

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE

**CONSIDERATION OF RWANDA'S SECOND PERIODIC REPORT ON
THE COVENTION AGAINST TORTURE AND OTHER CRUAL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

November 23, 2017 - Geneva, Switzerland

**Opening Statement by Hon. Minister of Justice and Attorney General of
the Republic of Rwanda**

Mr. Chairperson,

Distinguished Members of the Committee,

Representatives of Civil Society,

Ladies and gentlemen,

It's my honour and privilege to present on behalf of the Government of Rwanda our second periodic report on the implementation of the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention) to this 62nd session of the Committee against Torture.

Mr. Chairperson,

Before proceeding, allow me to introduce the delegation representing the Government of Rwanda before the Esteemed Committee, which is composed by myself, Johnston Busingye, Minister of Justice and Attorney General;

- H.E. Dr. Francois Xavier Ngarambe, Ambassador and Permanent Representative of the Republic of Rwanda to the United Nations Office at Geneva;
- Mrs. Providence Umurungi, Head of International Justice and Judicial Cooperation Department, Ministry of Justice
- Mr Moses Rugema, First Counsellor at the Permanent Mission of the Republic of Rwanda to the United Nations Office at Geneva.

Mr. Chairperson,

At the outset, I wish to reaffirm Rwanda's commitment to upholding international human rights standards and principle including through the full implementation of our treaty obligations. It is in that spirit we present our second periodic report with a view to strengthening the promotion and protection of human rights in Rwanda.

Mr. Chairperson,

The report was prepared through a broad consultative process coordinated by the cross-institutional national treaty body reporting taskforce. The taskforce is headed by the Ministry of Justice and is composed of representatives from all branches of the government as well as civil society organizations. The main criteria of selection of members of the task force was the area of intervention of each institution and civil society organization as it is relevant to the implementation of the Convention.

Mr. Chairperson,

Since our last review in 2012, Rwanda has made notable progress in delivering on its obligations under the Convention including the adoption of legal and procedural safeguards. My presentation will highlight that development with regard to **prohibition, prevention, punishment, and victim redress.**

With regard to **prohibition**, Rwanda revised its Constitution in 2015. The current Constitution provides for a more comprehensive bill of Rights with a specific mention on the prohibition of torture. The Constitution stipulates that **everyone has the right to physical and mental integrity and that no one shall be subject to torture or physical abuse, or cruel, inhuman or degrading treatment.** Further, the Constitution provides for many other rights relevant to the prevention of acts of torture, namely the right to life,

the right to good health, the right to seek asylum, and the right to due process of law to name but a few.

In reaffirming its commitment to fight against torture and ill treatment, Rwanda ratified, in 2015, the Optional Protocol to the Convention against Torture.

In 2012, Rwanda adopted a new Penal Code. The penal code adopted a progressive and comprehensive definition that includes all key elements of torture as set forth in the definition given in the Convention. The penal code goes further, to include actions by non-state actors such as private security operators as potential perpetrators of torture and ill-treatment. In 2013, The Government of Rwanda adopted a new code of criminal procedure which reaffirms the principle of due process of law in criminal processes as recognized by the Constitution. The code of criminal procedure set forth both procedural standards that courts and other law enforcements bodies must uphold in order to protect peoples' personal liberty and provisions that should be granted through the process.

In addition to the above-mentioned laws, specific Presidential and Ministerial Orders have been adopted to regulate the conduct of military, police and prison's officers in their work.

Mr. Chairperson,

In regard to **prevention**, the government has put in place a number of legal and procedural safeguards for the prevention of torture. These include but are not limited to notification of detainees of their rights, access to legal representation, medical attention etc. In addition, regular training and capacity building sessions are conducted for the judiciary, police officers, prisons' guards and prosecutors focused on the CAT and The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules).

As part of our implementation of the OP-CAT, the Government of Rwanda was pleased to host the SPT in October 2017. Regrettably, the visit was brought to an end one day before it was due to conclude, in our view, the suspension of the visit was inconsistent with the spirit of cooperation and dialogue envisaged in the OPCAT. Rwanda believes that mutual respect, trust, dialogue and cooperation should be the hallmark of our cooperation going forward. In the meantime, the Government has, in collaboration with the Association for the Prevention of Torture (APT), revised the law determining the functioning of the National Human Rights Commission to provide for the establishment and mandate of the National Prevention Mechanism (NPM). The draft law is being finalised and will be approved shortly by Cabinet before adoption by Parliament and promulgation. The NPM will, on a full-time basis, be the primary body to more effectively ensure and enforce compliance with the Government's domestic and

international obligations regarding the prevention of and punishment for torture and the protection of persons deprived of liberty.

Mr. Chairperson,

Rwanda is committed to the wellbeing of all its citizens including those in detention. The Law on the establishment, functioning and organization of Rwanda Correctional Service (RCS) has been in place since 2010. The law explicitly and comprehensively provides for rights of incarcerated persons. The law stipulates, for example, that an incarcerated person shall be treated at all times with the respect and dignity inherent to human beings. He/she shall be protected against any form of torture and cruel, inhuman or other degrading treatment.

Apart from the Rwanda Correctional Services, the Government has put in place the National Rehabilitation Service. The mandate of the National Rehabilitation Service which is implemented in and by National Rehabilitation Centers is reforming, educating and providing professional skills and reintegrating any person exhibiting deviant acts or behaviour.

These rehabilitation centers are places where people are deprived of their liberty and therefore sufficient safeguards are put in place to ensure that no one is subjected to torture or other ill treatment.

Mr. Chairperson,

All places of detention are determined and governed by relevant laws. Further, the principle of *habeas corpus* is provided for in the code of criminal procedure. There are no unofficial places of detention in Rwanda

Mr. Chairperson,

Concerning prison conditions, considerable progress has been made. Laws and regulations have been adopted to set prison standards and in doing so, the Government of Rwanda aspires to meet international standards and best practices. For example, any incarcerated person has an inalienable right to a sufficient daily ration of food with a balanced nutritional value as well as access to adequate clean drinking water provided by the Government. Sports and Entertainment, Religious facilities are also provided in prison.

In an effort to match prisoner numbers with international standards on conditions of detention, four (4) new prisons were constructed. Renovations were done to other prisons to upgrade the standards. One rehabilitation center was constructed for minors between 14 and 18 years. Women and men are accommodated in separate facilities.

Mr. Chairperson,

In regard to **punishment**, and drawing from our experience where State officials and others in positions of authority abused their positions to perpetuate human rights violations that contributed to the 1994 genocide against the Tutsi; the Government of Rwanda has committed to establish a strong legal framework to prevent such acts. The Constitution explicitly recognizes the right of every Rwandan to defy superior orders if they constitute a serious violation of human rights and freedoms. In addition, the penal code establishes criminal responsibility for any person who commits criminal acts including acts of torture based on an order of a Government official or a superior. Severe punishments ranging from 6 months to life imprisonment are provided for those convicted of torture and ill treatment.

Mr. Chairperson,

With regard to **redress**, the law provides for established time limits for all investigations to be completed, which are set with the view to ensuring that victims of torture and ill-treatment have access to legal redress in a timely manner.

In line with articles article 13 and 14 of the Convention, Victims of torture have the right to file civil action within criminal proceedings seeking compensation resulting from a criminal act.

Mr. Chairperson,

Allow me to restate, that in the period since our last review, major steps have been taken in the fight against torture. Strong legal, policy and institutional frameworks have been put in place. Specific laws defining, criminalizing and punishing acts of torture and ill treatment were adopted. Laws protecting rights of vulnerable groups such as children in conflict with the law, women and prisoners are in place. New prisons were constructed and old ones were renovated to meet international standards.

Mr. Chairperson,

While the Government of Rwanda recognizes these achievements, it is mindful that there are challenges that remain and we are committed to addressing them. We view this opportunity to engage with the Committee as part of that process.

Finally, Mr. Chairperson, while the Government of Rwanda deeply values engagement in open and meaningful partnerships and cooperation to prevent, punish torture and offer redress to victims; the Government of Rwanda remains aware that this is her responsibility and that the primary beneficiaries are the citizens. The Government is firmly committed to fulfil this responsibility not just as a requirement enshrined in the Convention against Torture, but most importantly, as a constitutional obligation owed to citizens.

Mr. Chairperson, with those few words, we thank you and look forward to the constructive dialogue.