



# **National Commission for Human Rights/ Rwanda**

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**NATIONAL COMMISSION FOR HUMAN RIGHTS OF RWANDA (NCHR) – UPR  
SUBMISSION- REPUBLIC OF RWANDA- 23<sup>rd</sup> SESSION- NOVEMBER 2015**

**MARCH, 2015**

## **ACRONYMS USED IN THIS REPORT**

<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICESCR-OP</b>	Optional Protocol to the International Covenant on Economic, Social and Cultural
<b>NCHR</b>	National Commission for Human Rights
<b>OP-CAT</b>	Optional Protocol to the Convention against Torture and other Cruel inhuman and degrading Punishment
<b>UPR</b>	Universal Periodic Review

**SUBMISSION BY THE NATIONAL COMMISSION FOR HUMAN RIGHTS OF RWANDA TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL UNDER THE UNIVERSAL PERIODIC REVIEW, REPUBLIC OF RWANDA- 23<sup>rd</sup> SESSION- NOVEMBER 2015**

**I. INTRODUCTION**

1. The National Commission for Human Rights of Rwanda (NCHR) is a Constitutional, independent and permanent National Human Rights Institution with "A" Status accreditation from the International Coordinating Committee of National Human Rights Institutions for the promotion and the protection of Human Rights (ICC).
2. It was established in 1999 by the Law N°04/99 of 12 March 1999 and was confirmed by the Constitution of the Republic of Rwanda of 4<sup>th</sup> June 2003 as amended to date in its article 177 which entrusts the National Commission for Human Rights of Rwanda with the mandate of promotion and protection of Human rights. The Commission is currently governed by the Law N°19/2013 of 25/03/2013 determining missions, organization and functioning of the Commission.
3. This submission is presented for consideration as part of the Universal Periodic Review (UPR) Stakeholder Report. Through this submission, the NCHR seeks to make a constructive contribution to the process of the second cycle of the UPR for the Republic of Rwanda and addresses the progress, gaps and challenges on the implementation of the recommendations formulated during the interactive dialogue and that have enjoyed the support of Rwanda.
4. The NCHR brought its technical support to the Government in the drafting of the First Cycle UPR State Report. The NCHR continue playing its advisory role in the development of the Second Cycle UPR State's reporting still in process.
5. Together with Non-Governmental Organizations operating in Rwanda, Government Departments, Civil Society Organisations, international and national partners, the NCHR contributed to the establishment of a roadmap for the implementation of 2011 UPR recommendations. This roadmap highlighted key human rights priority areas for Rwanda, responsible government actors and partners and fixed timelines for the implementation of the recommendations. The roadmap was shared amongst all concerned institutions for implementation.
6. In order to share experience and good practice on the implementation of UPR recommendations, the NCHR participated in a regional workshop organised jointly by Ministry of Justice and UNDP held at Kigali in Rwanda from 7<sup>th</sup> to 8<sup>th</sup> November 2011. This workshop gathered the representatives from governments, NHRI's, CSO's from the Great Lakes and Central Africa region involved in the UPR process. It aimed to demonstrate how the UPR can be used as a practical and tangible tool by government and other actors in the sub-region to assess and analyze the human

rights situation in their countries, and to facilitate greater engagement of government with international human rights mechanisms. This workshop was fruitful as it provided an opportunity of interaction with and learning from other NHRIs that passed the UPR process.

7. Since the submission of adopted recommendations by the UN Human Rights Council in 2011, the NCHR organised at several times awareness trainings on the UPR process and recommendations formulated during the interactive dialogue. The following groups were targeted: groups that work closely with the population, such as local administrative authorities (Mayors of Districts and Executive Secretaries of Sectors), law implementers (Police Officers at District level, Judges, Prosecutors, Penitentiary Directors in charge of administration and Lawyers) and members of Treaty Body Task Force Reporting from relevant ministries and public institutions.
8. In November and December 2014, the NCHR also with the support of the One UN in Rwanda and the Office of the United Nations Human Rights Advisor in Rwanda in collaboration with some NGOs, Civil Society and Media Agencies operating in area of human rights promotion and protection in the country organized and conducted an independent assessment on the progress made by Rwanda towards the implementation of recommendations within public, private and NGOs. The report of the assessment with recommendations was transmitted to relevant ministries in order to fully implement all remaining recommendations.

## **II. KEY ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

9. The NCHR commends the Government of the Republic of Rwanda's efforts in the context of the implementation of the outcome of the Universal Periodic Report emanating from the 2011 review.
10. The NCHR welcomes the Government's decision in issuing a standing invitation to all Special Rapporteurs in line to enhance cooperation with human rights bodies. In this regard, the following special rapporteurs have already visited Rwanda: The Special Rapporteur on Minority Issues, Adequate Housing and the Special Rapporteur on freedom of peaceful assembly. More specifically, the Special Rapporteur on freedom of peaceful assembly came twice in Rwanda and the second time was to discuss and to provide expertise and to share best practices on UPR process.
11. The NCHR notes that the recommendations have been translated into national language (Kinyarwanda) and forwarded them to concerned institutions (public and private institutions and civil society).
12. The Government of the Republic of Rwanda conducted an awareness campaign among high state institutions for the implementation of the recommendations and the focal points were affected in various public institutions for monitoring the implementation of the recommendations. The NCHR commends the engagement of the Civil Society and private sector, International Community in Rwanda and the development partners, NGOs working in human rights field including umbrellas

which cover over 40 national NGOs which participated in UPR process from the first cycle and this second cycle under the coordination of the Government through stakeholder's meetings.

13. NCHR notes that these actions have a great result in the implementation of numerous recommendations on economic, social and cultural rights, women's rights, child's rights, HIV/AIDS, right to health, vulnerable group towards various programs including Vision 2020 and other programs aimed at poverty reduction, performance contracts, etc.
14. The NCHR has welcomed recent reforms made in national legislation by the Government of the Republic of Rwanda including numerous legislation adopted in order to strengthen the right to information and freedom of expression, freedom of association, the revision of the law on Genocide ideology and other national legislation related to the access to justice<sup>1</sup>. These reforms have an important impact on the promotion and protection of human rights in the concerned field.

### III. HUMAN RIGHTS CONCERNS AND RECOMMENDATIONS

15. With regard women's rights, **the NCHR recommends the Government of the Republic to speed up the Draft Bill governing persons and family and Draft Bill regarding matrimonial regimes, family donations and successions before the Parliament;**
16. The NCHR acknowledges the continued commitment of the Republic of Rwanda towards ratification of human Rights treaties and consequently is party to eight core International Treaties. However, ratification of remaining human rights treaties is needed<sup>2</sup>.

**The NCHR recommends the Government of the Republic of Rwanda to ratify remaining human rights treaties.**

17. The NCHR welcomes the ratification of the Optional Protocol to the Convention against Torture and other cruel inhuman and degrading punishment and the Optional Protocol to the International Covenant on Economic, Social and Cultural in 2013 but the instruments of ratification of these optional protocols are not yet deposited with the Secretary General of the United Nations.

**The NCHR recommends the Government to (i) deposit the instrument of ratification of the Optional Protocol to the Convention against Torture and other cruel inhuman and degrading punishment and (ii) to deposit the instrument of ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with the Secretary General of the United Nations without further delay.**

18. The NCHR has taken note of the commitment of the Government the Republic of Rwanda to the development of a National Human Rights Action Plan. The NCHR took part in the development of that National Human Rights Action Plan but the latter is not yet adopted.

**The NCHR recommends that the Government of the Republic of Rwanda accelerates the adoption the National Human Rights Action Plan.**

19. With regard child's rights, the Government of the Republic of Rwanda made progress in connection with the promotion and protection of the child's rights. Such progress includes the adoption of the Law N° 54/2011 of 14/12/2011 relating to the rights and the protection of the child and the adoption of the child's rights policy and legal aid policy. However a number of Ministerial Orders<sup>3</sup> shall be enacted in order to ensure the respect of the child's rights guaranteed by the Law N° 54/2011 of 14/12/2011 relating to the rights and the protection of the child.

**The NCHR recommends the Government of the Republic of Rwanda to accelerate enacting all Ministerial Orders provided for in the Law N° 54/2011 of 14/12/2011 concerning child's rights.**

20. The Government of the Republic of Rwanda was recommended to abrogate any provision of defamation in criminal law related to freedom of media and replace them by appropriate provisions under civil law and to abrogate provisions on solitary confinement in Penal Code.

**The NCHR recommends the Government of the Republic of Rwanda to address that issue in coming amendment of the penal code and to ensure that all provisions on defamation related freedom of media in The Penal Code and provisions on solitary confinement are abrogated.**

21. In line with the fulfillment of these recommendations, the NCHR will continue its mission relating to the advocacy of the development of a National Human Rights Action Plan and ratification of remaining human rights treaties, to sensitize the Government to abrogate all provisions on defamation related to media freedom and provisions on solitary confinement sentences, to sensitize Government to accelerate all legislation under examination and the NCHR will closely monitor the implementation of these commitments.

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## END NOTES

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<sup>1</sup> These laws include :

- Law N° 02/2013 of 08/02/2013 regulating Media;
- Law N° 03/2013 of 08/02/2013 determining the responsibilities, organization and functioning of the Media High Council;
- Law N° 04/2013 of 08/02/2013 relating to access to information.;
- LawN°04/2012 of 17/02/2012 governing the organisation and the functioning of national non-governmental organizations;
- Law N°05/2012 of 17/02/2012 governing the organisation and functioning of international non-governmental organizations;
- Law N°06/2012of 17/02/2012 determining organisation and functioning of religious based organizations;

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Organic Law n°10/2013/OL of 11/07/2013 governing Political Organizations and Politicians.

<sup>2</sup>Rwanda is a party to the International Covenant on Civil and Political Rights (ICCPR), International Covenant Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention Against Torture and other Cruel, Inhuman or Degrading treatment or punishment (CAT), Convention on the Rights of Person with Disabilities (CRPD), International Convention on the Protection of the Rights of All Migrant Workers and members of their Families (MWC).

<sup>3</sup> A Presidential Order to determine the rates and other criteria on which calculation of compensation to be given to a child victim of an accident or to his/her family is based;

- A Prime Minister Order to determine appropriate modalities for different institutions to ensure the child rights as to accessing appropriate information and communication, books according to his/her age, recreational facilities and the means of enjoying rest for social and cultural purposes;
- A Ministerial Order to specify the necessary educational measures and other forms of non-violent disciplinary punishments, care and treatments for the child;
- A Ministerial Order to set out requirements to be met by child welfare institutions and modalities for the supervision of such institutions;
- A Ministerial Order to determine modalities for the implementation of the costs of affiliation to the "mutual health Insurance" for orphans and other vulnerable children by the Government;
- A Ministerial Order to determine modalities for the implementation of measures for the health of the child ;
- A Ministerial Order to determine the rehabilitation and social reintegration mechanisms at the end of the health care of the child;
- A Ministerial Order to fix measures to encourage regular attendance and reduction of drop-out rates at school;
- A Ministerial Order to determine appropriate measures to carry short or long term solution within the framework of tracing family members of the unaccompanied children for the reunification ;
- A Ministerial Order to determine programs and strategies to ensure protection and assistance to the children infected or affected by HIV/AIDS
- A Ministerial Order to establish programs and strategies for the education and care of children under three (3) years who live with their mothers in prison;