

**PRESENTATION OF THE RWANDAN MINISTER OF JUSTICE/ ATTORNEY GENERAL
AT THE 17TH SESSION OF THE HUMAN RIGHTS COUNCIL ON THE RWANDAN UPR
OUTCOME (GENEVA 7 JUNE 2011)**

Mr President of the UN Human Rights Council,

Distinguished Members of the UN Human Rights Council,

Representatives of partner States,

Distinguished, Ladies and Gentlemen, in your respect capacities; all protocols observed;

It is a great honour for me to represent my country in this august session on the consideration of the Rwandan UPR outcome. I am grateful to the Council for the opportunity to make further clarifications on a few issues that remained pending in January 2011 when we formally presented a report to the Council's Working Group. With your permission, Mr President, I propose to use 10 minutes for the initial presentation and another 10 minutes at the end for response to issues that might arise from other stakeholders.

You will recall, Mr President, that in January 2011, Rwanda accepted most of the recommendations that were made by the UPR Working Group. However, it was observed that many recommendations were repeated several times over by different States. At times one recommendation was made by 5 or more States with the result that we had to merge and harmonise those recommendations. That is why, according to us, the total number of **distinct recommendations** are 73 although the Working Group's report refers to 81 recommendations.

Mr President, Distinguished members; of all the recommendations that were made by the Working Group, Rwanda rejected only 3 because they were based on totally wrong or false premises:

1) Recommendation No 81.1: Ensure that children under the age of 18 were not recruited into any armed group on the national territory (Slovenia); Prohibit child recruitment into Local defense Forces or into any armed group (Hungary)

This recommendation was rejected simply because:

- There are no armed groups on the Rwandan territory at all.
- Rwanda has a professional army, a professional police force and a professional Correctional Services Force, all made up of adult men and women beyond the age of 18. This fact has been attested to by national, regional and international observers who have participated in the selection of Rwandan force s for the international peace keeping missions.
- These forces have been deployed in different numbers for different missions particularly in Darfur, Haiti, Liberia, Ivory Coast, Comoros Islands, to mention but a few.
- There is also a Local Defence Force (LDF) that provides security services to decentralized local administration units. This force that used to attract mixed feelings has undergone tremendous reforms to bring it in harmony with national objectives. Today it is a well disciplined and respected force that contributes greatly to community development.

2) Recommendation No 81.2: Take concrete measures in addressing the problem of human trafficking including by tackling the root causes, introducing effective prevention measures, timely prosecution and punishment of traffickers and providing protection and support to victims (Malaysia)

This recommendation was also rejected because it is based on false or erroneous premises.

- Rwanda is not known to be a country where human trafficking takes has
- Rwanda has however put in place preventive and precautionary measures by signing all International Conventions against human trafficking and criminalising it and punishing it in the Penal Code.
- Rwanda has put in place a programme of community policing such that it is almost impossible for human trafficking to take place in the country or transit through it.

3) Recommendation No 81.3 : Intensify measures to improve access of minority groups and indigenous people to basic social services such as health, education, employment and occupation (Malaysia)

This recommendation was also rejected because it is premised on wrong grounds:

- We have said and wish to repeat here that the question of minority groups and indigenous people in Rwanda has often been misunderstood, confused or distorted by non Rwandans at times for reasons that are very difficult to comprehend. How can non Rwandans want to force Rwandans to accept a falsehood that all Rwandans know to be a falsehood? There is nothing like indigenous people in Rwanda at all. Those who have created this lie have motives that Rwandans have failed to understand but such creators cannot turn a falsehood into the truth that is supported by history and science.
- There are definitely marginalized and vulnerable groups in Rwanda but these cannot be called the broad spectrum of the Rwandan community. indigenous because they cut across the board and represent
- Social services on health (*mutuelle de santé*: 91%), Education (9 Year Basic Education: 94% boys and 96.5% girls), Housing-*Bye bye Nyakatsi* (eradication of grass thatched houses: 86%), employment (conscious positive discrimination), empowerment

(one cow per poor family: *Girinka Munyarwanda*), have been adopted to take care of these disadvantaged groups without any form of discrimination whatsoever.

- These policies were adopted by the Government, raised community awareness, popularized them, and gave the citizens a sense of ownership of those policies and programs such that they have now become an integral part of the country's transformation in terms of social and economic development.

You understand therefore why Rwanda rejected those recommendations outright because as we have said, they were grounded on false or erroneous premises and they represented a distortion of the reality.

Mr President, Distinguished members of the Council, Ladies and Gentlemen;

You will also recall that we deferred 16 other recommendations pending further consultations with other stakeholders. After those consultations with all stakeholders back home, 13 recommendations have been accepted and are currently being executed alongside all the others that were accepted in January. However 3 recommendations have also been rejected on similar or nearly similar grounds as we have explained above.

1) Recommendation number 80.4: Urgently investigate cases of arbitrary arrests and detentions, including those which may constitute enforced disappearances (Sweden)

The point is that arbitrary arrests and detentions are outlawed in Rwanda and where there has been overzealousness on the part of law enforcement officers, corrective measures have been undertaken and culprits held accountable. It is important to distinguish between procedural irregularity in terms of arrests and detentions such as exceeding the time limits, the presence of an advocate, and the production before a court of law, etc... as opposed to arbitrary arrests and detentions. According to investigations that were conducted, what is true is that a few cases of irregular arrests and detentions did indeed take place but they were always systematically corrected.

The issue of removing Street Children and directing them into Child Rehabilitation Centers or organizing them into productive cooperatives cannot be and should never be considered as arbitrary arrests because this would indeed be misleading. This is a matter of public policy and Rwandan citizens understand it and support it. Beggars and street vendors have also been organized into small cooperatives and given startup capital and provided with slots and stalls in the markets again as a matter of public policy. This has started bearing fruits as Rwandans start to recognize the importance of hard work and productivity as opposed to begging and idleness. This is a conscious policy on how Rwandans can get better organized and it is erroneous to term it as arbitrary arrests of street children, beggars and street vendors.

In the Northern Province, the Ministry of Gender and Family Promotion has established 8 Childhood Development Centers (CDC) which are currently hosting and providing proper welfare to orphaned and vulnerable children who are HIV positive. In all, 140 children (78 girls and 62 boys) are benefitting from this intervention. This pilot project will be replicated in other provinces.

The Government also set up **Iwawa Vocational Center (IVC)** based at **Iwawa Island** in the Western Province where former young **adolescents** who were aimlessly roaming the streets or involved in drug abuse have been rehabilitated and taught various professional skills such as carpentry, tailoring, commercial farming, construction, bee keeping, etc...In May this year, the Center passed out 752 graduates who were immediately absorbed into the job market. This process will continue. People who have visited this center, including our development partners, have been impressed by this initiative and some have said they wish it was possible to replicate it in their own countries.

2) Recommendation No 80.15 : Requests Rwanda to adopt concrete measures to avoid discrimination and protect the rights of the peoples of the Batwa Community and other minorities (Spain)

We have already dealt with this under **recommendation 81.3** and need not repeat ourselves. Suffice it to say that this recommendation insinuates that there is a kind of discrimination in Rwanda, which is not correct. The Rwandan Government is committed to the prevention and the fight against all forms of discrimination because Rwanda has paid heavily the cost of

discriminatory policies. Genocide was a result of discriminatory politics and there is no way Rwanda today can practice discrimination of any kind. It is outlawed under various legislative enactments.

Various programs on social protection benefit all the vulnerable groups, including the Batwa population. They receive free health insurance; adequate houses were constructed for them; they benefit from other programs such as "Free 9 Year Basic Education"; "one cow per poor family; Vision 2020 Umurenge (VUP); free legal aid, etc. All this is done for all vulnerable and marginalized people, without any distinction.

The Special Rapporteur on minorities, Ms McDougall, travelled around the country early February 2011 and assessed the rights enjoyed by the Batwa population and other marginalized groups. The Government of Rwanda hopes that her report will shed more light on the situation of the Batwa population and other minorities.

3) Recommendation number 80.16: Requests Rwanda to ensure that the country's religious minorities are able to freely practice their respective beliefs (USA):

I want to state clearly that religious groups in Rwanda enjoy fully their rights. Nearly 400 registered religious groups are operating in Rwanda and many others which are not yet registered. Religious groups in Rwanda vibrantly practice their faith day and night, on streets, in market places, in public transport systems, in schools, at work places, in homes that have been turned into prayer palaces, in churches, in mosques, name it, they are everywhere. The problem is that some people are now complaining of noise pollution especially at night.

Six radio stations belonging to Rwandan religious groups are freely spreading their faith. *Amazing Grace (Pentecostal)* , *Restore hope (protestants)*, *Voice of*

hope (7th Day Adventists); Radio Maria Rwanda (Roman Catholic), Umucyo Radio (Pentecostal) and Voice of Africa (Islam).

A new law governing religious groups and practices has been enacted with full participation of religious leaders and denominations especially to ensure the infighting between different religious groups is discouraged and their coexistence is promoted.

Mr President, Distinguished, Ladies and Gentlemen;

I wish to reiterate that Rwanda Government did benefit from the recommendations of the Working Group. I also wish to state that Rwanda Government will in particular cooperate with the UN Human Rights Council in its quest to protect and promote human rights in Rwanda. Even as the Working Group was making recommendations most of them were either being implemented or were in the pipeline for implementation. That is why almost all the recommendations that were made were accepted by Rwanda. Except the 3 that were rejected outright on **January 24th 2011** and a further 3 have now been rejected out of the 16 that needed further consultations. All the others have been accepted and they are currently at various levels of implementation. Let me cite a few examples:

- The law governing political parties has been reviewed and will shortly be presented to Cabinet for approval and onward submission to Parliament. A lot of changes and improvements have been made taking account of observations and concerns made by our interlocutors.
- The law dealing with registration and operations of International NGOs has been passed by Cabinet, voted by the Lower Chamber and is now at the level of the Senate. A lot of improvements were made with lots of inputs from the NGOs themselves.
- A new policy document on media and access to information has been adopted by Cabinet and is now fully operational. On the basis of that new policy formulation, the whole of the media, access to information, freedom of speech and expression have been guaranteed.

- There are now 3 pieces of draft legislations on the Media law, Media High Council and Access to Information that have been approved by Cabinet and submitted to Parliament for enactment. The idea is to make the media self regulatory and remove all Government restrictions and involvements in the media industry. Even the Government Media Agency (ORINFOR) has been scrapped.

The above are just a few examples but as I said all your recommendations have been taken on board and will be implemented to the letter. There is no doubt that Rwanda has made tremendous progress in its reform portfolio and UPR process will help Rwanda to identify existing gaps that still need our country's attention.

I will not end this short presentation (the actual report has been submitted to you before) without reiterating my country's open invitation to all Special Rapporteurs and to all of you, individually and collectively, who may find the time to visit Rwanda and share with us more ways on how we can work together to improve the lot of our citizens. We are open to constructive criticism and engagements.

I propose that in adopting the UPR outcome report you take into account the observations that we have made and the additional information that we provided.

Thank you very much for your kind attention!

Hon. Tharcisse KARUGARAMA
Minister of Justice/ Attorney General

