

REPUBLIC OF RWANDA



RWANDA'S SECOND UNIVERSAL PERIODIC REVIEW

PRESENTATION OF THE REPORT BY HON. BUSINGYE JOHNSTON,

MINISTER OF JUSTICE / ATTORNEY GENERAL

4th NOVEMBER 2015, GENEVA, SWITZERLAND

***Mr. President of the Human Rights Council,
Excellencies, Ladies and Gentlemen;***

1. Four years ago, Rwanda appeared before this Working Group of the Human Rights Council to give an account of the human rights situation in Rwanda. I am pleased to be here today to share Rwanda's progress in the promotion and protection of human rights since.
2. This statement seeks to introduce our report, highlight some key areas contained therein, touch on matters that arose subsequently and briefly respond to advance issues raised.
3. We have implemented 63 out of 67 recommendations received in the 2011 UPR while the remaining four recommendations are in progress. Today Rwanda is a State Party to 8 core United Nations Human Rights Instruments. In the period since the last review, Rwanda has ratified the Optional Protocols to the Convention against Torture and to the Convention on Economic, Social and Cultural Rights. Rwanda is up to date in reporting on all of these Conventions to the relevant Treaty Bodies. Rwanda issued a standing invitation to all UN Special Procedures and since our last review three special rapporteurs have visited Rwanda. We look forward to welcoming others.

Mr. President,

4. Our story today, as in 2011, is one of promise and a defiant hope to make it and continue to comply with domestic as well as international expectations, commitments and obligations in spite of the odds bequeathed to us by our history generally and the 1994 genocide against the Tutsi in particular. I say this because probably all of the countries gathered in this room are familiar with the history of Rwanda. I will not dwell on this history today, although it defines much of what we do. But permit me to say that it is a history which the people of Rwanda have chosen to own because it reminds us of where we have come from so that we do not forget and we do not go back there. As our President H.E Paul Kagame says, *“we cannot turn the clock back nor can we undo the harm caused, but we have the power to determine the future and to ensure that what happened never happens again.”*
5. Today, we can say that our present dispensation is based on a political culture that values diversity, consensus building. Rwandans are at the centre of planning processes and are active participants in the implementation of programmes that impact their lives, finding home-grown solutions to the specific challenges we face. Examples include our Vision 2020 which is our overarching development plan and which we are on track to deliver upon; Girinka (one cow per family); our poverty reduction strategy (VUP Umurenge); the Gacaca system of justice; Abunzi (local mediators) to name but a few.
6. We now have a system of laws and institutions that guarantees justice for all and creates an environment that gives Rwandans the confidence to

pursue their potential unhindered. By investing heavily in socio-economic development, we are encouraging a mind-set shift away from a passive attitude of dependency to one of self-sufficiency, innovation and an entrepreneurial spirit. The results are clear. For example, Rwanda has achieved all but one of the MDGs and is firmly committed to delivering on the Sustainable Development Goals. On all the indicators of governance, Voice and accountability, Political stability and absence of violence, Government effectiveness, Regulatory quality and the Rule of law, Rwandan citizens are perhaps the most satisfied with the quality of leadership.

7. In relation to economic rights we must remember that between 1990 and 1994 Rwanda had a GDP growth rate of - 11.4 percent, Government revenue could only sustain less than 20 percent of the national budget and most Rwandans lived in poverty or extreme poverty. Over the last several years the GDP growth rate stands at 7 percent and Government revenue is able to sustain 66 percent of the national budget, giving the people of Rwanda a level of access to economic freedoms that was previously unimaginable. Today extreme poverty has been nearly eradicated in Rwanda and poverty has also been substantially reduced.
8. Today, the majority of Rwandans have a form of health insurance, free 12-year basis education is guaranteed for all children and we have the highest representation of women in Parliament in the world as well as a school higher enrolment for girls.
9. With regard to civil and Political rights let us, again, remember that 21 years ago over one million people were brutally murdered because of who they were. Since then we have worked deliberately to mend the fabric of our

society and create a national identity. Today we are proud Rwandans, focused on entrenching our Rwandaness over narrow and artificial ethnic divisions. We have invested efforts in creating the legal and institutional structures to support this new dispensation.

10. Since 2011, key institutions for the protection of human rights have been created such as the National Commission for Children, the National Council for Persons with Disabilities and the Rwanda Governance Board which is responsible for promoting good governance and for creating an enabling environment for civil society organisations and media.

11. Our own Constitution underscores the central role of human rights and dedicates forty-one Articles to the guarantee of fundamental human freedoms including all of the human rights stipulated in the Universal Declaration of Human Rights, the Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights. Various enabling laws have been developed over the last twenty-one years. In particular, the land scape for the guarantee of freedom of expression, access to information, freedom of association and assembly have perhaps experienced the most dynamic changes over the last four and half years.

12. My delegation will now elaborate on some of the key achievements in the implementation of the recommendations Rwanda took home from the last UPR. In doing so, we will also respond to the advance questions posed by various delegations represented here today.

Access to Justice and Rule of Law

13. 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 decentralised through the district access to justice bureaus. All 30 districts in Rwanda have 3 full time Government paid access to justice officers who have practically distributed the Ministry of Justice thirty fold. The access to justice officers particularly assist indigent women, children and victims of Gender Based Violence. This has resulted in tangible outcomes.
14. 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.
15. In order to continue this good practice that reconciles and renews 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 17,741 Abunzi in Rwanda.
16. Rwanda has nonetheless invested significant resources in the development of the judiciary both in relation to the quality and impartiality of the Judgements 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 computerised. 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.

17. In response to questions raised by the Czech Republic, Mexico and other delegations regarding the Independence of the Judiciary in Rwanda I would like to highlight the following: 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.

18. In Rwanda, like elsewhere, the Government is often the respondent in many of the civil cases that come before the Courts. This however has no bearing on the final outcome of the case as the Judiciary is an independent arm of Government both in law and practice. The Government like any other litigant has to invest time and resources in cases, preparation to avoid losing cases. In 2013, the Government represented by the Attorney General won in 41 percent of cases and in 45 percent in 2014.

Right to Life, Liberty and Security of Persons

19. I wish to address questions raised by several delegations including; Germany, the Netherlands, Sweden, Spain, the United Kingdom and the United States of America.

20. With regard to allegations of disappearance, investigations have shown that many individuals are reported as missing when no such information has been shared with the police or any other Government agency that may be able to effectively respond.
21. Nonetheless, the Rwanda National Police maintains a desk within the Criminal Investigations Department dealing specifically with unresolved cases including alleged disappearance. Today, we are better equipped to investigate and verify claims through electronic national identification systems. All cases of disappearance are handled very seriously and thorough investigations are carried out to identify whether they refer to real people and whether in fact those people are missing. Names are first run against the data base of the National Identity Authority, the body entrusted with citizen identification and issuance of ID documents to every Rwandan. It is a legal requirement for every adult Rwandan to be registered at birth and to obtain an individual ID on attainment of 16 years of age. Rwanda's particular equipment version is interactive. Once one is registered and entered he/she can keep track of his /her evolution, update information and know the status of his file without seeking any access permit.
22. A second step is to run the names in the data base of the Prisons System. This also has produced interesting results where individuals reported as missing are found to actually be serving a prison sentence which followed a formal trial process through a public hearing.
23. As an illustration, I recall the case of 175 alleged disappearances that were brought to the Government's attention by some members of the Diplomatic

Corps in Rwanda. On checking, 158 of the reported cases were found never to have been reported to the police, 89 of the names could not be matched to our National Identification database and several others were found in prison serving lawfully imposed sentences. 93 not only found no match in the National Identification data base but also had not been reported to any Government authority. One individual reported missing was eventually found, and claimed to be unaware that he had been reported missing. All this is on record.

24. I turn now to the conditions of detention facilities in Rwanda. We take very seriously our obligations under the International Covenant on Civil and Political Rights as well as the Convention against Torture. As mentioned earlier, Rwanda also recently ratified the Optional Protocol to the Convention against Torture and the process of establishing a national preventive mechanism for the prevention against torture is well underway. The Rwanda Correctional Services was recently recognised by the International Corrections and Prisons Association for its efforts at improving the health and well being of prisoners and for the use of environmentally sound practices in prisons.

25. In this regard all security forces including the military and police are required to uphold the tenets of these important international standards in the conduct of their work. Should they fail to do so, disciplinary as well as legal action may be taken. Allegations of misconduct among the security forces can be reported directly to the department of legal affairs of the Rwanda National Police, even anonymously. In addition, complaints may be addressed to the Office of the Ombudsman, the National Commission of Human Rights or the two Parliamentary Committees on Human Rights.

26. All detention facilities in Rwanda are legally provided for and documented in accordance with established National and International standards. In addition, all places of detention are regularly inspected by public institutions such as the National Public Prosecution Authority and independent institutions such as the National Commission for Human Rights as well as various independent organisations such as the International Committee of the Red Cross.
27. However, a clear distinction must be drawn between places of detention as highlighted above and transition or rehabilitation centres such as Gikondo, Gitagata, Iwawa, Nyagatare and others. In rehabilitation centres the focus is on rehabilitation and reintegration. Each person is assessed and supported to reunite with family or undergo rehabilitation and learn a trade to prevent relapse.
28. As a direct result of this policy, over 7000 young people have completed the transition and are in carpentry, masonry, welding, tailoring, bee keeping cooperatives, fending for themselves and their families. The country and the individuals concerned are proud that they are able to get another chance at a decent life. This policy has significantly reduced the levels of relapse and has compelled the Government of Rwanda to look at ways in which the system can be sustained.
29. Furthermore, efforts are underway to scale up the existing local authority legal frameworks to a national legal framework relating to transit and rehabilitation centres.

The Media in Rwanda

30. Since our UPR in 2011, the Government has initiated and implemented reforms in media. They are primarily aimed at expanding media freedoms, creating a media that is citizen centred, boosting the media industry and investing and bringing in self regulation in the sector.

Some key objectives of reforms in the sector include:

- Professionalising the media sector;
- A vibrant free media; enjoying fundamental freedoms;
- A competitive sector which is profitable and attracts investment;
- Better informed citizens

What difference have these reforms made?

- The revised new law provides for media/journalist self regulation;
- The clause on start up capital of a media house was removed;
- Articles of law reduced from 90 to 26; articles regarded as a hindrance to media freedom were removed;
- Government censorship of print media was abolished;
- Academic qualifications for journalists removed;

What Impact have these reforms brought in?

Media sector growth: Since 2011 to date; radios increased by more than 50% (from 23 in 2011 to 35 in 2015); TVs increased from 1 to 6; (5 being private); websites from 0 to 80; # of newspaper increased more than three times (from 15 to 57!). We have moved from analogue to digital platform. The number of Journalists accredited increased over two times since 2011.

Access to information: Rwanda is one of the only 11 African countries to have introduced this.

Citizen satisfaction with access to information as measured by the Rwanda Governance scorecard, has grown from 52% in 2012 to 76% in 2014.

The Office of the Ombudsman received and handled 19 complaints/cases against public institutions.

Civil Society in Rwanda

31. In this area as well much has changed over the last several years. Between 1962 and 2012 there were only 350 registered civil society organisations in Rwanda. From 2012 to 2015 they are over 1600 registered. Before 2011, an organisation seeking registration would have to approach several different agencies to get the necessary paper work. Today all local NGOs, political parties and faith based organisations are registered by the Rwanda Governance Board. It serves as a one stop centre for all matters relating to the formal establishment and operation of national organisations.

32. With regard to International Non-Governmental Organisations, a specific department in the national Immigration Service works to ensure that organisations seeking registration are able to do so in the shortest possible time. To date there are 174 international organisations registered and operating in Rwanda. Twenty-one of those are registered for five years. The Directorate of Immigration is currently overhauling its registration process to make it completely accessible online. Organisations will now be able to complete the registration process online without the need of physical presence at the registration offices.

Protection of Women and Children

33. I would now like to address some important issues raised in relation to women and children in Rwanda.

34. In particular, I turn my attention to the concern relating to malnutrition among children especially in children below the age of 5. Several programs have been initiated to that end by the Ministry of Health in partnership with other stakeholders including periodic training of community health workers on malnutrition and how to deal with it; the institution of the one cup per child program where school children are given milk at the expense of the Government while at school, the Girinka program is also still ongoing where poor families are given a cow as a source of income and the kitchen garden program where families are encouraged to have a small subsistence garden dedicated to the growing of vegetables in order to enhance the diet. However, we acknowledge that there is a specific challenge relating to awareness and education on nutrition. In that regard, efforts will continue to be made to address this knowledge gap.

35. I am also pleased to report that the new Family law is in the final stages of promulgation. The law will go a long way in placing men and women on a completely equal footing within the family setting thereby continuing to guarantee that women have equal rights as men in the administration of the family. In particular, the new law provides for men and women to be co-heads of the household.

Historically Marginalised People

36. The term 'historically marginalised people' is a unique Rwandan construct. According to our Constitution, historically marginalised people are all those who at the time in question find themselves in a situation below the national standard because of particular events in history. It is recognised that this is not a permanent state but rather one which can change after

dedicated Government interventions. This categorisation was created to draw the government and civil societies attention to a specific social-economic situation that needed to be addressed. Anyone can be marginalised but this can be remedied by affirmative action such as government policies and programs devoted to the reduction of poverty some of which have been previously mentioned.

Refugees and Asylum Seekers

37. Rwanda takes its obligations under the 1951 Refugee Convention very seriously as has been extensively discussed in our national report. In response to expressed concerns regarding the security of Burundian Refugees and maintaining their civilian character in the camps where they reside, the Government of Rwanda has investigated the concerns and have found them to be without substance.
38. The promotion and protection of human rights in Rwanda is not without its challenges as is the case elsewhere. We are however committed to continue consolidating the progress we have registered so far and responding to issues as they emerge.
39. With those introductory remarks, my delegation is now pleased to respond to questions from the floor.