LAW N. 25/2003 OF 15/08/2003
ESTABLISHING THE ORGANISATION AND FUNCTIONING OF THE OFFICE OF THE OMBUDSMAN

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 The Office is made up of the Chief Ombudsman and two Assistant Ombudsmen, one in charge of prevention of injustice and the other in charge of fighting injustice. They must be Rwandan Nationals, known for their honesty, wisdom and capacity to fulfil their mandate. For each position of members of the Office, Cabinet shall propose three candidates from among whom the National Assembly shall choose one. Elected members shall be appointed by a Presidential Order. The Chief Ombudsman shall be elected for a four-year term, whereas Assistant Ombudsmen shall be elected for a three-year term. The Chief Ombudsman and Assistant Ombudsmen may be re-elected for only one additional term.

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

The mandate of the Chief Ombudsman and Assistant Ombudsmen may be terminated for the following reasons:

1° when their term of office ends and they are not re-elected;
2° when they resign for personal motives;

3° for incompetence and when it becomes clear that they no longer have the willingness and the capacity on which their election was based;

4° having a physical or mental incapacity as certified by an authorized medical committee;

5° death. If necessary, the decision to remove them from office shall be taken by the National Assembly on proposal of the Cabinet or by one third of all Members of Parliament.

Resignation of members of the Office shall be submitted in writing to the President of the Republic. If the President does not react within thirty days, the resignation shall become effective. The

Ombudsman or Assistant Ombudsman, who leaves office for whatever reason, shall be replaced within a period not exceeding three months. His or her substitute shall serve the remaining term of office. This paragraph is not applied when there is only six months before the term of office of the person to be replaced ends.

Article: 7

The Office has in particular, the following attributions

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

2° preventing and fighting injustice, corruption and other related offences in public and private administration;

3° receiving and examining, in the aforementioned context, complaints from individuals and independent associations against the acts of public officials or organs, and private institutions and to mobilize these officials and institutions in order to find solutions to such complaints if they are well founded;

4° receiving the faithful declaration of assets of the President of the Republic, the President of the Senate, the Speaker of the Chamber of Deputies, the President of the Supreme Court, the Prime Minister and other members of the Cabinet upon taking up and on leaving office;

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

6° coordinating, at national level, programmes, strategies and actions of organs entrusted with preventing and fighting corruption and related offences;

7° encouraging the Population to refrain from corruption or committing related offences in general and to train the staff in either public or private institutions;
8° identifying and making public the list of persons definitively convicted for corruption and related offences and sentences they received;

9° contributing to strengthening good governance in different institutions by drawing their attention to their functioning and interaction-related weaknesses, for they are contrary to the law, their attributions or to the State general policy or because the weaknesses have negative impact to the population;

10° sensitizing the population as to 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;

11° advising public and private institutions as to improving the quality of services delivered to the population;

12° submitting its plan of action and activity report to the President of the Republic and the Parliament every year, other state organs mentioned in article 23 of this law are therefore given copies.

**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

The Chief Ombudsman is responsible for the following:

1° to co-ordinate and oversee the activities of the Office so as to fulfil all its attributions;
2° to represent 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 all institutions provided for by this law;
5° to notify decisions made to those concerned;
6° to follow up the implementation of decisions made;
7° to receive faithful declaration of assets of persons mentioned in article 7-4° of this law.

Article: 11

The Assistant Ombudsman entrusted with preventing injustices, corruption and related offences shall have in particular the following functions:

1° to prepare training sessions for the population so that they develop the culture of playing a role in the good governance of the Country;
2° to prepare seminars for Government employees and staff in public and private institutions in non-government organizations so as to improve their conduct and working methods;
3° to set up all possible means of preventing and eradicating injustice, corruption and related offences.

Article: 12

The Assistant Ombudsman entrusted with fighting injustices and corruption shall have in particular the following functions:

1° to look into issues related to corruption and related offences, and make proposals to the Office as to what should be done in order to solve those problems;
2° to follow up the faithful declaration of assets of persons mentioned in article 74° of this law.
**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**

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 shall not involve itself in the investigation or adjudication relating to matters which are subjudice except that it may submit to the courts or the prosecution service the complaints which it has received, in which case those organs are required to respond to the office.

**Article: 15**

The Office shall, among others, be entitled to:

1° request explanations on Government policy, on plans of activities of other Government institutions and public enterprises;

2° request explanations on decisions or actions taken by Government or public institutions, private institutions and non-government organizations with which the population is not satisfied;

3° point out laws hindering the good functioning of Government institutions or detrimental to the population.

4° carry out investigations on actions of Government institutions and on those of its establishments or those of private institutions; which the population thinks are characterised by injustice.

**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**

The Office has powers to search and to be assisted by another body to search any place likely to provide evidence relating to the investigations being carried out. It can seize or order seizure of evidence availed and a written note to that effect specifying the mode of keeping or protecting that evidence is made.

With regard to the respect of this article, the provisions of the law of February 23, 1963 on criminal procedures shall be applied in matters related to house search and seizure of goods.

Any person refusing to give the Body testimonies, documents and explanations required of him or her or obstructing the search and refusing to hand over the goods to be seized, with no sound reasons, shall be punished with penalties provided for by the penal code.

**Article: 21**

The Office has the power to work 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 can find redress. Where the findings of the Office are not acted upon, the authority who has been so required shall justify him or herself and where justification is not accepted, the Office makes an urgent report, which is submitted to organs provided for by this law, which report may even be published.

**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**

The Chief Ombudsman and Assistant Ombudsmen may not be brought before courts because of what they reveal in fulfilling the responsibilities. In criminal procedures they are prosecuted as individuals, and judged by the Supreme Court. They cannot be held in custody, unless they are caught in the act of committing an offence whose penalty exceeds a five-year prison sentence.

**Article: 26**

Benefits allocated to members of the Office shall be approved by an Order of the President of the Republic.
**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**

The Office's running costs come from the State's budget. The Office works out its budget, which is explained to relevant authorities by the supervising organ. The implementation of the budget of the Office is monitored as provided for by the law.

**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.