

# Overview of the review of Rwanda by the Human Rights Committee concerning violence against Women

## Compilation by the Centre for Civil and Political Rights (CCPR-Centre)

*This NGO briefing note is submitted to the CEDAW prior to the next periodic report of Rwanda. The objective is to share with the CEDAW the recommendations adopted by the Human Rights Committee (HR Committee) after the Rwanda review, which took place in March 2016, and a summary of the contributions from Rwandan civil society.*

*This document has been made in order to reinforce the cross-references between different Committees, when common concerns are identified in a State party. This collaboration adds weight to recommendations and hopefully, improves their implementation by States.*

### 1. Overview of the NGO report submitted to the HR Committee for the review

In January 2016, Rwandan civil society organisations, with the support of the CCPR Centre, submitted a report to the HR Committee about the implementation of ICCPR in Rwanda. In this report, NGOs provided information in response to the List of Issues adopted by the HR Committee.<sup>1</sup>

NGO submitted the following information (in French):

- **Sur le nombre de plaintes déposées pour violences domestiques**

Selon les informations recueillies par les ONG auteurs du présent rapport, le nombre de plaintes reçues concernant et/ou de la violence domestique fondée sur le sexe:

- Dès Juin 2009-fin 2012, 2327 plaintes ont été reçues dont 2076 femmes et 251 hommes.
- Une moitié du nombre des plaintes est composée de 1163 adultes et l'autre moitié est 1164 enfants de moins de 18 ans.

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<sup>1</sup> The full report is available (in French) here :

[http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RWA/INT\\_CCPR\\_CSS\\_RWA\\_23182\\_F.doc](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RWA/INT_CCPR_CSS_RWA_23182_F.doc)

Les enquêtes et les poursuites de ces plaintes: toutes les 2327 plaintes ont été poursuivies devant les instances judiciaires. Toutefois, il est constaté que certains cas ne sont pas rapportés devant les autorités judiciaires compétentes et cela constitue le chiffre des violences domestiques.

A propos des convictions et les types de sanctions infligées aux contrevenants, les ONG n'ont pas pu obtenir des informations précises dans ce sens.

- **Sur les mesures mises en place pour protéger les victimes de violence**

Sur les mesures de protection accordées, le cas échéant, il s'agit de la disponibilité d'une ligne téléphonique gratuite pour les appels d'alerte, des enquêtes sur terrain, les soins médicaux et psychosociaux complétés par des résultats des laboratoires. A cela, il faut ajouter l'assistance légale (poursuite par la police et assistance juridique et judiciaire), les formations continues des agents médicaux spécialisés en matière de prélèvement du laboratoire. Enfin, la Police nationale gère un centre polyvalent chargé de la prise en charge des cas de violence sexuelle appelé « One Stop Center for GBV » au niveau des districts. Toutes ces mesures de protections sont offertes à titre gratuit.

La loi dispose que toute personne victime d'un acte préjudiciable a droit à l'indemnisation de la part de l'auteur, mais dans le cas d'espèce il n'y a pas d'indemnisations offertes aux victimes de violences sexuelles. Souvent, seules les sanctions pénales, dont les peines de prison sont prononcées contre les auteurs des violences. L'Etat ne procure pas non plus l'indemnisation aux victimes de tels actes, mais seulement des soins gratuits et une certaine assistance psychosociale. Les ONG viennent aussi en assistance de tels actes en leur facilitant une réinsertion sociale et économique à travers leur projet d'assistance et d'aide légale.

Conformément à la loi, les victimes de violences sexuelles sont indemnisées comme toutes les autres victimes d'actes criminels. Il n'existe pas un traitement spécifique en cas de viol ou violences sexuelles en faveur des victimes. L'indemnisation est soit introduite séparément après condamnation de l'auteur ou conjointement avec l'action pénale<sup>2</sup>.

#### Recommandations des ONG

L'Etat devrait:

- ✓ Mettre en place une loi régissant l'indemnisation des victimes de violences sexuelles et violences domestiques ;
- ✓ Créer un fond d'indemnisation des victimes de violences sexuelles;
- ✓ Améliorer les mesures de protections existantes pour y intégrer les volets réinsertion sociale et économique des victimes;

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<sup>2</sup> Voir articles 258 à 260 du Code civil livre III et l'article 9 à 17 de la loi n 30/2013 du 24 mai 2013 portant Code de Procédure pénale.

- ✓ Sensibiliser les victimes et les auteurs sur les mesures préventives et dissuasives de violences sexuelles.

- **Sur les mesures administratives mises en place pour combattre les violences liées au genre**

- La création de comités de lutte contre la violence sexuelle au niveau local et national, le comité de police de proximité et le Bureau de répression de la violence sexuelle à la Police nationale, dans les forces rwandaises de défense et au parquet général de la République. Mais leur travail n'est pas connu de la majorité de la population, les modalités d'accès et leur disponibilité devraient être améliorées si l'on veut que ces mesures puissent favoriser l'atteinte des objectifs annoncés.
- Au sein du parquet général, il existe un département chargé de la protection des victimes et des témoins; des services téléphoniques gratuits ont été mis en place à la Police nationale, parmi les forces de défense, au parquet général, et à la Commission nationale des droits de l'homme pour permettre aux victimes et à la communauté de signaler les cas de violence sexuelle. Mais ces mécanismes ne dissuadent pas non plus les auteurs des violences sexuelles car en dépit de leur mise en place les cas de violences sont toujours enregistrés. La Police nationale rwandaise conduit régulièrement des enquêtes pour examiner le traitement des affaires de violence sexuelle mais souvent les éléments de preuve ne sont pas suffisants pour éclairer la justice.
- Une unité de lutte contre la violence sexuelle a été établie à la Police nationale pour protéger les droits des victimes, mais ses interventions sont souvent tardives ou intervient longtemps après la commission de faits.
- Les Forces de défense et la Police nationale ont lancé des campagnes de sensibilisation et de défense des droits au sujet de la violence sexuelle, au Rwanda et hors des frontières.
- Divers forums ont été mis en place pour débattre de ce thème et encourager les victimes à porter plainte ou rapporter les cas de violences, mais certaines familles privilégient l'arrangement à l'amiable ou le mariage précoce de leurs enfants en lieu et place de recourir à la justice qui ne fera que condamner l'auteur sans rétablir la victime dans ses droits violés
- Un centre psychosocial de consultations post-traumatiques existe au Ministère de la santé; mais toutes les victimes n'ont pas la possibilité d'accéder à ce service faute de moyens financiers et de la distance.
- Des Clubs de l'égalité des sexes ont été mis en place dans les établissements d'enseignement secondaire et supérieur; et un Centre polyvalent Isange One Stop Center a ouvert dans les locaux de l'hôpital de la Police nationale à Kacyiru (Kigali) en 2009. Ces One Stop Center ne sont pas fonctionnels dans tous les districts du pays, d'où la difficulté à disposer aussi des données statistiques exactes et fiables sur les cas de violences dans le pays. Beaucoup de cas ne sont pas dénoncés.

- Soins et analyses médicaux dans tous les hôpitaux publics sont gratuits, et un minimum de personnel est formé à la gestion des cas de violences sexuelles dans les établissements de santé pour traiter les cas de graves atteintes à la victime.
- Une police de proximité a été mise en place et des clubs spécialisés dans le pays. Ces clubs répercutent l'information sur les moyens et stratégies de lutte contre les violences sexuelles dans les communautés à la base. Mais ces mécanismes mis en place ne fonctionnent pas convenable au niveau local et national tantôt faute de moyens suffisants tantôt faute d'intérêt pour les animateurs dont la plupart sont des bénévoles.

### Recommandations des ONG

L'Etat devrait:

- ✓ Augmenter les centres de prise en charge des victimes de violences sexuelles sur toute l'étendue de la République et, mieux encore au niveau institutions administratives de base : districts, secteurs et cellules ;
- ✓ Renforcer la capacité du personnel desdits centres polyvalents de prise en charge des victimes afin de fournir des services de qualité et à temps;
- ✓ Sensibiliser toute la population sur l'existence des centres de prise en charge des victimes, ainsi que de l'assistance qu'ils fournissent, et informer la population sur la nécessité de dénoncer activement les crimes de viol.

## **2. Questions raised by Human Rights Committee members to the Rwanda during the dialogue at the 116 session of the Human Rights Committee (extracted from the summary records CCPR/C/SR.3250 and CCPR/C/SR.3251)**

**Mr. Vardzelashvili** said that he would like to know whether it was true that, under Act No. 59/2008, which dealt with the prevention and punishment of gender-based violence, persons who filed a complaint could be punished for refusing to testify in court. He invited the delegation to describe the type of assistance provided to victims of gender-based violence and to elaborate on the protection measures in place for those victims.

**Ms. Pazartzis** welcomed the strong representation of women in the civil service and would like to have statistics on women's representation in decision-making positions in provincial governments and in the private sector. She wished to know about any measures taken to reduce the gender pay gap and horizontal segregation in employment, especially in the informal sector. Updated statistics on gender parity in secondary and higher education would also be appreciated.

**Mr. Vardzelashvili**, while commending the State party's numerous initiatives for combating gender-based violence, asked why the penalties established

for spousal rape were lower than those for other forms of rape. Noting that free medical assistance was provided to victims of sexual violence, he said that he wondered whether the same services were also provided to victims of domestic or gender-based violence in general. Statistics on the number of complaints of gender-based violence that had resulted in investigations, prosecutions and convictions would be welcome. It would be useful to have those statistics disaggregated by region so as to determine the extent to which the Isange One-Stop Centres had been effective in responding to incidents of gender-based violence. Noting that one of the centres had been visited by more than 4,500 victims of violence but that only 2,300 of those cases had been investigated and prosecuted, he wished to know the fate of the other victims and the follow-up given to their cases. It would also be helpful to have figures on cases involving child abuse and the sexual exploitation of children, which he understood were serious problems in Rwanda.

### 3. Information given by the Delegation of Rwanda during the dialogue with the Human Rights Committee (extracted from the summary records CCPR/C/SR.3250 and CCPR/C/SR.3251)

- **Regarding the women participation in public affairs**

**Mr. Busingye (Rwanda):** “With regard to gender equality, under the Constitution at least 30% of decision-making positions in public institutions must be occupied by women. The proportion of women in the Government currently stood at 38%, while in the judiciary it was 50 per cent and in Parliament 64%. Rwanda had the highest percentage of female Members of Parliament in the world; women also led a third of the country’s ministries, including those in charge of foreign affairs, agriculture and health”.<sup>3</sup>

- **Regarding judicial measures taken to fight violence against women**

**Mr. Busingye (Rwanda):** “The Government took a zero-tolerance stance on gender-based violence and had adopted a comprehensive policy on the subject in 2011, under which both prevention and accountability mechanisms had been strengthened. Trials of cases dealing with gender-based violence were being held in the communities in which the crime had allegedly been committed so that local people could see the perpetrators of such violence being held to account. The Rwanda National Police, the military and the National Public Prosecution Authority had all established gender-based violence desks and monitoring units, and the Access to Justice Bureaus each had one staff member assigned to gender-based violence cases. There were currently 23 Isange One-Stop Centres providing holistic care to victims of

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<sup>3</sup> However, according to the reports of 2013-2014 and 2014-2015 of the Gender Monitoring Office (GMO), there is still a gender gap at the local levels where the percentage of women remains lower than that of males.

gender-based violence, but the plan was to have at least one in each of the country's 30 districts by the end of 2016".<sup>4</sup>

- **Regarding to discriminatory provisions in areas such as parental responsibility and authority**

**Mr. Rugema (Rwanda)** "The Family Code had been amended to remove discriminatory provisions in areas such as parental responsibility and authority. The Government had encouraged couples to register their marriages and had conducted awareness-raising campaigns so that women, particularly those living in rural areas, were fully aware of their property and inheritance rights and knew how to avail themselves of those rights. Efforts had also been made to increase the number of women in senior decision-making positions at the provincial level, although further progress needed to be made in that regard. The Government had implemented several measures aimed at achieving gender parity and narrowing the gender wage gap. Detailed statistics would be provided on that matter at a later date. In regard to the rights of lesbian, gay, bisexual, transgender and intersex persons, the Constitution expressly prohibited all forms of discrimination and offered protection to all citizens."<sup>5</sup>

- **Regarding the current review of the Criminal Code about conjugal rape and sexual violence against women and children**

**Mr. Busingye (Rwanda)** "The Government remained committed to eradicating all forms of discrimination. It was currently reviewing the articles of the Criminal Code which prohibited spousal and other forms of rape with a view to harmonizing and strengthening them and had made health-care treatment available free-of-charge to victims of gender-based violence. Detailed statistics on the number of investigations undertaken in cases involving violence against women and on the number of associated prosecutions and convictions would be provided at a later date. Measures had also been adopted to combat and prevent all forms of child abuse, including sexual exploitation of children and child labour. In regard to access to abortion, the Government intended to assess the impact of the 2012 amendment to the Criminal Code which had expanded the permissible grounds for abortion and would subsequently decide whether to carry out further reforms. The number of women resorting to illegal abortions was not known."<sup>6</sup>

- **Regarding to legislation on violence against women as imposing penalties on victims who refused to testify**

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<sup>4</sup> However the desks should be decentralised in order to reach the victims of GBV at every level, for example having desks at sector level not only at district level.

<sup>5</sup> Increase awareness, including campaigns on human rights principles to all the population should be addressed not only to women. Both women and men should know their rights and responsibilities.

<sup>6</sup> However the child labour law and the process of legal abortion is very long (from demand to the authorisation) should be reviewed.

**Mr. Busingye (Rwanda)** “The Government did not interpret the legislation on violence against women as imposing penalties on victims who refused to testify, but it would review the legislation in the light of the Committee’s comments. The aim had been rather to deal with cases of perjury or the use of false information to incriminate an innocent person. If it stopped a woman victim of violence from testifying, however, action must be taken to rectify the legislation. The Government provided care and protection for victims of gender-based violence through the Isange One-Stop Centres, of which there were currently 23, although it was hoped that there would be 30 of those centres by the end of 2016. Safe houses were also provided for victims of domestic violence.”<sup>7</sup>

#### **4. The recommendation adopted by the Human Rights Committee (extracted from the Concluding observations on the fourth periodic report of Rwanda CCPR/C/RWA/CO/4)**

In the Concluding Observations adopted by the Human Rights Committee in March 2016 the following recommendation was included:

**15. While welcoming the various efforts made to combat gender-based violence, the Committee notes with concern that Law No. 59/2008 on prevention and punishment of gender-based violence criminalizes victims’ refusal to testify with regard to the violence they suffered and that national legislation applies more lenient penalties to conjugal rape than to general rape. It is also concerned about the lack of statistical data that could be used to assess the prevalence of sexual and physical violence against women and children (arts. 3 and 6-7).**

**16. The State party should:**

- (a) Make the necessary legislative amendments in order to apply the same penalties to all types of rape and repeal the provision that criminalizes the victim’s refusal to testify;**
- (b) Ensure that cases of domestic and sexual violence are thoroughly investigated, that the perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated;**
- (c) Guarantee the issuance of protection orders in order to ensure the safety of victims;**
- (d) Step up its efforts to guarantee the availability of a sufficient number of Isange one-stop centres and support services in all parts of the country.**

This recommendation is a priority recommendation for the Human Rights Committee as it was selected for the follow-up procedure. According the follow-up procedure, the State party is required to provide information on the measures taken to implement this recommendation by 31<sup>st</sup> of March 2017.

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<sup>7</sup> However the implantation of the Isange One-Stop Centres should be in the sectors not only at district district level so that centers could be near victims.