



Official Gazette of the Republic
of Rwanda

LAW N° 47/2001 OF 18/12/2001 INSTITUTING PUNISHMENT FOR OFFENCES OF DISCRIMINATION AND SECTARIANISM.

We, Paul KAGAME,
President of the Republic,

THE TRANSITIONAL NATIONAL ASSEMBLY HAS ADOPTED AND WE SANCTION, PROMULGATE THE LAW, AS DECLARED BY THE SUPREME COURT, SECTION OF CONSTITUTIONAL COURT, TO BE IN HARMONY WITH THE FUNDAMENTAL LAW IN THE RULING N° 057/11.02/01 PASSED ON 11/12/2001, AND ORDER IT TO BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.

The Transitional National Assembly, meeting in its session of October 22, 2001;
Given the Fundamental Law of the Republic of Rwanda, as modified and complemented to date, especially the Constitution of June 10, 1991 in its articles 16, 69 and 97 and the Arusha Peace Agreement in its part relating to *the* rule of Law in its articles 1, 2 and 3 in the part relating to Power Sharing in articles 6-d, 23-c, 27-b, 40, 72 and 73 ;

Considering that all citizens are equal in the eyes of the Law, that no discrimination whatsoever should be exercised against anybody, whether based on ethnicity, the colour of the skin, physical features, origin, sex, opinion, religions

Considering that in the history of Rwanda, certain political leaders used discrimination so as to find a way of favouring certain people while being unjust to others ;

Considering that since regaining its independence, on 1st July 1962 up to the setting up of the Government of National Unity on July 19, 1994, Rwanda has been ruled by political regimes characterized by discrimination and sowing of divisions among Rwandans;

Given that no one has ever been prosecuted and punished for sowing divisions and discrimination among citizens, but this practice was instead encouraged until it was abused by those who prepared and perpetrated the genocide and massacres, which befell the country in 1994 ;

Realizing that differences among people in terms of their nature, physical features and opinions should not constitute the cause of excluding one another' but should rather help them to complement each other ;

Realizing the necessity to enact a law to punish anyone found guilty of fuelling conflicts among Rwandans and sowing divisions among them;

Having reviewed the Law-Decree n° 21/77 of August 18, 1977 establishing the criminal Code as modified and complemented to date, especially in its article 393 ;

ADOPTS:**CHAPTER ONE : DEFINITIONS OF TERMS****Article One:****According to this law:**

- 1° Discrimination is any speech, writing, or actions based on ethnicity, region or country of origin, the colour of the skin, physical features, sex, language, religion or ideas aimed at depriving a person or group of persons of their rights as provided by Rwandan law and by International Conventions to which Rwanda is party ;
- 2° Sectarianism means the use of any speech, written statement or action that divides people, that is likely to spark conflicts among people, or that causes an uprising which might degenerate into strife among people based on discrimination mentioned in article one 1 ° ;
- 3° Deprivation of a person of his/her rights is the denial of rights provided by Rwanda Law and by International Conventions to which Rwanda is party.

CHAPTER II : GENERAL PROVISIONS**Article 2:**

This law aims at punishing any person guilty of the crime of discrimination and sectarianism.

Article 3:

The crime of discrimination occurs when the author makes use of any speech, written statement or action based on ethnicity, region or country of origin, colour of the skin, physical features, sex, language, religion or ideas with the aim of denying one or a group of persons their human rights provided by Rwandan law and International Conventions to which Rwanda is party.

The crime of sectarianism occurs when the author makes use of any speech, written statement or action that causes conflict that causes an uprising that may degenerate into strife among people.

Article 4:

This law does not prevent the state or from taking decisions that give Rwandan nationals powers and rights different from those of foreigners.

CHAPTER III : SANCTIONS

Article 5:

Any person guilty of the crime of discrimination or sectarianism mentioned in article 3 of this law, is sentenced to between three months and two years of imprisonment and fined between fifty thousand (50,000) to three hundred thousand (300,000) Rwandan Francs or only one of these sanctions.

When the offender of the crime of discrimination or sectarianism is a government official, a former government official, a political party official, an official in the private sector, or an official in non-governmental organisation, he/she is sentenced to between one year and five years of imprisonment and fined between five hundred thousand (500.000) to two million (2.000.000) Rwandan Francs or one of those two sanctions.

Article 6:

Any association, political party, or non-profit making organisation found guilty of offences of discrimination is penalised with a suspension of between six months and one year and fined between 5.000.000 and 10.000.000 Rwandan Francs.

Depending on the seriousness of the consequences of that act of discrimination on the population, the court may double the penalty, or decide to dissolve the concerned association, political party or non-profit making organisation, according to the law governing the dissolution of associations, political parties and non-profit making organisations.

Article7:

Any person who masterminds, or helps another mastermind a plan to discriminate or sow sectarianism as mentioned in article 3 of this law, is sentenced to between one year and five years of imprisonment and fined between five hundred thousand (500.000) and two million (2.000.000) Rwandan Francs or only one of these two sanctions.

Article 8:

Any person who makes public any speech, writing, pictures or images or any symbols over radio airwaves, television, in a meeting or public place, with the aim of discriminating, people or sowing sectarianism among them is sentenced to between one year and five years of imprisonment and fined between five hundred thousand (500.000) and two million (2.000.000) Rwandan Francs or only one of these two sanctions.

Article 9:

Any person who through education sows discrimination or sectarianism is sentenced to between six months and two years of imprisonment and fined between one hundred thousand (100.000) and six hundred thousand (600.000) Rwandan Francs, or only one of these two sanctions.

If the person who sows discrimination or sectarianism is an official mentioned in article 5 of this law, he/she is sentenced to between one year and five years imprisonment and fined between, five hundred thousand (500.000) and one million (1.000.000) Rwandan francs or only one of these two sanctions.

When those who are taught discrimination and sectarianism comprise the youth below the age of twenty one, the sanctions mentioned in paragraph 2 of this article are doubled.

Article 10:

Is sentenced to death penalty or life imprisonment any one who kills, plot to kill or attempts to kill another person because of discrimination or sectarianism as mentioned in article one of this Law.

Article 11:

Without prejudice to provisions of the electoral law, any person who campaigns for himself/herself or for another person during elections using discrimination or sectarianism, is sentenced to between six months and five years of imprisonment and fined between five hundred (500.000) and five million (5.000.000) Rwandan francs..

Article 12:

Subject to the provisions of Rwanda's electoral law, any one who won elections and it is proved that he/she resorted to discrimination or sectarianism based on the provisions of article 1 of this law, the penalty is removal from the post the person competed for, denial of the right to vote and be elected for a period prescribed by courts of law. Without prejudice to the sanctions provided for in article 11 of this law. The post for which he/she was elected is again campaigned for.

Article 13:

Any person, guilty of the crime of discrimination or sowing sectarianism is denied national rights following the penalties provided for by the penal code and this fact is made public through means prescribed by the court

Article 14:

A legal action as to damages for the offence of discrimination or sectarianism is carried out by any one who can give evidence of the prejudice he or she has suffered from as a result of that offence.

CHAPTER IV: MISCELLANEOUS AND FINAL PROVISIONS

Article 15:

The crime of discrimination and that of sectarianism are not time bound.

Article 16:

All previous provisions contrary to this law are, hereby abrogated.

Article 17:

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

Kigali, on 18/12/2001

The President of the Republic of Rwanda
Paul KAGAME
(sé)

The Prime Minister
Bernard MAKUZA
(sé)

The Minister of Local Government and Social Affairs
Joseph Désiré NYANDWI
(sé)

The Minister of Justice and Institutional Relations
Jean de Dieu MUCYO
(sé)

Seen and sealed with the Seal of the Republic:
The Minister of Justice and Institutional Relations
Jean de Dieu MUCYO
(sé)