**CONSIDERATION OF RWANDA’S FOURTH PERIODIC REPORT ON THE COVENANT ON CIVIL & POLITICAL RIGHTS March 17, 2016 – Geneva, Switzerland**

**Statement by Hon. Minister of Justice and Attorney General**

**Distinguished Chair, Members of the Committee, Representatives of Civil Society,**

1. **On behalf of the Government of Rwanda, I am happy to address the Human Rights Committee and to have this opportunity to present the Fourth Periodic Report of Rwanda on the implementation of the International Covenant on Civil and Political Rights (ICCPR).**
2. **Rwanda takes its human rights obligations extremely seriously, not because it is required of us, but because Rwandans deserve and are entitled to their rights and because the people of Rwanda are our primary obligation.**
3. **The process of review and reflection with respect to the ICCPR acts as a yardstick as we continually perfect the promotion and protection of civil and political rights in Rwanda.**
4. **The broad and comprehensive legal framework in Rwanda to implement the ICCPR, described in the Third Periodic Report presented in 2009, remains firmly on course and has indeed changed for the better. The Fourth Periodic Report provides information on major developments in the framework of promoting and protecting civil and political rights, including new laws, judicial decisions, policies, and programs that have expanded protections in various areas and provided more remedies for rights violations where they may occur.**

**Allow me to highlight a few of the recent developments in Rwanda as far as the implementation of the ICCPR is concerned.**

**Constitutional, Legal and Institutional Framework (Article 2)**

1. **In keeping with the importance attributed to human rights, Articles 12 to 43 of the Constitution provide the basis for the protection and promotion of human rights in Rwanda. In particular, Article 42 provides that the State has the responsibility to promote the human rights of Rwandans. Article 43 also gives the judiciary the responsibility to be the guardian of human rights and freedoms and thus hold the State accountable.**
2. **With specific regard to Civil and Political Rights, the Constitution specifically provides for the rights to life and the inviolable nature of the human being, the right to physical and mental integrity, the right to equality before the law, protection from discrimination, the right to marry and found a family, the protection of children, persons with disabilities and other vulnerable people among others.**
3. **These Constitutional aspirations are reflected in Rwanda’s ratification and continuing adherence to key international and regional instruments for the protection and promotion of human rights in Rwanda. Examples include the Covenant on Civil and Political Rights ratified since 1975 as well as 7 other core United Nations Human Rights Treaties. In addition, Rwanda remains a State Party to the African Charter on Human and Peoples’ Rights, the Maputo protocol on the rights of women in Africa, the African Charter on the Rights and Welfare of the child and the African Charter on Democracy, Elections and Governance. For Rwanda, the ratification of treaties is not a formality or a purely legal obligation it is rather an undertaking and commitment by the Government to see the provisions of those treaties honoured.**
4. **The commitments at the International and Regional Level are further entrenched in the Rwandan system by various domesticating national laws. Since Rwanda last appeared before this Committee, there has been substantial reform in the domestic legal system which aims to continuously ensure the protection and promotion of human rights.**
5. **Significant changes to fundamental texts such as the Civil Code and the Penal Code, which was completely revised, have been made to keep Rwanda in step with internationally accepted standards for human rights. In addition, new laws have been developed relating to the media (2013). Access to information (2013), registration of political parties and civil society organizations have been adopted. A new family code which goes a long way in ensuring equality between men and women in the family will soon be transmitted by Parliament for w.**
6. **Legal provisions for human rights protection are being implemented through specific institutions established to facilitate the process. In 2009, most of the key human rights institutions existing today had not been created. Others still have since been significantly overhauled.**
7. **An important example is the National Commission for Human Rights. It was created in 1999 but a new 2013 law re-affirms its independence and autonomy in performing its functions. That law requires the Commission to present reports of its activities only to Parliament. A key mandate of the Commission is education and sensitization of the population on their human rights. In this regard the Commission periodically facilitates national education campaigns on human rights.**
8. **The Office of the Ombudsman is a Constitutional institution whose authority was enhanced in 2013 with a new governing law. Additional powers were granted to the Office which include expanded authority to investigate human rights violations. The Office of the Ombudsman has the mandate to act as a link between the citizen, public, and private institutions and to investigate complaints of injustice, corruption and related offences in public and private entities. The Office also receives complaints from individuals and associations regarding the behaviour of civil servants. It is empowered to report on unlawful acts, investigate and initiate prosecutions against corrupt actors. The most recent records from the Office of the Ombudsman (2013-2014) indicate that the Office received 4,492 complaints, directly resolved over 80% of them and referred the remaining 20% to other relevant institutions for further action. The Government institutions concerned must act on the recommendations made by the Office of the Ombudsman.**
9. **Within the framework of respecting and giving a voice to Children’s rights, the Government of Rwanda adopted Law No. 22/2011 of 28/6/2011 establishing the National Commission for Children (NCC). The NCC is an independent organ under the Ministry of Gender and Family Promotion its responsibility is to coordinate, implement, oversee and monitor the child protection systemin Rwanda.**
10. **Articles 14 and 51 of the Rwandan Constitution set out the responsibility of the Government to ensure the inclusion of persons with disabilities in all national development programs. Thus the NCPD was established in 2011 with the purpose of coordinating activities aimed at the advancement of persons with disabilities, to gather and examine views from persons with disabilities, to advocate on the issues affecting them, to increase their capacity to be independent and collaborate with non-governmental organizations working in the sector of persons with disabilities.**
11. **Another key institution is the Rwanda Governance Board (RGB) which was established in 2011 with the core mission to promote the principles of good governance and decentralization, conduct research and policy analysis in relation to governance, monitor the practices of good governance, coordinate and support media sector development and enhance citizen participation, among others. RGB also provides a one stop centre for the registration of all national Non-Governmental organisations and faith based organisations significantly making the process easier compared to the past where several institutions would be involved in the registration process rendering multi-layered and often duplicated services.**
12. **The Parliament of Rwanda also has two specific committees in charge of human rights. The Committee on Unity, Human Rights and the Fight against Genocide which is in the Chamber of Deputies (the lower chamber), and the Committee on Social Affairs, Human Rights and Petitions which is in the Senate. These committees receive and examine the annual reports from the Human Rights Commission and make recommendations to the Government for the improvement of human rights in Rwanda. They also carry out field visits and receive complaints directly from the public.**

**Equality and non-discrimination (Article 2, 3, 26)**

1. **In Rwanda, women make up 52 percent of the total population and are therefore critical to the development process. In recognition of the important role women have to play, the Constitution of Rwanda stipulates that women must make up at least 30 percent of individuals in decision making positions across public institutions. To that end, representation of women across Government currently stands at 38 percent; 50 percent in the Judiciary and 64 percent in the Parliament (Chamber of Deputies). Women also lead a third of Rwanda’s Ministries, including foreign affairs, agriculture and health. This is the highest percentage of women MPs in any Government in the world. In elections for District executive committees in held recently, women won 36.2 percent of district advisory posts and 36.2 percent of the District Executive Committee leadership.**

**Gender based violence (Article 2, 6, 7 and 24)**

1. **The Government of Rwanda has committed to a zero tolerance policy towards domestic and other types of gender-based violence. Evidence of the government’s commitment to eradicate GBV was the adoption of a comprehensive Gender-Based Violence (GBV) Policy in 2011.This Policy strengthens both prevention and accountability mechanisms to eradicate GBV as well as providing for the treatment of victims. In addition, courts have started to hold GBV trials in the community where the crime was allegedly committed. This procedure, while ensuring safeguards for the dignity and sensitivity of the victims and aiming at reducing the number of GBV cases, has allowed people in communities to see perpetrators held accountable.**
2. **The GBV policy is implemented through innovations across Government institutions concerned. The National Police, Military and the National Prosecution Authority have all established anti-GBV desks and monitoring units that oversee GBV and child protection cases. Each district in the country has an Access to Justice Bureau, or Maisons d'Accès à la Justice (MAJ) which is coordinated by the Ministry of Justice. One of the three staff in the MAJ is specifically in charge of the fight against GBV and domestic violence. These MAJ officials may intervene in GBV cases and assist victims through the court process. Their services are provided free of charge to the community.**
3. **In addition, since 2009, the Isange One Stop Centers (IOSC) were initiated and piloted by Rwanda National Police (RNP) to provide holistic care to victims of GBV. There are now 23 Centers across the Country and by the end of 2016, it is planned that there will be at least one functioning IOSC in each of the 30 districts in the country.**
4. **Rwanda’s commitment to end GBV has extended to a continental initiative through the Kigali International Conference Declaration (KICD) on the Role of Security Organs in ending Violence against Women in Africa. A foundation stone for an African Security Organs Centre for Coordination of Action to End Violence against Women and Girls (AFSSOCA) was laid in Kigali by the UN Secretary General, Ban Ki Moon and the President of the World Bank, Jim Yong Kim, in May 2013.**

**Right to life, liberty and security of person (Article 6)**

1. **Since the abolition of the death penalty in Rwanda in 2007, the Government has made every effort to ensure the right to life for all Rwandans. Articles 12, 13 and 14 of the Constitution of Rwanda guarantee the right to life for all Rwandans and re-affirm the inviolable nature of the human person.**
2. **The Government of Rwanda has been a strong advocate for the same elsewhere in the world. To that end, on 13 and 14 October 2011, Kigali was the venue of the Regional Conference on the Abolition and/or Moratorium on the Execution of the Death Penalty. The conference was organized by the Government of Rwanda in partnership with ‘Hands Off Cain’ organization. The conference concluded with the adoption of a resolution that was unanimously approved, calling upon African countries to sign and support treaties and international resolutions on the death penalty and on the moratorium on executions, with a commitment by the governments to transpose the contents into the legislations of each country.**
3. **The right to life is also closely linked with the right to health. The Government of Rwanda has done a lot on this front. The Government has made maternal and child health a priority in all development programs in line with the Millennium Development Goals (MDG). As a result, Rwanda has made considerable advancement in the guarantee of maternal and child health. The provision of general health services has also improved across the board. There are now 6 referral hospitals in different regions of Rwanda, one provincial hospital in each Province, one or more district hospitals in each District, and 96% of the 416 administrative sectors have at least one health centre. This resulted in the reduction of the mean time needed to reach a health centre from about 95 minutes in 2005 to 60 minutes in 2015. These efforts have directly led to the increase in life expectancy from 49 years in 1994 to 64 years today.**

**Prohibition of Torture, inhuman and degrading treatment, medical or scientific experimentation (Article 7)**

1. **The primary legal framework for torture prevention in Rwanda is the constitution which prohibits acts of torture in its article 14. It provides that everyone has the right to physical and mental integrity. No one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment. No one shall be subjected to experimentation without his or her informed consent. Modalities of the consent and experiments are determined by law. Torture is particularly defined and criminalized in Article 177 of the 2012 penal code. That definition mirrors that of the Convention against Torture and goes a step further to include non-State Actors such as private security operatives. Penalties for Torture range from 6 months to 7 years and life imprisonment in aggravated situations.**
2. **In order to prevent torture and ensure observance of the minimum standard of respect for human rights in detention facilities, inspections are conducted by the National Police and the National Prosecution Authority in police detentions every week. Prisons are also regularly visited by the National Prosecution and the National Commission for Human Rights. The Human Rights Commission in particular conducts unannounced visits to prisons and police custodies at least twice a year and formulates recommendations to the competent authorities. Regular prison visits are also conducted by the International Committee of the Red Cross staff as well as various other local and international civil society organizations.**

**Right to a fair trial and Independence of the Judiciary (Article 14)**

1. **Easy access to the various justice institutions is a key component in ensuring that all the people of Rwanda can be accorded quality, efficient and timely justice whenever it is needed. With this in mind, the Ministry of Justice which has its main office in Kigali is now decentralized through the district access to justice bureaus. All 30 districts in Rwanda have 3 full time Government paid access to justice officers. This has resulted in tangible outcomes to the extent that many of the key justice concerns, prevalent for many years, are now addressed to their final conclusion.**
2. **The key ethos of the justice system in Rwanda is the need to promote reconciliation and arbitration over conflict and an over dependence on the formal justice system. We have previously shown that this model works for Rwanda with the remarkable success of the Gacaca courts which processed close to two million cases of genocide suspects while at the same time mending the fabric of fractured communities.**
3. **In order to continue this good practice that reconciles and renew community relations, Rwanda established mediation committees known locally as ‘Abunzi.’ These Abunzi are local mediators at each level of local government, elected democratically by the community to help resolve disputes arising in their communities thereby reducing the need to approach the formal justice system. Today there are 17741 Abunzi in Rwanda, a group of well-regarded members of the society who resolve conflicts. With a 97 percent satisfaction rate they vastly reduce the quantity of litigation that would otherwise end up before a Judge.**
4. **Rwanda has nonetheless invested significant resources in the development of the judiciary both in relation to the quality and impartiality of the judgments’ handed down by the courts in Rwanda as well as in the improvement of the infrastructure of the courts. Individuals that come into contact with the justice system are accorded the most efficient service possible. To that end, all the 83 courts in Rwanda are now fully computerized and online. Cases can be filed and followed up to their final conclusion online, individuals having to travel to the courts not to get information regarding the status of their case but only on the hearing date.**
5. **The Judiciary is under the High Council of the Judiciary, a constitutional body presided over by the Chief Justice. This body does not report to any other organ. Its decisions on appointment, promotion, discipline, of judiciary personnel are final. The Judiciary also enjoys administrative and financial autonomy.**

**Freedom of Expression, Association and Assembly (Article 19, 21, 22)**

1. **The rights to freedom of expression, access to information and association are recognized under the Constitution and other legislative instruments. Law N° 02/2013 of 08/02/2013 regulating media and Law No 04/2013 of 08/02/2013 relating to access to information in particular provide for the right to freedom of opinion and expression. Law n°02/2013 of 08/02/2013 regulating media established a Media Self-Regulatory Body which is an organ set up by journalists themselves whose responsibility is to ensure compliance with principles governing media.**
2. **To further promote and protect freedom of association, new legislative measures were adopted. These include: Organic Law n° 10/2013 of 11/07/2013 governing political organizations and politicians and code of politician’s ethics. Law nº 06/2012 of 17/02/2012 determining the organization and functioning of Religious- based organizations and Law N° 04/2012 of 17/02/2012, governing the Organization and Functioning of National Non- Governmental organizations. Law no 13/2009 of 27/05/2009 instituting the labor code also provides for the recognition and operation of trade unions.**
3. **Article 11 of the organic law governing political organizations and politicians provides the procedure for the registration of a political organization. This law in Article 16 also provides for a right to appeal against a decision refusing to grant registration. Such a decision can be contested in the High Court. Due to this enabling environment, there are currently 11 political parties officially operating in Rwanda.**
4. **With regard to Civil Society, much has changed over the last 22 years. Between 1962 and 2011 there were only 350 registered civil society organizations in Rwanda. Today there are over 1600 registered. With regard to International Non-Governmental Organizations, a specific department in the national Immigration Service works to ensure that organizations seeking registration are able to do so in the shortest possible time. To date there are 164 international organizations registered and operating in Rwanda. The Directorate of Immigration has also overhauled its registration process to make it completely accessible online. Organizations are now able to complete the registration process online without the need of physical presence at the registration offices.**

**Mr. Chairperson, Members of the Committee, Representatives of Civil Society,**

1. **The Government of Rwanda recognizes that it is simply not a matter of the numbers of institutions created, legislation passed, treaties ratified or economic and social statistics, those are indicators of progress. For the Government of Rwanda, it is the real impact on the lives of our people that is the true measure of progress in the enjoyment of fundamental and freedoms.**
2. **With those opening remarks, my delegation is pleased to receive questions from the Committee.**

**I Thank you.**