

Policy Brief

Safeguarding the Sexual and Reproductive Health and Rights of Women and Girls Through the Penal Code Amendment



SAFEGUARDING THE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS OF WOMEN AND GIRLS THROUGH THE PENAL CODE AMENDMENT

A policy brief developed by:

Health Development Initiative (HDI),
Great Lakes Initiative for Human Rights
and Development (GLIHD), and Ihorere
Munyarwanda Organisation (IMRO)



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Introduction

The Government of Rwanda has made substantial efforts in improving the health of women by reducing maternal mortality. In addition, the Government of Rwanda has reaffirmed its commitment to promoting and respecting women's rights by adopting different policies and ratifying various human rights instruments that protect women's right to sexual and reproductive health.

Unlike the previous penal code, the current one, known as Organic Law No 01/2012/ of 02/05/2012 instituting the Penal Code, has increased conditions under which abortion can be performed. It allows abortion if the pregnancy is a result of rape, incest in the second degree, forced marriage, or if the continuation of the pregnancy seriously jeopardizes the health of the woman or the fetus.

This brief intends to highlight the barriers that result from the above conditions. The brief calls upon lawmakers to remove said barriers through the amendment of the Penal Code.

What does the Penal Code say about safe abortion?

Article 165 of the Penal Code of Rwanda (2012) states that: "There is no criminal liability for a woman who commits abortion and a medical doctor who helps a woman to abort if one of the following conditions is met:

1° When a woman has become pregnant as a result of rape;

2° When a woman has been subjected to forced marriage;

3° When a woman has become pregnant due to incest in the second degree;

4° When the continuation of pregnancy seriously jeopardizes the health of the unborn baby or that of the pregnant woman.”



The existing exemptions put more restrictions on access to safe abortion

That same article, however, also specifies that an exemption from criminal liability for the first three cases will only be granted “if the woman who seeks abortion submits to the doctor an order issued by the competent Court recognizing one of the cases under these items, or when this is proven to the Court by a person charged of abortion.”

In other words, the woman first has to prove beyond reasonable doubt to the Court that her pregnancy is the result of rape, forced marriage, or incest in the second degree. The criminal proceeding takes longer as the accused has the right to appeal the court decision. The victim’s pregnancy continues while the legal procedures materialize. This means it is highly likely that the court order will be issued after the victim has already delivered the baby, rendering the order futile.

In case the pregnancy seriously jeopardizes the health of the unborn baby or that of the

pregnant woman, Article 166 of the Penal Code sets out that at least one, and where possible two, medical doctors need to confirm “that continuation of the pregnancy would seriously endanger the health of the woman or that of the unborn child cannot survive.”

The requirement to consult another doctor raises more questions than provides solutions. The Penal Code is not clear in the case when two medical doctors fail to agree on the seriousness of the health risk.

In addition to the fact that going to court is a major deterrent for women, another issue is that rape and incest are much harder to prove if they are not immediately reported and investigated. However, it is biologically impossible for a woman or a girl to tell that she is pregnant directly after sexual intercourse. Once women and girls realize they are pregnant from the assault and wish to have an abortion, it may be too late to get a conviction.

Unsafe abortion: A financial burden on the health sector

Though we can only speculate what happens to these vulnerable women, many might opt for a clandestine abortion, which puts their health at greater danger after already having experienced rape, incest, or forced marriage. According to a study by Guttmacher Institute and the University of Rwanda, an estimated 40% of clandestine abortions in Rwanda lead to complications that require treatment in a health facility¹. The cost of post abortion care is estimated around US\$ 1.7 million per year, which is more than 10% of Rwanda’s total public spending on reproductive health². Still, almost 30% of women who have complications from unsafe abortion do not receive post abortion care³.

These statistics make it clear that unsafe abortion poses a great threat to public health, especially to those who are not able to access the services.

Medical doctor requirement: A daunting challenge to women seeking therapeutic abortion

Article 166 of the Penal Code allows only trained doctors to perform an abortion. This puts further restrictions on access to medical abortion because the number of trained doctors in Rwanda is low. Statistics from the Ministry of Health indicates that there were 709 medical doctors in Rwanda in 2014, making it a ratio of one doctor to nearly 15,510 people.

In addition, medical doctors are not found in health centres, the nearest health facility to and main access to healthcare for women living in rural areas. The medical doctor requirement does not take into consideration the available human resources and their geographic distribution challenges on the ground.

Impacts on the rights of vulnerable women.

The Government of Rwanda has ratified the Protocol to the African Charter on Human and Peoples' Rights on the Right of Women in Africa (known as the Maputo Protocol), which recognizes women's reproductive health rights.

Article 14 (2) (c) of the Maputo Protocol reads that "States Parties shall take all appropriate measures to protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus."

In 2014, the African Commission on Human and Peoples' Rights stated that "For women who have the right to therapeutic abortion services, being subjected by health care providers, police and/or judicial authorities to an interrogation on the reasons why they want

to interrupt a pregnancy that meets the criteria listed in Article 14 (2) (c) or being charged or detained for suspicion of illegal abortion when they seek post-abortion care constitutes a violation of their rights to privacy and confidentiality.

By requiring women and girls who are pregnant as a result of rape, incest, or forced marriage to obtain a court order as a prerequisite for accessing abortion, the current Penal Code violates the rights of women and girls under Maputo Protocol. Additionally, Article 165 of the current Penal Code may constitute a violation of women's right to the highest attainable standard of health. The Maputo Protocol is clear that, under the right to health, a woman should be entitled to medical abortion where the continued pregnancy endangers her mental and physical health, her life, or the life of the fetus.

The current Penal Code allows therapeutic abortion only if the continuation of pregnancy seriously jeopardizes the health of the woman or that of the fetus. As such, a woman may be denied a medical abortion on the ground that the continuation of the pregnancy endangers her health, but not seriously endangers it. But how does one determine the seriousness of a health threat? The extent of seriousness of a health threat is very relative as two medical doctors might disagree on this matter. Because of this condition, a woman's right to the highest attainable standard of health as guaranteed by the Covenant on Social, Economic and Cultural Rights, the African Charter on Human and Peoples' Rights and the Maputo Protocol is deprived.



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Pregnancy resulting from child defilement is not among the conditions for legal abortion

The Penal Code does not include pregnancy resulting from child defilement, sexual intercourse with a child, among the conditions under which legal abortion can be obtained. The Convention on the Right of the Child and the African Charter on the Rights and Welfare of the Child require states parties, including Rwanda, to give primary consideration to the best interest of the child in all actions that affects their lives⁶. Depriving a defiled child from access to safe abortion hampers their best interest and violates their basic rights.

This includes the right to life, as girls aged 15-19 years are twice as likely to die during pregnancy or child birth as those over twenties, while girls under age 15 are five times more likely to die. Thus, depriving a defiled child from accessing safe abortion not only amount to the violation of her right to health, but also to her right to non-discrimination.

The High Court of Rwanda recognizes the right to abortion for young women and girls that are pregnant as a result of child defilement. In its judgment, the Court argued that the confusion between the child defilement and rape shall be cleared by what those crimes have in common; sexual intercourse against the will of the victim⁷.

Conclusion and Recommendations

The lifting of the reservation on article 14 (2) (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (known as the Maputo Protocol) by Government of Rwanda in 2012 was a clear indication of the Government's willingness to give effect to article 14 (2) (c) of the Maputo Protocol⁸. Therefore the current Penal Code needs to be amended as it greatly restricts vulnerable women - especially victims of rape, child defilement, incest and forced marriage - from exercising their right to safe and legal abortions.

In order to protect the health and rights of vulnerable women, the following actions are needed:



The High Court of Rwanda recognizes the right to abortion for young women and girls that are pregnant as a result of child defilement

- Remove from article 165 of the current Penal Code the requirement of a court order issuance in order to have an abortion in the case of pregnancy resulting from rape, incest in the second degree, or forced marriage
- Include in article 165 of the current Penal Code child defilement as an exemption from criminal liability for abortion
- Adopt the wording “when the continuation of pregnancy is a risk to the physical or mental health of the pregnant woman, or the life of the pregnant woman or the fetus” for the fourth exemption, in line with article 14 (2) (e) of the Maputo Protocol
- Amend articles 165 and 166 to allow trained nurses and midwives to perform or carry out abortion as suggested by the African Commission on Human and Peoples’ Rights
- Include a section or article in the Penal Code directing the Ministry of Health to develop a ministerial order or guidelines on how abortion can be performed

References

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- 2 Vlassoff, M. et al (2014) The health system cost of post-abortion care in Rwanda. Published in: Health Policy and Planning (2015) 30 (2),
- 3 Basinga, P., Moore A, M., Singh S, D., et al. Abortion incidence and post abortion care in Rwanda.
- 4 Ministry of Health Rwanda Annual Health Statistics Booklet 2014 ,page 13
- 5 African Commission on Human and Peoples' Rights, General Comment No. 2 on Article 14 (1), (B) (C) and (F) and Article 14(2) and (C) of the protocol to the African Charter on Human and people's Rights on the rights of women in Africa. Adopted at its 55th Ordinary Session held from 28th April -12th May 2014 in Luanda Angola.
- 6 See article 3 of the UN Convention on Child Rights (CRC) and article 4 of the African Charter on Rights and Welfare of the Child (ACRWC)
- 7 World Health Organization, UNFPA. Pregnant Adolescents. Geneva: WHO, 2006.
- 8 See RPA 0787/15/HC/KIG rendered on 30th October 2016
- 9 Presidential order n°05/01 of 03/05/2012 lifting the reservation issued by the Republic of Rwanda on article 14.2. c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of women in Africa

Inyandiko y'ubuvugizi kuri politiki:

Tubungabunge ubuzima ndetse
n'uburenganzira bw'imyororokere
y'abagore ndetse n' abakobwa
havugururwa Igitabo
cy'Amategeko Ahana



**TUBUNGABUNGE UBUZIMA
NDETSE N'UBURENGANZIRA
BW'IMYOROKERE
Y'ABAGORE NDETSE N'
ABAKOBWA
HAVUGURURWA IGITABO
CY'AMATEGEKO AHANA**

**Inyandiko y'ubuvugizi yateguwe na:
Health Development Initiative (HDI),
Great Lakes Initiative for Human Rights
and Development (GLIHD) and Ihorere
Munyarwanda (IMRO)**



Iriburiro

Leta y'u Rwanda yateye intambwe ikataje mu guteza imbere ubuzima bwiza bw'abagore hagabanywa imfu z'abagore bapfa babyara. Leta y'u Rwanda yongeye kwiyemeza guteza imbere no kurengera uburenganzira bw'abagore ishyiraho politiki zinyuranye ndetse inemeza burundu amasezerano mpuzamahanga y'Uburenganzira bwa muntu arengera uburenganzira bw'abagore ku birebana n'ubuzima ndetse n'uburenganzira bw'imyororokere.

Igitabo cy'Amategeko Ahana gikoreshwa ubu, kizwi ku nyito y'Itegeko ngenga No 01/2012/ ryo ku wa 02/05/2012 rishyiraho Igitabo cy'Amategeko Ahana, cyongereye uburyo gukuramo inda bishobora gukorwamo bitandukanye n'itegeko ryabanjirije iri ritabyemeraga. Iri tegeko rishya ryemerera umugore gukuramo inda iyo yatwaye inda atayishaka kubera gukoreshwa imibonano mpuzabitsina ku ngufu, kuba yarashyingiwe ku ngufu, guterwa inda n'uwo bafitanye isano ya hafi kugeza ku gisanira cya kabiri, kuba inda itwiswe ibangamiye cyane ubuzima bw'umwana cyangwa ubw'umubyeyi.

Iyi nyandiko y'ubuvugizi kuri politiki igamije kugaragaza inzitizi zikomoka ku ubw'umubyeyi byavuzwe haruguru. Iyi nyandiko kandi irahamagarira intumwa za rubanda kuvanaho ubw'umubyeyi havugururwa Igitabo cy'Amategeko Ahana.

Ese Igitabo cy'Amategeko Ahana kivuga iki kubijyanye no gukuramo inda mu buryo bwizewe

Ingingo ya 165 y'Igitabo cy'Amategeko Ahana mu Rwanda(2012) ivuga ko "Nta buryozwacyaha ku mugore no ku muganga wakuyemo inda bitewe n'imwe mu mpamvu zikurikira:

- 1° Kuba umugore yatwaye inda atayishaka kubera gukoreshwa imibonano mpuzabitsina ku ngufu;
- 2° Kuba yarashyingiwe ku ngufu;

3° Kuba yatewe inda n'uwo bafitanye isano ya hafi kugera ku gisanira cya kabiri;

4° Kuba inda itwiswe ibangamiye cyane ubuzima bw'umwana cyangwa ubw'umubyeyi.”



“Ubutaryozwa buvugwa mu itegeko rihana butera imbogamizi zo gukuramo inda kuburyo bwizewe

Iyo ngingo irongera ikavuga ko ukutaryozwa icyaha kuvugwa mu gace ka mbere, aka 2° n'aka 3° tw igika cya mbere cy iyi ngingo kwemerwa gusa “Iyo nyir'ugusaba gukurwamo inda yagaragarije muganga icyemezo cy'urukiko rubifitiye ububasha cyemeza kimwe mu bivugwa muri utwo duce cyangwa bigaragarijwe urukiko n'ukurikiranyweho icyaha cyo gukuramo inda.”

Mu yandi magambo, umugore agomba mbere na mbere kugaragariza urukiko ku buryo budashidikanywaho ko inda atwite ikomoka ku ifatwa ku ngufu, gushyingirwa ku agaciro kawo, cyangwa yayitewe n'uwo bafitanye isano rya hafi kugeza ku gisanira cya kabiri. Imiburanishirize y'imanza z'inshinjabyaha iratinda kuko uregwa afite uburenganzira bwo kujurira icyemezo cy'urukiko. Ibi bigatuma, umugore ukeneye gukuramo inda akomeza gutwita mu gihe cy'urubanza. Ibi bisobanuye ko akenshi icyemezo cy'urukiko kiboneka umugore watanze ikirego asaba gukuramo inda yaramaze kubyara, uwo umwanzuro ugahita utakaza agaciro kawo.

Iyo inda itwiswe ibangamiye cyane ubuzima bw'umwana cyangwa ubw'umubyeyi, ingingo ya 166 y'Igitabo cy'Amategeko Ahana iteganya ko nibura umuganga umwe, aho bishoboka babiri bagomba kwemeza” ko inda ishobora kwangiza bikomeye ubuzima bw'umugore cyangwa ko umwana adashobora kubaho.”

Gusaba ko umuganga wa kabiri abanza gusuzuma byongera ibibazo kurusha gutanga ibisubizo. Igitabo cy'Amategeko Ahana ntigisobanura neza uko bigenda iyo abaganga bombi bananiwe kumvikana ku buryo ikibazo cyashyira mu kaga ubuzima bw'umugore utwite.

Uretse no kuba urukiko ari inzitizi ikomeye ku bagore, icyaha cyo gufatwa ku ngufu no kuba umugore yatewe inda n'uwo bafitanye isano rya hafi ni ibintu bitoroshye kubonera ibimenyetso iyo bidahise bimenyekana ngo bikorerwe iperereza. Urebye imitere y'umubiri ntagishobora kugaragaza ko umugore cyangwa umukobwa yasamyeye akimara gukora imibonano mpuzabitsina.

Igihe umugore cyangwa umukobwa ajya kumenya ko atwite inda ikomoka ku ifatwa ku ngufu, ndetse n'igihe bitwara ngo abe yafata umwanzuro wo kuyukuramo, bishobora gutuma acyererwa kubonera umwanzuro w'urukiko ku gihe.

Inda zikurwamo mu buryo butizewe n' umutwaro ku ngengo y'imari igenerwa urwego rw'ubuzima

N'ubwo nta mibare ifatika igaragara, bishoboka ko abagore benshi bahitamo gukuramo inda rwihishwa, bigashyira ubuzima bwabo mu kaga gakomeye, bikiyongera ku kababaro baba baratewe no gufatwa ku ngufu, gusambanywa n'abo bahuje isano rya hafi ndetse no gushyingirwa ku ngufu. Inyigo yakozwe na Guttmacher Institute ifatanyije na Kaminuza y'u Rwanda igaragaza ko 40% by'inda zikurwamo rwihishwa mu Rwanda zikururira abagore ibibazo bisaba kujya kwa muganga¹. Ikiguzi cyo cy'ubuvuzi bugenerwa umugore nyuma yo gukuramo inda kigera kuri miliyoni 1,7 z'amadorari y'amerika ku mwaka, birenga 10% by'amafaranga yose atangwa mu rwego rw'ubuzima bw'imyororokere² mu Rwanda. Kandi, hafi 30% by'abagore bahuye n'ibibazo byo gukuramo inda mu buryo butizewe ntibabona ubuvuzi buhabwa abagore nyuma yo gukuramo inda³.

Iyi mibare igaragaza ko gukuramo inda mu buryo butizewe ari ikibazo ku ubuzima rusange bw'abaturage, cyane cyane abadashobora kubona serivise zo kwa muganga.

Gusaba ko gukuramo inda bikorwa gusa na Muganga: Ikibazo cy'ingorabahizi ku bagore bakeneye ubufasha

Ingingo ya 166 y'igitabo cy'Amategeko Ahana yemerera gusa abaganga bemewe gukuramo inda. Ibyo birushaho gukumira abagore bashaka gukuramo inda mu buryo bwizewe kuko umubare w'abize ubuganga mu Rwanda ukiri muto. Imibare ya Ministeri y'Ubuzima igaragaza ko mu mwaka wa 2014 mu Rwanda hari abaganga 709, bisobanuye ko umuganga umwe avura abasaga 15. 510.

Byongeye kandi, ibigo nderabuzima ntibigira abaganga kandi ari ryo vuriro ryegereye abagore bo mu cyaro. Gusaba ko muganga aba ari we gusa wemerewe gukuramo inda ntabwo hitawe higeze hitabwaho ingorane zijyanye n'umubare w'abaganga nkuko bakwirakwijwe mu gihugu.

Ingaruka k'uburenganzira bw'abagore bugarijwe n'ibibazo

Leta y'u Rwanda yashyize umukono ku Masezerano y'inyongera ku Masezerano Nyafurika y'uburenganzira bwa muntu nubw' abaturage yerekeye uburenganzira bw'umugore muri Afurika (azwi ku izana ry' Amasezerano ya Maputo), yagaragaje uburenganzira ku buzima bw'imyorokere y'abagore.



“Gukuramo inda mu buryo butizewe n'ikibazo ku ubuzima rusange bw'abaturage”



“Gusaba ko muganga aba ari we gusa wemerewe gukuramo inda ntabwo hitawe ku ngorane zihari zijyanye n’umubare w’abagangankuko bakwirakwijwe mu gihugu”

Ingingo ya 14 (2) (c) y'Amasezerano ya Maputo ivuga ko “Leta zigengwa n’aya masezerano zizafata ingamba zose zikwiriye zigamije kurinda uburenganzira bw'imyororokere y' abagore, bemererwa gukuramo inda bikorewe kwa muganga, mu hihe umugore yahohotewe, yafashwe ku ngufu, mu gihe yatewe inda n’uwo bafitanye isano rya hafi no mu gihe inda ibangamiye ubuzima bwo mu mutwe ndetse nubwo ku mubiri bw’umubyeyi, ubuzima bw’umubyeyi cyangwa se ubw’ urusoro”

Mu mwaka wa 2014, Komisiyo Nyafurika y'Uburenganzira bwa Muntu n'ubw'Abaturage yasobanuye ko “Ku bagore bafite uburenganzira bwo guhabwa serivisi zo gukuramo inda, kubanza kubazwa impamvu bashaka gukuramo inda bikoze n’abaganga, inzego za polisi cyangwa iz’ubucamanza kandi bujuje ibisabwa bikubiye mu ngingo ya 14 (2) (c) cyangwa se kuregwa ndetse no gufungwa bakekwaho gukuramo inda mu buryo budakurikije amategeko igihe baje kwivuza nyuma yo gukuramo inda, bihungabanya uburenganzira bwabo ku mibereho bwite no kugirirwa ibanga⁶.

Gusaba abagore n’abakobwa batwite inda zikomoka ku ifatwa ku ngufu, gutwita inda y’uwo bafitanye isano rya hafi, cyangwa gushyingirwa ku ngufu bisaba kwerekana umwanzuro w’urukiko nk’icyangombwa cy’ibanze kugira ngo bashobore gukuramo inda, Igitabo cy’Amategeko Ahana kivutsa

uburenganzira bw' Abagore n'Abakobwa buteganywa mu Masezerano ya Maputo.

Ikindi kandi, Ingingo ya 165 y'Igitabo cy'Amategeko Ahana ishobora kubangamira uburenganzira bw'abagore bwo kugira ubuzima buri ku gipimo cyo hejuru gishobora kugerwaho. Amasezerano ya Maputo asobanura neza ko, hashingiwe ku burenganzira ku buzima, umugore agomba kwemererwa gukuramo inda bikorewe kwa muganga mu gihe inda ibangamiye ubuzima bwo mu mutwe n'ubw'umubiri w'umubyeyi cyangwa se ubw'urusoro atwite.

Igitabo cy'Amategeko Ahana cyemerera abagore gukuramo inda hagamijwe kurengera ubuzima gusa iyo inda itwiswe yabangamira cyane ubuzima bw'umubyeyi n'ubwo umwana atwite. Aha, umugore ashobora kwangirwa gukuramo inda bikorewe kwa muganga hitwajwe ko inda itwiswe yabangamira ubuzima bwe, ariko itabubangamira cyane. Ariko se umuntu akena ate ubukana bwo kubangamira ubuzima? Ikigero cy'ubukana bw'uko ubuzima bubangamiye kigenda gihinduka cyane ndetse n'Abaganga babiri bashobora kutacyumvikanaho. Kubera izo mpamvu, umugore avutswa uburenganzira bwo kugira ubuzima buri ku gipimo cyo hejuru gishobora kugerwaho nk'uko buteganywa n'Amasezerano Mpuzamahanga y'uburenganzira bwa muntu mu by'ubukungu, imibereho n'umuco ndetse n'Amasezerano Nyafurika ku burenganzira bwa muntu n'ubw'abaturage n'Amasezerano ya Maputo.

Inda yasamwe n'umukobwa wasambanyijwe ku gahato ntishyirwa mu bihe byatuma gukuramo inda byemerwa n'amategeko

Igitabo cy'Amategeko Ahana ntigishyira inda yasamwe n'umwana w'umukobwa wasambanyijwe, mu byagenderwaho hemerwa gukuramo inda bitaryozwa. Amasezerano mpuzamahanga ku Burenganzira bw'umwana n'Amasezerano Nyafurika ku Burenganzira n'Imibereho myiza y'umwana asaba za Leta, harimo n'u Rwanda, kwita mbere na mbere ku nyungu zikirenga z'umwana mu bikorwa byose birebana n'ubuzima bwe⁶. Kwangira umwana



urujijo ruri
hagati yo
gusambanya
umwana
ku ngufu
no gufata
ku ngufu
rukurwaho
neza n'icyo
ibyaha byombi
bihuriyeho
aribyho
imibonano
mpuzabitsina
ikozwe nta
bushake

wasambanyijwe gukurirwamo inda mu buryo bwizewe, bibangamiye inyungu ze zikirenga kandi bimuvutsa uburenganzira bwe bw'ibanze.

Ibyo harimo uburenganzira ku buzima, kuko abana b'abakobwa bari hagati y'imyaka 15-19 baba bafite ibyago byikubye kabiri byo guhitanwa n'inda batwite cyangwa babyara kurusha abarengeje imyaka makumyabiri, mu gihe abari hasi y'imyaka 15 baba bafite ibyago byikubye gatanu byo guhitanwa nayo. Kubera iyo mpamvu, kwangira umwana wasambanyijwe gukuramo inda mu buryo bwizewe ntibihungabanya gusa uburenganzira bwe ku buzima, ahubwo bihungabanya uburenganzira bwe bwo kurindwa ivangura.

Urukiko Rukuru rwa Repubilika y' u Rwanda rwemereye uburenganzira bwo gukuramo inda abana b'abakobwa iyo batwite inda zikomoka ku gusambanywa ku ngufu. Mu myanzuro y'urubanza rwaciye, Urukiko rusobanura ko urujijo ruri hagati yo gusambanya umwana no gufata ku ngufu rukurwaho neza n'icyo ibyaha byombi bihuriyeho aribyo imibonano mpuzabitsina ikozwe nta bushake⁷.

Imyanzuro n'ibyifuzo

Kuba mu mwaka wa 2012 Leta y'u Rwanda yarakuyeho kwifata ku ngingo ya 14 (2) (c) y'Amasezerano y'inyongera ku Masezerano Nyafurika y'uburenganzira bwa muntu n'ubw'abaturage yerekeye uburenganzira bw'abagore muri Afurika (azwi ku Masezerano ya Maputo) byerekanye neza

ubushake bwa Leta y'u Rwanda bwo kubahiriza ingingo ya 14 (2) (c) y'Amasezerano ya Maputo⁸. Bityo Igitabo cy'Amategeko Ahana kiriho gikwiye kuvugururwa kuko kibuzza ku buryo bugaragara abagore bugarijwe n'ibibazo cyane cyane abafashwe ku ngufu, abana basambanyijwe, abatewe inda n'abo bahuje isano rya hafi n'abashyingiwe ku gahato kugira ngo uburenganzira bwabo bwo gukuramo inda ku buryo bwizewe kandi bemerewe n'amategeko bwubahirizwe.

Mu rwego rwo kurinda ubuzima n'uburenganzira bw'abagore, hakenewe ibikorwa bikurikira:

- Kuvugurura ingingo ya 165 y'Igitabo cy'Amategeko Ahana hakavanwaho inzitizi zo gusaba icyemezo cy'urukiko mbere yo gukuramo inda yasamwe biturutse ku ifatwa ku ngufu, inda yatewe n'uwo bahuje isano rya hafi kugera ku gisanira cya kabiri cyangwa gushyingirwa ku gahato
- Kongera mu ngingo ya 165 y'Igitabo cy'Amategeko Ahana ko umwana wasambanyijwe yemererwa gukuramo inda
- Kwemeza iyi mvugo: "mu gihe inda ibangamiye ubuzima bwo mu mutwe n'ubw'umubiri bw'umubyeyi cyangwa se bw'umwana atwite" ikaba ukutaryozwa kwa kane, nk'uko bivugwa mu ngingo ya 14 (2) (e) y'Amasezerano y'inyongera ya Maputo ibiteganya
- Kuvugurura ingingo ya 165 n'ya 166 kugira ngo abaforomo n'ababyaza babihuguriwe bemerewe gukuramo inda nk'uko bivugwa na Komisiyo Nyafurika y'uburenganzira bwa muntu n'ubw'abaturage
- Kongeramo igice cyangwa ingingo mu Gitabo cy'Amategeko Ahana iha amabwiriza Minisitiri y'Ubuzima gutegura iteka cyangwa amabwiriza ya Minisitiri by'uko gukuramo inda byakorwa

Inyandiko zifashishijwe

1 Guttmacher Institute and National University of Rwanda (2012) Unintended Pregnancy and Induced Abortion in Rwanda: Causes and Consequences, p. 4.

2 Vlassoff, M. et al (2014) The health system cost of post-abortion care in Rwanda. Published in: Health Policy and Planning (2015) 30 (2),

3 Basinga, P., Moore A, M., Singh S, D., et al. Abortion incidence and post abortion care in Rwanda.

4 Ministry of Health Rwanda Annual Health Statistics Booklet 2014, page 13

5 African Commission on Human and Peoples' Rights, General Comment No. 2 on Article 14 (1), (B) (C) and (F) and Article 14(2) and (C) of the protocol to the African Charter on Human and people's Rights on the rights of women in Africa. Adopted at its 55th Ordinary Session held from 28th April -12th May 2014 in Luanda Angola.

6 Reba ingingo ya 3 y'Amasezerano y'Umuryango w'Abibumye ku burenganzira bw'umwana (CRC) n'ingingo ya 4 y'Amasezerano Nyafurika ku uburenganzira n'imibereho myiza y'umwana (ACRWC)

7 World Health Organization, UNFPA Pregnant Adolescents. Geneva: WHO, 2006.

8 See RPA 0787/15/HC/KIG rendered on 30th October 2016

9 Iteka rya Prezida n°05/01 ryo ku wa 03/05/2012 rikuraho ukwifata kwa Repubulika y'u Rwanda ku Ngingo ya 14.2.c) y'Amasezerano y'inyongera ku Masezerano Nyafurika ku Burenganzira bwa Muntu n'ubw'Abaturage yerekeranye n'uburenganzira bw'Abagore muri Afurika

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