

MID -TERM ASSESSMENT REPORT OF THE IMPLEMENTATION OF 2015 UPR RECOMMENDATIONS BY THE REPUBLIC OF RWANDA



REPORT SUBMITTED BY RWANDA CIVIL SOCIETY COALITION ON UPR¹ TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL JANUARY 2018

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I. Table of Content

I. Table of Content.....	I
II. List of Abbreviations	II
1. Introduction	1
2. General issues underpinning human rights in Rwanda	2
2.1 Analysis of the Legal Framework	2
2.2 Analysis of the Policy Framework	3
2.3 Analysis of Institutional Framework	4
2.4. Entrenching the culture of human rights respect.....	6
2.5. Cooperation with International mechanisms of human rights and funding Partnerships.....	7
2.6. Protection of human rights Defenders	8
2.7. Prevention and punishment of Genocide and strengthening national Unity and Reconciliation	9
3. Assessment of Specific Human Rights	10
3.1. Freedom of opinion, expression and access to information	10
3.2. Freedom of association and assembly.....	11
3.3. Access to justice, fair trial and due process.....	12
3.5. Prevention and punishment of Torture	15
3.6. Non- Discrimination and gender equality	16
3.7. Women emancipation, empowerment and participation	17
3.8. Prevention and response to SGBV	19
3.9. Human trafficking	20
3.10. The right to child registration at birth for all children	21
3.11. The right to Education	22
3.12. The right to Health.....	23
3.13. The right to Employment and descent working conditions.....	24
3.14. The right to adequate standard of living and social protection.....	25
3.15. Right to Water and sanitation	26
3.16. The right to food.....	27
3.17. The rights of Asylum seekers, refugees and migrants workers	28
3.18. The rights of persons with disabilities	29
4. General Recommendations.....	30

II. List of Abbreviations

CAT	Convention Against Torture
CSOs	Civil society Organisations
EAC	East African Community
EDPRS	Economic Development and Poverty Reduction Strategy
GoR	Government of Rwanda
ILPD	Institute of Legal Practice and Development
IOM	International Organisation for Migration
IOSCs	Isange One Stop Centers
LAF	Legal Aid Forum
MAJ	<i>Maison d'Accès à la Justice</i>
MDGs	Millennium Development Goals
MIGEPROF	Ministry of Gender and Family Promotion
MINADEF	Ministry Of Defense
MINIJUST	Ministry Of Justice
MoU	Memorandum of Understanding
NCHR	National Commission for Human Rights
NEP	National Employment Program
NGOs	Non-Governmental Organisations
NSR	National Rehabilitation Services
OHCHR	Office of the High Commissioner for Human Rights
OP-CAT	Optional Protocol to the Convention against Torture
PTAs	Parents Teachers Associations
PWD	Persons With Disability
RBA	Rwanda Bar Associations
RCS	Rwanda Correctional Services
RNP	Rwanda National Police
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SPT	Sub-committee on Prevention Torture
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UPR	Universal Periodic Review
VUP	Vision <i>Umurenge</i> Program

1. Introduction

Rwanda's human rights record has been reviewed twice under the Universal Periodic Review mechanism². The first review was conducted in 2011 and the second one in 2015. UPR is a unique mechanism. It is the most comprehensive mechanism that assesses state performance on human rights ranging from civil, political, economic, social and cultural rights.

This mid- term assessment report focuses on the implementation of the recommendations made to Rwanda during the second review on 4th November 2015. In total, 229 recommendations were made.³ Out of the 229 recommendations, 50 enjoyed the support of Rwanda. 103 enjoyed the support of Rwanda but Rwanda considered some to have been implemented or in the process of being implemented while 75 did not enjoy the support of Rwanda and they were thus noted.

The coalition assessed all the recommendations that enjoyed the support of Rwanda, including those that the government considered to have been implemented or in the process of being implemented.

Rwanda Civil Society Coalition on UPR submitted its alternative report during Rwanda's second review⁴ and is happy to note that a lot of the issues raised in its report were addressed or are in the process of being implemented based on the current UPR implementation roadmap.

Under the auspices of the Ministry of Justice, a roadmap for implementation of 50 recommendations accepted by Rwanda was developed and validated by the Treaty Body Taskforce, a multi-institutional taskforce that brings together government institutions as well as civil society organizations from 21st-23rd September 2016.

The roadmap spells out against each indicator specific actions and time frame for implementing specific recommendations and institutions in charge of implementing proposed actions. According to the roadmap, 12 recommendations were to be implemented by the end of 2017, 29 recommendations by the end of 2018 and 9 recommendations by the end of 2019.

Rwanda Civil Society Coalition on UPR is mindful of the fact that the submission of the Mid-term report is a voluntary process yet very significant in taking stock and accelerating the implementation of the commitments made, first and foremost to Rwandans and secondly to the Human rights council ahead of the 3rd review scheduled to take place in 2020.

² UPR was created under resolution 60/251 of the General Assembly of 15 March 2006 and put in place by resolution 5/1 of the UN Human rights Council of 18th June 2007.

³ Report of the Working Group on the Universal Periodic Review, Rwanda, A/HRC/31/8.

⁴ Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, referenced as JS7, A/HRC/WG.6/23RWA/3.

The report is a product of information and data gathered by Coalition members from responsible Government institutions as indicated in the roadmap for UPR implementation, interviews with civil society organizations and literature review from various institutional and country reports.

The coalition is thankful to all institutions and members of CSOs for their cooperation in providing data and information to our UPR research team.

In terms of scope, the assessment primarily focused on the accomplishments realized so far from January 2016 to December 2017.

The report is divided into four parts: Part one covers the general introduction. Part two concentrates on more general issues that underpin human rights in Rwanda, part three focuses on specific human rights in accordance with the recommendations given to Rwanda in 2015 and part four provides general recommendations.

2. General issues underpinning human rights in Rwanda

2.1 Analysis of the Legal Framework

The Coalition notes with satisfaction that the legal framework guaranteeing the enjoyment of human rights remains conducive. The Constitution⁵ maintains a chapter dedicated on human rights and freedoms. Rwanda remains a signatory to core human rights instruments. Several legislations upholding human rights are in place, for example, children's rights, women's rights, persons with disability, access to justice, etc. The period 2016-2017 saw major reforms in core pieces of legislation notably the enactment of a new family code⁶ and amending the law on succession, matrimonial regimes and liberalities⁷. In 2017, the draft penal code was passed by Parliament and awaits promulgation.⁸ Several other legislations are under the process of revision notably; the law regulating political parties, media and laws regulating national and international non-governmental organizations among others.

However, the Coalition notes the following gaps/challenges in the legal framework:

- There is lack of a clear roadmap to accede to the following human rights conventions as accepted during the second review; International Convention for the Protection of All Persons from Enforced Disappearance, the International Labour Organization Domestic Workers Convention, 2011 (No. 189), the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Optional Protocol to the Convention on the Rights of the Child on a communications procedures.⁹;

⁵The Constitution of the Republic of Rwanda of 2003 revised in 2015

⁶LawN°. 32/2016 of 28/08/2016 governing natural persons and family.

⁷ LawN° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and succession

⁸During its sessions held on 28-29 December 2017, the lower chamber of Parliament voted into law the draft penal Code.

⁹ Several recommendations on ratification of the aforementioned human rights instruments enjoyed the support of Rwanda but were considered as being implemented.

- There is an inadequate mechanism of consultation and accessing draft bills for feedback from citizens, civil society, media and other key stakeholders to be able to contribute to the law reform/review processes;
- There is also concern about Rwanda's withdraw from the voluntary mechanism of submitting individual complaints to the African court of human and people's rights.

The Coalition thus recommends to the GoR to:

- Expedite the process of ratification of the following conventions; International Convention for the Protection of All Persons from Enforced Disappearance, the International Labour Organization Domestic Workers Convention, 2011 (No. 189), the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Optional Protocol to the Convention on the Rights of the Child on a communications procedures;
- Expedite the process of enacting and promulgation of different laws such as the penal code, media law, the law regulating political parties, the law regulating national non-governmental organizations among others;
- Strengthen mechanisms to allow meaningful and effective participation of citizens, civil society and other relevant stakeholders in law reform;
- Re-submit to the voluntary mechanism of allowing filing individual complaints mechanisms before the African Court on human and peoples' rights;
- Increase the capacity of lawyers, judges and prosecutors to invoke human rights Conventions duly signed by Rwanda into the day-to-day dispensation of justice.

2.2 Analysis of the Policy Framework

The Coalition commends the GoR's efforts to expedite the development and implementation of well-tailored poverty reduction strategies.¹⁰ Sound and comprehensive Policies, strategies and action plans aimed at improving the welfare of Rwandans are in place and have yielded tangible results thus far. At the macro-level, the Country's Vision 2020 has been rigorously pursued. As it comes to its end in the next three years, a new vision 2050 is being crafted. A five year EDPRS II comes to its end in 2018. A new strategy dubbed the National Strategic Plan for Transformation and Prosperity is in the pipeline. A new GoR7-year plan (2017-2024) has been put in place replacing the 2010-2017 plan. Rwanda has embarked on the implementation of SDGs after the successful implementation of the MDGS. Several inter-sectoral strategies are in place across social, economic and governance spheres and have yielded tremendous results to date in relation to improving human development. Key success indicators include; increased life expectancy, poverty reduction, reduction in mortality rate, increased enrollment in schools and improved access to health.

However, the Coalition notes that:

¹⁰ Recommendation 5.49& 5.50.

The GoR pursues amore top-down style of policy preparation and implementation with little time for consultation with citizens, civil society and other relevant stakeholders¹¹ leading to unnecessary negative consequences, which could be mitigated.

The Coalition thus recommends:

- Harness constructive dialogue between government, citizens, civil society and all relevant parties in the policy formulation and implementation;
- Strengthen community forums/platforms (*umuganda, umugorobaw'ababyeyi, Intekoy'abatwari*) to provide real time information and collect their views about upcoming policies and existing policies;
- Strengthen safety net programs to minimize shocks created from implementation of new policies in order to mitigate their negative impact on citizens;
- Improve the monitoring and evaluation mechanism of existing policies, strategies and action plans in order to collect and disseminate real time data on their results.

2.3 Analysis of Institutional Framework

The Coalition is satisfied with the existence a solid institutional architecture that supports the promotion and protection of human rights. The Constitution provides for the following constitutional bodies in charge of promotion and protection of human rights; the National Commission for Human Rights, the Ombudsman, Gender Monitoring Office, the Rwanda Governance Board among others. It also provides for specialized commissions in charge of promoting special interest groups namely, the National Youth Council, the National Council of Children, the National women's Council and the Council of persons with disabilities. The Judiciary is constitutionally mandated as the guarantor of human rights.

The GoR received and accepted recommendations in relation to improving the performance of the following human rights oversight institutions.

a) National Commission for Human Rights

Rwanda received and accepted 2 recommendations regarding strengthening the performance of the Commission. To this effect, the Coalition appreciates the following initiatives undertaken to strengthen the Commission:

- The law granting powers of Attorney to NCHR to make complaints in courts;
- The Law governing NCHR is under revision. Specifically, there is a suggestion to amend Article 10 concerning the exercise of judicial police powers and powers to file legal actions. The proposal is to empower the Commission to prosecute persons who fail to appear before the Commission when duly summoned. In addition, the internal rules of the Commission are under revision in order to clarify provisions related to human rights complaints procedures;

¹¹ The Rwanda Governance Score Card (2016) rated vibrancy of CSOs in policy formulation at 67% and citizen participation at 61.93%.

- The budget allocated to the Commission contains a budget line for complaints handling, on-ground investigation and monitoring of human rights respect.
- The Commission has strengthened its public hearing. Complaints are handled on the field in the presence of competent authorities. The Commission's staff were trained on human rights investigations and complaints handling;
- The human rights complaints received by the National Human rights Commission increased over the past years. For example, Complaints related to the right to property processed by the Commission between 2013-2014 were 329, 2014-2015 were 531, and 2015-2016 were 600. The complaints related to the right to justice processed by the Commission between 2013-2014 were 229, 2014-2015 were 533 and 2015-2016 were 539.¹²

However, the Coalition notes the following:

- The Commission is very centralized at national level and devoid of physical presence at grass roots level. This impedes its ability to be seized by victims of human rights violations;
- The new mandate of the Commission to file petitions directly to court is not well known by citizens;
- There is no budget line earmarked for capacity building of NCHR staff on different aspects in particular on handling human rights complaints.¹³
- The decisions of the Commission are not enforceable..

The Coalition thus recommends the following:

- To employ permanent staff at district level;
- To increase its outreach especially in hard to reach areas in order to reach out to potential victims of human rights abuses;
- Undertake public interest litigation cases on behalf of victims of human rights abuse and follow-up the enforcement of the court decisions in cases it has directly petitioned to court.

b) The Ombudsman

Rwanda received and accepted one recommendation regarding strengthening the capacity of the Ombudsman. The Coalition commends the following actions:

The Ombudsman has conducted different trainings for its staff on investigation of corruption and other forms of injustices. According to the 2016-2017 Annual report of the Ombudsman, different members of staff of the Ombudsman were trained on the following subjects; economic and financial crimes, public procurement, managing exhibits and proceeds on crimes, legal

¹²NCHR Annual report, 2015-2016, p. 77.

¹³See NCHR annual report, Ibid.

practice, high end investigation and forensic sciences, etc.¹⁴ A total of 226 cases involving different forms of injustices and 82 cases involving corruption were investigated¹⁵.

However the Coalition noted the following challenges facing the office of Ombudsman:

- Insufficient qualified staff to process cases involving injustices appealed to the Ombudsman's office for review and subsequently call for their revision by courts. There are 1,948 cases of backlog due to inadequate staff. The inadequacy of staff is worsened by a high staff turnover estimated at 15 % of the total staff who left the institution.¹⁶
- Absence of a continuous training/capacity building program for the staff. For example, in the financial year 2017/2018, there is no budget line for capacity building for staff.¹⁷
- Inadequate law regulating corruption. The law has lacunas in terms of defining corruption. Consequently, some acts of misuse and mismanagement of public funds may not be prosecuted.¹⁸

Thus the Coalition recommends:

- Amend the law regulating corruption to harmonize it with internationally recognized principles of UNCAC.
- Increase human resource to deal with investigations of cases of corruption and injustices.
- Continue capacity building trainings for staff especially new staff on investigation and handling of cases of corruption and injustice.

c) National treaty body taskforce

Rwanda received and accepted one recommendation regarding establishment of a national system for monitoring international human recommendations. To this effect, the Coalition commends:

- To adopt a legal instrument establishing a Task Force on Treaty Body reporting to monitor the implementation of recommendations by different Treaty Bodies Mechanisms.

2.4. Entrenching the culture of human rights respect

Rwanda received and accepted several recommendations in relation to entrenching the culture of human rights respect. Seven recommendations were received and accepted on the adoption of a national human rights action plan. Two recommendations were received and accepted on mainstreaming of the human rights in school curricula. Two recommendations were accepted on compulsory human rights training of administrative officials and law enforcement personnel and mainstreaming human rights in the curriculum for different law enforcement agents.

¹⁴Ombudsman Annual report, 2016-2017, p.60.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid

The Coalition commends the following actions accomplished thus far:

- Adoption and dissemination of the national human rights action plan;
- Human rights education for different law enforcement agents. The police, prison wardens and army were offered. Through partnership with the civil society organizations, various trainings and sensitization campaigns on human rights were undertaken targeting different categories of rights holders; youth, children, teachers, etc.

Nevertheless, the Coalition has the following concerns:

- Human rights is yet to be included in the school curriculum contrary to the commitments made under the roadmap;
- Human rights lessons are not properly mainstreamed in different training manuals for various law enforcement agents. The trainings received on human rights are disjointed and not consistent;
- There is inadequate systematic and sustainable human rights education strategies holistically targeting a cross section of rights holders and duty bearers.

Thus the Coalition recommends:

- Expedite the production and dissemination of a simplified manual on human rights to schools and learning institutions by year-end 2018 in accordance with the implementation roadmap;
- Consider disseminating deeper and wider, the National human rights action plan and strengthen its monitoring and evaluation mechanisms to ensure its full implementation;
- Expedite the mainstreaming of human rights in the training curricular for different law enforcement agents and administrative authorities;
- Coordinate a national wide human rights awareness campaign targeting all relevant rights holders and duty bearers.

2.5. Cooperation with International mechanisms of human rights and funding Partnerships

Rwanda received and accepted 3 recommendations in relation to strengthening cooperation with international mechanisms of human rights as well as mobilization of resources to fulfill its human rights obligations. In addition, 3 recommendations enjoyed the support of Rwanda and were considered as implemented or under implementation. 7 recommendations did not enjoy the support of Rwanda.

The Coalition commends the following:

- In 2016, the OHCHR in Rwanda supported the GoR in capacity building of judges on the applicability of international laws in domestic courts;
- The U.S. Department of State through IOM supported the GoR to organize trainings of partners in human trafficking;
- A training of trainer's workshop was organized by UNODC, IOM & MINIJUST in December 2017;

- MINIJUST also benefits from support from One UN to fulfill human rights obligations.
- Rwanda complies with treaty body reporting obligations in accordance with the respective reporting cycles;
- Rwanda's standing invitation to all special procedures mandate holders is still valid.
- Rwanda received a delegation from the Sub-Committee on Torture (SPT) in October 2017.

However, the Coalition has the following concerns:

- Insufficient cooperation with the recent mission of Subcommittee on Prevention Torture (SPT), which culminated into an abrupt suspension of their mission before its completion citing "obstruction" reasons¹⁹;
- There is also a concern about Rwanda's withdrawal from the voluntary mechanism of submitting individuals' and NGOs' human rights complaints directly to the African Court on Human and People's Rights under article 34(6)²⁰;
- Insufficient financial resources earmarked for human rights monitoring and education work available for access by civil society organizations.

Thus the Coalition recommends:

- Re-commit to the mechanism of the African Court on human and people's rights regarding individual complaints;
- Initiate dialogue between the GoR and the SPT to renew and complete the mission of the latter in Rwanda.

2.6. Protection of human rights Defenders

In relation to protection of human right defenders, Rwanda received and accepted 1 recommendation and incorporated it into its roadmap. Besides, 1 recommendation enjoyed the support but was considered to be implemented or in the process of being implemented and 4 recommendations did not enjoy the support of Rwanda.

The coalition commends the Government of Rwanda for the following initiatives in relation to protection of human rights:

- The revised constitution of 2015 provides for measures for protection of human rights defenders;
- The existence of other laws such as access to information law equally protects human rights defenders during their investigative work;
- The adoption of the National Human Rights Action Plan in 2017.

¹⁹ See MINIJUST Press release on the termination of SPT mission, www.minijust.gov.rw/media/news/news-details/?L=%2Fproc%27A%3D0&tx. See also the <http://www.rw.one.un.org/press-center/press-release/prevention-torture-un-human-rights-body-suspends-rwanda-visit-citing> for the causes of termination of the mission by SPT.

²⁰ <http://www.minijust.gov.rw/media/press-releases/?L=%2Fproc%2Fself%2F>, See also, Why Rwanda withdrew from the African Court Declaration, www.newtimes.co.rw/section/read/197697

The Coalition would like to point out the following issues related to protection of human rights defenders:

- There is no comprehensive policy or a law to protect human rights defenders in their diversity, during their daily work of investigating and denouncing human rights abuses;

Thus, the Coalition recommends the following:

- Consider establishing a stand-alone policy and law on the protection of human rights defenders.

2.7. Prevention and punishment of Genocide and strengthening national Unity and Reconciliation

Rwanda received and accepted 2 recommendations and incorporated it into its roadmap of implementation of the recommendation. Besides, 2 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented.

The coalition commends the Government of Rwanda for the following initiatives:

- Measures to prevent denial and revisionism of Genocide against the Tutsi continue to be strengthened. From July 2016 to June 2017, 72 genocide denial cases were received. Among them, 40 cases were filed to courts and 29 were closed. This means that 69 cases (95.83%) were handled. From July 2016 to June 2017, 319 genocide ideology cases were received. Among them, 208 cases were filed to courts while 106 were closed. This means that 316 cases (99.09%) were handled.
- Various civic education campaigns have been undertaken by both state and non-state actors to prevent genocide ideology being propagated; The youth and teachers (educationalists) have been specifically targeted during specific *Itorero* (civic education sessions) Consequently, 2016 Rwanda Reconciliation Barometer has shown that up to 92.5 per cent of Rwandans today feel that unity and reconciliation has been achieved and that citizens live in harmony and feel more unified and live harmoniously together;
- In regard to the assistance of victims of genocide in restoring their rights, 44,025 Gacaca judgments were executed.

However, the following issues need urgent attention

There is still a gap in reaching out to parents who are cited as often propagating divisionism, genocide ideology among children and the youth at home and hence, we propose the following:

- Intensify programs on civic education specifically focusing on promoting the common identity of Rwandans (Ndi Umunyarwanda), genocide prevention and specifically target different special groups separately—children, youth, teachers, parents, local leaders, opinion leaders, civic leaders, business community etc.

- Strengthen prosecution of persons charged with divisionism, incitement to commit genocide, genocide ideology and where possible, tried and sentenced publically at the scene of the crime in order to serve as a deterrent;
- All Gacaca judgments should be enforced as soon as possible.

3. Assessment of Specific Human Rights

3.1. Freedom of opinion, expression and access to information

Rwanda is credited for undertaking extensive media reforms in the past years aimed at guaranteeing freedom of opinion, expression and access to information. In relation to freedom of opinion, expression and access to information, Rwanda received and accepted 3 recommendations and incorporated them into its roadmap. Besides, 5 recommendations enjoyed the support of Rwanda but were considered to be implemented or in the process of being implemented, and 13 recommendations did not enjoy the support of Rwanda and were thus noted.

The coalition commends the following:

- The penal code is under review and the article 169 on criminal defamation was repealed by Parliament from the draft bill. However, some articles on defamation were maintained.
- All media offences were dropped from the draft penal code.
- A new media bill is in place pending incorporation of the views of the media fraternity
- Discussions on the establishment of a legal instrument to establish Rwanda Media Commission (RMC) were initiated but has stalled for unknown reasons.

However, the Coalition would like to point out the following issues:

- There are still unfair provisions, which undermine freedom of expression under the proposed draft penal code, which criminalizes defamation. Specifically article 162 on defamation of religious ceremonies, article 165 on Publication of edited statements or images of persons, articles 254 and 257 on humiliation of administrative authorities and persons in charge of public service²¹;
- Inadequate protection of the confidentiality of journalistic sources;
- Absence of a legal instrument instituting the independence and functioning of RMC.

²¹Draft article 254: Humiliation of administrative authorities and persons in charge of public service: Any person who, verbally, by gestures or threats, in writings or cartoons, humiliates a member of Parliament when exercising his/her mandate, a member of the Cabinet, security officers or any other person in charge of a public service performing, or in the exercise of his/her duties, commits an offence. This article provides for harsh punishments whereas if been found liable to a term of imprisonment of not less than one (1) year but less than two (2) years, with a fine of not less than five hundred thousand (500,000) Rwandan francs but not exceeding one million (1,000,000) Rwandan francs or one of these penalties with possibility of doubling the punishments If contempt takes place during a session of the Parliament or if it is directed to any of the top ranking authorities.

- Low technical and financial capacity of media professionals;
- Lack of clarity on segregation of duties among different media regulators (RURA, RMC, RGB and MHC);
- Harassment and intimidation of journalists. Between 2016-2017, 7 cases of harassment and intimidation of journalists were recorded by RMC²²;
- Limited financial and technical resources for media companies;
- Limited awareness of the right to information by citizens and government custodian of information.

Thus, the Coalition recommends the following:

- Remove all articles related to defamation in the draft penal code before it is promulgated into law specifically; articles 162, 165, 254 and 257;
- Expedite the process of establishing the legal instrument guaranteeing full autonomy of RMC as a media self-regulatory body;
- Clarify duties of each media regulatory organ (MHC, RURA, RGB, RMC) to avoid duplication and conflict of interests;
- Establishment of a basket fund to offer financial support to media;
- Expedite the process of modifying the media law in full consultation with the media fraternity and other relevant stakeholder in order to incorporate their views into the draft bill;
- Intensify sensitization campaigns on the right to access to information targeting both rights holders and duty bearers;
- Intensify capacity building programs aimed at strengthening media professionalism.

3.2. Freedom of association and assembly

Rwanda received and accepted 1 recommendation and incorporated it into its roadmap. Besides, 11 recommendations enjoyed the support of Rwanda but were considered to be implemented or in the process of being implemented.

The Coalition would like to commend positive steps implemented thus far to improve the enjoyment of the right to freedom of association and assembly.

- The revision of the laws regulating national non-governmental organizations, faith based organizations and international organizations is underway. Extensive consultation with key stakeholders is underway;
- The law on political parties is also under review.

The Coalition would like to point out the following issues:

- Unfair legal provisions in the law regulating national non-governmental organization and political parties. For example, article 38 of the Law N°04/2012 of 17/02/2012 which requires NGOs to inform administrative authorities and security organs if debates are anticipated in the general assembly meetings. Article 30 of the Law N°04/2012 of

²² Interview with Jean Paul Ibambe, commissioner in charge of legal affairs at RMC, on 3 January 2018

17/02/2012governing the organization and the functioning of national non-governmental organizations that gives broad mandate to Rwanda Governance Board (RGB) to monitor the activities of NGOs which has sometimes led to undue interference in the functioning of NGOs. Complex and lengthy registration procedures of civil society organizations, international organizations, faith based organizations and political parties. The Coalition is particularly concerned with the practice requiring from prospective NGOs to secure recommendation letters from Districts where they intend to carry out their activities, MoUs with line Ministries or Government Institutions, as a registration requirement. The Coalition is of the view that such requirements are challenging to secure for an organization, which has not yet started operations hence this can preclude the NGO from being registered.

- The Coalition is also concerned with article 17 of the national NGO law, which requires NGOs to apply for a temporary permit valid for one year. The temporary permit undermines the credibility of some NGOs in their partnership activities with other organizations, as potential partners are reluctant to work with an NGO whose certificate of registration is temporary.

The Coalition thus recommends the following:

- Expedite the revision of the relevant laws regulating non-governmental organizations, faith based organizations and political parties in the spirit of facilitating easy registration and independence of the civil society and political organizations;
- Provide under legislation for capacity building support to political parties, which are not members of the Forum of Political Parties;
- Intensify constructive dialogue through different forum/spaces bringing together government institutions and civil society organizations, political parties and Faith based organizations to discuss issues regarding the operating landscape and strengthen mutual trust in accordance with the roadmap.

3.3. Access to justice, fair trial and due process

Rwanda received and accepted 4 recommendations and incorporated them into its roadmap. Besides, 4 recommendations enjoyed the support of Rwanda but were considered to be implemented or in the process of being implemented and 11 recommendations did not enjoy the support of Rwanda and would thus be noted.

The Coalition would like to commend positive steps taken thus far to improve the enjoyment of the right to access to justice, fair trial and due process:

- Different legal aid institutional arrangements that enables MAJ, RBA and LAF to continue to provide legal aid although without a legal aid legislation;
- The Legal aid Bill was introduced to parliament for deliberation. However, after the commencement of the examination of the Bill by parliamentary standing Committee, the Bill was referred back to government for further refinement. The key issues to be

addressed under the bill include; legal aid funding architecture, the qualification for legal aid through a means test and a merits test;

- A desk to investigate and respond to cases of enforced disappearances was created at RNP.

Nevertheless, the Coalition would like to point out the following issues related to access to justice, fair trial and due process, which need urgent attention.

- Absence of a legal aid law to regulate provision of legal aid to vulnerable persons. In particular, to provide for a means test to appraise genuine beneficiaries of legal aid. The law is also expected to provide for legal aid funding, which remain a big challenge for legal aid providers;
- Absence of custodial hearings. Despite its anticipated dividends, the judiciary has as of December 2017 never done it;
- Absence of data on investigation of cases of enforced disappearances from the RNP;
- Lack of a clear roadmap to ratify the international convention against enforced disappearance of persons.

The Coalition thus recommends the following:

- Expedite the enactment of the legal aid law;
- Expedite the ratification of the international convention on enforced disappearance;
- Fully implement mechanisms relating to means and merits test and legal aid funding;
- Commencement of custodial hearings as earlier planned in the road map;
- Intensify awareness raising on the enforced disappearances and the existing remedies created by the RNP desk on enforced disappearances;
- Strengthen joint inspection of police stations and prisons by the NCHR and civil society organizations.

3.4. Humane treatment in detention facilities, prisons, as well as in transit and rehabilitation centers

Two recommendations on humane treatment in detention facilities, prisons as well as transit and rehabilitation Centers, enjoyed the support of Rwanda and were incorporated in the implementation roadmap of UPR recommendations. One recommendation did not enjoy the support of Rwanda.

The coalition commends the Government of Rwanda for the following initiatives undertaken thus far:

- In 2017, a new law No. 20 of 15 May 2017 regulating RCS was adopted. One of the key innovations of the law is the institutionalization of the High Council of RCS. One of the key attributes of the Council is to oversee the respect of rights of incarcerated persons.

- Law No 17/2017 of 28/04/2017 establishing the National Rehabilitation Service and determining its missions, organization and functioning provides for further legislation to regulate transit and rehabilitation centres. This law defines rehabilitation centres as: “Premises used for the conduct of activities dedicated to reforming, educating and providing professional skills and reintegrate any person exhibiting deviant acts or behaviors.” Transit centres are defined as “premises used for accommodating on temporary basis the people whose behaviors may constitute a cause for placement in the rehabilitation centre”;
- In 2017, the Cabinet appointed a Director General in charge of operationalizing the National Rehabilitation Services (NSR);
- Between 2016 and 2017, the Construction of new prisons such as Mageragere in conformity with international standards was completed. In addition, two existing prisons were also renovated (Rwamagana and Huye). Two prisons (Nyamagabe and Rubavu) were specifically gazetted for women. Nyagatare Prison continued to be for juvenile convicts;
- Between 2016 and 2017, efforts were made to increase the number and quality of detention facilities at police custody. In this regard, new police stations were built countrywide at the provincial level and the plan is to scale them up to Sector level. In addition existing police custody cells were renovated;
- Different capacity building trainings on human rights were conducted for both RNP and RCS officers. The trainings were delivered by both ILPD officials and the Legal Aid Forum – a civil society organization;
- According to the civil society and NCHR monitoring reports of the situation of police detention facilities and prisons, there is a significant improvement in conditions of detention.

Nevertheless, the Coalition would like to point out the following issues:

- In all Prisons, convicts and non-convicts are not detained separately contrary to international standards;
- Although the accommodation space of inmates as calculated by Sq meter per inmate (5.2 per sqm/inmate) meets international standards, the Sleeping space of 1.13 per sqm/inmate in prison per inmate remains below standard.

Thus, the Coalition recommends the following:

- Expedite the adoption of a number of legal instruments to fully give legal effect to the aforementioned laws namely; draft Prime Minister’s order determining the modalities of functioning of the Council is in place but had not yet been approved by the end of 2017; a draft presidential order establishing Gitagata rehabilitation center and determining its organization and functioning; a draft presidential order establishing Iwawa rehabilitation center and determining its organization and functioning; draft presidential order establishing Nyamagabe rehabilitation center and determining its organization and

functioning; draft Ministerial order determining the mission, organization and functioning of transit centers;

- Separate convicts from suspects in all prisons;
- Promote the use of alternative penalties to imprisonment in the criminal justice to reduce prison population;
- Commence Custodial hearings in selected cases as soon as possible;
- Expedite the process of renovating police detention facilities and transit centers to meet minimum standards.

3.5. Prevention and punishment of Torture

In relation to prevention and punishment of Torture, Rwanda received and accepted 1 recommendation and incorporated it into its roadmap, Besides, 3 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented.

The coalition commends the Government of Rwanda for the following:

- Different trainings on CAT & OP-CAT were held for the awareness on torture and its criminalization and for the establishment of the National Preventive Mechanism;
- Torture is better defined in the draft penal code and its penalties increased in harmony with CAT and OP-CAT;
- Consideration to repeal Solitary confinement under the draft penal Code.

Nevertheless, the Coalition would like to point out the following issues:

- The Coalition is concerned with the delay on the part of the Government to establish the NPM as part of its compliance with international obligations under the OP-CAT. According to article 17 of OP-CAT, the GoR is obliged to put in place the NPM within a period of one year after the ratification of the Convention. However, it is now more than two years since Rwanda ratified the OP-CAT in June 2015;

The current draft law determining mission, organizations and functioning of the NHRC, which is under review, does not contain explicit and comprehensive provisions regarding the establishment of the NPM as earlier envisaged²³. The proposed articles 6 and 7 bis²⁴ providing for a special mandate of the NCHR as regards the prevention of torture and other cruel, inhuman or degrading treatment or punishment prevent torture falls short of providing for a fully fledged NPM in accordance with international standards.

- Despite persistent request of information on cases of torture, the coalition is concerned that it never received the requested information;

²³ See MINIJUST –UPR implementation progress report.

²⁴ See Draft Bill See Draft Law modifying and complementing law No. 19 of 2013 determining missions, organization and functioning of the National Commission for Human rights

- There is less public sensitization campaigns on Torture; definitions, penalties, remedies and ways of its prevention.

Thus, the Coalition recommends the following:

- Expedite the establishment of a comprehensive legal framework for NPM in full compliance with international standards;
- Government should provide timely information to interested parties on cases of Torture under investigation;
- Increased awareness campaign targeting law enforcement agents and citizens on Torture.

3.6. Non- Discrimination and gender equality

Four recommendations on non-discrimination and gender equality enjoyed the support of Rwanda and were incorporated in the implementation roadmap of UPR recommendations. Three recommendations did not enjoy the support of Rwanda.

The coalition commends the Government of Rwanda for the following initiatives:

The Government of Rwanda is highly committed to the cause of gender equality and fighting against all forms of discrimination as guaranteed in the Constitution as amended in 2015, For example, Article 16 outlaws any form of discrimination based on including sex. It also provides for several gender equality machinery institutional arrangements such as the Gender monitoring office, the National Women’s Council, the National Youth Council, the Council of persons with disabilities and National Commission of the child;

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- In 2016, a new family code was adopted through law N° 32/2016 of 28/08/2016 governing natural persons and family as well as relations between persons. The law ushers in fundamental reforms in terms of ensuring non-discrimination and strengthening further gender equality. For example, in its article 55 on marital domicile, it states that the spouse’s domicile must be mutually consented upon unlike the previous provision which stated that the domicile of the man was to be necessarily the spouse’s domicile;
- Also in 2016, Rwanda adopted a new law N° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and succession. The law provides among others things for equal treatment of legitimate children in succession without any discrimination between male and female children and rights to the surviving spouse to take part in succession;
- In addition, in 2016, a new law governing maternity leave was out in place. The law provides for a benefit scheme that guarantees security for women in employment and for the protection of the child;
- Efforts to ensure gender mainstreaming in both national and district budgets as provided for under Organic Budget Law N° 12/2013, instituting gender responsive Budgeting has

been strengthened. For example as of 2016, 26 of 30 districts have been audited once through participatory Gender Audits;

- Numerous awareness campaigns on gender equality were rolled out between state and non-state actors on gender equality and fight against traditional patriarchal stereotypes. For example the HeforShe campaign, 16 days campaign against GBV, and the gender and governance month, the National women's Council permanent program at the village level through parents evening agenda to promote better understanding between men and women to fight against discrimination of any form that hinders the full realization of gender equality among others.

Nevertheless, the Coalition would like to point out the following issues:

- Sensitization campaigns on gender equality among state and non-state actors are un-coordinated, messages not harmonized, and accurate records of beneficiaries disaggregated by gender hard to access;
- Limited skills and resources for effective budget mainstreaming.

Thus, the Coalition recommends the following:

- Continue innovative approaches of sensitization on gender equality focusing on existing legal and policy instruments with a view to positively influence and change negative patriarchal attitudes and stereotypes. In particular, regular monitoring and impact assessments should be carried out to measure positive changes and inform further reforms. And above all, disaggregated data on the number of campaigns, level of outreach should be documented to avoid duplication and maximize outreach;
- Increase technical and financial resources to ensure effective budget mainstreaming at national as well as decentralized levels.

3.7. Women emancipation, empowerment and participation

Five recommendations on women emancipation, empowerment and participation enjoyed the support of Rwanda and were incorporated in the implementation roadmap of UPR recommendations, three recommendations were considered as accomplished or being implemented and one recommendation did not enjoy the support of Rwanda.

The coalition commends the Government of Rwanda for the following initiatives:

- There exist solid policies to facilitate women's access to education especially for the girl child. These include but not limited to: national Strategy for mentorship of young women and girls, establishment of a department by the Ministry of Education to strengthen its capacity for data collection, analysis and monitoring of gender dimensions, establishment of a gender sensitive school management and administration in the teacher-training

curriculum, establishment of a special bursaries and sponsorship programmes for girls among others. Consequently, the number of women especially girls accessing education has increased;

- Efforts to increase the participation of women in leadership at the local government level have been undertaken. They include: trainings and mentorship of women in leadership and participation and men engage campaigns. Consequently, there has been a slight increase of women in leadership positions especially at local levels. For example, according to the 2016 local election results, there was a slight increase of women voted as leaders at the village level (from 38.7 % in 2011 to 39.4 % in 2016) and the District level (from 43.2 % in 2011 to 43.6 % in 2016)²⁵ Increased women involvement in agricultural development programs such as land use consolidation, inputs distribution and soil conservation practices. For example, women beneficiaries in land husbandry related works are 10,033 (44.9%) against 12,325 (55.1%) men, women farmers accessing subsidized irrigation equipment are 633 (40.66) compared to 949 (59.33%) men.²⁶
- The new law regulating succession allows both spouses to inherit from his/her partner thus increasing women's access to property;
- Financial inclusion of women has reached 63% by 2016 from 36.1% in 2012 due to multifaceted interventions such as BDF guarantee fund, establishment of business development advisors at each sector etc.²⁷;
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- **Nevertheless, the Coalition would like to point out the following issues:**
- The number of women in leadership positions regressed at the Cell level from 43.9% in 2017 to 41.7 % in 2016. It also regressed at the Sector level from 45.1% in 2011 to 42.7% in 2016.²⁸;
- The number of women especially girls who enroll and complete secondary and tertiary education is still low compared to that of boys;
- Women continue to have limited access to agricultural inputs including fertilizers. For example, only 27 women are involved in seeds multiplication against 129 men.²⁹ The low involvement of women in seeds multiplication is due to limited land size, capital and modern agricultural skills.

²⁵ Election report of February and March 2016 for Local level leaders 2016, p.32, http://nec.gov.rw/fileadmin/user_upload/Reports/RAPORO_Y_AMATORA_Y_ABAYOBOZI_BINZEGO_Z_IBANZE_N_AB_INZEGO_ZIHARIYE_YO_MURI_GASHYANTARE_NA_WERURWE_2016.pdf

²⁶ Ibid

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid

- The number of women accessing agricultural credit is still low compared to that of men. For example, the percentage of women accessing agriculture loans estimated to 25.5% against 74.5 % men.³⁰

Thus, the Coalition recommends the following:

- Intensify efforts to eradicate barriers to women's access to education especially for the girl child;
- Intensify capacity building efforts through leadership training and mentorship for women especially young girls;
- Intensify existing programs on accelerating women's access to finance and credit schemes;
- Strengthen mobilization of savings in the community, including increasing ownership of saving accounts by young women.

3.8. Prevention and response to SGBV

Rwanda received and accepted three recommendations and incorporated them into its roadmap. Six recommendations enjoyed the support but were considered to be implemented or in the process of being implemented, and two recommendations did not enjoy the support of Rwanda.

The coalition commends the Government of Rwanda for the following initiatives:

- Laws and policies regarding responsiveness to SGBV have been strengthened. The new 2016 family code and the law regulating successions, matrimonial regimes and liberalities make deep inroads about prevention of SGBV. For example all spouses have equal succession rights. The Penal code, which was passed by Parliament, has increased penalties for marital rape;
- Other existing laws and policies combating SGBV have continued to be in force and implemented. They include: the constitution of Rwanda of 2003 as amended in 2015, the law on the prevention and prosecution of GBV of 2008, the gender policy of 2010, land law of 2013, laws and policies on the rights of the child and so forth;
- Various campaigns have been conducted at grass-roots level by both state and non-state actors to strengthen community mandatory reporting on all forms of violence; Consequently, the rate of reporting for gender-based violence has increased. 1,870 cases were received and referred to the prosecutor by the police between 2016-2017 on violence against women and children. In addition, according to the 2015/2016 reports by NHCR shows that of 2,818 reported cases of sexual abuse, 1,879 of them (67%) were about defilement. At least 44.5% of the victims were between the age of 15&17, while 5% of the same cases affected children between 3&5 years;

³⁰ Ibid

- Reported Cases of SGBV received were accorded appropriate investigation and prosecution. Out 1,870 reported SGBV cases by the Police to the Prosecution authority, 100 % were prosecuted. Among them, 1856 cases representing (99.2%.) were convicted.
- The services of Isange One Stop Centers in responding to SGBV have been scaled up in all referral and District hospitals. According to MIGEPROFE results, the target of 43 IOSCs by 2017³¹ has been surpassed, as there are now 44 IOCs. They provide holistic 24 hour response to victims and survivors of GBV including safe shelter, medical, psychosocial counseling and legal aid to the victims under one roof so as to avoid re-victimization and the risk of spoiled evidence;
- GMO monitors quality of services provided and conducts assessment of service delivery in IOSCs as well as the quality of infrastructure set-up.

Nevertheless, the Coalition would like to point out the following issues:

- The issue of prevention of SGBV needs more attention than before. This is particularly evidenced by the rise of teen mothers. According to official figures, more than 17,000 girls aged between 16-19 years, fell victim to early or unwanted pregnancies in 2016.
- IOSC are challenged for inadequate resources (financial, technical and human resource) to conduct comprehensive prevention of SGBV initiatives;
- IOSCs have a gap in ensuring that women and girls with disabilities are catered for in the instance of sign language interpretation and also the personnel aren't well equipped to receive and understand this group of women;
- Another issue is that although majority of offenders may be taken to court, no support for the victims and their families to access free legal representation to deal with compensations and some people fail to get Rwf25,000 for court fees to file a case. According to the NHCR report, out of 100 cases tried by courts, only 4 were filed for damages.³²

Thus, the Coalition recommends the following:

- Intensify coordinated efforts and strategies to prevent SGBV especially among adolescent girls;
- IOSCs need more technical and financial resources to increase their effectiveness especially in terms of their outreach. Efforts to scale up IOSCs at the Sector level as indicated in the 2011-2017 strategic plan should be expedited. In particular there should be more to educate the personnel of these centers on the rights of women with disabilities and equipping the facilities with up-to-date technology for example. braille and sign language interpreters.

3.9. Human trafficking

³¹ Rwanda's gender dividend 2016 report

³² Diane Mushimiyimana, Silence impedes action against child sexual abuse, activists say, <http://www.newtimes.co.rw/section/read/205350>.

In relation to human trafficking in particular child trafficking, Rwanda received and accepted 2 recommendations. Besides, 3 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented and two recommendations were rejected.

The coalition commends the Government of Rwanda for the following initiatives:

- The draft law on human trafficking is before parliament for consideration;
- Sensitisation campaigns on fighting human trafficking have been undertaken countrywide especially targeting youth. From July 2016 to June 2017, RNP conducted 273 awareness campaigns on human trafficking;
- MINIJUST prepared a Human Trafficking training manual (2016) and disseminated it to all stakeholders for its use. Between 2015-16, MINIJUST in collaboration with ILPD trained 23 people on investigation and prosecution of human trafficking;
- 42 cases of human trafficking were received and investigated by RNP;
- IOSCs have been mandated to protect and provide relevant services such as medical and psychosocial services to victims of human trafficking;
- Cooperation between RNP and other regional and international Police agencies has been strengthened to bring back trafficked persons.

Nevertheless, the Coalition would like to point out the following issues.

- Government should intensify efforts for poverty eradication as the main cause leading vulnerability and falling prey to traffickers;
- IOSCs mandate to deal with human trafficking calls for reciprocal financial, human and technical support in order to increase its efficiency.

Thus, the Coalition recommends the following:

- Expedite the enactment of the law to punish human trafficking;
- Continue sensitization drive on the evils of human trafficking targeting especially the youth;
- Strengthen grass-roots child protection to monitor and prevent child trafficking;
- Intensify efforts for poverty eradication as the main cause leading to youth vulnerability and falling prey to traffickers.

3.10. The right to child registration at birth for all children

In relation to the right to child registration at birth for all children Rwanda received and accepted 1 recommendation and incorporated it into its roadmap of UPR implementation. Besides, 1 recommendation enjoyed the support but was considered to be implemented or in the process of being implemented. And 4 recommendations did not enjoy the support of Rwanda.

The coalition commends the Government of Rwanda for the following initiatives:

- The revised family law in its article 100 extended the duration of registering a child from 15 days to 30 days. Registration procedures were simplified to allow the registration of a child by a single parent;

- E-registration at birth at health facilities was introduced and rolled out in all public health facilities;
- A system to register children born as refugees is in place and implemented across all refugee camps in Rwanda;
- An extensive sensitization campaign on child registration was conducted and children were registered free of charge.

Nevertheless, the Coalition would like to point out the following issues:

- The E-registration at health facilities need to be synchronized with the database of civil status registry at the Sector offices of the child's residence/domicile;
- Children registered through the mass campaign did not receive their birth certificates;
- Parents are still ignorant about the importance of child registration;

Thus, the Coalition recommends the following:

- Synchronize the E-registration with the civil status registry records to generate a birth certificate at once;
- Continue rigorous sensitization drive to register all children. In particular, maintain a waiver on penalties for late registration;
- Provide registered children during mass drive campaigns with a valid birth certificate.

3.11. The right to Education

In relation to the right to education, Rwanda received and accepted 2 recommendations and incorporated them into its roadmap of UPR implementation. Besides, 12 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented and 1 recommendation did not enjoy the support of Rwanda

The Coalition would also like to highlight that it had made recommendations in relation to the right to education during its alternative report submitted during the second review.

The Coalition would like to commend positive steps implemented thus far to improve the enjoyment of the right to education by 2017.

- The introduction of a new competence based curriculum. The curriculum is expected to increase quality of education;
- The establishment of a specialized Government entity in charge of promoting early childhood development and care.

The Coalition would like to point out the following issues:

- Improving the quality of education at all levels. Despite impressive quantitative increase in the number of enrollment of children and students in schools at all level, from pre-primary, primary, secondary, vocational and Tertiary, the quality of education calls for improvement. Among the reasons for low quality education include; high teacher -

student ratio, school rationing, limited equipment such as laboratories and libraries, unstable medium of instruction, poor living conditions of teachers among others;

- Universal and free access to 12 YBE. Despite high number of enrollment, completion rates remain low. Among the core causes of school drop-outs is the issue of “hidden school fees” in form of teachers’ facilitation fees, teenage pregnancies, child labor and underperformance of PTAs to keep an oversight function in their respective schools;
- Education for children with disabilities: there is need to increase focus on education for children with disabilities and other special needs. There mains challenges to access to education materials, qualified teachers in special needs education etc;
- Girls’ education: Although gender parity between boys and girls has been bridged, girls still face special challenges compared to boys, which need special attention. The numbers of school dropouts are still high in girls compared to boys. Teenage pregnancy has led to permanent school drop out for girls. Access to safe spaces for girls is still not accessible in the majority of schools. As a result, some girls do miss school while in the periods;
- Early childhood care and education. The program is still new and a lot has to be done in terms of scale up especially in rural areas, curriculum development and endowed with qualified care givers/educators;
- Poor coordination and management of school programs such as One laptop per child program and the school feeding program. This has resulted in poor results or negative results compared to the anticipated ones. For example, one laptop per child has not been scaled up in rural schools because of lack of electricity while in some schools, school feeding for those who are able to pay while those who cannot afford was seen as a form of another discrimination between the rich and the poor.

The Coalition recommends the following:

- Continue with education reforms aimed at improving the quality of education;
- Increase government funding for 12 YBE to equip them with modern facilities which fosters learning such as libraries, laboratories etc;
- Continue the reforms aimed at improving the economic and professional capacity of teachers;
- Strengthen the role of PTAs in the fight against school dropouts and increasing the role of parents in the education of their children;
- Continue reforms aimed at removing all barriers hindering girl child education and access to education for children/students with disabilities and special needs.

3.12.The right to Health

As regards the right to Health, Rwanda received and accepted 2 recommendations and incorporated them into its roadmap of UPR implementation. Besides, 3 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented, and 3 recommendations did not enjoy the support of Rwanda and were thus noted.

The Coalition would like to commend the positive steps implemented thus:

- The Coalition commends the Government of Rwanda for reducing child mortality rate as well as maternal mortality rate and increasing the number of people who access HIV Treatment;
- High coverage of health insurance scheme estimated to be above 80%;
- An effective health scheme of community health care providers;
- Lessening of procedures for securing a legal abortion under conditions prescribed under the law in the current draft penal code, which was passed by Parliament.

The Coalition would like to point out the following issues:

- The Coalition is concerned with the management of community based health insurance scheme commonly known as *Mutuelle de santé* including frequent lack of some essential medicine in some public health centres³³Subscribers have to buy their own medicine whenever there is stock out in the public health centres or in case the prescribed drugs are not available in the public health facilities. The universal health insurance scheme (*Mutuelle de santé*.) is also marred with irregularities and complaints especially in relation to its basis on *Ubudehe* categorizations;
- Limited human and technical skills for health centers;
- Limited number of specialized doctors;
- Long distance to access health facilities estimated at 8 Kms and an average time of 1 hour and 30 minutes to reach a health center.

The Coalition recommends the following:

- Initiate a thorough assessment of the community based health insurance scheme with the view of ensuring that all challenges faced by the subscribers to the community based health insurance scheme are addressed;
- Continue modernizing health services;
- Increase access to obstetrical care services especially in geographically hard to reach areas;
- Increase the number of professional doctors ratio to patients.

3.13. The right to Employment and descent working conditions

In relation to employment and descent working conditions, Rwanda received and accepted 1 recommendation and incorporated it into its roadmap of UPR implementation. Besides, 1 recommendation enjoyed the support but was considered to be implemented or in the process of being implemented.

The Coalition would like to commend the positive steps implemented thus far:

- Intensified vocational education and training countrywide to equip you with hands-on-skills required to start their own business ventures;

³³ The majority of the Rwandan population subscribes to the Community based Health Insurance Scheme.

- Establishment of a guarantee business development fund (BDF) to facilitate youth and women's access to financial capital to start their own businesses;
- The roll out different programs aimed at job creation targeting the creation of 200,000 jobs annually, especially off-farm jobs;
- Continued support to programs such as NEP, KoraWigire, KUREMERA, and VUP aimed at speeding up jobs creation for youth.

The Coalition would like to point out the following issues:

- Obsolete and unrealistic Minimum wage. The existing minimum wage was established long time ago;
- High unemployment rates especially among youth. Recent estimates have put the unemployment rate of youth at 17% (NISR -2017);
- Poor working conditions especially for persons employed by the informal sectors.

Thus, the Coalition recommends the following:

- Continue to support technical, vocational education and training to meet the skill needed at the labor market.
- Continue strengthening programs such as NEP, KoraWigire Program, Kuremera, VUP; to speed up job creation;
- Monitoring the enforcement of labor laws and make recommendations on how to improve them;
- Continue with internship program for fresh grandaunts.

3.14. The right to adequate standard of living and social protection

In relation to adequate standard of living and social protection, Rwanda received and accepted 5 recommendations and incorporated them into its roadmap. In addition, 3 recommendations enjoyed the support of Rwanda but were considered to be implemented or in the process of being implemented.

The Coalition would like to commend the GoR for the following positive steps:

- Continued roll out social protection programs such as Girinka, VUP Umurenge, Shelter program (3 in one shelters for vulnerable persons). Today, the 302,512 vulnerable persons have benefited from Girinka program (one cow per family program) Special care for children with disabilities;
- Special measures for those infected and affected by HIV/AIDS in particular, children and youth. They include access to ARVs.

The Coalition would like to point out the following issues:

- The selection and target of beneficiaries of different social protection programs is not comprehensive enough to cater for all vulnerable groups especially vulnerable children;
- Narrow scope of social protection programs living out some important aspects of life such as education, nutrition, health, and shelter.

The Coalition recommends the following:

- Mainstream all vulnerable groups under various social protection programs notably children and youth with disabilities and those infected and affected by HIV/AIDS;
- Adopt a clear affirmative program with a clear time framework and clear indicators to improve social and economic welfare as a historically marginalized group;
- Establish a rigorous system of monitoring and investigation of complaints of corruption and non-payment of community works delivered by VUP beneficiaries.

3.15. Right to Water and sanitation

One recommendation on water and sanitation enjoyed the support of Rwanda and was incorporated in the implementation roadmap of UPR recommendations.

The coalition commends the Government of Rwanda for the following initiatives:

- The % of people with clean water increased from 77% in 2015 to 85% in 2017.³⁴
- The Government under the new GoR program has committed to distribute clean water to 100% of all citizens by 2024³⁵.
- Proximity to water points has increased. Over 91% have clean water near them.³⁶

The Coalition would like to point out the following issues:

- Lack of clean water to some people especially in rural areas. Still 15% of the total population did not have access to clean water at the end of 2017.³⁷ In 2017, seven persons were reportedly killed by crocodiles while fetching untreated water from river Nyabarongo³⁸;
- Unreliable water supply of clean water especially during dry seasons. Media reports have indicated that some localities in the cities have gone without water for months especially during dry seasons;
- Long distance travelled in rural areas to access clean water. On average, it takes 30 minutes to access clean water in rural areas.³⁹

The Coalition recommends the following:

- Expedite projects to generate and distribute clean water especially in rural areas and achieve the 2020 target of availing clean water to 100% of all Rwandans;

³⁴ Interview with George Mwiza, Water and Sanitation Economist, MININFRA, on 29/12/2017, Interview notes archived in database.

³⁵ GoR Seven-Year Program (2017-2024)

³⁶ Interview with George, Ibid.

³⁷ Interview with George, Ibid.

³⁸ Crocodiles kill 7 as Rwanda experiences dry spell, AP, www.africanindy.com/news/crocodiles-kill-7-as-rwanda-experiences-dry-spell-10989408, Consulted on 18th January 2018.

³⁹ Interview with George, Ibid.

- To reduce the walking distance to clean water to less than 5 minutes walk through expanding water collection points in all neighborhoods especially in rural areas;
- Ensure that the cost of clean water is affordable to everyone especially for the most poor and vulnerable persons.

3.16. The right to food

In relation to the right to food, Rwanda received and accepted 1 recommendation and incorporated it into its roadmap of UPR implementation. Besides, 2 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented and 1 recommendation did not enjoy the support of Rwanda and was thus noted.

The Coalition commends the following positive steps taken by the Government:

- Continued implementation of homegrown initiatives such as *Girinka* (one cow per poor family), *Akarimak'igikoni* (kitchen garden) and *Igikonicy'umudugudu* (village kitchen), Inkongoroy'Umwana (a cup of milk per child). Foreexample, currently, the beneficiaries of Girinka program are estimated at 302,512⁴⁰. Following a country wide Kitchen garden awareness campaigns and distribution of a manual on installing a kitchen garden, today, 1,988, 029 households have well maintained kitchen gardens⁴¹.
- Continued agricultural modernization with focus on land consolidation, irrigation, use of fertilizers and seeds. The initiation of CIP program has contributed significantly to the increase of crop productivity of priority crops. Consequently, the average yield (tones/Hectare) for priority crops on consolidated sites increased. For example, Irish potatoes increased by 28% and Bananas increased by 17%.⁴² Public sensitization campaigns on proper nutrition and balanced diet has been rolled out targeting parents and other relevant stakeholders.

The Coalition is concerned with the following issues:

- Malnutrition levels especially among under age 5 children. 36.7 % of children under the age of five are reported to be suffering from stunting⁴³;
- Weak mechanisms to ensure rapid prevention and response to hunger outbreaks. In 2016, famine hit the Eastern Province due to prolonged droughts and it took time for the Government to provide food assistance leading to displacement of some families in search for food.⁴⁴
- Inadequate funding for the Agriculture sector. The Agriculture Sector being the backbone of Rwanda's economy should receive adequate funding. Under Maputo protocol, 10% of

⁴⁰ MINAGRI-UPR implementation report, Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Triennial Comprehensive Food Security and Vulnerability Analysis (CFSVA) 2015 report, http://www.minagri.gov.rw/index.php?id=469&tx_ttnews%5Btt_news%5D=1266&cHash=56f2a93119aaef3990585677add605f

⁴⁴ See, Famine hits over 100,000 families in Eastern Province, www.theeastafrican.co.ke/rwanda/News/1433218-3276076-xpvutbz/index.html

the national budget should be allocated to the Agriculture Sector⁴⁵. To the contrary, the GoR of Rwanda reduced from 11% of the total national budget to 7.5% during the 2015/2016 fiscal year⁴⁶.

The Coalition would like to recommend the following:

- Increase the budget allocated to the Agriculture sector in order to intensify and consolidate programs and initiatives aimed at uprooting hunger and malnutrition. At minimum, at least 10% of the national budget should be allocated to the Agriculture sector;
- Strengthen mechanisms aimed at rapidly responding to hunger stricken areas in order to mitigate its effects;
- Intensify specific programs already initiated such as *Girinka*, *kitchen garden* and *inkongoroy'umwana*, aimed at increasing food productivity and curbing malnutrition.

3.17. The rights of Asylum seekers, refugees and migrants workers

In relation to asylum seekers, refugees and migrant workers, Rwanda received and accepted 2 recommendations and incorporated them into its roadmap of UPR implementation. Besides, 5 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented and 2 recommendations were rejected.

The Coalition would like to commend the following:

- In collaboration with UNHCR and other partners, over 170,000 refugees are fully protected and supported. They live in six camps, three transit centers as well as in urban areas. They include over 74,000 Congolese refugees and 88,000 Burundian refugees.⁴⁷
- There are 4 commitments that the government has taken over to assist refugees; it includes Education, *Mutuel de Sante*, Self-reliance and identification for refugees.
- MIDMAR is working with different international and local development partners like ADRA in promoting the welfare of refugees in health, food, education and hygiene;
- The Legal Aid Forum specifically provides legal assistance to refugees. It also supports child registration and identification;
- Migrant workers in Rwanda are protected under existing human rights instruments
- Rwanda has volunteered to host around 30,000 African immigrant workers stranded in Libya and exposed to all forms of abuse, including being sold openly in slave markets in the Northern Africa country.⁴⁸
- In 2016, 5,781 Rwandans from different countries repatriated while from January 2017 up to end of last year 14,831 were received. Those repatriated were helped to get a one-year health insurance cover, food package lasting three months, identity cards. They were also supported to start some small income generating businesses where each adult was given US \$250 while each child received US \$150.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ <http://www.unhcr.org/rw/12728-belgium-provides-crucial-timely-support-refugees-rwanda.html>

⁴⁸ <http://www.newtimes.co.rw/section/read/224133/>

The coalition would like to point out the following issues:

- There is limited access to universal insurance scheme for migrant workers⁴⁹;
- There is need to increase food ratios for refugees. Media reports cited refugees complaining about insufficient food quantity supplied to them.

The Coalition recommends the following:

- Continue joint collaboration with other institutions having partnership with Ministry of Disaster Management and Refugee affairs to advocate and find needed solution for refugees, asylum seekers and migrants workers;
- Continue the provision of education and health facilities and other needed social assistance for asylum seekers, refugees and migrant workers;
- Harmonize the social security scheme for EAC regional countries to ease access to savings under the social security scheme upon their return to their countries of origin.

3.18. The rights of persons with disabilities

In relation to the rights of persons with disabilities, Rwanda received and accepted 2 recommendations and incorporated them into its roadmap of UPR implementation. Besides, 3 recommendations enjoyed the support but were considered to be implemented or in the process of being implemented and 2 recommendations were rejected.

The Coalition would like to commend the following:

- The policy and legal framework in favour of PWDs has progressively improved and been implemented;
- All new public building constructed are compliant with pathways for PWDs. Some major roads have also a PWD's lane;
- Sign language interpreter on the public broadcaster, Rwanda Television has been maintained.

The coalition would like point out the following issues:

- There is limited inclusion of persons with disabilities in the policy design/planning and implementation processes. Worse still, the needs and concerns of persons with disabilities are not fully disaggregated, quite often considered as a homogeneous group. For example, the dumb and deaf need sign language experts while undergoing the judicial, access to health, and other services in order to communicate with other people. In the education sector, they need Braille facilities and those using wheel chairs need ramps and special roads;
- PWDs are not considered for jobs during the VUP program.⁵⁰ They are considered as unable to do anything due to generalized inability;

⁴⁹ See, Alternative Report on International Convention on the protection of the rights of all migrant workers and members of the families, GLIDH, 2017.

⁵⁰ Recommendations from the national interactive workshop on VUP, PAX PRESS 2017., see also Inclusion of people with disabilities in the vision 2020 Umurenge Program (VUP), VSO et al.

- Sign language interpretation during public events is non-existent. For example, during the 2017 Presidential election campaign, there were no sign language interpreters to communicate different candidate's campaign manifestos to the deaf and dumb;
- Slow pace of abiding with the policy requirements for ramps in all public buildings/facilities to facilitate access by physically impaired persons especially those using wheel chairs.

The Coalition recommends the following:

- Strengthening, mainstreaming and monitoring of inclusion of PWDs in all government, private, civil society programs to ensure that they are not left behind. Specifically, PWDs should benefit equally with other vulnerable persons under the VUP program;
- Introduce sign language among the official languages and intensify training programs on the use of sign language especially for both public and private service providers;
- Strengthen monitoring system of the respect of different legal and policy requirements to guarantee the rights of PWDs;
- Increase public funding to secure basic facilities for PWDs such as wheel chairs, white canes/sticks, brailles, hearing boosters, prosthesis etc;
- Increase public awareness on the rights of PWDs.

4. General Recommendations

Recalling the fundamental duty of the Government to respect, protect and fulfill human rights, appreciating the progress realized by the GoR in guaranteeing the enjoyment of the fundamental human rights and freedoms especially as committed under the UPR implementation roadmap, and concerned with different issues/gaps pointed out in this report, the coalition hereby makes the following general recommendations:

- Raise awareness on responsibilities of each responsible institution assigned specific action(s) under the implementation of the UPR roadmap;
- Strengthen the monitoring and evaluation system on the implementation of specific actions outlined in the UPR implementation roadmap. Specifically, Collect and centralize gender disaggregated data (both quantitative and qualitative) on different actions and indicators in order to ascertain real time progress realized in the implementation of the recommendations;
- Report progress on the 102 recommendations as well which Rwanda considers as implemented or under implementation.
- Increase collaboration with and the will to share information with the civil society and other stakeholders on progress made in implementing the recommendations including timely sharing of information and data.