Chapter 1. General provisions

Article 1: Scope of this law
This Law determines the organization and functioning of the National Commission for Human Rights, referred to as the “Commission”, in the following provisions.

Article 2: Headquarters of the Commission
The headquarters of the Commission is established in the City of Kigali, the Capital of the Republic of Rwanda. It may be transferred elsewhere in Rwanda if considered necessary.

Article 3: Autonomy of the Commission and its duration
The Commission is independent and permanent.
Chapter 2. Responsibilities and powers of the commission

Article 4: Responsibilities of the Commission
The Commission has the general responsibility of promoting and defending human rights.

Its special responsibilities include the following:

1° educating and mobilizing the population on matters relating to human rights;
2° examining the violations of human rights committed within the territory of the Republic of Rwanda by State organs, public officials using their duties as cover, organizations and individuals;
3° carrying out investigations of human rights abuses in Rwanda and filing complaints with competent courts;
4° collaborating with other organs in designing strategies to prevent violations of human rights;
5° reacting to reports on human rights in Rwanda subject to the independence of the Commission;
6° preparing and disseminating reports on human rights conditions in Rwanda on a yearly basis and any time as deemed necessary;
7° providing views on bills relating to human rights upon request or at its own initiative;
8° sensitizing relevant Government Institutions as regards ratification of International Conventions relating to human rights and integrating them in existing internal laws;
9° carrying out visits to places of detention to check whether the rights of detainees are being respected;
10° providing relevant Government Institutions with suggestions as to action which may be taken in case of human rights violations for their rectification and punishment in accordance with the law;
11° collaborating with Human Rights Commissions of other countries, national associations and International Organizations as regards activities aiming at respecting and promoting human rights;
12° sensitizing relevant Government Institutions as regards submission on time the reports relating to International Conventions on Human Rights ratified by Rwanda.

Article 5: Plan of action and the organ to which the commission submits it
The Commission shall submit an annual plan of action to Parliament before the session meant for examination of the budget begins and reserve a copy thereof to the President of the Republic, the Cabinet and the Supreme Court.

Article 6: Organs to which the commission submits the report
The Commission shall submit its activity report in a period not exceeding the first three (3) months of the following year and reserve a copy to the President of the Republic, the Cabinet and the Supreme Court.

The Commission shall also submit to the President of the Republic, the Parliament, the Cabinet and the Supreme Court each year special reports on violations of human rights it acknowledges through investigations or research on human rights violations and those with side effects on such rights in accordance with responsibilities conferred on it by this Law.

Article 7: Publication of the Report of the Commission
The Commission shall disseminate its annual report subsequent to its submission to Parliament.
Article 8: Setting up of the Internal Rules and Regulations of the Commission
Subject to this law, the Commission shall institute its own rules and regulations which shall be published in the Official Gazette of the Republic of Rwanda.

Article 9: Powers of the Commission
To achieve the objectives referred to in article 4 of this law, the Commission shall have the following powers:

1° to receive and analyse testimonies relating to human rights violations;
2° to get to any place where human rights violations are reported and alleged including detention premises for investigation;
3° to reach, question and seek explanations from anybody likely to have testimony, information, responsibility and technicality likely to enlighten the Commission in analysing and collecting human rights violation acts;
4° to get access to documents, read through them from where they are or get their copies as well as any other evidence likely to help the Commission analyse and collect elements of evidence of human rights violation. Documents or any other material given to the Commission shall be returned to the owners or relevant monitoring organs in a period not exceeding three (3) months;
5° to request relevant organs to render justice unconditionally to any victim the Commission finds his or her rights violated;
to request for prosecution of any person in judicial organs who commits any act of human rights violations;
6° to seize the courts with the claims relating to human rights violations;
7° to carry out research on extra ordinary issues with a view to promoting human rights and publish the findings.

Article 10: Powers of the Judicial Police and seizing courts
Commissioners shall have permanent judicial police powers in the entire territory of Rwanda while discharging their duties.

If considered necessary, a member of staff of the Commission shall be given judicial police powers upon request from relevant authorities by the Chairperson of the Commission.

The Commission shall have powers to seize civil, commercial, labour and administrative courts in case of violation of human rights as provided by the Constitution, international conventions ratified by Rwanda and other laws. In that regard, the Commission may be represented by state attorneys or Lawyers of its own choice.

While exercising its powers, the Commission shall respect the Rwandan laws without prejudice to attributions of other institutions, and it shall employ such powers in case of violation of public and individual interests or if other relevant institutions fail to fulfil the requirements as required by laws.

Chapter 3. Members and organs of the commission
Section 1. Commissioners of the Commission

Article 11: Number of the Commissioners and requirements
The Commission comprises seven (7) commissioners.

For a person to be a commissioner, he or she shall fulfil the following:

1° be a Rwandan;
2° be a person of integrity;
3° not to be prosecuted for the crime of genocide;
4° not to be characterised by genocide ideology;
5° be experienced in administration or was once an administrator;
6° not to have been definitively sentenced to a sentence equal to or exceeding six (6) months without suspension of sentence;
7° to have capacity and wisdom in the duties assigned to him or her.

Article 12: Appointment of Commissioners and their term of office
The Cabinet shall submit draft Presidential Orders appointing commissioners in order for the Senate to approve them. Commissioners approved by the Senate shall be appointed by a Presidential Order.

At least thirty per cent (30%) of the members of the Commission shall be women.

The term of office of the commissioners is four (4) years, which may be renewed only once in a manner provided for in paragraph One of this article. In such a term of office, commissioners shall be employed on a permanent basis.

Article 13: Taking oath of Commissioners
Before assuming their duties, Commissioners shall, before the Supreme Court, take oath which is prescribed by article 61 of the Constitution.

Article 14: Immunity of the Commissioners
Commissioners shall not be prosecuted before courts due to their views expressed or published on the basis of their responsibilities. Commissioners shall not be provisionally detained, unless they are caught red handed committing an offence whose penalty exceeds a five (5) year imprisonment, or under other serious causes upon approval by a court which is competent to hear cases on merit. The immunity shall cover only offences committed while in their duties or those related to their duties.

Article 15: Benefits of Commissioners
A Presidential Order shall determine the benefits to be given to the Commissioners who are on duty and those who have completed their term of office.
Article 16: Restrictions to the Commissioners
Commissioners are not allowed to perform any other remunerated work. However, they may perform research activities relating to their duties, literature and art provided they are not incompatible with the activities of the Commission and upon approval by the Council of Commissioners.

Article 17: Reasons for removing a Commissioner from duty
A Commissioner shall leave such an office if:

1° the term of office expires;
2° he or she resigns in writing;
3° he or she is removed from office by the organ that appointed him or her;
4° he or she is no longer able to perform his or her duties due to illness or disability certified by a panel of medical doctors chosen by the Minister in charge of health;
5° he or she is characterised by behaviour that is contrary to his or her responsibilities;
6° he or she violates human rights;
7° he or she no longer fulfils the requirements considered at the time of his or her appointment;
8° he or she jeopardises the interests of the Commission;
9° he or she is definitively convicted of an imprisonment equal to or exceeding six (6) months without suspension of sentence;
10° he or she dies.

The resignation of one of the Commissioners shall be tendered to the President of the Republic through a recommended letter or with an acknowledgment of receipt. If a period of thirty (30) days elapses with no response, the resignation shall be considered as approved.

Article 18: Replacement of a Commissioner
In case one of the Commissioners ceases to carry out his or her functions, resigns, is appointed to other duties or leaves due to any other grounds, the Chairperson of the Commission shall notify the President of the Republic, the Parliament and the Cabinet of the drop in the number of Commissioners in a period not exceeding eight (8) days.

The Cabinet shall submit to the Senate, within a period not exceeding three (3) months, names of candidates who fulfil requirements referred to in article 11 of this law, for every vacant post.

However, where the number of Commissioners is less than four (4), it shall be completed within a period of sixty (60) days.

In case a member of the Council of Commissioners leaves his or her duties before the expiration of his or her term of office, the competent authorities shall appoint his or her substitute. The appointee shall complete the remaining term of office.

Section 2. Organs of the Commission

Article 19: Administrative organs
The administrative organs are as follows:

1° the Council of Commissioners;
2° the Bureau of the Commission.

**Sub-section 1. Council of Commissioners**

**Article 20:** ***Supreme organ of the Commission, its meeting modality and mode of taking decisions***

The Council of Commissioners is the supreme organ of the Commission.

The Council of Commissioners shall meet in the presence of at least four (4) of its members. Its decisions shall be taken by consensus of its members. Failure to obtain such consensus, the decisions shall be taken on the absolute majority vote of its members. However, decisions relating to reports of the Commission and other decisions submitted to other organs shall be taken by consensus.

**Sub-section 2. Management of the Commission**

**Article 21:** ***Management of the Commission***

The Commission shall be headed by its Chairperson, assisted by the Vice Chairperson. Both of them shall be members of the Bureau of the Commission.

The Chairperson and Vice Chairperson are chosen by the Cabinet from among Commission members and approved by the Senate.

**Article 22:** ***Responsibilities of the Chairperson of the Commission***

The Chairperson of the Commission is responsible for:

1° convening and presiding over Commission meetings;
2° coordinating the Commission’s activities;
3° representing the Commission inside and outside the country;
4° serving as the spokesperson for the Commission;
5° submitting the Commission’s reports to the relevant institutions;
6° performing such other duties as may be assigned to him or her by the Council of Commissioners.

**Article 23:** ***Responsibilities of the Vice Chairperson of the Commission***

The Deputy Chairperson of the Commission is responsible for:

1° serving as a the Rapporteur for the meetings of the Council of Commissioners;
2° assisting and deputizing for the Chairperson in case of his or her absence;
3° carrying out a daily follow-up especially on the administrative and financial matters;
4° performing such other duties as may be assigned to him or her by the Council of Commissioners relating to the responsibilities of Commission.

In case of absence of the Deputy Chairperson or when he or she deputizes for the Chairperson, one of the Commissioners approved by the Council of Commissioners shall be the rapporteur for the meetings of the Council of Commissioners.

**Convening of the meeting of the Council of the Commissioners and how it is chaired in absence of the Chairperson and the Vice Chairperson**

**Article 24:**

If absence of both the Chairperson and the Vice Chairperson or if they are unable to exercise their functions, during the time they are not yet replaced as prescribed by this law, the most senior member shall invite a meeting of the Council of Commissioner to elect among themselves their provisional substitutes and its rapporteur.

**Chapter 4. Personnel and budget of the commission**

**Article 25: Support staff of the Commission**

The staff supporting the Commission in its daily activities shall be governed in accordance with General Statutes governing Rwanda Public service.

**Article 26: Patrimony of the Commission and its source**

The patrimony of the Commission shall comprise movables and immovables:

It shall come from the following sources:

1° State budget;
2° Government or donor grants;
3° proceeds from its services;
4° interest from its investment;
5° donation and bequest.

**Article 27: Preparation of the draft budget**

The Commission shall elaborate its draft budget proposal to be transmitted to the Minister in charge of finance for its approval by a Cabinet meeting.

**Article 28: Audit of the Patrimony of the Commission**

The patrimony of the Commission shall be audited by the Auditor General of State Finances.
Chapter 5. Penalties

Article 29: Penalties given to a person who jeopardizes the responsibilities and powers of the Commission

Any person who jeopardises the responsibilities and the powers of the Commission referred to in articles 4, 9 and 10 of this Law shall be liable to an imprisonment from one to two (2) months and a fine from fifty thousand (50,000) to one hundred thousand (100,000) Rwanda Francs or any of those penalties.

Where the hindrance is brought in by a public institution, the Commission shall elaborate a related special report and submit it to the organs referred to in article 6 of this Law.

Subject to more serious penalties provided for by the Rwandan Criminal Laws, where this hindrance is brought in by a legal entity, the latter shall be punished by suspension for a period ranging from six (6) months to one year and a fine from one million (RWF1,000,000) to five million Rwandan francs (RWF 5,000,000) or any of those penalties.

Article 30: No prescription for the cases prosecuted by Commission

Subject to the extinction provided by law, cases prosecuted by the Commission shall not be subject to any time limits in order to discover the truth and enforce the law.

Chapter 6. Miscellaneous and final provisions

Article 31: Abrogating provisions

All previous legal provisions contrary to this Law are hereby abrogated.

Article 32: Coming into force of the law

This law comes into force on the day of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 06/07/2007