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SUBMISSION OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS OF RWANDA (NCHR) TO THE 3rd CYCLE OF THE UNIVERSAL PERIODIC REVIEW (UPR) OF THE REPUBLIC OF RWANDA

July 2020

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I. Introduction

1. The National Commission for Human Rights of Rwanda (NCHR) is a Constitutional, independent and permanent Institution with ‘A’ status accreditation. It was established first by Law n° 04/99 of 12 March 1999. That law was later modified and completed by Law n° 37/2002 of 31st December 2002. The Commission was further entrenched in the Constitution of the Republic of Rwanda of 2003 revised in 2015 which reaffirm its existence and independence. With regard to this constitutional revision, it should be noted that Article 42 stipulates that the promotion of human rights is a responsibility of the State, which is particularly exercised by the Commission.
2. Thus, the legal basis of the Commission has been harmonized with the Constitution by the Law n° 30/2007 of 6 June 2007. This last law has been amended in 2013 by the Law n° 19/2013 of 25/03/2013 determining its missions, organization and functioning in order to be consistent with its mandate of promotion and protection of human rights and to be in conformity with new laws, Constitution and Paris Principles relating to the Status of the National Institutions for the promotion and the protection of human rights. In 2018, the Law n° 19/2013 of 25/03/2013 enacting the Commission has been amended by the Law n° 61/2018 of 24/08/2018 to mainly entrust the NCHR with the mandate of the National Preventive Mechanisms (against Torture).
3. The NCHR welcomes the recommendations accepted by the Government of Rwanda from the Human Rights Council during the second cycle of the UPR of Rwanda on 4th November 2015.
4. The NCHR notes that during the second cycle of the UPR of Rwanda on 4th November 2015, the Government of Rwanda accepted 50 recommendations.
5. The NCHR has been involved with the UPR process since the first review in 2011 and the second review in 2015 specifically, in the establishment of a roadmap for the implementation of UPR recommendations. The roadmap highlighted key human rights priority areas for Rwanda, responsible government actors and partners and fixed timelines for the implementation of accepted recommendations. The roadmap was shared amongst all concerned institutions for implementation.
6. In addition, the NCHR played its advisory role in the drafting of the UPR State Report, made a submission to the Human Rights Council and provided an oral statement during the second cycle of the Rwanda UPR.
7. Based on its responsibility of monitoring the implementation of the concluding observations and recommendations issued to Rwanda by International Human Rights Treaty Bodies and Human Rights Council, the NCHR carried out, from December 2017 to March 2018, a mid-term assessment on the implementation of the recommendations issued to Rwanda during the second cycle of the Universal Periodic Review 2015. From November to December 2019, it also conducted a final assessment in partnership with 4 Civil Society Organizations working in human rights field. The recommendations of each of the two assessments have been published and expressly sent to the institutions specifically responsible for their implementation.

This submission is presented for consideration as part of the Universal Periodic Review (UPR) stakeholder report. Through this submission, the NCHR makes a constructive contribution to the process of the third cycle of the UPR for the Republic of Rwanda and addresses progress, gaps and challenges on the implementation of the recommendations formulated during the interactive dialogue and that have enjoyed the support of Rwanda.

II. Key achievements and positive developments of the Government of Rwanda

8. The NCHR recognizes that several recommendations issued during the 2015 UPR second review have already been implemented such as the recommendations pertaining to economic, social and cultural rights, women's rights, child's rights, persons with disability rights.
9. In addition, the NCHR notes with satisfaction that several legislation upholding human rights have been enacted or modified. These include the Law n° 32/2016 of 28/08/2016 governing persons and family which states that spouses have the same rights and obligation and jointly provide management of the household including moral and material support, the Law n° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions which provides equal treatment of legitimate children in succession without any discrimination between male and female children, the Law n° 68/2018 of 30/08/2018 determining offences and penalties which decriminalizes defamation, the Law n° 17/2017 of 28/04/2017 establishing the National Rehabilitation Service and determining its missions, organization and functioning which regulates transit and rehabilitation centres...
10. The NCHR appreciates the Government of Rwanda for its achievements as regards the promotion and the protection of human rights and believes that the remained recommendations will be implemented before the next State report deadline submission in January 2021 (Human Right Council Universal Periodic Review, Third Cycle). These include the following recommendations:
 - Continue effort to provide protection for children in difficult circumstances such as children from poor families and street children (Rec. n°. 133.22);
 - Continue efforts to improve the conditions of those in detention facilities including prisons and actively address the issue of prison overcrowding, with a view to ensuring that detention facilities in Rwanda meet international standards (Rec. n°.133.26);
 - Increase funding in order to create an education system that upholds the right to free, universal, and quality education for all children without discrimination (Rec. n°. 133.43);
 - Continue to increase inputs in education so as to improve the quality and coverage of the education system (Rec n° 133.44);
 - Strengthen efforts to guarantee the rights of children, and particularly those with disabilities, observing at all moments the best interests of the child (Rec n° 133.45).

III. Human rights concerns and recommendations

The right of detainees

12. With regard to the recommendation in line to continue efforts to improve the conditions of those in the detention facilities including prisons and actively address the issue of prison overcrowding, with a view to ensuring that detention facilities in Rwanda meet international standards (Rec. N° 133.26), the NCHR commends the efforts undertaken by the Government of Rwanda towards the construction of new prisons (Rubavu, Nyanza, Nyagatare and Nyarugenge) and the renovation of the prisons of Rwamagana, Huye, Nyamagabe and Ngoma in order to improve those in the detention facilities including prisons. In addition, new Rwanda Investigation Bureau Stations were built countrywide at the provincial level and all existing cells were renovated.

13. Other positive measures taken include the construction and expansion of specific prisons for women and children, the special treatment of pregnant women, nursing mothers and infants who cannot be separated from their imprisoned mothers. To this must be added the importance of establishing the Law n° 027/2019 of 19/09/2019 relating to the criminal procedure and the Law n° 68/2018 of 30/08/2018 determining offences and penalties in general. These two (2) laws have the advantage of encouraging alternative penalties to imprisonment in order to reduce prison overcrowding; and these penalties would take the form of community service, parole, wearing an electronic bracelet as well as alternative dispute resolution for petty offences.

14. Although these measures have a positive impact on improving the conditions and rights of detainees, the NCHR would like to recommend the Government of Rwanda the following: (a) to continue to renovate all old detention premises in order to meet international standards; (b) to expedite the promulgation of the Presidential Order determining the modalities for the execution of the penalty of community service; to apply modalities for the execution of the penalty of community service and (3) to regularly apply for alternative measures to imprisonment.

The Right to education

15. The NCHR acknowledges the continued commitment of the Government of Rwanda to promote access to education at all levels, improving the quality of education and training, and strengthening the relevance of education and training to meet labour market demands. The NCHR notes also that the Education Sector Strategic Plan (ESSP 2013-2018) builds upon national priority of making quality twelve-years basic education available for all children and reflects overarching mission to make education at all levels more accessible and more relevant to national needs.

16. In addition, a Special Needs and Inclusive Education Strategic Plan 2015-2016-2019-2020 was drawn up to guide the implementation of special educational needs, including those of people with disabilities.

17. Beyond these positive measures, the NCHR notes the persistence of the problem of dropping out of school mainly due to the following specific challenges: teenage pregnancies, child labor, inaccessibility of children with disabilities to educational materials and insufficient number of

qualified teachers in special need education.

18. The NCHR recommends the Government of Rwanda to take the necessary measures to address the issue of dropping out of school, child labour and street children, increase the number of teachers trained in special needs and inclusive education and improve the curriculum for learners with intellectual disabilities.

Street children

19. With regard to the rights of the child, the NCHR notes that the Government of Rwanda has paid particular attention to children by incorporating strategies into social programs that improve their protection. In this perspective, emphasis should be placed on, among other things, the Integrated Child Rights Policy (ICRP) which aims to create an environment in which child's development, survival, protection and participation are ensured, Tubarerere Mu Muryango programme ('Let's Raise Children in Families'), a new cadre of community-based para-professionals (Inshuti z'Umuryango, or 'Friends of the Family') with the provision of child and family protection services at the village level. However, the NCHR notes the persistent problem of street children which must be addressed.

20. The NCHR recommends to the Government of Rwanda to strengthen existing measures and adopt new strategies to eradicate the problem of street children.

IV. Conclusion

21. Taking into account all the recommendations implemented over the past four and a half years (4.5), the NCHR will continue its mission relating to the advocacy for the implementation of all recommendations issued to Rwanda and firmly believes that the Government of Rwanda will implement the remained recommendations by the next third review cycle.