Chapter I. ESTABLISHMENT AND ORGANISATION

Article 1:
This law establishes the organization and functioning of the Office of the Ombudsman, hereinafter referred to as "Office".

Article 2:
The Headquarters of the Office shall be in the City of Kigali, the Capital of the Republic of Rwanda. Upon request by the Office and upon approval by Cabinet, the Headquarters may be moved to another place in the country. The Office shall operate throughout the country and may set up branches in other parts of the country.

Article 3:
The Office is independent; in the accomplishment of its mission, it shall not take directives from any other institution. The Office shall in particular, work closely with the office of the President.

Article 4:
Modified and complemented by Law no 17/2005 of 18/08/2005

“The Office is made up of the Chief Ombudsman and two (2) Assistant Ombudsmen. They are required to be Rwandans known for their honesty, wisdom and capacity to fulfil their mandate.

For each position of the members of the Office, the Government shall submit the name of the candidate...
agreed upon by Cabinet to the Senate for approval.

Approved candidates shall be appointed by a Presidential Order.

The Chief Ombudsman shall serve a four (4) year term, while Assistant Ombudsmen shall serve a three (3) year term. The mandate of the Chief Ombudsman and Assistant Ombudsmen may be renewable only once through the procedure that was applied in the first mandate.”

**Article 5:**
Before exercising their duties, the Chief Ombudsman and Assistant Ombudsmen take the oath prescribed in Article 61 of the Constitution before the President of the Republic, in the presence of Members of Parliament and the Supreme Court.

**Article 6:**
*Modified and complemented by Law no 17/2005 of 18/08/2005*

“The mandate of the Chief Ombudsman or the Assistant Ombudsman may be terminated:

1° if he or she resigns for personal motives;

2° if his or her mandate ends and he or she is not reapproved through procedure provided for in paragraph 2 of article one of this law;

3° failure to discharge his or her duties, if it is clear that he or she is no longer honesty, or no longer have commitment, wisdom, analysis and capacity on which his or her election was based at the time of his or her approval;

4° he or she has physical or mental incapacity that may hinder him or her from fulfilling his or her obligations as certified by an authorized medical committee;

5° death. The decision to remove the Chief Ombudsman or Assistant ombudsman from office due to reasons mentioned in part 3°, paragraph one of this article, shall be taken by the Senate upon request by Cabinet or on request of a third (1/3) of the members of the Senate.

Resignation of the Chief Ombudsman or Assistant Ombudsmen shall be submitted in writing to the President of the Republic, and a copy reserved to the Senate. If the President of the Republic is silent within a period of thirty (30) days, the resignation is presumed to have been admitted.

Leaving Office based on part 4° of the first paragraph of this article shall be done through a Presidential Order, and the Senate shall be informed.

The Chief Ombudsman or Assistant Ombudsman, who leaves office due to any reason, shall be replaced in a period not exceeding three (3) months from the time he or she leaves office. The successor completes the period his or her predecessor had remained with.
The preceding paragraph shall not be respected if the remaining period of replacement does not exceed six (6) months to expire.”

Chapter II. OBJECTIVES

Article 7: Modified and complemented by Law no 17/2005 of 18/08/2005

“The responsibilities of the Office of the Ombudsman are as follows:

1° to act as a link between the citizen and public and private institutions;

2° to prevent and fight against injustice, corruption and other related offences in public and private administration;

3° to receive and examine, in the context mentioned above, complaints from individuals and independent associations relating to acts of civil servants, state organs, and private institutions and to mobilise such civil servants and institutions in order to find solutions to such complaints if it finds they are well founded;

4° to receive annually, the faithful declaration of the assets from the following persons:

a) the President of the Republic;

b) the President of the Senate;

c) the Speaker of the Chamber of Deputies;

d) the President of the Supreme Court;

e) the Prime Minister;

f) Members of Cabinet;

f) Senators and Deputies;

h) Generals and high ranking officers of the Rwanda Defence Forces;

i) Commissioners and high ranking officers of the National Police;

j) Leaders of the National Security Service;
k) Prefects of provinces and the Mayor of the City of Kigali;

l) District, Town or Municipality Mayors;

m) Career Judges, Career Prosecutors and Judicial Police Officers;

n) those in charge of receiving, managing and controlling the public finance and property, those responsible for public tenders in central administration, commissions, and specialised public institutions, local administration parastatals, public institutions with private management, institutions in which the government holds shares, state-owned projects and officials of those institutions;

o) those in charge of taxes and revenues;

p) other employees as mentioned in the annex to this law;

5° to advise Cabinet and other concerned institutions as regards strengthening and improving their policy of preventing, fighting and punishing corruption and other related offences;

6° to make a follow up of how policy of preventing and fighting against injustice, corruption and other related offences is implemented by public and private institutions;

7° to make a follow up on the respect of laws relating to conduct of politicians and other leaders;

8° to sensitize the population to refrain from corruption and other related crimes in general and to train service employees either in public and private institutions or non governmental organisations;

9° to identify and make public the list of persons definitively convicted for corruption and related offenses and the sentences they received;

10° to contribute to strengthening of good governance in all institutions by drawing the attention of such institutions where their functioning and inter relations are weak due to their contradiction with the law, with their respective attributions, with the State general policy or because they have negative impact to the population;

11° to sensitize the population on working together with public and private institutions to build the country and not fearing to denounce bad practices based on injustice, corruption and related offences;

12° to advise the public and private institutions as to improvement of the quality of services delivered to the population;

13° to submit annually its plan of action and activity report to the President of the Republic and the Parliament and reserve copies to other State organs mentioned in article 23 of law n° 25/2003 of 15/8/2003 establishing the organisation and the functioning of the Office of the Ombudsman.

In implementing its responsibilities, notwithstanding other provisions of this law, the members of the...
Office shall observe the following principles:

1° to always search for solution of problems through dialogue and mutual understanding;

2° to promote mediation, to provide guidance and initiate correction before resorting to its powers as conferred on it by law.”

**Article 7: bis**  
Added by Law no 17/2005 of 18/08/2005

“The first faithful declaration of assets of persons mentioned in article 3-4° of this law, soon after taking up office, shall be submitted to the Office of the Ombudsman within a period of one month after beginning such duties.

The faithful declaration of assets by persons mentioned in article 3-4° of this law shall be submitted to the Office of the Ombudsman not later than 30 June of every year, and when they leave their office, in a period not exceeding fifteen (15) days.

The declarations shall, among others, indicate the source of assets and how they change, assets of the spouse of the person declaring, and the assets of his or her children below eighteen (18) years of age and their source and how they change, donations the owners of the assets gave away and others.

The faithful declaration of assets indicating the actual assets of the Chief Ombudsman, assistant Ombudsmen and other staff members of the Office of the Ombudsman, who are required to declare their assets shall be submitted to the Bureau of the Senate in a period as provided to others who are required to declare their actual assets;

Faithful declaration of assets shall be confidentially kept such that knowledge of their content shall only be known to the owners and their receivers. If considered necessary, the President of the Supreme Court or the Prosecutor General of the Republic, after requesting for it in writing from the Chief Ombudsman, or the Bureau of the Senate, may be shown a faithful declaration of an accused person so that investigations may be carried out. However, if it is concerned with those dignitaries, the faithful declarations shall be requested for by their Assistants.”

**Chapter III. ADMINISTRATION AND FUNCTIONING**

**Article 8:**  
Decisions to be taken by all members of the Office at their meetings are in particular:

1° to submit a report on obstacles to good governance in the country;

2° to prepare adopt and amend the internal rules and regulations of the Office;
3° to prepare and adopt the action plan of the Office;

4° to recruit the staff the Office needs;

5° to prepare the annual budget of the Office, examine and approve of the implementation of the budget before it is submitted to institutions entrusted with auditing it;

6° to take decisions relating to injustice, corruption and related offences referred to the Office;

7° to look into the Office's reports and adopt them before they can be conveyed to concerned authorities.

**Article 9:**

Decisions of the Office shall be taken by consensus. Otherwise, members of the Office shall proceed to vote and decisions shall then be taken on majority vote.

**Article 10:**

*Modified and complemented by Law no 17/2005 of 18/08/2005*

«The Chief Ombudsman is responsible particularly for the following:

1° to coordinate and oversee the activities of the Office so as to fulfil all its attributions;

2° to represent and act as a spokesperson of the Office in all institutions of the country and abroad;

3° to convene and chair the meetings of the Office;

4° to submit reports to the institutions provided for by this law;

5° to notify to those concerned the decisions taken;

6° to follow up the implementation of the decisions taken;

7° to receive faithful declarations of assets from persons mentioned to in article 3-4° of this law;

8° to advise politicians and leaders on any behavior likely to discredit them in their functions.»

**Article 11:**

*Modified and complemented by Law no 17/2005 of 18/08/2005*

“Assistant Ombudsmen are particularly responsible for:

1° prepare training sessions for the population so that they may develop the culture of participating in good governance;
1° prepare seminars for government employees and staff in public and private institutions, in non governmental organisations so that they can improve their conduct and working methods;

3° to set up all possible means of preventing and eradicating injustice, corruption and other related offences;

4° to examine petitions related to injustice, corruption and other related crimes and to submit to the Office what is required to be done so that such petitions receive appropriate solutions;

5° to make a follow up on the faithful declaration of assets of persons mentioned in article 7-4° of this law.”

Article 12:
*Modified and complemented by Law no 17/2005 of 18/08/2005*

“The Administration of the Office determines the attributions of each assistant Ombudsman and the decision is taken through procedure provided for in article 9 of law n° 25/2003 of 15/8/2003 establishing the organization and the functioning of the Office of the Ombudsman.”

Article 13:
The internal rules and regulations of the Office shall provide for modalities of how its members stand in for one another when one of them is absent or is unable to carry out his or her duties.

Article 14:
*Modified and complemented by Law no 17/2005 of 18/08/2005*

“The Office collaborates with other institutions and shall not interfere with their day to day functioning. It shall not take decisions in their name.

The Office may submit to the relevant institutions petitions of injustice it received. The institution shall deliver a response to the Office of the Ombudsman through procedure provided for in article 11 of this law.”

Article 15:
*Modified and complemented by Law no 17/2005 of 18/08/2005*

“The Office has powers especially in the following:

1° to request for explanations on decisions and actions taken by Government and public institutions, private institutions and non governmental of organisations with which the population is not satisfied;

2° to carry out investigations on actions of Government institutions, public establishments or those of private institutions in which the population finds injustice;
3° identify laws hindering the good functioning of Government institutions or the population;

4° to submit to the Cabinet or the Chamber of Deputies proposals that may be included in draft bill of law or legal provisions that may be modified or put in place prior to identification of the relationship between the modification and the responsibilities of the Office.

The office requests for explanations and shall receive them in accordance with procedure provided for by article 11 of this law.”

**Article 16:**
The Office shall provide advice to leaders and other civil servants or private operators with the aim of fighting behaviour and all practices likely to be a source of injustice, corruption and relative offences.

**Article 17:**
The Chief Ombudsman and Assistant Ombudsmen can have the power to investigate all activities relating to the functions of the Office. For that purpose, they have the powers of Judicial Police Officers. The other personnel of the Office may be granted such competence by the Minister having Justice in his or her attributions.

The Office may receive assistance from other public or private institutions for the purpose of carrying out investigations.

It does its best to make sure the complainants are informed of the decisions taken within three months. Otherwise, they are given reasons in writing.

**Article 18:**
Where there are other organs provided for to resolve a problem, the Office helps the complaining party to first address his or her problems to those organs, and returns his or her complaint once those organs are unable or have neglected to solve it.

**Article 19:**
The Office has powers to request for documents, testimonies and explanations necessary for its investigations from public, parastatals, private organs and non-government organizations. It may listen from any person and request him or her to give necessary testimonies for the smooth running of inquiry.

The confidential nature of a document cannot prevent the Office from obtaining it. Secrets concerning the defence of the Country, its Security and foreign policy are obtained through means agreed upon by the Chief Ombudsman or his or her representative and the management of the relevant organs.

**Article 20:**
*Repealed by Law no 17/2005 of 18/08/2005*

**Article 21:**
*Modified and complemented by Law no 17/2005 of 18/08/2005*
“The office has powers to request for disciplinary sanctions to be imposed on any employee whether public or private, who has been unjust towards a person, an establishment or an independent association and to determine what should be done so that those who suffered injustice may find redress.

Where the findings of the Office are not acted upon, the official who was requested to act shall give reasons for explanation within the time given by the Office. Where there are concrete reasons for failure to give the required explanations within the time given by the Office, the official required to act may request for extra time and provide reasons thereto.

Such reasons shall not be admitted if they are communicated to the Office after the time in which the official was required to give explanations. The extra time is determined by the Office and it shall not be extended.

When the required explanations are not provided within the time specified in the preceding paragraph, or if they are available but not satisfactory to the Office, it shall make an urgent report to be submitted to the organs provided for by this law which may even be made public.”

Article 22:
The Office informs the concerned organs of acts of injustice, corruption and other related offences with supporting evidence so that they can carry out investigations. It has the power to inquire about the action taken to prosecute the accused and the measures taken by relevant authorities as well as making them public.

Article 23:
Within the first three months of every year, the Chief Ombudsman submits to the President of the Republic and to the National Assembly a report containing activities of the Office for the preceding year and showing the progress made in fighting injustice, corruption and related offences and in the promotion of good governance. A copy of this report is addressed to the Cabinet and the Supreme Court. Other concerned authorities receive a copy of a part of the report concerning them. Particular reports are transmitted to those concerned.

The Office shall publicize the report to the citizens. The Office makes other reports whenever it is necessary. All those the report is submitted to are expected to act on it in not more than three months.

Article 24:
Whatever is labelled by the report as having something fishy going on should be accompanied with evidences, pieces of advice or recommendations provided with the accused authorities and their impact as well with measures to be taken for solution.

Article 25:
*Modified and complemented by Law no 17/2005 of 18/08/2005*

«The Chief Ombudsman and the assistant Ombudsmen can not be brought before courts because of what they reveal in fulfilling to their responsibilities. In criminal procedures, they shall be individually
Article 26:
Modified and complemented by Law no 17/2005 of 18/08/2005

(\textit{«}The internal rules and regulations of the Office, the procedure of how the declaration of assets is carried out and how the Office conducts investigations on complaints of injustice, corruption and other related crimes and the benefits allocated to the members of the Office are determined by an Order of the President of the Republic.\textit{»})

Chapter IV. PERMANENT SECRETARIAT AND BUDGET OF THE OFFICE

Article 27:
The Office has a Permanent Secretariat managed by a Permanent Secretary. The Permanent Secretary and the other personnel are chosen and appointed in accordance with the law n°22/2002 of 09/07/2002 on General Statutes for Rwanda Public Service.

The organizational structure and organizational chart of the Office are established in accordance with the General Statutes for Rwanda Public Service.

Article 28:
The Permanent Secretary is responsible for the following:

1° directing the Permanent Secretariat's employees;

2° managing the Institution's budget and property;

3° collecting together laws and other directives relating to the Institution's duties in its day to day functioning and relations with other institutions;

4° collecting together and keeping documents relating to the Institution's activities;

5° to discharge other duties as requested by the Office .

Article 29:
Modified and complemented by Law no 17/2005 of 18/08/2005

(\textit{«}The Office’s running costs come from the State’s budget. The Office works out its own budget proposal which is explained by the Office of the President of the Republic.

The implementation of the budget of the Office is monitored as provided for by the law.\textit{»})
Article 30:
All previous legal provisions contrary to this law are hereby repealed.

Article 31:
This law comes into force on the day of its publication in the Official Gazette of the Republic of Rwanda.