



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Rwanda and welcome the constructive engagement of your Government during the 37th session of the UPR Working Group in January 2021.

As the final outcome report on the review of Rwanda has been recently adopted by the Human Rights Council at its 47th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Rwanda – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 99 delegations and the presentation made and responses provided by the delegation of Rwanda. I have also considered the actions taken by the Government of Rwanda to implement the 152 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

During the review, concerns had been raised about reports of harassment and intimidation of human rights defenders and journalists. Due note is taken of your delegation's statement that the freedoms of opinion, expression, association and peaceful assembly were enshrined in the Constitution. I am encouraged by the fact that Rwanda supported a recommendation to, inter alia, strengthen the safety of human rights defenders and journalists by amending the relevant legislation to ensure its compliance with international democratic standards. I encourage Rwanda to implement this recommendation as soon as possible and to immediately take all necessary measures to ensure a safe and enabling environment for human rights defenders and journalists.

Due note is taken of the adoption of the first ever national human rights action plan in February 2017, which was implemented until December 2020. Your delegation reported that the implementation of this plan was being assessed and once completed, this assessment would inform the development of phase two of the plan. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, particularly the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities under the leadership of the United Nations Resident Coordinator.

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H.E Dr. Vincent BIRUTA
Minister for Foreign Affairs and International Cooperation
Republic of Rwanda



Rwanda is encouraged to establish a national mechanism for comprehensive reporting and follow-up to the recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, Rwanda is encouraged to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Rwanda in addressing the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: His Excellency
Dr. Emmanuel UGIRASHEBUJA
Minister of Justice and Attorney General
Republic of Rwanda

Mr. Fodé NDIAYE
United Nations Resident Coordinator
Republic of Rwanda

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO), the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and as recommended by various treaty body committees.
- Reinvigorating cooperation with the relevant treaty bodies and its mechanisms; and facilitating the resumption of the suspended visit by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with unrestricted access to all places of detention, in full respect of the principles of confidentiality and freedom from reprisals.

National human rights framework

- Aligning national legislation with the Convention on the Rights of Persons with Disabilities.
- Harmonizing national legislation with the provisions of the International Covenant on Civil and Political Rights, in line with the comments of the Human Rights Committee.
- Aligning Law No. 71/2018 relating to the protection of the child with the Convention on the Rights of the Child, as recommended by the Committee on the Rights of the Child.
- Strengthening the National Commission for Human Rights, including by ensuring that the selection and appointment of the members of the Commission enjoyed full transparency and independence.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Incorporating in Article 16 of the Constitution and in national legislation, a definition of racial discrimination which includes all the criteria and grounds set out in Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, as recommended by the Committee on the Elimination of Racial Discrimination.
- Reviewing and repealing all legal provisions that are discriminatory towards women and adopting comprehensive anti-discrimination legislation, as recommended by the Committee on the Elimination of Discrimination against Women.
- Addressing the concerns of the Committee on the Elimination of Discrimination against Women that the implementation of Law No. 43/2013 governing land was hampered by stereotypical attitudes towards ownership and inheritance by women and by the application of discriminatory customs, including by ensuring that rural women, as well as local authorities,

mediation committee members (*abunzi*) and judicial officers, are made sufficiently aware of the law.

Development, the environment, and business and human rights

- Ensuring the realization of children's rights in the implementation of the 2030 Agenda for Sustainable Development, including by facilitating their meaningful participation in the design and implementation of policies and programmes aimed at achieving all sustainable development goals, insofar as they concern children.
- Addressing environmental challenges, including climate change adaptation and mitigation, through the development of a necessary legislative framework, and ensuring that all persons, particularly minorities and local communities, are meaningfully engaged in its implementation.

Human rights and counter-terrorism

- Addressing the concerns raised by the Committee against Torture about the police allegedly killing members of the Muslim community who were reportedly suspected of collaborating with international terrorist groups.

B. Civil and political rights

Right to life, liberty and security of person

- Ensuring that all allegations of extrajudicial, arbitrary or summary executions and enforced disappearances, including reports that the security forces and the police had summarily executed at least 37 suspected petty offenders between July 2016 and March 2017, are investigated by an independent authority, as encouraged by the Committee against Torture.
- Addressing the concerns about deaths of suspects during arrests and at police stations in suspicious circumstances, including by ensuring impartial and effective investigations into all instances of death in custody and prosecution of those allegedly responsible.
- Defining the crime of torture in full conformity with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and excluding the application of the statutes of limitations, amnesties, presidential pardons and plea agreements to the crime of torture.
- Providing human rights-based training to the police, public service and military officers with a view to eradicating the practice of torture and other forms of ill-treatment.
- Ensuring that prison and detention conditions are in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
- Addressing the concerns of the Human Rights Committee and the Committee against Torture about allegations of torture and ill-treatment in unofficial detention centres as a means of eliciting confessions.

Administration of justice, including impunity, and the rule of law

- Ensuring the independence of the judiciary, including by addressing the concerns of the Human Rights Committee over reports of unlawful interference by government officials in the judiciary; and taking the necessary measures to ensure that judges are not subjected to

political influence in their decision-making and that judicial appointments are based on the objective criteria of competence and independence.

- Promoting human rights training for judges, lawyers and law enforcement officers.
- Designating specialized judges for children appearing in court and ensuring safe and child-friendly criminal proceedings, and ensuring that all child victims and witnesses have the right to refuse to testify in court.
- Guaranteeing the rights of an accused to a fair trial; making the necessary legislative amendments to guarantee that all detained persons are afforded all the fundamental legal safeguards, including the right to be brought before a judge within 48 hours of apprehension, or within 24 hours in the case of detained juveniles, and the right to prompt and confidential access to a qualified and independent lawyer, and to legal aid when needed; and addressing the concerns of the Committee against Torture by amending the Rwandan Law on Evidence to ensure that in instances where judicial admissions were alleged to have been made under torture, the burden of proof did not fall on the accused to prove that the confession had been obtained under torture, but on the prosecution.
- Ensuring the effective participation of persons with disabilities in the judicial system by, inter alia, providing accessible and free legal services, sign language interpretation, and comprehensive age- and gender-appropriate procedural accommodation.

Fundamental freedoms and the right to participate in public and political life

- Taking all necessary measures to ensure that all individuals and political parties fully enjoy their rights to freedom of expression, peaceful assembly and association; and refraining from interfering with the internal functioning of non-governmental organizations and political parties.
- Ensuring the independence of civil society organizations and human rights defenders in exercising their right to freedom of expression and opinion.
- Addressing the concerns of the Human Rights Committee about reported procedural defects during the December 2015 referendum by taking legislative and other necessary measures to ensure that referendums and elections are held through a transparent, inclusive, informed and accountable process.

Prohibition of all forms of slavery

- Addressing the concerns of the Committee on the Rights of the Child about underreporting of sexual exploitation and abuse of children, inter alia, by establishing effective mechanisms and procedures for the mandatory reporting of sexual exploitation and abuse.
- Taking all necessary measures to prevent, prosecute and eliminate the exploitation of children in the commercial sex industry, including the tourism industry.
- Developing and implementing standard operating procedures for the identification and referral of child victims of trafficking, providing them with adequate assistance and protection and conducting awareness-raising activities to make parents and children aware of the dangers of trafficking, as recommended by the Committee on the Rights of the Child.



Right to privacy and family life

- Addressing the concerns of the Human Rights Committee that Law No. 60/2013 permitted the interception of communications without the prior authorization of a judge and ensuring that the interception of all communications is authorised and monitored by the judiciary; and making certain that any interference with the right to privacy complies with the principles of legality, proportionality and necessity.
- Fully protecting the right of the child to privacy, including by developing guidelines for parents, teachers, social workers and other professionals working with and for children, as recommended by the Committee on the Rights of the Child.
- Addressing concerns about the high proportion of unregistered marriages by taking appropriate measures to ensure that marriages are registered.
- Discouraging the practice of polygamy and ensure the legal protection of the economic rights of women in non-formal unions, including women married under customary law or in polygamous unions.
- Establishing adequate safeguards and criteria for determining whether a child should be placed in alternative care, based on the best interests of the child; and promoting inclusive alternative care in family settings for children with disabilities who did not have parental care.
- Ensuring that adoption procedures are in compliance with the Convention on the Rights of the Child and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and ensuring that the best interests of the child are the paramount consideration in all adoption cases.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Increasing the resources allocated to labour inspections in order to effectively implement the laws and policies on child labour, explicitly prohibiting the employment of children in underground mining activities and strengthening public awareness of the exploitative character and consequences of child labour.
- Adopting the necessary policies to significantly increase the employment rate of persons with disabilities.
- Promoting the integration of women into the labour force and adopting a gender-sensitive and adequately resourced employment policy.

Right to social security

- Establishing social protection and poverty reduction programmes aimed at guaranteeing an adequate standard of living for persons with disabilities.

- Ensuring that efforts to address poverty are incisive, gender-responsive and human rights-based, and providing families living in poverty with adequate social protection and creating income-generating opportunities for them.

Right to an adequate standard of living

- Taking all necessary measures to improve access to, and ensuring the sustainability of existing policies on, adequate housing, safe drinking water and adequate sanitation.

Right to health

- Ensuring that primary health-care services are accessible and affordable; strengthening efforts to prevent anaemia, stunting and undernourishment among children; building the capacity of health workers to provide care and support to children living with HIV/AIDS and strengthening actions to promote breastfeeding.
- Taking all necessary measures to reduce the high maternal mortality rate, including by improving the quality, availability and accessibility of medical assistance, decriminalizing abortion, and commencing a widespread educational campaign on the importance of antenatal care for pregnant women.
- Strengthening reproductive health education for adolescents in schools and improving their access to reproductive and sexual health services.
- Providing a safe and enabling environment for health and essential workers during the Covid-19 pandemic.

Right to education

- Making one year of pre-primary school education compulsory and free.
- Addressing the concerns about the low secondary school enrolment rates and eliminating all hidden costs, particularly the practice of charging fees to be used for teacher bonuses and educational materials.
- Addressing the concerns of the Committee on the Rights of the Child about the high dropout rate at the secondary school level and developing vocational training for children and adolescents.
- Strengthening awareness-raising campaigns to overcome traditional attitudes that constituted obstacles to the education of women and girls; ensuring that schools had adequate sanitation facilities for girls; and repealing the mandatory suspension of pregnant girls from school and developing a comprehensive policy for their reintegration in school.
- Improving the rate of enrolment of women in tertiary-level education.
- Guaranteeing all children, including those with intellectual and psychosocial disabilities, the right to inclusive education in integrated classes, with accessible environments and curricula and adequately trained teachers and professionals to provide individual support, as recommended by the Committee on the Rights of the Child.
- Integrating human rights education into school curricula and training programmes for teachers and education professionals.

D. Rights of specific persons or groups

Women

- Addressing the concern of the particularly high number of women who are victims of gender-based violence, including sexual violence, and enhancing efforts to combat all forms of gender-based violence, including domestic and sexual violence.
- Facilitating women's access to financial credit and strengthening initiatives aimed at encouraging the sustainable economic empowerment of women.

Children

- Establishing a mechanism to regularly assess progress and to identify any deficiencies in executing the strategic plan for the implementation of the integrated child rights policy for the period 2019–2024.
- Addressing the concern about the removal of the principle of the best interests of the child from Law No. 71/2018, including by ensuring that this principle is explicitly provided for, appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies and programmes that are relevant to and have an impact on children.
- Ensuring respect for the views of children in administrative and judicial proceedings concerning custody, divorce and adoption.
- Preventing child marriage, including by developing a national action plan and dedicating resources for its implementation.
- Addressing the concern about the use of corporal punishment in schools and in the home, including by explicitly prohibiting the use of corporal punishment in all settings and promoting positive, non-violent and participatory forms of child-rearing and discipline.
- Ensuring that the rights of children in street situations are fully respected and developing programmes that facilitate the reunification of those children with their families and communities.
- Guaranteeing the right of all children to engage in age-appropriate recreational activities, cultural life and the arts, including by ensuring their access to safe, accessible and inclusive spaces for play, recreation and cultural and sports activities.

Persons with disabilities

- Addressing the concern of the Committee on the Rights of Persons with Disabilities about the deprivation of liberty of persons with disabilities on the basis of perceived or actual impairment, and the involuntary hospitalization and institutionalization of persons with intellectual or psychosocial disabilities.
- Adopting the necessary measures to protect the integrity of persons with disabilities in all setting and to prevent forced treatment and forced sterilization of persons with disabilities.

- Ensuring the accessibility of the physical environment, transportation, services, information and communications for persons with disabilities by fully implementing the accessibility standards in the Building Code of 2015.
- Reviewing Article 2 of Ministerial Order No. 01/09/MININFOR to compel both public and private media to provide information in accessible formats for persons with disabilities.

Minorities and indigenous peoples

- Guaranteeing the recognition of minorities and indigenous peoples and ensuring the effective legal protection of indigenous peoples' rights to their ancestral lands and natural resources.
- Strengthening programmes to promote equal opportunity and access to services for the Batwa community and increasing its members' participation in decision-making processes and decisions that affect them; and taking special measures to facilitate the effective integration of the Batwa into political and public affairs.
- Reconnecting Batwa children with their ancestral habitats and cultural practices; and combating all forms of discrimination faced by Batwa children and ensuring that they have full and equal access to education, adequate housing, health care and all other services.

Refugees and asylum seekers

- Ensuring that all asylum seekers are issued with temporary residence permits and had their files transferred to the Refugee Status Determination Committee within 15 days.
- Ensuring that all reception centres for asylum-seeking and refugee children were child-friendly and that all unaccompanied and separated children had prompt access to national refugee status determination procedures; and investigating any reports of alleged disappearance of children, particularly adolescent girls, from refugee camps.
- Increasing the security situation in and around refugee camps and providing women and girls with accessible shelter and food for them and their children to avoid so-called "survival sex".

Stateless persons

- Formulating and implementing a national plan of action to eradicate statelessness by 2024, as pledged by Rwanda.
- Raising public awareness of the importance of birth registration and of the availability of e-registration system, and implementing the system in all health facilities; and ensuring the digitalized registration of children who were born prior to the introduction of e-registration system.