

**REPUBLIC OF RWANDA**



**CONSIDERATION OF RWANDA'S EIGHTEENTH TO TWENTIETH PERIODIC  
REPORTS ON IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE  
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

**Statement by H.E. Dr. François Xavier Ngarambe**

**Ambassador and Permanent Representative of Rwanda and Head of Delegation**

**April 28 2016 – Geneva, Switzerland**

**Distinguished Chairperson, Members of the Committee, representatives of Civil Society,**

1. On behalf of the Government of Rwanda, I am pleased and honoured to address the Committee on the Elimination of Racial Discrimination and to have this opportunity to present the Eighteenth to Twentieth Periodic Reports of Rwanda on the status of implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. Allow me to congratulate you Madame Chairperson on your election as Chair of the Committee for its 89<sup>th</sup> Session. It is particularly gratifying for my delegation that the number of women members of the committee has also increased and brought it closer to parity, which, if I am not mistaken, is the exception rather than the rule among the treaty bodies.
3. As we continue to mark 50 years since the adoption of the Convention, the issues for which it was envisaged continue to challenge contemporary society in ever more complex terms. Racial discrimination, intolerance, xenophobia and racist hate speech continue to affect societies around the world. This makes the Convention and the work of this Committee ever more relevant today. Rwanda was pleased to co-sponsor together with Belgium, Slovenia and Brazil a reception following the one-day event on the 50<sup>th</sup> Anniversary of the ICERD.

**Distinguished Chairperson, Members of the Committee, representatives of civil society**

4. Five years ago, Rwanda presented to the Committee its thirteenth to seventeenth reports, the present report addresses in particular the matters

raised in the concluding observations and includes further information on recent legislation and other measures taken in order to eliminate racial discrimination. This report was prepared through a broad and inclusive consultative process that brought together government, civil society, development partners and other relevant stakeholders.

5. In the five years since the presentation of our last report, the government and people of Rwanda have continued to undertake and consolidate the task of rebuilding and reconstructing our society and nation. The Rwanda of today, is one that is characterized by a clarity of purpose; a political culture that values a diversity of views, opinions and consensus building; where Rwandans are at the centre of planning processes and are active participants in the implementation of programmes that impact their lives. This is underpinned by a system of laws and institutions that guarantees justice for all and creates an environment that gives Rwandans the confidence to pursue their potential unhindered.
6. The 1994 genocide against the Tutsi in Rwanda, the massacres and pogroms of 1959, 1963, 1967, 1973 and the systematic and institutionalized discrimination and persecution of the Tutsi that preceded it are part and parcel of the collective memory of all Rwandans. No one was ever prosecuted for any of the offences committed against the Tutsi people and instead legal amnesties were provided. Law No. 6 of August 1962 and Law No.20 of May 1963 which provided a blanket amnesty for all offences between 1959 and 1963. These were ostensibly crimes committed against Tutsi people including killing and destruction of property. Law No. 3 of February 1979 went so far as to grant posthumous amnesty to Gregoire Kayibanda for offences he committed relating to the killing and exiling of Tutsis.

7. They are those who may perhaps wish to return to that period, who persist in peddling falsehoods and deliberately mischaracterising the status quo in Rwanda. Under the guise of ancestral land rights they claim to have been deprived of, or the denial of their existence, or a lack of access to social and other services, they claim to be discriminated against. By doing so, they promote the very policy of racialisation and discrimination which was practiced in the past, resulting precisely in their systematic marginalisation and stigmatisation and that resulted in the 1994 genocide against the Tutsis.
8. It is this legacy of discrimination, marginalisation and wanton impunity that the people of Rwanda have resolved to turn their backs on. It is this legacy that informs the government and people of Rwanda to forge a Rwandan identity “Ubunyarwanda” where we are all equal before the law and enjoy the same rights, where no one group’s interests supersede those of the other. We have resolved to never again return to the politics of divisionism and the policies of racialisation, primitivisation and marginalisation. Today we are proud Rwandans, focused on entrenching our Rwandaness over narrow and artificial ethnic divisions.
9. It is within this context that Rwanda continues to work towards eliminating racial discrimination in all its forms and manifestations in accordance with its obligations under the ICERD.

Allow me to highlight a few of the recent developments in Rwanda as far as the implementation of the ICERD is concerned.

## **Legal and institutional framework policies and frameworks to ensure the implementation of the Convention (arts 1,2,4,6 and 7)**

10. Articles 12 to 43 of the Constitution of the Republic of Rwanda provide the basis for the protection and promotion of human rights in Rwanda. In particular, Article 42 provides that the State has the responsibility to promote the human rights of Rwandans. Article 43 also gives the judiciary the responsibility to be the guardian of human rights and freedoms and thus hold the State accountable.

11. The Constitution in its article 15 upholds the principle of protection from discrimination. Article 16 provides that all Rwandans are born and remain equal in rights and freedoms and that the discrimination of any kind or its propaganda based on, inter alia, ethnic origin, family or ancestry, clan, skin colour or race, sex, religion, economic status, religion or faith, opinion, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law.

12. The Constitution of the Republic of Rwanda mentions the principle of equality and further elaborates it in several domestic laws. The application of international human rights treaties ratified by Rwanda through the incorporation of relevant provisions into national legislation and the prominence given to them in the Constitution strengthens the national legal framework guaranteeing non-discrimination and equality. Positive discrimination is only practiced when the government takes affirmative measures to assist the most vulnerable members of our society through home grown solutions such as "Girinka", "Ubudehe" and free healthcare that guarantee access to services for Rwandans.

Progress in revising Law N°18/2008 of 23 July 2008 on the punishment of the crime of genocide ideology in order to clarify the definition of genocide (CERD/C/RWA/18-20, para. 37; CERD/C/RWA/CO/13-17, para. 14);

13. Law N°18/2008 of 23 July 2008 on genocide ideology has been modified and replaced by Law N°84/2013 of 11 September 2013. This new law in its article 3, stipulates the definition and acts constituting the crime of genocide ideology. Articles 4 to 11 clearly define the genocide ideology related offences while article 12 outlines the punishment of the crime of genocide ideology and other related offences.

14. Prior to the 2008 genocide ideology law being promulgated, research and consultations were conducted by Parliament all over the country, the results of which were sobering. The research found that genocide ideology was still very much entrenched in the minds of ordinary Rwandans. At the time it was still possible for divisive ideas to be taught in schools or more commonly passed on by parents to their children. It was therefore apparent that there was an urgent need to enact firm laws against genocide ideology to deter from harbouring or promoting it and to compliment other educational measures to fight it.

15. However, it became clear in practice that the law had significant loopholes. In an effort to identify those loopholes, research was carried out among lawyers, judges and academics to identify the challenges faced in implementing the law. Some of the challenges noted included, an unclear definition of genocide ideology; the possibility of punishment for intent with no accompanying action; punishment of speech made in public; long sentences; description of groups

that may be vulnerable to genocide beyond the scope of the genocide Convention.

16. In an effort to address those challenges and amend the law, several experts in international justice were engaged to advise the drafters on a model law that was fit for the purpose it was intended and conformed to Rwanda's international obligations. Law N°84/2013 of 11 September 2013 has a more specific definition of the crime of genocide; a separation of genocide ideology from related offences; an emphasis on the need for statements amounting to genocide ideology to be made in public; and respect for the principles of presumption of innocence and other fair trial obligations.

#### **Situation of the Batwa people (arts. 2, 5 and 7)**

17. In view of the context referred to previously, Rwanda adopted the National Unity and reconciliation policy in 2007. According to this policy, Unity and Reconciliation of Rwandans is defined as a consensus practice of citizens who have common nationality, who share the same culture and have equal rights; citizens characterized by trust, tolerance, mutual respect, equality, complementary roles/interdependence, truth, and healing of one another's wounds inflicted by our history, with the objectives of laying a foundation for sustainable development. To attain this, a radical shift on the part of Rwandan society and willingness was required to transform Rwanda into a reconciled and united nation in which all citizens have equal freedoms and a country that has a common vision for a better future. In Rwanda, all people are treated equally in every aspect of life: education, health, culture, justice and so on as stipulated by the constitution. The Government of Rwanda does not consider any group of Rwandans as distinct from others.

## **Refugees and asylum seekers**

18. In accordance with article 18 of Law N°13ter/ 2014 of 21/05/2014 of Relating to Refugees', any person having obtained refugee status in Rwanda enjoys the rights and liberties provided for by law. In line with the granting of refugee status, refugees are documented and have access to all social services including health and education.

**Madame Chairperson, Members of the Committee, representatives of Civil Society,**

19. The promotion and protection of human rights in Rwanda is not without its challenges, as is the case elsewhere. These challenges are ever present in the battle to eliminate racial discrimination. In Rwanda, 22 years after the genocide against the Tutsi we continue to witness denial, revisionism and deliberate attempts to return us to a past we have left behind. We are however committed to continue consolidating the progress we have registered so far and responding to issues as they emerge. For the Government of Rwanda, it is the real impact on the lives of all our people that is the true measure of progress in the enjoyment of fundamental rights and freedoms.

20. With those remarks Madame Chairperson, my delegation is now pleased to interact with the Committee.

I thank you for your kind attention.