MENYA UBURENGANZIRA BWAWE!

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Imfashanyigisho y'Umuryango ku Burenganzira bwo Kuvurwa n'Andi Mategeko

Kigali, Rwanda x Gicurasi 2008

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Birabujiwe kwiyitirara cyangwa kwandukura ibiri muri iyi nyandiko utabiherewe Uburenganzira.

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IJAMBO RY'IBANZE N'AMATANGAZO

Abanyarwanda bose bafite uburenganzira bwo kubikirwa ibanga, bwo kwanga ivangura iryo ari ryo ryose, bwo kwivuza n'ibindi byose byatuma bareshya imbere y'amategeko. Ubwo burenganzira tuvuga, bushingiye kandi bwemezwa n'Amategeko, bunareba abantu babana n'ubwandu bw'agakoko ka SIDA.

Iyi mfashanyigisho, yibanze ku bintu byingenzi, n'ukuntu uburenganzira bwakubahirizwa, cyane cyane ku bagore babana n'ubwandu.

Twahisemo kubumenyekanisha kubera impamvu nyinshi:

1) Kugira ngo dusubize ibyifuzo byihariye byaturutse ku banyamuryango b'abagore, bashingiye ku buringanire mu kubona imiti no kwivuza. (WE-ACTx for Hope), Umuryango udaharanira inyungu kandi utagengwa na Leta (NGO), ukorana n'imbaga y'abanyarwanda bibumbiye hamwe baharanira kugeza ku bagore bafite ubwandu bwa SIDA imiti yo kubavura.

2) Gushyigikira ko abantu bapimwa agakoko gatera SIDA, bakavurwa kandi bikanashishikarizwa abantu benshi.

3) Gusobanurira igitsina gore iby'iki cyorezo, ari umuntu ku giti cye cyangwa benshi; kuva ku mugore kugeza ku mwana; kuva ku mupfakazi kugeza ku mfubyi mu Rwanda hose.

Mu Rwanda, igitsina gore nicyo cyibasirwa n'ihohoterwa rishingiye ku gitsina,ari ugukubitwa,gutukwa,kwanduzwa indwara z'ibyorezo nka SIDA, ndetse n'izindi ndwara zifite ingaruka ku muryango.Muri iki gihe, ubushakashatsi bwagaragaje ko akenshi igitsina gore aricyo cyibasirwa n'aka gakoko kurusha igitsina gabo,.

Igihe rero muri iyi mfashanyigisho tuvuga ko uburenganzira ari ingenzi ku muntu uwo ari we wese, tugenda dusobanura nanone ubwo burenganzira ku buryo bw'umwihariko, ku bibasirwa cyane n'ihohoterwa.

Iyi mfashanyigisho irabaha ubumenyi bw'ibanze ku burenganzira bwo kwivuza mu Rwanda. Ntabwo twabuvuzeho bwose, ahubwo icyo tugamije ni ukubaha imfashanyigisho mwakwifashisha, mwigisha abantu babana n'ubwandu bwa SIDA mubamenyesha n'uburenganzira bwabo bushingiye ku mategeko. Turanatanga ubumenyi kugira ngo abantu

bagire icyo bakora mu gusubiza ibibazo bashobora guhura nabyo bashingiye ku itegeko.

Akenshi kugira ngo umuntu akemure ibibazo yifashishije itegeko, usanga yiyambaza umuryango uharanira uburenganzira bwa muntu cyangwa ivuriro ryemewe n'amategeko.

Ariko intambwe ya mbere yemewe n'amategeko ugomba gutera, ni ukumenya ko uwo muntu afite uburenganzira yemererwa n'itegeko. Turizera ko iyi mfashanyigisho izafasha mu gutanga ubumenyi bw'ibanze ari na cyo tugamije.

WE-ACTx for Hope irashimira byimazeyo abantu benshi bayifashije, imiryango itegamiye kuri Leta, inzego za Leta zitandukanye zitanze zitizigamye, zemera gufatanya natwe kugira ngo uyu mushinga ugere ku intego, badufashije ku birebana n'amategeko ari ukuyakorera ubushakashatsi ndetse no kuyagenzura.

Ku buryo bw'umwihariko twagira ngo dushimire:

Ishami ry'amategeko muri Kaminuza y'u Rwanda (UNR).

Ishami ry'amategeko muri Kaminuza yigenga ya Kigali (ULK)

Turashimira cyane kandi na:
Komisiyo y'Igihugu inshinzwe kurwanya SIDA (CNLS)
Ikigo gishinzwe gukora ubushakashatsi no gupima SIDA (TRAC).
Minisiteri y'Ubuzima mu Rwanda
Minisiteri y'Ubutabera
Minisiteri y'uburinganire n'iterambere ry'umuryango
Réseau Rwandais des personnes vivant avec le VIH (RRP+ / Urugaga nyarwanda rw'ababana n'agakoko gatera SIDA)
Society for Women and AIDS in Africa (SWAA—Rwanda)
Haguruka
Human Rights First, Rwanda
Rose Mukantabana
Danish Center for Human Rights
Fulbright Program, U.S. Embassy

Turashimira kandi imiryango ikorana na WE-ACTx for Hope ariyo:
Abakundanye
Ubuzima burahenze
Abizeyimana
Urunana
ADPR
ANSP+ National Solidarity Association Of People With HIV
APIA Tubeho
Association of widows living with HIV (AWAIS)
Coeur joyeux
Hope after rape
Ibereho
Ibyiza

Icyuzuzo
Igihozo
Inkuge
New life
Reka bukomeze
Society of Women and AIDS in Africa (SWAA)—Rwanda chapter
Solidarité
Sugira
Uyisenganimanzi
Veterans Association

We-actx for hope irasaba umuntu wese wagira icyo anenga kuri iyi nyandiko kuyigaragariza amakosa. Irabizeza ko izayakorera ubugororangingo.

Itsinda ry'abanyamategeko kuri uyu mushinga wa WE-ACTx for Hope.
Anne-Christine d'Adesky, (umwe mu bashinze umuryango WE-ACTx)
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1. UBURENGANZIRA BWA MUNTU BW'IBANZE

Abanyarwanda bose, ndetse n'abanduye virusi itera SIDA bafite uburenganzira bwa muntu bw'ibanze.

Kugirwa inama ku bijyanye na virusi itera SIDA by'umwihariko, kwipimisha no guhabwa ubuvuzi, ni ibintu bya ngombwa cyane kugira ngo umuntu agire amagara mazima no kugira ngo gukwirakwiza virusi itera SIDA bikumirwe nk'uko bigaragara mu buryo burambuye mu gice cya 2 cy'iyi mfashanyigisho ivuga ku bijyanye no guhabwa ubuvuzi.

Ariko kandi, abantu benshi bagira impungenge z'uko hashobora kubaho ivangura ry'uburyo bwinshi iyo abagize umuryango wabo, abaturanyi, abo bakorana n'abandi bamenye yuko banduye virusi itera SIDA.

Abanyarwanda bose, ndetse n'ababana na virusi itera SIDA, bafite uburenganzira bwo kurindwa iryo vangura. Ubu, hari ahantu hatatu mu mategeko y'u Rwanda dusanga ingingo zirwanya ivangura. Ku mapaji akurikira urahasanga incamake y'amategeko n'icyo wakora mu gihe uhuye n'ikibazo cyo kugirirwa ivangura.

ITEGEKO NSHINGA RYA REPUBULIKA Y'U RWANDA

Itegeko Nshinga ni ryo tegeko riruta ayandi mu gihugu. Andi mategeko, ibyemezo, hamwe n'amabwiriza ya Leta bigomba kuba bitanyuranyije n'ibyavuzwe mu itegeko nshinga (**ingingo ya 93**). Ibyo bivuga ko niba hariho ibintu runaka bitavugwa mu itegeko cyangwa se icyemezo cya Leta cyangwa ibikorwa runaka byayo binyuranyije n'ibivugwa mu itegeko nshinga, icyo gihe itegeko nshinga ni ryo rikurikizwa.

Dore incamake y'ingingo z'amategeko n'ibindi bika by'itegeko nshinga rya republika y'u Rwanda nkuko ryavuguruwe kugeza ubu, rireba Abanyarwanda bose kandi rikaba by'umwihariko, rifitiye akamaro abantu banduye virusi itera SIDA (ntabwo amagambo yakoreshejwe ahuye neza n'ayakoreshejwe mu nyandiko nyayo):

I. Abantu bafite uburenganzira bungana bwo kurindwa:

- Ubuzima bw'umuntu bugomba kubahwa bukarindwa, kandi Leta y'u Rwanda mu nzego zayo zose ifite inshingano ndakuka yo kubaha, kurinda no kubungabunga amagara y'abantu (**ingingo ya 10**).

- Abantu bose barareshya imbere y'amategeko. Bagomba kurengerwa n'amategeko mu buryo bungana nta vangura (**ingingo ya 16**).
- Abanyarwanda bose bavuka bafite umudendezo kandi bagumya kugira ukwishyira ukizana n'uburenganzira bungana ndetse n'ibyo basabwa n'amategeko (**ingingo ya 11**).

II. Nta vangura:

- Buri muturarwanda afite inshingano yo kugira abo bafitanye isano nta vangura (ingingo 46) kandi afite n'inshingano yo kutavangura (ingingo ya 47).
- Ivangura iryo ari ryo ryose rirabujijwe kandi rirahanwa n'amategeko. Ibi bikubiyemo n'ivangura ry'abantu banduye virusi itera SIDA nk'uko bigaragara muri politiki ya Leta yerekeye kurwanya icyorezo cya SIDA (p. 7).
- Ubundi buryo bwinshi bw'ivangura, urugero nk'ivangura rishingiye ku gitsina, ubwoko, inkomoko, igisekuru, umuryango, ibara ry'uruhu, akarere, idini, ibitekerezo, imimerere yo mu rwego rw'ubukungu, umuco, cyangwa ururimi birabujijwe kandi bihanirwa n'amategeko (ingingo ya 11).

• U Rwanda rwiyemeje guha abantu uburenganzira bungana, hakubiyemo n'uburenganzira bwo kurengerwa n'amategeko bungana n'ubundi burenganzira bw'ibanze, ku banyarwanda bose, hakubiyemo n'abagore. (Itegeko nshinga, ingingo zibanza No. 6, No. 10; ingingo ya 9 No. 4).

III. Amagara no kuvurwa:

• Buri muntu wese afite uburenganzira bwo kubaho (**ingingo ya 12**), kugira amagara mazima no gutekereza neza kandi akarindwa ibikorwa by'ubugome, bitesha agaciro abantu (**ingingo ya 15**) kwipimisha virusi itera SIDA ni bumwe mu buryo bwo kubahiriza ubwo burenganzira.

• Abaturarwanda bose bafite uburenganzira bwo kugira ubuzima bwiza, kandi hari n'ibyo basabwa gukora kugira ngo bigerweho (ingingo ya 41).

• Leta igomba gukangurira abaturage kuyifasha gukora ibikorwa biteza imbere imibereho myiza (ingingo ya 41).

IV. Kutavogerwa, kubikirwa ibanga ndetse no kugira umuryango:

• Leta ifite inshingano yo kubungabunga ubuzima bw'umuryango no gufasha imiryango gutera imbere (ingingo ya 27)

• Nta muntu ufite uburenganzira bwo kuvogera ubuzima bwite bw'undi muntu, bw'umuryango, urugo cyangwa gusoma amabaruwa umuntu yandikirana n'abandi atabifitiye uburenganzira (ingingo 22). Imvugo "atabifitiye uburenganzira" isobanurwa ngo "adafite impamvu yemewe n'amategeko". By'umwihariko

· Urugo rw'umuntu ntirugomba kuvogerwa mu buryo ubwo ari bwo bwose; bishatse kuvuga ko nta muntu ushobora kwinjira ngo asake urugo rw'umuntu, nyir'urugo atabimuhereye uburenganzira, keretse abyemerewe n'amategeko **(ingingo ya 22).**

· Mu buryo nk'ubwo, amabaruwa umuntu yandikirana n'abandi cyangwa ubundi buryo bwe bwo guhana amakuru na bagenzi be biba ari ibanga rya nyiraryo, keretse mu mimerere iteganywa n'amategeko (**ingingo ya 22).**

V. Uburenganzira bwo kuvuga icyo umuntu ashaka, no gutanga ibitekerezo, kwishyira hamwe no kugira uruhare mu bikorwa bibyara inyungu rusange:

• Buri Munyarwanda wese afite uburenganzira bwo kugira uruhare mu bikorwa bya Guverinoma kandi abantu bose bafite uburenganzira bungana ku bikorwa bya Leta. Ubu burenganzira ni

ingenzi mu rwego rwo kubungabunga ubuzima bw'abantu banduye virusi itera SIDA kuko ibyemezo birebana n'amafaranga agenerwa ibintu runaka bikorwa na Leta bifatirwa muri izo nzego za politiki (**ingingo ya 43, 45).**

AMATEGEKO MPUZAMAHANGA ARENGERA UBURENGANZIRA BWA MUNTU

Urundi rwego rugaragaza uburenganzira abanyarwanda bafite, hakubiyemo n'abanduye virusi itera SIDA, ni urw'amategeko mpuzamahanga arengera uburenganzira bwa muntu.

Ni koko, amategeko menshi akubiye mu Itegeko Nshinga u Rwanda rugenderaho nk'uko yagaragajwe mu ncamake mu ngingo zibanza z'iyi mfashanyigisho, ahuye n'amategeko mpuzamahanga arengera uburenganzira bwa muntu. Itegeko Nshinga ubwaryo (**mu ngingo zibanza No. 9**) rigaragaza neza inshingano y'igihugu yo kubahiriza amategeko agenga uburenganzira bwa muntu, amwe muri yo ni aya:

- Itangazo Mpuzamahanga ryerekeye Uburenganzira bw'Ikiremwamuntu ryemejwe n'Inteko rusange ya ONU/UN mu cyemezo cyayo 217 a (III) cyo ku wa 10 Ukuboza 1948;

- Amasezerano Mpuzamhanga yerekeye guca burundu Ikandamizabwoko iryo ari ryose, yemejwe n'inteko rusange ya ONU/UN mu mwanzuro wayo 2106 (XX) wo ku wa 21 Ukuboza 1965, atangira gukurikizwa ku wa 4 mutarama 1969 ;
- Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'Imbonezamubano no mu bya Politiki, yemejwe n'inteko rusange ya ONU/UN mu mwanzuro wayo wa 2200 (XXI) wo ku itariki ya 16 Ukuboza 1966, atangira gukurikizwa ku wa 23 Werurwe 1976 ;
- Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'Ubukungu, mu Mibereho Myiza no mu Muco, yemejwe n'Inteko Rusange ya ONU/UN mu mwanzuro wayo wa 2200 (XXI) wo ku itariki ya 16 kuboza 1966, atangira gukurikizwa ku wa 1976 ;
- Amasezerano Mpuzamahanga yerekeye guca burundu Ikandamizwa ry'abagore iryo ari ryo ryose, yemejwe n'Inteko Rusange ya ONU/UN mu mwanzuro wayo 34/180 wo ku wa 18 Ukuboza 1979, atangira gukurikizwa ku wa 3 nzeri 1981 ;
- Amasezerano y'Afurika yerekeye uburenganzira bw'Ikiremwamuntu n'ubw'Abaturage, yemejwe n'Inama ya 18 y'Abakuru b'Ibihugu n'aba Guverinoma i Naïrobi (Kenya), yo ku wa 27 Kamena 1981 ;

- Amasezerano yerekeye uburenganzira Bw'Umwana yemejwe n'Inteko Rusange ya ONU/UN mu cyemezo cyayo 44/25 cyo ku wa 20 Ugushyingo 1989, atangira gukurikizwa kuva kuwa 2 Nzeli 1990, nkuko biteganywa mu ngingo ya 49.

Twibutse ko aya mategeko mpuzamahanga yashizweho umukono n'igihugu cy'U Rwanda.

Nanone kandi, amwe muri ayo mategeko mpuzamahanga yinjijwe mu buryo bugaragara mu mategeko y'u Rwanda biciye mu itegeko nshinga rya Republika y'u Rwanda ashimangira Uburenganzira bwa muntu bukurikira:

- uburenganzira bwo "kugira imibereho myiza hamwe n'uburenganzira bwo kudahungabanywa ku mubiri no mu mutwe harimo n'ubwo kwivuza mu gihe urwaye", ibyo bikaba biteganywa by'umwihariko n'ingingo ya 12 y'Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'Ubukungu, mu mibereho myiza no mu muco. Ibijyanye n'ubu burenganzira bigarukwaho mu buryo burambuye mu gice cya 2 kivuga ibyerekeye kwipimisha virusi itera SIDA no kugirwa inama, hamwe no mu Gice cya 3 kivuga ibyerekeye guhabwa ubuvuzi.

- Mu buryo nk'ubwo, uburenganzira bwo kugira imibereho myiza, kuzigamirwa n'ubundi bufasha, ni ibintu bigarukwaho muri ya Masezerano Mpuzamahanga ku burenganzira mu by'Ubukungu, Imibanire n'Umuco, Ingingo ya 9-11.

AMABWIRIZA MPUZAMAHANGA YEREKEYE VIRUSI ITERA SIDA N'UBURENGANZIRA BWA MUNTU

Amabwiriza mpuzamahanga yerekeye virusi itera SIDA n'uburenganzira bwa muntu, ni amategeko mpuzamahanga afitiye akamaro cyane cyane abantu banduye virusi itera SIDA. Ayo mabwiriza yatangajwe bwa mbere mu mwaka wa 1998, avugururwa muri nyakanga 2002, maze aza gushimangirwa n'ishami ry'umuryango w'abibumbye rishinzwe kurwanya SIDA (UNAIDS) ndetse n'inama nkuru y'umuryango w'abibumbye ishinzwe uburenganzira bwa muntu.

Ayo mabwiriza yashyiriweho gufasha za Leta guhangana n'icyo cyorezo. Ntagaragaramo uburenganzira bw'inyongera bw'abantu ku giti cyabo, ariko agaragaza icyo abantu bategereza ko Leta zabo zibakorera kugira ngo zikumire ikwirakwira ry'icyo cyorezo no kugira ngo zifashe abanduye

virusi itera SIDA. Amabwiriza cumi n'abiri akurikira yashyizwe mu ncamake (si ijambo ku rindi).

Dukurikije Amabwiriza y' Ishami ry'Umuryango w'Abibumbye rishinzwe kurwanya icyorezo cya SIDA (UNAIDS), nuko ibihugu byose bifite inshingano yo kugeza kubanyagihugu gahunda yihariye ku cyorezo cya SIDA, cyane cyane

- Gutanga amakuru nyayo yerekeye Virusi itera SIDA, uko yakwirindwa n'uko abarwayi bayo bakwitabwaho, hakubiyemo n'uburyo bwo kuvurwa bufite umutekano kandi bukwiriye, aboneka byoroshye kandi kuri benshi (No. 6);

- Gushyiraho amategeko ahamye arengera abanduye virusi itera SIDA, abuzanya guhabwa akato kandi akagaragaza uburyo bwihuse kandi bukwiriye bwo kuyashyira mu bikorwa (No. 5);

- Kuyobora ibikorwa byo kwigisha no guhugura abantu ku byerekeye kudaha akato abanduye virusi itera SIDA no gutuma abantu bahindura imyifatire yo kudaha akato abanduye, bakagira kubumva no kwemera kubana nabo (No. 9);

- Gushyigikira no gushyira mu bikorwa gahunda z'amategeko zigamije kwigisha abantu banduye virusi itera SIDA uburenganzira bwabo, gutanga serivisi mu bijyanye n'amategeko zitishyuzwa kugira ngo ubwo burenganzira bwabo bushimangirwe atari mu nkiko gusa ahubwo no mu nzego z'ubutabera, mu nzego z'umuvunyi, iziharanira uburenganzira bwo kugira amagara mazima ndetse na za komisiyo zishinzwe uburenganzira bwa muntu (No.7);

- Gukurikirana ishimangirwa ry'ubu burenganzira (No. 11) no

- Guhangana n'ikibazo cy'ivangura rikorerwa abagore, abana n'andi matsinda y'abanyantege nke hifashishijwe uburyo bukurikira:

kugirana ibiganiro n'abaturage, gushyiraho serivisi mbonezamubano n'iz'ubuvuzi, no gutera inkunga amashyirahamwe y'abaturage (No.8).

I. UBURENGANZIRA BWA MUNTU BW'IBANZE:

AHO WABARIZA

Ishyirahamwe Nyarwanda ku Burenganzira bwa Muntu (ARDHO)

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P.O. Box 160, Kigali, Rwanda
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Website: www.minijust.gov.rw

I. UBURENGANZIRA BWA MUNTU BW'IBANZE.

AMATEGEKO YAGENDEWEHO

Itegeko Nshinga rya Repubulika y'u Rwanda nkuko ryavuguruwe kugeza ubu, ingingo zibanza No. 6, 9 na 10; Ingingo yaryo ya 9-12, 15-16, 22, 27, 41, 43, 45-47 na 93.

Amabwiriza Mpuzamahanga y'Ishami ry'Umuryango w'Abibumbye rishinzwe kurwanya SIDA (UNAIDS) ndetse n'Inama Nkuru y'Umuryango w'Abibumbye ishinzwe Uburenganzira bwa muntu yo mu wa 1998. Inyandiko yavuguruwe muri Nyakanga 2002.

Amabwiriza y'igihugu yerekeye ubujyanama, gupima ku bushake, no kwirinda kwanduza Umwana agakoko gatera SIDA biturutse ku mubyeyi. Minisiteri y'ubuzima y'u Rwanda, TRAC (Ukuboza 2005).

AHO WABIBONA

NGO Summary of the International Guidelines on HIV/AIDS and Human Rights, ICASO (September 1999).

An Advocate's Guide to the International Guidelines on HIV/AIDS, ICASO (September 1999).

2. UBUSHAKE, IBANGA, UBUJYANAMA, NO GUPIMA VIRUSI ITERA SIDA

Agakoko ka SIDA ni ko gatera uburwayi bwayo n'ibyuririzi byayo. ibisobanuro kuri SIDA, Ubujyanama no gupima ko abantu bayifite bikorerwa ubuntu, k'ubushake kandi mu ibanga.

Ibyo byose n'ingenzi kuko bituma abantu bamenya:-

- Ko babana n'agakoko ka SIDA cyangwa ari bazima
- Uburyo bunyuranye bwo gukorana n'abarwayi ba SIDA ku buryo utakwandura ako gakoko; hamwe n'ibindi byinshi bivugwa kuri SIDA
- Uko umuntu yakwirinda kurwara SIDA no kuyikwirakwiza; kimwe nuko umuntu akwiye kwirinda izindi ndwara akanirinda kuzikwirakwiza.

Umuntu yakwivuriza SIDA n'izindi ndwara hehe? Ese uwaba atwite yakwivuza ate kandi hehe? Kuringaniza urubyaro byo byakorwa bite?

Abanduye SIDA cyangwa izindi ndwara hamwe n'abatwite bagirwa inama kandi bakavurwa. Kugirwa inama no gupimwa, n'ingenzi ku bagore

batwite kuko birengera umubyeyi n'umwana we. Cyane cyane bituma umwana atandura mbere yo kuvuka, igihe avuka na nyuma yo kuvuka.

Uwifuza kwipimisha agakoko gatera SIDA afite ubwo burenganzira hakurikijwe gahunda ya Leta itagomba amafaranga, yiswe CDV mu rurimi rw'amahanga. Hari gahunda idasanzwe yo kuvura abagore batwite mu Rwanda, iharanira ko umwana adakwiye kwanduzwa agakoko ka SIDA

Nanone twakwemeza ko ikigo gishinzwe kuvura no gukora ubushakashatsi kuri SIDA (TRAC) kigerageza kugendera ku mategeko agenga ubujyanama, isuzumwa no kuvurwa ,kandi ibyo bigakorwa ku bushake no mu ibanga.Zimwe mu ngingo z'Itegeko nshinga rya Republika y'u Rwanda nkuko ryavuguruwe kugeza ubu n'Amategeko mpuzamahanga arengera uburenganzira bwa muntu agenda ashimangira ibyavuzwe hejuru.

Incamake y'amategeko atangirirwaho, akurikiwe n'ibisobanuro birambuye.

- Ubujyanama no kwipimisha bikorwa ku buntu, ku bushake kandi mu ibanga.
- Abipimisha bagomba kugirwa inama mbere yo kwipimisha, kugira ngo bamenye neza ikiriho;

bakongera kugirwa inama nyuma yo kwipimisha kugira ngo basobanukirwe ibyavuye mu gupimwa.

- Buri muntu wese afite uburenganzira bwo gusobanuza ibyerekeye Virusi itera SIDA bitabaye ngombwa ko apimwa cyangwa asuzumwa.

- Abashaka kwipimisha kugira ngo bamenye uko bahagaze , bakwipimisha nta kibazo.

- **Kuvurwa**: Ibigo by'ubujyanama no gupima bigomba kuvura abantu byakira cyangwa bikabohereza aho bavurirwa baba barwaye SIDA cyangwa batayirwaye. Ibyo bisobanuwe imbere gato kugice cy'ubuvuzi. Kumenya ubwo burenganzira ukagira icyo ubikoraho bifite icyo bizadohora kugira ngo abantu babeho.

Kwipimisha agakoko gatera SIDA k'ubushake kwipimisha virusi itera SIDA bigomba gukorwa kubushake.

KWEMERA NYUMA YO GUSOBANUKIRWA

Hakurikijwe amabwiriza ya TRAC, umuntu agomba gusobanurirwa mbere yo gupimwa.

I. Iyo bitabaye ibyo uko gupimwa ntikuba gukozwe kubushake

- Umuntu asobanurirwa uko ibipimo bikorwa, igikurikiraho noneho yasobanukirwa neza akabona ubwemera.
- Umuntu uwo ariwe wese, ufite imyaka 18 no kurengaho ashobora kumva akaniyemerera gupimwa kuko aba yumva ikibazo uko giteye, nubwo imyaka y'umuntu yo kwifatira ibyemezo ari 21.
- Nta wapimwa agakoko gatera SIDA ataragirirwa inama mbere y'igihe, kandi mu igihe nta nama yatanzwe agapimwa, bifatwa ko yapimwe atabyiyemereye.
    - Hari ubwo umuntu ahabwa ibisobanuro kenshi agasobanukirwa mbere yuko apimwa.
    - Igihe umuntu adafite umwanya wo kugirwa inama cyangwa igihe atiyumva neza, umujyanama arabisubika. Gupimwa bibaho nyuma yo kugirwa inama.

II. Amategeko agenga abafite uburwayi bwo mutwe cyangwa bw'umubiri

igihe umuntu adashobora kwifatira icyemezo kubera imyaka arimo, cyangwa uburwayi, amategeko akurikira arakurikizwa.

Igihe umuntu adashoboye gupimwa biturutse ku burwayi bw'umubiri cyangwa se bwo mu mutwe, biba ngombwa ko:

- Uwo muntu apimwa hakurikijwe kwemera k'umuvandimwe we cyangwa undi muntu umwitaho.
- Igihe muganga akeka ko umurwayi yaba afite agakoko gatera SIDA, ndetse yabibwira abo mu muryango we cyangwa abashinzwe kumurera ntibashobore kutamwitaho cyangwa bakaba bamuha akato bikamenyakana ko yanduye virusi ya SIDA, muganga ahitamo kumupima nta muntu abibwiye cyangwa se abajije.

Igihe umuntu afatirwa ibyemezo kuko we atabishoboye, umufatira ibyemezo ni we uhabwa ibisubizo bye.

Abana b'imyaka iri munsi ya 18:

Umubyeyi cyangwa undi urera umwana uri munsi y'imyaka 18 yemera ko umwana apimwa agakoko gatera SIDA igihe abona ko aribyo bikwiye.

- Kugirwa inama mbere yo gupimwa na nyuma yo gupimwa bikorerwa umubyeyi cyangwa urera umwana uri hasi y'imyaka 18.

• Hari ubwo umwana uri hasi ya 18 yagirwa inama hakurikijwe imyumvire ye n'imyaka ye.

Gusaba ko abana barererwa mu bigo by'imfubyi cyangwa ahandi bapimwa:

• Umujyanama agomba gushishoza ko nibimenyekana ko abo bana banduye agakoko gatera SIDA bitazabagiraho ingaruka yo guhabwa akato, aho bibaye ngombwa yabohereza ahandi bashobora kuvurirwa.

Kumenyekanisha ubwandu bw'abana:

• Igihe umwana yanduye, muganga akabona ko bimenyekanye ko yanduye virusi itera SIDA byamugiraho ingaruka mbi, muganga yirinda kumenyekanisha uburwayi bw'umwana, kuko hari ubwo abe bashobora kumuha akato.

Abana bari munsi y'imyaka 18 bisabira gupimwa:

• Umwana uri munsi y'imyaka 18 yapimwa igihe abyisabiye, icyo gihe bigaragara ko azi icyo akora

• Abana bisabiye gupimwa bandujwe bitavuye ku bushake bwabo, biba ngombwa kubitaho mu buryo bw'umwihariko hakoreshejwe ubuhanga bw'ubumenyamuntu cyangwa bw'imikoranire y'abantu.

• Abana na bo barakirwa, ndetse bakanabungabungwa.

Ubushakashatsi kuri SIDA:

• Ubushakashatsi n'ingenzi kuko:

  · Butuma abantu birinda SIDA.

  · Butuma SIDA ivurwa.

  · Butuma ubundi burwayi buvurwa.

  · Butuma abanduye SIDA barengerwa bagafashwa.

Uretse ko umuntu akora ubushakashatsi kuri SIDA kubera ubushake, abakora ubwo bushakashatsi bafite uburenganzira bwo gukorera mu ibanga no mu bwiherero. Ibyo bivugwa mu Itegeko Nshinga rya republika y'U Rwanda (ingingo ya 15), Amategeko mpuzamahanga hamwe no mu mabwiriza y'ishami ry'umuryango w'abibumbye rishinzwe kurwanya SIDA UNAIDS (No. 5).

GUPIMWA BIKORWA MU IBANGA

SIDA ipimwa mu ibanga ndetse no kugirwa inama, keretse rimwe na rimwe iyo hari impamvu igaragara. Amabwiriza ya TRAC avuga ko kugirwa inama, gupimwa, no kuganira ibirebana n'igisubizo, byose

bikorwa mu ibanga; bityo uwakiriwe akaganira n'abamwakiriye mu ibanga no mu bwisanzure nko mu biro.

Ni ukuvugako ugirwa inama agomba kuba ari kumwe n'umugira inama wenyine nta bandi baganga bahari, nta muvandimwe keretse igihe ugirwa inama abyiyemereye.

Kugirwa inama muri rusange ku gakoko gatera SIDA no gupima ako gakoko ni byiza, ariko buri muntu wese afite uburenganzira bwo kugirirwa ibanga mbere yo gupimwa. Ibyo bituma ugirwa inama yakwishyira akizana akavuga ibimubangukiye, ari kumwe n'umujyanama. Kuko bumwe mu buryo virusi itera SIDA yanduriramo, ari ukugira imibonano mpuzabitsina nta agakingirizo; abagiye kurushinga cyangwa abashakanye,abagore batwite, bose bakwakirwa hamwe bakagirwa inama.

Ari umugore cyangwa umugabo mu rugo buri wese afite uburenganzira bungana bwo kugirirwa ibanga nk'aho ari umuntu umwe ku giti cye.

I. Kugirirwa Ibanga

Kugira ngo umuntu afashwe kugirirwa ibanga, hagomba gukoreshwa ikimenyetso kihariye kuri buri muntu aho gushyiraho amazina ye igihe bamupima agakoko ka SIDA.

Muri Minisiteri y'Ubuzima, aho batanga inama banapimira agakoko gatera SIDA, ntabwo batanga igisubizo mu nyandiko, ahubwo bagitanga bakikubwira mu magambo.

Kwipimisha agakoko ka SIDA ushaka akazi, ubwishingizi cyangwa kubyerecyeranye n'ingendo:

- Iyo umuntu ashaka mu nyandiko icyemezo cy'uko yanduye cyangwa atanduye SIDA kubera impamvu z'akazi, ubwishingizi cyangwa ingendo n'ibindi. agomba gushakira icyo cyemezo mu baganga bigenga.

Amadosiye y'abantu bagirwa inama, bapimwa cyangwa bavurwa SIDA agomba kubikwa ahantu hizewe kandi akagirirwa ibanga. Ibi birasobanura ko ayo madosiye abikwa kandi agatangwa n'umukozi ubishinzwe, buri muntu akaba ari we wifatira igisubizo. Ariko umuntu afite uburenganzira bwo kubona igisubizo cyanditse cy'uko ahagaze kivuye muri dosiye ye.

II. Igihe Ayo Mabanga Ashobora Gutangwa

Amakuru y'uko umuntu ahagaze ku byerekeye icyorezo cya SIDA ashobora gutangwa igihe:

- Gutanga ayo makuru bifitiye nyir'ubwite akamaro (urugero nko kwa muganga cyangwa ahandi)
- Gutanga ayo makuru byafasha ubuzima bwe
- Cyangwa igihe bigenwa n'amategeko.

Mbere y'uko igisubizo cy'umuntu gihabwa undi, umujyanama agomba kubanza kubaza nyir'ubwite. Kubimenyekanisha mbere bituma uwo muntu atamenerwa ibanga n'aho byaba bikenewe ku buryo bwihutirwa. Urugero ni nk'igihe uko kumena ibanga byaba ari gutangwaho ingero cyangwa igihe umuntu yerekanye impamvu kumena ibanga bitari ngombwa kugira ngo bifashe ubuzima bw'undi muntu.

2. UBUSHAKE, IBANGA, UBUJYANAMA, NO GUPIMA VIRUSI ITERA SIDA

INGERO

N*yirasafari aratwite, ariko afite impungenge yuko yaba yaranduye SIDA. ntamafaranga yo kwipimisha afite, kandi niyipimisha umugabo n'abavandimwe hari ubwo babimenya.*

Ariko aza kujya kwipimisha ku kigo gishinzwe gupima SIDA. Umujyanama agombye kumubaza niba yipimisha kubushake, kandi akaba yiteguye kugirwa inama mbere na nyuma yo kwipimisha. Nyirasafari aremeye. Umujyanama amuhuguye n'abandi mbere yuko bipimisha.

Umujyanama asobanuyeko ibiva mu gupimwa ari ibanga, kandi buri muntu wese afite uburenganzira bwo kuvugana n'umujyanama mw'ibanga.

Nyirasafari ashaka kubaza umujyanama uko yagira umugabo we inama ngo nawe yipimishe, ariko agize ipfunwe ryo kubibariza imbere y'abahari. Nyuma yaho nyirasafari yasabye umujyanama ko baganira biherereye ; hanyuma bajya mu cyumba umujyanama amusubiza mw'ibanga. nyirasafari yasabyeko ibiva mu gupimwa yabimenyeshwa mu magambo ntibyandikwe, umujyanama aramwemerera.

Nyirasafari aranyuzwe kuko ibibazo bye byose bishubijwe ; icyo gituma yemera gupimwa. Nyirasafari apimwe k'ubuntu ; ahawe umubare uranga ibiribuve mu gupimwa kwe. Gukoresha umubare bitagomba izina rye bituma ibiva mu gupimwa bisigara ar'ibanga.

Nyirasafari yasubiye ku kigo gipima kw' isaha yari yahawe n'umujyanama kugira ngo amenye ibyavuye mu gupimwa kwe. Umujyanama amutwaye mu bwiherero, akinga urugi, asubiza ibibazo bye ndetse aganira nawe ibirebana n'ibyavuye mu gupimwa kwe. Amaze kumumenyesha ibyavuye mu gupimwa, amugiriye inama yo kujya mu ivuriro akajya yivuza.

2. UBUSHAKE, IBANGA, UBUJYANAMA, NO GUPIMA VIRUSI ITERA SIDA

AHO WABARIZA

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Dufatanye—Rwanda Community Law Anti-Discrimination Network

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Urugaga Nyarwanda Rw'ababana N'ubwandu Bwa SIDA (RRP+)

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Stanis Ngarukiye, President
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Béatrice Kagoyire, Executive Secretary
Mobile: 08304030

SWAA—Rwanda Ihumure

P.O. Box 5196, Kigali, Rwanda
Tel: 501303 • Mobile: 08507668 or 08505385
Website: www.swaa.org.rw

Ikigo Gishinzwe Kuvura No Gukora Ubushakashatsi Kuri SIDA (TRAC—Rwanda)

P.O. Box 2717, Kigali, Rwanda
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Website: www.tracrwanda.org.rw

2. UBUSHAKE, IBANGA, UBUJYANAMA, NO GUPIMA VIRUSI ITERA SIDA

AMATEGEKO YAGENDEWEHO

Itegeko nshinga rya Republika y'u Rwanda nkuko ryavuguruwe kugeza ubu, ingingo ya 15, 22

Amabwiriza mpuzamahanga kuri Virusi itera SIDA n'uburenganzira bwa muntu (1998 ryavuguruwe muri Nyakanga 2002) No 5

Amategeko n'amabwiriza y'Igihugu ku bujyanama, gupimwa k'ubushake no kwirinda kwanduza virusi itera SIDA umwana biturutse k'umubyeyi. Minisiteri y'Ubuzima TRAC (Ukuboza 2005)

Ibwiriza rya Minisitiri no 20/20 ryo ku wa 25/09/2006 rigena uburyo bwo gupima ku buntu Agakoko gatera SIDA ku Bantu babyifuza ku bushake mu Rwanda

Ibwiriza rya Minisitiri no 20/10 ryo ku wa 04/10/2005 rijyanye n'ubuvuzi bw'agakoko gatera SIDA n'ubuvuzi bundi busanzwe.

Ibwiriza rya Minisitiri no 1/03 ryo ku wa 03/12/2003 ryerekeye Ubujyanama ndetse no kuvura abantu babana n'agakoko gatera SIDA.

AHO WABIBONA

Imbonerahamwe y'Imiryango itegamiye kuri Leta (NGO) ku mabwiriza mpuzamahanga n'uburenganzira bwa muntu kuri SIDA. ICASO (Nzeri 1999).

Ubuvugizi kuri ayo mabwiriza mpuzamahanga kuri SIDA. ICASO (Nzeri 1999).

3. UBURENGANZIRA BWO KWIVUZA N'UBUNDI BUFASHA WAHABWA

Nkuko twabivuze hejuru, Agakoko gatera SIDA kashimangiweho mu rwego rw'ubujyanama no gupima, dusobanura ko abantu bafite **uburenganzira bwo kwivuza buvugwa mu birebana no gupima.** *Ubwo burenganzira tubusanga muri politiki y'igihugu yo kurwanya SIDA* (ku rupapuro rwa 16); Uretse ko nanone bigenda bisobanurwa mu magambo arambuye mu mabwiriza anyuranye ya Minisiteri; hamwe n'amabwiriza ya TRAC.

Amabwiriza ya TRAC yerekana ko abarwayi ba SIDA **bafite uburenganzira bwo kuvurwa** hakurikijwe Itegeko Nshinga rya Repubulika Y'u Rwanda hamwe n'amategeko mpuzamahanga agenga uburenganzira bwa muntu. (Aya mategeko ahiniye mu gice cya I). Iyi mfashanyigisho yibanda ku bantu bafite agakoko gatera SIDA ndetse n'abandi banyarwanda bafite uburenganzira bwo kwivuza. Ni ngombwa kwibutsa uburenganzira bwo kwivuza tuvuga muri iki gice kuko bifitiye akamaro n'abandi banyarwanda bose.

Kwivuza SIDA no kubona imiti bituma ubuzima bw'abantu burokoka.

- Ikindi ni uko imiti igabanya ubukana bwa SIDA yamaze kuboneka Ku buryo abatishoboye bay-ibona batishyuye.**Abarwayi ba SIDA bafite uburenganzira bwo guhabwa iyo miti.**

- **Umugore utwite** aba akeneye kuvurwa no gusuzumwa agakoko gatera SIDA, kugirango um-wana na nyina babashe kubaho.

Kuvurwa SIDA ntaho bitandukaniye n'ubundi buvuzi. Kubera iyo mpamvu amavuriro yose mu Rwanda afite inshingano mu kuvura abarwayi n'abipimishije agakoko gatera SIDA. Ibi bigendana na politike y'igihugu ivuga ko buri munyarwanda yemerewe kwivuza nta guhezwa. Agakoko gatera SIDA kagomba kujyana n'ubundi buvuzi butangwa mu bigo nderabuzima mu Rwanda harimo ibitaro na za farumasi.Ibi bijyana n'uburenganzira bwo kudahezwa mu kuvurwa ku banyarwanda bose.

ESE MU GIHE MFITE AGAKOKO GATERA SIDA NAVURWA NTE?

Igihe umuntu arwaye SIDA ibigo bitanga inama bikanapima, bigomba kumuvura cyangwa bikam-

wohereza aho yavurirwa, ndetse akabona imiti y'ibyuririzi.

Kuvurwa no koherezwa ahandi:

Ibigo bitanga inama bikanapima,bigomba kubahiriza akazi gakurikira:

- Kuvura abarwayi ba SIDA cyangwa abafite ubundi burwayi. Urugero:abafite uburwayi bwandurira mu mibonano mpuzabitsina, igituntu na malariya.

- Kuvura no kohereza abarwayi mu bindi bigo nderabuzima ndetse no kwita ku bagore batwite kuko bituma umwana na nyina bavurwa ; umwana ntiyandure agakoko gatera SIDA ; ubuzima bwabo bukarokoka.

    - Igihe uruhinja rudafite gakoko gatera SIDA, nyina aba agomba guhabwa amabwiriza y'ukun-tu yamurera iyo we ari umurwayi.

- **Amabwiriza ku ndyo yuzuye.** Kubona indyo yuzuye mu bipimo bikwiye ni ikintu cy'ingenzi ku barwayi ba SIDA, abagore batwite hamwe n'abonsa.

    - Iyi nyandiko yerekana ko amabwiriza ya TRAC, atibanda gusa mu gutanga ibyo kurya; uretse ko ibivugaho muri rusange; ariko abarwayi ba SIDA cyangwa abafata imiti igabanya ubukana bwa SIDA, abagore batwite bagomba guhabwa

ibyo kurya bihagije.Twibutse ko hazamo na gahunda yo kwigisha.

- Kuringaniza imbyaro
- Gufasha no gutunga Urugo
- Ibibazo byo mu mutwe n'ibindi igihe ari ngombwa, hamwe no kurwanya ihohoterwa mu miryango n'ibindi bijyanye nabyo.

Uretse ko ubwo buvuzi bugenerwa n'abapimwe ariko badafite agakoko gatera SIDA.

IGIHE NTASHOBOYE KWIVUZA NAGIRA NTE?

Ibigo byose byavuzwe haruguru bigomba kuvura SIDA, bikanatanga imiti igabanya ubukana, cyangwa bikohereza abarwayi aho babona iyo miti. Imiti igabanya ubukana bwa SIDA irahari, ndetse aho byaba ngombwa urwaye yajya mu bitaro.

Ubwisungane mu kwivuza:

Umubare w'abanyarwanda babona ubwisungane mu kwivuza (mutuel de santé) uragenda wiyongera.Buri munyarwanda akwiye kubona ubwo bwisungane kugira ngo ejo hazaza atazahura n'ikibazo cy'uburwayi akabura uko yivuza. Kugira ngo umuntu abone ubwisungane mu ukwivuza, nuko agomba kwishyura amafaranga y'u Rwanda 1000 buri mwaka ; bityo urwaye akavurwa mu buryo bworoheje; gusa, ugira icyo wishyura mu gihe cyo kwivuza ariko kidakanganye. Nanone twavuga ko ibigo bimwe bidaharanira inyungu byatangiye kujya bifasha abo bitera inkunga mu kwishyura amafaranga y'ubwishingizi mu by'ubuzima.

Ibitaro n'abayobozi bagomba gusobanukirwa neza k'ubwishingizi mu by'ubuzima mu buryo buhagije; kimwe n'ibigo bitanga ubwishingizi mu by'ubuzima mu Rwanda.

Ubwishingizi mu by'ubuzima bw'abakozi:

Abakozi ba leta n'abandi bakozi bashobora kugira ubwishingizi buciye ku kazi kabo.

Urugero: RAMA itanga ubwishingizi bw'ubuzima bw'abakozi ba Leta n'abandi, 15% y'imishahara yabo akaba ajya mu bwishingizi bw'ubuzima.

Icyemezo cy'ubukene:

Abantu badashoboye kwiyishurira kwa muganga kubera ikibazo cy'ubukene, cyane cyane abagore batwite n'abakeneye ibitanda gusa badafite ubwishingizi ku buzima bwabo bagomba kuvurwa gusa bakagira **ibyemezo byo kuba batishoboye**. Uturere tuba dufite urutonde rw'abatishoboye

baba abarwayi ba SIDA cyangwa n'abatari bo.Utari kuri urwo rutonde gusa atishoboye aziyambaza akarere kamuyobora cyangwa abanyamategeko babishinzwe.Bari mu mbonerahamwe ikurikira.

- Nta bitaro bikwiye gufatira umurwayi cyangwa uruhinja kubera ko adafite amafaranga.

Imiryango idaharanira inyungu:

Ikindi ni uko imiryango idaharanira inyungu nka WE-ACTx FOR HOPE,Rwanda Women's Network.,AVEGA,Family Health International, Partners in Health,n'iyindi ifite amavuriro yakwita ku barwayi ba SIDA n'abandi.

3. UBURENGANZIRA BWO KWIVUZA N'UBUNDI BUFASHA WAHABWA

INGERO

Mu rugero rwaherutse, nyirasafari yapimwe SIDA mu kigo cyabigenewe. yapimwe ku buntu, agirwa inama kandi apimwa neza mu ibanga ; ndetse n'ibyavuye mu gupimwa abihabwa mu bwiherero nta nyandiko ikoreshejwe.

Nyuma yo kumenyako yafashwe, nyirasafari arihebye kubera ubuzima bwe n'ubwuwatwite ; ariko umujyanama aramukomeje amwerekako hari imiti yaramira ubuzima bwe kandi umwana we akaba azavuka atanduye. icyo gitumye nyirasafari agira icyizere. ikindi nuko umujyanama amumenyeshejeko yafashwa mu bundi buryo bunyuranye igihe abikeneye.

Amategeko y'u rwanda avugako buri muntu afite uburenganzira bwo kwivuza harimo n'uwanduye virusi itera SIDA; bityo nyirasafari agiriwe inama yo kujya aho yavurirwa bihagije, akabona imiti yo kugabanya ubukana no kuvurwa indwara z' ibyuririzi. nyirasafari abaganga bamwitayeho mbere yuko umwana we avuka, nigihe azabyara bazamwitaho na nyuma yo kubyara bamwiteho ; kugira ngo umwana we atandura.

kandi ashobora kugirwa inama kumpamvu z'ingenzi ; nko gukoresha agakingirizo, gukubitwa n'umugabo nabandi, n'ibindi.

Nyirasafari agize ikibazo kubera amafaranga y'ivuriro, ariko umujyanama aramuhumuriza amwerekako mu rwanda hari gahunda y'ubwisungane mu kwivuza. icyo ariko ntikinyuze nyirasafari. noneho umujyanama amumenyeshako ikigo icyo aricyo cyose kivura kikanapima SIDA cyamuvurirwa ubuntu kubirebana nuko atwite kandi yanduye SIDA ; byarimba igihe ayo kwamuganga amugoye yakwiyambaza umuryango udaharanira inyungu umuri bugufi.

Hari imiryango idaharanira inyungu yatanga ay'ubwisungane mu buvuzi nyirasafari yakenera. hari n'ibigo bitera inkunga mu by'ubutabera. igihe yiyambaje ikigo nk'icyo cyakurikiranira bugufi ko nyirasafari yaba ari k'urutonde rw'Akarere rwabavurira ubuntu. abaye ataruriho ikigo nk'icyo cyasaba ko ashyirwa k'urutonde rw'abavurirwa ubuntu.

3. UBURENGANZIRA BWO KWIVUZA N'UBUNDI BUFASHA WAHABWA

AHO WABARIZA

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Dufatanye: Rwanda Community Law Anti-Discrimination Network

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Urugaga Nyarwanda Rw'ababana N'ubwandu Bwa SIDA (RRP+)

P.O. Box 6130, Kigali, Rwanda

Stanis Ngarukiye, President
Tel: 588151 • Mobile: 08305155

Béatrice Kagoyire, Executive Secretary
Mobile: 08304030

SWAA—Rwanda Ihumure

P.O. Box 5196, Kigali, Rwanda
Tel: 501303 • Mobile: 08507668 or 08505385
Website: www.swaa.org.rw

Ikigo Gishinzwe Kuvura No Gukora Ubushakashatsi Kuri SIDA (Trac)

P.O. Box 2717, Kigali, Rwanda
Tel: 578471 or 578472 • Fax: 578473
Website: www.tracrwanda.org.rw

3. UBURENGANZIRA BWO KWIVUZA N'UBUNDI BUFASHA WAHABWA

AMATEGEKO YAGENDEWEHO

Itegeko nshinga rya Republika y'u Rwanda nkuko ryavuguruwe kugeza ubu, Ingingo 12, 15, na 41.

Gahunda n'imikorere ku birebana N'Ubujyanama kuri SIDA, kwipimisha ku bushake no kurinda umwana uri mu nda ya nyina kwandura, Minisiteri y'ubuzima, TRAC (Ugushyingo 2005)

Ibwiriza rya Minisiteri y'ubuzima No.20/10 ryo ku wa 04/10/05 rirebana no kwegereza abaturage ubuvuzi hamwe no gucengeza gahunda z'icyorezo cya SIDA mu buvuzi busanzwe.

Ibwiriza rya Minisiteri y'ubuzima No 1/03 ryo ku wa 03/12/03, rirebana no Gusuzuma hamwe no kuvura abantu banduye agakoko gatera SIDA.

Amasezerano mpuzamahanga yerekeye uburenganzira mu by'ubukungu, mu mibereho myiza no mu muco yemejwe n'Intako Rusange ya ONU/UN mu mwanzuro wayo wa 2200 (XXI) wo ku itariki ya 16 Ukuboza 1966, Ingingo ya 12.

Amabwiriza mpuzamahanga ku gakoko gatera SIDA n'uburenganzira bwa muntu, UNAIDS

hamwe n'ibiro bya komiseri w'uburenganzira bwa muntu muri Loni 1998, (ryavuguruwe muri Nyakanga 2002).

Imenyekanisha ry'uburenganzira bw'abarwayi ryakozwe n'ishyirahamwe ry'abaganga bo ku isi hose (1995).

AHO WABIBONA

Incamake y'imiryango idaharanira inyungu ku mabwiriza mpuzamahanga arebana *na Virusi itera SIDA hamwe n'uburenganzira bwa muntu*, ICASO (Nzeli 1999).

Amabwiriza mpuzamahanga y'abanyamategeko kuri SIDA, ICASO (Nzeli 1999).

Ubwisungane n'ubwishingizi mu by'ubuzima mu Rwanda, Minisiteri y'ubuzima (Ukuboza 2004)

Ubwisungane mu bwishingizi mu by'ubuzima mu Rwanda; Icyizere mu iterambere (Gashyantare 2007)

Urubuga rwa www.santetropicale.com/rwanda/marc0207.htm

4. UBURENGANZIRA BWO KUDAKORERWA IHOHOTERWA RISHINGIYE KU GITSINA

Ubushakashatsi bwerekana ko abagore benshi bandura SIDA kurusha abagabo.Urugero ni uko mu Rwanda hose **abantu batatu ku ijana banduye virusi itera SIDA** ; ariko mu banyarwandakazi 100 bane baba banduye SIDA.

- Mu mugi ho bigakabya kuko ku banyarwandakazi 100 batuye mu mugi 8, 6% baba baranduye SIDA.
- Hanyuma ku bagore 100 batwite bo mu mugi 11 baba baranduye agakoko gatera SIDA. Ariko mu cyaro kuri buri 100 batwite bane nibo baba baranduye.

Mu gihe cya Genoside yakorewe abatutsi yo 1994 abari n'abategarugori 250.000 barahohotewe bikabije. Kuri buri 100 bahohotewe 67% banduye agakoko gatera SIDA. Iryo hohoterwa ryagiye riba no mu bindi bihugu byazahajwe n'indi midugararo nyuma y'intambara tutibagiwe cyane cyane ibyo mu biyaga bigali.

I. Abari n'Abategarugori Bandura Agakoko Gatera SIDA Vuba Kubera Impamvu Zikurikira

- **Ubukene**

- **Kuba bamwe batarageze mu ishuri,no kutamenya icyorezo cya SIDA uko cyandura**

- **Kutaba bugufi** y'amavuriro no kutamenya kwirinda, ndetse hakoreshejwe agakingirizo ka bagore.

- **Umubiri w'abagore** n'abakobwa uteye mu buryo wakira virusi itera SIDA vuba na bwangu.

- Abagore nta bubasha bafite mu by'umutungo, mu by'imibanire y'abantu no mu by'ubutegetsi, kugira ngo babashe kwirinda ibisitaza bizana agakoko gatera SIDA.

Akenshi abari n'abategarugori **bagorwa no kwanga imibonano mpuzabitsina.Kwangira umugabo, fiyanse we cyangwa n'abandi, n'ibintu bitorohera abagore.Gusaba agakingirizo no gusaba kwipimisha byose birabagora,** ni kuri iyo mpamvu bisanga bakoze iyo mibonano akenshi bakandura.

- **Abagore bo bafite abagabo** bakunze kugira ikibazo kidasanzwe kuko umuco ubahata kubonana n'abagabo babo. Kwirinda bigomba agakingirizo n'ubwo bikigoranye.Mu Rwanda kimwe no mu bindi bihugu byinshi by'Afurika abagore benshi bavuga ko bandujwe SIDA n'abagabo babo kubera kudakoresha agakingirizo no kubera kutir inda.

- **Abakobwa n'abagore bakiri bato** bo mu Rwanda, hari ubwo bahatwa gushaka kugirango inkwano ziboneke, n'abana bavuke, Ariko usanga abagabo babo batazi ko banduye agakoko gatera SIDA.

- **Kwibeshya ku busugi bw'abakobwa**:

Hari abantu b'injiji usanga bavuga ko kuryamana n'umukobwa w'isugi bivura SIDA. Icyo rero gituma abagabo banduye SIDA bahohotera abakobwa b'isugi bakabanduza. Abayobozi bashinzwe ibyo kurwanya icyorezo cya SIDA barabyamaganye, ariko ntacyo byatanze kuko abakobwa ari benshi abagabo bakaba bake.

Igihe abagore banduye agakoko gatera SIDA, ubushobozi bwabo bwo gukora akazi buragabanuka cyane, akaba ariyo ntandaro y'ubukene k'umuryango akenshi.

Ibyo bibazo bya SIDA n'ubukene bugendana nayo bikunze kugora abagore bashobora kubyara bafite hagati y'imyaka 15 na 49.

Inkuru nziza ni uko SIDA mu Rwanda iri mukugabanuka; kandi nk'uko twavuze mu gice cya gatatu ubuvuzi n'imiti igabanya ubukana bwa SIDA irahari. Kurengera abagore n'abana no kurwanya ihohoterwa ryabo bizongera kugabanya SIDA,no kurengera ubuzima bw'abantu.

IHOHOTERWA RISHINGIYE KU GITSINA N'IKI?

Ni ibikorwa byose by'ubugome bikorerwa abantu,babigiririrwa kubera imiterere yabo.Hari gufata umukobwa cyangwa umugore ukamwanduza virusi itera SIDA n'ibindi byinshi.**Icyo ni ikibazo kiri ku isi hose si mu Rwanda gusa; si mu bihugu bikize, si no mu bihugu bikennye gusa.**

Iryo hohoterwa ntirikorwa nabantu bo hanze gusa, rishobora gukorwa, n'umugabo wawe, n'umubyeyi wawe, n'abandi bo mu muryango wawe bashobora kuguhohotera. Impamvu ni nyishi, hari uko umugore yashakanye n'undi mugabo,umugabo akitwaza inkwano yatanze mu guhohotera umufasha we , umupfakazi agahohoterwa n'abamufasha cyangwa umukoresha we bashingiye ku ntege nke afite, cyangwa umwana agahohoterwa n'umubyeyi,amukubita cyangwa akamushora m'ubusambanyi.Ibyo byose bihanwa by''intangarugero n'amategeko.

Imibare ya polisi yerekana ko **6.440 bahohotewe 75% kugeza kuri 80% ari abana bari munsi y'imyaka 18**. Akenshi mu Rwanda, abana n'abagore nibo bahohoterwa.

Abantu bakora iki kugira ngo badahura n'ihohoterwa rishingiye ku igitsina?

Bagomba kumenya uburenganzira n'uko barenganurwa n'ubutabera.

Ibisubizo ntibyoroshye, cyane cyane nyuma yamarorerwa yahekuye u Rwanda mu 1994. Hari ibitekerezo byagiye bitangwa mu buryo bukurikira:

Ibibazo by'ihohoterwa bigomba guhagurikirwa, abahohotewe bagahabwa uburenganzira bwabo.

Abantu bafite ubuhe burenganzira kugirango be kugiririrwa ihohoterwa rishingiye ku gitsina

Itegeko Nshinga rya republika y'u Rwanda nkuko ryavuguruwe kugeza ubu, hamwe n'amategeko mpuzamahanga ategeka irandurwa ry'ihohoterwa rishingiye ku gitsina; ndetse akanasaba leta kurinda abantu kugira ngo badahohoterwa. Amwe muri ayo mategeko yavuzweho haruguru. Dore amwe muri ayo mategeko:

- Buri muntu afite uburenganzira bwo kudahohoterwa.

- Ivangura rishingiye ku gitsina cyangwa uko umuntu ameze mu bandi Guhohotera umuntu kubera igitsina n'ivangura ntibyemewe n'amategeko

- Buri muntu wese afite uburenganzira bwo kurindwa n'amategeko, nta kwita ku gitsina cye cyangwa uko ameze mu bandi.

- Abana hamwe n'abakuru bafite uburenganzira bwo kudahohoterwa, bwo kudasuzugurwa no kudafatwa nabi.

Urugero: Guhohoterwa kubera igitsina ntibyemewe.

- Umuntu ashaka umufasha kuko abyiyemereye.

IBIHANO BY'ABAFATA ABANA NABI

Kutita ku bana cyangwa kubata:

Igihe umubyeyi cyangwa ufite ishingano yo kumurera atitaye ku mwana cyangwa akamuta, akatirwa igifungo kiri hagati y'umwaka 1 kugeza ku myaka 15 ; ndetse agatanga n'ihazabu iri hagati y'amafaranga 20.000 n'ibihumbi 200.000. Hanyuma umwana yaba yarahutajwe mu buryo atazakira, umubyeyi cyangwa ufite ishingano yo kumurera akatirwa igifungo cya burundu. umwana yapfa kubera umubyeyi we cyangwa undi wari ufite ishingano yo kumurera afungwa burundu.

Gukubita no guhana abana muri rusange:

Kurera Umwana n'inshingano z'ababyayi ariko umubyeyi ntagomba guhohotera umwana uko ashaka kuko amategeko arabiteganya.

Igihe umuntu uwo ari we wese ababaje,akomere keje,ahohoteye,agafata nabi,akandagaza,agatesha agaciro,akanafata nabi umwana afungwa kuva ku mezi ane (4) kugeza ku imyaka (3) ndetse akanatanga n'ihazabu iri hagati yamafaranga 50.000 na 200.000 y'u Rwanda.Igihe umwana ahutaye cyangwa aremaye kubera ibyamukorewe bibi uwabimukoreye afungwa hagati yimyaka 3 kugeza ku gifungo cya burundu. Ayo mategeko ahana n'uhohotera umwana yitwaje ko amuhana.Iyo umwana apfuye kubera kugirirwa nabi nkuko byavuzwe hejuru, uwatumye apfa afungwa burundu.

Ikindi ni uko, gufata abagore ku ngufu, guhohotera bishingiye ku gitsina, **guhohoterwa kw'abantu bakuru n'abana, ni ibyaha bihanwa n'amategeko y'Urwanda ku buryo bw'intangarugero.**

Gusambanya abana ku ngufu no kubafata nabi:

Gusambanya umwana uri munsi y'imyaka 18, ni ukumuhohotera kandi bihanwa n'amategeko.

Uhohoteye umwana afungwa hagati y'imyaka 20 kugeza ku gifungo cya burundu ;akanatanga ihazabu iri hagati y'amafaranga ibihumbi ijana (100.000) n'ibihumbi magana atanu (500.000); hakurikijwe imyaka y'umwana, ndetse habayeho no kuzirikana ko uwakoze icyaha yaba yari umubyeyi, ufite inshingano yo kumurera,umwalimu,umuyobozi w'idini cyangwa undi muntu w'umwizerwa.

Igihe iryo hohoterwa ritumye umwana apfa cyangwa rigatuma umwana yandura indwara idakira nka SIDA, icyo cyaha uwagikoze afungwa burundu, ndetse hari ubwo icyo gifungo cyagendana no gufatwa nabi no guhanwa bidasanzwe. Twibutse ko Igihano cy'urupfu cyakuweho mu Rwanda mu kwezi kwa Nyakanga, 2007.

Gukoresha abana Uburaya:

Ibyaha bigendana no gukoresha abana uburaya n'ibindi by'ihohoterwa ryabo rishingiye ku gitsina bihanwa hakoreshejwe igihano kiri hagati y'amezi 3 n'imyaka 12; ndetse uhanwa agatanga ihazabu iri hagati yi 10.000 ni 500.000 by'amafaranga y'u Rwanda.

Irindi hohoterwa ry'abana:

- **Gukoresha abana nk'abacakara**, guhanishwa igifungo cy'imyaka 5 hamwe n'ihazabu iri hagati y'amafaranga y'ibihumbi 200 n'ibihumbi 500.

- Ibyaha bituma abana bitabira **ubucuruzi bw'ibiyobyabwenge n' intwaro** bihanishwa igihano kiri hagati y'imyaka 5 na 25, hamwe n'ihazabu iri hagati y'amafaranga ibihumbi ijana (100.000Frw) n'ibihumbi magana atanu (500.000Frw).

Abagore barengerwa n'amategeko. **Ntawemerewe kubahohotera** mu buryo ubwo ari bwo bwose; kubera ko ari igitsina gore cyangwa indi mpamvu;kabone n'ubwo waba wararongoye umugore cyangwa umukoresha cyangwa umutunze mu muryango wanyu**, ntiwemerewe gukubita cyangwa guhohotera umugore.Kubahiriza ayo mategeko ni ingenzi**. Muri Kanama 2006, **amategeko arebana n'ihohoterwa rishingiye ku gitsina**; yongeye gutekerezwaho n'inteko ishinga amategeko y'u Rwanda. **Ayo mategeko niyemezwa** burundu ihohoterwa ry'abana n'abagore rizaba rihagurukiwe n'ingufu nshya.

NAKORA IKI KUGIRA NGO MBUNGABUNGE UBURENGANZIRA BWANJYE BWO KUTAGIRIRWA IHOHOTERWA RISHINGIYE KU GITSINA?

Guhabwa ubumenyi ku burenganzira bwawe bwo kudakorerwa ihohoterwa rishingiye ku gitsina usoma iyi mfashanyigisho, uba uteye intambwe ya mbere yo kubungabunga ubwo uburenganzira.

Icyingenzi nuko wakurikiza inama ikurikira ndetse ukoresheje n'ibisobanuro ku bakwiyambazwa mu gihe ari ngombwa. Reba impapuro ziri imbere gato.

Igihe wumva ko ari wowe, cyangwa abana bawe, mushobora mwese gukorerwa ihohoterwa rishingiye ku gitsina.

- Iyegereze uwagukomeza wizera.
- Gisha inama abo bireba.
- Gisha inama abazi iby'Amategeko, we gutegereza iryo hohoterwa ko ribaho. Hari ibigo by'amategeko byakugira inama. Reba urutonde rwabyo imbere gato.

Ariko igihe ari wowe cyangwa abana bawe bamaze **guhohoterwa** kubera igitsina kora ibi bikurikira:

- Iyambaze **muganga vuba na bwangu**.
- •Mu gihe wakorewe ihohoterwa, abaganga bagomba **kugenzura niba utaranduye agakoko gatera SIDA.** Iby' icyorezo cya SIDA byavuzweho ku buryo buhagije muri iyi mfashanyigisho.Kandi ibyo bivugwa byose ni uko bigomba kugukorerwa ku buntu.**Nanone ni uko ugomba kwiyambaza umunyamategeko wagufasha gusaba indishyi mu gihe wahuye n'ihohoterwa.**
- Hari ishami rya polisi rishinzwe iryo hohoterwa. Waterefona kuri 3512. Polisi ishinzwe kukwitaho.
- Iyambaze ibindi bigo nabyo bishinzwe ihohoterwa, byavuzwe muri iyi mfashanyigisho.
- Igihe wafashwe ku ngufu cyangwa umwana wawe, cyangwa mugahohoterwa mu bundi buryo, wiyambaza umunyamategeko cyangwa ikindi kigo gishinzwe irenganura.
- **Imbere gato muri iyi mfashanyigisho hari urutonde rw'abanyamategeko n'ibigo wakwiyambaza**.

Icyo umunyamategeko yakumarira :

- Yakwiyambaza polisi, ndetse akajya akunganira mu butabera.

- Yaregera abapolisi bashinzwe ihohoterwa, ndetse agahita abatelefona. Ikindi nuko yaregera Minisiteri y'Uburinganire n'Iterambere ry'Umuryango.

Igihe wahohotewe mu gihe **cy'intambara na jenoside** (hagati y'Ukwakira itariki ya mbere 1990 n'Ukuboza 31,1994) iyambaze AVEGA cyangwa abanyamategeko bakunganira kugira ngo :

- agufashe kurega muri Gacaca cyangwa ku mushinja cyaha mukuru.
- agufashe gutanga ubuhamya ku nterahamwe ziburanishwa mu rukiko mpuzamahanga rwa Arusha ruburanisha imanza za Genocide y'abatutsi yabaye mu Rwanda.
- agufashe kuburanira indishyi no kwishyurwa amafaranga yo kwa muganga, ibyo bigendana no kugirwa inama mu byihungabana n'ibindi birebana n'icyo kibazo.

Abanyamategeko hamwe n'ibindi bigo byunganira abari n'abategarugori, barakorana na Leta, hamwe n'inteko ishingamategeko kugira ngo amategeko arebana n'iryo hohoterwa rishingiye ku gitsina avugururwe mu buryo buhamye. Nawe wakwitabira icyo gikorwa.

4. UBURENGANZIRA BWO KUDAKORERWA IHOHOTERWA RISHINGIYE KU GITSINA

INGERO

Nyirasafari ahamya ko umugabo we ariwe wamwanduje agakoko gatera SIDA. bityo yigiriye inama yo kumusaba kwipimisha ndetse akanakoresha agakingirizo igihe akoze imibonano mpuzabitsina n'abandi bagore. Ariko umugabo abyakiriye nabi cyane, ararakara, aramutuka cyane aranamukubita. Hanyuma umugabo amenyesheje abo mu muryango we ko nyirasafari yanduye SIDA. Barabimwangiye ; ndetse nyirabukwe na sebukwe baramukubita banamwereka ko nta kamaro afite. Nyirasafari agerageje kubasaba imbabazi ariko ntacyo bitanze kuko bamucyuriye ko bamukoye bityo bashobora kumubabaza uko bishakiye.

kuko aziko mu kigo gipima SIDA bunganira no mu bindi, nyirasafari ahunze abamukubita ajya kumenyesha ikigo gipima SIDA, ishyano rimugwiriye. Umujyanama amufashije guterefona polisi ishinzwe ihohoterwa rishingiye ku gitsina, kuri 3512. Nyirasafari asobanuriye polisi ibyamubayeho byose. Noneho mu mwanya wo gusubira k'umugabo we, yigira gucumbika kwa murumuna we kugira ngo abe yiga icyo gukora.

Ariko nyirasafari afite impungenge ko umugabo yamushaka noneho akamuhwanya. Ese bibaye polisi yamurengera? Nyirasafari n'umunyarwandakazi urengerwa n'amategeko. Umugabo we yibeshye aga-komeza kumuhohotera yafungwa ndetse agacibwa ihazabu y'amafaranga ; kimwe nuko ahohoteye abana babyaranye yafungwa akanacibwa ihazabu y'amafaranga.

4. UBURENGANZIRA BWO KUDAKORERWA IHOHOTERWA RISHINGIYE KU GITSINA

AHO WABARIZA

Umurongo Wa Polisi Irwanya Ihohoterwa Rishingiye Ku Gitsina

3512 (Ibyihutirwa, No Kuregera Polisi)
112 (Ibyaha Byose)

Polisi Isanzwe

587532 (Gupererereza Urubanza)

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Kibungo: 566667
Kibuye: 568165
Kigali: 589503
Nyagatare: 565106
Ruhengeri: 546295

Umushinjacyaha Ushinzwe Ihohoterwa Ryo Gusambanywa ku Gahato, mu Rwego rw'Igihugu

P.O. Box 1328, Kigali, Rwanda
Free Hotline: 3935

Abandi Bakwiyambazwa ku Byihohoterwa, ryo Gusambanywa ku Gahato mu Mujyi wa Kigali

Marie Claire Umwali, Head of Victim and Witness Protection
Mobile: 08414005

Agnes Kangabe, Secretary to National Prosecutor on Sexual Violence
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4. UBURENGANZIRA BWO KUDAKORERWA IHOHOTERWA RISHINGIYE KU GITSINA

AMATEGEKO YAGENDEWEHO

Itegeko nshinga rya Republika y'u Rwanda nkuko ryavuguruwe kugeza ubu, ingingo ya 9-11, 26-28 ; hamwe n'ingingo za 9 ni 10 zo mu iri iki gika.

Amasezerano yo kurandura ivangura ry'abagore y'itariki ya mbere Gicurasi, 1980.

Itangazo mpuzamahanga ryerekeye uburenganzira Bw'Ikiremwamuntu ryemejwe n'Inteko Rusange ya ONU/UN mu cyemezo cyayo 217 A (III) cyo ku wa 10 Ukuboza, 1948 (Ingingo ya 2,7 na 16).

Itegeko No. 27 / 2001 ryo ku wa 2/8/2001 ryerekeye uburenganzira bw'umwana no kumurinda ihohoterwa

Amategeko yerekeye uburenganzira bw'umwana, hamwe no kumurinda ihohoterwa, cyane cyane ingingo za 20, 22, 24, 32-50.

Itegeko No. 31 /2007 ryo ku wa 25/07/2007, Rikuraho igihano cyo kwicwa.

▷ AHO WABIBONA ◁

Rwanda Demographic Health Survey 2005, Preliminary Results on HIV Seroprevalence, CNLS (Nzeli 2006), urupapuro rwa cumi. (Izo nyandiko zirebana n'ibyubuzima hamwe n'ingaruka za SIDA).

Etude sur la violence communautaire basée sur le genre et sur l'impact du VIH/SIDA dans les zones de conflit ou en periode de post-conflit en Afrique: Cas du Rwanda. Fortunée Twiyubahe, Society For Women and AIDS In Africa (SWAA Kanama 2006). Iyo nyandiko isobanura iby'ihohoterwa rishingiye ku gitsina hamwe n'ingaruka za SIDA.U Rwanda rwatanzweho urugero.

GBV Programming In Rwanda : Actors, Activities, Collaboration, Final Report, Women's Legal Rights Initiative (Gicurasi, 8,2006) (Izi ni inyandiko za gahunda zo mu Rwanda zivuga k'uburenganzira bw'abagore mu butabera) The right to survive: Sexual violence, Women and HIV / AIDS ,

Françoise Nduwimana,International Center for Human Rights and Development (Ukuboza 2004). Iyi nyandiko isobanura uburenganzira bwo kubaho: Guhohoterwa bishingiye ku gitsina,Abagore na SIDA, Yanditswe na Françoise Nduwimana,wo mu kigo mpuzamahanga cy'uburenganzira bwa muntu n'iterambere.Impact of HIV On The Rape Crisis in the African Great Lakes Region, Jennifer

M.Hentz,Human Rights Brief, Center for Human Rights and Humanitarian Law,American University Washington College of Law, Volume 12, Issue 2 (Winter 2005).Iyi nyandiko isobanura iby'ingaruka za SIDA bishingiye ku gusambanywa kw'abakobwa n'abagore ku gahato mu karere k'ibiyaga bigari muri Afurika.

5. UBURENGANZIRA BW'ABASHYINGIRANYWE, KUBANA KU BWUMVIKANE, GUSHAKA ABAGORE BENSHI (UBUHARIKE)

Amategeko y'u Rwanda yemera ishyingirwa rishyingiye ku itegeko.Abagore bashatse mu buryo bwemewe n'amategeko, bafite uburenganzira kurusha abashatse mu buryo butemewe n'amategeko.

Hakurikijwe Itegeko Nshinga rya Republika y'u Rwanda ,ntawahatwa gushaka cyangwa gushakwa atabyiyemereye ku giti cye.

Igihe hatabayeho gusezerana mu mategeko, amategeko y'u Rwanda ntiyemera ko abashakanye baba barashakanye mu buryo butemewe n'amategeko; kabone n'ubwo baba baragiranye imihango hakurikijwe umuco wabo, ndetse nubwo baba barabanye igihe kirekire, bakabyara n'abana.

Gushaka abagore benshi(ubuharike) ntibyemewe, kuko amategeko shingiro y'Urwanda (Ingingo 26) avuga ko abashakanye ari umugore n'umugabo.

Ariko si ukuvuga ko abagore bashatse mu buryo butemewe n'amategeko baba batagira uburenganzira namba.

Ingero ku Itegeko Nshinga rya Republika y'U Rwanda:

- Ababyeyi bombi bafite inshingano yo kurerera abana babo hamwe, kabone n'ubwo baba batarashakanye mu buryo bwemewe n'amategeko.(Ingingo 27);
- Leta igomba kurengera imiryango,n'ubwo ababyeyi bombi baba batarashakanye mu buryo bwemewe n'amategeko.(Ingingo27);
- Ababyeyi (abagore) n'abana bagomba kurengerwa mu buryo budasanzwe (Ingingo27,28);
- Umuntu wese, hamwe n'abashakanye mu buryo butemewe n'amategeko,afite uburenganzira bwo kugira umutungo n'ibintu.Ibyo bintu cyangwa uwo mutungo, byaba iby'umuntu ku giti cye cyangwa iby'ishirahamwe.(Ingingo29);
- Umuntu wese arengerwa n'amategeko;bivuze ko n'abantu bashakanye mu buryo butemewe n'amategeko barengerwa nayo.(Ingingo11,16);
- Ivangura rishingiye ku gitsina cyangwa uburyo umuntu abayeho n'abandi ntiryemewe n'amategeko; kandi rihanwa nayo. (Ingingo11, 46,47) hamwe n'iriburiro mu ngingo yaryo ya 6. Ibyo bigendana n'Amasezerano yo kurandura ivangura iryo ariryo ryose rikorerwa abagore. Ayo masezerano yemejwe ku itariki ya 1 Gicurasi 1980.Kuba umuntu atarashatse mu buryo bwemewe n'amategeko ntibivuga ko yavutswa uburenganzira bwe,kuko iryo ryaba ari ivangura.
- Bityo rero n'umugore ufite ibyo abuzwa cyane cyane nk'uburenganzira ku by'umutungo w'umugabo, aba agomba kurengerwa kuko afite uburenganzira bwa muntu cyane mu birebana n'umuryango we.

ESE ABAKUNDANYE, BASHAKANA BATE MU BURYO BWEMEWE N'AMATEGEKO?

Ibiro by'umurenge ni byo bisezeranya ababikeneye.

Hari amafaranga umuntu yishyura kugira ngo asezerane n'uwo bazabana, gushaka byemewe n'amategeko; uretse ko abasezeraniye hamwe ari benshi ayo batanga agabanuka kuri buri muntu ayishyurwa ni macye cyane.

ESE GUSHAKA BYEMEWE N'AMATEGEKO BIGIRA INGARUKA KU BURENGANZIRA BW'UMUGORE?

Ingero Zimwe:

- Abashakanye bafite uburenganzira n'inshingano bingana ari mu gihe cyo gushakana cyangwa mu gihe cyo gutandukana. (Amategeko shingiro, Ingingo ya 26).
- Hakurikijwe amategeko y'abashakanye bafite uburenganzira bwo kunganirana no gutunga abana babo.
  - Itegeko Nshinga rya Republika y'u Rwanda ryemeza ko, abashakanye bitemewe n'amategeko bagomba gutunga no gufasha abana babo, ariko ntiribategeka kunganirana. (Ingingo ya 27).
- Umugabo n'umugore basezeranye byemewe n'amategeko baba bagomba gukoresha amafaranga yabo, isambu n'ibindi bintu byabo kubera inyungu z'umuryango wabo.Unaniwe kubahiriza iyo nshingano ashobora kuregwa mu rukiko kubera inyungu z'umuryango.
- Amategeko agenga abashakanye avuga ko abashakanye bombi bafite ububasha n'uburenganzira mu gukoresha isambu yabo batuyemo, n'ukuntu ibintu byabo byo munzu byakoreshwa.(Reba igice gisobanura iby'uburenganzira ku mutungo);
- Iyo habaye ubutane mu gihe umugore yashatse mu buryo bwemewe n'amategeko agira uburenganzira budasanzwe k'umutungo kurusha uko yaba yarashatse mu buryo butemewe n'amategeko.

IGIHE UMUGORE ATANDUKANYE N'UWO BASEZERANYE BYEMEWE N'AMATEGEKO CYANGWA IYO AMWIRUKANYE BIGENDA BITE?

Isambu n'Undi Mutungo:

Ikibaho mu gihe cy'itandukana kiba gishingiye ku mategeko biyemeje basezerana.Ibisobanuye birambuye murabisanga, mu gice gisobanura uburenganzira ku mutungo.

Abana:

Igihe abashakanye batandukanye bagumana inshingano zo kwita ku bana babo; uretse wenda igihe umubyeyi ari wa wundi uhohotera abana, kabone n'ubwo abashakanye batandukana batarasezeranye byemewe n'amategeko bagomba gukomeza kurera abana babo.

ABAGORE BATASHATSE BYEMEWE N'AMATEGEKO BAKORA IKI KUGIRANGO BEMERWE?

Nkuko byavuzwe haruguru, amategeko arengera gake cyane ababana bitemewe n'amategeko cyane ku birebana n'ibibazo by'umutungo.

Amashyirahamwe y'abagore arakora ibishoboka byose kugira ngo amategeko avugururwe, igihe kizagera n'abagore bashatse bitemewe n'amategeko bagire uburenganzira nk'ubw'abagore bashatse byemewe n'amategeko.Amategeko y'u Rwanda cyane cyane ayarebana n'ihohoterwa ari mu kunonosorwa;kuko abagore bazagira uburenganzira nyabwo bwo kudahohoterwa.

Uretse ko inkiko zigerageza kurengera abagore bashatse bitemewe n'amategeko muri bimwe na bimwe.

5. UBURENGANZIRA BW'ABASHYINGIRANYWE, KUBANA K'UBWUMVIKANE, GUSHAKA ABAGORE BENSHI (UBUHARIKE)

INGERO

Mukamusoni yashakanye na Mugwaneza, ndetse basezerana k'umurenge. Bafite inzu ntoya baguze, ndetse n'umwana muto.Rimwe mugwaneza yavuzeko agiye gushaka umugore wa kabiri, mukamusoni acika intege ntibyamushimisha ashaka gutandukana n'umugabo we; ariko yibaza uko we n'umwana bazabaho n'aho bazaba biramuyobera.

Nyuma Mukamusoni yiyambaje umuvugizi mu kigo kidaharanira inyungu, amumenyesha ko umugabo we adakwiye gushaka umugore wa kabiri, kuko mugwaneza na mukamusoni bashakanye byemewe n'amategeko, nubwo bwose adafite ubushobozi bwo kumurwanaho.

Hanyuma mukamusoni yaje kumenyesha umuvugizi ko mugwaneza asigaye agurishiriza inzoga mu rugo rwabo kandi akaba atabishaka kuko bimubangamiye. amenyesha umugabo we ko adakeneye ubwo bucuruzi bw'inzoga mu rugo ; ariko umugabo ntamwumve. Ikibabaje, n'amafaranga yose yarayigaruriye k'uburyo

atanakigurira mukamusoni n'umwana we imyenda hamwe n'ibyo kurya.

Mukamusoni intego ye si ugutandukana na Mugwaneza; ariko abonako akajagari k'inzoga kagomba gutuma umwana wabo adakura neza. Umuvugizi asobanuriye mukamusoni ko we n'umugabo amategeko abemerera uburenganzira bungana igihe bakiri kumwe n'igihe batandukanye.

Amategeko agenga abashakanye yemera ko umugabo n'umugore bagomba gukoresha amafaranga, isambu n'ibindi mu buryo bufasha kandi bubangukiye umuryango wose; kandi ari umugabo cyangwa umugore bafite ububasha n'uburenganzira bungana k'uburyo isambu yabo ikoreshwa. Mukamusoni na mugwaneza bafite uburenganzira n'inshingano yo kurera no kwita ku mwana wabo.

Uretse n'ibyo gushakana byemewe n'amategeko, itegeko shinga ritegeka mugwaneza kwita ku mwana wabo. Mukamusoni ashobora kwiyambaza urukiko rukamufasha gutegeka umugabo we kudacururiza inzoga mu rugo rwabo. Umufasha mu by'amategeko Yagiriye mukamusoni inama yo gusaba urukiko ububasha bwo gukurikirana ibikorerwa mu rugo rwabo.

5.2 UBURENGANZIRA BW'ABASHYINGIRANYWE, KUBANA K'UBWUMVIKANE , GUSHAKA ABAGORE BENSHI (UBUHARIKE).

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5. UBURENGANZIRA BW'ABASHAKANYE, KUBANA K'UBWUMVIKANE, GUSHAKA ABAGORE BENSHI (UBUHARIKE)

AMATEGEKO YAGENDEWEHO

Itegeko Nshinga ry'a Republika y' u Rwanda nkuko ryavuguruwe kugeza ubu, Ingingo11, 16, 26, 27, 46, na 47, iburira ingingo igika cya 9 (Ayo mategeko agendera ku murongo w'amasezerano yo kurandura ivangura ry'abagore irya ari ryo ryose.Ayo masezerano yemejwe ku ya 1 Gicurasi 1980.

Itangazo mpuzamahanga ryerekeye uburenganzira bw'Ikiremwamuntu ry'emejwe n'Inteko Rusange ya ONU/UN mu cyemezo cyayo 217 A (III) cyo kuwa10 Ukuboza 1948.

Amasezerano mpuzamahanga yerekeye Uburenganzira mu by'Imbonezamubano no mu bya politiki, yemejwe n'Inteko Rusange ya ONU/UN mu mwanzuro wayo wa 2200 A (XXI) wo ku itariki ya 16 ukuboza 1966, atangira gukurikizwa ku wa 23 Werurwe1976.

Amasezerano mpuzamahanga yerekeye uburenganzira mu by'Ubukungu, mu mibereho myiza no mu muco yemejwe n'Inteko Rusange ya ONU/UN mu mwanzuro wayo wa 2200A(XXI) wo ku itariki ya 16 Ukuboza 1966, atangira gukurikizwa ku wa 3 Mutarama 1976.

Amasezerano nyafrika yerekeye Uburenganzira bw'Ikiremwamuntu n'Ubwabaturage,yemejwe n'Inama Rusange ya 34 y'abakuru b'Ibihugu n'aba Guverinoma i Naïrobi (Kenya), kuwa 27 kamena 1981, atangira gukurikizwa ku wa 21 Ukwakira1986

Itegeko No. 22/99 ryo kuwa 12/11/1999 ryuzuza igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura.

▷ AHO WABIBONA ◁

Umuntu ku giti cye n'umuryango, Haguruka. Women's Land Rights In Rwanda: How Can They Be protected and Strengthened as the Land Law is Implemented? Jennifer Brown and Justine UVUZA, RDI (Discussion Draft June 2006)

ICYO BIVUGA: Uburenganzira bw'abari n'abategarugori ku butaka mu Rwanda: Ese

barengerwa bate, ni gute bahabwa ingufu igihe amategeko y'ubutaka ashyirwa mu bikorwa?

"Gender- Based Violence Bill Passes in Rwandan Parliament" UNIFEM News (Kanama 7/2006).

6. IZUNGURA RISHINGIYE KU MURAGE

Igihe umuntu apfuye araze, isambu ye n'ibintu bye bizungurwa hakurikijwe amategeko agenga izungura.Amategeko y'u Rwanda avuga ko iyo umuntu apfuye, ibye bizungurwa ahanini n'abana be cyangwa n'abandi bo mu muryango we.Iyo nyakwigendera yapfuye ataraze, umutungo we wose 100% ugabanywa abana cyangwa abo mu muryango hakurikijwe amategeko agenga izungura.

Amategeko agenera abana ba nyakwigendera bakiri bato cyangwa bakuze 4/5 (80%) by'umutungo we mu gihe nyakwigendera yasize araze.

Iyo nyakwigendera adafite abana 2/3 (66%) by'umutungo we bigenerwa abandi bavandimwe bari mu muryango wa nyakwigendera.

Buri muntu wese afite uburenganzira bwo kuraga asobanura uko ibye bizagabanywa nyuma y'urupfu rwe. Mu gice cya 7 hari ibirebana no kuraga.

Ese amategeko agenga izungura n'urwaye SIDA aramureba?

Yego. Amategeko agenga izungura areba buri wese, hamwe n'abarwayi ba SIDA. Ivangura iryo

ari ryo ryose rishingiye ku izungura ntiryemewe n'amategeko. Twibutse ko umurwayi wa SIDA afite uburenganzira bungana nubw'abatarwaye SIDA mu kuzungura, nubwo yaba ashigaje iminsi micye yo kubaho.

- Mu gihe umwana cyangwa umuntu mukuru arwaye SIDA, ababyeyi be bakitaba Imana barasize umutungo, bagomba kuzungura kimwe n'abandi.
- Kimwe nuko umurwayi wa SIDA iyo apfuye, ibye bizungurwa nk'uko ibyabandi bose bizungurwa.

ESE ABANTU BOSE BAFITE UBURENGANZIRA BWO KUZUNGURA?

Ubu ntavangura mu byo kuzungura, ariko mu muco wa kera umwana w'umukobwa nta burenganzira yari afite bwo kuzungura. Ariko Itegeko nshinga rya Republika y'Urwanda ryo mu 2003 rirashamangira amahirwe angana hagati y'umwana w'umukobwa n'umuhungu mu izungura ry'ibintu by'umubyeyi cyangwa undi muvandimwe wapfuye ataraze.

- Ubu amategeko avuga ko guheza umwana w'umukobwa mu kuzungura bitemewe; Abana b'abahungu ntibafite uburenganzira bwo kwigabanya isambu n'undi mutungo bonyine, cyangwa bagatwara byinshi ndetse n'isambu nziza, abari n'abategarugori bakaviramo aho; ibyo ntibikiriho kuko itegeko nshinga ryo mu 2003 ntiribyemera na gato.
- Uburenganzira bungana bw'abana b'abakobwa: Ni ukuvuga ko bafite uburenganzira bwo gukoresha isambu, kuyihinga, kuyitegeka, kuyigurisha burundu, kugurisha igice no kuyigwatiriza; kimwe n'uko bagira uburenganzira ku mutungo wabo bashakanye

I. Ese abana bavuka ku babyeyi batashakanye imbere y'amategako bafite uburenganzira ku izungura?

Igihe cy'izungura, abana bose amategeko mbonezamubano yemera bazungura ku buryo bungana nta vangura iryari ryo ryose.

Abana amategeko mbonezamubano yemera n'abahe?

1) Umwana wavutse ku babyeyi bashyingiranywe imbere y'umwanditsi w'irangamimerere.

2) Umwana wavutse ku batashyingiranywe,ariko umubyeyi we akaba yaramwandikishije mu biro by'Irangamimerere by'umurenge afatiramo ibyangombwa ko amwemera, umwanditsi w'Irangamimerere akamwandika mu gitabo

cya bigenewe (registre de reconnaissance des enfants).

3) Umwana wavutse ku batarashyingiranywe,umubyeyi we akabyemera, akabikorera inyandiko imbere ya noteri.

4) Umwana wagizwe umwana n'utaramubyaye (adoption).

5) Umwana wavutse ku batarashyingaranywe agasaba urukiko ko rwemeza se cyangwa nyina (recherche de paternité).

- **Urugero:** Igihe abashakanye bagengwa n'amategeko yagenewe umutungo w'abashakanye (soma aya mategeko muri iyi mfashanyigisho).
  - Mu gihe umugabo yashatse byemewe n'amategeko agapfa yarabyaye abana bavutse k'umugore utari uwisezerano ariko bemewe n'amategeko mbonezamubano, gusa agapfa ataraze abana be bose baba ab'umugore w'isezerano cyangwa abatari bisezerano, bose bazungura ibya nyakwigendera ntavangura.

II. Amategeko y'umwihariko ku isambu itagera kuri hegitari1:

Amategeko y'u Rwanda ntiyemera ko abazungura bagabana isambu ingana hegitari imwe ngo bayice-

emo uduce.Kubera iyo mpamvu amategeko avuga ko:

- Iyo nyir'isambu cyangwa ba nyir'isambu bapfuye, abavandimwe ba nyakwigendera cyangwa babanyakwigendera bajya inama y'ikindi cyakorwa.

- **Urugero:** Ababyeyi iyo bombi bapfuye bagasiga abana babiri n'isambu itagera kuri hegitari, hakorwa kimwe muri ibi.
  - Iyo hegitari yahabwa umwana umwe; ariko abavandimwe bakamutegeka amafaranga yaha bene nyina batagize icyo babona.
  - Iyo hegitari yagurishwa noneho ba bana bakagabana amafaranga, kandi bakanganya imigabane.

III. Hanyuma iyo umubyeyi akiriho, ntiyatonesha abahungu be akabagabira isambu iruta iy'abakobwa be?

Oya. Amategeko ntiyemera ko umubyeyi yatonesha abahungu be akiri muzima ngo abahe byinshi, abakobwa bo babone bike.Iryo vangura ntiryemewe n'amategeko.Abana bose baragabana bakanganya ; bagahabwa imigabane ingana.

6. IZUNGURA RISHINGIYE KU MURAGE

INGERO

Uwamariya na petero bashakanye mu buryo butemewe n'amategeko. Petero afite abandi bagore babiri. Uwamariya n'abana be 2 yabyaranye na petero, batuye mu nzu y'Uwamariya yarazwe n'ababyeyi be.Ikibabaje nyuma yaho, Uwamariya aza gupfa azize impanuka y'imodoka. Hanyuma petero afata umuhungu we n'umukobwa abashyira nyinawabo ngo abarere. Petero avuga ko inzu yanyakwigendera n'ibirimo byose ari ibye. Avuga ko ubusanzwe umukobwa ataragwa ibya nyina. Kandi umuhungu we yanduye agakoko gatera SIDA, bityo petero abona ko n'umugabane w'umuhungu we nawo ari uwe.

Uwamariya yapfuye ataraze; ariko uko byaba kose amategeko yemerera abana kugabana 4/5 (80%) by'umutungo w'umubyeyi wabo iyo apfuye. bityo rero abo bana bombi buri umwe agomba guhabwa 2/5 (40%) by'umutungo wa nyina. hanyuma 1/5 (20%) cy'umutungo gisigaye kigabanywa abavandimwe ba nyakwigendera, mu kuringaniza imigabane nta vangura hagati y'umwana w'umuhungu n'umukobwa.

Ibya petero byo kuvugako umukobwa atazungura ntibyemerwa n'amategeko; baragwa kimwe n'abahungu, ntibahezwa kubera ko ari igitsina gore.

Kimwe n'uko amategeko yemerera abanduye agakoko gatera SIDA kuragwa nk'abandi bantu bose ; bityo umuhungu wa petero nawe akaba agomba kubona ku mutungo wa nyina hakurikijwe amategeko.

Nyinawabo w'abana yavana ate umutungo w'uwamariya mu maboko ya petero kugira ngo abana bawugabane? Ni ukwiyambaza umwe mu miryango idaharanira inyungu irengera abana nkabo. Reba ku rutonde rukurikira rw'ibigo bidaharanira inyungu birengera abarengana mu buryo buvuzwe haruguru.

Iyo uwamariya aba yarabyaye abandi bana k'uwundi mugabo, nabo bari kugira uburenganzira kuri uwo mutungo w'uwamariya (4/5 by'umutungo). Uko byaba kose 1/5 cyuwo mutungo kigabanywa abavandimwe igihe nyakwigendera ataraze kugira ngo na 1/5 cy'umutungo we nacyo kizagabanwe n'abana be ; uretseko hariho nuwaraga ko icyo 1/5 kizatwarwa n'abandi. igice gikurikira cyibanda k'ukuraga no kuragwa.

6. IZUNGURA RISHINGIYE KU MURAGE

AHO WABARIZA

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Butare • Tel: 530362
Gitarama • Tel: 562864

6. IZUNGURA RISHINGIYE KU MURAGE

AMATEGEKO YAGENDEWEHO

Itegeko No. 42/88 ryo ku wa 27 Ukwakira 1988 rishiraho interuro y'ibanze y'igitabo cya mbere cy'urwunge rw'amategeko Mbonezamubano.

Itegeko No. 22/99 ryo ku wa 12/11/1999 ryuzuza igitabo cya mbere cy'urwunge r'wamategeko mbonezamubano kandi rishiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe impano,n'izungura.

Itegeko Ngenga No. 08/2005 ryo ku wa 14/07/2005 rigena imikoreshereze y'Ubutaka mu Rwanda

AHO WABIBONA

Uburenganzira bw'umunyarwandakazi ku mutungo, Haguruka.

Les successions Legales au Rwanda, Clinique Juridique, Kaminuza y'Urwanda, (Ukwakira 2003). Icyo gitabo gisobanura ibijyanye n'Izungura nuko rikorwa.

Les Successions Testamentaires au Rwanda, Clinique Juridique; Kaminuza y'U Rwanda, ishami ry'Amategeko (Ukwakira 2004). Iki ni igitabo gisobanura ku Izungura rishingiye ku irage.

Women's Land Rights in Rwanda (Iki ni igitabo cy'uburenganzira bw'abali n'abategarugori ku butaka mu Rwanda): Barengerwa bate, amategeko y'ubutaka yakongererwa ingufu ate? Jennifer Brown na Justine Uvuza, RDI (Ayo mategeko yagiweho impaka, Kamena 2006).

7. UMURAGE

Nkuko twasobanuye mu gice cy'izungura, igihe umuntu apfuye yararaze, 4/5 by'umutungo we bigenerwa abana be. Mu gihe Nyakwigendera atarafite abana, 2/3 by'umutungo we bikazungurwa n'abavandimwe be.

Hanyuma se igice gisigara kijya he? Bivuga ko umuntu araga uko icyo gice kizatangwa igihe apfuye.

Ibisobanuro bikurikira byibanda kuri 1/5 cy'umutungo nyakwigendera yari afite akiriho, hamwe na 1/3 cy'umutungo wa nyakwigendera utari ufite abana.

NARAGA NTE?

Waraga mu buryo butatu.Ubwa mbere ntiburi mu buryo nyabwo kandi ntibwizerwa; ariko ubwa kabiri n'ubwa gatatu bwo bwakwizerwa kandi ni uburyo nyabwo.

• Kuraga kutagoranye cyane cyane gushyingiye ku nyandiko mvugo, kutagomba amafaranga ntiwakwizera ko kuzubahirizwa.

- Ubusanzwe umuntu afite uburenganzira bwo guhitamo uburyo bw'umurage yakoresha akurikije ubushobozi afite.

Ibyingenzi mu kuraga:

- Kuraga kugomba kwerekana ubushake bw'uraga, kukerekana nuko ibintu bizagenda
- Kuraga kugomba kwerekana uko umutungo uzagabanywa, cyane cyane hakurikijwe amategeko.
- Kuraga kugomba kubahiriza amategeko agenga umurage

Nyuma, uraga agomba kumenyekana, n'uragwa nawe akamenyekana, umutungo urazwe nawo ukamenyekana.

Uburyo butatu bwo kuraga ni ubuhe?

Hari uburyo butatu bwo kuraga. Hari uburyo butizewe n'uburyo bwizewe.

I. Umurage Ushingiye ku Nyandiko Mvugo

Kuraga hakoreshejwe amagambo gusa biragoranye, kuko hari ubwo bitubahirizwa, kubera nta gihamya gifatika. kugirango kuraga kw'amagambo kugire agaciro kugomba gukorwa hariho:

- Abaragwa babyemerewe n'amategeko, nk'abana bagenerwa ibice 4/5 by'umutungo ; ariko hakabaho n'abantu bakuru byibura babiri bazabitangira gihamya.
- Igihe abaragwa badashoboye kuboneka, habaho byibuze abantu bakuru bane (4) bazahamya ibyavuzwe.

II. Umurage Ushingiye ku Nyandiko Bwite

Kuraga gushingiye ku nyandiko bwite kugizwe:

- N'inyandiko y'uraga.
- Agashyiraho itariki y'irage.
- Hamwe n'umukono w'uraga.

Uraga yandika ku kintu icyaricyo cyose ari urubaho, ari urupapuro cyangwa ikindi kintu.Uraga yakwandika akoresheje Icyongereza, igiswahiri, ikinyarwanda cyangwa igifaransa.

Umurage ushingiye ku nyandiko bwite ukorwa n'uraga.Ntiyavuga ngo hagire umwandikira, kandi ntiyakoresha imashini mu kwandika.

- Uretse ko iyo umuntu atazi kwandika hagira umwandikira, ariko ibyanditswe bikemezwa

n'umukozi wa Leta cyangwa noteri, gusa uraga nawe aba ahibereye.

III. Umurage Ushingiye ku Nyandiko Mpamo

Uyu niwo murage wemewe kandi ufite agaciro kuko ukurikiza amategeko.

Umurage ushingiye ku nyandiko mpamo ugomba kugira umukono wa noteri cyangwa undi mukozi wa Leta ubifitiye ububasha (Umwanditsi w'irangamimerere).Uraga atanga icyifuzo cye, noteri akacyakira cyangwa undi mukozi wa Leta ubifitiye ububasha.

Ubwo rero noteri cyangwa undi mukozi wa Leta afasha uraga kwandika icyifuzo cye ndetse.Uko kuraga kugomba kugira izina ry'uraga aho abarizwa n'itariki y'irage ndetse n'umukono w'uraga ; kandi kukanasobanura uko ibye bizagabanwa abaye apfuye cyangwa agatanga icyifuzo cye nk'uko abyumva, byubahiriza amategeko.Noneho noteri cyangwa undi mukozi wa Leta ubifitiye ububasha akabika iyo nyandiko kure kandi mu ibanga; ariko akamuha kopi y'inyandiko yakozwe.Iyo nyandiko isigara ari ibanga ; ntawamenya ibyayo nyirayo atayimweretse.

KURAGA KUGIRA AGACIRO RYARI?

Umurage ugira agaciro iyo nyir'ukuraga apfuye kandi uwarazwe akabyemera.Igihe umuntu akiri muzima atanga ibye uko ashaka, ariko atirengagije amategeko agenga umutungo, cyane cyane yubahiriza uburenganzira bw'umwana w'umukobwa. Reba ibisobanuro ku burenganzira mu y'umutungo.

ESE NAHINDURA CYANGWA NGASESA UMURAGE WANJYE?

Urugero rw'inyandiko yo kuraga.

NGURWO URUGERO RW'UKUNTU UMURAGE UKORWA

Iyo nyandiko yo kuraga yavanywe mu gitabo cyitwa *Booklet on Wills*, Agatabo Kavuga ku Izungura Rikurikijwe Irage.

Byabaye ngombwa gusaba uruhushya Ishami ry'Amategeko ry'i Butare kugira ngo iyo nyandiko ikoreshwe mu rurimi rw'ikinyarwanda. Wakwifashisha iyo nyandiko, ukora iyawe yo kuraga, yakirwa na noteri cyangwa iyo nyandiko yanagufasha kuraga ukoresheje inyandiko mvugo. Washaka wayikoresha ukandika icyifuzo cyawe ku murage.

Kigali tariki ya 11/01/2008

UMURAGE

Njyewe UHORANIMANA Alexis, navukiye i Nyarugenge tariki ya 01/01/1970, nemeye guha incuti yanjye yangiriye akamaro GAKWAVU John, Umurage mu gihe nzaba ntakiri kuri iyi isi ya nyagasani.
Uwo murage, n'isambu ipima metero 20 mu buhagarike na metero 12 mu butambike. Iyo sambu iri mu Karere ka Kicukiro Umurenge wa Kigarama. ari umuryango wanjye, cyangwa abavandimwe banjye, ntawuregomba kubangamira uyu murage.

Bikorewe i Nyarugenge
UHORANIMANA Alexis

{ urugero ku murage ushingiye ku nyandiko bwite }

URUGERO RW'UKO WAKORA IRAGE

Umwaka W'2008 tariki ya............(umunsi,ukwezi, mu magambo arambuye)

Ndemeza....................(Amazina),yavutse...............(itariki,ukwezi,n'umwaka)

(Aho yavukiye), mwene.........na...........(ingaragu,yatandukanye n'uwo bashakanye ,

umupfakazi , uwo bashakanye ......(Amazina y'uwo bashakanye), tariki ya

.......imbere y'umwanditsi w'irangamimerere

w'i.......(Akarere,Umujyi).........mw'(ivangamutungo rusange,ivangamutungo

w'umuhahano,ivanguramutungo risesuye

risesuye)..........utuye (umudugudu,umurenge,Akarere,umujyi) ufite indangamuntu

nomero......yatanzwe i......tariki......

Ndemeza ko iyi nyandiko yanjye ikubiyemo ibi bikurikira:

Ingingo ya mbere: umutungo wanjye ugizwe n'ibi bikurikira:

I. Umutungo utimukanwa: amazu,amasambu, umubare, ibipimo

1).......................
a).......................
b).......................

II. Umutungo wimukanwa:ibikoresho, imodoka, Amafaranga ari kuri konti mu Mabanki, amatungo mato n'amanini (umubare wabyo)

1).......................
2).......................
3).......................

{ urugero ku murage ushingiye ku nyandiko mpamo, p.1 }

III Bibaye ngombwa n'imyenda ufite n'iyo ufitiwe (umubare w'amafaranga,amazina y'abo ufitiye imyenda)

1) imyenda ufite (dettes)
a).........................
b).........................
c).........................

2) Imyenda ufitiwe (créances)
a)......................
b)......................
c)......................

Ingingo ya kabiri: Nyuma y'urupfu rwanjye, umutungo wanjye uzagabanywa mu buryo bukurikira:

1) Abana

Amazina	Imyaka	umugabane we
a)........	....	....
b).........	....	....
c).........	....	....

2) Abandi

Amazina	Isano	umugabane we
a)..........	....	....
b)..........	....	....
c)..........	....	....

Ingingo ya gatatu

Abantu bakurikira, nibo bemejwe kurera abana banjye bato nyuma y'urupfu rwanjye ndetse no kubahagarira mu Izunguramutungo.

{ urugero ku murage ushingiye ku nyandiko mpamo, p.2 }

Amazina	Isano ishingiye ku babyeyi, inshuti	
a)..........	....	....
b).........	....	....
c).........	....	....

Ingingo ya kane

Iyi nyandiko nshobora kuyihindura mbere y'urupfu rwanjye(cyangwa igasesa inyandiko zose zakozwe mbere zirebana n'Iby'irage).

Bikorewe I ..../tariki ....

Mbere ya noteri cyangwa umwanditsi w'irangamimerere (irage rishingiye ku nyandiko mpamo)

Cyangwa rigahabwa agaciro na Noteri , umwanditsi w'irangamimerere (Irage rishingiye ku nyandiko Bwite).

{ urugero ku murage ushingiye ku nyandiko mpamo, p.3 }

7. UMURAGE

INGERO

Mukamana nibwo akimenya ko yanduye agakoko gatera SIDA. Arafata imiti igabanya ubukana.

Afite umwana umwe w'umuhungu. Mukamana ntiyigeze ashaka. Afite inzu atuyemo, afite inka imwe n'ibintu byo munzu hamwe n'ibintu bye akoresha muri rusange. Ashaka ko naramuka apfuye, umwana we yazasigarana umutungo we wose.

Mukamana yiyambaje umufasha mu by'amategeko, amumenyeshako amategeko yemera ko umwana ahita ahabwa 4/5 (80%) by'umutungo w'umubyeyi we akimara gupfa. ariko mukamana ashaka kuraga ibye byose Umwana we na 1/5 (20%) cyiyongera kuri 4/5 bigomba kuzatwarwa n'umwana we ; bityo abavandimwe ntibagire icyo babona.

Ariko Mukamana ntazi kwandika no gusoma kandi ntafite amafaranga yo kwiyambaza umunyamategeko wamwandikira kuraga kwe. Se wabo yaraze atanditse, amaze gupfa kuraga kwe ntikubahirizwa, abavandimwe be ibintu babirwaniramo. Kuri iyo mpamvu mukamana ntashaka ko ibye nawe biba bityo.

Mukamana ashobora kuraga ko umutungo we wose uzatwarwa n'umwana we mu gihe aramutse apfuye. Kuko mukamana atazi kwandika byose byanditswe na mubyara we ; mukamana araga ko ibye byose bizatwarwa n'umwana we. Iyo nyandiko ivuga uraze, urazwe n'italiki y'inyandiko ikoreweho. Nyuma yabyose mukamana ashyize igikumwe kuri iyo nyandiko imbere ya noteri, bityo noteri yemejeko iyo nyandiko yemewe n'amategeko ndetse arayibika.

Nyuma y'imyaka 2 mukamana abyaye undi mwana, amenya ko kuragakwe kwambere gutaye agaciro kuko n'umukobwa we abyaye nyuma agomba kurangwa 1/2 cy'umutungo we wose. Mukamana asubiye kwa mubyarawe amukoreye inyandiko ivugurura iya mbere; iha uburenganzira umwana wa kabiri. Noteri yemeye inyandiko nshya y'umurage yavuguruwe kuko yemewe n'amategeko, aranayibika ahantu habigenewe.

7. UMURAGE

AHO WABARIZA

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Gitarama • Tel: 562864

7. UMURAGE

AMATEGEKO YAGENDEWEHO

Itegeko No. 22/99, ryo ku wa 12/11/1999 ryuzuza igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe impano n'izungura.

Itegeko No. 42/88, ryo ku wa 27/Ukwakira/1988 ryerekeye interuro y'Ibanze n'Igitabo cya mbere cy'urwunge rw'Amategeko Mbonezamubano

AHO WABIBONA

Izungura rishingiye ku murage mu Rwanda (les successions testamentaires au Rwanda) clinique juridique de Butare, (Ukuboza 2004).

Izungura rishingiye ku itegeko mu Rwanda (Les successions legales au Rwanda), clinique juridique de Butare, (Ukuboza 2003).

8. UBURENGANZIRA KU MUTUNGO

Buri muntu wese afite uburenganzira ku mutungo abagore se bafite uburenganzira bwo gufata ibyemezo ku isambu, inzu, umutungo rusange n'ibintu byo mu nzu igihe nabo baba barashakanye? Ese iby'uwo mutungo bigenda bite, igihe umwe mu bashakanye yitabye Imana?

Igisubizo gishingiye k'ukuntu abashyingiranywe bahisemo uburyo bw'imicungire y'umutungo wabo:

- Baba barashakanye mu buryo bwemewe n'amategeko.
- Baba barashakanye mu buryo bwa gihanga (Mariage coutumier).
- Baba barapfuye kubana gusa.

UMUGORE UBANA N'UMUGABO BITEMEWE N'AMATEGEKO AFITE BURENGANZIRA KI MU BY'UMUTUNGO?

Igihe umugore abana n'umugabo mu buryo butemewe n'amategeko nta burenganzira afite bwo gufata ibyemezo ku mutungo w'umugabo uwo ari

wo wose, uretse igihe we abimwemereye kimwe n'uko igihe batandukanye, umugore aba adafite ububasha ku mutungo w'umugabo we.

Igihe umugore apfakaye we n'umugabo batarasezeranye, umugore bimugora gufata ibyemezo birebana n'umutungo w'umugabo we.Bigorana cyane kurusha, iyo batabyaranye, bityo rero kuvugurura ibyemezo bifatwa na bene wabo w'umugabo bikagorana.Uretse ko amategeko haraho arengera abagore bashatse bitemewe n'amategeko.Amategeko y'u Rwanda arengera uburenganzira ku mutungo w'umuntu uwo ari we wese yaba yarashatse cyangwa ari ingaragu. (Ingingo 29 ,Itegeko nshinga rya Republika y'U Rwanda)

- Amategeko arengera buri wese nubwo yaba atarashatse,bivuga ko buri muntu wese afite uburenganzira bwo kugira umutungo;Waba uwe cyangwa uw'ishyirahamwe arimo (Ingingo 29);

- Buri umwe arengerwa n'amategeko mu buryo bungana, n'ubwo waba utarashatse. (Ingingo 11,16)

- Ivangura rishingiye ku gitsina cyangwa ukuntu umuntu ameze mu bandi; rirabujijwe kandi rihanwa n'amategeko (Ingingo11, 46, 47 hamwe n'ingingo ya 6 y'iki gika. Ayo mategeko ari ku murongo umwe n'amasezerano mpuzamahanga yerekeye guca burundu ikandamizwa ry'abagore iryo ariryo ryose.

Nkuko byavuzwe mu gice gisobanura ibyo gushakana;abagore batashatse mu buryo bwemewe n'amategeko bahura n'ingorane; ariko icyo nticyababuza kwiyambaza umunyamategeko kugira ngo barenganurwe ku birebana n'uburenganzira ku by'umutungo,baba barashatse bya gihanga, baba baraharitswe,baba barabanye n'abagabo kubera kwiyumvikanira gusa.

Uretse ko amashyirahamwe menshi y'abategarugori, arengera n'abashatse bitemewe n'amategeko kugira ngo nabo bazagere igihe bahabwa uburenganzira busesuye ku mutungo w'abagabo babo hakurikijwe amategeko.twibutse ko ingingo twasomye haruguru ari z'itegeko nshinga rya republika y'u Rwanda nkuko ry'avuguruwe kugeza ubu.

UMUGORE WASHATSE BYEMEWE N'AMATEGEKO AFITE UBURENGANZIRA KI KU MUTUNGO W'UMUGABO WE?

Mbere yuko abantu bafata icyemezo cyo kubana bagomba guhitamo uburyo bumwe mu buryo buta-

tu bugize amasezerano y'imicungire y'umutungo.Ni ngombwa kugaragaza uburenganzira bw'umugore ku ivangamutungo rusange:

• **Ivangamutungo Rusange:**

· Uburenganzira bw'umugore washatse byemewe n'amategeko:Umugore Afite uburenganzira busesuye ku mutungo w'umugabo we, uwo ari wo wose n'ubwo waba wanditswe ku mazina y'umugabo, kabone n'ubwo umugabo yaba yarawubonye mbere y'uko babana; ariko biba bityo mu gihe abashakanye bahisemo uburyo bw'ivangamutungo rusange cyangwa igihe batigeze bahitamo amasezerano y'imicungire y'umutungo wabo, bafatwa nkabahisemo amasezerano y'ivangamutungo.

• **Ivangamutungo Muhahano:**

· Abashakanye bashobora gutoranya umutungo bahuriraho n'uwo badahuriraho. Nukuvuga ko uwo bahuriraho ni wo bombi bagiraho uburenganzira busesuye.

• **Ivanguramutungo Risesuye:**

· Hari ubwo abashakanye bavangura umutungo, buri umwe akagira uburenganzira ku mutungo we gusa. Uretse ko abashakanye bashobora kujya mu rukiko rw'Ibanze bagahindura amasezerano agenga imicungire y'umutungo

wabo,bagatangaza ko bavuguruye uburenganzira bwabo mu by'umutungo.Ikindi nuko hakurikijwe itegeko ryashyizweho mu mwaka wa 1999, abashakanye bagomba gukoresha umutungo wabo mu buryo bufasha umuryango wose.Twibutse ko umwe mu bashakanye afite uburenganzira bwo kurega mugenzi we mu rukiko ku gukoresha nabi umutungo.Twibutse ko ibi bitareba iyi ngingo gusa bireba n'abandi bahisemo ubundi buryo bw'imicungire y'umutungo wabo.

I. Kugurisha Isambu Bigomba Kwemerwa Hagati y'Umugabo n'Umugore

Mu buzima bw'abashakanye nta wagurisha igice, ntawatanga isambu, ntawayigwatiriza atabanje kubaza uwo bashakanye ngo abyemere kandi kwemera kwe agushyire mu nyandiko.Iyo nyandiko iba igomba kwakirwa n'ubuyobozi bw'akarere kabayobora. Ntacyakorwa kuri iyo sambu uretse ibikorwa bisanzwe mu gihe cy'imyaka itanu (5). Nuko bigomba kumera n'ubwo iyo sambu yaba yanditswe mu izina ry'umugabo. Uretseko mu by'ukuri igihe isambu itanditswe no kumugore bishobora kugorana kubuza umugabo kuyigurisha cyangwa kuyikoreraho ibindi bikorwa by'ingirakamaro.Abarengera abagore barakora ibishoboka kugira ngo hakurikizwe amategeko

mashya agenga ubutaka, ndetse hazajye habaho ibyemezo biriho amazina y'umugore n'umugabo mu kwandikisha isambu.Noneho kugurisha cyangwa gutanga umutungo w'umuryango,umugabo atabajije umugore cyangwa umugore atabajije umugabo bikazaba icyaha gihanirwa n'amategeko.

Ese bigenda gute igihe abantu bashakanye mbere y'itegeko ryo 1999? Kuva mu mwaka w'i 2001 abashingiranywe bahitagamo uburyo bw'imicungire y'umutungo wabo.Igihe abashyingiranywe babyihoreye byumvikana mu mategeko ko baba bahisemo ivangamutungo rusange.

II. Igihe abashakanye biyemeje ivangamutungo risesuye ariko nyuma yaho bagatandukana bigenda bite?

Ntitwavuga ko umugore ufite ukuri atarengerwa mu gihe yaba yarasezeranye byemewe n'amategeko, cyane cyane iyo yahisemo ivangamutungo risesuye cyangwa ivangamutungo muhahano.

- Bivuga ko igihe biyemeje ivangamutungo rusange ariko bakaza gutandukana, umutungo wabo bawusaturamo ibice bibiri bingana umugabo agatwara kimwe umugore agatwara ikindi.

- Ariko mu gihe bahisemo ivanguramutungo risesuye, iyo batandukanye, buri muntu agumana uwo yari asanganwe afiteho uburenganzira n'undi akagumana uwe.

III. Igihe umwe apfuye bari bafite uburenganzira busesuye bigenda bite?

Igihe umwe apfuye biragorana.Uretse ko igitekerezwaho cyane nuko hagize upfa, haba wenda hari impfubyi cyangwa zikaba zitariho, kandi hari ubwo umupfakazi yakongera gushaka. Mu kuzirikana ibyo byose amategeko yemeza ibi:

- Umupfakazi afite uburenganzira busesuye ku mutungo wabo; uretse ko abagomba kuwutungisha impfubyi zabo, n'ababyeyi bakennye bakiriho.

- Igihe abo bashakanye batari bafite abana, umupfakazi agumana 1/2 cy'umutungo wabo; noneho ikindi gice (1/2) kigatwarwa n'abazunguye ibya nyakwigendera.

- Iyo umupfakazi afite abana batoya agashaka ahandi, yisigariza 1/4 cy'umutungo noneho 3/4 by'umutungo wabo bikagenerwa abana.

- Igihe abana ari bakuru umupfakazi agashaka yegukana 1/2 cy'umutungo; noneho ikindi gice

kingana na 1/2 kikegukanwa n'abazunguye ibya nyakwigendera.

- Igihe umupfakazi atongeye gushaka ariko akabyarira aho 1/2 cy'umutungo kiba icy'abana basizwe na nyakwigendera noneho igice kindi (1/2) gisaranganywa muri abo bana hamwe no mu bana babyawe nyuma y'uko nyir'urugo apfa.

Habaho iki igihe umwe mu bashakanye apfuye, buri umwe yarafite umutungo we?

Igihe bibaye bityo umupfakazi aba afite uburenganzira buke ku mutungo w'umugabo.

- Icyo gihe umutungo w'umugabo wapfuye uhabwa mbere na mbere abana be; hanyuma ababyeyi n'abavandimwe bakagenerwa hakurikijwe itegeko.
- Umupfakazi ntacyo abona uretse igihe abavandimwe b'umugabo bose bapfuye. Igihe umugabo washatse byemewe n'amategeko apfuye n'inde usigarana inzu?

Uko byaba kose umupfakazi niwe usigarana inzu n'ibirimo byose iyo yasigaranye abana, nubwo baba barashakanye mu ivanguramutungo.

Amategeko agenga izungura n'amategeko mbonezamubano, yemerera umupfakazi gusigarana iyo nzu, hatabayeho kwita ko iyo nzu yari iy'umugabo

mbere y'uko bashakana,cyangwa se yarayirazwe mbere y'uko ashaka umugore cyangwa nyuma y'uko babyarana.

Ikibabaje ni uko inkiko zimwe zirengagiza aya mategeko igihe umugabo apfuye yari yararazwe iyo nzu.Igihe bibaye bityo kurengera umupfakazi kugira ngo asigarane inzu y'umugabo biragorana.

Ikindi kibazo kivuka n'igihe umupfakazi atabyaranye na nyakwigendera.Nubwo amategeko abaha uburenganzira bigenda bigorana, kugira ngo umupfakazi asigare mu nzu yarazwe nyakwigendera.

Abapfakazi ubundi birukanwa nabi mu nzu y'umuryango igihe:

- Bashatse ahandi, kuko icyo gihe abavandimwe b'umugabo banyaga umutungo umugore, bitwaza ko bashaka kurengera abana ba nyakwigendera.
- Umupfakazi agerageza kugurisha iyo nzu, kuyigwatiriza, kuyigurana,cyangwa igihe ayangiza. Abavandimwe ba nyakwigendera babuza umugore we kugira uburenganzira ku mutungo ndetse akirukanwa kugeza aho bigera mu Nkiko.

Kwirukana umupfakazi by'ako kageni bitandukanye n'ibyo itegeko ryemerera umugore kugira 1/2 cy'umutungo w'umugabo we. Abapfakazi bagomba

kwemererwa kuguma mu nzu y'umuryango bakayigiraho uburenganzira busesuye, kabone , nubwo baba batarabyaye cyangwa n'ubwo baba bagomba gutanga cyangwa kugurisha iyo nzu.

- Amategeko shingiro agira icyo arengera aha, kuko hari ingingo ku mutungo n'uburenganzira bungana abagore n'abagabo bawugiraho.

- Abarengera abagore barakora ibishoboka kugira ngo amategeko arengera abapfakazi asobanure neza iby'inzu y'umuryango umupfakazi asigarana.

- Itegeko rivuga ku ihohoterwa rishyingiye ku gitsina, ryemejwe n'inteko ishinga amategeko kuwa 3 Kanama 2006 gusa rikinonosorwa, rizakomeza ndetse rishimangire n'uburenganzira bw'abagore ku mutungo n'ibindi; igihe rizaba rimaze kwemezwa burundu. Urugero: Iryo tegeko rizashimangira uburenganzira bwa buri mugore ku mutungo we; ndetse ribuza uwo ari we wese washaka guhohotera umugore mu by'umutungo (Ingingo 11).

8. UBURENGANZIRA KU MUTUNGO

INGERO

Ingabire na ngarambe bashakanye byemewe n'amategeko, ariko ntibagira icyo basobanura ku by'imicungire w'Umutungo wabo ; bishaka kuvuga ko igihe bibaye bityo baba bahisemo ivangamutungo rusange. ariko ngarambe yandikishije isambu n'inzu mu mazina ye.

Ngarambe akodesheje hegitali imwe y'ubutaka bwabo. Umuturanyi wabo niwe uyikodesheje. Umugabo n'umugore babimenyesheje ubuyobozi bw'akarere; ingabire arabyemera. Igihe amafaranga y'ubukode abonetse barayagabana. Ariko iyo ngarambe adasaba ingabire uruhushya; ingabire yari afite uburenganzira bwo kurega umugabo we mu gihe kitarenze imyaka 5. Nyuma

Ingabire yaje kubyara umwana w'umukobwa; ariko ngarambe arapfa azize impanuka y'imodoka. Ngarambe ntiyaraze. Noneho ababyeyi ba ngarambe baza kwirukana ingabire n'umwana we ; ndetse n'inzu barayigurisha kuko bakennye. Amafaranga bagurishije yose barayiharira.

Nubwo iyo nzu yari mu mazina ya ngarambe, ababyeyi be ntaburenganzira bari bafite bwo kwirukana ingabire ; kandi ntaburenganzira bari bafite bwo kugurisha iyo nzu ingabire atabyemeye. bityo rero, ingabire afite uburenganzira bwo kwiyambaza urukiko rukamugarurira inzu ye igihe bibaye bityo ; kugira ngo ashobore kuyibamo n'umwana we. Amategeko aba akoreshejwe nabi iyo urukiko rudahaye uburenganzira Ingabire bwo Kwisubiza iyo inzu.

8. UBURENGANZIRA KU MUTUNGO

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8. UBURENGANZIRA KU MUTUNGO

AMATEGEKO YAGENDEWEHO

Itegeko Nshinga rya Republika y' u Rwanda nkuko ryavuguruwe kugeza ubu, Ingingo za 11, 16, 29, 46-47, Iriburiro, ingingo ya 9 (Ayo mategeko agendera ku murongo w'amasezerano yo kurandura ivangura ry'abagore irya ari ryo ryose.Ayo masezerano yakozwe ku itariki ya 1 Gicurasi 1980.

Itegeko No. 22/99 ryo ku wa 12/11/1999 ryuzuza igitabo cya mbere cy'urunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura.

AHO WABIBONA

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Birabujiwe kwiyitirara cyangwa kwandukura ibiri muri iyi nyandiko utabiherewe Uburenganzira.

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