

**LAW N° 17/2005 OF 18/08/2005 MODIFYING AND COMPLEMENTING LAW N°25/2003 OF 15/08/ /2003 ESTABLISHING THE ORGANISATION AND THE FUNCTIONING OF THE OFFICE OF THE OMBUDSMAN**

**We, KAGAME Paul,**  
President of the Republic;

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THIS LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.**

**THE PARLIAMENT:**

The Chamber of Deputies, in its session of June 27, 2005;

The Senate, in its session of August 2, 2005;

Given the constitution of the Republic of Rwanda of June 4, 2003 as amended to date, especially in its articles 61,62,88,89,90,92,93,108,118,158,182 and 201;

Given law n° 22/2002 of 09/07/2002 on General Statutes for Rwanda Public Service;

Given law n° 23/2003 of 07/08/2003 which aims at prevention, suppressing d punishing corruption and related offences;

Given Law-decree n° 21/77 of 18/6/1977 establishing the criminal code confirmed by the law n° 01/82 of January 26, 1982;

Revisited law n° 25/08/2003 establishing the organisation and the functioning of the Office of the Ombudsman in its articles 4,6,7,10,11,12,14,15,20,21,25,26 and 29;

**ADOPTS:**

**Article one:**

Article 4 of Law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman is modified and complemented as follows:

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 2:**

Article 6 of Law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman is modified and complemented as follows:

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 honest, or no longer has 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 shall not be respected if the remaining period of replacement does not exceed six (6) months to expire.

## **Article 3:**

Article 7 of Law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman is modified and complemented as follows:

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 and 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;
  - g. 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 related offences is implemented by public and private institutions;
- 7° to make a follow up on the respect of laws relating to conduct 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 government organisations;
- 9° to identify and make public the list of persons definitively convicted for corruption and other related offences 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 15/08/2003 establishing the organization and 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 4:**

Law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman is supplemented by article 7 bis which reads as follows:

**Article 7 bis:**

The first faithful declaration of assets by 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 declaration 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 Senate in such a period as provided to others who are required to declare their actual assets;

Faithful declaration of assets shall be confidentiality 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 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.

**Article 5:**

Article 10 of Law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman is modified and complemented as follows:

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 in Article 3-4° of this law;
- 8° to advice politicians and leaders on any behaviour likely to discredit them in their functions.

#### **Article 6:**

Article 11 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified and complemented as follows:

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;
- 2° prepare seminars for government employees and staff in public and private institutions, in non governmental organizations 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 3-4° of this law.

#### **Article 7:**

Article 12 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified as follows:

The Administration of the office determines the attributions of each Assistant Ombudsman and the decision is taken through procedure provided for in article 19 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman.

#### **Article 8:**

Article 14 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified and complemented as follows:

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 institutions shall deliver a response to the Office of the Ombudsman through procedure provided for in Article 11 of this law.

### **Article 9:**

Article 15 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified and complemented as follows:

The Office has power 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 or legal provisions that may be modified or put in place prior to identification of the relationships between the modification and the responsibilities of the Office.

The Office requests for explanations and shall receive them in accordance with procedure provided for Article 11 of this law.

### **Article 10:**

Article 20 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is repealed.

### **Article 11:**

Article 21 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified and complemented as follows:

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 require 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 ay even be made public.

**Article 12:**

Article 25 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified as follows:

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 prosecuted .They shall not be in custody unless they are caught in the act of committing an offence whose penalty exceeds five (5) years of imprisonment.

**Article 13:**

Article 26 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified and complemented as follows:

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.

**Article 14:**

Article 29 of law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the Office of the Ombudsman is modified and complemented as follows:

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.

**Article 15:**

All previous legal provisions contrary to this law are abrogated.

**Article 16:**

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

Kigali, on 18/08/2005

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

The Prime Minister  
**MAKUZA Bernard**  
(sé)

The Minister in the President's Office  
**NYIRAHABIMANA Solina**  
(sé)

The Minister of state in charge of Economic Planning  
in the Ministry of Finance and Economic Planning  
**NSANZABAGANWA Monique**  
(sé)

The Minister of Public Service, Skills development and Labour  
**El Hadji BUMAYA André Habib**  
(sé)

**Seen and sealed with the seal of the Republic:**  
The Minister of Justice  
**MUKABAGWIZA Edda**  
(sé)



**ANNEX TO LLAW N° 17/2005 OF 18/08/2005 MODIFYING AND  
COMPLEMENTING LAW N° 25/2003 OF 15/8/2003 ESTABLISHING THE  
ORGANIZATION AND THE FONCTIONING OF THE OFFICE OF THE  
OMBUDSMAN**

Notwithstanding the provisions of Article 3-4° of law n° 17/2005 of 18/08/2005 modifying and complementing law n° 25/2003 of 15/08/2003 2003 establishing the organisation and functioning of the Office of the Ombudsman, the following officials shall declare their actual assets to the Office of the Ombudsman:

**I. PRESIDENT'S OFFICE**

1. Advisors
2. Director of Cabinet in the President's Office
3. Director Generals
4. Head of Services
5. Purchasing personnel and storekeepers

**II. THE SENATE**

1. The Secretary General
2. Head of services
3. Purchasing personnel and storekeepers

**III. THE CHAMBER OF DEPUTIES**

1. The Secretary General
2. Head of services
3. Purchasing personnel and storekeepers

**IV. THE SUPREME COURT**

1. The Secretary General
2. Head of services
3. Purchasing personnel and storekeepers

**V. OFFICE OF THE PRIME MINISTER**

1. The Secretary General of the Government
2. The Director of Cabinet in the Office of the Prime Minister
3. The Director Generals
4. Advisors
5. Head of services
6. Purchasing personnel and storekeepers

**VI. PARQUET GENERAL OF THE REPUBLIC**

1. The Secretary General
2. Head of Services
3. Purchasing personnel and storekeepers

**VII. THE MINISTRIES**

1. The Secretary General
2. Head of Services
3. Purchasing personnel and storekeepers

**VIII. PROVINCES**

1. Executive Secretary
2. Head of Services

3. Purchasing personnel and storekeepers

**IX. CITY OF KIGALI**

1. Vice Mayors
2. Executive Secretary
3. Head of Services
4. Purchasing personnel and storekeepers

**X. DISTRICTS, TOWNS AND MUNICIPALITIES**

1. Vice Mayors of Districts, Towns and Municipalities
2. Executive Secretary
3. Members of Committees in charge of the development of the District, Town or Municipality
4. Inspector of Education in Districts, Towns and Municipalities

**XI. PUBLIC ESTABLISHMENTS AND PARASTATALS**

1. Government Representatives in the Board of Directors of establishments
2. Assistant Directors
3. Head of Services
4. Purchasing personnel and storekeepers
5. Coordinators

**XII. PUBLIC AND AIDED SECONDARY SCHOOLS**

1. Headmasters of Schools
2. Director of Administration and Finance

**XIII. OTHERS WHO ARE REQUIRED TO FILL ASSETS DECLARATION FORM**

1. Ambassadors
2. State Attorney (all)
3. Public Notary (all)
4. Members of Staff of the Office of the Ombudsman who receive petitions of the population and those who are in charge of fighting against corruption
5. Government Bailiffs.

Kigali, on 18/08/2005

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

The Prime Minister  
**MAKUZA Bernard**  
(sé)

The Minister in the President's Office  
**NYIRAHABIMANA Solina**  
(sé)

The Minister of state in charge of Economic Planning  
in the Ministry of Finance and Economic Planning  
**NSANZABAGANWA Monique**  
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**Seen and sealed with the seal of the Republic:**

The Minister of Justice  
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