' Uburenganzira mu Maboko Yacu (Rights in our Hands Project), Ikigo gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) cyatangije ubukangurambaga bujyanye n'Amasezerano y'i Maputo mu Rwanda. Icyo gikorwa cyibandaga cyane ku bagore kandi cyari giteganyijwe kuzakorwa ahanini binyujijwe mu mahugurwa, mu kugira uruhare mu Manama agenewe abavuga rikijyana, nk'urugero Intumwa za Rubanda, kuzamura imyumvire y'abaturage ku Masezerano y'i Maputo no kugira uruhare mw'ishyirwaho ry'amategeko hamwe n'imishinga binyujijwe mu nzego z'ingenzi, nk'urugero Komisiyo Ishinzwe Kuvugurura Amategeko, Minisiteri z'ingenzi n'Inteko Ishinga Amategeko. Icyo gikorwa cyabimburiwe n'amahugurwa y'iminsi ibiri y'abakora umwuga w'itangazamakuru.

Maputo Protocol in Kinyarwanda

Ayo mahugurwa yavuze ku burenganzira butandukanye bw'abagore nkuko biteganywa n'Amasezerano y'i Maputo hakubiyemo n'uburenganzira ku mibonano mpuzabitsina no kubuzima bw'imyororokere nkuko biteganwa n'Ingingo ya 14 y'Amasezerano y'i Maputo.

Imurikwa ry'iyi Raporo n'itangizwa ry'ayo mahugurwa y' abakora umwuga w'itangazamakuru byose byafashije kuzamura imyumvire kuri ubwo burenganzira ndetse no kumenyesha abaturage ibibazo bihari bigaragara mu Gitabo cy'Amategeko Ahana y'U Rwanda. Hakurikiye gukora ubuvugizi bugamije kumenyesha inzego za guverinoma zibishinzwe impinduka zikenewe gukorwa mu Gitabo cy'Amategeko Ahana. Nk'umusaruro w'icyo gikorwa, abaturage by'umwihariko abahawe ayo mahurwa cyangwa abitabiriye itangizwa ryayo bahise bashyikiriza Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) ibirego biri mu nkiko, ngo kibiburane. Ikirego cya mbere cyashikirijwe n'umukozi wa Minisiteri y'Ubuzima yitabiriye imurikwa ry'ubwo bushakashatsi. icyo kirego n'icy'umwana w'umukobwa ufite imyaka 13 yasambanijwe bikamuviramo gutwita. Uwo mwana w'umukobwa nubwo umubyeyi we yifuzaga ko yakwemererwa gukuramo iyo nda, kugeza icyo gihe icyo kibazo gishyikirizwa Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD), Urukiko rw'Isumbuye rwari rwaranze guha uwo mwana w'umukobwa uburenganzira bwo gukuramo inda.

Icyo Kirego

Muri kino kirego, havugwamo umugabo yahaye inzoga umwana w'umukobwa ufite imyaka 13 amubeshya yuko ari ikawa noneho amukoresha imibonano mpuzabitsina ku gahato. Inyuma yuko uwo mukobwa abonye yuko gukoreshwa imibonano mpuzabitsina ku gahato byamuviriyemo gutwita, ntiyufuje gukomeza gutwita ngo azageze igihe cyo kubyara. Yahuye n'ibibazo bijyanye no kwiheba no gukorwa n'isoni kandi ntiyabashije gusubira kw'ishuri. Yatekerezagaga gusa gukuramo iyo nda, nubwo byasaga nkaho ari gushyira ubuzima bwe mu kaga.

Maputo Protocol in Kinyarwanda

Urwo rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyarugenge² aho umubyeyi w'uwahohotewe yasabye Urukiko ko rwaha umukobwa we uburenganzira bwo gukuramo inda. Urukiko rwanze ubwo busabe bushingiye ku mpamvu yuko nyamara nta kirego cy'ubugizi bwa nabi gihamya ushinjwa icyaha cyo gukoresha imibonano mpuzabitsina ku gahato uwahohotewe. Urukiko rwakomeje ruvuga yuko bishoboka yuko uwo mukobwa yatwita atakoreshejwe imibonano mpuzabitsina ku gahato kandi yuko nta gihamya cyatanzwe n'urega kigaragaza yuko uko gutwita kubangamiye ubuzima bw'uwahohotewe. Uwahohotewe ntiyashimishijwe n'Icyemezo cy'Urukiko Rwisumbuye, urega abinyujije k'uwahawe ubufasha n' Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) yasabye gufashwa n'Ikigo gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) kugira ngo ajuririre icyo cyemezo cy'Urukiko Rwisumbuye.

Imiburanire y'urwo rubanza n'Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD)

Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) kibinyujije ku mpuguke zacyo mu by'amategeko zahuguwe³ cyajuririye icyo cyemezo mu Rukiko Rukuru. Ukwo kujurira kwari gushingiye ku mpamvu zuko imibonano mpuzabitsina ikoreshejwe uwahohotewe ufite imyaka 13 idashobora guhabwa ibindi bisobanuro ibyo ari byo byose bitandukanye no gukoreshwa imibonano mpuzabitsina ku gahato kandi umucamanza w'Urukiko rw'Ibanze ntiyigeze asobanura ubundi buryo bwaba bwarakoreshejwe ngo uwahohotewe atwite.

Mu Rukiko Rwisumbuye, Ubushinjacyaha bwavuze yuko bushingiye ku Gitabo cy'Amategeko Ahana y'U Rwanda, abagore bashobora gusaba uburenganzira bwo gukuramo inda mu gihe bakoreshejwe imibonano mpuzabitsina ku gahato gusa ariko batabisaba bashingiye ku mpamvu yuko umuntu atagejeje ku myaka ngombwa.

² Imwe mu Mirengi y'Umujyi wa Kigali, Kigali.

³ Uburanira abandi Tom MULISA, Umuyobozi Mukuru wa GLIHD, Uburanira abandi Christian GARUKA, Uburanira abandi Yves SEZIRAHIGA.

Maputo Protocol in Kinyarwanda

Cyakora, Urukiko rwasobanuye yuko, ukudatandukanya gusambanya umwana ukiri mutoya no gukoreshwa imibonano mpuzabitsina ku gahato gukemurwa nuko ibyo byaha byombi bikorwa (gusambanya umwana ukiri mutoya no gukoreshwa imibonano mpuzabitsina ku gahato) hatabayeho ukwemera k'uwahohotewe.

Ibisobanuro by'Urukiko byerekeje ku mwanzuro wo gufata icyemezo niba uwahohotewe yarakoreshejwe imibonano mpuzabitsina ku gahato kandi niba inkurikizi yabyo ishobora kuba impamvu yo gukuramo inda atwite, Urukiko rwashingiye ku biteganwa n'Ingingo ya **14 (2) C** y'Amasezerano y'i Maputo. Urukiko rwavuze yuko: *'Urukiko narwo rusanze yuko Ingingo ya 14(2)C y'Amasezerano Agenga Amahame Nyafurika ku Burenganzira bwa Muntu n'Abaturage no ku Burenganzira bw'Umugore Nyafurika yemejwe n'U Rwanda kandi akaba yashizwe mu mategeko akoreshewa mu Rwanda n'Iteka rya President N° 05/01 ryo ku wa 03/05/2015 aho yifashe ku Ingingo ya 14(2)C, iteganya yuko Ibihugu bihuriye kuri ayo Masezerano bigomba gufata ingamba ziboneye mu kurinda uburenganzira ku myorokere y'abagore mu kubemerera gukuramo inda bikozwe n'abaganga mu gihe habayeho ubugizi bwa nabi bushingiye ku gitsina no gukoreshwa imibonano mpuzabitsina ku gahato'.*

Rushingiye ku byavuzwe haruguru, Urukiko rwatesheje agaciro icyemezo cy'Urukiko rw'Ibanze kandi ruha uburenganzira bwo gukuramo inda uwahohotewe. Byongeye, hashingiwe ku busabe bw'impuguke mu mategeko z'Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD), Urukiko rwategetse ibitaro byihariye bizakora uko gukuramo inda.

Irangiza ry'Urubanza

Kuri uwo munsu urubanza rwasomeweho, Urukiko rwahise rutanga icyemezo cyakoreshejwe n'urwo Rukiko mu gusaba ibitaro byahiswemo gukora uko gukuramo inda. Uwahohotewe yagiye mu bitaro umunsu ukurikiyeho kandi uko gukuramo inda kwakozwe neza.

Maputo Protocol in Kinyarwanda

Uru rubanza rwashizeho ihuzamikirize y’imanza y’ingenzi yemerera abakobwa gukuramo inda, haba habayeho cyangwa hatabayeho icyemezo cy’urukiko gihamya ugukoreshwa imibonano mpuzabitsina ku gahato. Rugaragaza kandi imbogamizi abagore n’abakobwa bahuranazo buri muni mu bijyanye no kwemererwa gukuramo inda, ndetse no mu gihe uko gukuramo inda kwemewe n’amategeko.

Ishyirwaho ry’urwo Rubanza no guhabwa Igihembo

Ikigo Gishinzwe Uburenganzira bwa Muntu n’Iterambere mu Karere k’Ibiyaga Bigari (GLIHD) kizirikana imikirize y’uru rubanza nk’intambwe itewe mu bijyanye no kubahiriza uburenganzira bw’abagore ku myorokere, by’umwihariko abana batarageza imyaka y’ubukure baba bakorewe ihohoterwa ryo gusanbanywa bakiri abana bato. Cyatekereje uburyo uru rubanza rwaba urugero rwiza mu bijyanye no gushishikariza abandi bacamanza gukorera muri icyo cyerekezo.

Ikigo Gishinzwe Uburenganzira bwa Muntu n’Iterambere mu Karere k’Ibiyaga Bigari (GLIHD) cyagize ubushake bwo guhindura imyanzuro y’urwo rubanza mu cyongereza kandi kinasaba Urukiko Rukuru kwemeza yuko byakozwe neza. Noneho urwo rubanza rwahawe amashyirahamwe atandukanye ashinzwe Uburenganzira ku Buzima bw’Imyorokere no ku Mibonano Mpuzabitsina (SRHR) kw’isi yose. Icyo cyemezo cyitaweho mu buryo bwihariye n’amashyirahamwe menshi kandi hakurikiyeho kugenerwa igihembo.

Kuva tariki ya 1 Gicurasi 2016, uru rubanza rwahiswemo na Women’s Link Worldwide kuzahabwa igihembo cyitiriwe GAVEL AWARD (Ishyirahamwe rikorera mu gihugu cya Colombia rikaba rishinzwe Uburenganzira ku buzima bw’imyorokere no ku mibonano mpuzabitsina) kandi amatora yarakomeje kugeza tariki ya 31 Gicurasi. Urutonde rw’imanza zahisemo rushobora kuboneka kuri uru rubuga:

[http://womenslinkworldwide.org/premios/casos.php?esec=\\$\\$-1\\$\\$-GBVvgBZOZylnNBVvgB&idi=en](http://womenslinkworldwide.org/premios/casos.php?esec=$$-1$$-GBVvgBZOZylnNBVvgB&idi=en)

Maputo Protocol in Kinyarwanda

International Reproductive and Sexual Health Law Program yo muri Kaminuza ya Toronto yagaragaje ubushake bwayo bwo kongeramo urwo rubanza mu gitabo cyabo kizasohoka gikusanya incamake y'imanza, Legal Grounds III: Reproductive and Sexual Rights in African Commonwealth Countries (Urubuga rw'Amategeko III: Uburenganzira ku Mibonano Mpuzabitsina no ku Myororokere mu Bihugu bya Afurika bihuriye ku rurimi rw'Icyongereza) kandi ni muri urwo rwego basabye Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) kubagezaho urupapuro rw'umwimerere rw'urwo rubanza.

Umusozo

Uru rubanza rwazirikanwe nka rumwe mu nkuru zavuzwe cyane mu bijyanye n'imirimo y'Ishami Rishinzwe Uburenganzira ku Buzima bw'Imyororokere no ku Mibonano Mpuzabitsina (SRHR) mu mwaka wa 2015. Hashingiwe kuri uru rubanza, twabonye Urukiko Rukuru rufata umwanzuro uzajya ugenderwaho ugize ihuzamikirize y'imanza izajya ishyingirwaho mu kwemerera abakobwa ko bakuramo inda, urukiko rwaba rwemeje cyangwa rutemeje yuko habayeho gukoreshwa imibonano mpuzabitsina ku gahato. Rwagaragaje kandi imbogamizi abagore n'abakobwa bahura nazo buri gihe kugira ngo bemerewe gukuramo inda, kabone no mu gihe uko gukuramo inda gushyingiye ku mategeko.

Uru rubanza kandi rwakurikiranywe cyane n'abafatanyabikorwa b'ingenzi mu mirimo y'Ishami Rishinzwe Uburenganzira ku Buzima bw'Imyororokere no ku Mibonano Mpuzabitsina (SRHR), baba ari abo mu gihugu cyangwa ku rwego mpuzamahanga. Byizewe yuko hashingiwe kuri uru rubanza, byinshi bishobora kugerwaho mu bijyanye n'ubuvugizi kuri ubwo burenganzira no gukomeza kubahiza ubwo burenganzira binyuze mu nkiko.

Maputo Protocol in Kinyarwanda

INYANDIKO ZAKORESHEJWE

1. Itegeko Nshinga rya Repubulika y'U Rwanda Ryavuguruwe mu 2015
2. Amasezerano Agenga Amahame Nyafurika ku Burenganzira bwa Muntu n'Abaturage no ku Burenganzira bw'Umugore muri Afurika
3. Itegeko Ngenga N° 01/2012/OL ryo ku wa 02/05/2012 Rishyiraho Amategeko Ahana
4. Itegeko N° 43/2013 ryo ku wa 16/06/2013 Rigenga Ubutaka mu Rwanda
5. Itegeko N° 13/2009 ryo ku wa 27/05/2009 Rigenga Umurimo mu Rwanda
6. Itegeko N° 22/99 ryo ku wa 12/11/1999 Ryuzuza Igitabo cya Mbere cy'Urwunge rw'Amategeko Mbenezamubano kandi Rishyiraho Igice cya Gatanu Cyerekeye Imicungire y'Umutungo w'Abashyirahamwe, Impano n'Izungura
7. Itegeko N° 42/1988 ryo ku wa 27 Ukwakira 1988 Rishyiraho Interuro y'Ibanze n'Igitabo cy'Urwunge rw'Amategeko Mbenezamubano
8. Iteka rya Prezida N° 05/01 ryo ku wa 03/05/2012 Rivanaho Ukwifata kwari Kwatanzwe na Repubulika y'U Rwanda ku Ngingo ya 14 (2) C y' Amasezerano Agenga Amahame Nyafurika ku Burenganzira bwa Muntu n'Abaturage no ku Burenganzira bw'Umugore muri Afurika
9. Disability Rights International and Colectivo Chuhcan 'Abuse and Denial of Sexual and Reproductive Rights of Women with Psychosocial Disabilities in Mexico'
10. Gbenga Emmanuel Afolayan 'Widowhood Practices and the Rights of Women: The Case of South-Western Nigeria'

Maputo Protocol in Kinyarwanda

Ibyerekeye Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD)

Intego

Intego y'Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) igamije gutanga umusanzu m'ukwubaha, ukurinda, guteza imbere n'ishyirwa mu bikorwa ry'uburenganzira bw'abantu n'amatsinda mu rwego rw'ibikorwa by'uburenganzira mpuzamahanga bwa muntu n'inshingano z'Ibihugu bihuriye kuri ayo Masezerano.

Icyerekezo

Icyerekezo cy'Ikigo Gishinzwe Uburenganzira bwa Muntu n'Iterambere mu Karere k'Ibiyaga Bigari (GLIHD) ni ukubona uburenganzira bwa muntu bwubahirizwa nta kubogama kandi bugakoreshwa mu karere k'ibiyaga bigari.

Ibikorwa kigiramo uruhare

- Ubufasha mu by'amategeko
- Ukumenyekanisha n'ukugenzura uburenganzira bwa muntu
- Ubutabera bw'abaturage
- Kuvugira abaturage
- Ubushakashatsi
- Ikirego kijyanye n'Inyungu Rusange