



# National Commission for Human Rights/Rwanda

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## THE SUBMISSION OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS OF RWANDA TO THE ELEVENTH SESSION OF THE OPEN-END WORKING GROUP ON AGEING

### Responses to the guiding Questions for Focus Area: **Access to Justice**

#### National legal framework

1.
  - The Constitution of Rwanda clearly recognizes the fundamental human rights which are supported by the principles of rule of law, good governance and due process as enshrined in the major human rights treaties, Article 29 states that everyone has the right to due process of law.
  - This include access to justice by all individuals without discrimination older people included,
  - The non-judicial mechanisms include the Mediation Committees (abunzi) which is the free and affordable justice mechanism established to mediate all citizen without discrimination and to settle disputes in their jurisdictions.

#### Availability

2.
  - Judicial mechanisms are available through the establishment of courts available to all Rwandans.
  - The law N° 37/2016 of 08/09/2016 determining organization, jurisdiction, and competence and functioning of "Abunzi" Committee was adopted as an alternative dispute resolution mechanism to settle disputes of their competence by mediation;
  - Kigali International Arbitration Center is also an alternative dispute resolution mechanism;
  - Non-judicial dispute resolution mechanisms, such as Ombudsman procedures, National Commission for Human Rights and administrative grievance mechanisms are available.

#### Accessibility

- 3.

- The Rwandan justice system is secure : there is a legal framework
- affordable like community mediators “Abunzi” are free of charge
- Courtrooms and other justice-related facilities are accessible to all persons (Community mediators “Abunzi” are established at community level)
- There is an Electronic Integrated Case Management System which makes the Justice system available to all.

#### 4.

- There is a national legal aid policy which establishes Access to Justice Bureaus (MAJ) in 2007 in all 30 districts of Rwanda that serves as the first point of orientation with legal aid service for all Rwandans without discrimination. MAJ mainly provides legal information/education as well as legal advice/mediation to older persons. MAJ staffs have powers to provide legal and judicial aid to indigents and needy `They assist, counsel, represent and plead, before all courts, for indigents. They analyze cases, offer legal advice, mediate and sensitize older persons on their legal rights.
- The National Commission for Human Rights, Rwanda Bar Association assist older persons in courts;
- NGOs like the Legal aid Forum and Haguruka provide legal aid for older persons.
- The article 60 of Rwanda bar Association gives responsibility to RBA to assist needy and vulnerable person

5. The main challenge encountered by older persons in accessing justice and remedy is ignorance of the law and illiteracy.

#### 6.

- Effective justice and remedy are guaranteed to all on an equal basis with others and not be denied on the basis of age.
- Legal aid is guaranteed to needy and vulnerable persons and not restricted
- Older persons are able to be equal and active participants in all aspects of the justice system, as plaintiffs and defendants as well as judges, lawyers, or members of other legal tribunals, community mediators “Abunzi”

### **Equality and non-discrimination**

#### 7.

- The 2003 Constitution of Rwanda revised in 2015 in its article 15 states that all persons are equal before the law. They are entitled to equal protection of the law.
- Older persons access legal services, including legal assistance and legal aid, on an equal basis with others without discrimination.

**8.**

- The country has adopted different policies for the promotion of inclusive justice and in particular social welfare of older people. They include the following:
  - The legal aid policy provides legal aid for vulnerable persons including older persons;
  - National Strategy for Transformation consolidates Good Governance and Justice as, building blocks for equitable and sustainable National Development
  - Vision 2020 that provides for inclusive access to justice;
  - The Government of Rwanda has acceded the Protocol to the African Charter on Human and Peoples' Rights on the rights of Older Persons in Africa;
  - Justice sector (National commission for Human Rights, Ombudsman, Ministry of Justice) for capacity building and awareness raising, legal aid week awareness
  - Commemoration of older persons abuse day and Human Rights Day of older persons

**Accountability**

- The independence of judiciary is reflected in the article 150 of the 2003 Constitution of Rwanda revised in 2015 which states that “the Judiciary is independent and exercises financial and administrative autonomy. Judges works independently from the Government and the executive and the legislative
- The Office of the Ombudsman
- National Commission for human rights to ensure fundamental rights.
- the courts inspection and the high council of judiciary are addressed any discrimination against all persons committed by justice system professionals without discrimination, especially based on age.

**Kigali, 31<sup>st</sup> October 2019**