

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE

INTRODUCTION TO THE THIRD UNIVERSAL PERIODIC REVIEW (UPR)
REPORT OF RWANDA
PRESENTED IN ACCORDANCE WITH UNGA RESOLUTION 5/1
JANUARY 25, 2021: HELD VIRTUALLY

Delivered by: Hon. Johnston BUSINGYE, Minister of Justice and Attorney General
of the Republic of Rwanda, Head of Rwanda Delegation.

Madam Vice- President;
Distinguished Members of the Troika;
Excellencies Representatives of Member States,

Good afternoon.

It is my honor and privilege to present, this afternoon, Rwanda's third (3rd) report
to the Universal Periodic Review (UPR) Working Group.

Before I proceed, Madam President, allow me to introduce my delegation. I am with
Professor Anastase SHYAKA, Minister of Local Government and
Dr. Usta KAITESI, Chief Executive Officer of Rwanda Governance Board; the three
of us attending remotely from Kigali;

Am also with Her Excellency Marie Chantal Rwakazina, Ambassador of the Republic of Rwanda to Switzerland and Permanent Representative to the United Nations Office at Geneva, and

Ms. Providence UMURUNGI, Head of International Justice and Judicial Cooperation Department at the Ministry of Justice, attending from Geneva.

Madam Vice-President,

This is the third time that Rwanda is participating in this UPR exercise. The last time was in November 2015 where Rwanda gladly accepted to implement 50 recommendations. This statement gives a very brief account of the implementation of those recommendations and a number of key new developments since the last review.

Before proceeding further, allow me to reiterate Rwanda's commitment to the UPR process as it represents a unique mechanism that treats all UN member states on an equal basis and, more importantly, seeks, among other things, to improve the human rights situation on the ground.

I take this early opportunity to acknowledge States members that sent advance questions. My delegation and I are ready to respond to the extent possible and we are also happy to engage with other State members that will make their statements or ask questions from the floor.

Madam Vice- President,

The submitted UPR national report is the result of wide consultations throughout the five years that followed the second review. We are pleased to report that the process has been inclusive and open to all stakeholders. The report drafting process was led by the Ministry of Justice through a cross-institutional national Treaty Body Reporting Task Force (TBRTF). More than sixty (60) stakeholders composed of Government Institutions, Civil Society Organizations (CSOs), Private Sector, Development Partners (DPs) and United Nations (UN) Agencies played a key role in the process from the implementation phase through the reporting phase. As such the report that was submitted captures and reflects the views of stakeholders, who

are representative of the broadest section of the population. The Cabinet was briefed and approved the report before it was submitted to the Secretariat of the HRC.

Madam Vice- President,

Rwanda continues to be committed to its international obligations. During the period under review, Rwanda submitted eight (8) periodic reports to the UN treaty bodies and AU human rights Mechanisms. Again Rwanda values the spirit of open and frank dialogue that characterized all interactions that Rwanda had with experts of different committees.

The GoR of Rwanda takes note of the compilation of all recommendations from UN Treaty bodies and is committed to report accordingly to each committee during the respective reviews. Some of the observations will be addressed during this review, but others will be reported on before the respective committees.

On a particular note regarding the international scope of cooperation and commitment of the GoR, we wish to inform the Working Group that in September 2020, Rwanda adopted law No. 013/2020 of 07/09/2020 approving the accession of Rwanda to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

Regarding the ratification of the remaining instruments that were raised by some stakeholders, in particular the International Convention on Protection against Enforced Disappearance and the OP to the ECSCR, we wish to reiterate my Government's will but also to underscore that the process will be the same as for hitherto ratified instruments; continuous assessment of our domestic legal framework on human rights and on the relevant Convention subjects and where gaps or potential leaps forward will be found necessary to be filled by any of the mentioned instruments, the ratification of the relevant instruments will be considered.

**Madam Vice- President,
Member of the Working Group,**

During the period under review, Rwanda made many legal reforms, by adopting new laws and revising existing ones in order to harmonize them with its international

obligations while strengthening domestic legislation. In this regard and just to name a few, Rwanda revised its Penal Code by adopting a new Law determining Offences and Penalties in general, which, among many improvements, decriminalized all press offences including defamation. The law made key strides towards total decriminalization of abortion by adopting expanded and progressive provisions for women and girls to access safe legal abortion. Further, the provisions on solitary confinement, which had never been applied, were repealed.

The law determining the function and organization of the National Commission for Human Rights (NCHR) saw a major revision that established the National Preventive Mechanism against torture within the Commission (NPM) in 2018. We are happy to report that the NPM is now operational, though still new, and the GoR is committed to provide the requisite support so the NPM can deliver on its mandate. The NCHR continues to enjoy its total independence as well as administrative and financial autonomy. It recruits its own staff and has own regulations to choose commissioners. The Committee that selects Commissioners is totally independent, its members approved by the whole Cabinet, and established by Presidential Order, the next layer of laws after the Constitution, Organic Laws and Laws.

With regard to the development of institutional frameworks, worthy of mention is the creation of a few important institutions; the Rwanda Investigation Bureau, the Court of Appeal, and the revision of the jurisdiction of the Supreme Court to provide it with power over constitutionality of laws, public interest litigation and over key policy, political and social economic public interest, civil or criminal matters. These institutions have contributed to the efficiency of justice through access to and delivery of justice. A separate and autonomous professional criminal investigation bureau, from a Department of criminal investigation that used to be in Rwanda National Police, has tremendously contributed to the fight against criminality and improved the quality of investigation and prosecution files.

Madam Vice- President,

During the last review, Rwanda received recommendations on freedom of opinion and expression, freedom of press; and freedom of association and of peaceful assembly.

We wish to inform the distinguished working group that these four freedoms are enshrined in the Rwandan Constitution of 2003 revised in 2015 and are respected in fact as in law. Consistent action to more expand media space and freedom of expression characterised the last 5 years. As a result, the number of radio stations are now 34 up from 23 in 2011 while the number of television stations increased from 1 in 2011 to 12 in 2016 and 19 in 2019. Registered print and online media houses increased from 73 in 2016 to 161 in 2020.

As mentioned earlier, the new law determining offences and penalties in general repealed all press offences. The satisfaction of citizens with access to information, as measured by the Rwanda Governance Board, has grown from 52% in 2012 to 94% in 2019.

Concerning detention conditions, the GoR acknowledges that the prison population remains relatively high. This is a result of efficiency and effectiveness of the criminal justice system from the RIB through the Criminal Courts. As a result, Rwanda continues to be relatively crime free, secure and safe 24 hours. That said efforts to expand options for non-custodial sentences and diversion from the typical criminal justice channel are being studied for implementation as soon as possible. Short term measures to depopulate prisons including building a new prison (Nyarugenge prison) and renovations of three (3) prisons were implemented. Between 2015 and 2019, 9 new detention police stations were built while 64 were renovated. In 2018, the penalty of community service was adopted as an alternative sentence and the use of electronic bracelets to expand bail options for suspects were introduced. At least 9,442 inmates were released on parole and 110 granted Presidential Pardon since 2015. Places of deprivation of liberty are regularly inspected for compliance with minimum standards. Further, the GoR wishes to note that while it successfully implemented its plan to separate female inmates from male inmates, and minors from adults in prisons, efforts are still underway to separate minors from adults in police custody. In this regard, the government has embarked on the project to progressively rehabilitate the existing police stations while building new ones where needed. Renovated and new facilities have separate rooms for minors.

Remaining on this point, allow me Madam President, to say a word on allegations that arrests and detention of people in unofficial military detention centers, where allegedly, the detainees are tortured, happen in Rwanda. The GoR wishes to note that Rwanda maintains separate prison facilities for civilian and military convicts.

All fourteen of them are gazetted, operate in accordance with law, are accessible and conform to by international minimum standards on the treatment of persons deprived of liberty. There are no unofficial detention centers in Rwanda and as such the GoR rejects such unfounded allegations which, we believe, are motivated by the political interest and agenda of those who advance them.

Madam Vice- President, allow me now to highlight some developments that we achieved on access to justice:

Recommendations received in 2015 included on prevention of genocide, promotion of unity and reconciliation and access to justice. In this regard, in 2018 a new law punishing genocide ideology and related crimes was enacted. Rwanda continues to commemorate the 1994 Genocide against the Tutsi. The reintegration and rehabilitation of former genocide convicts who completed their sentence remains one of the priority programs of the NURC. The ‘Ndi Umunyarwanda Program’ continues to be implemented countrywide to emphasize the unity of Rwandans.

In December 2016, Rwanda introduced an Integrated Electronic Case Management System (IECMS) which improved access to justice and service delivery in the justice sector. The system had more than 110,882 active users and connected 194 investigation stations/posts, 59 prosecution offices, 63 Courts, 13 Prisons, over 400 bailiffs and over 1000 Advocates on one platform at the reporting time.

In August 2020, an electronic system for execution of court orders and online auction was launched. Legal Aid Services continue to be provided through MAJ, Abunzi and a range of cooperating non-state actors. Citizens have shown a high level of satisfaction with MAJ, Abunzi services. This satisfaction stands at an average of 81.31% and 82.23% for Abunzi and MAJ respectively for the period between 2016 and 2019. In 2018, court fees were slashed to below than 50%.

With regards to corruption, Rwanda continues to be among the leading nations in the fight against corruption. A new anti-corruption (2018) law was adopted, representing a more aggressive step intended to achieve good governance through prevention and fight against corruption.

Despite the efforts, we once in a while receive criticism alleging that the Rwandan Judiciary is not independent, that there are irregularities in some political trials, and that there is interference of the Executive in political cases.

Madam Vice- President, we wish to inform the Working Group that independent agencies have consistently ranked Rwanda fairly when it comes to the independence of the judiciary. At regional level, Rwanda was ranked between 1st and 5th during the period between 2017 and 2019. At global level, Rwanda was ranked between 25th and 37th during the same period.

Finally, on this point, allow me, Madam President, to reassure the Working Group that there are no prosecutions that target persons simply because they are politicians or journalists or human rights defenders, and the so-called political trials do not exist, nor are trials against journalists or human rights defenders just for being journalists or human rights defenders. A person can only be prosecuted based on his/her act which is prohibited and punishable by law. One's freedom to express his/her opinion is guaranteed by the law and as such is protected and respected. That said Government is always open to frankly engage even on perceptions so that whatever lies at the base of a perception is addressed as appropriate.

Madame Vice-President,

With regard to women's rights, their empowerment and gender equality, Rwanda maintains its two decades-long top priority of ensuring equality between men and women. The 2016 law governing persons and family gives both men and women equal responsibilities to lead the household. The husband is no longer considered the sole leader of the household. In 2016, Rwanda adopted a new law governing matrimonial regimes, donations and succession. The law guarantees equal treatment of children in succession.

Women continue to enjoy fair representation in decision making positions both at central, local level and in the private sector.

Women's representation in the cabinet has now 52% in 2020 up from 36.8% in 2014. In the current term, 2018–2023, of Parliament, women parliamentarians stand at 61.2% in the lower chamber and 38% in the Senate. At decentralized levels, women's share in the leadership has improved during 2016–2018 from 16.7% to 30 % for District Mayors and 45.2% in District Councils.

At decentralized level women occupied 40% of Governors and Mayor of the City of Kigali, 55.9% of Bureau of Districts Councils and Bureau of City of Kigali , 66.7% of Vice Mayors/Social Affairs , and 26.7% of District Mayors in 2018.

However, the Government acknowledges that more efforts are still required to ensure more women representation at local level and particularly in the private sector.

On the Right to education:

Rwanda considers education an important investment for the country's growth and development. The budget allocated to education has been increasing since the second review in 2015. From 2015 to 2018, the GoR increased the budget allocated of 15.5% every year. Regarding universal access to primary education, net enrolment rate (NER) reached 95.80% in 2018. The inclusive and Special Needs Education Policy with its implementation plan was adopted by the Cabinet in January 2019. Education infrastructure and Staff have fairly increased.

Allow me to talk about internet connectivity in schools. Primary schools with internet connectivity were 9.8% and 34.8% in 2016 and 2019 respectively. In secondary schools connectivity stood at 35.4% and 61.1% for the same period.

The covid-19 pandemic impacted a lot on education. Students have spent almost 10 months without going to school. Rwanda adopted measures to build more classrooms countrywide to enable conditions of social distancing when schools reopen. As of today, I'm happy to inform that 96 per cent of the planned 22,505 classrooms have been completed. Investment in internet connection will continue, as we have all noticed that the E-learning is a possible and inevitable alternative with the pandemic still with us.

**Madam Vice-President,
Ladies and gentlemen,**

With regard to the Rights of the Child:

During the period under review, Rwanda shifted from paper-based to web-based birth registration. Birth registration increased from 56% in 2015 to 89% in 2019. On 10th August 2020 Rwanda launched a Births and Deaths Registration which, hence, are issued at health facilities. Birth registration period was extended to 30 days from 15, and the issuance of the birth certificate after registration of birth is mandatory.

Regarding child protection & adequate standard of living, it is worth noting that strong legal, policy and institutional frameworks have been put in place to continue protecting the rights of children and ensuring that perpetrators of sexual violence

and child trafficking and unlawful child labour are brought to justice and held accountable. Mechanisms on reporting, monitoring and investigating complaints relating to child abuse have been put in place.

Children with disabilities are accorded special attention in government programs as it is detailed in the report.

Madam Vice- President;

On Trafficking in persons:

The GoR continues to make efforts in fighting and preventing human trafficking. In 2018, the GoR adopted the Law No 51/2018 of 13/08/2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others. There have been capacity building sessions for law enforcement officers (investigators, prosecutors, immigration staff) in the matters of combating trafficking in persons. As a result, the conviction rates, based on the cases that went to trial, increased from 12.5% in 2016 to 41.7% in 2017 and to 53.3% in 2018. In November 2020, the National Action Plan to fight Against Human Trafficking was approved.

On Labour, poverty and development:

Rwanda has scored sustained economic growth rates since the year 2000. Between then and 2018, GDP grew at an average of 7.9%. Unemployment rates have been decreasing for all categories. Between 2016 and 2019, the overall unemployment rate decreased from 18.8% to 14.5%, male unemployment decreased from 15.7% to 13.8%, and female unemployment decreased from 22.7% to 15.4% over the same period. Youth unemployment remains higher than average, at 19.3% in 2019, down from 21.5% in 2016. The overall labour force participation decreased from 54% in 2017 to 52.5% in 2019, with that of male decreasing from 62.7% to 61.9% and female from 46.4% to 44.2%.

The proportion of the population living below the national poverty line stood at 60.4% in 2000/01 and reduced to 38.2% in 2017. During the same period, extreme poverty reduced from 40% to 16% in the general population.

Rwanda has developed comprehensive policies and strategies that contribute to ending hunger, achieve food security and improve nutrition. Agriculture has been growing on average by 6% over the last decade. According to the Comprehensive Food Security and Vulnerability Analysis (CFSVA 2018) report, 81.3% of all households are food secure against 80.6% in 2015. The National Early Childhood

Development Programme (NECDP) (2016-2021) was put in place and is set to eradicate child malnutrition. Other initiatives such as Ongera Intungamubiri, milk distribution to under 5 children and school feeding are being implemented.

Concerning water and sanitation: During the period under review, the GoR continued to invest efforts towards the full realization of the human right to water and sanitation. The Integrated Household Living Conditions Survey (EICV5) conducted in 2016/2017 shows progress in the use of improved drinking water sources. Households with access to improved sources are 87.4 % as compared to 85% reported over three years at the national level.

Households with access to improved sanitation facilities are 86.2 % as per EICV5 compared to 83% reported in 2013/2014.

Madam Vice- President;

With regard to *Health*; for the last five years the Government of Rwanda continued to invest in the development of the health system which resulted in further progress on the right to health for Rwandans. Public and private health facilities (i.e. hospitals, health centers, health posts, clinics, dispensaries, polyclinics and specialized clinics) increased from 1,285 to 1,735 between 2016 and 2019. The number of health posts increased from 471 to 885.

Rwanda introduced the use of Drones to deliver blood, mostly in rural areas where the access by road would take hours. The rate of hospital satisfaction (Demand Vs Supply) for all blood components increased from 70.5% in 2016 to 92.6% in 2018. So far, 54 health facilities including 24 hospitals and 34 health centers are being served on a daily basis with an average of 50 drones' deliveries per day.

With regards to health system financing, the GoR spending on health has surpassed the 15% required under the 2001 Abuja Declaration (with 15.8% as of end of Fiscal year 2018/19). The Community Based Health Insurance coverage was at 79% at the end of the fiscal year 2018/19. Assisted delivery in health facilities remained above 90% since fiscal year 2015/2016. Regarding family planning, by June 30, 2019, modern contraceptive prevalence rate (mCPR) in Rwanda was at 53.1%.

Regarding immunization of children, as of 2018/2019 fiscal year, 103% children received BCG, 100% received Polio 0, 101% children were vaccinated for Penta 1, and 94% were vaccinated for MR2 at 15 months of age.

With regard to access to legal abortion, as indicated in the stakeholders' summary, the GoR is pleased to note that in 2018, Rwanda adopted the new Law N° 68/2018 of 30/08/2018 determining offences and penalties in general with progressive provisions in matters of women's rights to legal abortion.

In addition, the GoR also adopted a Ministerial Order determining a more liberal regime for medical doctors to perform an abortion. It covers important matters such as allowed grounds for abortion, pregnancy age for termination, eligible health facility to perform abortion, procedure by which an application for a child to abort is made, pre-procedure for abortion care, consent, access to abortion services and confidentiality among others.

Since 2019, all 481 women who were serving prison sentences for the offences of abortion, complicity in abortion and infanticide received Presidential Pardon.

The GoR continues to monitor the effectiveness of the laws in practice, where challenges are identified necessary reforms will be undertaken.

Asylum-seekers and refugees

Madam President before I conclude, regarding refugees and asylum-seekers, let me reiterate Rwanda's firm commitment to an open-door policy towards refugees. Since 2015 Rwanda has hosted at least 126,624 refugees and asylum seekers. In addition, Rwanda received 515 asylum seekers who were evacuated from Libya under a Memorandum of Understanding (MoU) signed between the GoR, UNHCR, the UN Refugee Agency and the African Union (AU). Government in collaboration with UNHCR continues to join efforts to improve the welfare of refugees.

On COVID-19

Madam Vice- President, let me say a few words before I conclude. Rwanda was not spared the harmful effects of the COVID-19 pandemic that befell the world towards the end of 2020. The first case of COVID-19 was announced in Rwanda on 14th March 2020. In an effort to limit the spread of and harm by the virus, the Government adopted measures to contain the spread of the virus while treating those who contracted it.

Rwanda's response to COVID-19 has been flexible, swift, consistent, open and participatory. The approach has not only been important in helping us deal

effectively with the virus but also key in ensuring that the impact of covid-19 on human rights remains minimal. The government ensures that Rwandans have adequate, timely and accessible information on Covid-19. In this regard, the Ministry of Health updates Rwandans and the world on a daily basis about the status of Covid-19 in Rwanda. This includes the total number of recorded cases, new infections, recovered patients, number of tests and deaths. The sharing of this information has been consistent since the first case in March.

Despite these efforts, the virus is still prevalent in Rwanda as it is almost everywhere across the globe. Rwanda pledges its collaboration with the international community in the fight against the pandemic, and wishes to reassure that Human Rights will be at the centre of all efforts of recovery during and after the pandemic.

Madam Vice- President, Ladies and Gentlemen;

As I am concluding, I wish to once more reiterate Rwanda's commitment and support to the UPR mechanism. The mechanism has positively impacted the advancement of the human rights agenda in Rwanda. More and innovative fora have been created to bring together all stakeholders throughout the UPR cycle providing more space to openly discuss human rights issues, some implementing and others monitoring the status of implementation of recommendations accepted by the GoR. It's no longer a conflictual tug of war, it's a journey all parties own and enjoy.

I take this opportunity to express our sincere thanks to each and every stakeholder for their invaluable support and role in the process.

I deeply thank Rwanda Civil Society Organizations, Rwanda Private Sector, One UN office in Rwanda, Development Partners, Members of the Diplomatic Community in Rwanda and the many cooperating government institutions for their support offered in various forms including financial, technical and advisory.

I finally wish to sincerely thank countries that submitted advance questions. Some of them, I think, have been addressed in these remarks.

My colleagues and I remain available and will be pleased to provide clarity on the remaining questions

THANK YOU!