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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Rwanda

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



Introduction

1. The Republic of Rwanda supported 160, noted 75 and deferred 49 of 284 recommendations received during its universal periodic review, as confirmed in the report adopted by the Working Group on the Universal Periodic Review on 29th January 2021.
2. The Government of Rwanda has carefully reviewed the 49 remaining recommendations that were marked as deferred and hereby presents its position on the same.
3. There are some that noted in part, and others did not enjoy our support as they included some inaccurate assumptions or assertions, that are not reflecting the reality on the ground.

I. Recommendations to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Recommendations 135.1; 135.2; 135.3; 135.4; 135.5; 135.6; 135.7; 135.8; 135.9; 135.10; 135.11; 135.12; 135.13; 135.14; 135.15; 135.16; 135.17; 135.18 and 135.19)

4. Though the Government of Rwanda shares the goals of the Convention, we do not support the recommendation of ratification of the International Convention for Protection of All Persons from Enforced Disappearance, as the Government of Rwanda is still considering the evolution of some geopolitics in the region that might have impact on implementation of the Convention, and is also in the process of ascertaining whether all constitutional requirements are in place.

II. Recommendations to ratify Rome Statute (Recommendations 135.20; 135.21 and 135.22)

5. While Rwanda recognizes the goals to fighting impunity of serious crimes like genocide, crimes against humanity wherever they occur, we do not support these recommendations requesting to ratify the Rome Statute.

III. Cooperate with special procedures and reengage with SPT (Recommendations 135.23; 135.24; 135.25; 135.26 and 135.27)

6. Rwanda notes the recommendation Rec. 135.23 requesting to cooperate with Special Procedure. Rwanda maintains its position of standing invitation to Special Procedures given during its first review in 2011. Rwanda values the interaction and cooperation with Special Procedures and will to the extent consistent with their respective mandate, and on mutually agreed terms, examine request by request.
7. However, we do not support Rec. 135.24, 135.25, 135.26 and 135.27 regarding reengaging with SPT. Rwanda is still concerned by the attitude and the way the first visit was terminated.

IV. Recommit to Rwanda's previous declaration under article 24 (6) of the African Charter on Human and Peoples' Rights (Recommendations 135.28 and 135.38)

8. Rwanda does not support these recommendations, as the reasons that pushed Rwanda to withdraw its declaration remain, therefore Rwanda still has concerns with regard to the impartiality and independence of the Court.

V. Criminalize the compulsory recruitment of children in the national armed forces and non-State armed groups (Recommendations 135.29; 135.30 and 135.31)

9. These recommendations are not supported as they are considered as irrelevant and they refer to acts that don't reflect the reality on the ground. The laws are clear for the age of enrolment in Rwanda Defence Force and Rwanda National Police.

VI. Carry out independent investigations into all allegations of human rights violations such as forced disappearances, arbitrary and prolonged detentions, extrajudicial executions, and torture and ill-treatment in detention centers and ensure the prosecution of alleged perpetrators (Recommendations 135.33; 135.34; 135.35; 135.36 and 135.37) protection of journalists and human rights defenders and ensure freedom of expression (Recommendations 135.41, 135.44 and 135.45)

10. We do not support all these recommendations as they include inaccurate assumptions or assertions. Rwanda reiterates that arbitrary arrests and detentions, suspicious deaths in detention, excessive use of force, are not part of the government's policy and those acts are recognized as crimes and whenever they happen, investigations are undertaken.

VII. Revision of laws on constitution, law on genocide denial and law on registration of NGO (Recommendations 135.32, 135.40, 135.42 and 135.43)

11. We do not support Rec. 135.32 as the Article 16 paragraph one of Rwandan Constitution makes it clear that all Rwandans are born and remain equal in rights and freedoms. The subsequent paragraph prohibits discrimination of any kind.

12. With regard to Rec. 135.40, it did not enjoy our support as the 2018 law determining offences and penalties in general, Article 93 (3°) punishes direct or indirect incitement to commit genocide. This provision does not contradict any international standards relating to freedom of expression and therefore we find the recommendation irrelevant.

13. Rec. 135.42 and 135.43 on NGOs registration process and consultations thereof did not enjoy our support, as the Government of Rwanda considers that it's not an issue to be recommended on. Rwanda is committed to continue promoting collaborative partnership with NGOs as strategic partners, the review of existing laws governing National and International NGOs has taken place and continue to be reviewed when necessary, and all stakeholders including NGOs have been brought on Board throughout the process.

VIII. Promote religious tolerance by ensuring accommodation for religious minorities in the workplace (Recommendation 135.39)

14. We note the recommendation 135.39. Beginning from the Constitution, Article 16 explicitly prohibits discrimination based on religion. Article 37 protects freedom of conscience and religion. Article 57 prohibits political organizations from basing themselves on religion among other things.

15. Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda, Article 9 provides for the protection against discrimination at workplace. This provision makes it clear that an employer must give employees equal opportunities at the workplace and that an employer is prohibited from discriminating employees on the basis of region among other things.

16. These provisions are also respected in practice, therefore we find the recommendation already fully covered hence there is no need to be included on the list of those that Rwanda will be focusing on in the next UPR cycle.

IX. Screen, identify and provide support to trafficking victims, including those held in Government transit centres (Recommendation 135.46)

17. We note in part of the recommendation on efforts to identify, support and track victims of human trafficking, as Rwanda has already fairly deployed to deal with human trafficking phenomenon.

18. We do not support the second part of the recommendation as it is suggesting there are victims of human trafficking in Transit centers. This is an unsubstantiated assumption. There are no trafficking victims held in Government transit centers.

X. Protection of children against sex exploitation and early marriage (Recommendations 135.47; 135.48 and 135.49)

19. Rwanda is committed to combat sexual exploitation in general and exploitation of children in particular as it is strongly prohibited and carries harsh penalties for perpetrators.

20. We do not support the recommendations as there is nothing amounting to child sex industry of tourism in Rwanda.

21. With regard to child marriage, we would wish to note that marriageable age in Rwanda is 21 years old. Any sex related acts committed against a child (below 18) is considered a crime and punishable by law. Based on the above these recommendations are not relevant to reality on the ground and therefore not supported.
