

Rwanda

Law establishing the National Rehabilitation Service and Determining its Mission, Organisation and Functioning

Law 17 of 2017

Legislation as at 15 May 2017

FRBR URI: /akn/rw/act/law/2017/17/eng@2017-05-15

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Published in Official Gazette 20 bis on 15 May 2017

Assented to on 28 April 2017

Commenced on 15 May 2017

[This is the version of this document from 15 May 2017.]

We, KAGAME Paul,

President of the Republic;

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

THE PARLIAMENT:

The Chamber of Deputies, in its session of 29 March 2017;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 19, 20, 64, 69, 70, 88, 90, 91, 93, 106, 112, 119, 120, 139, 165, 168 and 176;

Pursuant to Organic Law n° 001/2016/OL of 20/04/2016 establishing general provisions governing public institutions;

Pursuant to the African Charter of Human and Peoples' Rights of 27 June 1981 ratified by Law n° 10/83 of 1 July 1983, especially in Article 17;

Pursuant to the International Covenant on Civil and Political Rights of 16 December 1966 ratified by Decree-Law n° 08/75 of 12 January 1975, especially in Articles 9 and 10;

Pursuant to the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 ratified by Decree-Law n° 08/75 of 12 January 1975, especially in Articles 10, 11, 12 and 13;

Pursuant to the Convention on the Rights of the Child of 20 November 1989 ratified by the Presidential Order n° 773/16 of 11 September 1991, especially in Articles 3, 9, 12 and 20;

ADOPTS:

Chapter One General provisions

Article One – Purpose of this Law

The purpose of this Law is to establish the National Rehabilitation Service. It also determines its mission, organization and functioning.

Article 2 – Establishment of an institution

There is established a National Rehabilitation Service, abbreviated as “NRS”.

Article 3 – Definitions

In this Law, the following terms are defined as follows:

- 1° **rehabilitation**: a process of reforming any person exhibiting deviant acts or behaviors;
- 2° **rehabilitation center**: premises used for the conduct of activities dedicated to reforming, educating and providing professional skills and reintegrate any person exhibiting deviant acts or behaviors;
- 3° **transit center**: premises used for accommodating on a temporary basis the people whose behaviors may constitute a cause for placement in the rehabilitation center.

Article 4 – Legal personality and autonomy of NRS

NRS is a public institution with legal personality and enjoys administrative and financial autonomy. It is also governed in accordance with relevant laws.

Article 5 – Head office of NRS

The head office of NRS is located in City of Kigali, the Capital of the Republic of Rwanda. It may be transferred elsewhere on the Rwandan territory if deemed necessary.

NRS may, if necessary and upon approval by a Prime Minister's Order, have branches elsewhere in the country to fulfill its mission.

Article 6 – Category of NRS

NRS falls within the category of non-commercial public institutions.

Chapter II Mission of NRS

Article 7 – Mission of NRS

The overall mission of NRS is to eradicate all forms of deviant behaviors by instilling positive behaviors, educating and providing professional skills.

In particular, NRS has the following main mission:

- 1° to establish appropriate measures for the prevention of acts giving rise to deviant attitudes and behaviors;
- 2° to coordinate activities of rehabilitation centers and transit centers and make follow-up on their operation;
- 3° to advise the Government on measures for the prevention of deviant behaviors;
- 4° to establish and make follow-up on the program designed to provide counseling services to those placed in rehabilitation centers and transit centers to help them change their behaviors and provide individualized treatment for those who need it;
- 5° to develop sustainable measures for rehabilitation and social reintegration of people exhibiting deviant attitudes and behaviors and make follow-up on their implementation;
- 6° to ensure that those placed in rehabilitation centers are provided with knowledge and vocational education preparing them to reintegrate into society in compliance with the program of public institutions in charge of such education;

- 7° to establish mechanisms for preventing recidivism in deviant behaviors among those graduating from rehabilitation centers and transit centers;
- 8° to conduct research aiming at pointing out the causes of deviant behaviors and carry out awareness campaigns to prevent and combat such behaviors;
- 9° to collaborate with other organs having similar mission.

Chapter III

Supervising authority of NRS and performance contract

Article 8 – Supervising authority of NRS

The supervising authority of NRS is determined by a Prime Minister's Order.

Article 9 – Performance contract

NRS operates on the basis of performance contract.

Procedures for the conclusion and evaluation of performance contract of NRS are determined by relevant laws.

Chapter IV

Organisation and functioning of NRS

Article 10 – Management organs

The management organs of NRS are the following:

- 1° the Board of Directors;
- 2° the Executive Organ.

Section One – Board of Directors of NRS

Article 11 – Members of the Board of Directors of NRS

The Board of Directors is composed of seven (7) members appointed by a Presidential Order, including the Chairperson and the Deputy Chairperson.

Members of the Board of Directors are selected on the basis of their competence and expertise.

At least thirty per cent (30%) of members of the Board of Directors of NRS must be females.

The term of office of members of the Board of Directors as well as modalities for their replacement are determined by a Presidential Order.

Article 12 – Powers of the Board of Directors of NRS

The Board of Directors of NRS serves as the supreme management and decision-making organ. It is vested with the most extensive powers to decide on any issue related to administration, human resource and property of NRS to be able to fulfil its mission.

Article 13 – Responsibilities of the Board of Directors of NRS

The Board of Directors has the following main responsibilities:

- 1° to oversee the functioning of the Executive Organ of NRS and provide strategic guidance to be followed by the Executive Organ in the accomplishment of its responsibilities;
- 2° to approve the long term strategic plan, action plan and related reports;
- 3° to sign the performance contract with the supervising authority of NRS;
- 4° to approve the internal rules and regulations of NRS;
- 5° to approve the draft budget proposal of NRS and make follow-up on the budget use and execution;
- 6° to decide on any crucial issues within the mission of NRS;
- 7° to submit a quarterly report to the authority supervising NRS;
- 8° to approve the activity and financial report of the preceding year.

Article 14 – Duties of the Chairperson of the Board of Directors

The Chairperson of the Board of Directors has the following main duties:

- 1° to head the Board of Directors and coordinate its activities;
- 2° to convene and chair the meetings of the Board of Directors;
- 3° to submit the minutes of the meeting of the Board of Directors of NRS to the supervising authority of NRS;
- 4° to sign performance contract between the Board of Directors and the supervising authority of NRS;
- 5° to submit to relevant organs reports of NRS approved by the Board of Directors;
- 6° to make follow-up on the implementation of resolutions of the Board of Directors;
- 7° to perform other duties falling within the responsibilities of the Board of Directors as may be assigned to him/her by the Board of Directors.

Article 15 – Duties of the Deputy Chairperson of the Board of Directors

The Deputy Chairperson of the Board of Directors has the following duties:

- 1° to assist the Chairperson and deputize for him/her in case of absence;
- 2° to perform other duties falling within the responsibilities of the Board of Directors as may be assigned by the Board of Directors.

Article 16 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors of NRS are not allowed to perform any remunerated activity within NRS.

Neither shall members of the Board of Directors be allowed, either individually or through companies in which they hold shares, to bid for tenders of NRS or those financed by NRS.

Article 17 – Reasons for loss of membership to the Board of Directors and modalities for replacement

A member of the Board of Directors loses membership if:

- 1° the term of office expires;
- 2° he/she resigns in writing;
- 3° he/she is no longer able to perform his/her duties due to physical or mental disability certified by a committee of three (3) authorized medical doctors;
- 4° he/she is sentenced to a term of imprisonment equal to or exceeding six (6) months in a final judgment;
- 5° he/she fails to attend three (3) consecutive meetings without valid reasons;
- 6° he/she jeopardizes the interests of NRS;
- 7° he/she is convicted of the crime of genocide or genocide ideology;
- 8° he/she no longer fulfills the requirements considered at the time of appointment;
- 9° he/she exhibits any behaviour likely to compromise his/her dignity or that of his/her work or his/her position;
- 10° he/she dies.

In case a member of the Board of Directors of NRS leaves his/her duties before the expiry of his/her term of office, the competent authority appoints a substitute to replace him/her and serve the remainder of the term of office.

Article 18 – Convening and holding of the meeting of the Board of Directors and modalities for decision making

The meeting of the Board of Directors of NRS is held once a quarter and whenever necessary upon invitation by its Chairperson or, in his/her absence, by its Deputy Chairperson at their own initiative or at the request in writing of at least one third (1/3) of its members.

The meeting notice is submitted in writing to members of the Board of Directors at least fifteen (15) days before the date of the meeting.

However, an extraordinary meeting may be convened in writing at least three (3) working days before the date of the meeting.

The quorum for the meeting of the Board of Directors to take place is two-thirds (2/3) of its members. However, when a meeting is convened for the second time it takes place regardless of the number of members present.

The Director General attends meetings of the Board of Directors.

Procedures for decision-making by the Board of Directors are determined by internal rules and regulations of NRS.

Article 19 – Invitation of a resource person to a meeting of the Board of Directors

The Board of Directors may invite in its meeting any person from whom it may seek an advice on any item on the agenda.

The invited person is not allowed to vote and follow debates on other items on the agenda.

Article 20 – Approval of resolutions and minutes of the meeting of the Board of Directors

Resolutions of the meeting of the Board of Directors are signed by its members immediately after the meeting, and their copy is sent to the authority supervising NRS within a period not exceeding five (5) working days.

The head of the supervising authority of NRS provides his/her views on the resolutions of the meeting of the Board of Directors within fifteen (15) working days from their receipt. If this period expires before he/she provides his/her views, such resolutions are considered definitively approved.

The minutes of meeting of the Board of Directors are signed jointly by the Chairperson and its rapporteur and approved at the next meeting. A copy of the minutes of the meeting is sent to the supervising authority of NRS within a period not exceeding fifteen (15) working days from the day of its approval.

Article 21 – Rapporteur of meetings of the Board of Directors

The Director General of NRS is the rapporteur of the meeting of the Board of Directors, but he/she has no right to vote in decision-making.

The Director General of NRS does not participate in the meetings that make decisions on issues that concern him/her. In that case, members of the Board of Directors elect among themselves a rapporteur.

Article 22 – Personal interest in issues on the agenda

If a member of the Board of Directors has a direct or indirect interest in the issue to be considered, he/she must immediately inform the Board of Directors about where his/her interest lies. A member who declares an interest in the issue to be considered cannot attend the meeting deliberating on that issue.

When it happens that most or all members of the Board of Directors have a direct or indirect interest in the issues to be considered in such a way that it is impossible to decide on the issues, the issues are submitted to the supervising authority of NRS, which decides on them within thirty (30) days.

Article 23 – Sitting allowances for members of the Board of Directors

Sitting allowances of members of the Board of Directors are determined by a Presidential Order.

Section 2 – Executive Organ of NRS

Article 24 – Composition of the Executive Organ of NRS

The Executive Organ of NRS is composed of the Director General appointed by a Presidential Order and other staff members appointed in accordance with relevant laws.

A Presidential Order may also appoint Deputy Directors General and determine their powers and duties.

Article 25 – Procedures for performance of duties by members of the Executive Organ

Procedures for performance of duties by members of the Executive Organ of NRS are determined by a Prime Minister's Order.

Article 26 – Responsibilities of the Executive Organ

The Executive Organ of NRS has the following main responsibilities:

- 1° to monitor and coordinate daily functions and activities;
- 2° to perform any other duty falling within the mission of NRS as may be assigned by the Board of Directors.

Article 27 – Powers and duties of the Director General of NRS

The Director General of NRS has the power to make decisions on the administrative and financial management in accordance with relevant laws.

The Director General, in particular, has the following duties:

- 1° to serve as the legal representative of NRS and publicize its activities;
- 2° to monitor NRS daily activities, human resources management and the use of the budget;
- 3° to prepare the draft proposal of internal rules and regulations of NRS;
- 4° to prepare draft action plan and draft budget proposal and submit them to the Board of Directors of NRS;
- 5° to submit to the Board of Directors the activity report, financial report as well as property management report of NRS of the preceding year;
- 6° to implement resolutions of the Board of Directors;
- 7° to participate in the meetings of the Board of Directors;
- 8° to inform those concerned of the decisions of NRS and make follow-up on their implementation;
- 9° to submit to relevant organs concepts relating to rehabilitation;
- 10° to perform other duties falling within the mission of NRS as may be assigned by the Board of Directors of NRS.

Article 28 – Duties of other staff members of the Executive Organ of NRS

Duties of other staff members of the Executive Organ of NRS are determined by a Prime Minister's Order.

Article 29 – Statutes governing staff of NRS

Staff members of NRS are governed by the General Statutes for Public Service.

Article 30 – Salaries and fringe benefits for members of the Executive Organ of NRS

Salaries and fringe benefits for members of the Executive Organ of NRS are determined in accordance with relevant laws.

Chapter V Rehabilitation centers and transit centers

Article 31 – Establishment of rehabilitation centers and transit centers

A Presidential Order establishes rehabilitation centers and also determines their mission and functioning.

A Prime Minister's Order determines the organization chart and organizational structure and benefits for staff of rehabilitation centers.

A District Council's or City of Kigali Council's decision establishes a transit center.

Article 32 – Categories of people placed in the centers

A Presidential Order establishing a rehabilitation center or a District Council's or Kigali City Council's decision establishing a transit center indicates if the center is reserved for males, females or children.

However, a rehabilitation center or a transit center may be established to accommodate all categories referred to in Paragraph One of this Article, after demonstrating that premises are separately reserved for the different categories.

Article 33 – Mission and functioning of transit centers

An Order of the Minister in charge of rehabilitation determines mission, organization and functioning of transit centers. It also determines criteria for selection and determination of people with deviant behaviors and also specifies competent authorities to determine such people and the period of stay for those placed in the center.

Chapter VI Property and finance of NRS

Article 34 – Property of NRS and its sources

The property of NRS is comprised of movable and immovable assets.

The property of NRS derives from the following sources:

- 1° state budget allocations;
- 2° State or partners' subsidies;
- 3° income from rendered services;
- 4° loans granted to NRS approved by the Minister in charge of finance;
- 5° donations and bequests.

Article 35 – Preparation and adoption of the budget of NRS

NRS prepares its annual budget to be adopted by the relevant authority.

Article 36 – Use, management and audit of the property of NRS

The use, management and audit of the property of NRS are carried out in accordance with relevant laws.

The internal audit service of NRS submits its report to the Board of Directors of NRS with a copy to the Director General of NRS.

The Auditor General of State Finances carries out audit of the management and use of the finance and property of NRS.

Article 37 – Annual financial statements

Within three (3) months following the closure of the financial year, the Director General of NRS submits the annual financial statements to the supervising authority of NRS after their approval by the Board of Directors in accordance with laws governing management of State finance and property.

Chapter VII

Transitional and final provisions

Article 38 – Transitional period

Rehabilitation centers and transit centers which are in place before the commencement of this Law have a time limit of one year from the date of publication of this Law in the Official *Gazette* of the Republic of Rwanda for complying with the provisions of this Law.

Article 39 – Validity of acts already performed

Acts performed by rehabilitation centers and transit centers before the publication of this Law in the Official *Gazette* of the Republic of Rwanda remain valid.

Article 40 – Drafting, consideration and adoption of this Law

This Law was drafted, considered and adopted in Kinyarwanda.

Article 41 – Repealing provision

All prior legal provisions contrary to this Law are repealed.

Article 42 – Commencement

This Law comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.