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<p>Imaze gusuzuma Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa <i>Maroc</i> ku bufatanye mu butabera mpanabyaha yashyiriweho umukono i <i>Rabat</i> muri <i>Maroc</i>, ku wa 19 Werurwe 2019;</p> <p>YEMEJE:</p> <p><u>Ingingo ya mbere:</u> Kwemera kwemeza burundu</p> <p>Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa <i>Maroc</i> ku bufatanye mu butabera mpanabyaha yashyiriweho umukono i <i>Rabat</i> muri <i>Maroc</i>, ku wa 19 Werurwe 2019, ari ku mugereka, yemerewe kwemezwa burundu.</p> <p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n'itorwa by'iri tegeko</p> <p>Iri tegeko ryateguwe mu rurimi rw'Icyongereza, risuzumwa kandi ritorwa mu rurimi rw'Ikinyarwanda.</p> <p><u>Ingingo ya 3:</u> Igihe iri tegeko ritangirira gukurikizwa</p> <p>Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p>	<p>After consideration of the Agreement between the Republic of Rwanda and the Kingdom of Morocco on Mutual Judicial Assistance in Criminal Matters, signed in <i>Rabat</i>, Morocco, on 19 March 2019;</p> <p>ADOPTS:</p> <p><u>Article One:</u> Approval for ratification</p> <p>The Agreement between the Republic of Rwanda and the Kingdom of Morocco on Mutual Judicial Assistance in Criminal Matters signed in <i>Rabat</i>, Morocco, on 19 March 2019, in annex, is approved for ratification.</p> <p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p> <p>This Law was drafted in English, considered and adopted in <i>Ikinyarwanda</i>.</p> <p><u>Article 3:</u> Commencement</p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p>Après examen de l'Accord entre la République du Rwanda et le Royaume du Maroc sur l'Entraide Judiciaire en Matière Pénale signé à <i>Rabat</i> au Maroc, le 19 mars 2019;</p> <p>ADOPTE:</p> <p><u>Article premier:</u> Approbation pour ratification</p> <p>L'Accord entre la République du Rwanda et le Royaume du Maroc sur l'Entraide Judiciaire en Matière Pénale signé à <i>Rabat</i> au Maroc, le 19 mars 2019, en annexe, est approuvé pour ratification.</p> <p><u>Article 2:</u> Initiation, examen et adoption de la présente loi</p> <p>La présente loi a été initiée en anglais, examinée et adoptée en <i>Ikinyarwanda</i>.</p> <p><u>Article 3:</u> Entrée en vigueur</p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/08/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

UMUGEREKA W'ITEGEKO N° 07 bis/2020 RYO KU WA 07/08/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y'U RWANDA N'UBWAMI BWA MAROC KU BUFATANYE MU BUTABERA MPANABYAHA YAKOREWE I RABAT, KU WA 19 WERURWE 2019	ANNEX TO LAW N° 07 bis/2020 OF 07/08/2020 APPROVING THE RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON MUTUAL JUDICIAL ASSISTANCE IN CRIMINAL MATTERS, DONE IN RABAT, ON 19 MARCH 2019	ANNEXE À LA LOI N° 07 bis/2020 DU 07/08/2020 APPROUVANT LA RATIFICATION DE L'ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L'ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE FAIT À RABAT, LE 19 MARS 2019
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AGREEMENT

BETWEEN

THE REPUBLIC OF RWANDA

AND

THE KINGDOM OF MOROCCO

**ON MUTUAL JUDICIAL ASSISTANCE IN
CRIMINAL MATTERS**

The Kingdom of Morocco and the Republic of Rwanda.;

Hereinafter referred to as the "Parties";

Recognizing the existing friendly relations and cooperation between the two Parties;

Desiring to strengthen the legal foundation of providing mutual judicial assistance in criminal matters;

Acting in accordance with their law and also respecting generally recognized principles of international law, above all the principles of sovereign equality and noninterference into internal affairs;

Have agreed as follows:

Article 1

Obligation to grant judicial assistance

1. The Parties shall, in accordance with this Agreement and their national laws, provide to each other mutual judicial assistance in criminal matters (further - judicial assistance).
2. Judicial assistance is provided in accordance with this Agreement if the offence, in connection with which the request was issued, is criminally punishable according to the law of both Parties. The Requested Party may upon its own discretion grant judicial assistance also in case when the offence, in connection with which the request was received, is not criminally punishable under its legislation.
3. The purpose of this Agreement is exclusively granting judicial assistance to be requested only by the competent authorities in each Party.
4. This Agreement shall not be applicable for the execution of arrest warrants, and transgressing military laws, which do not constitute an offence against the public right, and for the execution of condemnation decisions.

Article 2

Exceptions

Assistance might be denied in the following two cases:

- 1) If the assistance request is related to political offences, or offences linked to political ones; and subject to the present agreement, shall not be considered as political offences, any terrorist offence or attempt to assassinate the head of state of either contracting parties or his family members, as well as any participation to such offences.
- 2) If the execution of the assistance request may jeopardize the public order or sovereignty or safety of the requested party.

Article 3

The scope of judicial assistance

Judicial assistance shall include:

- 1) Service of procedural documents;
- 2) Taking evidence;
- 3) Location and identification of persons and objects;

- 4) Invitation of witnesses, victims and experts for their voluntary appearance before the Competent authority of the Requesting Party;
- 5) Temporary transfer of persons in custody to participate in criminal court proceedings in the territory of the Requesting Party as witnesses, victims or for the purpose of other proceedings;
- 6) Temporary measures in relation to protection of the property;
- 7) Executing requests for search and seizure;
- 8) Transfer of documents, things and other evidence;
- 9) Granting permission to the representatives of the competent authorities of the Requesting Party to be present at the execution of the request;
- 10) Granting judicial assistance in cases related to banking secrets and taxes as far as the domestic law of the requested party allows;
- 11) Granting any other types of judicial assistance consistent with the objectives of this Agreement, and according to the law of the Requested Party.

Article 4 Procedure

Regardless of using the diplomatic channel, and in respect of the provisions of article 2 of the present agreement, judicial assistance requests and the documents of their execution shall be transmitted by the central authorities of both parties.

For the Kingdom of Morocco, the Central authority shall be The Ministry of Justice (Directorate of Penal Affairs and Amnesty).

For the Republic of Rwanda, the Central Authority shall be: The Ministry of Justice

The Parties shall immediately notify each other through the diplomatic channels about the changes of their Central Authorities through exchanging verbal notes.

Article 5 Form and content of the request

1. The request shall include the following:
 - a) The name of the competent authority requesting judicial assistance;
 - b) The purpose of the request and description of the requested judicial assistance;
 - c) A description of the offence in connection with which the investigation, inquest or the proceedings are conducted, its juridical qualification, the text of the relevant law in accordance with which the offence is criminally punishable, and if necessary the amount of the damage caused as a result of this offence;
 - d) A description of any particular procedures that the Requesting Party wishes to be followed in execution of the request;

- e) Information on the identity of the persons who are subjects of the investigation or the proceedings;
 - f) Any time limit within which compliance with the request is desired by the Requesting Party;
 - g) Full names, family names (middle names), date and place of birth and addresses and also if possible telephone numbers of the persons who are to be notified and their connection on the investigation, inquest or proceedings in progress as well as any other useful information;
 - h) Indication of the location and description of the place, if possible, where inspection and search is required, and the objects to be seized;
 - i) Questions to be put forward in order to receive evidence in the Requested party;
 - j) In case of applying for the presence of representatives of the competent authorities of the Requesting Party, their full names, family names, (middle names), positions as well as grounds for their presence;
 - k) The need, if any, for confidentiality of the fact that the request was received, of its contents and/or description of any action undertaken in connection with the request;
 - l) Any other information that might be useful to the Requested Party in order to execute the request.
2. If the Requested Party considers that the information contained in the request is not sufficient to enable the request to be dealt with, that party may request additional information.

Article 6 Language

1. Requests for judicial assistance and supporting documents shall be made in the language of the requesting party, and shall be accompanied by a translation into the language of the requested party, or in the French language.
2. The translation attached to the assistance request shall be certified by a qualified person in accordance with law of the requesting party.

Article 7 Refusal or postponement of requests for granting judicial assistance

1. The Requested Party may postpone or refuse to execute the request in its territory if it considers that such execution would interfere with or damage the ongoing investigation or proceedings in criminal case.
2. Before making a decision to postpone or refuse the execution of the request the Requested Party shall consider whether judicial assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party accepts judicial assistance subject to these conditions, it is obliged to comply with them.

3. If the Requested Party takes the decision to refuse or to postpone granting judicial assistance it informs the Requesting Party about that through its Central Authority, and shall give reasons for that decision.
4. Any refusal of assistance shall be justified.

Article 8

Exemption from legalization and certification of the documents

Documents transmitted pursuant to this Agreement and attested to by the seal and signed by competent authority of Central Authorities of the transmitting Party are received without legalization procedure or any other form of certification.

Article 9

Confidentiality and the limitations of use of information

1. Upon request of the Requesting party the Requested Party shall keep confidential the request for judicial assistance, its contents supporting documents and any action taken pursuant to the request as well as the fact for granting such assistance.
If the request cannot be executed without breaching confidentiality, the Requested Party shall so inform the Requesting Party, which shall then determine, whether the request should nevertheless be executed.
2. The Requesting Party shall not use the information or evidence obtained under this Agreement without the permission of the Requested party for other purposes than those indicated in the request for judicial assistance.
3. In separate cases when the Requesting Party needs to disclose and use fully or in parts the information or evidence for other purposes than those stated in the request it asks for the corresponding consent of the Requested Party, which may refuse fully or partially such permission.

Article 10

Execution of requests for judicial assistance

1. Requests shall be executed in accordance with the laws of the Requested party and the provisions of this Agreement.
At the request of the Requesting Party the Requested Party shall grant judicial assistance in form and in accordance with the special procedure indicated in the request, insofar if is not contradictory to the laws of the Requested Party.
2. Upon the request of the Requesting Party, the parties to the relevant proceedings in the Requesting party their legal representatives and representatives of the requesting Party may, subject to the laws and procedures of the Requested Party, be present at the proceedings.

3. The Central Authority of the Requested Party transmits the information and the evidence received as a result of the request to the Central Authority of the Requesting Party in a reasonable time through the diplomatic channel.
4. If it is impossible to execute the request in full or partially, the Central Authority of the Requested Party immediately informs the Central Authority of the Requesting Party about that and informs it as of the causes forbidding the execution of the request through the diplomatic channel.

Article 11
Delivery of procedural documents

1. In accordance with the request for judicial assistance the Requested Party shall immediately serve or organize the service of the procedural documents.
2. The execution of the request is proved by the document of serving with the indication of the date, the signature of the addressee or the statement of the competent authority of the Requested party, in which the fact, the date and the manner of service are confirmed. The Requesting party is immediately informed about the service of the documents.

Article 12
Delivery of objects

1. The requested state may postpone the delivery of objects and files and documents' originals if they are necessary for the completion of an ongoing penal procedure; the documents in question shall be delivered as soon as the procedure ends.
2. The requesting state shall send the objects and originals of the delivered files and documents, for the purpose of executing the judicial assistance request, as soon as possible to the requested state, unless this latter expressly waives.

Article 13
Taking evidence in the Requested Party

1. The Requested Party in compliance with its law takes in its territory testimony of the witnesses and victims, conclusions of experts, documents, things and other evidence indicated in the request and transmits it to the Requesting Party.
2. The representatives of competent authorities of the Requesting party that are present at the execution of the request are allowed to formulate questions that may be put to the corresponding person through the representative of the competent authority of the Requested Party.
3. The Requesting party on demand of the Requested Party returns promptly thereafter the originals of the documents and the things delivered to it in accordance with Paragraph 1 of this Article.

Article 14
Personal appearance of witnesses, victims and experts
in the territory of the Requesting party

1. If the Requesting Party submits a request for personal appearance to produce evidence, carry out expert examination or for other procedural actions in its territory the Requested Party informs that person who is in its territory about the invitation of the Requesting party to appear before its competent authorities.
2. The person to appear shall be indicated by the Requesting Party about the conditions and requirements related to the cost and expenses associated with his appearance, and also the list of guaranties which this person is entitled to under Article 16 hereinafter of this Agreement.
3. Subpoena shall not contain a threat to use compulsion or penalty in case of a failure of the person to appear in the territory of the Requesting Party.
4. The summoned person takes the decision to appear voluntarily. The Central Authority of the Requested party shall promptly inform the Central Authority of the Requesting Party of the person's response.

Article 15
Safe conduct

1. A person present before the competent authority in the Requesting party notwithstanding its citizenship shall not be detained or subjected to criminal prosecution, or any other restriction of personal liberty in the territory of this Party for any acts or on the basis of convictions which preceded that person's entry into the territory of the Requesting Party.
2. The summoned person shall lose his/her right to inviolability provided for in Paragraph 1 of this Article if a person, being free to leave the territory of the Requesting Party, has not left it within a period of 30 days after being notified in writing that the person's attendance is no longer required by the corresponding competent authority or, having left that territory, has voluntarily returned.
3. The summoned person shall not be forced to present evidence in any other case than that indicated in the request.

Article 16
Temporary transferring persons in custody

1. A person in custody notwithstanding its citizenship with the consent of the Requested party may be temporarily transferred to the Requesting party to give evidence as a witness or a victim or to assist in other proceedings indicated in the request provided that the person is returned to the Requested Party within the time limit imposed by it.

Initial term for which the person may be transmitted shall not be more than 90 days. Upon the motivated request of the Requesting Party the term of stay of the transferred person may be extended by the Requested Party, with concern of the transferred person. The order and the conditions of transfer and return of the person shall be coordinated by the Central Authorities of the Parties.

2. The transfer of the person is refused:
 - a.) If the person in custody does not give consent in writing to this;
 - b.) If participation of this person in the proceedings in the territory of the Requested Party is necessary.
3. The Requesting Party shall hold the transmitted person in custody as soon as the decision of the competent authority of the Requested Party to hold that person in custody enters into force.

In case of the release of the person in custody upon the decision of the Requested Party the Requesting Party shall use in relation to that person the provisions of Articles 15, 16 and 19 of this Agreement.
4. If the person, who is in custody or serving an imprisonment sentence, does not agree before the Requesting Party, he/she shall not be liable to any measure of compulsion or penalty for disagreement.

Article 17 **Protection of the person**

The requesting Party provides, when needed the protection of the person appearing upon the request or transferred to its territory in accordance with Articles 15 and 17 of this Agreement.

Article 18 **Expenses**

1. The Requested Party shall bear the ordinary costs of executing the requests for judicial assistance in its territory, except that the Requesting party shall bear:
 - a) The expenses associated with the conveying persons to and from its territory in accordance with Articles 13 and 15 of this Agreement and their presence in that territory, and other payments due to that persons;
 - b) The expenses and fees of experts;
 - c) The expenses associated with the travel and presence of the representatives of the competent authorities of the Requesting Party at the execution of the request in accordance with Paragraph 2 Article 9 of this Agreement;
 - d) The expenses associated with the transition of transmitted objects from the territory of the Requested Party to the territory of the Requesting Party and back.
2. If the execution of the request demands substantial or emergency expenses, the Central Authorities of the Parties undertake consultations in order to determine conditions of the execution of the request and also the way of paying those expenses.

Article 19
Consultations and resolutions of disputes

1. The Central Authorities at the request of either of them shall consult, concerning the interpretation and application of this Agreement, either generally or partly.
2. Disputed issues resulting from the interpretation and/or application of this Agreement shall be resolved through the diplomatic negotiations in conjunction with the Central Authorities of the both Parties.

Article 20
Time Scope of Application

The present Agreement shall apply to requests made after its entry into force, even if the relevant acts or omissions took place prior to that date.

Article 21
Final provisions

1. The present Agreement is subject to ratification.
2. The present Agreement shall enter into force from the date of receiving the last notification by either of the Contracting parties through the diplomatic channels, concerning the execution of the necessary measures for the ratification, according to the domestic laws of either of the Contracting Parties.
3. Either of the Contracting parties may denounce the present Agreement by giving notice in writing to the other Contracting Party through the diplomatic channel.
4. The amendments and/or modifications shall be drawn up by protocols, which shall enter into force in the order prescribed for the entry into force of this Agreement.

In Witness Whereof the undersigned being duly authorized thereto, have signed this Agreement.

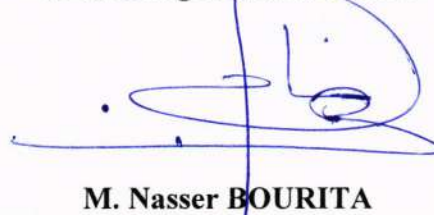
Done in Rabat on 19th March 2019 in duplicate in the Arabic and English languages, all texts being equally authentic.

**For the Government
of the Republic of Rwanda**



Dr. Richard SEZIBERA
Minister of Foreign Affairs and International
Cooperation

**For the Government
of the Kingdom of Morocco**



M. Nasser BOURITA
Minister of Foreign Affairs and International
Cooperation

Bibonywe kugira ngo bishyirwe ku mugereka w'Itegeko n° 07 bis/2020 ryo ku wa 07/08/2020 ryemera kwemeza burundu Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa <i>Maroc</i> ku bufatanye mu butabera mpanabyaha yakorewe i <i>Rabat</i>, ku wa 19 Werurwe 2019	Seen to be annexed to Law n° 07 bis/2020 of 07/08/2020 approving the ratification of the Agreement between the Republic of Rwanda and the Kingdom of Morocco on mutual judicial assistance in criminal matters done in Rabat, on 19 March 2019	Vu pour être annexé à la Loi n° 07 bis/2020 du 07/08/2020 approuvant la ratification de l'Accord entre la République du Rwanda et le Royaume du Maroc sur l'Entraide Judiciaire en Matière Pénale fait à Rabat, le 19 Mars 2019
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Kigali, 07/08/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEGEKO N° 07 ter/2020 RYO KU WA 07/08/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'IYINJIZWA RY'U RWANDA MURI AFRICA FINANCE CORPORATION YASHYIZWEHO UMUKONO KU WA 20 KAMENA 2019 HAGATI YA AFRICA FINANCE CORPORATION NA REPUBULIKA Y'U RWANDA</p> <p style="text-align: center;"><u>ISHAKIRO</u></p> <p><u>Ingingo ya mbere:</u> Kwemera kwemeza burundu</p> <p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n'itorwa by'iri tegeko</p> <p><u>Ingingo ya 3:</u> Igihe iri tegeko ritangira gukurikizwa</p>	<p>LAW N° 07 ter/2020 OF 07/08/2020 APPROVING THE RATIFICATION OF THE ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE AFRICA FINANCE CORPORATION SIGNED ON 20 JUNE 2019, BETWEEN THE AFRICA FINANCE CORPORATION AND THE REPUBLIC OF RWANDA</p> <p style="text-align: center;"><u>TABLE OF CONTENTS</u></p> <p><u>Article One:</u> Approval for ratification</p> <p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p> <p><u>Article 3:</u> Commencement</p>	<p>LOI N° 07 ter/2020 DU 07/08/2020 APPROUVANT LA RATIFICATION DE L'ACCORD D'ADHÉSION DE LA RÉPUBLIQUE DU RWANDA À AFRICA FINANCE CORPORATION SIGNÉ LE 20 JUIN 2019, ENTRE AFRICA FINANCE CORPORATION ET LA RÉPUBLIQUE DU RWANDA</p> <p style="text-align: center;"><u>TABLE DES MATIÈRES</u></p> <p><u>Article premier:</u> Approbation pour ratification</p> <p><u>Article 2 :</u> Initiation, examen et adoption de la présente loi</p> <p><u>Article 3 :</u> Entrée en vigueur</p>
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<p>ITEGEKO N° 07 ter/2020 RYO KU WA 07/08/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'IYINJIZWA RY'U RWANDA MURI AFRICA FINANCE CORPORATION YASHYIZWEHO UMUKONO KU WA 20 KAMENA 2019 HAGATI YA AFRICA FINANCE CORPORATION NA REPUBULIKA Y'U RWANDA</p> <p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p> <p>INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RITANGAZWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA</p> <p>INTEKO ISHINGA AMATEGEKO:</p> <p>Umutwe w'Abadepite, mu nama yawo yo ku wa 08 Kamena 2020 ;</p>	<p>LAW N° 07 ter/2020 OF 07/08/2020 APPROVING THE RATIFICATION OF THE ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE AFRICA FINANCE CORPORATION SIGNED ON 20 JUNE 2019, BETWEEN THE AFRICA FINANCE CORPORATION AND THE REPUBLIC OF RWANDA</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>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</p> <p>THE PARLIAMENT:</p> <p>The Chamber of Deputies, in its sitting of 08 June 2020;</p>	<p>LOI N° 07 ter/2020 DU 07/08/2020 APPROUVANT LA RATIFICATION DE L'ACCORD D'ADHÉSION DE LA RÉPUBLIQUE DU RWANDA À AFRICA FINANCE CORPORATION SIGNÉ LE 20 JUIN 2019, ENTRE AFRICA FINANCE CORPORATION ET LA RÉPUBLIQUE DU RWANDA</p> <p>Nous, KAGAME Paul, Président de la République;</p> <p>LE PARLEMENT A ADOPTÉ ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA</p> <p>LE PARLEMENT:</p> <p>La Chambre des Députés, en sa séance du 08 juin 2020;</p>
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<p>Sena, mu nama yayo yo ku wa 24 Kamena 2020;</p> <p>Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 64, iya 69, iya 70, iya 85, iya 88, iya 90, iya 91, iya 93, iya 106, iya 120, iya 167, iya 168 n'iya 176;</p> <p>Imaze gusuzuma Amasezerano y'iyinjizwa ry'u Rwanda muri <i>Africa Finance Corporation</i> yashyizweho umukono ku wa 20 Kamena 2019 hagati ya <i>Africa Finance Corporation</i> na Repubulika y'u Rwanda;</p> <p>YEMEJE:</p> <p><u>Ingingo ya mbere</u> : Kwemera kwemeza burundu</p> <p>Amasezerano y'iyinjizwa ry'u Rwanda muri <i>Africa Finance Corporation</i> yashyizweho umukono ku wa 20 Kamena 2019 hagati ya <i>Africa Finance Corporation</i> na Repubulika y'u Rwanda, ari ku mugereka , yemerewe kwemezwa burundu.</p>	<p>The Senate, in its sitting of 24 June 2020;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 85, 88, 90, 91, 93, 106, 120, 167, 168 and 176;</p> <p>After consideration of the Accession Agreement of the Republic of Rwanda to the Africa Finance Corporation signed on 20 June 2019, between the Africa Finance Corporation and the Republic of Rwanda;</p> <p>ADOPTS:</p> <p><u>Article one</u>: Approval for ratification</p> <p>The Accession Agreement of the Republic of Rwanda to the Africa Finance Corporation signed on 20 June 2019, between the Africa Finance Corporation and the Republic of Rwanda, in Annex, is approved for ratification.</p>	<p>Le Sénat, en sa séance du 24 juin 2020;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 64, 69, 70, 85, 88, 90, 91, 93, 106, 120, 167, 168 et 176;</p> <p>Après examen de l'Accord d'adhésion de la République du Rwanda à <i>Africa Finance Corporation</i> signé le 20 juin 2019, entre <i>Africa Finance Corporation</i> et la République du Rwanda;</p> <p>ADOPTE:</p> <p><u>Article premier</u>: Approbation pour ratification</p> <p>L'Accord d'adhésion de la République du Rwanda à <i>Africa Finance Corporation</i> signé le 20 juin 2019, entre <i>Africa Finance Corporation</i> et la République du Rwanda, en annexe, est approuvé pour ratification.</p>
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<p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n’itorwa by’iri tegeko</p> <p>Iri tegeko ryateguwe mu rurimi rw’Icyongereza, risuzumwa kandi ritorwa mu rurimi rw’Ikinyarwanda.</p> <p><u>Ingingo ya 3 :</u> Igihe iri tegeko ritangira gukurikizwa</p> <p>Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.</p>	<p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p> <p>This Law was drafted in English, considered and adopted in Ikinyarwanda.</p> <p><u>Article 3:</u> Commencement</p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 2:</u> Initiation, examen et adoption de la présente loi</p> <p>La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.</p> <p><u>Article 3 :</u> Entrée en vigueur</p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/08/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
..Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEGEKO N° 07 ter/2020 RYO KU WA 07/08/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'IYINJIZWA RY'U RWANDA MURI <i>AFRICA FINANCE CORPORATION</i> YASHYIRIWEHO UMUKONO KU WA 20 KAMENA 2019 HAGATI YA <i>AFRICA FINANCE CORPORATION</i> NA REPUBULIKA Y'U RWANDA</p>	<p>ANNEX TO LAW N° 07 ter/2020 OF 07/08/2020 APPROVING THE RATIFICATION OF THE ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE AFRICA FINANCE CORPORATION SIGNED ON 20 JUNE 2019, BETWEEN THE AFRICA FINANCE CORPORATION AND THE REPUBLIC OF RWANDA</p>	<p>ANNEXE À LOI N° 07 ter/2020 DU 07/08/2020 APPROUVANT LA RATIFICATION DE L'ACCORD D'ADHÉSION DE LA RÉPUBLIQUE DU RWANDA À <i>AFRICA FINANCE CORPORATION</i> SIGNÉ LE 20 JUIN 2019, ENTRE <i>AFRICA FINANCE CORPORATION</i> ET LA RÉPUBLIQUE DU RWANDA</p>
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**ACCESSION AGREEMENT OF THE REPUBLIC
OF RWANDA TO THE AFRICA FINANCE
CORPORATION**

AFRICA FINANCE CORPORATION

-and-

REPUBLIC OF RWANDA

ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE AFRICA FINANCE CORPORATION

THIS ACCESSION AGREEMENT ("Accession Agreement") is made on the 20th day of June 2019

BETWEEN:

- (1) **Africa Finance Corporation**, a multilateral development finance institution established on 28 May 2007 by an agreement between sovereign African states and having its headquarters in Lagos, Nigeria (the "AFC"); and
- (2) **Republic of Rwanda** (the "State Applicant").

WHEREAS:

- (A) By the Agreement for the establishment of the Africa Finance Corporation dated 28 May 2007 made between the original parties named therein and as now in force between the parties by virtue of any instrument of accession entered into by any new party before the date of this Accession Agreement, the parties agreed to give effect to and be bound by the Agreement for the establishment of the Africa Finance Corporation dated 28 May 2007 (the "Agreement establishing AFC").;
- (B) At the invitation of AFC, the State Applicant accepted on 28 October 2015 to join the membership of AFC and the terms of AFC's Constitutive Documents, through the signature of an instrument of adherence (the "Instrument of Adherence");
- (C) The State Applicant has complied with the requirements of the Agreement establishing AFC as to accession and wishes to confirm its admittance as a party in accordance with its constitutional and other applicable statutory procedures.

IT IS HEREBY AGREED as follows:

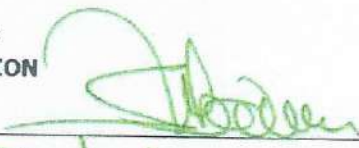
1. In this Accession Agreement, words and expression defined in or for the purposes of the Agreement establishing AFC and not otherwise defined herein shall have the meanings ascribed thereto under the Agreement establishing AFC.
2. AFC hereby admits the State Applicant as an additional party under the Agreement establishing AFC with effect from the date of the Instrument of Adherence on the terms and conditions hereof.
3. The State Applicant hereby accepts its admission as a party and undertakes with AFC to perform and to be bound by the Agreement establishing AFC and the Africa Finance Corporation Charter dated 07 May 2007 (the "AFC's Constitutive Documents") as a party.
4. For all purposes in connection with the Agreement establishing AFC the State Applicant shall as from the date of the Instrument of Adherence be treated as if it has been a signatory of the Agreement establishing AFC from the date thereof, and as if this Accession Agreement

were part of the Agreement establishing AFC from the date thereof, and the rights and obligations of the parties shall be construed accordingly.

5. This Accession Agreement and the Agreement establishing AFC shall be read and construed as one document and references to the Agreement establishing AFC should be read and construed as reference to the Agreement establishing AFC and this Accession Agreement.
6. If any provision of this Accession Agreement is or becomes invalid, unenforceable or illegal or is declared to be invalid, unenforceable or illegal by any court of competent jurisdiction or by any other competent authority, such invalidity, unenforceability or illegality shall not prejudice or affect the remaining provisions of this Accession Agreement, which shall continue in full force and effect notwithstanding the same.
7. This Accession Agreement may be executed in counterparts.
8. The provisions of Article 18 (*Interpretation and Settlement of Disputes*) of the Agreement establishing AFC shall be incorporated into this Accession Agreement as if set out in full in this Accession Agreement and as if references in that article to "this Agreement" are references to this Accession Agreement.
9. Nothing in this Accession Agreement shall be construed as or constitute a waiver, renunciation or other modification of any privileges, immunities and exemptions accorded to AFC under the Agreement establishing AFC, international conventions, any applicable law or otherwise.

AS WITNESS the hands of the duly authorised representatives of the parties hereto the day and year first above written.

SIGNED FOR AND ON BEHALF OF
AFRICA FINANCE CORPORATION

BY: 
Name Samaila Zubebu
Position President & CEO

SIGNED FOR AND ON BEHALF OF
REPUBLIC OF RWANDA

BY: 
Name Uzziel Ntaganzimana
Position Minister of Finance and Economic Planning



**AGREEMENT FOR THE
ESTABLISHMENT
OF THE
AFRICA FINANCE CORPORATION**

DATED THE 28th DAY OF May 2007

THE STATES AND INTERNATIONAL ORGANISATIONS PARTIES TO THE PRESENT AGREEMENT:

COGNIZANT of the fact that lack of adequate finance for investment has been an impediment to infrastructure development and expansion of foreign trade in Africa;

KNOWING the importance of closer economic co-operation as a means for achieving the most efficient utilization of resources and for accelerating development;

RECOGNISING the significant roles played by both public and private sectors, including multilateral development institutions in trade, investments and other productive activities in Africa;

REALISING the significance of making additional investment finance available in Africa and seeking to create and foster conditions conducive to greater flow of investment funds into the Continent for increased infrastructure development and export-oriented industrialisation;

AFFIRMING the desirability of promoting the harmonious growth of the economies of African States and the expansion of external trade of their countries;

CONVINCED that the establishment of a financial institution for catalyzing industrial development in Africa and promoting Infrastructure development would serve the foregoing purposes;

HAVE AGREED AS FOLLOWS:

Article 1: Establishment

1. There shall be established an international financial institution to be known as the Africa Finance Corporation (hereinafter called the Corporation) which shall operate in accordance with the provisions of the Charter appended to this Agreement (hereinafter referred to as the Charter).
2. The Charter, which may be amended from time to time, in accordance with its provisions shall derive its legal force from this Agreement and shall be valid and operative among all the shareholders of the Corporation.
3. Capitalized terms used herein, unless defined in this Agreement shall have the respective meanings ascribed thereto in the Charter.

Article 2: Purpose

The Corporation is established to foster economic growth and industrial development of African countries, collectively and individually, and more specifically, to:

- a. support and promote infrastructure development in Africa through the provision of investment funds;
- b. facilitate African trade generally and export-oriented trade by African countries;
- c. contribute to the development of the energy and extractive industries in Africa;
- d. provide on-lending and refinancing facilities to African financial institutions; and
- e. generally engage in any kind of banking and financial business intended to promote investments in Africa.

Article 3: Functions

1. To facilitate the attainment of its purposes, the Corporation shall perform any and all of the functions stated below:
 - a. grant direct loans and extend credit guaranteed by commercial documents, sovereign instruments, credit instruments or by any other form of security ;
 - b. guarantee transactions made by other reputable financial institutions;
 - c. give open-ended or transaction-specific lines of credit to other reputable financial institutions;
 - d. own, hold, purchase, sell, withdraw, make, draw, accept, endorse, discount and carry out any operation with promissory notes, bills of exchange, option certificates for the acquisition of shares and any other securities or credit instruments in any member country or country approved by the Board of Directors;
 - e. act as an international financial agent;
 - f. provide equity financing on such terms as may be approved by the Board of Directors;

- g. provide technical assistance for the preparation, financing and execution of development projects and programmes, including the formulation of specific project proposals;
 - h. meet requests from African Countries to assist them in the coordination of their development policies and plans with a view to achieving better utilization of their resources, making their economies more complementary, and promoting the orderly expansion of their foreign trade, and in particular, intra-regional trade;
 - i. co-operate, in such manner as the Corporation may deem appropriate, within the terms of this Agreement, with the United Nations, its organs and subsidiary bodies, and with other public and private international organisations and other international institutions, as well as national entities whether public or private, which are concerned with the investment of development funds in Africa, and to interest such institutions and entities in new opportunities for investment and assistance; and
 - j. generally carry out any kind of banking, securities and financial operations.
2. Without prejudice to the foregoing provisions of this Article, the Corporation shall have the power to carry out the following functions in the territory of Member States:
- a. carry on all forms of banking business and financial services authorized under this Agreement;
 - b. purchase, hold and dispose of national currencies;
 - c. purchase, hold and dispose of convertible currencies, securities, bills of exchange and negotiable instruments, and transfer the same to, from or within the territory of any Member State;
 - d. open, maintain and operate accounts in national currencies in the territories of the Member States;
 - e. open, maintain and operate convertible currency accounts in the territories and outside the territories of the Member states;
 - f. raise funds and make loans in convertible currencies; and
 - g. carry out any operation authorized under this Agreement.
3. The Corporation shall also undertake such other activities and provide such other services as are incidental to the foregoing, and which may advance its purpose.

Article 4: Legal Status

- 1. The Corporation shall be deemed a legally constituted body corporate under the laws of each Member State.
- 2. In each Member State, the Corporation shall enjoy the most extensive legal capacity accorded to legal persons under the law, particularly the capacity to:
 - a. institute and be a party to any judicial, legal or administrative proceedings;

- b. enter into contracts;
 - c. acquire and dispose of property whether movable or immovable;
 - d. take such steps and do all such things as may appear necessary or desirable to protect its interests; and
 - e. take such steps and do all such things as are incidental or conducive to the attainment of its objects and purpose, the exercise of its powers and the conduct of its business.
3. Each Member State shall, immediately upon becoming a signatory, do all such things and take all necessary legislative and administrative actions required to secure the effectiveness of this Article within its territory.
 4. The Corporation shall possess international legal personality.
 5. The Corporation shall not make or guarantee any loan or do or omit to do any act or thing that could in any way prejudice, limit, deflect or otherwise alter its purpose or functions or in any way suggest an affiliation with any political cause.

Article 5: Membership

1. Membership of the Corporation shall be open to:
 - a. independent African states, represented by their respective central banks;
 - b. African regional and sub-regional financial institutions;
 - c. African public and private banks, financial institutions and private investors; and
 - d. international private investors
2. The conditions governing eligibility to membership shall be determined by the General Meeting of Shareholders of the Corporation.
3. Membership of the Corporation shall be acquired upon subscribing to the Shares of the Corporation in accordance with the provisions of this Agreement. All Shareholders of the Corporation shall subscribe to this Agreement either by affixing their signatures thereto or depositing with the Provisional Depository or the Depository a letter of acceptance of the provisions of this Agreement.
4. A Member State shall subscribe for Shares in the Corporation through its central bank and designate the central bank for all matters relating to this Agreement including membership and subscription and the full exercise of rights attached to membership and the performance of the obligations of Shareholders set forth in this Agreement.
5. Any African state or international organisation which has not signed this Agreement before the date on which it comes into force shall as a condition precedent to membership adhere to this Agreement by depositing an instrument of accession with the Provisional Depository or the Depository.

Article 6: Headquarters and Branch Offices

1. The permanent headquarters of the Corporation shall be in Lagos, Nigeria

2. The Corporation may, in the discharge of its objectives as set out in this Agreement, establish branches or representative offices in other Member States selected by the Board of Directors.
3. The Government of Nigeria shall, within ninety days of notification of its selection as the host country, enter into a Headquarters Agreement with the Corporation, and take all necessary measures to render the Headquarters Agreement effective.
4. A Member State in whose territory a branch or representative office is located shall as soon as practicable after notification of its selection in that regard, conclude an agreement with the Corporation on terms similar to the Headquarters Agreement referred to above.
5. Each Member State shall designate the appropriate entity with which the Corporation may communicate in connection with any matter arising under this Agreement.
6. The working language of the Corporation shall be English and or such other language as the General Meeting may prescribe.

Article 7: Immunities, Exemptions, Privileges, Facilities and Concessions

Each Member State shall take all legislative action under its national law and all administrative measures, as is necessary, to enable the Corporation to effectively fulfil its purpose and carry out the functions entrusted to it. To this end, each Member State shall accord to the Corporation, in its territory, the status, immunities, exemptions, privileges, facilities and concessions set forth in this Agreement and shall promptly inform the Corporation of the specific action it has taken for this purpose.

Article 8: Legal Process

The Corporation shall enjoy immunity from every form of legal action or process except in respect of its operations where legal action may be brought against the Corporation in any court of competent jurisdiction in the territory of the state where the headquarters of the Corporation is situated or in which the Corporation has a representative or branch office or a subsidiary, or has appointed an agent for the purpose of accepting service or notice of process or in which it has issued securities or guaranteed same or has otherwise agreed to be sued. No such action against the Corporation shall be brought by:

- a. a Member State;
- b. a Shareholder or a former Shareholder of the Corporation or persons acting for or deriving claims from a Shareholder or a former Shareholder; or
- c. any natural or legal persons in respect of:
 - i. transactions governed by arbitration agreements;
 - ii. matters pending before an arbitral tribunal; and
 - iii. personnel matters.

Article 9: Immunity of Property and Assets

1. The property and assets of the Corporation wherever located and by whomsoever held shall be immune from:

- a. search, requisition, expropriation, confiscation, nationalization and all other forms of seizure, taking or foreclosure by executive or legislative action; and
 - b. seizure, attachment or execution before the delivery of final judgment or award against the Corporation.
2. For the purpose of this Article and Article 10 of this Agreement, the term "property and assets of the Corporation" shall include property and assets owned or held by the Corporation and deposits and funds entrusted to the Corporation in the ordinary course of business.

Article 10: Freedom of Property, Assets and Operations from Restriction

1. To the extent necessary to implement the purpose of the Corporation and carry out its functions, each Member State shall waive, and refrain from imposing, any administrative, financial or other regulatory restrictions that are likely to hinder in any manner the smooth functioning of the Corporation or impair its operations.
2. To this end, the Corporation, its property, assets, operations and activities shall be free from restrictions, regulations, supervision or controls, moratoria and other legislative executive, administrative, fiscal and monetary restrictions of any nature.

Article 11: Immunity of Archives

The archives of the Corporation and, in general, all documents belonging to, or held by the Corporation shall be inviolable wherever located, except that the immunity provided for in this Article shall not extend to documents required to be produced in the course of judicial or arbitral proceedings to which the Corporation is a party or proceedings arising out of transactions concluded by the Corporation.

Article 12: Privilege for Communications

Official communications of the Corporation shall be accorded by each Member State the same treatment and preferential rates that it accords to the official communications of international organizations.

Article 13: Personal Immunities, Privileges and Exemptions

1. All Representatives, the Chief Executive Officer, Directors, officers and employees of the Corporation and consultants and experts performing missions for the Corporation:
 - a. shall be immune from legal process with respect to acts performed by them in their official capacity;
 - b. shall be accorded the same immunities from immigration restrictions and alien registration requirements, and, not being local nationals, shall be accorded the same immunities from national service obligations and the same facilities as regards exchange regulations, as are accorded by each Member State to representatives, officials and employees of comparable rank of other states or international organizations; and

- c. where they are not resident nationals, shall be granted the same treatment in respect of travelling facilities as is accorded by Member States to representatives, officials and employees of comparable rank of other states or international organizations.
2. The Chief Executive Officer, Directors, officers and employees of the Corporation:
 - a. shall be immune from personal arrest or detention; and
 - b. shall be exempt from any form of direct or indirect taxation on salaries, emoluments, indemnities and compensation paid by the Corporation.

Article 14: Waiver of Immunities and Privileges

The immunities and privileges provided in this Agreement are granted in the interest of the Corporation and may only be waived, to such extent and upon such conditions as the Board of Directors of the Corporation shall determine, in cases where such a waiver would not, in its opinion, prejudice the interests of the Corporation. The Chief Executive Officer of the Corporation shall have the right and the duty to waive the immunity of any officer, employee, consultant or expert of the Corporation in cases where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Corporation. In similar circumstances and under the same conditions, the Board of Directors shall have the right and duty to waive the immunity of the Chief Executive Officer or any Director of the Corporation.

Article 15: Exemption from Taxation

1. The Corporation, its property, assets, income, operations and transactions shall be exempt from all taxation and custom duties. The Corporation, and its receiving, fiscal and paying agents shall be exempt from any obligation relating to the payment, withholding or collection of any tax or duty out of funds owned by, or otherwise appertaining to, the Corporation.
2. Without prejudice to the generality of the provisions of paragraph 1 of this Article, each Member State shall take all necessary action to ensure that the property and assets of the Corporation, its capital, reserves and dividends, loans, credits, guarantees, securities, and other investments and transactions, interest, commissions, fees, profits, gains, proceeds of realization and other income, return and moneys of any kind, accruing, appertaining or payable to the Corporation from any source shall be exempt from all forms of taxes, duties, charges, levies, and imposts of any kind whatsoever, including stamp duty and other documentary taxes, heretofore levied or hereafter imposed in its territory.
3. The provisions of paragraphs 1 and 2 of this Article shall be applied without prejudice to the right of the Member States to tax their residents in the manner each Member State deems appropriate.

Article 16: Fiscal Exemptions, Financial Facilities, Privileges and Concessions

1. The Corporation shall be accorded by each Member State a status not less favourable than that of a non-resident corporation, and shall enjoy all fiscal exemptions, financial facilities, privileges and concessions granted to international organizations, banking establishments and financial institutions by the Member States.

2. Without prejudice to the generality of the provisions of Article 12 and paragraph 1 of this Article, the Corporation may freely and without any restriction, but to the extent necessary to implement its purpose carry out its functions, as contained in Article 3 of this Agreement.

Article 17: Supplementary Agreements

Each Member State may enter into a supplementary agreement with the Corporation to the extent necessary to attain the purpose of this Agreement.

Article 18: Interpretation and Settlement of Disputes

1. This Agreement shall be interpreted in the light of its primary purpose of enabling the Corporation to fully and efficiently discharge its functions and fulfil its purpose.
2. Any dispute among the parties to this Agreement or between the Corporation and a party to this Agreement regarding the interpretation or application of any of the provisions of this Agreement or any supplementary agreement shall be submitted to the General Meeting of the Shareholders of the Corporation whose decision shall be final.
3. In the case of a dispute between the Corporation and a Member State who has ceased to be a Shareholder of the Corporation, or whose nationals have ceased to be Shareholders of the Corporation, or a dispute between the Corporation and a party to this Agreement upon the termination of the operations of the Corporation, such dispute shall be referred for final decision to a tribunal consisting of three arbitrators, one arbitrator selected by the Corporation, the second arbitrator by the party to the dispute, and the Corporation and the party to the dispute shall jointly appoint the third arbitrator. If within a period of sixty (60) days of receipt of notice of arbitration either party has not appointed an arbitrator, or if within thirty (30) days of the appointment of the two arbitrators, the third arbitrator has not been appointed, the said arbitrator shall be appointed by the Secretary-General of the International Centre for the Settlement of Investment Disputes, at the request of either party. The procedure of arbitration shall be fixed by the arbitrators, but the third arbitrator shall have full power to settle all questions of procedure where the arbitrators are in disagreement with respect thereto. An award rendered by the majority of the arbitrators shall be final and binding on the Corporation and the party to the dispute.

Article 19: Entry into Force

1. This Agreement shall be open for signature on behalf of the contracting parties and shall be subject to ratification, acceptance or approval.
2. The present Agreement shall enter into force provisionally on the day when at least two Member States shall have signed this Agreement; and two instruments of acceptance or approval shall have been deposited with the Provisional Depository.
3. This Agreement shall take effect definitively for each contracting party on the date of deposit of its instrument of ratification, acceptance, approval or accession in accordance with its constitutional or other applicable statutory procedures.

Article 20: Depository

1. Instruments of ratification, acceptance, approval or accession shall be deposited with the Provisional Depository.
2. The Provisional Depository shall register this Agreement with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the regulations thereunder adopted by the General Assembly of the United Nations and shall transmit certified copies of this Agreement to all contracting parties.
3. Upon commencement of operations of the Corporation, the Provisional Depository shall transmit the text of this Agreement and all relevant instruments and documents in his possession to the Secretary of the Corporation who shall then act as the Depository.

Article 21: Establishment of the Corporation

As soon as this Agreement comes into force pursuant to Article 19, the Corporation shall be established in accordance with the provisions of Article 41 of the Charter

Done in ABUJA this 28th day of May 2007 in a single copy in the English language



For the Federal Republic of Nigeria

For the Republic of The Gambia

For the Republic of Ghana

CHARTER

OF THE

AFRICA FINANCE CORPORATION

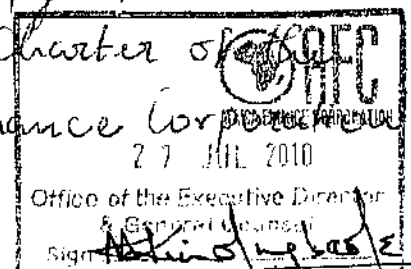
DATED THE DAY OF

2007

(Adopted in Lagos, Nigeria on 7th May 2007 and became effective on 28th May 2007)

(As amended in Lagos, Nigeria by Resolution AFC/AGM/2009/09/002 adopted by the First Annual General Meeting on 14th September 2009- the "First Amendment")

*I certify that this is
a true copy of the
Original Charter of
Africa Finance Corporation*



NOTE TO THE CHARTER

The Charter was adopted by the First Meeting of Founders/Shareholders held in Lagos, Nigeria on 7th May 2007 and became effective on 28th May 2007, following the signature of the Agreement for the establishment of Africa Finance Corporation (to which the Charter is appended).

The Charter was amended at the First Annual General Meeting of Shareholders ("AGM") held in Lagos, Nigeria on 14th September 2009 by Resolution AFC/AGM/2009/09/002.

The Following were the amendments approved by the AGM (hereinafter "First Amendment"):

(i) Article 12.3: The Board of "D"irectors shall by regulation prescribe the procedure applicable to the transfer of shares."

(ii) Article 20.1: "The Board of Directors shall be composed of a minimum of eight (8) and a maximum of twenty one (21) Directors provided that at least two (2) are independent directors." The Chief Executive Officer and Executive Directors shall by virtue of their offices be members of the Board of Directors.

(iii) Article 20.2: Subject to the provisions of paragraphs (4) and (5) of "Article 24", Directors including the Chairman shall be elected for a renewable term of three years.

(iv) Article 20.5: If the office of a Director becomes vacant, a successor shall be elected in accordance with the provisions of paragraph 1 of this Article. Any deficiency in the number of Directors pending the filling of a vacancy shall not invalidate the composition of the Board of Directors or any act done by the Board of Directors provided their number does not at any time fall below "eight (8)".

(v) Article 24.4: The Board of Directors shall appoint such number of Executive Directors, not exceeding a maximum of four, as it may deem necessary, to assist the Chief Executive Officer and carry out such functions as the Chief Executive Officer may determine. The terms and conditions of service of the Executive Directors, including their remuneration and retirement, shall be as may be prescribed from time to time by regulations issued by the Board of Directors. "The Board of Directors may designate one of the Executive Directors the Deputy Chief Executive Officer of the Corporation."

(vi) Article 42: Pending the final establishment of the Corporation pursuant to "Article 41" of this Charter and commencement of its operations; []

(vii) Deletion of the Tracking ["Updated 29 November 2006"] on the top right corner of the Charter.

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PREAMBLE

We the several persons whose names and addresses are set out in the Schedule hereto have, pursuant to the provisions of the Agreement (as herein-below defined), agreed to establish an international institution, to foster the economic growth and industrial development of African countries collectively and individually, which is hereby constituted and shall operate in accordance with the provisions of this Charter.

CHAPTER 1: NAME, LEGAL STATUS, DEFINITIONS, INTERPRETATION, HEADQUARTERS/BRANCH OFFICES, PURPOSE AND FUNCTIONS

Article 1: Name

The name of the Institution is Africa Finance Corporation.

Article 2: Legal Status

The Corporation shall be an international institution with full juridical personality and legal capacity to carry out its operations. It shall have the legal status and enjoy the immunities, privileges, facilities and concessions provided in the Agreement.

Article 3: Definitions and Interpretation

1. In this Charter, except where the context otherwise requires:

Assets	includes land, machines, buildings, money owed, stock, investments, goodwill, trademarks, patents, cash at hand or in the bank.
Board of Directors	means the Board of Directors of the Corporation.
Chairman	means the Chairman of the Board of Directors of the Corporation.
Chief Executive Officer, Executive Directors, Secretary and External Auditors	means respectively, Chief Executive Officer, Executive Directors, Secretary, however designated, and External Auditors of the Corporation.
Corporation	means the AFRICA FINANCE CORPORATION.
Director	means a member, for the time being, of the Board of Directors of the Corporation.
Financial Institution	means a bank, corporation, organisation or institution having juridical personality and whose sole or principal object as defined in its constitutive instrument or enabling statute is the provision of financial services in any form.
General Meeting	means the General Meeting of the Shareholders of the Corporation.
Person	includes a natural person or government, corporation and any organisation or institution having juridical personality.
Provisional Depositary	Means the Secretary to the Board of the Central Bank of Nigeria who shall hold all instruments of ratification, acceptance, approval or accession and other important documents of the Corporation until the appointment of the Secretary.
Representative	means the representative of any Shareholder at a General Meeting.

Shareholder	means a holder of Shares in the Corporation.
Shares	means the ordinary Shares of the Corporation.
Member State	means any African State that signs the Agreement or executes an instrument of accession in respect thereof.
The Agreement	means the Agreement among certain African States and international organisations providing for the establishment of the Africa Finance Corporation concluded on the _____ day of _____ at _____ in the Federal Republic of Nigeria

2. In this Charter, unless the context otherwise requires:
- a. a reference to a particular article is to an article of this Charter;
 - b. a reference in a particular article to a paragraph is to a paragraph of that article;
 - c. the table of contents and the headings of Articles are for convenience only, and shall be ignored in construing this Charter;
 - d. references to the masculine gender include the feminine and references to the singular include the plural and vice versa;
 - e. the word "include" shall be construed to mean "include without limitation";
 - f. a reference to "person" includes any individual, partnership, firm, company, corporation (statutory or otherwise), joint venture, trust, association, organization, State or other entity, in each case whether or not having separate legal personality; and
 - g. a derivative of any term or expression defined or interpreted in this Charter shall be construed in accordance with the relevant definition or interpretation.

Article 4: Headquarters and Branch Offices

1. The permanent headquarters of the Corporation shall be in Lagos, Nigeria
2. The Corporation may, in the discharge of its objectives as set out in the Agreement and this Charter, establish branches or representative offices in other Member States selected by the Board of Directors.
3. The Government of Nigeria shall, within ninety days of notification of its selection as the host country, enter into a Headquarters Agreement with the Corporation, and take all necessary measures to render the Headquarters Agreement effective.
4. A Member State in whose territory a branch or representative office is located shall as soon as practicable after notification of its selection in that regard, conclude an agreement with the Corporation on terms similar to the Headquarters Agreement referred to above.

Article 5: Purpose

The Corporation is established to foster economic growth and industrial development of African Countries, collectively and individually, and more specifically, to:

- a. support and promote infrastructure development in Africa through the provision of investment funds;
- b. facilitate African trade generally and export-oriented trade by African countries;
- c. contribute to the development of the energy and extractive industries in Africa;
- d. provide on-lending and refinancing facilities to African financial institutions; and
- e. generally engage in any kind of banking and financial business intended to promote investments in Africa.

Article 6: Functions

- 1 To facilitate the attainment of its purposes, the Corporation shall perform any and all of the functions stated below:
 - a. grant direct loans and extend credit guaranteed by commercial documents, sovereign instruments, credit instruments or by any other form of security;
 - b. guarantee transactions made by other reputable financial institutions;
 - c. give open-ended or transaction-specific lines of credit to other reputable financial institutions;
 - d. own, hold, purchase, sell, withdraw, make, draw, accept, endorse, discount and carry out any operation with promissory notes, bills of exchange, option certificates for the acquisition of shares and any other securities or credit instruments in any member country or country approved by the Board of Directors;
 - e. act as an international financial agent;
 - f. provide equity financing on such terms as may be approved by the Board of Directors;
 - g. provide technical assistance for the preparation, financing and execution of development projects and programmes, including the formulation of specific project proposals;
 - h. meet requests from African countries to assist them in the coordination of their development policies and plans with a view to achieving better utilization of their resources, making their economies more complementary, and promoting the orderly expansion of their foreign trade, and in particular, intra-regional trade;

co-operate, in such manner as the Corporation may deem appropriate, within the terms of this Charter, with the United Nations, its organs and subsidiary bodies, and with other public and private international organisations and other international institutions, as well as national entities whether public or private, which are concerned with the

investment of development funds in Africa, and to interest such institutions and entities in new opportunities for investment and assistance; and

- j. generally carry out any kind of banking, securities and financial operations.
- 2 Without prejudice to the foregoing provisions of this Article, the Corporation shall have the power to carry out the following functions in the territory of Member States:
- a. carry on all forms of banking business and financial services authorized under this Charter;
 - b. purchase, hold and dispose of national currencies;
 - c. purchase, hold and dispose of convertible currencies, securities, bills of exchange and negotiable instruments, and transfer the same to, from or within the territory of any Member State;
 - d. open, maintain and operate accounts in national currencies in the territories of the Member States;
 - e. open, maintain and operate convertible currency accounts in the territories and outside the territories of the Member states;
 - f. raise funds and make loans in convertible currencies; and
 - g. carry out any operation authorized under this Charter.
- 3 The Corporation shall also undertake such other activities and provide such other services as are incidental to the foregoing, and which may advance its purpose.

CHAPTER 2: CAPITAL

Article 7: Authorised Capital

1. The initial authorized Share capital of the Corporation is Two Billion United States Dollars (US\$2,000,000,000) divided into Two Billion Shares of one United States Dollar (US\$1) each.
2. The initial number of Shares to be subscribed by each founding Shareholder shall be that set forth against its name in Annexure "A" to this Charter, and the number of Shares to be allotted to other Shareholders shall be determined from time to time by the Board of Directors.
3. Except as provided in this Charter, Shares shall rank *pari passu* in all respects.
4. Shares shall be indivisible and issued in any form as the Board of Directors may from time to time determine.
5. The liability of Shareholders shall be limited to the unpaid portion, if any, of their Shares.

Article 8: Alteration of Capital

1. The authorized Share capital of the Corporation may be increased as and when the General Meeting, acting upon the recommendation of the Board of Directors, deems such increase advisable. Unless the authorized Share capital is increased solely to provide for the initial subscription of a Member State, the resolution of the General Meeting authorising the increase shall be passed by a two-thirds majority of votes of holders of the issued Shares.
2. The Corporation may by a resolution passed by the General Meeting:
 - a. consolidate and divide all or any portion of the Share capital into Shares of larger amount than its existing Shares;
 - b. sub-divide its existing Shares, or any of them, into Shares of smaller denomination than is fixed by this Charter; or
 - c. modify the proportions in which the Shares shall be created, allotted and issued.
4. The Corporation may, by a resolution of the General Meeting by the majority of votes stated in paragraph 1 of this Article, reduce its Share capital to such extent, and in any manner, deemed expedient.
5. An increase required solely to provide for the initial subscription of a Member State shall only require a simple majority vote.

Article 9: Payment for Shares

1. Payment for the Shares subscribed to in the capital of the Corporation shall be made upon subscription or as soon thereafter as may otherwise be specified by the promoters or the Board of Directors.

2. The payment referred to in paragraph 1 above, shall be made in United States' Dollars or in such other convertible currency specified in that regard by the promoters or the Board of Directors at the rate of exchange then prevailing.
3. The modalities, terms and dates of payment for unissued Shares and new issues of Shares shall be determined by the Board of Directors.

Article 10: Unissued and New Shares

1. Unless the Board of Directors shall otherwise decide, all unissued Shares (whether in the initial authorized Share capital or any increases thereof,) shall, before issue, be offered to all Shareholders in the proportion of their existing Shareholding. Every such offer shall give details of the Shares which the Corporation desires to issue and the proposed terms of issuance thereof and shall invite each Shareholder to apply in writing for such number of the Shares on offer as the Shareholder intends to take, within such period as shall be specified in that regard, being a date expiring not less than ninety (90) days from the date of dispatch of the offer.
2. At the expiration of the said period, the Shares so offered, or so many of them as the Shareholders applied for, shall be allotted to or amongst the Shareholders who have applied for them, and if more than one Shareholder have so applied, the Shares shall be divided between them pro rata, as far as possible, according to the number of Shares theretofore held by each Shareholder.
3. The Board of Directors may dispose of any Share not applied for or taken up by Shareholders on such terms and in such manner as it may deem most beneficial to the Copati
4. If new Shares are issued for the purpose solely of providing for the initial subscription of a new Member State, the pre-emptive rights of existing Shareholders provided for herein shall not apply.

Article 11: Special Rights attaching to Shares/Variation of Rights

1. Without prejudice to any special rights previously conferred on the holders of any existing Shares or classes of Shares, any Share may be issued with such preferred, deferred or other rights or such restrictions, whether in regard to dividend, voting, return of capital or otherwise, as the General Meeting may from time to time determine.
2. The rights attached to any class of Shares may, whether or not the Corporation is being dissolved, be varied with the consent in writing of the holders of three-fourths of the issued Shares of the class thereof, or with the sanction of resolution passed at a separate meeting of the holders of the Shares of that class. The provisions of this Charter relating to the General Meeting shall apply to every such separate meeting except that the quorum for any meeting shall be persons representing Shareholders holding at least one-third of the issued Shares of that class.
3. The rights conferred upon the holders of the Shares of any class issued with preferred or other rights shall not, unless otherwise expressly provided by the terms of issue of the Shares of that class, be deemed to be varied by the creation or issue of further Shares ranking *pari passu* therewith.

Article 12: Transfer of Shares

1. Unless otherwise decided by the Board of Directors, Shares shall be transferable subject to the restrictions and limitations set forth in this Article, by means of lodging with the Corporation a duly signed and stamped instrument of transfer in any usual form or in any form prescribed by the Board of Directors.
2. The instrument of transfer of any Share shall be executed by, or on behalf of, the transferee and the transferor shall be deemed to remain a holder of the Share until the name of the transferee is entered in the Register of Shareholders in respect of that Share.
3. The Board of Directors shall by regulation prescribe the procedure applicable to the transfer of Shares.
4. The Corporation shall keep and maintain a book to be called the "register of transfers" which shall be kept by the Secretary under the control of the Board of Directors, and in which there shall be entered the particulars of every transfer of any Share in the capital of the Corporation. The Corporation may keep and maintain subsidiary registers of transfer at any place where a transfer agent has been appointed by the Corporation. The Board of Directors shall cause all instruments of transfer which have been registered and cancelled Share certificates to be destroyed at any time after six years from the date of registration of the transfer.
5. The Board of Directors may decline to recognize any instrument of transfer unless:-
 - a. the instrument of transfer is accompanied by the certificate of the Shares to which it relates and such other evidence as the Board of Directors may reasonably require to show the right of the Transferor to make the transfer; and
 - b. evidence is furnished as to the authority of the persons signing the instrument of transfer for the prospective transferor and the purchaser of the relevant Shares.

CHAPTER 3: BORROWING AND OTHER POWERS

Article 13: Borrowing

The Corporation may source and borrow funds from any capital or financial market, as the Board of Directors deems necessary for the performance of its functions.

Article 14: Investment of Excess Funds

The Corporation may invest any available funds in any money or capital market instruments or in performing any other financial operation linked with its objectives.

CHAPTER 4: ADMINISTRATION OF THE CORPORATION

Article 15: General Meeting

1. The Shareholders shall hold an annual meeting (the "Annual General Meeting") and such other meetings as may be provided for by the General Meeting or called by the Board of Directors. The Board of Directors shall convene a General Meeting whenever requested by holders of at least one-quarter in nominal value of the Shares.
2. All General Meetings other than the Annual General Meeting shall be called Extra-ordinary General Meetings.
3. The first General Meeting shall be called by the Provisional Depository, upon the fulfillment of the condition set forth in paragraph (a) of Article 41, at such venue and date, as shall be determined by the Provisional Depository.
4. Each holder of Shares in the capital of the Corporation shall have or be entitled to one Representative at the General Meeting.
5. Each Representative shall serve for such period or periods as shall be determined at the pleasure of the appointing Shareholder. Representatives shall serve as such without remuneration from the Corporation.

Article 16: General Meeting -- Powers

- 1 The General Meeting shall exercise the following powers:
 - a. subject to the provisions of Article 24 of this Charter, elect and remove the Directors including the Chairman of the Board of Directors and determine their remuneration. In the election of Directors, the Shareholders shall have due regard to high competence in economic, financial and trade matters required for the office;
 - b. appoint and remove the External Auditors and determine their remuneration;
 - c. approve, after reviewing the report of the External Auditors, the annual financial statements of the Corporation and adopt the annual report;
 - d. determine and authorize, on the recommendation of the Board of Directors, the distribution of dividends
 - e. increase or decrease the authorized capital of the Corporation;
 - f. suspend or terminate the operations of the Corporation at an Extra-ordinary General Meeting or Annual General Meeting convened in accordance with the provisions of this Agreement;
 - g. consider any matter referred to it by the Board of Directors; and
 - h. subject to the provisions of this Agreement exercise such other powers as are not expressly reserved to the Board of Directors.
- 2 Without prejudice to the provisions of sub-paragraph (a) of paragraph 1 of this Article, and by way of a transitional measure, the first Chief Executive Officer of the Corporation and the

Executive Directors shall be appointed at the first General Meeting by the founding Shareholders and if appointed earlier by the promoters, their appointment shall be ratified at the first General Meeting.

Article 17: Notice of General Meetings

- 1 Every Annual General Meeting shall be called by twenty-one days' notice in writing at the least, and a General Meeting other than an Annual General Meeting shall be called by fifteen days notice in writing at the least.
- 2 The notice shall be exclusive of the day on which it is served or deemed to have been served and of the day for which it is given, and shall specify the provisional agenda, the place, the day and the hour of the meeting, and shall be given in the manner hereinafter mentioned or in such other manner, if any, as may be prescribed by a resolution passed by the Shareholders at a General Meeting, to such persons as are, under this Charter, entitled to receive such notices from the Corporation, provided always that a General Meeting shall, notwithstanding that it is called by shorter notice than that specified in this Charter, be deemed to have been duly called if it is so agreed:
 - a. in the case of the Annual General Meeting, by all the Representatives entitled to attend and vote thereat; and
 - b. in the case of any other meeting, by a majority in number of the Representatives having the right to attend and vote at the meeting, being a majority holding not less than ninety-five per cent (95%) in nominal value of the Shares giving that right.
- 3 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting

Article 18: Proceedings at General Meetings

1. All business that is transacted at an Extra-ordinary General Meeting and at an Annual General Meeting shall be deemed special, with the exception of the matters referred to in paragraphs (a) to (h) of paragraph 1 of Article 16.
2. No business shall be transacted at any General Meeting unless a quorum is present when the meeting proceeds to business. Save as otherwise provided in this Charter, the quorum for any meeting shall be a majority of Representatives representing or acting as proxies for Shareholders holding not less than sixty per cent (60%) of the nominal value of the issued Shares.
3. If a quorum is not present for an Extra-ordinary General Meeting, including a meeting convened on the requisition of Shareholders, the meeting shall be dissolved. In any other case the meeting shall stand adjourned to the fourth day (excluding non-working days) thereafter at the same time and place, and if at such adjourned meeting a quorum is not present, Representatives of Shareholders holding in aggregate not less than 30% of the issued Shares, shall be a quorum. The Chairman shall adjourn any such meeting if so requested by holders of not less than fifty per cent (50%) of the issued Shares.

4. The Chairman of the Board of Directors shall preside at every General Meeting. If at any meeting the Chairman shall not be present, or if he is unable or unwilling to act as Chairman, the Representatives present shall choose the person to act as chairman of the meeting from amongst the Directors present.
5. The Chairman may, with the consent of any meeting at which a quorum is present, and shall, if so directed by the meeting, adjourn any meeting from time to time and from place to place as the meeting shall determine. Whenever a meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given in the same manner as in the case of an original meeting. Save as aforesaid, no Shareholder shall be entitled to any notice of an adjourned meeting.

Article 19: Votes of Representatives and Representation by Proxy

1. Without prejudice to any special rights and privileges of any Shareholder provided for in this Charter and subject to restrictions as to voting for the time being attached to any class of Shares, every Shareholder represented at a General Meeting shall, subject to paragraph 3 of this Article, have one vote for every Share of which he is the holder.
2. Except as otherwise provided in this Charter, all matters before a General Meeting shall be decided by a simple majority of votes of Shareholders represented at the meeting.
3. At any General Meeting, a poll may be demanded by any one or more Representatives of Shareholders holding not less than one-tenth of the total voting power of all the Shareholders having the right to vote at the meeting. The demand for a poll may be withdrawn.
4. Unless a poll be so demanded, a declaration by the Chairman that a resolution has been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Corporation shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.
5. If a poll is duly demanded it shall be taken in such manner as the Chairman of the General Meeting directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
6. In the case of equal division of votes the Chairman shall be entitled to a casting vote.
7. No person other than the Representative of a Shareholder duly registered shall be entitled to be present at a General Meeting or to vote on any question either personally or by proxy, or to be counted in a quorum at any General Meeting.
8. Votes may be given either by a Representative or a proxy. A proxy need not be a Representative.
9. The appointment of a proxy shall be by an instrument in common form or in any form approved by the Board of Directors and shall be in writing under the hand of some officer or attorney duly authorized to act in that behalf for the appointing Representative or Shareholder, but any Shareholder whose address as shown in the Register of Shareholders is outside the country where the headquarters of the Corporation is situated may appoint a proxy by telecopier or cable. The instrument or cable appointing a proxy may contain a

direction to the proxy to vote for or against a particular resolution or resolutions but unless such a direction is given, the proxy may vote as he thinks fit.

10. The instrument appointing a proxy, together with the power of attorney (if any) under which it is signed or a copy thereof certified by a notary, or a cable or telecopier message appointing a proxy pursuant to paragraph (9) of this Article shall be respectively deposited or received at the principal office of the Corporation or such other place as is specified for that purpose in the notice convening the meeting not less than forty-eight hours before the time appointed for holding the meeting or an adjourned meeting or the taking of a poll at which the person named in such instrument proposes to vote in respect thereof.
11. A resolution passed by correspondence by Shareholders for the time being entitled to vote shall be as valid and effectual as if the same had been passed at a General Meeting duly convened and held.

Article 20: Board of Directors – Composition and Tenure

1. The Board of Directors shall be composed of a minimum of eight (8) and a maximum of twenty one (21) Directors provided that at least two (2) are independent directors. The Chief Executive Officer and Executive Directors shall by virtue of their offices be members of the Board of Directors.
2. Subject to the provisions of paragraphs (4) and (5) of Article 24, Directors including the Chairman shall be elected for a renewable term of three years.
3. Directors shall continue in office until their successors are elected.
4. The Chairman shall preside at every meeting of the Board of Directors. If the Chairman is not present within one hour after the time appointed for holding a meeting or is for any reason unable or unwilling to act, the Directors present shall choose any Director other than the Chief Executive Officer or the Executive Directors, to chair the meeting.
5. If the office of a Director becomes vacant, a successor shall be elected in accordance with the provisions of paragraph 1 of this Article. Any deficiency in the number of Directors pending the filling of a vacancy shall not invalidate the composition of the Board of Directors or any act done by the Board of Directors provided their number does not at any time fall below eight (8).
6. The Shareholders shall by regulations adopted at a General Meeting define the material causes, reasons or incidents justifying the removal by the Corporation, at any time, of any Director elected pursuant to this Article. Such regulations shall be adopted by a resolution passed by a majority holding not less than two-thirds of the total voting power of the Shareholders.

Article 21: Board of Directors – Powers and Duties

1. Subject to the provisions of this Charter, the Board of Directors shall have responsibility for the general conduct of the business of the Corporation
2. The Board of Directors shall at all times exercise independent judgment, act in the best interest of the Corporation and be responsible only to the General Meeting.

- 3 Subject to paragraph 1 of this Article, the Board of Directors shall have full powers to manage the business of the Corporation. It shall provide for its management in such manner as the Board of Directors may deem expedient. Without prejudice to the general powers conferred on it under this Charter, the Board of Directors shall:
 - a. prepare the work of the General Meeting;
 - b. submit to the Shareholders for consideration at each Annual General Meeting, the annual report of the Corporation and the annual financial statements, together with the report of the External Auditors relating thereto;
 - c. in conformity with the general directives of the Shareholders issued in a General Meeting, take decisions concerning particular trade-financing proposals, direct loans, guarantees, investments, the borrowing of funds and other operations of the Corporation.
 - d. establish, transfer and close down branch offices, representative offices agencies and subsidiaries;
 - e. establish subsidiary organs or committees and delegate thereto any of its powers;
 - f. approve the annual budget of the Corporation;
 - g. appoint and remove, on the recommendation of the Chief Executive Officer, officers of the Corporation and fix their conditions of service in accordance with universally recognized principles.
 - h. upon the recommendation of the Chief Executive Officer, determine the organizational structure, staffing level, remuneration and compensation of the Corporation and prescribe the staff regulations.
4. In appointing the officers and staff of the Corporation, the Board of Directors shall make it its foremost consideration to secure the highest standards of efficiency, technical competence and integrity.
- 5 A Director who has a direct personal interest in any matter being, or to be considered by the Board of Directors, shall disclose the nature of his interest to the Board of Directors as soon as possible after the relevant facts concerning the matter have come to his knowledge, and shall not be present during any deliberation on the matter by the Board of Directors or vote on such matter.

Article 22: Board of Directors – Procedure

1. The Board of Directors shall meet at least once every three months and as often as the business of the Corporation may require at the place of the headquarters of the Corporation or at any place specified in the convening notice.
2. The Chairman, in consultation with or upon the request of one-third in number of the Directors, shall summon a meeting of the Board of Directors at any time.
3. Fifteen clear days notice of every meeting of the Board of Directors shall be given to every Director. Every such notice shall specify the place, the day and the hour of the meeting and the provisional agenda of the meeting.

- 4 A quorum for any meeting of the Board of Directors shall not be less than sixty percent of the total number of Directors, provided that a majority present at that meeting shall be non-Executive Directors.
- 5 A committee established by the Board of Directors shall, in the exercise of the powers delegated to it, conform to any regulations governing its composition, functions, responsibilities and procedures as may be prescribed by the Board of Directors.
- 6 Subject to any regulations prescribed by the Board of Directors, a committee of the Board of Directors, may meet and adjourn as it thinks proper. Questions arising at any meeting of a committee shall be decided by a majority of votes of members of the committee. Each member shall have one vote and in case of an equal division of votes, the Chairman shall have a casting vote. Resolutions duly adopted by a committee shall have the full force of resolutions adopted by the Board of Directors, except as otherwise expressly provided in the regulations constituting, or delegating powers to, the committee.
- 7 All acts done in good faith at any meeting of the Board of Directors or of a committee or a subsidiary organ of the Board of Directors shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Director or member of the committee or the subsidiary organ acting as aforesaid, or that any of them was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director or a member of that committee or subsidiary organ.
- 8 The Board of Directors shall cause minutes to be made in books provided for the purpose:
 - a. of the names of the Directors present at each meeting of the Board of directors, and of members of a committee or subsidiary organ of the Board of Directors present at each meeting of that committee or subsidiary organ; and
 - b. of all proceedings of, and resolutions adopted at, all General Meetings, meetings of the Board of Directors and meetings of committees and subsidiary organs of the Board of Directors.
9. Any such minute of any meeting, if purporting to be signed by the Chairman of such meeting or of the next meeting shall, unless contested by the majority of attendants at the meeting, be conclusive evidence without any proof of the facts therein stated.
10. Each Director shall have one vote, and resolutions of the Board of Directors shall be passed by a majority of votes cast by the Directors present. In the event of equal division of votes, the Chairman shall be entitled to a casting vote.
11. Subject to paragraph 10 of this Article, a resolution adopted by postal vote or by any means of communication in the form of one or more documents signed or approved in writing by Directors, shall be as valid and effectual as if it had been passed at a meeting of the Board of Directors duly convened and held. The Board of Directors shall at its next meeting following adoption of such resolution take note thereof and direct that the resolution be recorded in the minutes of the said meeting.

CHAPTER 5: MANAGEMENT

Article 23: Executive Committee

1. The Board of Directors shall set up at the headquarters of the Corporation an Executive Committee which shall exercise such functions and powers as may be delegated to it from time to time by the Board of Directors, including in particular commitment authority in respect of financing, guarantee and investment proposals.
2. The Executive Committee shall be composed of the Chief Executive Officer and the Executive Directors and such other persons as may be designated from time to time by the Board of Directors. The Chief Executive Officer shall be the Chairman of the Executive Committee.
3. The Executive Committee shall meet as often as the business of the Corporation may require.

Article 24: Chief Executive Officer and Executive Directors

1. The Board of Directors shall, by a simple majority of all its elected members, appoint the Chief Executive Officer. The Chief Executive Officer shall be a person of the highest competence in matters pertaining to the operations, management and administration of an international financial institution.
2. The Chief Executive Officer shall be the chief executive of the Corporation and shall, subject to the provisions of this Charter, conduct, under the general control and direction of the Board of Directors, the day-to-day business of the Corporation.
3. If the Chief Executive Officer is incapacitated or his office should become vacant for any reason, the Board of Directors shall designate an Acting Chief Executive Officer from among the Executive Directors and shall within four months appoint a new Chief Executive Officer.
4. The Board of Directors shall appoint such number of Executive Directors, not exceeding a maximum of four, as it may deem necessary, to assist the Chief Executive Officer and carry out such functions as the Chief Executive Officer may determine. The terms and conditions of service of the Executive Directors, including their remuneration and retirement, shall be as may be prescribed from time to time by regulations issued by the Board of Directors. The Board of Directors may designate one of the Executive Directors the Deputy Chief Executive Officer of the Corporation.
5. The term of office of the Chief Executive Officer shall be five years each, renewable once for a second and final term of five years.
6. The Board of Directors may remove the Chief Executive Officer or any of the Executive Directors from office.

Article 25: Use of the Official Seal

1. The Corporation shall have an official seal which shall only be used by the authority of the Board of Directors or of a committee of the Board of Directors duly authorized by the Board of Directors in that behalf.
2. Every instrument to which the seal shall be affixed shall be signed by the Chief Executive Officer and shall be countersigned by the Secretary of the Corporation or by some other person appointed by the Board of Directors for the purpose.

CHAPTER 6: ACCOUNTS, SUPERVISION AND CONTROL

Article 26: Accounts

- 1 The Board of Directors shall cause proper books of account to be kept with respect to:
 - a. all sums of money received and expended by the Corporation and the matters in respect of which the receipts and expenditure take place;
 - b. all sales and purchases by the Corporation; and
 - c. the assets and liabilities of the Corporation.
- 2 Proper books shall not be deemed to have been kept if there are not kept such books of account as are necessary to give a true and fair view of the state of the Corporation's affairs and to explain its transactions.
- 3 The books of account shall be kept in United States Dollars, or any currency specified by the Board of Directors, at the headquarters of the Corporation or at such other place or places, as the Board of Directors, may deem fit, and shall always be open to the inspection of the Directors and the Shareholders. The procedure for inspection by the Shareholders shall be established by the Board of Directors.
- 4 The Board of Directors, shall at the end of each financial year, cause to be prepared and be laid before the Annual General Meeting the annual financial statements of the Corporation, including the consolidated accounts (if any) and the reports of the External Auditors relating thereto.
- 5 The financial statements of the Corporation shall be compiled and presented in conformity with generally accepted international accounting standards and shall be made available to all Shareholders not less than one month before the date of the Annual General Meeting.

Article 27: External Audit

1. The accounts of the Corporation shall be audited each financial year by External Auditors appointed by the General Meeting upon the recommendation of the Board of Directors. The External Auditors shall be appointed for a term of one year, which may be renewed.
2. The External Auditors shall, subject to any special directives that the General Meeting may issue from time to time, carry out their audit responsibilities in accordance with international auditing guidelines and standards and the terms of their engagement letter. They shall, in particular, carry out such tests and checks of the Corporation's records as they shall deem appropriate and certify whether or not:
 - a. the annual financial statements, including the balance sheet and the profit and loss account of the Corporation is in accordance with its books and records,
 - b. the financial transactions reflected in the annual financial statements have been recorded in accordance with the applicable rules, regulations and financial decisions.
 - c. the securities and monies on deposit and in hand have been verified by certificates received from the Corporation's depositories or by actual count; and

- d. the physical assets of the Corporation are in existence and are attributed proper valuation.
- 3 The report of the External Auditors shall be annexed to the financial statements of the Corporation for the relevant financial year and shall be laid by the Board of Directors before the Annual General Meeting. In their report the External Auditors shall state whether or not:
 - a. all the information and explanations required by the External auditors have been obtained;
 - b. in their professional opinion, the financial statements present fairly the financial position of the Corporation, the result of its operations and generally the state of affairs of the Corporation at the end of the relevant period; and
 - c. the financial situation of the Corporation during the period covered by the audit is in conformity with the provisions of this Charter and the applicable resolutions, rules, regulations and financial decisions.
 - 4 The External Auditors shall have right of access at all times to the books of account, registers and vouchers of the Corporation and to all other supporting evidence of transactions that they consider necessary to consult for the effective discharge of their duties. The Board of Directors, the Chief Executive Officer and all the officers and staff of the Corporation shall furnish to the External Auditors such information and explanations as they may require.
 - 5 The External auditors shall receive notice of, and may attend any meeting of the Board of Directors or the General Meeting at which the financial statements of the Corporation for any financial year is to be presented and considered.

Article 28: Audit and Compliance Committee

1. The Board of Directors shall set up an audit and compliance committee which shall exercise such functions and powers as may be delegated to it from time to time by the Board of Directors, including in particular the power to review, examine and verify the proper applications of the Corporation's internal control and financial reporting policies and procedures and the power to propose the appointment and remuneration of External Auditors of the Corporation. The Audit and Compliance Committee shall have access to all accounts, documents, registers and records in the custody or under the control of the Corporation.
2. The Audit and Compliance Committee shall be composed of three non-Executive Directors designated by the Board of Directors.
3. The Audit and Compliance Committee shall meet at least three times a year or as often as its business may require. The Audit and Compliance Committee shall submit to the Board of Directors and to the General Meeting an annual report and such other reports as often as it deems necessary.

CHAPTER 7: DIVIDENDS AND CAPITALIZATION OF PROFITS

Article 29: Dividends and Reserves

1. Subject to any preferential right or other special right for the time being attached to any Shares, the Annual General Meeting may declare dividends.
2. The General Meeting may from time to time on the recommendation of the Board of Directors cause the payment of dividends out of the profits of the Corporation as appear to the Board of Directors to be justified by the financial position of the Corporation, after making adequate provision for losses and reserves; provided that the amount paid shall not exceed the amount recommended by the Board of Directors.
- 3 No dividend shall bear interest.

Article 30: Capitalization of Profits

1. The Corporation in General Meeting may resolve that it is desirable to capitalize any part of the amount for the time being standing to the credit of any of the Corporation's reserve accounts or to the credit of the profit and loss account or otherwise available for distribution, and accordingly, that such sum be set free for distribution amongst the Shareholders who would have been entitled thereto if distributed by way of dividend in proportion to their Shareholding on condition that the same shall not be paid in cash but applied either in or towards paying up any amounts payable on any Shares or debentures of the Corporation to be allotted and distributed, credited as fully paid up to and amongst such Shareholders in the proportion aforesaid, or partly in one way and partly in the other.
2. Whenever a resolution is passed at a General Meeting pursuant to paragraph 1 of this Article, the Board of Directors shall give effect to such resolution and shall make all appropriations and applications of the undivided profits resolved to be capitalized thereby and all allotments and issues of fully-paid Shares or debentures, if any, and generally shall do all acts and things required to give effect to such resolution.

CHAPTER8: GENERAL PROVISIONS

Article 31: Suspension of Operations and Dissolution

1. The General Meeting may, by the affirmative votes of a simple majority of Shareholders, suspend or terminate the operations of the Corporation.
2. In the event of termination of operations of the Corporation, the liquidator may, with the sanction of a resolution of the General Meeting, divide among the Shareholders in specie or in kind the whole or any part of the assets of the Corporation and may for such purpose set such value as he deems fair upon any property to be divided as aforesaid and may determine how such division shall be carried out among the Shareholders. No distribution shall, however, be made to the Shareholders as aforesaid until all liabilities to creditors and employees shall have been discharged or properly provided for.

Article 32: Financial Year

The financial year of the Corporation shall begin on 1st January and end on 31st December of each year, except that the first financial year of the Corporation shall begin on the date on which the Corporation commences operations and end on 31st December of the following year.

Article 33: Annual Report

The Corporation shall within 6 months of the end of each financial year of the Corporation, publish a report on the operations and activities of the Corporation. The annual report shall contain the financial statements of the Corporation for the preceding financial year, including the balance sheet and the profit and loss account, together with the corresponding report of the External Auditors.

Article 34: Indemnification

The Chief Executive Officer, every Director, the External Auditors and any other officer, employee and agent for the time being of the Corporation shall be indemnified out of the assets of the Corporation against any liability arising out of the exercise of his functions, or costs incurred by him in defending any civil or criminal proceedings pertaining thereto.

Article 35: Register of Shareholders

1. The Secretary shall keep and maintain a Register of Shareholders which shall be open for inspection by Shareholders. The Register of Shareholders shall contain such particulars as the Board of Directors may from time to time prescribe. It shall be maintained at the principal office of the Corporation or any other place as determined by the Board of Directors.
2. The Register of Shareholders shall contain the following particulars:
 - a. the names and postal addresses of Shareholders, and a statement of the Shares held by each Shareholder distinguishing each Share by its number and the amount paid thereon;
 - b. the date on which each person was entered in the register as a Shareholder; and

- c details of any Share transfer.
3. In order to facilitate transfer of Shares, the Board of Directors may at any time appoint transfer agents to undertake the transfer and registration of Shares.

Article 36: Share Certificates

1. Every Shareholder shall be entitled, without payment, to receive one certificate for all his Shares or several certificates each for one or more of his Shares. Every Certificate shall be under the Seal of the Corporation and shall specify the Shares to which it relates and the amount paid up thereon, provided that in respect of a Share or Shares held jointly by several persons, delivery of a certificate for a Share or several certificates each for one or more Shares to one of the several joint-holders shall be sufficient delivery to all such holders.
2. Worn out, defaced, destroyed or lost Share certificates shall be replaced on such terms as to evidence and indemnity and the payment of expenses and fees as the Board of Directors shall from time to time determine.

Article 37: Rules and Regulations

The Board of Directors may adopt such rules and regulations, including financial regulations, as may be necessary or appropriate in order to conduct the business of the Corporation.

Article 38: Working Language

The working language of the Corporation shall be English and or such other language as the General Meeting may prescribe.

Article 39: Settlement of Disputes

Any question of interpretation or application of the provisions of this Charter arising among Shareholders inter se or between a Shareholder and the Corporation shall be submitted to the Board of Directors for decision. In any case where the Board of Directors has given a decision, the Shareholder concerned may require that the question be referred to the General Meeting, whose decision shall be final and binding. Pending the decision of the General Meeting the Corporation may act on the basis of the decision of the Board of Directors. The foregoing procedure shall be applicable in lieu of any judicial or arbitral procedure for the settlement of disputes and neither the Corporation nor any Shareholder or former Shareholder may bring action in court in respect thereof, except in order to enforce a decision of the Board of Directors or the General Meeting.

Article 40: Amendment

1. Subject to the provisions of paragraph 2 of this Article, any provision contained in this Agreement may be amended from time to time by a resolution passed by a majority of votes of Shareholders present or represented at a General Meeting.
2. Notwithstanding any provision contained in this Charter, any resolution to modify or change the purpose, functions or the fundamental structure of the Corporation stated in Articles 5, 7, 8, 11, 13, 14, 20, 28, as well as Article 40 of this Agreement or to merge, consolidate or dissolve the Corporation or to suspend its operations shall require a majority of votes of at least two-thirds of the holders of all issued Shares.

Article 41: Establishment of the Corporation

The Corporation shall be deemed finally established only after:

- a. Shares corresponding to at least ten percent of the initial authorized Share capital have been have been subscribed and paid for in accordance with the provisions of Article 9 by eligible subscribers;
- b. the first General Meeting of the Corporation has been convened pursuant to the provisions of paragraph 3 of Article 15 of this Charter; and
- c. the General Meeting has elected the Directors and appointed the first Chief Executive Officer and the External Auditors of the Corporation.

Article 42: Transitional Provisions

Pending the final establishment of the Corporation pursuant to Article 41 of this Charter and commencement of its operations;

- a. the text of this Charter shall be deposited with the Provisional Depository and shall be open for signature by eligible subscribers;
- b. each Shareholder shall at least one month before the date fixed for the first General Meeting appoint a Representative and communicate his name and address to the Provisional Depository.

**IN WITNESS WHEREOF THE UNDERSIGNED BEING THEREUNTO DULY
AUTHORISED, HAVE SIGNED THIS AGREEMENT.**

Done in _____ this _____ day of _____ 2007 in a single copy in the
English language

SCHEDULE

LIST OF SIGNATORIES:

ANNEXURE A

ALLOCATION OF THE CORPORATION'S SHARE CAPITAL

AS AT 14 SEPTEMBER 2009

<u>S/N</u>	<u>Name of Shareholder</u>	<u>Address of Shareholder</u>	<u>Shares Subscribed</u>	<u>Percentage Holding</u>
1	Central Bank of Nigeria	Governor Central Bank of Nigeria Central Business District Abuja Nigeria	462,923,000.00	42.497%
2	United Bank of Africa Plc	(UBA House) No. 57 Marina Lagos, Nigeria	114,750,000.00	10.534%
3	First Bank Nigeria Plc	35, Marina Lagos, Nigeria	100,119,013.00	9.191%
4	Access Bank Plc	Plot 1665, Oyin Jolayemi Street Victoria Island Lagos, Nigeria	61,250,000.00	5.623%

5	Oceanic International Bank Plc	Ozumba Mbadiwe Avenue P. O. Box 75073 Victoria Island Lagos, Nigeria	50,000,000.00	4.590%
6	Zenith Bank Plc	Plot 87 Ajose Adeogun Street P.O. Box 75315 Victoria Island Lagos, Nigeria	50,000,000.00	4.590%
7	Intercontinental Bank Plc	Plot 999c, Danmole Street (Intercontinental Plaza) PMB 80150 V/I Lagos, Nigeria	50,000,000.00	4.590%
8	WEMPCO Limited	18, Wempco Road Ogba Scheme, Ikeja, Lagos, Nigeria	50,000,000.00	4.590%
9	Gloria Investments Ltd	18, Wempco Road Ogba Scheme, Ikeja,	50,000,000.00	4.590%

		Lagos, Nigeria		
10	Union Bank Nigeria Plc	Marina Lagos, Nigeria	50,000,000.00	4.590%
11	First City Monument Bank Plc	17a, Tinubu Street, Marina Lagos, Nigeria	10,000,000.00	0.918%
12	First Inland Bank Plc	4/6, Adetokunbo ademola Street, Victoria Island, Lagos, Nigeria	10,000,000.00	0.918%
13	Fidelity Bank Plc	2, Kofo Abayomi Street, Victoria Island, Lagos, Nigeria	5,000,000.00	0.459%
14	Equatorial Trust Bank Plc	Plot 1092, Adeola Odeku Street, Victoria Island, Lagos, Nigeria	5,000,000.00	0.459%
15	UBA Asset Management Limited	22B, Idowu Taylor Street, Victoria Island,	5,000,000.00	0.459%

		Lagos, Nigeria		
16	Guaranty Trust Bank Plc	1669, Oyin Jolayemi Street, Victoria Island Lagos, Nigeria	5,000,000.00	0.459%
17	NOFEC Investment LTD	163, Chime Avenue, New Haven, Enugu	5,000,000.00	0.459%
18	Leadway Assurance Company Limited	121/123 Western Avenue Iponri Lagos, Nigeria	2,500,000.00	0.230%
19	Ekulo International Limited	Plot 1401B, Tihamiyu Savage Street, Victoria Island, Lagos, Nigeria	1,000,000.00	0.092%
20	Megac hem Nigeria Limited	33, Idumagbo Avenue Lagos, Nigeria	500,000.00	0.046%

21	Nondon West Africa Limited	3A, Shodipe Street, Surulere, Lagos, Nigeria 22, Montgomery Road, Yaba, Lagos, Nigeria	200,000.00	0.018%
22	Dyer & Blair Investment Bank, Kenya	10 th Floor Loita House, Loita Street P.O. Box 45396-00100 Nairobi Kenya	100,000.00	0.009%
23	APT Securities & Funds Ltd		100,000.00	0.009%
24	Elka Investment Ltd	A2, Zoddamaturu Road Kaduna Nigeria	75,000.00	0.007%
25	Capital Assets Limited	Bookshop House (8 th Floor) 50/52 Broad Street, Lagos, Nigeria	50,000	0.005%
26	Prof. Owodunni Teriba		150,000.00	0.014%

27	Mr. Akindipe Ebenezer Akintayo	Suite 65, LSDPCS, Ijaye Road Lagos, Nigeria	100,020.00	0.009%
28	Mr. Nwosu Rapheal A. Ozoemena		100,000.00	0.009%
29	Okafor paul Okwudiri		51,000.00	0.005%
30	Obiakar Uchendu Paulinus		51,000.00	0.005%
31	Mr, Mekwunye Dumbiri Charles		50,000.00	0.005%
32	Prot. Festus O. Fajana		50,000.00	0.005%
33	Dr, Samuel Idunonyi	1357 15 Street Fortlee New Jersey 07024 USA	50,000.00	0.005%
34	Mr. Anozie Nnamdi Ignatius		50,000.00	0.005%
35	Modupe Ayodeji Omotosho	31, Felipe Road Chafford Hundred Thurrock Essex RM 16 6NE United Kingdom	50,000.00	0.005%

36	AFC Staff Equity Scheme		10,000,000.00	0.000%
37	Mr Victor Hammond	163/165, Broad Street, Lagos, Nigeria	50,000.00	0.005%

ANNEXURE B

HEADQUARTER'S AGREEMENT

ANNEXURE C
BRANCH OFFICE AGREEMENT

<p>Bibonywe kugira ngo bishyirwe ku mugereka w'Itegeko n° 07 ter/2020 ryo ku wa 07/08/2020 ryemera kwemeza burundu Amasezerano y'iyinjizwa ry'u Rwanda muri <i>Africa Finance Corporation</i> yashyiriweho umukono ku wa 20 Kamena 2019 hagati ya <i>Africa Finance Corporation</i> na Repubulika y'u Rwanda</p>	<p>Seen to be annexed to Law n° 07 ter /2020 of 07/08/2020 approving the ratification of the accession Agreement of the Republic of Rwanda to the Africa Finance Corporation signed on 20 June 2019 , between the Africa Finance Corporation and the Republic of Rwanda</p>	<p>Vu pour être annexé à la Loi n° 07 ter/2020 du 07/08/2020 approuvant la ratification de l'accord d'adhésion de la République du Rwanda à <i>Africa Finance Corporation</i> signé le 20 juin 2019, entre <i>Africa Finance Corporation</i> et la République du Rwanda</p>
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Kigali, 07/08/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
..Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEGEKO N° 07 quater/2020 RYO KU WA 07/08/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y’U RWANDA N’UBWAMI BWA MAROC KU KOHEREREZANYA ABAKURIKIRANYWEHO IBYAHA YAKOREWE I RABAT, MURI MAROC, KU WA 19 WERURWE 2019</p>	<p>LAW N° 07 quater/2020 OF 07/08/2020 APPROVING THE RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON EXTRADITION DONE IN RABAT , MOROCCO, ON 19 MARCH 2019</p>	<p>LOI N° 07 quater/2020 DU 07/08/2020 APPROUVANT LA RATIFICATION DE L’ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L’EXTRADITION FAIT À RABAT, AU MAROC, LE 19 MARS 2019</p>
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<p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n’itorwa by’iri tegeko</p>	<p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p>	<p><u>Article 2:</u> Initiation, examen et adoption de la présente loi</p>
<p><u>Ingingo ya 3:</u> Igihe iri tegeko ritangira gukurikizwa</p>	<p><u>Article 3:</u> Commencement</p>	<p><u>Article 3:</u> Entrée en vigueur</p>

<p>ITEGEKO N° 07 quater/2020 RYO KU WA 07/08/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y'U RWANDA N'UBWAMI BWA MAROC KU KOHEREREZANYA ABAKURIKIRANYWEHO IBYAHA YAKOREWE IRABAT, MURI MAROC, KU WA 19 WERURWE 2019</p> <p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p> <p>INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RITANGAZWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA</p> <p>INTEKO ISHINGA AMATEGEKO:</p> <p>Umutwe w'Abadepite, mu nama yawo yo ku wa 24 Kamena 2020;</p> <p>Sena, mu nama yayo yo ku wa 13 Nyakanga 2020;</p> <p>Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 29, iya 64, iya 69, iya 70, iya 85, iya 87, iya 88, iya 90, iya 91, iya 106, iya 120, iya 122, iya 167, iya 168 n'iya 176;</p>	<p>LAW N° 07 quater /2020 OF 07/08/2020 APPROVING THE RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON EXTRADITION , DONE IN RABAT , MOROCCO, ON 19 MARCH 2019</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>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</p> <p>THE PARLIAMENT:</p> <p>The Chamber of Deputies, in its sitting of 24 June 2020;</p> <p>The Senate, in its sitting of 13 July 2020;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 29, 64, 69, 70, 85, 87, 88, 90, 91, 106, 120, 122, 167, 168 and 176;</p>	<p>LOI N° 07 quater/2020 DU 07/08/2020 APPROUVANT LA RATIFICATION DE L'ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L'EXTRADITION FAIT À RABAT, AU MAROC, LE 19 MARS 2019</p> <p>Nous, KAGAME Paul, Président de la République;</p> <p>LE PARLEMENT A ADOPTÉ ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA</p> <p>LE PARLEMENT :</p> <p>La Chambre des Députés, en sa séance du 24 juin 2020;</p> <p>Le Sénat, en sa séance du 13 juillet 2020;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 29, 64, 69, 70, 85, 87, 88, 90, 91, 106, 120, 122, 167, 168 et 176;</p>
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<p>Imaze gusuzuma Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa <i>Maroc</i> ku kohererezanya abakurikiranyweho ibyaha yakorewe i <i>Rabat</i>, muri <i>Maroc</i>, ku wa 19 Werurwe 2019;</p> <p>YEMEJE:</p> <p><u>Ingingo ya mbere:</u> Kwemera kwemeza burundu</p> <p>Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa <i>Maroc</i> ku kohererezanya abakurikiranyweho ibyaha yakorewe i <i>Rabat</i>, muri <i>Maroc</i>, ku wa 19 Werurwe 2019, ari ku mugereka, yemerewe kwemezwa burundu.</p> <p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n'itorwa by'iri tegeko</p> <p>Iri tegeko ryateguwe mu rurimi rw'Icyongereza, risuzumwa kandi ritorwa mu rurimi rw'Ikinyarwanda.</p> <p><u>Ingingo ya 3:</u> Igihe iri tegeko ritangira gukurikizwa</p> <p>Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p>	<p>After considering the Agreement between the Republic of Rwanda and the Kingdom of Morocco on extradition done in Rabat, Morocco, on 19 March 2019;</p> <p>ADOPTS:</p> <p><u>Article One:</u> Approval for ratification</p> <p>The Agreement between the Republic of Rwanda and the Kingdom of Morocco on Extradition done in Rabat, Morocco, on 19 March 2019, in annex, is approved for ratification.</p> <p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p> <p>This Law was drafted in English, considered and adopted in Ikinyarwanda.</p> <p><u>Article 3:</u> Commencement</p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p>Après examen de l'Accord entre la République du Rwanda et le Royaume du Maroc sur l'extradition fait à Rabat, au Maroc, le 19 Mars 2019;</p> <p>ADOPTE:</p> <p><u>Article premier:</u> Approbation pour ratification</p> <p>L'Accord entre la République du Rwanda et le Royaume du Maroc sur l'extradition fait à Rabat, au Maroc, le 19 mars 2019, en annexe, est approuvé pour ratification.</p> <p><u>Article 2:</u> Initiation, examen et adoption de la présente loi</p> <p>La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.</p> <p><u>Article 3:</u> Entrée en vigueur</p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/08/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
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(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEGEKO N° 07 quater/2020 RYO KU WA 07/08/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y'U RWANDA N'UBWAMI BWA MAROC KU KOHEREREZANYA ABAKURIKIRANYWEHO IBYAHA YAKOREWE I RABAT, MURI MAROC, KU WA 19 WERURWE 2019</p>	<p>ANNEX TO LAW N° 07 quater/2020 OF 07/08/2020 APPROVING THE RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON EXTRADITION DONE IN RABAT, MOROCCO, ON 19 MARCH 2019</p>	<p>ANNEXE À LOI N° 07 quater/2020 DU 07/08/2020 APPROUVANT LA RATIFICATION DE L'ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L'EXTRADITION FAIT À RABAT, AU MAROC, LE 19 MARS 2019</p>
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AGREEMENT

BETWEEN

THE REPUBLIC OF RWANDA

AND

THE KINGDOM OF MOROCCO

ON EXTRADITION

The Republic of Rwanda and the Kingdom of Morocco hereinafter referred to as “Contracting Parties”.

Desirous of making more effective the cooperation of the two Parties in the combating of crime by concluding Agreement on extradition.

Have agreed as follows:

Article 1
Obligation to Extradite

The Contracting Parties shall agree to extradite to each other, upon request and subject to the provisions of the present Agreement and their respective national laws, any person who is wanted in the territory in the Requesting Party for prosecution for an extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence.

Article 2
Conditions for extradition

1. Extradition for prosecution shall be executed for all acts which constitute punishable offences with a depriving of freedom penalty for at least two years, or by a more severe penalty under the law of both Contracting Parties.
2. Extradition for carrying out a sentence issued from the Requesting Party’s courts shall be executed for the offences described in paragraph 1 of this Article, provided that the duration of the penalty remaining to be served must not be less than six months.
3. If the request for extradition includes several separate offences each of which is punishable under the laws of the two Contracting Parties by a sentence of imprisonment, but some of which do not fulfill the condition with regard to the duration of the sentence which may be awarded, the requested Party shall also have the right to grant extradition for the latter offences.

Article 3
Mandatory Grounds of Refusal

Extradition shall not be granted:

- a) If the person required to be extradited is a national of the Requested Party. In such case the requested Party shall, in accordance with its laws and at the other contracting Party’s request, submit the case to its competent authorities for the purpose of taking over the criminal prosecution.

- b) If the offence for which extradition is requested is regarded by the Requested Party as an offence of a political nature under its laws. For the purpose of this Agreement, a political offence shall not include:
 - i) An offence within the scope of any multilateral international conventions to which both Contracting Parties are Parties to, and which imposes on them an obligation either to extradite or prosecute the person sought;
 - ii) Assault against life of the Head of the State, a member of his immediate family, a head or a member of a government, or any related offence including attempting or conspiring to commit such an offence;
 - iii) Any offence related to terrorism.
- c) If the requested Party has substantial grounds to believe that the request has been made for the purpose of prosecuting or punishing a person on account of race, religion, nationality, or that the position of the said person at his trial may be prejudiced for any of these reasons;
- d) If the offence for which extradition is requested, is an offence under military law which is not also an offence under the general criminal law;
- d) If there has been a final judgment rendered against the person in the Requested Party in respect of the offence for which the person's extradition is requested;
- e) In case of lapse of time from prosecution or punishment, according to the law of either Contracting Party;
- f) If pardon or amnesty has been granted either in the territory of the Requesting Party or in the territory of the Requested Party, provided, in the latter case that the Requested Party was competent to prosecute according to its national law.

Article 4 **Optional Grounds of Refusal**

Extradition may be refused:

- a.) If the person sought is being prosecuted by the Requested Party in respect of the offence or offences for which extradition is requested, or if the competent authority of the Requested Party have discontinued, in accordance with the law of that contracting Party, the criminal proceedings for the offence for which extradition is requested;
- b.) If the offence for which extradition is requested has been committed outside the territory of either Contracting Party and the law of the Requested Party does not provide for jurisdiction over such an offence committed outside its territory in comparable circumstances;

- c.) If the offence for which extradition is requested is regarded under the law of the Requested Party as having been committed in whole or in part within that Requested Party or its jurisdiction;
- d.) When the person sought has been tried and acquitted or convicted in a third state in respect of the offence or offences for which extradition is requested;
- e.) If the person sought has been found guilty in absentia, unless the Requesting Party provides the Requested Party with information which demonstrate that the person was afforded an adequate opportunity to present a defense;

Article 5 Capital Punishment

When the offence for which extradition is requested is punishable by death under the laws of the Requesting Party, death penalty shall be replaced, in accordance with the provisions of the present Agreement, and by the force of law by punishments which are provided for the same offences in the legislation of the Requested Party.

Article 6 Request and Supporting Documents

1. A request for extradition shall be made in writing and transmitted through the diplomatic channels.
2. A request for extradition shall be accompanied by the following:
 - a.) A warrant of arrest issued by a judicial authority in the territory of the Requesting Party, or any other documents having the same force and if the request relates to a person already convicted, an original or true certified copy of the final judgment;
 - b.) Statement of acts constituting the offence for which extradition is requested, indicating time and place of committal, its characterization and the text of the relevant legal provisions;
 - c.) An accurate description as possible of the person sought, together with any other information that may help to establish his/her identity, location and nationality;
 - d.) Particulars of the remaining duration of the sentence to be carried out when the person is claimed for the purpose of serving a sentence of imprisonment.
3. The documents supporting the request on extradition should be certified by an official and fasten by the seal of the competent authority of the Requesting Party.
4. Except when this Agreement provides otherwise the procedures with the regard to extradition and provisional arrest shall be governed solely by the law of the Requested Party.

5. If the Requested Party considers that the supplied information is not sufficient to take a decision under this agreement, additional information may be requested from the requesting party, within such time as the Requested Party shall require.

Article 7 Provisional Arrest

1. In the case of urgency, the competent authority of the Requesting Party may request the provisional arrest of the person sought to be extradited. The competent authority of the Requested Party shall decide the matter in accordance with its law.
2. The request for provisional arrest shall state that one of the documents mentioned in Article 6 paragraph 2.a. exists and that it is intended to send a request for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed and shall as precise as possible give a description of the person sought.
3. A request for provisional arrest shall be sent to the competent authority of the Requested Party either through the diplomatic channels or direct by post or through the International Criminal Police Organization (INTERPOL) or by any other means affording evidence in writing or accepted by the Requested Party. The requesting authority shall be informed without delay of the result of its request.
4. Provisional arrest may be terminated if, within a period of 30 days after arrest, the Requested Party has not received the request for extradition and the documents mentioned in Article 6. It shall not, in any event, exceed 40 days from the date of such arrest. The possibility of provisional release at any time is not excluded, but the Requested Party shall take any measures which it considers necessary to prevent the escape of the person sought.
5. Release shall not prevent re-arrest and extradition if a request for extradition is received subsequently.
6. When the person is arrested by either of the parties on the basis of an international warrant issued by the other party, such warrant will be considered as a request for his provisional arrest.

Article 8 Rule of Specialty

1. The extradited person shall not be proceeded against nor detained nor restricted in his personal freedom in any way for an offence committed prior to his surrender and the other than the one for which he was extradited except for the following cases:

- a) If the surrendering Contracting Party consent thereon, provided that a request in this concern be submitted and be attached with the documents provided for in Article 6, and with a record including any statement of the extradited person on the extension of extradition, and referring to the fact that the said person had his/her chance to defend himself before the requesting Party;
 - b) When the person, having had an opportunity to leave the territory of the Contracting Party to which he/she has been surrendered and has not executed within 45 days of his final discharge or has returned voluntarily to that territory after leaving it.
2. When the legal description of the offence for which a person has been extradited is altered this person shall only be proceeded against or sentenced if the offence under its new description:
- a) Can give rise to extradition pursuant to this Agreement;
 - b) Relates to the same facts on which extradition was granted.

Article 9 Re-extradition to a Third State

Except as provided for in Article 8 paragraph 1.b, the Requesting Party shall not, without the consent of the Requested Party, surrender to a third state a person surrendered to the requesting Party and sought by the said third State in respect of offences committed before his surrender. The Requested Party may request the production of the documents mentioned in Article 6, paragraph 2.

Article 10 Concurrent Requests

If extradition is requested concurrently by more than one state for the same offence or for the different offences, the Requested Party shall make its decision freely having regard to all the circumstances especially the nationality of the person sought, the possibility of mutual subsequent extradition and the date of receiving requests, gravity of offences and the place of committal.

Article 11 Decision on the Request for Extradition

1. The Requested Party shall, through diplomatic channels and INTERPOL, inform the Requesting Party of its decision on extradition.
2. The reasons of the refusal decisions whether wholly or partially shall be stated.
3. In case of acceptance, the competent authorities of the Contracting Parties shall agree on the most appropriate way, place and date to execute extradition.

4. Subject to the case provided for in the paragraph 5 of this Article, the person to be extradited may be released after 15 days of the appointed date if such person has not been taken over on the date agreed upon. In all cases the person to be extradited shall be released after 30 days of the appointed date and in that case the Requested Party may refuse the extradition for the same offence.

5. If circumstances beyond its control prevent a Contracting Party from surrendering or taking over the person to be extradited, it shall notify the other Contracting Party. The two Contracting Parties shall agree on a new date for surrender and the provisions of the paragraph 4 of this Article shall apply.

Article 12

Postponed or Conditional Surrender

1. The Requested Party may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been convicted, in order to enforce a sentence imposed for an offence other than that for which extradition is requested. In such a case the Requested Party shall advise the Requesting Party accordingly.

2. The Requested Party may, instead of postponing surrender, temporarily surrender the sought person to the Requesting Party in accordance with conditions to be agreed upon by the Contracting Parties.

Article 13

Seizure and Hand-over of Things

1. The Requested Party shall, in so far as its law permits, without prejudice to the rights of the third Party and at the request of the Requesting Party, seize and hand-over things:

a) Which may be required as evidence relevant to the offence for which extradition is requested;

b) Which has been acquired as a result of the offence for which extradition is requested and in which, at the time of the arrest is found in possessions of the person sought or is discovered subsequently;

c) Which have been earned in return for the proceeds of the crime.

2. The things referred to in paragraph 1 of this Article may, if the Requesting Party so requests, be handed over to that Party even if the extradition agreed to cannot be carried out.

3. If the said thing is liable to seizure or confiscation in the territory of the Requested Party, the latter in connection with pending criminal proceedings, temporarily retain it or hand it over on condition that it is returned.

4. Any rights which the Requested Party or third Parties may have acquired on the said things shall be preserved. When these rights exist, the things shall be returned without charge to the Requested Party as soon as possible after the completion of the proceedings.

Article 14

Transit

1. Transit through the territory of either of the Contracting Parties shall be granted upon the request transmitted through the diplomatic channels to the Central authority of the Requested Party provided that the offence concerned is an extraditable offence under this Agreement.

2. The Contracting Party requested to grant transit may refuse to comply when the person concerned is its national.

3. Where a person is to be extradited to the Requesting Party through the territory of a third state, the Requesting Party shall request that other state to permit the transit of that person through its territory.

4. In case of using air transport, the following provisions shall be followed:

a) Where the landing of the plane is not required, the Requesting Party shall inform the Contracting State whose space shall be crossed of the existence of the documents stipulated in Article 6 paragraph 2.a. In case of emergency landing, such notification shall have the effects of the provisional custody request referred to in Article 7 and the Requesting Party shall submit an ordinary request for transit;

b) If the landing of the plane is required, the Requesting Party shall submit a request for transit according to the provisions of paragraph 1 of this Article.

Article 15

Expenses

Expenses arising from the procedures of extradition in the territory of the Requested Party shall be borne by that Party. Expenses of transportation and the transit costs in connection with the surrender of the person sought to be extradited shall be borne by the Requesting Party.

Article 16

Language

1. Requests for judicial assistance and supporting documents shall be made in the language of the requesting party, and shall be accompanied by a translation into the language of the requested party, or in the French language.
2. The translation attached to the assistance request shall be certified by a qualified person in accordance with law of the requesting party.

Article 17
Central Authorities

For the purpose of the present Agreement, the central authorities of both parties shall exchange through diplomatic channels. The central authority for :

- The Kingdom of Morocco, the Ministry of Justice (Directorate of Penal Affairs and Amnesty) ;
- Republic of Rwanda, the Ministry of Justice.

The Parties shall immediately notify each other through the diplomatic channels about the changes of their Central Authorities through exchanging verbal notes.

Article 18
Consultations

The Parties shall consult each other regarding the interpretation or implementation of the present Agreement through diplomatic channels.

Article 19
Scope of Application

The present Agreement shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

Article 20
Final Provisions

1. The present Agreement is subject to ratification.
2. The present Agreement shall enter into force from the date of receiving the last notification by either of the Contracting Parties through the diplomatic channels, concerning the execution of the necessary measures for the ratification, according to the domestic laws of either Contracting Parties.

3. Either of the Contracting Parties may denounce the present Agreement by giving notice in writing through diplomatic channels to the other Contracting Party. Such denunciation shall take effect six months following the date on which it is received by the other Contracting Party.

4. The amendments and/or modifications shall be drawn up by protocols, which shall enter into force in the order prescribed for the entry into force of this agreement.

In Witness Whereof the undersigned being duly authorized thereto, have signed this Agreement.

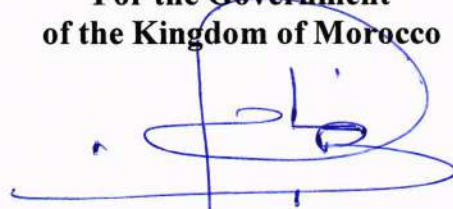
Done in Rabat on March 19th, 2019 in duplicate in Arabic and English languages, both texts being equally authentic.

**For the Government
of the Republic of Rwanda**



Dr. Richard SEZIBERA
Minister of Foreign Affairs and
International Cooperation

**For the Government
of the Kingdom of Morocco**



M. Nasser BOURITA
Minister of Foreign Affairs and
International Cooperation

Bibonywe kugira ngo bishyirwe ku mugereka w'Itegeko n° 07 quater/2020 ryo ku wa 07/08/2020 ryemera kwemeza burundu Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa Maroc ku kohererezanya abakurikiranyweho ibyaha yakorewe i Rabat, muri Maroc, ku wa 19 Werurwe 2019	Seen to be annexed to Law n° 07 quater/2020 of 07/08/2020 approving the ratification of The Agreement between the Republic of Rwanda and the Kingdom of Morocco on Extradition done in Rabat , Morocco , on 19 March 2019	Vu pour être annexé à la Loi n° 07 quater/2020 du 07/08/2020 approuvant la ratification de L'Accord entre la République du Rwanda et le Royaume du Maroc sur l'extradition fait à Rabat, au Maroc, le 19 mars 2019
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Kigali, 07/08/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
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Bibonywe kandi bishyizweho Ikirango cya Repubulika:
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Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEGEKO N° 013/2020 RYO KU WA 07/09/2020 RYEMERA KWEMEZA KO U RWANDA RUBA KIMWE MU BIHUGU BIHURIYE KU MASEZERANO Y'I MARRAKESH YOROHEREZA ABANTU BAFITE UBUMUGA BWO KUTABONA, ABATABONA NEZA CYANGWA ABATABASHA GUSOMA INYANDIKO ZICAPYE KUBONA IBIHANGANO BYASOHWE, YASHYIRIWEHO UMUKONO I MARRAKESH, MURI MAROC, KU WA 27 KAMENA 2013</p>	<p>LAW N° 013/2020 OF 07/09/2020 APPROVING THE ACCESSION OF RWANDA TO THE MARRAKESH TREATY TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED, ADOPTED AT MARRAKESH, IN MOROCCO, ON 27 JUNE 2013</p>	<p>LOI N° 013/2020 DU 07/09/2020 APPROUVANT L'ADHÉSION DU RWANDA AU TRAITÉ DE MARRAKECH VISANT À FACILITER L'ACCÈS DES AVEUGLES, DES DÉFICIENTS VISUELS ET DES PERSONNES AYANT D'AUTRES DIFFICULTÉS DE LECTURE DES TEXTES IMPRIMÉS AUX ŒUVRES PUBLIÉES, SIGNÉ À MARRAKECH, AU MAROC, LE 27 JUIN 2013</p>
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<p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p>	<p>We, KAGAME Paul, President of the Republic;</p>	<p>Nous, KAGAME Paul, Président de la République;</p>
<p>INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RITANGAZWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA</p>	<p>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</p>	<p>LE PARLEMENT A ADOPTÉ ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA</p>
<p>INTEKO ISHINGA AMATEGEKO:</p>	<p>THE PARLIAMENT:</p>	<p>LE PARLEMENT:</p>
<p>Umutwe w'Abadepite, mu nama yawo yo ku wa 22 Nyakanga 2020;</p>	<p>The Chamber of Deputies, in its sitting of 22 July 2020;</p>	<p>La Chambre des Députés, en sa séance du 22 juillet 2020;</p>

<p>Sena, mu nama yayo yo ku wa 04 Kanama 2020;</p> <p>Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 64, iya 69, iya 70, iya 85 iya 87, iya 88, iya 90, iya 91, iya 93, iya 106, iya 120, iya 122, iya 167, iya 168 n'iya 176;</p> <p>Imaze gusuzuma Amasezerano y'i Marrakesh yorohereza abantu bafite ubumuga bwo kutabona, abatabona neza cyangwa abatabasha gusoma inyandiko zicapye kubona ibihangano byasohowe yashyiriweho umukono i Marrakesh, muri Maroc, ku wa 27 Kamena 2013;</p> <p>YEMEJE:</p> <p><u>Ingingo ya mbere:</u> Kwemera kwemeza kuba kimwe mu bihugu bihuriye ku masezerano</p> <p>Iri tegeko ryemera kwemeza ko u Rwanda ruba kimwe mu bihugu bihuriye ku Masezerano y'i Marrakesh, ari ku mugereka, yorohereza abantu bafite ubumuga bwo kutabona, abatabona neza cyangwa abatabasha gusoma inyandiko zicapye kubona ibihangano byasohowe</p>	<p>The Senate, in its sitting of 04 August 2020;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 85, 87, 88, 90, 91, 93, 106, 120, 122, 167,168 and 176;</p> <p>After consideration of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, adopted at Marrakesh, in Morocco on 27 June 2013;</p> <p>ADOPTS:</p> <p><u>Article One:</u> Approval for accession</p> <p>This Law approves the accession of Rwanda to the Marrakesh Treaty, in annex, to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, adopted at Marrakesh, in Morocco, on 27 June 2013.</p>	<p>Le Sénat, en sa séance du 04 août 2020;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 64, 69, 70, 85, 87, 88, 90, 91, 93, 106, 120, 122, 167,168 et 176;</p> <p>Après examen du Traité de Marrakech visant à faciliter l'accès des aveugles, des déficients visuels et des personnes ayant d'autres difficultés de lecture des textes imprimés aux œuvres publiées, signé à Marrakech, au Maroc, le 27 juin 2013;</p> <p>ADOPTE:</p> <p><u>Article premier:</u> Approbation pour adhésion</p> <p>La présente loi approuve l'adhésion du Rwanda au Traité de Marrakech, en annexe, visant à faciliter l'accès des aveugles, des déficients visuels et des personnes ayant d'autres difficultés de lecture des textes imprimés aux œuvres publiées, signé à Marrakech, au Maroc, le 27 juin 2013.</p>
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<p>yashyiriweho umukono i Marrakesh, muri Maroc, ku wa 27 Kamena 2013.</p> <p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n'itorwa by'iri tegeko</p> <p>Iri tegeko ryateguwe mu rurimi rw'Icyongereza, risuzumwa kandi ritorwa mu rurimi rw'Ikinyarwanda.</p> <p><u>Ingingo ya 3:</u> Igihe iri tegeko ritangira gukurikizwa</p> <p>Iri tegeko ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p>	<p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p> <p>This Law was drafted in English, considered and adopted in Ikinyarwanda.</p> <p><u>Article 3:</u> Commencement</p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 2:</u> Initiation, examen et adoption de la présente loi</p> <p>La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.</p> <p><u>Article 3:</u> Entrée en vigueur</p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEGEKO N° 013/2020 RYO KU WA 07/09/2020 RYEMERA KWEMEZA KO U RWANDA RUBA KIMWE MU BIHUGU BIHURIYE KU MASEZERANO Y'I MARRAKESH, ARI KU MUGEREKA, YOROHEREZA ABANTU BAFITE UBUMUGA BWO KUTABONA, ABATABONA NEZA CYANGWA ABATABASHA GUSOMA INYANDIKO ZICAPYE KUBONA IBIHANGANO BYASOHWE YASHYIRIWEHO UMUKONO I MARRAKESH, MURI MAROC, KU WA 27 KAMENA 2013</p>	<p>ANNEX TO LAW N° 013/2020 OF 07/09/2020 APPROVING THE ACCESSION OF RWANDA TO THE MARRAKESH TREATY, IN ANNEX, TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED, ADOPTED AT MARRAKESH, IN MOROCCO, ON 27 JUNE 2013</p>	<p>ANNEXE À LOI N° 013/2020 DU 07/09/2020 APPROUVANT L'ADHÉSION DU RWANDA AU TRAITÉ DE MARRAKECH, EN ANNEXE, VISANT À FACILITER L'ACCÈS DES AVEUGLES, DES DÉFICIENTS VISUELS ET DES PERSONNES AYANT D'AUTRES DIFFICULTÉS DE LECTURE DES TEXTES IMPRIMÉS AUX ŒUVRES PUBLIÉES, SIGNÉ À MARRAKECH, AU MAROC, LE 27 JUIN 2013</p>
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Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled*

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* This Treaty was adopted by the Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities on June 27, 2013.

Preamble

The Contracting Parties,

Recalling the principles of non-discrimination, equal opportunity, accessibility and full and effective participation and inclusion in society, proclaimed in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities,

Mindful of the challenges that are prejudicial to the complete development of persons with visual impairments or with other print disabilities, which limit their freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds on an equal basis with others, including through all forms of communication of their choice, their enjoyment of the right to education, and the opportunity to conduct research,

Emphasizing the importance of copyright protection as an incentive and reward for literary and artistic creations and of enhancing opportunities for everyone, including persons with visual impairments or with other print disabilities, to participate in the cultural life of the community, to enjoy the arts and to share scientific progress and its benefits,

Aware of the barriers of persons with visual impairments or with other print disabilities to access published works in achieving equal opportunities in society, and the need to both expand the number of works in accessible formats and to improve the circulation of such works,

Taking into account that the majority of persons with visual impairments or with other print disabilities live in developing and least-developed countries,

Recognizing that, despite the differences in national copyright laws, the positive impact of new information and communication technologies on the lives of persons with visual impairments or with other print disabilities may be reinforced by an enhanced legal framework at the international level,

Recognizing that many Member States have established limitations and exceptions in their national copyright laws for persons with visual impairments or with other print disabilities, yet there is a continuing shortage of available works in accessible format copies for such persons, and that considerable resources are required for their effort of making works accessible to these persons, and that the lack of possibilities of cross-border exchange of accessible format copies has necessitated duplication of these efforts,

Recognizing both the importance of rightholders' role in making their works accessible to persons with visual impairments or with other print disabilities and the importance of appropriate limitations and exceptions to make works accessible to these persons, particularly when the market is unable to provide such access,

Recognizing the need to maintain a balance between the effective protection of the rights of authors and the larger public interest, particularly education, research and access to information, and that such a balance must facilitate effective and timely access to works for the benefit of persons with visual impairments or with other print disabilities,

Reaffirming the obligations of Contracting Parties under the existing international treaties on the protection of copyright and the importance and flexibility of the three-step test for limitations and exceptions established in Article 9(2) of the Berne Convention for the Protection of Literary and Artistic Works and other international instruments,

Recalling the importance of the Development Agenda recommendations, adopted in 2007 by the General Assembly of the World Intellectual Property Organization (WIPO), which aim to ensure that development considerations form an integral part of the Organization's work,

Recognizing the importance of the international copyright system and desiring to harmonize limitations and exceptions with a view to facilitating access to and use of works by persons with visual impairments or with other print disabilities,

Have agreed as follows:

Article 1

Relation to Other Conventions and Treaties

Nothing in this Treaty shall derogate from any obligations that Contracting Parties have to each other under any other treaties, nor shall it prejudice any rights that a Contracting Party has under any other treaties.

Article 2

Definitions

For the purposes of this Treaty:

- (a) "works" means literary and artistic works within the meaning of Article 2(1) of the Berne Convention for the Protection of Literary and Artistic Works, in the form of text, notation and/or related illustrations, whether published or otherwise made publicly available in any media¹;
- (b) "accessible format copy" means a copy of a work in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability. The accessible format copy is used exclusively by beneficiary persons and it must respect the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons;
- (c) "authorized entity" means an entity that is authorized or recognized by the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes a government institution or non-profit organization that provides the same services to beneficiary persons as one of its primary activities or institutional obligations².

An authorized entity establishes and follows its own practices:

- (i) to establish that the persons it serves are beneficiary persons;

¹ Agreed statement concerning Article 2(a): For the purposes of this Treaty, it is understood that this definition includes such works in audio form, such as audiobooks.

² Agreed statement concerning Article 2(c): For the purposes of this Treaty, it is understood that "entities recognized by the government" may include entities receiving financial support from the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis.

- (ii) to limit to beneficiary persons and/or authorized entities its distribution and making available of accessible format copies;
- (iii) to discourage the reproduction, distribution and making available of unauthorized copies; and
- (iv) to maintain due care in, and records of, its handling of copies of works, while respecting the privacy of beneficiary persons in accordance with Article 8.

Article 3

Beneficiary Persons

A beneficiary person is a person who:

- (a) is blind;
- (b) has a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or³
- (c) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading;

regardless of any other disabilities.

Article 4

National Law Limitations and Exceptions Regarding Accessible Format Copies

1. (a) Contracting Parties shall provide in their national copyright laws for a limitation or exception to the right of reproduction, the right of distribution, and the right of making available to the public as provided by the WIPO Copyright Treaty (WCT), to facilitate the availability of works in accessible format copies for beneficiary persons. The limitation or exception provided in national law should permit changes needed to make the work accessible in the alternative format.
 - (b) Contracting Parties may also provide a limitation or exception to the right of public performance to facilitate access to works for beneficiary persons.
2. A Contracting Party may fulfill Article 4(1) for all rights identified therein by providing a limitation or exception in its national copyright law such that:
 - (a) Authorized entities shall be permitted, without the authorization of the copyright rightholder, to make an accessible format copy of a work, obtain from another authorized entity an accessible format copy, and supply those copies to beneficiary persons by any means, including by non-commercial lending or by electronic communication by wire or wireless means, and undertake any intermediate steps to achieve those objectives, when all of the following conditions are met:

³ Agreed statement concerning Article 3(b): Nothing in this language implies that “cannot be improved” requires the use of all possible medical diagnostic procedures and treatments.

- (i) the authorized entity wishing to undertake said activity has lawful access to that work or a copy of that work;
- (ii) the work is converted to an accessible format copy, which may include any means needed to navigate information in the accessible format, but does not introduce changes other than those needed to make the work accessible to the beneficiary person;
- (iii) such accessible format copies are supplied exclusively to be used by beneficiary persons; and
- (iv) the activity is undertaken on a non-profit basis;

and

(b) A beneficiary person, or someone acting on his or her behalf including a primary caretaker or caregiver, may make an accessible format copy of a work for the personal use of the beneficiary person or otherwise may assist the beneficiary person to make and use accessible format copies where the beneficiary person has lawful access to that work or a copy of that work.

3. A Contracting Party may fulfill Article 4(1) by providing other limitations or exceptions in its national copyright law pursuant to Articles 10 and 11⁴.

4. A Contracting Party may confine limitations or exceptions under this Article to works which, in the particular accessible format, cannot be obtained commercially under reasonable terms for beneficiary persons in that market. Any Contracting Party availing itself of this possibility shall so declare in a notification deposited with the Director General of WIPO at the time of ratification of, acceptance of or accession to this Treaty or at any time thereafter⁵.

5. It shall be a matter for national law to determine whether limitations or exceptions under this Article are subject to remuneration.

Article 5

Cross-Border Exchange of Accessible Format Copies

1. Contracting Parties shall provide that if an accessible format copy is made under a limitation or exception or pursuant to operation of law, that accessible format copy may be distributed or made available by an authorized entity to a beneficiary person or an authorized entity in another Contracting Party⁶.

2. A Contracting Party may fulfill Article 5(1) by providing a limitation or exception in its national copyright law such that:

⁴ Agreed statement concerning Article 4(3): It is understood that this paragraph neither reduces nor extends the scope of applicability of limitations and exceptions permitted under the Berne Convention, as regards the right of translation, with respect to persons with visual impairments or with other print disabilities.

⁵ Agreed statement concerning Article 4(4): It is understood that a commercial availability requirement does not prejudice whether or not a limitation or exception under this Article is consistent with the three-step test.

⁶ Agreed statement concerning Article 5(1): It is further understood that nothing in this Treaty reduces or extends the scope of exclusive rights under any other treaty.

- (a) authorized entities shall be permitted, without the authorization of the rightholder, to distribute or make available for the exclusive use of beneficiary persons accessible format copies to an authorized entity in another Contracting Party; and
- (b) authorized entities shall be permitted, without the authorization of the rightholder and pursuant to Article 2(c), to distribute or make available accessible format copies to a beneficiary person in another Contracting Party;

provided that prior to the distribution or making available the originating authorized entity did not know or have reasonable grounds to know that the accessible format copy would be used for other than beneficiary persons⁷.

3. A Contracting Party may fulfill Article 5(1) by providing other limitations or exceptions in its national copyright law pursuant to Articles 5(4), 10 and 11.

4. (a) When an authorized entity in a Contracting Party receives accessible format copies pursuant to Article 5(1) and that Contracting Party does not have obligations under Article 9 of the Berne Convention, it will ensure, consistent with its own legal system and practices, that the accessible format copies are only reproduced, distributed or made available for the benefit of beneficiary persons in that Contracting Party's jurisdiction.

(b) The distribution and making available of accessible format copies by an authorized entity pursuant to Article 5(1) shall be limited to that jurisdiction unless the Contracting Party is a Party to the WIPO Copyright Treaty or otherwise limits limitations and exceptions implementing this Treaty to the right of distribution and the right of making available to the public to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder^{8,9}.

(c) Nothing in this Article affects the determination of what constitutes an act of distribution or an act of making available to the public.

5. Nothing in this Treaty shall be used to address the issue of exhaustion of rights.

Article 6

Importation of Accessible Format Copies

To the extent that the national law of a Contracting Party would permit a beneficiary person, someone acting on his or her behalf, or an authorized entity, to make an accessible format copy of a work, the national law of that Contracting Party shall also permit them to import an

⁷ Agreed statement concerning Article 5(2): It is understood that, to distribute or make available accessible format copies directly to a beneficiary person in another Contracting Party, it may be appropriate for an authorized entity to apply further measures to confirm that the person it is serving is a beneficiary person and to follow its own practices as described in Article 2(c).

⁸ Agreed statement concerning Article 5(4)(b): It is understood that nothing in this Treaty requires or implies that a Contracting Party adopt or apply the three-step test beyond its obligations under this instrument or under other international treaties.

⁹ Agreed statement concerning Article 5(4)(b): It is understood that nothing in this Treaty creates any obligations for a Contracting Party to ratify or accede to the WCT or to comply with any of its provisions and nothing in this Treaty prejudices any rights, limitations and exceptions contained in the WCT.

accessible format copy for the benefit of beneficiary persons, without the authorization of the rightholder¹⁰.

Article 7

Obligations Concerning Technological Measures

Contracting Parties shall take appropriate measures, as necessary, to ensure that when they provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures, this legal protection does not prevent beneficiary persons from enjoying the limitations and exceptions provided for in this Treaty¹¹.

Article 8

Respect for Privacy

In the implementation of the limitations and exceptions provided for in this Treaty, Contracting Parties shall endeavor to protect the privacy of beneficiary persons on an equal basis with others.

Article 9

Cooperation to Facilitate Cross-Border Exchange

1. Contracting Parties shall endeavor to foster the cross-border exchange of accessible format copies by encouraging the voluntary sharing of information to assist authorized entities in identifying one another. The International Bureau of WIPO shall establish an information access point for this purpose.
2. Contracting Parties undertake to assist their authorized entities engaged in activities under Article 5 to make information available regarding their practices pursuant to Article 2(c), both through the sharing of information among authorized entities, and through making available information on their policies and practices, including related to cross-border exchange of accessible format copies, to interested parties and members of the public as appropriate.
3. The International Bureau of WIPO is invited to share information, where available, about the functioning of this Treaty.
4. Contracting Parties recognize the importance of international cooperation and its promotion, in support of national efforts for realization of the purpose and objectives of this Treaty¹².

¹⁰ Agreed statement concerning Article 6: It is understood that the Contracting Parties have the same flexibilities set out in Article 4 when implementing their obligations under Article 6.

¹¹ Agreed statement concerning Article 7: It is understood that authorized entities, in various circumstances, choose to apply technological measures in the making, distribution and making available of accessible format copies and nothing herein disturbs such practices when in accordance with national law.

¹² Agreed statement concerning Article 9: It is understood that Article 9 does not imply mandatory registration for authorized entities nor does it constitute a precondition for authorized entities to engage in activities recognized under this Treaty; but it provides for a possibility for sharing information to facilitate the cross-border exchange of accessible format copies.

Article 10

General Principles on Implementation

1. Contracting Parties undertake to adopt the measures necessary to ensure the application of this Treaty.
2. Nothing shall prevent Contracting Parties from determining the appropriate method of implementing the provisions of this Treaty within their own legal system and practice¹³.
3. Contracting Parties may fulfill their rights and obligations under this Treaty through limitations or exceptions specifically for the benefit of beneficiary persons, other limitations or exceptions, or a combination thereof, within their national legal system and practice. These may include judicial, administrative or regulatory determinations for the benefit of beneficiary persons as to fair practices, dealings or uses to meet their needs consistent with the Contracting Parties' rights and obligations under the Berne Convention, other international treaties, and Article 11.

Article 11

General Obligations on Limitations and Exceptions

In adopting measures necessary to ensure the application of this Treaty, a Contracting Party may exercise the rights and shall comply with the obligations that that Contracting Party has under the Berne Convention, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, including their interpretative agreements so that:

- (a) in accordance with Article 9(2) of the Berne Convention, a Contracting Party may permit the reproduction of works in certain special cases provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author;
- (b) in accordance with Article 13 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, a Contracting Party shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder;
- (c) in accordance with Article 10(1) of the WIPO Copyright Treaty, a Contracting Party may provide for limitations of or exceptions to the rights granted to authors under the WCT in certain special cases, that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author;
- (d) in accordance with Article 10(2) of the WIPO Copyright Treaty, a Contracting Party shall confine, when applying the Berne Convention, any limitations of or exceptions to rights to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

¹³ Agreed statement concerning Article 10(2): It is understood that when a work qualifies as a work under Article 2(a), including such works in audio form, the limitations and exceptions provided for by this Treaty apply *mutatis mutandis* to related rights as necessary to make the accessible format copy, to distribute it and to make it available to beneficiary persons.

Article 12

Other Limitations and Exceptions

1. Contracting Parties recognize that a Contracting Party may implement in its national law other copyright limitations and exceptions for the benefit of beneficiary persons than are provided by this Treaty having regard to that Contracting Party's economic situation, and its social and cultural needs, in conformity with that Contracting Party's international rights and obligations, and in the case of a least-developed country taking into account its special needs and its particular international rights and obligations and flexibilities thereof.
2. This Treaty is without prejudice to other limitations and exceptions for persons with disabilities provided by national law.

Article 13

Assembly

1.
 - (a) The Contracting Parties shall have an Assembly.
 - (b) Each Contracting Party shall be represented in the Assembly by one delegate who may be assisted by alternate delegates, advisors and experts.
 - (c) The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy.
2.
 - (a) The Assembly shall deal with matters concerning the maintenance and development of this Treaty and the application and operation of this Treaty.
 - (b) The Assembly shall perform the function allocated to it under Article 15 in respect of the admission of certain intergovernmental organizations to become party to this Treaty.
 - (c) The Assembly shall decide the convocation of any diplomatic conference for the revision of this Treaty and give the necessary instructions to the Director General of WIPO for the preparation of such diplomatic conference.
3.
 - (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.
 - (b) Any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and vice versa.
4. The Assembly shall meet upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of WIPO.
5. The Assembly shall endeavor to take its decisions by consensus and shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions.

Article 14
International Bureau

The International Bureau of WIPO shall perform the administrative tasks concerning this Treaty.

Article 15
Eligibility for Becoming Party to the Treaty

1. Any Member State of WIPO may become party to this Treaty.
2. The Assembly may decide to admit any intergovernmental organization to become party to this Treaty which declares that it is competent in respect of, and has its own legislation binding on all its Member States on, matters covered by this Treaty and that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.
3. The European Union, having made the declaration referred to in the preceding paragraph at the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty.

Article 16
Rights and Obligations Under the Treaty

Subject to any specific provisions to the contrary in this Treaty, each Contracting Party shall enjoy all of the rights and assume all of the obligations under this Treaty.

Article 17
Signature of the Treaty

This Treaty shall be open for signature at the Diplomatic Conference in Marrakesh, and thereafter at the headquarters of WIPO by any eligible party for one year after its adoption.

Article 18
Entry into Force of the Treaty

This Treaty shall enter into force three months after 20 eligible parties referred to in Article 15 have deposited their instruments of ratification or accession.

Article 19
Effective Date of Becoming Party to the Treaty

This Treaty shall bind:

- (a) the 20 eligible parties referred to in Article 18, from the date on which this Treaty has entered into force;
- (b) each other eligible party referred to in Article 15, from the expiration of three months from the date on which it has deposited its instrument of ratification or accession with the Director General of WIPO.

Article 20
Denunciation of the Treaty

This Treaty may be denounced by any Contracting Party by notification addressed to the Director General of WIPO. Any denunciation shall take effect one year from the date on which the Director General of WIPO received the notification.

Article 21
Languages of the Treaty

1. This Treaty is signed in a single original in English, Arabic, Chinese, French, Russian and Spanish languages, the versions in all these languages being equally authentic.
2. An official text in any language other than those referred to in Article 21(1) shall be established by the Director General of WIPO on the request of an interested party, after consultation with all the interested parties. For the purposes of this paragraph, “interested party” means any Member State of WIPO whose official language, or one of whose official languages, is involved and the European Union, and any other intergovernmental organization that may become party to this Treaty, if one of its official languages is involved.

Article 22
Depositary

The Director General of WIPO is the depositary of this Treaty.

Done in Marrakesh on the 27th day of June, 2013.

[End of document]

<p>Bibonywe kugira ngo bishyirwe ku mugereka w'Itegeko n° 013/2020 ryo ku wa 07/09/2020 ryemera kwemeza ko u Rwanda ruba kimwe mu bihugu bihuriye ku Masezerano y'i Marrakesh, ari ku mugereka, yoroheraza abantu bafite ubumuga bwo kutabona, abatabona neza cyangwa abatabasha gusoma inyandiko zicapye kubona ibihangano byasohowe yashyiriweho umukono i Marrakesh, muri Maroc, ku wa 27 Kamena 2013</p>	<p>Seen to be annexed to Law n° 013/2020 of 07/09/2020 approving the accession of Rwanda to the Marrakesh Treaty, in annex, to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, adopted at Marrakesh, in Morocco, on 27 June 2013</p>	<p>Vu pour être annexé à la Loi n° 013/2020 du 07/09/2020 approuvant l'adhésion du Rwanda au Traité de Marrakech, en annexe, visant à faciliter l'accès des aveugles, des déficients visuels et des personnes ayant d'autres difficultés de lecture des textes imprimés aux œuvres publiées, signé à Marrakech, au Maroc, le 27 juin 2013</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEGEKO N° 014/2020 RYO KU WA 07/09/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAGEZE MU ZABUKURU MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MAKUMYABIRI NA GATANDATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 31 MUTARAMA 2016</p>	<p>LAW N° 014/2020 OF 07/09/2020 APPROVING THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 31 JANUARY 2016</p>	<p>LOI N° 014/2020 DU 07/09/2020 APPROUVANT LA RATIFICATION DU PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES RELATIF AUX DROITS DES PERSONNES AGÉES EN AFRIQUE ADOPTÉ PAR LA VINGT-SIXIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, EN ETHIOPIE, LE 31 JANVIER 2016</p>
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<p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n'itorwa by'iri tegeko</p>	<p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p>	<p><u>Article 2:</u> Initiation, examen et adoption de la présente loi</p>
<p><u>Ingingo ya 3:</u> Igihe iri tegeko ritangira gukurikizwa</p>	<p><u>Article 3:</u> Commencement</p>	<p><u>Article 3:</u> Entrée en vigueur</p>

<p>ITEGEKO N° 014/2020 RYO KU WA 07/09/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAGEZE MU ZABUKURU MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MAKUMYABIRI NA GATANDATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 31 MUTARAMA 2016</p>	<p>LAW N° 014/2020 OF 07/09/2020 APPROVING THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 31 JANUARY 2016</p>	<p>LOI N° 014/2020 DU 07/09/2020 APPROUVANT LA RATIFICATION DU PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES RELATIF AUX DROITS DES PERSONNES AGÉES EN AFRIQUE ADOPTÉ PAR LA VINGT-SIXIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, EN ETHIOPIE, LE 31 JANVIER 2016</p>
<p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p>	<p>We, KAGAME Paul, President of the Republic;</p>	<p>Nous, KAGAME Paul, Président de la République;</p>
<p>INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RITANGAZWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA</p>	<p>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</p>	<p>LE PARLEMENT A ADOPTÉ, ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA</p>
<p>INTEKO ISHINGA AMATEGEKO:</p>	<p>THE PARLIAMENT:</p>	<p>LE PARLEMENT:</p>
<p>Umutwe w'Abadepite, mu nama yawo yo ku wa 22 Nyakanga 2020;</p>	<p>The Chamber of Deputies, in its sitting of 22 July 2020 ;</p>	<p>La Chambre des Députés, en sa séance du 22 juillet 2020;</p>
<p>Sena, mu nama yayo yo ku wa 04 Kanama 2020;</p>	<p>The Senate, in its sitting of 04 August 2020;</p>	<p>Le Sénat, en sa séance du 04 août 2020;</p>

<p>Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 16, iya 51, iya 64, iya 69, iya 70, iya 85, iya 87, iya 88, iya 90, iya 91, iya 106, iya 120, iya 122, iya 167, iya 168 n'iya 176;</p> <p>Imaze gusuzuma Amasezerano y'Inyongera ku Masezerano Nyafurika y'Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bageze mu Zabukuru muri Afurika yemejwe n'Inama isanzwe ya makumyabiri na gatandatu, yabereye i Addis-Abeba muri Etiyopiya, ku wa 31 Mutarama 2016;</p> <p>YEMEJE:</p> <p><u>Ingingo ya mbere:</u> Kwemera kwemeza burundu</p> <p>Amasezerano y'Inyongera ku Masezerano Nyafurika y'Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bageze mu Zabukuru muri Afurika yemejwe n'Inama isanzwe ya makumyabiri na gatandatu, yabereye i <i>Addis-Abeba</i> muri Etiyopiya, ku wa 31 Mutarama 2016, ari ku mugereka, yemerewe kwemezwa burundu.</p>	<p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 16, 51, 64, 69, 70, 85, 87, 88, 90, 91, 106, 120, 122, 167, 168 and 176;</p> <p>After consideration of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa adopted by the twenty sixth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 31 January 2016;</p> <p>ADOPTS:</p> <p><u>Article One:</u> Approval for ratification</p> <p>The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa adopted by the twenty sixth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 31 January 2016, in annex, is approved for ratification.</p>	<p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 16, 51, 64, 69, 70, 85, 87, 88, 90, 91, 106, 120, 122, 167, 168 et 176;</p> <p>Après examen du Protocole à la Charte Africaine des Droits de l'Homme et des Peuples, relatif aux Droits des Personnes Agées en Afrique adopté par la vingt-sixième session ordinaire de la Conférence, tenue à Addis-Abeba, en Ethiopie, le 31 janvier 2016;</p> <p>ADOPTE:</p> <p><u>Article premier:</u> Approbation pour ratification</p> <p>Le Protocole à la Charte Africaine des Droits de l'Homme et des Peuples, relatif aux Droits des Personnes Agées en Afrique adopté par la vingt-sixième session ordinaire de la Conférence, tenue à Addis-Abeba, en Ethiopie, le 31 janvier 2016, en annexe, est approuvé pour ratification.</p>
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<p><u>Ingingo ya 2:</u> Itegurwa, isuzumwa n’itorwa by’iri tegeko</p> <p>Iri tegeko ryateguwe mu rurimi rw’Icyongereza, risuzumwa kandi ritorwa mu rurimi rw’Ikinyarwanda.</p> <p><u>Ingingo ya 3:</u> Igihe iri tegeko ritangira gukurikizwa</p> <p>Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.</p>	<p><u>Article 2:</u> Drafting, consideration and adoption of this Law</p> <p>This Law was drafted in English, considered and adopted in Ikinyarwanda.</p> <p><u>Article 3:</u> Commencement</p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 2:</u> Initiation, examen et adoption de la présente loi</p> <p>La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.</p> <p><u>Article 3:</u> Entrée en vigueur</p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:**

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEGEKO N° 014/2020 RYO KU WA 07/09/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAGEZE MU ZABUKURU MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MAKUMYABIRI NA GATANDATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 31 MUTARAMA 2016</p>	<p>ANNEX TO LAW N° 014/2020 OF 07/09/2020 APPROVING THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 31 JANUARY 2016</p>	<p>ANNEXE À LA LOI N° 014/2020 DU 07/09/2020 APPROUVANT LA RATIFICATION DU PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES RELATIF AUX DROITS DES PERSONNES AGÉES EN AFRIQUE ADOPTÉ PAR LA VINGT-SIXIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, EN ETHIOPIE, LE 31 JANVIER 2016</p>
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**PROTOCOL TO THE AFRICAN CHARTER ON
HUMAN AND PEOPLES' RIGHTS ON THE
RIGHTS OF OLDER PERSONS IN AFRICA**

Republic of Rwanda

21 OCT 2019





PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND
PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS
IN AFRICA



AFRICAN UNION (AU) UNION AFRICAINE
CERTIFIED COPY
COPIE CERTIFIÉE
S. B. O. M. A.
Signature
LEGAL COUNSEL
CONSEIL JURIDIQUE

WE, MEMBER STATES OF THE AFRICAN UNION:

CONSIDERING that Article 66 of the African Charter provides for special protocols or agreements, if necessary, to supplement the provisions of that Charter;

CONSIDERING that the African Charter makes specific provisions for the protection of the rights of Older Persons, under Article 18(4) which stipulates that, "*Older Persons and people with disabilities shall also have the right to special measures of protection in keeping with their physical or moral needs*";

NOTING Article 2 of the African Charter which states that, "*Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status*";

RECALLING Article 22 of the Protocol to the African Charter on the Rights of Women in Africa which provides for the special protection of elderly women;

CONSIDERING recommendation (1) contained in paragraph 4.1 of the African Union Policy Framework and Plan of Action on Ageing (2002) which states that "*Member States recognise the fundamental rights of Older Persons and commit themselves to abolish all forms of discrimination based on age; that they undertake to ensure that the rights of Older Persons are protected by appropriate legislation; including the right to organise themselves in groups and to representation in order to advance their interests*";

CONSIDERING recommendation (1) (a) contained in paragraph 4.1 of the same Policy Framework and Plan of Action which calls for the elaboration and adoption of "*an additional Protocol to the African Charter on Human and Peoples' Rights relating to the rights of Older Persons*";

CONSIDERING FURTHER paragraph 20 of the Kigali Declaration on Human Rights (2003), which "*calls upon States Parties to develop a Protocol on the protection of the rights of the elderly and persons with disabilities*";

RECALLING section 2.2.11 of the African Union Social Policy Framework (2009) which calls for the implementation of all the tenets of the AU Policy Framework and Plan of Action on Ageing (2002), other international instruments that deal with the issues of ageing and Older Persons, the 1991 United Nations Principles for Older Persons, the 1992 United Nations Proclamation on Ageing, and the 2002 Madrid International Plan of Action on Ageing and which promotes the rights of Older Persons;



CONSIDERING ALSO the World Population Plan of Action (1974), the Declaration of Principles of the United Nations Conference on Human Settlements (HABITAT) of 1996 and 1999, the International Labour Organization (ILO) Convention No. 102 of 1952 concerning Minimum Standards of Social Security, Convention No. 128 and Recommendations 131 of 1967 on Invalidity, Old Age and Survivors' Benefits, Recommendation No. 162 of 1980 concerning Older Workers, and Convention No. 157 concerning Maintenance of Social Security Rights of 1982;

CONSIDERING the various International declarations, conventions and instruments including but not limited to: Convention on the Elimination of Racial Discrimination (CERD) of 1965; International Covenant on Civil and Political Rights (ICCPR) of 1966; International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966; The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 1979; United Nations Plan of Action on Ageing of 1982; The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) of 1984; United Nations Declaration on the Right to Development of 1986; United Nations Principles for Older Persons of 1991; United Nations Proclamation on Ageing of 1992; Madrid Plan of Action on Ageing (MIPAA) of 2002;

TAKING into consideration the virtues of African traditions, values and practices which should inspire and characterize the provision of mutual social and communal care and support; respect for older members of society and the passing of knowledge to younger population groups;

NOTING that the increase in the number and needs of Older Persons in Africa calls for African Governments to institute urgent measures aimed at addressing these needs such as access to regular incomes, equitable distribution of resources, employment opportunities; access to appropriate health services; access to basic social services such as food, water, clothing and shelter; access to good care and support from the family, the state, civil society and private organizations; recognition of their contribution towards the care of persons with AIDS and orphans; respect and recognition of the role and contribution that Older Persons make to society; and a recognition of their special needs in emergency situations.

HAVE AGREED AS FOLLOWS:



Article 1
Definitions

For purposes of this Protocol:

"African Charter" means the African Charter on Human and Peoples' Rights;

"African Commission" means the African Commission on Human and Peoples' Rights;

"Ageing" means the process of getting old from birth to death and in this Protocol, it shall also refer to issues concerned with Older Persons;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"AU" means the African Union;

"Commission" means the African Union Commission;

"Constitutive Act" means the Constitutive Act of the African Union;

"Harmful traditional practices" means traditional beliefs, attitudes and practices which violate the fundamental rights of Older persons such as their right to life, dignity and physical integrity;

"ICT" means Information Communication and Technology;

"Member States" means the Member States of the African Union;

"Older Persons" means those persons aged sixty (60) years and above, as defined by the United Nations (1982) and the AU Policy Framework and Plan of Action on Ageing (2002);

"Residential care" Residential care means long-term care, including geriatric care, given to Older Persons in a residential setting rather than their home.

"States Parties" means Member States of the African Union that have ratified or acceded to this Protocol and deposited the instruments of ratification or accession with the Chairperson of the African Union Commission;

"The Advisory Council on Ageing" means a Council established in accordance with the AU Policy Framework and Plan of Action on Ageing (2002);

The words "the aged", "Older Persons", "Seniors", "Senior Citizens" and "elderly" shall be construed to have the same meaning as "Older Persons".



Article 2
Obligations of States Parties

1. States Parties shall recognize the rights and freedoms enshrined in this Protocol and shall undertake to adopt legislative or other measures to give effect to them.
2. States Parties shall ensure that the 1991 United Nations Principles of Independence, Dignity, Self-fulfilment, Participation and Care of Older Persons are included in their national laws and are legally binding as the basis for ensuring their rights.

Article 3
Elimination of Discrimination against Older Persons

States Parties shall:

1. prohibit all forms of discrimination against Older persons and encourage the elimination of social and cultural stereotypes which marginalise Older Persons;
2. take corrective measures in those areas where discrimination and all forms of stigmatisation against Older Persons continue to exist in law and in fact; and
3. support and enforce local, national, regional, continental and international customs, traditions and initiatives directed at eradicating all forms of discrimination against Older Persons.

Article 4
Access to Justice and Equal protection before the law

States Parties shall:

1. develop and review existing legislation to ensure that Older Persons receive equal treatment and protection;
2. ensure the provision of legal assistance to Older Persons in order to protect their rights; and
3. ensure that law enforcement organs at all levels are trained to effectively interpret and enforce policies and legislation to protect the rights of Older Persons.



**Article 5
Right to Make Decisions**

States Parties shall:

1. ensure that appropriate legislation exists that recognises the rights of Older Persons to make decisions regarding their own well-being without undue interference from any person or entity, and that Older Persons have the right to appoint a party of their choice to carry out their wishes and instructions;
2. ensure that, in the event of incapacity, Older Persons shall be provided with legal and social assistance in order to make decisions that are in their best interests and wellbeing; and
3. enact legislation and take other measures that protect the right of Older Persons to express opinions and participate in social and political life.

**Article 6
Protection Against Discrimination in Employment**

States Parties shall:

1. take measures to eliminate work place discrimination against Older Persons with regard to access to employment taking into consideration occupational requirements; and
2. ensure appropriate work opportunities for Older persons taking into account to their medical and physical abilities, skills and experience.

**Article 7
Social Protection**

States Parties shall:

1. develop policies and legislation that ensure that Older persons who retire from their employment are provided with adequate pensions and other forms of social security;
2. ensure that universal social protection mechanisms exist to provide income security for those Older persons who did not have the opportunity to contribute to any social security provisions;
3. ensure that the processes and procedures of accessing pensions are centralised, simple and dignified;



4. take legislative and other measures to enable individuals to prepare for income security in old age; and
5. take legislative and other measures that facilitate the rights of Older Persons to access services from state service providers.

Article 8
Protection from Abuse and Harmful Traditional Practices

States Parties shall:

1. prohibit and criminalise harmful traditional practices targeted at Older Persons; and
2. take all necessary measures to eliminate harmful traditional practices including witchcraft accusations, which affect the welfare, health, life and dignity of Older Persons, particularly Older women.

Article 9
Protection of Older Women

States Parties shall:

1. ensure the protection of the rights of Older Women from violence, sexual abuse and discrimination based on gender;
2. put in place legislation and other measures that guarantee protection of Older Women against abuses related to property and land rights; and
3. adopt appropriate legislation to protect the right of inheritance of Older Women.

Article 10
Care and Support

States Parties shall:

1. adopt policies and legislation that provide incentives to family members who provide home care for Older Persons;
2. identify, promote and strengthen traditional support systems to enhance the ability of families and communities to care for Older family members; and

ensure the provision of preferential treatment in service delivery for Older Persons.



**Article 11
Residential Care**

States Parties shall:

1. enact or review existing legislation to ensure that residential care is optional and affordable for Older Persons;
2. ensure that Older Persons in residential care facilities are provided with care that meets the National Minimum Standards provided that such standards comply with regional and international Standards; and
3. ensure that Older Persons in palliative care receive adequate care and pain management medication.

**Article 12
Support for Older Persons Taking Care of Vulnerable Children**

States Parties shall:

1. adopt measures to ensure that indigent Older Persons who take care of orphans and vulnerable children are provided with financial, material and other support; and
2. ensure that when children are left in the care of Older Persons, any social or other benefits designed for the children, are remitted to the Older Persons.

**Article 13
Protection of Older Persons with Disabilities**

States Parties shall:

1. adopt legislation and other measures to protect the rights of Older Persons with disabilities;
2. ensure that such legislation and measures comply with regional and international standards; and
3. ensure that Older Persons with disabilities have access to assistive devices and specialised care, which respond to their needs within their communities.

**Article 14
Protection of Older Persons in Conflict and Disaster Situations**

States Parties shall:

1. ensure that, in situations of risk, including natural calamities, conflict situations, during civil strife or wars, Older Persons shall be given special attention.



- to enjoy access, on a priority basis, to assistance during rescue efforts, settlement, repatriation and other interventions; and
2. ensure that Older Persons receive humane treatment, protection and respect at all times and are not left without needed medical assistance and care.

Article 15
Access to Health Services

States Parties shall:

1. guarantee the rights of Older Persons to access health services that meet their specific needs;
2. take reasonable measures to facilitate access to health services and medical insurance cover for Older Persons within available resources; and
3. ensure the inclusion of geriatrics and gerontology in the training of health care personnel.

Article 16
Access to Education

States Parties shall provide opportunities for Older Persons to have access to education and to acquire ICT skills.

Article 17
Participation in Programmes and Recreational Activities

States Parties shall develop policies that ensure the rights of Older Persons to enjoy all aspects of life, including active participation in socio – economic development, cultural programmes, leisure and sports.

Article 18
Accessibility

States Parties shall take measures to ensure that Older Persons have access to infrastructure, including buildings, public transport and are accorded seating priority.



Article 19
Awareness on Ageing and Preparation for Old Age

States Parties shall:

1. adopt measures to encourage the development of awareness raising programmes to educate the younger population groups on ageing and Older Persons to combat negative attitudes against Older Persons; and
2. adopt measures to develop training programmes that prepare Older Persons for the challenges faced in old age, including retirement.

Article 20
Duties of Older Persons

Older Persons have responsibilities towards their families, communities, the wider society, the state and the international community. In this regard they shall:

1. mentor and pass on knowledge and experience to the younger generations;
2. foster and facilitate inter-generational dialogue and solidarity within their families and communities; and
3. play a role in mediation and conflict resolution.

Article 21
Coordination and Data Collection

States Parties shall:

1. ensure the systematic collection and analysis of national data on Older Persons;
2. develop a national mechanism on ageing with responsibility to assess, monitor, evaluate and coordinate the integration and implementation of Older Persons' rights in national policies, strategies and legislation; and
3. support the Advisory Council on Ageing, as a continental mechanism of the African Union to facilitate the implementation and follow up of the continental policies and plans on ageing.



Article 22 Implementation

1. States Parties shall ensure the implementation of this Protocol, and shall indicate in their periodic reports submitted to the African Commission in accordance with Article 62 of the African Charter, the legislative and other measures undertaken for the full realisation of the rights recognized in this Protocol.
2. In the implementation of this Protocol, the African Commission shall have the mandate to interpret the provisions of the Protocol in accordance with the African Charter.
3. The African Commission may refer matters of interpretation and enforcement or any dispute arising from the application or implementation of this Protocol to the African Court on Human and Peoples' Rights.
4. Where applicable, the African Court on Human and Peoples' Rights shall have the mandate to hear disputes arising from the application or implementation of this Protocol.

Article 23 Popularization of the Protocol

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Protocol in accordance with the relevant provisions and procedures of their respective constitutions.

Article 24 Safeguard Clause

1. No provision in this Protocol shall be interpreted as derogating from the principles and values contained in other relevant instruments for the realisation of the rights of Older Persons in Africa.
2. In the event of a contradiction between two or more provisions of this Protocol, the interpretation which favours the rights of Older Persons and protects their legitimate interests shall prevail.

Article 25 Signature, Ratification and Accession

1. This Protocol shall be open to Member States of the Union for signature, ratification or accession.

The instrument of ratification or accession to the present Protocol shall be deposited with the Chairperson of the Commission who shall notify all Member States of the dates of the deposit of the instruments of ratification or accession.



Article 26
Entry into force

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15th) Instrument of ratification by a Member State.
2. The Chairperson of the Commission shall notify all Members States of the African Union of the entry into force of the present Protocol.
3. For any Member State of the African Union acceding to the present Protocol, the Protocol shall come into force in respect of that State on the date of the deposit of its Instrument of accession.

Article 27
Reservations

1. A State Party may, when, ratifying or acceding to this Protocol, submit in writing a reservation with respect to any of the provisions of this Protocol. Reservation shall not be incompatible with the object and purpose of this Protocol.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 28
Depository

This Protocol shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Protocol to the Government of each signatory State.

Article 29
Registration

The Chairperson of the Commission upon the entry into force of this Protocol shall register this Protocol with the United Nations Secretary General in conformity with Article 102 of the Protocol of the United Nations.

Article 30
Withdrawal

At any time after three years from the date of entry into force of this Protocol, a State Party may withdraw by giving written notification to the Depository.



2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

**Article 31
Amendment and Revision**

1. Any State Party may submit proposal(s) for the amendment or revision of this Protocol. Such proposal(s) shall be adopted by the Assembly.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit such proposals to the Assembly at least six months before the meeting at which it shall be considered for adoption.
3. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority.
4. The amendment or revision shall enter into force in accordance the procedures outlined in Article 26 of this Protocol.

**Article 32
Authentic Texts**

This Protocol is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has signed this Protocol.

ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF
THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA

31 JANUARY 2016



<p>Bibonywe kugira ngo bishyirwe ku mugereka w'Itegeko n° 014/2020 ryo ku wa 07/09/2020 ryemera kwemeza burundu Amasezerano y'Inyongera ku Masezerano Nyafurika y'Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bageze mu Zabukuru muri Afurika yemejwe n'Inama isanzwe ya makumyabiri na gatandatu, yabereye i Addis-Abeba muri Etiyopiya, ku wa 31 Mutarama 2016;</p>	<p>Seen to be annexed to Law n° 014/2020 of 07/09/2020 approving the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa adopted by the twenty sixth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 31 January 2016</p>	<p>Vu pour être annexé à la loi n° 014/2020 du 07/09/2020 approuvant la ratification du Protocole à la Charte Africaine des Droits de l'Homme et des Peuples , relatif aux Droits des Personnes Agées en Afrique adopté par la vingt -sixième session ordinaire de la Conférence, tenue à Addis-Abeba, en Ethiopie, le 31 janvier 2016;</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEGEKO N° 015/2020 RYO KU WA 07/09/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAFITE UBUMUGA MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MIRONGO ITATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 29 MUTARAMA 2018</p>	<p>LAW N° 015/2020 OF 07/09/2020 APPROVING THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH DISABILITY IN AFRICA ADOPTED BY THE THIRTIETH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 29 JANUARY 2018</p>	<p>LOI N° 015/2020 DU 07/09/2020 APPROUVANT LA RATIFICATION DU PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES, RELATIF AUX DROITS DES PERSONNES HANDICAPÉES EN AFRIQUE ADOPTÉ PAR LA TRENTIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, EN ETHIOPIE, LE 29 JANVIER 2018</p>
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<p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p>	<p>We, KAGAME Paul, President of the Republic;</p>	<p>Nous, KAGAME Paul, Président de la République;</p>
<p>INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RITANGAZWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA</p>	<p>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</p>	<p>LE PARLEMENT A ADOPTÉ, ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA</p>
<p>INTEKO ISHINGA AMATEGEKO:</p>	<p>THE PARLIAMENT:</p>	<p>LE PARLEMENT:</p>
<p>Umutwe w'Abadepite, mu nama yawo yo ku wa 22 Nyakanga 2020 ;</p>	<p>The Chamber of Deputies, in its sitting of 22 July 2020;</p>	<p>La Chambre des Députés, en sa séance du 22 juillet 2020;</p>
<p>Sena, mu nama yayo yo ku wa 04 Kanama 2020;</p>	<p>The Senate, in its sitting of 04 August 2020;</p>	<p>Le Sénat, en sa séance du 04 août 2020;</p>

<p>Ishingiyeye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavugururwe mu 2015, cyane cyane mu ngingo zaryo, iya 16, iya 51, iya 64, iya 69, iya 70, iya 85, iya 87, iya 88, iya 90, iya 91, iya 106, iya 120, iya 122, iya 167, iya 168 n'iya 176;</p> <p>Imaze gusuzuma Amasezerano y'Inyongera ku Masezerano Nyafurika y' Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bafite Ubumuga muri Afurika yemejwe n'Inama isanzwe ya mirongo itatu, yabereye i Addis-Abeba, muri Etiyopiya, ku wa 29 Mutarama 2018;</p> <p>YEMEJE:</p> <p><u>Ingingo ya mbere: Kwemera kwemeza burundu</u></p> <p>Amasezerano y'Inyongera ku Masezerano Nyafurika y' Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bafite Ubumuga muri Afurika yemejwe n'Inama isanzwe ya mirongo itatu yabereye i Addis-Abeba, muri Etiyopiya, ku wa 29 Mutarama 2018, ari ku mugereka, yemerewe kwemezwa burundu.</p>	<p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 16, 51, 64, 69, 70, 85, 87, 88, 90, 91, 106, 120, 122, 167, 168 and 176;</p> <p>After consideration of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disability in Africa adopted by the thirtieth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 29 January 2018;</p> <p>ADOPTS:</p> <p><u>Article One: Approval for ratification</u></p> <p>The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disability in Africa adopted by the thirtieth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 29 January 2018, in annex, is approved for ratification.</p>	<p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 16, 51, 64, 69, 70, 85, 87, 88, 90, 91, 106, 120, 122, 167, 168 et 176;</p> <p>Après examen du Protocole à la Charte Africaine des Droits de l'Homme et des Peuples, relatif aux Droits des Personnes Handicapées en Afrique adopté par la trentième session ordinaire de la Conférence, tenue à Addis-Abeba, en Ethiopie, le 29 janvier 2018;</p> <p>ADOPTE:</p> <p><u>Article premier: Approbation pour ratification</u></p> <p>Le Protocole à la Charte Africaine des Droits de l'Homme et des Peuples, relatif aux Droits des Personnes Handicapées en Afrique adopté par la trentième session ordinaire de la Conférence, tenue à Addis-Abeba, en Ethiopie, le 29 janvier 2018, en annexe, est approuvé pour ratification.</p>
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<p><u>Ingingo ya 2: Itegurwa, isuzumwa n’itorwa by’iri tegeko</u></p> <p>Iri tegeko ryateguwe mu rurimi rw’Icyongereza, risuzumwa kandi ritorwa mu rurimi rw’Ikinyarwanda.</p> <p><u>Ingingo ya 3: Igihe iri tegeko ritangira gukurikizwa</u></p> <p>Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.</p>	<p><u>Article 2: Drafting, consideration and adoption of this Law</u></p> <p>This Law was drafted in English, considered and adopted in Ikinyarwanda.</p> <p><u>Article 3: Commencement</u></p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 2: Initiation, examen et adoption de la présente loi</u></p> <p>La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.</p> <p><u>Article 3: Entrée en vigueur</u></p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEGEKO N° 015/2020 RYO KU WA 07/09/2020 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAFITE UBUMUGA MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MIRONGO ITATU YABEREYE I ADDIS-ABEBA, MURI ETIYOPIYA, KU WA 29 MUTARAMA 2018</p>	<p>ANNEX TO LAW N° 015/2020 OF 07/09/2020 APPROVING THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH DISABILITY IN AFRICA ADOPTED BY THE THIRTIETH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 29 JANUARY 2018</p>	<p>ANNEXE À LA LOI N° 015/2020 DU 07/09/2020 APPROUVANT LA RATIFICATION DU PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES, RELATIF AUX DROITS DES PERSONNES HANDICAPÉES EN AFRIQUE ADOPTÉ PAR LA TRENTIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, EN ETHIOPIE, LE 29 JANVIER 2018</p>
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PROTOCOL TO THE AFRICAN CHARTER ON
HUMAN AND PEOPLES' RIGHTS ON THE
RIGHTS OF PERSONS WITH DISABILITY
IN AFRICA

Republic of Rwanda



21 OCT 2019



PROTOCOL TO THE AFRICAN CHARTER ON HUMAN
AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH
DISABILITIES IN AFRICA



Preamble

We, the Heads of State and Government of the Member States of the African Union:

Considering that Article 66 of the African Charter on Human and Peoples' Rights of 27 June 1981 provides that special protocols or agreements, if necessary, may supplement the provisions of the African Charter;

Further considering that Article 18 (4) of the African Charter on Human and Peoples' Rights of 27 June 1981 provides that persons with disabilities shall have the right to special measures of protection in keeping with their physical or moral needs;

Noting that the Constitutive Act of the African Union of 11 July 2000 identifies respect for democratic principles, human rights, the rule of law and good governance as essential principles for the proper functioning of the African Union;

Recognising that the African Union and its agencies as well as States Parties to the African Charter have made various efforts towards ensuring the rights of persons with disabilities;

Noting that Articles 60 and 61 of the African Charter on Human and Peoples' Rights of 27 June 1981 recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as important reference points for the application and interpretation of the African Charter;

Further noting that human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, and that the rights of every individual are recognised in international human rights instruments, including the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 and the International Covenant on Civil and Political Rights of 16 December 1966;

Recalling that the rights of persons with disabilities are affirmed in the Convention on the Rights of Persons with Disabilities of 13 December 2006;

Further recalling that various African Union human rights instruments, including the African Charter on the Rights and Welfare of the Child of 11 July 1990, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 11 July 2003, the African Youth Charter of 2 July 2006, the African Charter on Democracy, Elections and Governance of 30 January 2007, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 23 October 2009, make provisions for the rights of persons with disabilities;

Considering further paragraph 20 of the Kigali Declaration on Human Rights of 8 May 2003, which "calls upon States Parties to develop a Protocol on the protection of the rights of the elderly and persons with disabilities";



Recalling
Ordinary Session

that the Decision 750 (XXII) of the Executive Council of the African Union, Twenty-Second Ordinary Session held in Addis Ababa, Ethiopia, from 21 to 25 January 2013, endorsed



the African Union Disability Architecture (AUDA), of which a Protocol on the Rights of Persons with Disabilities to the African Charter is a central legal pillar;

Acknowledging that persons with disabilities have inherent dignity and individual autonomy including the freedom to make one's own choices;

Cognizant of the importance of full and effective participation and inclusion of persons with disabilities in society;

Recognising the diversity of persons with disabilities;

Appreciating the value of persons with disabilities, including those with high support needs, as full members of society;

Noting that persons with disabilities experience extreme levels of poverty;

Concerned that persons with disabilities continue to experience human rights violations, systemic discrimination, social exclusion and prejudice within political, social and economic spheres;

Gravely concerned by the harmful practices that persons with disabilities often experience;

Alarmed in particular, by the maiming or killing of persons with albinism in many parts of the continent;

Concerned at the multiple forms of discrimination, high levels of poverty and the great risk of violence, exploitation, neglect and abuse that women and girls with disabilities face;

Recognising that families, guardians, caregivers and community play essential roles in the lives of persons with disabilities;

Concerned that adequate effective measures have not been taken to ensure that persons with disabilities may exercise their full rights on an equal basis with others;

Recalling the lack of a substantive binding African normative and institutional framework for ensuring, protecting and promoting the rights of persons with disabilities;

Conscious of the need to establish a firm legal African Union framework as a basis for laws, policies, administrative actions and resources to ensure the rights of persons with disabilities;

Determined that the rights and dignity of persons with disabilities should be promoted, protected to enable them enjoy fully and equally all their human rights and fundamental

freedoms;
Have agreed as follows:



Article 1 Definitions

For the purpose of the present Protocol:

"African Charter" means the African Charter on Human and Peoples' Rights adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Banjul, Gambia, in June, 1981;

"African Commission" means the African Commission on Human and Peoples' Rights established by the African Charter on Human and Peoples' Rights adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Banjul, Gambia, in June, 2000;

"African Court" means the African Court on Human and Peoples' Rights or any successor court including the African Court of Justice and Human Rights established by the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Ouagadougou, Burkina Faso, in June 1998;

"Assembly" means the Assembly of Heads of State and Government of the African Union.

"AU" or "Union" means the African Union established by the Constitutive Act of the African Union adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July, 2000;

"Commission" means the Commission of the African Union;

"Deaf culture" means the way deaf people interact, it includes a set of social beliefs, behaviours, art, literary traditions, history, values, and shared institutions of communities that are influenced by deafness and which use sign languages as the main means of communication.

"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human and people's rights in the political, economic, social, cultural, civil or any other field. Discrimination on the basis of disability shall include denial of reasonable accommodation;

"Habilitation" means inpatient or outpatient health care services such as physical therapy, occupational therapy, speech-language pathology, audiology that address the competencies and abilities needed for optimal functioning to in interaction with their environments: enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social, and vocational ability, full inclusion and participation in all aspects of life;



"Harmful practices" include behaviour, attitudes and practices based on tradition, culture, religion, superstition or other reasons, which negatively affect the human rights and fundamental freedoms of persons with disabilities or perpetuate discrimination;

"Legal capacity" means the ability to hold rights and duties and to exercise those rights and duties;

"Persons with disabilities" include those who have physical, mental, psycho-social, intellectual, neurological, developmental or other sensory impairments which in interaction with environmental, attitudinal or other barriers hinder their full and effective participation in society on an equal basis with others;

"Protocol" means the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa;

"Reasonable accommodation" means necessary and appropriate modifications and adjustments where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human and people's rights;

"Rehabilitation" means inpatient or outpatient health care services such as physical therapy, occupational therapy, speech-language pathology and psychiatric rehabilitation services that help a person keep, restore or improve skills and functioning for daily living and skills related to communication that have been lost or impaired because a person was sick, injured or disabled.

"Ritual killings" means the killing of persons motivated by cultural, religious or superstitious beliefs that the use of a body or a body part has medicinal value, possesses supernatural powers and brings good luck, prosperity and protection to the killer.

"Situations of risks" means any situation that poses grave risk to the general population, including disasters and all forms of armed conflict

"States Parties" mean any Member States of the African Union which have ratified or acceded to this Protocol and deposited the instruments of ratification or accession with the Chairperson of the African Union Commission;

"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design, and shall not exclude assistive devices for particular groups of persons with disabilities where this is needed;

"Youth" means every person between the ages of 15 and 35 years.



Article 2 Purpose

The purpose of this Protocol is to promote, protect and ensure the full and equal enjoyment of all human and people's rights by all persons with disabilities, and to ensure respect for their inherent dignity.

Article 3 General Principles

This Protocol shall be interpreted and applied in accordance with the following general principles:

- a) Ensuring respect for and protection of the inherent dignity, privacy, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b) Non-discrimination;
- c) Full and effective participation and inclusion in society;
- d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e) Equality of opportunity;
- f) Accessibility;
- g) Reasonable accommodation
- h) Equality between men and women;
- i) The best interests of the child
- j) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4 General Obligations

States Parties shall take appropriate and effective measures, including policy, legislative, administrative, institutional and budgetary steps, to ensure, respect, promote, protect and fulfil the rights and dignity of persons with disabilities, without discrimination on the basis of disability, including by:

- a) Adopting appropriate measures for the full and effective implementation of the rights recognised in the present Protocol;

Mainstreaming disability in policies, legislation, development plans, programmes and activities and in all other spheres of life;



- c) Providing in their constitutions and other legislative instruments and taking other measures to modify or abolish existing policies, laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- d) Modifying, outlawing, criminalising or campaigning against, as appropriate, any harmful practice applied to persons with disabilities;
- e) Promoting positive representations and empowerment of persons with disabilities through training and advocacy;
- f) Taking measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise;
- g) Refraining from engaging in any act or practice that is inconsistent with the present Protocol and ensuring that public authorities, institutions and private entities act in conformity with the Protocol;
- h) Providing assistance and support as necessary and appropriate to enable the realisation of the rights set out in the present Protocol;
- i) Putting in place adequate resources, including through budget allocations, to ensure the full implementation of this Protocol;
- j) Ensuring effective participation of persons with disabilities or their representative organisations including women and children with disabilities, in all decision-making processes including in the development and implementation of legislation, policies and administrative processes to this Protocol.
- k) Ensuring, where persons with disabilities are lawfully deprived of any rights or freedoms contained in this protocol that they are on an equal basis with others, entitled to guarantees in accordance with international human rights law and the objects and principles of the present Protocol.

Article 5 Non-discrimination

1. Every person with a disability shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in this Protocol without distinction of any kind on any ground including, race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.
2. States Parties shall:

a) Prohibit discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

b) Take steps to ensure that specific measures, as appropriate, are provided to persons with disabilities in order to eliminate discrimination and such measures shall not be considered discrimination.



- c) Take effective and appropriate measures to protect the parents, children, spouses, other family members closely related to the persons with disabilities, caregivers or intermediaries from discrimination on the basis of their association with persons with disabilities.

**Article 6
Right to Equality**

1. Every person with a disability is equal before the law and has the right to equal protection and benefit of the law.
2. Equality includes the full and equal enjoyment of all human and people's rights.
3. State Parties shall take all appropriate legislative, administrative, budgetary and other measures in order to promote equality for persons with disabilities.

**Article 7
Equal Recognition before the Law**

1. States Parties shall recognise that persons with disabilities are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall take all appropriate and effective measures to ensure that:
 - a) Persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life;
 - b) Non-State actors and other individuals do not violate the right to exercise legal capacity by persons with disabilities;
 - c) Persons with disabilities are provided with effective legal protection and support they may require in enjoying their legal capacity consistent with their rights, will and specific needs;
 - d) Appropriate and effective safeguards are put in place to protect persons with disabilities from abuses that may result from measures that relate to the enjoyment of their legal capacity;
 - e) Policies and laws which have the purpose or effect of limiting or restricting the enjoyment of legal capacity by persons with disabilities are reviewed or repealed;
 - f) Persons with disabilities have the equal right to hold documents of identity and other documents that may enable them to exercise their right to legal capacity;

g) Persons with disabilities have the equal right to own or inherit property and are not arbitrarily dispossessed of their property;



- h) Persons with disabilities have equal rights to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

**Article 8
Right to Life**

1. Every person with a disability has the inherent right to life and integrity.
2. States Parties shall take effective and appropriate measures to ensure:
 - a) Protection, respect for life and the dignity of persons with disabilities, on an equal basis with others;
 - b) That persons with disabilities have access to services, facilities and devices to enable them to live with dignity and to realise fully their right to life.

**Article 9
Right to Liberty and Security of Person**

1. Every person with a disability has the right to liberty and security of person.
2. States Parties shall take appropriate and effective measures to ensure that persons with disabilities, on an equal basis with others:
 - a) Enjoy the right to liberty and security of person and are not deprived of their liberty unlawfully or arbitrarily;
 - b) Are not forcibly confined or otherwise concealed by any person or institution;
 - c) Are protected, both within and outside the home, from all forms of exploitation, violence and abuse.
3. States Parties shall take appropriate measures to prevent deprivation of liberty to persons with disabilities, to prosecute perpetrators of such abuse and to provide effective remedies for the victims.
4. Where persons with disabilities are lawfully deprived of their liberty, States Parties shall ensure that they are on an equal basis with others entitled to guarantees in accordance with international human rights law and the objects and principles of the present Protocol.
5. The existence of a disability or perceived disability shall in no case justify deprivation of liberty.



Article 10

Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment

1. Every person with a disability shall have the right to the respect of his/her inherent dignity and to be free from torture or cruel, Inhuman or degrading treatment, slavery, forced labour or unlawful punishment.
2. States Parties shall take appropriate and effective measures to ensure that persons with disabilities, on an equal basis with others:
 - a) Are not subjected to torture or cruel, inhuman or degrading treatment or punishment;
 - b) Are not subjected without their free, prior and informed consent to medical or scientific experimentation or intervention;
 - c) Are not subjected to sterilisation or any other invasive procedure without their free, prior and informed consent;
 - d) Are protected, both within and outside the home, from all forms of exploitation, violence and abuse.
3. States Parties shall take appropriate measures to prosecute perpetrators of such abuse and to provide remedies for the victims.

Article 11

Harmful Practices

1. States Parties shall take all appropriate measures and offer appropriate support and assistance to victims of harmful practices, including legal sanctions, educational and advocacy campaigns, to eliminate harmful practices perpetrated on persons with disabilities, including witchcraft, abandonment, concealment, ritual killings or the association of disability with omens.
2. States Parties shall take measures to discourage stereotyped views on the capabilities, appearance or behaviour of persons with disabilities, and they shall prohibit the use of derogatory language against persons with disabilities.

Article 12

Situations of Risk

States Parties shall:

- a) Take specific measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, forced-displacements, humanitarian emergencies and natural disasters;

Ensure that persons with disabilities are consulted and participate in all aspects of planning, implementation and monitoring of pre and post conflict reconstruction and rehabilitation.



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Article 13
Right to Access Justice

1. States Parties shall take measures to ensure that persons with disabilities have access to justice on an equal basis with others, including through the provision of procedural, age and gender-appropriate accommodations, in order to facilitate their effective roles as participants in all legal proceedings.
2. States Parties shall take reasonable steps to ensure that customary law processes are inclusive and should not be used to deny persons with disabilities their right to access appropriate and effective justice.
3. All law enforcement and justice personnel shall be trained at all levels to effectively engage with and ensure the rights of persons with disabilities are recognised and implemented without discrimination.
4. States Parties shall ensure legal assistance including legal aid to persons with disabilities.

Article 14
Right to Live in the Community

1. Every person with a disability has the right to live in the community with choices on an equal basis with others.
2. States Parties shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of the right to live in the community, on an equal basis with others, including by ensuring that:
 - a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live;
 - b) Persons with disabilities who require intensive support and their families have adequate and appropriate facilities and services, including caregivers and respite services;
 - c) Persons with disabilities have access to a range of in-home, residential and other community support services necessary to support living and inclusion in the community;
 - d) Persons with disabilities have personal mobility with the greatest possible independence;
 - e) Community-based rehabilitation services are provided in ways that enhance the participation and inclusion of persons with disabilities in the community;

Community living centres organised or established by persons with disabilities are supported to provide training, peer support, personal assistance services and other services to persons with disabilities; and



- g) Community services and facilities for the general population, including health, transportation, housing, water, social and educational services, are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 15 Accessibility

1. Every person with a disability has the right to barrier free access to the physical environment, transportation, information, including communications technologies and systems, and other facilities and services open or provided to the public.
2. States Parties shall take reasonable and progressive step measures to facilitate full enjoyment by persons with disabilities of this right, and such measures shall, among others, apply to:
 - a) Rural and urban settings and shall take account of population diversities;
 - b) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
 - c) Information, communications, sign languages and tactile interpretation services, braille, audio and other services, including electronic services and emergency services;
 - d) Quality and affordable mobility aids, assistive devices or technologies and forms of live assistance and intermediaries; and
 - e) The modification of all inaccessible infrastructure and the universal design of all new infrastructure.

Article 16 Right to Education

1. Every person with a disability has the right to education.
2. States Parties shall ensure to persons with disabilities the right to education on an equal basis with others.
3. States Parties shall take, reasonable, appropriate and effective measures to ensure that inclusive quality education and skills training for persons with disabilities is realised fully, including by:
 - a) Ensuring that persons with disabilities can access free, quality and compulsory basic and secondary education;
 - b) Ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others, including by ensuring the literacy of persons with disabilities above compulsory school age.



- c) Ensuring reasonable accommodation of the Individual's requirements is provided, and that persons with disabilities receive the support required to facilitate their effective education;
 - d) Providing reasonable, progressive and effective individualised support measures in environments that maximise academic and social development, consistent with the goal of full inclusion;
 - e) Ensuring appropriate schooling choices are available to persons with disabilities who may prefer to learn in particular environments;
 - f) Ensuring that persons with disabilities learn life and social development skills to facilitate their full and equal participation in education and as members of the community;
 - g) Ensuring that multi-disciplinary assessments are undertaken to determine appropriate reasonable accommodation and support measures for learners with disabilities, early intervention, regular assessments and certification for learners are undertaken regardless of their disabilities;
 - h) Ensuring educational institutions are equipped with the teaching aids, materials and equipment to support the education of students with disabilities and their specific needs;
 - i) Training education professionals, including persons with disabilities, on how to educate and interact with children with specific learning needs; and
 - j) Facilitating respect, recognition, promotion, preservation and development of sign languages.
4. The education of persons with disabilities shall be directed to:
- a) The full development of human potential, sense of dignity and self-worth;
 - b) The development by persons with disabilities of their personality, talents, skills, professionalism and creativity, as well as their mental and physical abilities, to their fullest potential;
 - c) Educating persons with disabilities in a manner that promotes their participation and inclusion in society; and
 - d) The preservation and strengthening of positive African values.

**Article 17
Right to Health**

1. Every person with a disability has the right to the highest attainable standard of health.



States Parties shall take appropriate and effective measures to ensure persons with disabilities have, on an equal basis with others, access to health services, including sexual and reproductive health, such as by:



- a) Providing persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons;
- b) Providing those health services needed by persons with disabilities specifically because of their disabilities or health services designed to minimise or prevent further disability, the provision of medicines including pain relieving drugs;
- c) Prohibiting discrimination against persons with disabilities by providers of health services or providers of insurance;
- d) Ensuring that all health services are provided on the basis of free, prior and informed consent;
- e) Providing persons with disabilities with health-care in the community;
- f) Ensuring that health-care services are provided using accessible formats and that communication between service providers and persons with disabilities is effective;
- g) Ensuring that persons with disabilities are provided with support in making health decisions, when needed;
- h) Ensuring that health campaigns include disability specific needs, but in a manner which does not stigmatise persons with disabilities, and designing services to minimise and prevent further disability; and
- i) Ensuring that the training of health-care providers takes account of the disability specific needs and rights of persons with disabilities, and ensuring that formal and informal health services do not violate the rights of persons with disabilities.

Article 18 Habilitation and Rehabilitation

States Parties shall take effective and appropriate measures, including peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability; and full inclusion and participation in all aspects of life, including by:

- a) Organising, strengthening and extending comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services;
- b) Promoting the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services;



Promoting the availability, knowledge and use of appropriate, suitable and affordable assistive devices and technologies;

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- d) Supporting the design, development, production, distribution and servicing of assistive devices and equipment for persons with disabilities, adapted to local conditions;
- e) Developing, adopting and implementing standards, including regulations on accessibility and universal design, suitable to local conditions.

Article 19
Right to Work

1. Every person with a disability has the right to decent work, to just and favourable conditions of work, to protection against unemployment, to protection against exploitation and to protection from forced or compulsory labour.
2. States Parties shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right on an equal basis with others, including by:
 - a) Prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment, including employment opportunities, vocational training, conditions of recruitment, hiring and employment, continuance of employment, promotion, career advancement, and safe and healthy working conditions;
 - b) Protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work and the right by persons with disabilities to exercise their labour and trade union rights;
 - c) Promoting opportunities for persons with disabilities to initiate self-employment, entrepreneurship and to access financial services;
 - d) Employing persons with disabilities in the public sector, including by reserving and enforcing minimum job-quotas for employees with disabilities;
 - e) Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, including through the use of specific measures such as tax incentives;
 - f) Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;
 - g) Ensuring that employees with disabilities or those who become disabled are not unfairly dismissed from employment on the basis of their disability.
3. States Parties shall take legislative, administrative and budgetary measures to ensure that the principle of equal pay for equal work is not used to undermine the right to work for persons with disabilities.



States Parties shall take appropriate measures to recognise the social and cultural value of the work of persons with disabilities.



Article 20
Right to Adequate Standard of Living

1. Persons with disabilities have the right to an adequate standard of living for themselves and their families, including adequate food, access to safe drinking water, housing, sanitation and clothing, to the continuous improvement of living conditions and to social protection.
2. States Parties shall take appropriate and effective measures to facilitate full enjoyment by persons with disabilities of this right, on the basis of equality, including by:
 - a) Ensuring that persons with disabilities shall access appropriate and affordable services, devices and other assistance for disability-related needs, including accessible housing and other social amenities, mobility aids and caregivers;
 - b) Ensuring access by persons with disabilities to social protection programmes;
 - c) Putting financial measures in place to cover disability-related expenses, including through the use of tax exemptions or concessions, cash-transfers, duty waivers and other subsidies; and
 - d) Facilitating provision of assistance, including interpreters, guides, auxiliary and augmentative supporters and caregivers, while respecting the rights, will and preferences of persons with disabilities.

Article 21
Right to Participate in Political and Public Life

1. Every person with a disability has the right to participate in political and public life.
2. States Parties shall take all appropriate policy, legislative and other measures to ensure this right, on the basis of equality, including through:
 - a) Undertaking or facilitating systematic and comprehensive civic education to encourage full participation of persons with disabilities in democracy and development processes, including by ensuring civic and voter education materials are available in accessible formats;
 - b) Encouraging the effective participation of persons with disabilities in political and public life including as members of political parties, electors and holders of political and public offices in accordance with national laws;



Putting in place reasonable accommodation and other support measures consistent with the secrecy of the ballot, including as appropriate, by ensuring accessibility to polling stations and facilitating assisted voting for persons with disabilities to enable their effective participation in political and public life in accordance with national laws;



- d) Realising increased and effective representation and participation of persons with disabilities on an equitable basis as members of regional, sub-regional, national and local legislative bodies;
- e) Repealing or amending laws that on the basis of disability restrict the right of persons with disabilities to vote, stand for or remain in public office.

Article 22
Self-representation

States Parties shall recognise and facilitate the right of persons with disabilities to represent themselves in all spheres of life, including by promoting an environment that enables persons with disabilities to:

- a) Form and participate in the activities of organisations of and for persons with disabilities at national, regional and international levels;
- b) To build relationships and networks at national, regional and international levels;
- c) Form and participate in the activities of nongovernmental organisations and other associations;
- d) Effectively advocate for their rights and inclusion in their societies;
- e) Gain and enhance capacities, knowledge and skills for effectively articulating and engaging in issues of disability, including through direct collaboration with organisations for persons with disabilities and academic institutions and other organisations;
- f) Be actively consulted and involved in the development and implementation of all legislation, policies, programmes and budgets that impact persons with disabilities.

Article 23
Right to Freedom of Expression and opinion

1. Every person with a disability has the right to freedom of expression and opinion including the freedom to seek, receive and impart information and ideas through all forms of communication of their choice.
2. States Parties shall take policy, legislative, administrative and other measures to ensure that persons with disabilities can exercise these rights, on an equal basis with others.

Article 24
Access to Information

Every person with a disability has the right to access information.



2. States Parties shall take policy, legislative, administrative and other measures to ensure that persons with disabilities can exercise these rights, on the basis of equality, including by:
 - a) Providing information intended for the general public as well as information required for official interactions to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner, and without additional cost to persons with disabilities;
 - b) Requiring private entities that provide services to the general public, including through print and electronic media, to provide information and services in accessible and usable formats for persons with disabilities;
 - c) Recognising and promoting the use of sign languages and deaf culture; and
 - d) Ensuring that persons with visual impairments or with other print disabilities have effective access to published works including by using information and communication technologies.

Article 25

Right to Participate in Sports, Recreation and Culture

1. Every person with a disability has the right to participate in sports, recreation and cultural activities.
2. States Parties shall take effective and appropriate policy, legislative, budgetary, administrative and other measures to ensure this right, on the basis of equality, including through:
 - a) Ensuring that persons with disabilities have access to sports, recreational and cultural services and facilities, including access to stadiums and other sporting facilities, theatres, monuments, entertainment establishments, museums, libraries and other historical sites;
 - b) Encouraging and promoting the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
 - c) Promoting disability-specific sporting and recreational activities and ensuring provision of appropriate infrastructure;
 - d) Facilitating funding, research and other measures aimed at promoting the participation of persons with disabilities both in disability-specific and mainstream sporting and recreational activities;
 - e) Enabling children with disabilities to participate in play within the learning environment;

Facilitating access to audio, video, print and media technologies and services including theatre, television, film and other cultural performances and activities;



- g) Discouraging negative representations and stereotyping of persons with disabilities in both traditional and modern cultural activities and through the media;
- h) Encouraging and supporting creativity and talent among persons with disabilities for their own and the society's benefit;
- i) Putting in place measures to mitigate barriers that hinder access to cultural materials in accessible formats; and
- j) Recognising and supporting the cultural and linguistic identities of persons with disabilities, including deaf-blind and deaf culture, and sign languages.

Article 26
Right to Family

1. Everyone with a disability has a right to marry and form a family with their full, prior and informed consent.
2. States Parties shall take all necessary and appropriate measures to eliminate discrimination against persons with disabilities including negative stereotypes in all matters with regard to family, marriage, parenthood, guardianship, adoption and relationships, on an equal basis with others, in order to ensure that:
 - a) Persons with disabilities may decide on the number and spacing of their children, and have access to family planning, and sexual and reproductive health education and services;
 - b) Persons with disabilities have the right to keep their children and not be deprived of their children on account of their disability.

Article 27
Women and Girls with Disabilities

States Parties shall ensure that women and girls with disabilities have full enjoyment of human and people's rights on an equal basis with other persons, including by ensuring that:

- a) Women and girls with disabilities participate in social, economic and political decision-making and activities;
- b) Barriers that hinder the participation of women with disabilities in society are eliminated;
- c) Women with disabilities are included in mainstream women's organisations and programmes;
- d) Women and girls with disabilities are protected from discrimination based on disability and enjoy the right to be treated with dignity;
- e) Women with disabilities access information, communication and technology.



- f) Women with disabilities have access to employment and to professional and vocational training;
- g) Programmes to overcome social and economic isolation and removing systemic barriers in the labour market for women with disabilities are developed;
- h) Women with disabilities have access to income generating opportunities and credit facilities;
- i) Specific measures are developed and implemented to facilitate full and equal participation for women and girls with disabilities in sports, culture and technology;
- j) Women with disabilities are protected from sexual and gender based violence and are provided with rehabilitation and psychosocial support against sexual and gender based violence;
- k) The sexual and reproductive health rights of women with disabilities are guaranteed, and women with disabilities have the right to retain and control their fertility; and are not sterilised without their consent;
- l) Disability inclusive Gender perspectives are integrated in policies, legislation, plans, programmes, budgets and activities in all spheres that affect women with disabilities.

Article 28
Children with Disabilities

1. States Parties shall ensure that Children with disabilities have full enjoyment of human and people's rights on an equal basis with other children.
2. States Parties shall respect and promote the right of children with disabilities, in particular, their right to preserve their identities and to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
3. States Parties shall ensure that the best interests of the child are the primary consideration in all actions undertaken by any person or authority concerning children with disabilities.
4. States Parties shall ensure the rights and welfare of children with disabilities by taking policy, legislative and other measures aimed at:
 - a) Ensuring children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children;



Providing children with disabilities, disability, age and gender appropriate assistance to realise their rights;



- c) Ensuring the life, survival, protection and development of children with disabilities;
- d) Ensuring children with disabilities have a name, a nationality and that they are registered immediately after birth;
- e) Ensuring children with disabilities are not abducted, sold or trafficked for any purpose or in any form for, sexual exploitation, child labour harvesting organs;
- f) Ensuring that children with disabilities are protected from all forms of sexual exploitation, abuse and forced labour;
- g) Protecting children from being separated from their parents, caregivers and guardians merely on the basis that either the children or their parents have a disability;
- h) Taking specific measures to protect children with disabilities who require more intensive support;
- i) Ensuring children with disabilities have effective access to education, training and recreational opportunities in settings most conducive for them to achieve the fullest possible social inclusion, individual development and cultural and moral development;
- j) Fostering in all children from an early age an attitude of respect for the rights of persons with disabilities;
- k) Protecting children with disabilities from exploitation, violence and abuse within family, institutional and other settings;
- l) Ensuring that under no circumstances may children on account of their disabilities be sterilised.

Article 29
Youth with Disabilities

1. States Parties shall ensure that Youth with disabilities have full enjoyment of human and peoples' rights on an equal basis with other youth.
2. States Parties shall take policy, legislative, administrative and other measures to ensure that all the rights of youth with disabilities are fully respected, including by:
 - a) Promoting full, inclusive and accessible education for youth with disabilities;
 - b) Promoting the inclusion of youth with disabilities in mainstream youth organisations, programmes, including training for leadership and governance skills for their participation at national, regional and international levels;
 - c) Removing barriers that hinder or discriminate against the participation of youth with disabilities in society;



- d) Promoting training and access to information, communication and technology for youth with disabilities;
- e) Developing programmes to overcome social and economic isolation, and removing systemic barriers in the labour market for youth with disabilities;
- f) Ensuring access to credit facilities for youth with disabilities;
- g) Developing and implementing specific measures to facilitate full and equal participation of youth with disabilities in sports, culture, science and technology;
- h) Promoting sexual and reproductive health education for youth with disabilities;
- i) Promoting the participation of youth with disabilities in political decision-making and activities.

Article 30
Older Persons with Disabilities

1. State Parties shall ensure that older persons with disabilities have full enjoyment of human and peoples' rights on an equal basis with other older persons.
2. States Parties shall ensure that all the rights of older persons with disabilities are fully protected by taking policy, legislative and other measures, including for:
 - a) Ensuring that older persons with disabilities, on an equal basis with others, access social protection programmes;
 - b) Taking account of age and gender-related aspects of disability in programming and resourcing in accordance with the present Protocol;
 - c) Ensuring that older persons with disabilities exercise their legal capacity on an equal basis with others, and that appropriate measures and safeguards are put in place to provide older persons with all the support they may require to exercise their legal capacity;
 - d) Ensuring that older persons with disabilities have access to appropriate services that respond to their needs within the community;
 - e) Ensuring that older persons with disabilities are protected from neglect, violence, including violence on the basis of accusations or perceptions of witchcraft;
 - f) Ensuring that older persons with disabilities have access to appropriate sexual and reproductive health information and services.

Article 31
Duties of Persons with Disabilities

States Parties shall recognise that persons with disabilities have duties on an equal basis with other persons as elaborated in the African Charter.



2. States Parties shall ensure that persons with disabilities are rendered the forms of assistance and support, including reasonable accommodations, which they may require in performance of such duties.

Article 32
Statistics, Data and Other Surveys

States Parties shall ensure the systematic collection, analysis, storage and dissemination of national statistics and data covering disability to facilitate the protection and promotion of the rights of persons with disabilities. Towards this end, States Parties shall:

- a) Disaggregate statistics and data, as appropriate, on the basis of disability, gender, age and other relevant variables, including by ensuring that national population census and other survey captures data on disability;
- b) Disseminate statistics and data in forms accessible to all persons including persons with disabilities;
- c) Ensure that the collection, analysis, storage and dissemination of statistics and data on persons with disabilities comply with acceptable ethical, confidentiality and privacy standards.
- d) Ensure effective involvement and participation of Persons with Disabilities in the design, collection and dissemination of data.

Article 33
Cooperation

States Parties shall:

- a) Cooperate at the international, Continental, sub-regional and bilateral levels on capacity-building on issues of persons with disabilities, including by sharing research, technical, human and financial resources, information and good practices to support implementation of this Protocol;
- b) Ensure that regional and sub-regional cooperation programmes and institutions support the implementation of this Protocol and are accessible to Persons with Disabilities;
- c) Ensure full and effective participation of persons with disabilities in the implementation and monitoring of this Protocol.
- d) Support the African Union Commission to set up an Advisory Council on Disability [as an *ad hoc*] mechanism to facilitate the implementation and follow up of the continental policies and plans on disability.



**Article 34
Implementation**

1. States Parties shall ensure the implementation of this Protocol, and shall indicate in their periodic reports submitted to the African Commission in accordance with Article 62 of the African Charter, the legislative and other measures undertaken for the full realisation of the rights recognized in this Protocol.
2. States Parties shall establish or designate national mechanisms, including independent national institutions, to monitor the implementation of the rights of persons with disabilities.
3. In the implementation of this Protocol, the African Commission shall have the mandate to interpret the provisions of the Protocol in accordance with the African Charter.
4. The African Commission may refer matters of interpretation and enforcement or any dispute arising from the application or implementation of this Protocol to the African Court on Human and Peoples' Rights.
5. In accordance with Articles 5 and 34(6) of the Protocol Establishing the Africa Court, the African Court on Human and Peoples' Rights shall have the mandate to hear disputes arising from the application or implementation of this Protocol.

**Article 35
Popularization of the Protocol**

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Protocol in accordance with the relevant provisions and procedures of their respective constitutions.

**Article 36
Safeguard Clause**

1. No provision in this Protocol shall be interpreted as derogating from the principles and values contained in other relevant instruments for the realisation of the rights of Persons with Disabilities in Africa.
2. In the event of a contradiction between two or more provisions of this Protocol, the interpretation which favours the rights of Persons with Disabilities and protects their legitimate interests shall prevail.

**Article 37
Signature, Ratification and Accession**

This Protocol shall be open to Member States of the Union for signature, ratification or accession.



2. The instrument of ratification or accession to the present Protocol shall be deposited with the Chairperson of the Commission who shall notify all Member States of the dates of the deposit of the instruments of ratification or accession.

Article 38
Entry into force

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification by a Member State.
2. The Chairperson of the Commission shall notify all Member States of the African Union of the entry into force of the present Protocol.
3. For any Member State of the African Union acceding to the present Protocol, the Protocol shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 39
Reservations

1. A State Party may, when, ratifying or acceding to this Protocol, submit in writing a reservation with respect to any of the provisions of this Protocol. Reservation shall not be incompatible with the object and purpose of this Protocol.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 40
Depositary

This Protocol shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Protocol to the Government of each signatory State.

Article 41
Registration

The Chairperson of the Commission upon the entry into force of this Protocol shall register this Protocol with the United Nations Secretary General in conformity with Article 102 of the Protocol of the United Nations.

Article 42
Withdrawal

At any time after three years from the date of entry into force of this Protocol, a State Party may withdraw by giving written notification to the Depositary.



2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

Article 43
Amendment and Revision

1. Any State Party may submit proposal(s) for the amendment or revision of this Protocol. Such proposal(s) shall be adopted by the Assembly.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit such proposals to the Assembly at least six months before the meeting at which it shall be considered for adoption.
3. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority.
4. The amendment or revision shall enter into force in accordance the procedures outlined in Article 26 of this Protocol.

Article 44
Authentic Texts

This Protocol is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has signed this Protocol.

ADOPTED BY THE THIRTIETH ORDINARY SESSION OF THE ASSEMBLY,
HELD IN ADDIS ABABA, ETHIOPIA ON 29 JANUARY 2018



<p>Bibonywe kugira ngo bishyirwe ku mugereka w'Itegeko n° 015/2020 ryo ku wa 07/09/2020 ryemera kwemeza burundu Amasezerano y'Inyongera ku Masezerano Nyafurika y'Ubugenzira bwa Muntu n'ubw'Abaturage yerekeye Ubugenzira bw'Abantu bafite Ubumuga muri Afurika yemejwe n'Inama isanzwe ya mirongo itatu yabereye i Addis-Abeba, muri Etiyopiya, ku wa 29 Mutarama 2018</p>	<p>Seen to be annexed to Law n° 015/2020 of 07/09/2020 approving the ratification of the Protocol to the African Charter on Human and Peoples ' Rights on the Rights of Persons with Disability in Africa adopted by the thirtieth ordinary session of the Assembly , held in Addis Ababa, Ethiopia, on 29 January 2018</p>	<p>Vu pour être annexé à la Loi n° 015/2020 du 07/09/2020 approuvant la ratification du Protocole à la Charte Africaine des Droits de l 'Homme et des Peuples, relatif aux Droits des Personnes Handicapées en Afrique adopté par la trentième session ordinaire de la Conférence, tenue à Addis-Abeba, en Ethiopie , le 29 janvier 2018</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEGEKO N° 016/2020 RYO KU WA 07/09/2020 RIHINDURA ITEGEKO N° 03/2015 RYO KU WA 02/03/2015 RIGENGA IMITUNGANYIRIZE Y'UBWISUNGANE MU KWIVUZA</p>	<p>LAW N° 016/2020 OF 07/09/2020 AMENDING LAW N° 03/2015 OF 02/03/2015 GOVERNING THE ORGANISATION OF THE COMMUNITY-BASED HEALTH INSURANCE SCHEME</p>	<p>LOI N° 016/2020 DU 07/09/2020 PORTANT MODIFICATION DE LA LOI N° 03/2015 DU 02/03/2015 PORTANT ORGANISATION DU RÉGIME DES MUTUELLES DE SANTÉ</p>
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<p>ITEGEKO N° 016/2020 RYO KU WA 07/09/2020 RIHINDURA ITEGEKO N° 03/2015 RYO KU WA 02/03/2015 RIGENGA IMITUNGANYIRIZE Y'UBWISUNGANE MU KWIVUZA</p> <p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p> <p>INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RITANGAZWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA</p> <p>INTEKO ISHINGA AMATEGEKO:</p> <p>Umutwe w'Abadepite, mu nama yawo yo ku wa 05 Kanama 2020;</p> <p>Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 21, iya 45, iya 64, iya 69, iya 70, iya 88, iya 90, iya 91, iya 106, iya 120, iya 122 n'iya 176;</p> <p>Isubiye ku Itegeko N° 03/2015 ryo ku wa 02/03/2015 rigenga imitunganyirize</p>	<p>LAW N° 016 /2020 OF 07 /09 /2020 AMENDING LAW N° 03/2015 OF 02/03/2015 GOVERNING THE ORGANISATION OF THE COMMUNITY -BASED HEALTH INSURANCE SCHEME</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>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</p> <p>THE PARLIAMENT:</p> <p>The Chamber of Deputies, in its sitting of 05 August 2020;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 21, 45, 64, 69, 70, 88, 90, 91, 106, 120, 122 and 176;</p> <p>Having reviewed Law N° 03/2015 of 02/03/2015 governing the organisation of the community-based health insurance scheme as amended to date;</p>	<p>LOI N° 016/2020 DU 07/09/2020 PORTANT MODIFICATION DE LA LOI N° 03/2015 DU 02/03/2015 PORTANT ORGANISATION DU RÉGIME DES MUTUELLES DE SANTÉ</p> <p>Nous, KAGAME Paul, Président de la République;</p> <p>LE PARLEMENT A ADOPTÉ ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA</p> <p>LE PARLEMENT:</p> <p>La Chambre des Députés, en sa séance du 05 août 2020;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 21, 45, 64, 69, 70, 88, 90, 91, 106, 120, 122 et 176;</p> <p>Revu la loi N° 03/2015 du 02/03/2015 portant organisation du régime des mutuelles de santé telle que modifiée à ce jour;</p>
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<p>y'ubwisungane mu kwivuza nk'uko ryahinduwe kugeza ubu;</p> <p>YEMEJE:</p> <p><u>Ingingo ya mbere:</u> Igihe kuba umunyamuryango bitangirira</p> <p>Ingingo ya 5 y'Itegeko N° 03/2015 ryo ku wa 02/03/2015 rigenga imitunganyirize y'ubwisungane mu kwivuza nk'uko ryahinduwe kugeza ubu ihinduwe ku buryo bukurikira:</p> <p>“ Kuba umunyamuryango bitangira igihe buri muntu mu bagize urugo amaze gutanga cyangwa gutangirwa umusanzu usabwa.</p> <p>Icyakora, umuntu uri mu rugo rumaze gutanga cyangwa gutangirwa nibura mirongo irindwi na gatanu ku ijana (75%) by'umusanzu usabwa afatwa nk'umunyamuryango.</p> <p>Abagize urugo bavugwa mu gika cya mbere cy'iyi ngingo bagizwe na bene urugo n'undi muntu wese ubana na bo ku buryo buhoraho.</p>	<p>ADOPTS:</p> <p><u>Article One:</u> Commencement of membership</p> <p>Article 5 of Law N° 03/2015 of 02/03/2015 governing the organisation of the community-based health insurance scheme as amended to date is amended as follows:</p> <p>“Membership is effective as of the time when each household member has, personally or through a third party, paid the required contribution.</p> <p>However, a member of household that has, on its own or through a third party, paid at least seventy five percent (75%) of the required contribution is considered as a member.</p> <p>Members of the household referred to in Paragraph One of this Article include the family members and any other person permanently residing with them.</p>	<p>ADOPTÉ:</p> <p><u>Article premier:</u> Début d'affiliation</p> <p>L'article 5 de la loi N° 03/2015 du 02/03/2015 portant organisation du régime des mutuelles de santé telle que modifiée à ce jour est modifié comme suit:</p> <p>« La qualité d'affilié commence aussitôt que chaque membre du ménage paye, personnellement ou par le biais d'un tiers, la cotisation requise.</p> <p>Toutefois, un membre du ménage ayant payé, lui-même ou par le biais d'un tiers, au moins soixante-quinze pour cent (75%) de la cotisation requise est réputé affilié.</p> <p>Les membres du ménage visés à l'alinéa premier du présent article comprennent les membres de famille ainsi que toute autre personne vivant de façon permanente avec eux.</p>
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<p>Iyo umwe mu bari bagize urugo ufite nibura imyaka cumi n’umunani (18) y’amavuko aruvuyemo, abarurirwa mu rugo agiyemo cyangwa akabarurwa ku giti cye.”</p> <p><u>Ingingo ya 2: Itangira n’irangira ryo kwivuriza ku musanzu w’ubwisungane mu kwivuza</u></p> <p>Ingingo ya 8 y’Itegeko N° 03/2015 ryo ku wa 02/03/2015 rigenga imitunganyirize y’ubwisungane mu kwivuza nk’uko ryahinduwe kugeza ubu ihinduwe ku buryo bukurikira:</p> <p>“Umwaka w’ubwisungane mu kwivuza utangira ku itariki ya mbere Nyakanga ukarangira ku itariki ya 30 Kamena y’umwaka ukurikira.</p> <p>Umunyamuryango avugurura ubwishingizi bwe mbere y’uko umwaka w’ubwisungane mu kwivuza urangira.</p> <p>Abagize urugo batanze cyangwa batangiwe umusanzu usabwa bahita bagira uburenganzira bwo kwivuza.</p> <p>Icyakora, abagize urugo bamaze gutanga cyangwa gutangirwa nibura mirongo irindwi</p>	<p>When a household member aged at least eighteen (18) years leaves the household, he or she is considered as a member of the receiving household or as a member on his or her own.”</p> <p><u>Article 2: Validity of contribution to the community-based health insurance scheme</u></p> <p>Article 8 of Law N° 03/2015 of 02/03/2015 governing the organisation of the community-based health insurance scheme as amended to date is amended as follows:</p> <p>“The community-based health insurance scheme year commences on first July and ends on 30th June of the following year.</p> <p>A member renews his or her insurance before the community-based health insurance scheme year ends.</p> <p>Household members who have, personally or through a third party, paid the required contribution directly start benefiting from medical care services.</p> <p>However, household members who have, personally or through a third party, paid at</p>	<p>Lorsqu’un membre du ménage âgé d’au moins dix-huit (18) ans quitte le ménage, il est considéré comme appartenant au ménage hôte ou comme un membre à titre individuel. »</p> <p><u>Article 2: Validité de la cotisation au régime des mutuelles de santé</u></p> <p>L’article 8 de la loi N° 03/2015 du 02/03/2015 portant organisation du régime des mutuelles de santé telle que modifiée à ce jour est modifié comme suit:</p> <p>« L’année du régime des mutuelles de santé commence le premier juillet et expire le 30 juin de l’année suivante.</p> <p>L’affilié renouvelle son assurance avant la fin de l’année du régime des mutuelles de santé.</p> <p>Les membres du ménage ayant payé, personnellement ou par le biais d’un tiers, la cotisation requise commencent directement à bénéficier des soins médicaux.</p> <p>Toutefois, les membres du ménage ayant payé, personnellement ou par le biais d’un tiers, au</p>
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<p>na gatanu ku ijana (75%) by'umusanzu usabwa bahita bagira uburenganzira bwo kwivuzwa.</p> <p>Ubu burenganzira burangira ku itariki ya 31 Ukuboza, mu gihe abagize urugo bafashyuye igice cy'umusanzu cyari gisigaye kugira ngo buzuzwe umusanzu usabwa.</p> <p>Umwana ukivuka ahita agira uburenganzira bwo kwivuriza ku musanzu w'umubyeyi we kugeza agize amezi atatu (3) y'amavuko. Umwana urengeje amezi atatu (3) y'amavuko yivuriza ku musanzu we kandi utangwa mbere y'uko icyo gihe kirangira.”</p> <p><u>Ingingo ya 3: Aho umutungo ugenewe ubwisungane mu kwivuzwa uturuka</u></p> <p>Ingingo ya 15 y'Itegeko N° 03/2015 ryo ku wa 02/03/2015 rigenga imitunganyirize y'ubwisungane mu kwivuzwa nk'uko ryahinduwe kugeza ubu ihinduwe ku buryo bukurikira:</p> <p>“Umutungo ugenewe ubwisungane mu kwivuzwa uturuka aha hakurikira:</p>	<p>least least seventy five percent (75%) of the required contribution directly start benefiting from medical care services.</p> <p>This right to benefit from medical care services elapses where household members have not paid the balance of the contribution due by 31st December.</p> <p>A new-born child directly benefits from medical care services covered by his or her parent's contribution until he or she is aged three (3) months. A child aged more than three (3) months benefits from medical care services based on his or her own contribution which is paid before expiration of such period.”</p> <p><u>Article 3: Property intended for the community-based health insurance scheme</u></p> <p>Article 15 of Law N° 03/2015 of 02/03/2015 governing the organisation of the community-based health insurance scheme as amended to date is amended as follows:</p> <p>“The property intended for the community-based health insurance scheme comes from the following sources:</p>	<p>moins soixante-quinze pour cent (75%) de la cotisation requise commencent directement à bénéficier des soins médicaux.</p> <p>Ce droit d'accès aux soins médicaux prend fin le 31 décembre, au cas où les membres du ménage n'ont pas payé le solde de la cotisation due.</p> <p>Un nouveau-né bénéficie directement des soins médicaux couverts par la cotisation de ses parents jusqu'à ce qu'il atteigne l'âge de trois (3) mois. Un enfant âgé de plus de trois (3) mois bénéficie des soins médicaux sur base de sa cotisation qui est payée avant l'expiration de cette période. »</p> <p><u>Article 3: Source du patrimoine destiné au régime des mutuelles de santé</u></p> <p>L'article 15 de la loi N° 03/2015 du 02/03/2015 portant organisation du régime des mutuelles de santé telle que modifiée à ce jour est modifié comme suit:</p> <p>« Le patrimoine destiné au régime des mutuelles de santé provient de sources suivantes:</p>
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<p>1 ° umusanzu w’abanyamuryango;</p> <p>2 ° inkunga itangwa na Leta;</p> <p>3 ° inkunga ituruka mu bigo bitanga ubwishingizi bw’indwara;</p> <p>4 ° impano, inkunga n’indagano.</p> <p>Leta ikora ku buryo ubwisungane mu kwivuzza buhorana umutungo uhagije kugira ngo bukomeze gukora neza ibinyujije mu isuzuma rya buri mwaka.</p> <p>Iteka rya Minisitiri w’Intebe rigena inkunga zitangwa mu bwisungane mu kwivuzza. Rishobora kandi kugena izindi nkomoko z’umutungo ugenewe ubwisungane mu kwivuzza, ingano y’inkunga ziva kuri izo nkomoko n’uburyo zishyikirizwa ubwisungane mu kwivuzza.”</p> <p><u>Ingingo ya 4: Itegurwa, isuzumwa n’itorwa by’iri tegeko</u></p> <p>Iri tegeko ryateguwe, risuzumwa kandi ritorwa mu rurimi rw’Ikinyarwanda.</p>	<p>1 ° members’ contributions;</p> <p>2 ° Government contributions;</p> <p>3 ° contributions from health insurance entities;</p> <p>4 ° donations, grants and bequests.</p> <p>The Government ensures the availability of sufficient funds for the effective functioning of the community-based health insurance scheme through an annual assessment.</p> <p>A Prime Minister’s Order determines the contributions to the community-based health insurance scheme. It may also determine other sources of property intended for the community-based health insurance scheme, the amount of contributions from these sources and modalities of their deposit to the community-based health insurance scheme.”</p> <p><u>Article 4: Drafting, consideration and adoption of this Law</u></p> <p>This Law was drafted, considered and adopted in Ikinyarwanda.</p>	<p>1 ° les cotisations des affiliés;</p> <p>2 ° les contributions de l’État;</p> <p>3 ° les contributions provenant des entités d’assurance maladie;</p> <p>4 ° les dons, aides et legs.</p> <p>L’État veille à la disponibilité de la liquidité suffisante pour le bon fonctionnement du régime des mutuelles de santé par voie d’ une évaluation annuelle.</p> <p>Un arrêté du Premier Ministre détermine les contributions au régime des mutuelles de santé. Il peut également déterminer d’autres sources du patrimoine destiné au régime des mutuelles de santé, le montant de contributions provenant de ces sources et les modalités de leur versement au régime des mutuelles de santé. »</p> <p><u>Article 4: Initiation, examen et adoption de la présente loi</u></p> <p>La présente loi a été initiée, examinée et adoptée en Ikinyarwanda.</p>
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<p><u>Ingingo ya 5: Ivanwaho ry'ingingo z'amategeko zinyuranyije n'iri tegeko</u></p> <p>Ingingo zose z'amategeko abanziriza iri kandi zinyuranyije na ryo zivanyweho.</p> <p><u>Ingingo ya 6: Igihe iri tegeko ritangira gukurikizwa</u></p> <p>Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p>	<p><u>Article 5: Repealing provision</u></p> <p>All prior legal provisions contrary to this Law are repealed.</p> <p><u>Article 6: Commencement</u></p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 5: Disposition abrogatoire</u></p> <p>Toutes les dispositions légales antérieures contraires à la présente loi sont abrogées.</p> <p><u>Article 6: Entrée en vigueur</u></p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, on 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République :**

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta
Minister of Justice/Attorney General
Ministre de la Justice/Garde des Sceaux

<p>ITEKA RYA PEREZIDA N° 084/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y’U RWANDA N’UBWAMI BWA MAROC KU BUFATANYE MU BUTABERA MPANABYAHA, YAKOREWE I RABAT, KU WA 19 WERURWE 2019</p> <p style="text-align: center;"><u>ISHAKIRO</u></p> <p><u>Ingingo ya mbere:</u> Kwemeza burundu</p> <p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p> <p><u>Ingingo ya 3:</u> Igihe iri teka ritangirira gukurikizwa</p>	<p>PRESIDENTIAL ORDER N° 084/01 OF 07/09/2020 RATIFYING THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON MUTUAL JUDICIAL ASSISTANCE IN CRIMINAL MATTERS DONE IN RABAT, ON 19 MARCH 2019</p> <p style="text-align: center;"><u>TABLE OF CONTENTS</u></p> <p><u>Article One:</u> Ratification</p> <p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p> <p><u>Article 3:</u> Commencement</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 084/01 DU 07/09/2020 RATIFIANT L’ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L’ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE FAIT À RABAT, LE 19 MARS 2019</p> <p style="text-align: center;"><u>TABLE DES MATIÈRES</u></p> <p><u>Article premier:</u> Ratification</p> <p><u>Article 2:</u> Autorités chargées de l’exécution du présent arrêté</p> <p><u>Article 3:</u> Entrée en vigueur</p>
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<p>ITEKA RYA PEREZIDA N° 084/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y’U RWANDA N’UBWAMI BWA MAROC KU BUFATANYE MU BUTABERA MPANABYAHA YAKOREWE I RABAT, KU WA 19 WERURWE 2019</p> <p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p> <p>Dushingiye ku Itegeko Nshinga rya Repubulika y’u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167, iya 168 n’iya 176;</p> <p>Dushingiye ku Itegeko n° 07 bis/2020 ryo ku wa 07/08/2020 ryemera kwemeza burundu Amasezerano hagati ya Repubulika y’u Rwanda n’Ubwami bwa <i>Maroc</i> ku bufatanye mu butabera mpanabyaha yashyiriweho umukono i <i>Rabat</i> muri <i>Maroc</i>, ku wa 19 Werurwe 2019;</p> <p>Tumaze kubona Amasezerano hagati ya Repubulika y’u Rwanda n’Ubwami bwa <i>Maroc</i> ku bufatanye mu butabera</p>	<p>PRESIDENTIAL ORDER N° 084/01 OF 07/09/2020 RATIFYING THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON MUTUAL JUDICIAL ASSISTANCE IN CRIMINAL MATTERS DONE IN RABAT, ON 19 MARCH 2019</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;</p> <p>Pursuant to Law n° 07 bis/2020 of 07/08/2020 approving ratification of the Agreement between the Republic of Rwanda and the Kingdom of Morocco on Mutual Judicial Assistance in Criminal Matters signed in Rabat, Morocco, on 19 March 2019;</p> <p>Considering the Agreement between the Republic of Rwanda and the Kingdom of Morocco, on Mutual Judicial Assistance in</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 084/01 DU 07/09/2020 RATIFIANT L’ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L’ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE FAIT À RABAT, LE 19 MARS 2019</p> <p>Nous, KAGAME Paul, Président de la République;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;</p> <p>Vu la Loi n° 07 bis/2020 du 07/08/2020 approuvant la ratification de l’Accord entre la République du Rwanda et le Royaume du Maroc sur l’Entraide Judiciaire en Matière Pénale signé à Rabat au Maroc, le 19 Mars 2019;</p> <p>Considérant l’Accord entre la République du Rwanda et le Royaume du Maroc sur</p>
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<p>mpanabyaha yakorewe i <i>Rabat</i>, ku wa 19 Werurwe 2019;</p> <p>Bisabwe na Minisitiri w’Ubutabera akaba n’Intumwa Nkuru ya Leta;</p> <p>Inama y’Abaminisitiri imaze kubisuzuma no kubyemeza;</p> <p>TWATEGETSE KANDI DUTEGETSE:</p> <p><u>Ingingo ya mbere: Kwemeza burundu</u></p> <p>Amasezerano hagati ya Repubulika y’u Rwanda n’Ubwami bwa <i>Maroc</i> ku bufatanye mu butabera mpanabyaha, yakorewe i <i>Rabat</i>, ku wa 19 Werurwe 2019, ari ku mugereka w’iri teka, yemejwe burundu kandi atangiye gukurikizwa uko yakabaye.</p> <p><u>Ingingo ya 2: Abashinzwe gushyira mu bikorwa iri teka</u></p> <p>Minisitiri w’Intebe, Minisitiri w’Ubutabera akaba n’Intumwa Nkuru ya Leta na Minisitiri w’Ububanyi n’Amahanga n’Ubutwererane bashinzwe gushyira mu bikorwa iri teka.</p>	<p>Criminal Matters done in Rabat, on 19 March 2019;</p> <p>On proposal by the Minister of Justice and Attorney General;</p> <p>After consideration and approval by the Cabinet;</p> <p>HAVE ORDERED AND ORDER:</p> <p><u>Article One: Ratification</u></p> <p>The Agreement between the Republic of Rwanda and the Kingdom of Morocco, on Mutual Judicial Assistance in Criminal Matters, done in Rabat, on 19 March 2019, annexed to this Order, is ratified and becomes fully effective.</p> <p><u>Article 2: Authorities responsible for the implementation of this Order</u></p> <p>The Prime Minister, the Minister of Justice and Attorney General and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.</p>	<p>l’Entraide Judiciaire en Matière Pénale fait à Rabat, le 19 Mars 2019;</p> <p>Sur proposition du Ministre de la Justice et Garde des Sceaux;</p> <p>Après examen et adoption par le Conseil des Ministres;</p> <p>AVONS ARRÊTÉ ET ARRÊTONS:</p> <p><u>Article premier: Ratification</u></p> <p>L’Accord entre la République du Rwanda et le Royaume du Maroc, sur l’Entraide Judiciaire en Matière Pénale fait à Rabat, le 19 mars 2019, annexé au présent arrêté, est ratifié et sort son plein et entier effet.</p> <p><u>Article 2: Autorités chargées de l’exécution du présent arrêté</u></p> <p>Le Premier Ministre, le Ministre de la Justice et Garde des Sceaux et le Ministre des Affaires Étrangères et de la Coopération Internationale sont chargés de l’exécution du présent arrêté.</p>
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<p><u>Ingingo ya 3: Igihe iri teka ritangirira gukurikizwa</u></p> <p>Iri teka ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p>	<p><u>Article 3: Commencement</u></p> <p>This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 3: Entrée en vigueur</u></p> <p>Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

UMUGEREKA W'ITEKA RYA PEREZIDA N° 084/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y'U RWANDA N'UBWAMI BWA MAROC KU BUFATANYE MU BUTABERA MPANABYAHA YAKOREWE I RABAT, KU WA 19 WERURWE 2019	ANNEX TO PRESIDENTIAL ORDER N° 084/01 OF 07/09/2020 RATIFYING THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON MUTUAL JUDICIAL ASSISTANCE IN CRIMINAL MATTERS, DONE IN RABAT, ON 19 MARCH 2019	ANNEXE À L'ARRÊTÉ PRÉSIDENTIEL N° 084/01 DU 07/09/2020 RATIFIANT L'ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L'ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE FAIT À RABAT, LE 19 MARS 2019
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AGREEMENT

BETWEEN

THE REPUBLIC OF RWANDA

AND

THE KINGDOM OF MOROCCO

**ON MUTUAL JUDICIAL ASSISTANCE IN
CRIMINAL MATTERS**

The Kingdom of Morocco and the Republic of Rwanda.;

Hereinafter referred to as the "Parties";

Recognizing the existing friendly relations and cooperation between the two Parties;

Desiring to strengthen the legal foundation of providing mutual judicial assistance in criminal matters;

Acting in accordance with their law and also respecting generally recognized principles of international law, above all the principles of sovereign equality and noninterference into internal affairs;

Have agreed as follows:

Article 1

Obligation to grant judicial assistance

1. The Parties shall, in accordance with this Agreement and their national laws, provide to each other mutual judicial assistance in criminal matters (further - judicial assistance).
2. Judicial assistance is provided in accordance with this Agreement if the offence, in connection with which the request was issued, is criminally punishable according to the law of both Parties. The Requested Party may upon its own discretion grant judicial assistance also in case when the offence, in connection with which the request was received, is not criminally punishable under its legislation.
3. The purpose of this Agreement is exclusively granting judicial assistance to be requested only by the competent authorities in each Party.
4. This Agreement shall not be applicable for the execution of arrest warrants, and transgressing military laws, which do not constitute an offence against the public right, and for the execution of condemnation decisions.

Article 2

Exceptions

Assistance might be denied in the following two cases:

- 1) If the assistance request is related to political offences, or offences linked to political ones; and subject to the present agreement, shall not be considered as political offences, any terrorist offence or attempt to assassinate the head of state of either contracting parties or his family members, as well as any participation to such offences.
- 2) If the execution of the assistance request may jeopardize the public order or sovereignty or safety of the requested party.

Article 3

The scope of judicial assistance

Judicial assistance shall include:

- 1) Service of procedural documents;
- 2) Taking evidence;
- 3) Location and identification of persons and objects;

- 4) Invitation of witnesses, victims and experts for their voluntary appearance before the Competent authority of the Requesting Party;
- 5) Temporary transfer of persons in custody to participate in criminal court proceedings in the territory of the Requesting Party as witnesses, victims or for the purpose of other proceedings;
- 6) Temporary measures in relation to protection of the property;
- 7) Executing requests for search and seizure;
- 8) Transfer of documents, things and other evidence;
- 9) Granting permission to the representatives of the competent authorities of the Requesting Party to be present at the execution of the request;
- 10) Granting judicial assistance in cases related to banking secrets and taxes as far as the domestic law of the requested party allows;
- 11) Granting any other types of judicial assistance consistent with the objectives of this Agreement, and according to the law of the Requested Party.

Article 4 Procedure

Regardless of using the diplomatic channel, and in respect of the provisions of article 2 of the present agreement, judicial assistance requests and the documents of their execution shall be transmitted by the central authorities of both parties.

For the Kingdom of Morocco, the Central authority shall be The Ministry of Justice (Directorate of Penal Affairs and Amnesty).

For the Republic of Rwanda, the Central Authority shall be: The Ministry of Justice

The Parties shall immediately notify each other through the diplomatic channels about the changes of their Central Authorities through exchanging verbal notes.

Article 5 Form and content of the request

1. The request shall include the following:
 - a) The name of the competent authority requesting judicial assistance;
 - b) The purpose of the request and description of the requested judicial assistance;
 - c) A description of the offence in connection with which the investigation, inquest or the proceedings are conducted, its juridical qualification, the text of the relevant law in accordance with which the offence is criminally punishable, and if necessary the amount of the damage caused as a result of this offence;
 - d) A description of any particular procedures that the Requesting Party wishes to be followed in execution of the request;

- e) Information on the identity of the persons who are subjects of the investigation or the proceedings;
 - f) Any time limit within which compliance with the request is desired by the Requesting Party;
 - g) Full names, family names (middle names), date and place of birth and addresses and also if possible telephone numbers of the persons who are to be notified and their connection on the investigation, inquest or proceedings in progress as well as any other useful information;
 - h) Indication of the location and description of the place, if possible, where inspection and search is required, and the objects to be seized;
 - i) Questions to be put forward in order to receive evidence in the Requested party;
 - j) In case of applying for the presence of representatives of the competent authorities of the Requesting Party, their full names, family names, (middle names), positions as well as grounds for their presence;
 - k) The need, if any, for confidentiality of the fact that the request was received, of its contents and/or description of any action undertaken in connection with the request;
 - l) Any other information that might be useful to the Requested Party in order to execute the request.
2. If the Requested Party considers that the information contained in the request is not sufficient to enable the request to be dealt with, that party may request additional information.

Article 6 Language

1. Requests for judicial assistance and supporting documents shall be made in the language of the requesting party, and shall be accompanied by a translation into the language of the requested party, or in the French language.
2. The translation attached to the assistance request shall be certified by a qualified person in accordance with law of the requesting party.

Article 7 Refusal or postponement of requests for granting judicial assistance

1. The Requested Party may postpone or refuse to execute the request in its territory if it considers that such execution would interfere with or damage the ongoing investigation or proceedings in criminal case.
2. Before making a decision to postpone or refuse the execution of the request the Requested Party shall consider whether judicial assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party accepts judicial assistance subject to these conditions, it is obliged to comply with them.

3. If the Requested Party takes the decision to refuse or to postpone granting judicial assistance it informs the Requesting Party about that through its Central Authority, and shall give reasons for that decision.
4. Any refusal of assistance shall be justified.

Article 8

Exemption from legalization and certification of the documents

Documents transmitted pursuant to this Agreement and attested to by the seal and signed by competent authority of Central Authorities of the transmitting Party are received without legalization procedure or any other form of certification.

Article 9

Confidentiality and the limitations of use of information

1. Upon request of the Requesting party the Requested Party shall keep confidential the request for judicial assistance, its contents supporting documents and any action taken pursuant to the request as well as the fact for granting such assistance.
If the request cannot be executed without breaching confidentiality, the Requested Party shall so inform the Requesting Party, which shall then determine, whether the request should nevertheless be executed.
2. The Requesting Party shall not use the information or evidence obtained under this Agreement without the permission of the Requested party for other purposes than those indicated in the request for judicial assistance.
3. In separate cases when the Requesting Party needs to disclose and use fully or in parts the information or evidence for other purposes than those stated in the request it asks for the corresponding consent of the Requested Party, which may refuse fully or partially such permission.

Article 10

Execution of requests for judicial assistance

1. Requests shall be executed in accordance with the laws of the Requested party and the provisions of this Agreement.
At the request of the Requesting Party the Requested Party shall grant judicial assistance in form and in accordance with the special procedure indicated in the request, insofar if is not contradictory to the laws of the Requested Party.
2. Upon the request of the Requesting Party, the parties to the relevant proceedings in the Requesting party their legal representatives and representatives of the requesting Party may, subject to the laws and procedures of the Requested Party, be present at the proceedings.

3. The Central Authority of the Requested Party transmits the information and the evidence received as a result of the request to the Central Authority of the Requesting Party in a reasonable time through the diplomatic channel.
4. If it is impossible to execute the request in full or partially, the Central Authority of the Requested Party immediately informs the Central Authority of the Requesting Party about that and informs it as of the causes forbidding the execution of the request through the diplomatic channel.

Article 11
Delivery of procedural documents

1. In accordance with the request for judicial assistance the Requested Party shall immediately serve or organize the service of the procedural documents.
2. The execution of the request is proved by the document of serving with the indication of the date, the signature of the addressee or the statement of the competent authority of the Requested party, in which the fact, the date and the manner of service are confirmed. The Requesting party is immediately informed about the service of the documents.

Article 12
Delivery of objects

1. The requested state may postpone the delivery of objects and files and documents' originals if they are necessary for the completion of an ongoing penal procedure; the documents in question shall be delivered as soon as the procedure ends.
2. The requesting state shall send the objects and originals of the delivered files and documents, for the purpose of executing the judicial assistance request, as soon as possible to the requested state, unless this latter expressly waives.

Article 13
Taking evidence in the Requested Party

1. The Requested Party in compliance with its law takes in its territory testimony of the witnesses and victims, conclusions of experts, documents, things and other evidence indicated in the request and transmits it to the Requesting Party.
2. The representatives of competent authorities of the Requesting party that are present at the execution of the request are allowed to formulate questions that may be put to the corresponding person through the representative of the competent authority of the Requested Party.
3. The Requesting party on demand of the Requested Party returns promptly thereafter the originals of the documents and the things delivered to it in accordance with Paragraph 1 of this Article.

Article 14
Personal appearance of witnesses, victims and experts
in the territory of the Requesting party

1. If the Requesting Party submits a request for personal appearance to produce evidence, carry out expert examination or for other procedural actions in its territory the Requested Party informs that person who is in its territory about the invitation of the Requesting party to appear before its competent authorities.
2. The person to appear shall be indicated by the Requesting Party about the conditions and requirements related to the cost and expenses associated with his appearance, and also the list of guaranties which this person is entitled to under Article 16 hereinafter of this Agreement.
3. Subpoena shall not contain a threat to use compulsion or penalty in case of a failure of the person to appear in the territory of the Requesting Party.
4. The summoned person takes the decision to appear voluntarily. The Central Authority of the Requested party shall promptly inform the Central Authority of the Requesting Party of the person's response.

Article 15
Safe conduct

1. A person present before the competent authority in the Requesting party notwithstanding its citizenship shall not be detained or subjected to criminal prosecution, or any other restriction of personal liberty in the territory of this Party for any acts or on the basis of convictions which preceded that person's entry into the territory of the Requesting Party.
2. The summoned person shall lose his/her right to inviolability provided for in Paragraph 1 of this Article if a person, being free to leave the territory of the Requesting Party, has not left it within a period of 30 days after being notified in writing that the person's attendance is no longer required by the corresponding competent authority or, having left that territory, has voluntarily returned.
3. The summoned person shall not be forced to present evidence in any other case than that indicated in the request.

Article 16
Temporary transferring persons in custody

1. A person in custody notwithstanding its citizenship with the consent of the Requested party may be temporarily transferred to the Requesting party to give evidence as a witness or a victim or to assist in other proceedings indicated in the request provided that the person is returned to the Requested Party within the time limit imposed by it.

Initial term for which the person may be transmitted shall not be more than 90 days. Upon the motivated request of the Requesting Party the term of stay of the transferred person may be extended by the Requested Party, with concern of the transferred person. The order and the conditions of transfer and return of the person shall be coordinated by the Central Authorities of the Parties.

2. The transfer of the person is refused:
 - a.) If the person in custody does not give consent in writing to this;
 - b.) If participation of this person in the proceedings in the territory of the Requested Party is necessary.
3. The Requesting Party shall hold the transmitted person in custody as soon as the decision of the competent authority of the Requested Party to hold that person in custody enters into force.

In case of the release of the person in custody upon the decision of the Requested Party the Requesting Party shall use in relation to that person the provisions of Articles 15, 16 and 19 of this Agreement.
4. If the person, who is in custody or serving an imprisonment sentence, does not agree before the Requesting Party, he/she shall not be liable to any measure of compulsion or penalty for disagreement.

Article 17 **Protection of the person**

The requesting Party provides, when needed the protection of the person appearing upon the request or transferred to its territory in accordance with Articles 15 and 17 of this Agreement.

Article 18 **Expenses**

1. The Requested Party shall bear the ordinary costs of executing the requests for judicial assistance in its territory, except that the Requesting party shall bear:
 - a) The expenses associated with the conveying persons to and from its territory in accordance with Articles 13 and 15 of this Agreement and their presence in that territory, and other payments due to that persons;
 - b) The expenses and fees of experts;
 - c) The expenses associated with the travel and presence of the representatives of the competent authorities of the Requesting Party at the execution of the request in accordance with Paragraph 2 Article 9 of this Agreement;
 - d) The expenses associated with the transition of transmitted objects from the territory of the Requested Party to the territory of the Requesting Party and back.
2. If the execution of the request demands substantial or emergency expenses, the Central Authorities of the Parties undertake consultations in order to determine conditions of the execution of the request and also the way of paying those expenses.

Article 19
Consultations and resolutions of disputes

1. The Central Authorities at the request of either of them shall consult, concerning the interpretation and application of this Agreement, either generally or partly.
2. Disputed issues resulting from the interpretation and/or application of this Agreement shall be resolved through the diplomatic negotiations in conjunction with the Central Authorities of the both Parties.

Article 20
Time Scope of Application

The present Agreement shall apply to requests made after its entry into force, even if the relevant acts or omissions took place prior to that date.

Article 21
Final provisions

1. The present Agreement is subject to ratification.
2. The present Agreement shall enter into force from the date of receiving the last notification by either of the Contracting parties through the diplomatic channels, concerning the execution of the necessary measures for the ratification, according to the domestic laws of either of the Contracting Parties.
3. Either of the Contracting parties may denounce the present Agreement by giving notice in writing to the other Contracting Party through the diplomatic channel.
4. The amendments and/or modifications shall be drawn up by protocols, which shall enter into force in the order prescribed for the entry into force of this Agreement.

In Witness Whereof the undersigned being duly authorized thereto, have signed this Agreement.

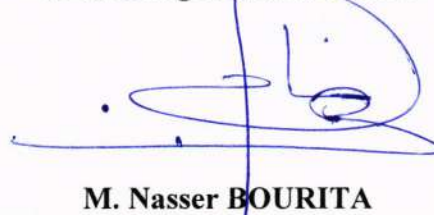
Done in Rabat on 19th March 2019 in duplicate in the Arabic and English languages, all texts being equally authentic.

**For the Government
of the Republic of Rwanda**



Dr. Richard SEZIBERA
Minister of Foreign Affairs and International
Cooperation

**For the Government
of the Kingdom of Morocco**



M. Nasser BOURITA
Minister of Foreign Affairs and International
Cooperation

<p>Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 084/01 ryo ku wa 07/09/2020 ryemeza burundu Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa <i>Maroc</i> ku bufatanye mu butabera mpanabyaha yakorewe i <i>Rabat</i>, ku wa 19 Werurwe 2019</p>	<p>Seen to be annexed to Presidential Order n° 084/01 of 07/09/2020 ratifying the Agreement between the Republic of Rwanda and the Kingdom of Morocco on mutual judicial assistance in criminal matters done in <i>Rabat</i>, on 19 March 2019</p>	<p>Vu pour être annexé à l'Arrêté Présidentiel n° 084/01 du 07/09/2020 ratifiant l'Accord entre la République du Rwanda et le Royaume du Maroc sur l'Entraide Judiciaire en Matière Pénale fait à <i>Rabat</i>, le 19 Mars 2019</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEKA RYA PEREZIDA N° 085/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'IYINJIZWA RY'U RWANDA MURI AFRICA FINANCE CORPORATION YAKOZWE KU WA 20 KAMENA 2019 HAGATI YA AFRICA FINANCE CORPORATION NA REPUBULIKA Y'U RWANDA</p>	<p>PRESIDENTIAL ORDER N° 085/01 OF 07/09/2020 RATIFYING THE ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE AFRICA FINANCE CORPORATION, MADE ON 20 JUNE 2019, BETWEEN THE AFRICA FINANCE CORPORATION AND THE REPUBLIC OF RWANDA</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 085/01 DU 07/09/2020 RATIFIANT L'ACCORD D'ADHÉSION DE LA RÉPUBLIQUE DU RWANDA À AFRICA FINANCE CORPORATION, FAIT LE 20 JUIN 2019, ENTRE AFRICA FINANCE CORPORATION ET LA RÉPUBLIQUE DU RWANDA</p>
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<p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p>	<p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p>	<p><u>Article 2:</u> Autorités chargées de l'exécution du présent arrêté</p>
<p><u>Ingingo ya 3:</u> Igihe iri teka ritangirira gukurikizwa</p>	<p><u>Article 3:</u> Commencement</p>	<p><u>Article 3:</u> Entrée en vigueur</p>

<p>ITEKA RYA PEREZIDA N° 085/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'IYINJIZWA RY'U RWANDA MURI AFRICA FINANCE CORPORATION YAKOZWE KU WA 20 KAMENA 2019 HAGATI YA AFRICA FINANCE CORPORATION NA REPUBULIKA Y'U RWANDA</p> <p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p> <p>Dushingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167, iya 168 n'iya 176;</p> <p>Dushingiye ku Itegeko n° 07 ter/2020 ryo ku wa 07/08/2020 ryemera kwemeza burundu Amasezerano y'iyinjizwa ry'u Rwanda muri <i>Africa Finance Corporation</i> yashyizweho umukono ku wa 20 Kamena 2019 hagati ya <i>Africa Finance Corporation</i> na Repubulika y'u Rwanda;</p> <p>Tumaze kubona Amasezerano y'iyinjizwa ry'u Rwanda muri <i>Africa Finance Corporation</i> yakozwe ku wa 20 Kamena</p>	<p>PRESIDENTIAL ORDER N° 085/01 OF 07/09/2020 RATIFYING THE ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE AFRICA FINANCE CORPORATION, MADE ON 20 JUNE 2019, BETWEEN THE AFRICA FINANCE CORPORATION AND THE REPUBLIC OF RWANDA</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;</p> <p>Pursuant to Law n° 07 ter/2020 of 07/08/2020 approving the ratification of the Accession Agreement of the Republic of Rwanda to the Africa Finance Corporation signed on 20 June 2019, between the Africa Finance Corporation and the Republic of Rwanda;</p> <p>Considering the Accession Agreement of the Republic of Rwanda to the Africa Finance Corporation, made on 20 June 2019, between</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 085/01 DU 07/09/2020 RATIFIANT L'ACCORD D'ADHÉSION DE LA RÉPUBLIQUE DU RWANDA À AFRICA FINANCE CORPORATION, FAIT LE 20 JUIN 2019, ENTRE AFRICA FINANCE CORPORATION ET LA RÉPUBLIQUE DU RWANDA</p> <p>Nous, KAGAME Paul, Président de la République;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;</p> <p>Vu la Loi n° 07 ter/2020 du 07/08/2020 approuvant la ratification de l'Accord d'adhésion de la République du Rwanda à <i>Africa Finance Corporation</i> signé le 20 juin 2019, entre <i>Africa Finance Corporation</i> et la République du Rwanda;</p> <p>Considérant l'Accord d'adhésion de la République du Rwanda à <i>Africa Finance Corporation</i>, fait le 20 juin 2019, entre <i>Africa</i></p>
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<p>2019 hagati ya <i>Africa Finance Corporation</i> na Repubulika y'u Rwanda;</p> <p>Bisabwe na Minisitiri w'Imari n'Igenamigambi;</p> <p>Inama y'Abaminisitiri imaze kubisuzuma no kubyemeza;</p> <p>TWATEGETSE KANDI DUTEGETSE:</p> <p><u>Ingingo ya mbere: Kwemeza burundu</u></p> <p>Amasezerano y'iyinjizwa ry'u Rwanda muri <i>Africa Finance Corporation</i> yakozwe ku wa 20 Kamena 2019 hagati ya <i>Africa Finance Corporation</i> na Repubulika y'u Rwanda, ari ku mugereka w'iri teka, yemejwe burundu kandi atangiye gukurikizwa uko yakabaye.</p> <p><u>Ingingo ya 2: Abashinzwe gushyira mu bikorwa iri teka</u></p> <p>Minisitiri w'Intebe, Minisitiri w'Imari n'Igenamigambi na Minisitiri w'Ububanyi n'Amahanga n'Ubutwererane bashinzwe gushyira mu bikorwa iri teka.</p>	<p>the <i>Africa Finance Corporation</i> and the Republic of Rwanda;</p> <p>On Proposal by the Minister of Finance and Economic Planning;</p> <p>After consideration and approval by the Cabinet;</p> <p>HAVE ORDERED AND ORDER:</p> <p><u>Article One: Ratification</u></p> <p>The Accession Agreement of the Republic of Rwanda to the <i>Africa Finance Corporation</i>, made on 20 June 2019, between the <i>Africa Finance Corporation</i> and the Republic of Rwanda, annexed to this Order, is ratified and becomes fully effective.</p> <p><u>Article 2: Authorities responsible for the implementation of this Order</u></p> <p>The Prime Minister, the Minister of Finance and Economic Planning and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this order.</p>	<p><i>Finance Corporation</i> et la République du Rwanda;</p> <p>Sur proposition du Ministre des Finances et de la Planification Économique;</p> <p>Après examen et adoption par le Conseil des Ministres;</p> <p>AVONS ARRÊTÉ ET ARRÊTONS:</p> <p><u>Article premier : Ratification</u></p> <p>L'Accord d'adhésion de la République du Rwanda à <i>Africa Finance Corporation</i>, fait le 20 juin 2019, entre <i>Africa Finance Corporation</i> et la République du Rwanda, annexé au présent arrêté, est ratifié et sort son plein et entier effet.</p> <p><u>Article 2: Autorités chargées de l'exécution du présent arrêté</u></p> <p>Le Premier Ministre, le Ministre des Finances et de la Planification Économique et le Ministre des Affaires Étrangères et de la Coopération Internationale sont chargés de l'exécution du présent arrêté.</p>
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<p><u>Ingingo ya 3: Igihe iri teka ritangirira gukurikizwa</u></p> <p>Iri teka ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p>	<p><u>Article 3: Commencement</u></p> <p>This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 3: Entrée en vigueur</u></p> <p>Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:**

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEKA RYA PEREZIDA N° 085/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'IYINJIZWA RY'U RWANDA MURI <i>AFRICA FINANCE CORPORATION</i> YAKOZWE KU WA 20 KAMENA 2019 HAGATI YA <i>AFRICA FINANCE CORPORATION</i> NA REPUBULIKA Y'U RWANDA</p>	<p>ANNEX TO PRESIDENTIAL ORDER N° 085/01 OF 07/09/2020 RATIFYING THE ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE <i>AFRICA FINANCE CORPORATION</i>, MADE ON 20 JUNE 2019, BETWEEN THE <i>AFRICA FINANCE CORPORATION</i> AND THE REPUBLIC OF RWANDA</p>	<p>ANNEXE À L'ARRÊTÉ PRÉSIDENTIEL N° 085/01 DU 07/09/2020 RATIFIANT L'ACCORD D'ADHÉSION DE LA RÉPUBLIQUE DU RWANDA À <i>AFRICA FINANCE CORPORATION</i>, FAIT LE 20 JUIN 2019, ENTRE <i>AFRICA FINANCE CORPORATION</i> ET LA RÉPUBLIQUE DU RWANDA</p>
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**ACCESSION AGREEMENT OF THE REPUBLIC
OF RWANDA TO THE AFRICA FINANCE
CORPORATION**

AFRICA FINANCE CORPORATION

-and-

REPUBLIC OF RWANDA

ACCESSION AGREEMENT OF THE REPUBLIC OF RWANDA TO THE AFRICA FINANCE CORPORATION

THIS ACCESSION AGREEMENT ("Accession Agreement") is made on the 20th day of June 2019

BETWEEN:

- (1) **Africa Finance Corporation**, a multilateral development finance institution established on 28 May 2007 by an agreement between sovereign African states and having its headquarters in Lagos, Nigeria (the "AFC"); and
- (2) **Republic of Rwanda** (the "State Applicant").

WHEREAS:

- (A) By the Agreement for the establishment of the Africa Finance Corporation dated 28 May 2007 made between the original parties named therein and as now in force between the parties by virtue of any instrument of accession entered into by any new party before the date of this Accession Agreement, the parties agreed to give effect to and be bound by the Agreement for the establishment of the Africa Finance Corporation dated 28 May 2007 (the "Agreement establishing AFC").;
- (B) At the invitation of AFC, the State Applicant accepted on 28 October 2015 to join the membership of AFC and the terms of AFC's Constitutive Documents, through the signature of an instrument of adherence (the "Instrument of Adherence");
- (C) The State Applicant has complied with the requirements of the Agreement establishing AFC as to accession and wishes to confirm its admittance as a party in accordance with its constitutional and other applicable statutory procedures.

IT IS HEREBY AGREED as follows:

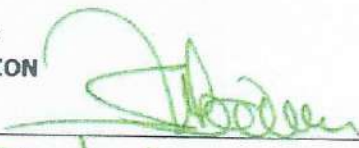
1. In this Accession Agreement, words and expression defined in or for the purposes of the Agreement establishing AFC and not otherwise defined herein shall have the meanings ascribed thereto under the Agreement establishing AFC.
2. AFC hereby admits the State Applicant as an additional party under the Agreement establishing AFC with effect from the date of the Instrument of Adherence on the terms and conditions hereof.
3. The State Applicant hereby accepts its admission as a party and undertakes with AFC to perform and to be bound by the Agreement establishing AFC and the Africa Finance Corporation Charter dated 07 May 2007 (the "AFC's Constitutive Documents") as a party.
4. For all purposes in connection with the Agreement establishing AFC the State Applicant shall as from the date of the Instrument of Adherence be treated as if it has been a signatory of the Agreement establishing AFC from the date thereof, and as if this Accession Agreement

were part of the Agreement establishing AFC from the date thereof, and the rights and obligations of the parties shall be construed accordingly.

5. This Accession Agreement and the Agreement establishing AFC shall be read and construed as one document and references to the Agreement establishing AFC should be read and construed as reference to the Agreement establishing AFC and this Accession Agreement.
6. If any provision of this Accession Agreement is or becomes invalid, unenforceable or illegal or is declared to be invalid, unenforceable or illegal by any court of competent jurisdiction or by any other competent authority, such invalidity, unenforceability or illegality shall not prejudice or affect the remaining provisions of this Accession Agreement, which shall continue in full force and effect notwithstanding the same.
7. This Accession Agreement may be executed in counterparts.
8. The provisions of Article 18 (*Interpretation and Settlement of Disputes*) of the Agreement establishing AFC shall be incorporated into this Accession Agreement as if set out in full in this Accession Agreement and as if references in that article to "this Agreement" are references to this Accession Agreement.
9. Nothing in this Accession Agreement shall be construed as or constitute a waiver, renunciation or other modification of any privileges, immunities and exemptions accorded to AFC under the Agreement establishing AFC, international conventions, any applicable law or otherwise.

AS WITNESS the hands of the duly authorised representatives of the parties hereto the day and year first above written.

SIGNED FOR AND ON BEHALF OF
AFRICA FINANCE CORPORATION

BY: 
Name Samaila Zubebu
Position President & CEO

SIGNED FOR AND ON BEHALF OF
REPUBLIC OF RWANDA

BY: 
Name Uzziel Ndirakobuca
Position Minister of Finance and Economic Planning



**AGREEMENT FOR THE
ESTABLISHMENT
OF THE
AFRICA FINANCE CORPORATION**

DATED THE 28th DAY OF May 2007

THE STATES AND INTERNATIONAL ORGANISATIONS PARTIES TO THE PRESENT AGREEMENT:

COGNIZANT of the fact that lack of adequate finance for investment has been an impediment to infrastructure development and expansion of foreign trade in Africa;

KNOWING the importance of closer economic co-operation as a means for achieving the most efficient utilization of resources and for accelerating development;

RECOGNISING the significant roles played by both public and private sectors, including multilateral development institutions in trade, investments and other productive activities in Africa;

REALISING the significance of making additional investment finance available in Africa and seeking to create and foster conditions conducive to greater flow of investment funds into the Continent for increased infrastructure development and export-oriented industrialisation;

AFFIRMING the desirability of promoting the harmonious growth of the economies of African States and the expansion of external trade of their countries;

CONVINCED that the establishment of a financial institution for catalyzing industrial development in Africa and promoting Infrastructure development would serve the foregoing purposes;

HAVE AGREED AS FOLLOWS:

Article 1: Establishment

1. There shall be established an international financial institution to be known as the Africa Finance Corporation (hereinafter called the Corporation) which shall operate in accordance with the provisions of the Charter appended to this Agreement (hereinafter referred to as the Charter).
2. The Charter, which may be amended from time to time, in accordance with its provisions shall derive its legal force from this Agreement and shall be valid and operative among all the shareholders of the Corporation.
3. Capitalized terms used herein, unless defined in this Agreement shall have the respective meanings ascribed thereto in the Charter.

Article 2: Purpose

The Corporation is established to foster economic growth and industrial development of African countries, collectively and individually, and more specifically, to:

- a. support and promote infrastructure development in Africa through the provision of investment funds;
- b. facilitate African trade generally and export-oriented trade by African countries;
- c. contribute to the development of the energy and extractive industries in Africa;
- d. provide on-lending and refinancing facilities to African financial institutions; and
- e. generally engage in any kind of banking and financial business intended to promote investments in Africa.

Article 3: Functions

1. To facilitate the attainment of its purposes, the Corporation shall perform any and all of the functions stated below:
 - a. grant direct loans and extend credit guaranteed by commercial documents, sovereign instruments, credit instruments or by any other form of security ;
 - b. guarantee transactions made by other reputable financial institutions;
 - c. give open-ended or transaction-specific lines of credit to other reputable financial institutions;
 - d. own, hold, purchase, sell, withdraw, make, draw, accept, endorse, discount and carry out any operation with promissory notes, bills of exchange, option certificates for the acquisition of shares and any other securities or credit instruments in any member country or country approved by the Board of Directors;
 - e. act as an international financial agent;
 - f. provide equity financing on such terms as may be approved by the Board of Directors;

- g. provide technical assistance for the preparation, financing and execution of development projects and programmes, including the formulation of specific project proposals;
 - h. meet requests from African Countries to assist them in the coordination of their development policies and plans with a view to achieving better utilization of their resources, making their economies more complementary, and promoting the orderly expansion of their foreign trade, and in particular, intra-regional trade;
 - i. co-operate, in such manner as the Corporation may deem appropriate, within the terms of this Agreement, with the United Nations, its organs and subsidiary bodies, and with other public and private international organisations and other international institutions, as well as national entities whether public or private, which are concerned with the investment of development funds in Africa, and to interest such institutions and entities in new opportunities for investment and assistance; and
 - j. generally carry out any kind of banking, securities and financial operations.
2. Without prejudice to the foregoing provisions of this Article, the Corporation shall have the power to carry out the following functions in the territory of Member States:
- a. carry on all forms of banking business and financial services authorized under this Agreement;
 - b. purchase, hold and dispose of national currencies;
 - c. purchase, hold and dispose of convertible currencies, securities, bills of exchange and negotiable instruments, and transfer the same to, from or within the territory of any Member State;
 - d. open, maintain and operate accounts in national currencies in the territories of the Member States;
 - e. open, maintain and operate convertible currency accounts in the territories and outside the territories of the Member states;
 - f. raise funds and make loans in convertible currencies; and
 - g. carry out any operation authorized under this Agreement.
3. The Corporation shall also undertake such other activities and provide such other services as are incidental to the foregoing, and which may advance its purpose.

Article 4: Legal Status

- 1. The Corporation shall be deemed a legally constituted body corporate under the laws of each Member State.
- 2. In each Member State, the Corporation shall enjoy the most extensive legal capacity accorded to legal persons under the law, particularly the capacity to:
 - a. institute and be a party to any judicial, legal or administrative proceedings;

- b. enter into contracts;
 - c. acquire and dispose of property whether movable or immovable;
 - d. take such steps and do all such things as may appear necessary or desirable to protect its interests; and
 - e. take such steps and do all such things as are incidental or conducive to the attainment of its objects and purpose, the exercise of its powers and the conduct of its business.
3. Each Member State shall, immediately upon becoming a signatory, do all such things and take all necessary legislative and administrative actions required to secure the effectiveness of this Article within its territory.
 4. The Corporation shall possess international legal personality.
 5. The Corporation shall not make or guarantee any loan or do or omit to do any act or thing that could in any way prejudice, limit, deflect or otherwise alter its purpose or functions or in any way suggest an affiliation with any political cause.

Article 5: Membership

1. Membership of the Corporation shall be open to:
 - a. independent African states, represented by their respective central banks;
 - b. African regional and sub-regional financial institutions;
 - c. African public and private banks, financial institutions and private investors; and
 - d. international private investors
2. The conditions governing eligibility to membership shall be determined by the General Meeting of Shareholders of the Corporation.
3. Membership of the Corporation shall be acquired upon subscribing to the Shares of the Corporation in accordance with the provisions of this Agreement. All Shareholders of the Corporation shall subscribe to this Agreement either by affixing their signatures thereto or depositing with the Provisional Depository or the Depository a letter of acceptance of the provisions of this Agreement.
4. A Member State shall subscribe for Shares in the Corporation through its central bank and designate the central bank for all matters relating to this Agreement including membership and subscription and the full exercise of rights attached to membership and the performance of the obligations of Shareholders set forth in this Agreement.
5. Any African state or international organisation which has not signed this Agreement before the date on which it comes into force shall as a condition precedent to membership adhere to this Agreement by depositing an instrument of accession with the Provisional Depository or the Depository.

Article 6: Headquarters and Branch Offices

1. The permanent headquarters of the Corporation shall be in Lagos, Nigeria

2. The Corporation may, in the discharge of its objectives as set out in this Agreement, establish branches or representative offices in other Member States selected by the Board of Directors.
3. The Government of Nigeria shall, within ninety days of notification of its selection as the host country, enter into a Headquarters Agreement with the Corporation, and take all necessary measures to render the Headquarters Agreement effective.
4. A Member State in whose territory a branch or representative office is located shall as soon as practicable after notification of its selection in that regard, conclude an agreement with the Corporation on terms similar to the Headquarters Agreement referred to above.
5. Each Member State shall designate the appropriate entity with which the Corporation may communicate in connection with any matter arising under this Agreement.
6. The working language of the Corporation shall be English and or such other language as the General Meeting may prescribe.

Article 7: Immunities, Exemptions, Privileges, Facilities and Concessions

Each Member State shall take all legislative action under its national law and all administrative measures, as is necessary, to enable the Corporation to effectively fulfil its purpose and carry out the functions entrusted to it. To this end, each Member State shall accord to the Corporation, in its territory, the status, immunities, exemptions, privileges, facilities and concessions set forth in this Agreement and shall promptly inform the Corporation of the specific action it has taken for this purpose.

Article 8: Legal Process

The Corporation shall enjoy immunity from every form of legal action or process except in respect of its operations where legal action may be brought against the Corporation in any court of competent jurisdiction in the territory of the state where the headquarters of the Corporation is situated or in which the Corporation has a representative or branch office or a subsidiary, or has appointed an agent for the purpose of accepting service or notice of process or in which it has issued securities or guaranteed same or has otherwise agreed to be sued. No such action against the Corporation shall be brought by:

- a. a Member State;
- b. a Shareholder or a former Shareholder of the Corporation or persons acting for or deriving claims from a Shareholder or a former Shareholder; or
- c. any natural or legal persons in respect of:
 - i. transactions governed by arbitration agreements;
 - ii. matters pending before an arbitral tribunal; and
 - iii. personnel matters.

Article 9: Immunity of Property and Assets

1. The property and assets of the Corporation wherever located and by whomsoever held shall be immune from:

- a. search, requisition, expropriation, confiscation, nationalization and all other forms of seizure, taking or foreclosure by executive or legislative action; and
 - b. seizure, attachment or execution before the delivery of final judgment or award against the Corporation.
2. For the purpose of this Article and Article 10 of this Agreement, the term "property and assets of the Corporation" shall include property and assets owned or held by the Corporation and deposits and funds entrusted to the Corporation in the ordinary course of business.

Article 10: Freedom of Property, Assets and Operations from Restriction

1. To the extent necessary to implement the purpose of the Corporation and carry out its functions, each Member State shall waive, and refrain from imposing, any administrative, financial or other regulatory restrictions that are likely to hinder in any manner the smooth functioning of the Corporation or impair its operations.
2. To this end, the Corporation, its property, assets, operations and activities shall be free from restrictions, regulations, supervision or controls, moratoria and other legislative executive, administrative, fiscal and monetary restrictions of any nature.

Article 11: Immunity of Archives

The archives of the Corporation and, in general, all documents belonging to, or held by the Corporation shall be inviolable wherever located, except that the immunity provided for in this Article shall not extend to documents required to be produced in the course of judicial or arbitral proceedings to which the Corporation is a party or proceedings arising out of transactions concluded by the Corporation.

Article 12: Privilege for Communications

Official communications of the Corporation shall be accorded by each Member State the same treatment and preferential rates that it accords to the official communications of international organizations.

Article 13: Personal Immunities, Privileges and Exemptions

1. All Representatives, the Chief Executive Officer, Directors, officers and employees of the Corporation and consultants and experts performing missions for the Corporation:
 - a. shall be immune from legal process with respect to acts performed by them in their official capacity;
 - b. shall be accorded the same immunities from immigration restrictions and alien registration requirements, and, not being local nationals, shall be accorded the same immunities from national service obligations and the same facilities as regards exchange regulations, as are accorded by each Member State to representatives, officials and employees of comparable rank of other states or international organizations; and

- c. where they are not resident nationals, shall be granted the same treatment in respect of travelling facilities as is accorded by Member States to representatives, officials and employees of comparable rank of other states or international organizations.
2. The Chief Executive Officer, Directors, officers and employees of the Corporation:
 - a. shall be immune from personal arrest or detention; and
 - b. shall be exempt from any form of direct or indirect taxation on salaries, emoluments, indemnities and compensation paid by the Corporation.

Article 14: Waiver of Immunities and Privileges

The immunities and privileges provided in this Agreement are granted in the interest of the Corporation and may only be waived, to such extent and upon such conditions as the Board of Directors of the Corporation shall determine, in cases where such a waiver would not, in its opinion, prejudice the interests of the Corporation. The Chief Executive Officer of the Corporation shall have the right and the duty to waive the immunity of any officer, employee, consultant or expert of the Corporation in cases where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Corporation. In similar circumstances and under the same conditions, the Board of Directors shall have the right and duty to waive the immunity of the Chief Executive Officer or any Director of the Corporation.

Article 15: Exemption from Taxation

1. The Corporation, its property, assets, income, operations and transactions shall be exempt from all taxation and custom duties. The Corporation, and its receiving, fiscal and paying agents shall be exempt from any obligation relating to the payment, withholding or collection of any tax or duty out of funds owned by, or otherwise appertaining to, the Corporation.
2. Without prejudice to the generality of the provisions of paragraph 1 of this Article, each Member State shall take all necessary action to ensure that the property and assets of the Corporation, its capital, reserves and dividends, loans, credits, guarantees, securities, and other investments and transactions, interest, commissions, fees, profits, gains, proceeds of realization and other income, return and moneys of any kind, accruing, appertaining or payable to the Corporation from any source shall be exempt from all forms of taxes, duties, charges, levies, and imposts of any kind whatsoever, including stamp duty and other documentary taxes, heretofore levied or hereafter imposed in its territory.
3. The provisions of paragraphs 1 and 2 of this Article shall be applied without prejudice to the right of the Member States to tax their residents in the manner each Member State deems appropriate.

Article 16: Fiscal Exemptions, Financial Facilities, Privileges and Concessions

1. The Corporation shall be accorded by each Member State a status not less favourable than that of a non-resident corporation, and shall enjoy all fiscal exemptions, financial facilities, privileges and concessions granted to international organizations, banking establishments and financial institutions by the Member States.

2. Without prejudice to the generality of the provisions of Article 12 and paragraph 1 of this Article, the Corporation may freely and without any restriction, but to the extent necessary to implement its purpose carry out its functions, as contained in Article 3 of this Agreement.

Article 17: Supplementary Agreements

Each Member State may enter into a supplementary agreement with the Corporation to the extent necessary to attain the purpose of this Agreement.

Article 18: Interpretation and Settlement of Disputes

1. This Agreement shall be interpreted in the light of its primary purpose of enabling the Corporation to fully and efficiently discharge its functions and fulfil its purpose.
2. Any dispute among the parties to this Agreement or between the Corporation and a party to this Agreement regarding the interpretation or application of any of the provisions of this Agreement or any supplementary agreement shall be submitted to the General Meeting of the Shareholders of the Corporation whose decision shall be final.
3. In the case of a dispute between the Corporation and a Member State who has ceased to be a Shareholder of the Corporation, or whose nationals have ceased to be Shareholders of the Corporation, or a dispute between the Corporation and a party to this Agreement upon the termination of the operations of the Corporation, such dispute shall be referred for final decision to a tribunal consisting of three arbitrators, one arbitrator selected by the Corporation, the second arbitrator by the party to the dispute, and the Corporation and the party to the dispute shall jointly appoint the third arbitrator. If within a period of sixty (60) days of receipt of notice of arbitration either party has not appointed an arbitrator, or if within thirty (30) days of the appointment of the two arbitrators, the third arbitrator has not been appointed, the said arbitrator shall be appointed by the Secretary-General of the International Centre for the Settlement of Investment Disputes, at the request of either party. The procedure of arbitration shall be fixed by the arbitrators, but the third arbitrator shall have full power to settle all questions of procedure where the arbitrators are in disagreement with respect thereto. An award rendered by the majority of the arbitrators shall be final and binding on the Corporation and the party to the dispute.

Article 19: Entry into Force

1. This Agreement shall be open for signature on behalf of the contracting parties and shall be subject to ratification, acceptance or approval.
2. The present Agreement shall enter into force provisionally on the day when at least two Member States shall have signed this Agreement; and two instruments of acceptance or approval shall have been deposited with the Provisional Depository.
3. This Agreement shall take effect definitively for each contracting party on the date of deposit of its instrument of ratification, acceptance, approval or accession in accordance with its constitutional or other applicable statutory procedures.

Article 20: Depository

1. Instruments of ratification, acceptance, approval or accession shall be deposited with the Provisional Depository.
2. The Provisional Depository shall register this Agreement with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the regulations thereunder adopted by the General Assembly of the United Nations and shall transmit certified copies of this Agreement to all contracting parties.
3. Upon commencement of operations of the Corporation, the Provisional Depository shall transmit the text of this Agreement and all relevant instruments and documents in his possession to the Secretary of the Corporation who shall then act as the Depository.

Article 21: Establishment of the Corporation

As soon as this Agreement comes into force pursuant to Article 19, the Corporation shall be established in accordance with the provisions of Article 41 of the Charter

Done in ABUJA this 28th day of May 2007 in a single copy in the English language



For the Federal Republic of Nigeria

For the Republic of The Gambia

For the Republic of Ghana

CHARTER

OF THE

AFRICA FINANCE CORPORATION

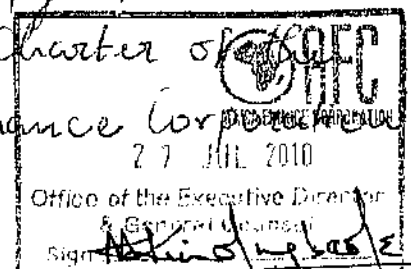
DATED THE DAY OF

2007

(Adopted in Lagos, Nigeria on 7th May 2007 and became effective on 28th May 2007)

(As amended in Lagos, Nigeria by Resolution AFC/AGM/2009/09/002 adopted by the First Annual General Meeting on 14th September 2009- the "First Amendment")

*I certify that this is
a true copy of the
Original Charter of
Africa Finance Corporation*



NOTE TO THE CHARTER

The Charter was adopted by the First Meeting of Founders/Shareholders held in Lagos, Nigeria on 7th May 2007 and became effective on 28th May 2007, following the signature of the Agreement for the establishment of Africa Finance Corporation (to which the Charter is appended).

The Charter was amended at the First Annual General Meeting of Shareholders ("AGM") held in Lagos, Nigeria on 14th September 2009 by Resolution AFC/AGM/2009/09/002.

The Following were the amendments approved by the AGM (hereinafter "First Amendment"):

(i) Article 12.3: The Board of "D"irectors shall by regulation prescribe the procedure applicable to the transfer of shares."

(ii) Article 20.1: "The Board of Directors shall be composed of a minimum of eight (8) and a maximum of twenty one (21) Directors provided that at least two (2) are independent directors." The Chief Executive Officer and Executive Directors shall by virtue of their offices be members of the Board of Directors.

(iii) Article 20.2: Subject to the provisions of paragraphs (4) and (5) of "Article 24", Directors including the Chairman shall be elected for a renewable term of three years.

(iv) Article 20.5: If the office of a Director becomes vacant, a successor shall be elected in accordance with the provisions of paragraph 1 of this Article. Any deficiency in the number of Directors pending the filling of a vacancy shall not invalidate the composition of the Board of Directors or any act done by the Board of Directors provided their number does not at any time fall below "eight (8)".

(v) Article 24.4: The Board of Directors shall appoint such number of Executive Directors, not exceeding a maximum of four, as it may deem necessary, to assist the Chief Executive Officer and carry out such functions as the Chief Executive Officer may determine. The terms and conditions of service of the Executive Directors, including their remuneration and retirement, shall be as may be prescribed from time to time by regulations issued by the Board of Directors. "The Board of Directors may designate one of the Executive Directors the Deputy Chief Executive Officer of the Corporation."

(vi) Article 42: Pending the final establishment of the Corporation pursuant to "Article 41" of this Charter and commencement of its operations; []

(vii) Deletion of the Tracking ["Updated 29 November 2006"] on the top right corner of the Charter.

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PREAMBLE

We the several persons whose names and addresses are set out in the Schedule hereto have, pursuant to the provisions of the Agreement (as herein-below defined), agreed to establish an international institution, to foster the economic growth and industrial development of African countries collectively and individually, which is hereby constituted and shall operate in accordance with the provisions of this Charter.

CHAPTER 1: NAME, LEGAL STATUS, DEFINITIONS, INTERPRETATION, HEADQUARTERS/BRANCH OFFICES, PURPOSE AND FUNCTIONS

Article 1: Name

The name of the Institution is Africa Finance Corporation.

Article 2: Legal Status

The Corporation shall be an international institution with full juridical personality and legal capacity to carry out its operations. It shall have the legal status and enjoy the immunities, privileges, facilities and concessions provided in the Agreement.

Article 3: Definitions and Interpretation

1. In this Charter, except where the context otherwise requires:

Assets	includes land, machines, buildings, money owed, stock, investments, goodwill, trademarks, patents, cash at hand or in the bank.
Board of Directors	means the Board of Directors of the Corporation.
Chairman	means the Chairman of the Board of Directors of the Corporation.
Chief Executive Officer, Executive Directors, Secretary and External Auditors	means respectively, Chief Executive Officer, Executive Directors, Secretary, however designated, and External Auditors of the Corporation.
Corporation	means the AFRICA FINANCE CORPORATION.
Director	means a member, for the time being, of the Board of Directors of the Corporation.
Financial Institution	means a bank, corporation, organisation or institution having juridical personality and whose sole or principal object as defined in its constitutive instrument or enabling statute is the provision of financial services in any form.
General Meeting	means the General Meeting of the Shareholders of the Corporation.
Person	includes a natural person or government, corporation and any organisation or institution having juridical personality.
Provisional Depositary	Means the Secretary to the Board of the Central Bank of Nigeria who shall hold all instruments of ratification, acceptance, approval or accession and other important documents of the Corporation until the appointment of the Secretary.
Representative	means the representative of any Shareholder at a General Meeting.

Shareholder	means a holder of Shares in the Corporation.
Shares	means the ordinary Shares of the Corporation.
Member State	means any African State that signs the Agreement or executes an instrument of accession in respect thereof.
The Agreement	means the Agreement among certain African States and international organisations providing for the establishment of the Africa Finance Corporation concluded on the _____ day of _____ at _____ in the Federal Republic of Nigeria

2. In this Charter, unless the context otherwise requires:
 - a. a reference to a particular article is to an article of this Charter;
 - b. a reference in a particular article to a paragraph is to a paragraph of that article;
 - c. the table of contents and the headings of Articles are for convenience only, and shall be ignored in construing this Charter;
 - d. references to the masculine gender include the feminine and references to the singular include the plural and vice versa;
 - e. the word "include" shall be construed to mean "include without limitation";
 - f. a reference to "person" includes any individual, partnership, firm, company, corporation (statutory or otherwise), joint venture, trust, association, organization, State or other entity, in each case whether or not having separate legal personality; and
 - g. a derivative of any term or expression defined or interpreted in this Charter shall be construed in accordance with the relevant definition or interpretation.

Article 4: Headquarters and Branch Offices

1. The permanent headquarters of the Corporation shall be in Lagos, Nigeria
2. The Corporation may, in the discharge of its objectives as set out in the Agreement and this Charter, establish branches or representative offices in other Member States selected by the Board of Directors.
3. The Government of Nigeria shall, within ninety days of notification of its selection as the host country, enter into a Headquarters Agreement with the Corporation, and take all necessary measures to render the Headquarters Agreement effective.
4. A Member State in whose territory a branch or representative office is located shall as soon as practicable after notification of its selection in that regard, conclude an agreement with the Corporation on terms similar to the Headquarters Agreement referred to above.

Article 5: Purpose

The Corporation is established to foster economic growth and industrial development of African Countries, collectively and individually, and more specifically, to:

- a. support and promote infrastructure development in Africa through the provision of investment funds;
- b. facilitate African trade generally and export-oriented trade by African countries;
- c. contribute to the development of the energy and extractive industries in Africa;
- d. provide on-lending and refinancing facilities to African financial institutions; and
- e. generally engage in any kind of banking and financial business intended to promote investments in Africa.

Article 6: Functions

- 1 To facilitate the attainment of its purposes, the Corporation shall perform any and all of the functions stated below:
 - a. grant direct loans and extend credit guaranteed by commercial documents, sovereign instruments, credit instruments or by any other form of security;
 - b. guarantee transactions made by other reputable financial institutions;
 - c. give open-ended or transaction-specific lines of credit to other reputable financial institutions;
 - d. own, hold, purchase, sell, withdraw, make, draw, accept, endorse, discount and carry out any operation with promissory notes, bills of exchange, option certificates for the acquisition of shares and any other securities or credit instruments in any member country or country approved by the Board of Directors;
 - e. act as an international financial agent;
 - f. provide equity financing on such terms as may be approved by the Board of Directors;
 - g. provide technical assistance for the preparation, financing and execution of development projects and programmes, including the formulation of specific project proposals;
 - h. meet requests from African countries to assist them in the coordination of their development policies and plans with a view to achieving better utilization of their resources, making their economies more complementary, and promoting the orderly expansion of their foreign trade, and in particular, intra-regional trade;

co-operate, in such manner as the Corporation may deem appropriate, within the terms of this Charter, with the United Nations, its organs and subsidiary bodies, and with other public and private international organisations and other international institutions, as well as national entities whether public or private, which are concerned with the

investment of development funds in Africa, and to interest such institutions and entities in new opportunities for investment and assistance; and

- j. generally carry out any kind of banking, securities and financial operations.
- 2 Without prejudice to the foregoing provisions of this Article, the Corporation shall have the power to carry out the following functions in the territory of Member States:
- a. carry on all forms of banking business and financial services authorized under this Charter;
 - b. purchase, hold and dispose of national currencies;
 - c. purchase, hold and dispose of convertible currencies, securities, bills of exchange and negotiable instruments, and transfer the same to, from or within the territory of any Member State;
 - d. open, maintain and operate accounts in national currencies in the territories of the Member States;
 - e. open, maintain and operate convertible currency accounts in the territories and outside the territories of the Member states;
 - f. raise funds and make loans in convertible currencies; and
 - g. carry out any operation authorized under this Charter.
- 3 The Corporation shall also undertake such other activities and provide such other services as are incidental to the foregoing, and which may advance its purpose.

CHAPTER 2: CAPITAL

Article 7: Authorised Capital

1. The initial authorized Share capital of the Corporation is Two Billion United States Dollars (US\$2,000,000,000) divided into Two Billion Shares of one United States Dollar (US\$1) each.
2. The initial number of Shares to be subscribed by each founding Shareholder shall be that set forth against its name in Annexure "A" to this Charter, and the number of Shares to be allotted to other Shareholders shall be determined from time to time by the Board of Directors.
3. Except as provided in this Charter, Shares shall rank *pari passu* in all respects.
4. Shares shall be indivisible and issued in any form as the Board of Directors may from time to time determine.
5. The liability of Shareholders shall be limited to the unpaid portion, if any, of their Shares.

Article 8: Alteration of Capital

1. The authorized Share capital of the Corporation may be increased as and when the General Meeting, acting upon the recommendation of the Board of Directors, deems such increase advisable. Unless the authorized Share capital is increased solely to provide for the initial subscription of a Member State, the resolution of the General Meeting authorising the increase shall be passed by a two-thirds majority of votes of holders of the issued Shares.
2. The Corporation may by a resolution passed by the General Meeting:
 - a. consolidate and divide all or any portion of the Share capital into Shares of larger amount than its existing Shares;
 - b. sub-divide its existing Shares, or any of them, into Shares of smaller denomination than is fixed by this Charter; or
 - c. modify the proportions in which the Shares shall be created, allotted and issued.
4. The Corporation may, by a resolution of the General Meeting by the majority of votes stated in paragraph 1 of this Article, reduce its Share capital to such extent, and in any manner, deemed expedient.
5. An increase required solely to provide for the initial subscription of a Member State shall only require a simple majority vote.

Article 9: Payment for Shares

1. Payment for the Shares subscribed to in the capital of the Corporation shall be made upon subscription or as soon thereafter as may otherwise be specified by the promoters or the Board of Directors.

2. The payment referred to in paragraph 1 above, shall be made in United States' Dollars or in such other convertible currency specified in that regard by the promoters or the Board of Directors at the rate of exchange then prevailing.
3. The modalities, terms and dates of payment for unissued Shares and new issues of Shares shall be determined by the Board of Directors.

Article 10: Unissued and New Shares

1. Unless the Board of Directors shall otherwise decide, all unissued Shares (whether in the initial authorized Share capital or any increases thereof,) shall, before issue, be offered to all Shareholders in the proportion of their existing Shareholding. Every such offer shall give details of the Shares which the Corporation desires to issue and the proposed terms of issuance thereof and shall invite each Shareholder to apply in writing for such number of the Shares on offer as the Shareholder intends to take, within such period as shall be specified in that regard, being a date expiring not less than ninety (90) days from the date of dispatch of the offer.
2. At the expiration of the said period, the Shares so offered, or so many of them as the Shareholders applied for, shall be allotted to or amongst the Shareholders who have applied for them, and if more than one Shareholder have so applied, the Shares shall be divided between them pro rata, as far as possible, according to the number of Shares theretofore held by each Shareholder.
3. The Board of Directors may dispose of any Share not applied for or taken up by Shareholders on such terms and in such manner as it may deem most beneficial to the Copati
4. If new Shares are issued for the purpose solely of providing for the initial subscription of a new Member State, the pre-emptive rights of existing Shareholders provided for herein shall not apply.

Article 11: Special Rights attaching to Shares/Variation of Rights

1. Without prejudice to any special rights previously conferred on the holders of any existing Shares or classes of Shares, any Share may be issued with such preferred, deferred or other rights or such restrictions, whether in regard to dividend, voting, return of capital or otherwise, as the General Meeting may from time to time determine.
2. The rights attached to any class of Shares may, whether or not the Corporation is being dissolved, be varied with the consent in writing of the holders of three-fourths of the issued Shares of the class thereof, or with the sanction of resolution passed at a separate meeting of the holders of the Shares of that class. The provisions of this Charter relating to the General Meeting shall apply to every such separate meeting except that the quorum for any meeting shall be persons representing Shareholders holding at least one-third of the issued Shares of that class.
3. The rights conferred upon the holders of the Shares of any class issued with preferred or other rights shall not, unless otherwise expressly provided by the terms of issue of the Shares of that class, be deemed to be varied by the creation or issue of further Shares ranking pari passu therewith.

Article 12: Transfer of Shares

1. Unless otherwise decided by the Board of Directors, Shares shall be transferable subject to the restrictions and limitations set forth in this Article, by means of lodging with the Corporation a duly signed and stamped instrument of transfer in any usual form or in any form prescribed by the Board of Directors.
2. The instrument of transfer of any Share shall be executed by, or on behalf of, the transferee and the transferor shall be deemed to remain a holder of the Share until the name of the transferee is entered in the Register of Shareholders in respect of that Share.
3. The Board of Directors shall by regulation prescribe the procedure applicable to the transfer of Shares.
4. The Corporation shall keep and maintain a book to be called the "register of transfers" which shall be kept by the Secretary under the control of the Board of Directors, and in which there shall be entered the particulars of every transfer of any Share in the capital of the Corporation. The Corporation may keep and maintain subsidiary registers of transfer at any place where a transfer agent has been appointed by the Corporation. The Board of Directors shall cause all instruments of transfer which have been registered and cancelled Share certificates to be destroyed at any time after six years from the date of registration of the transfer.
5. The Board of Directors may decline to recognize any instrument of transfer unless:-
 - a. the instrument of transfer is accompanied by the certificate of the Shares to which it relates and such other evidence as the Board of Directors may reasonably require to show the right of the Transferor to make the transfer; and
 - b. evidence is furnished as to the authority of the persons signing the instrument of transfer for the prospective transferor and the purchaser of the relevant Shares.

CHAPTER 3: BORROWING AND OTHER POWERS

Article 13: Borrowing

The Corporation may source and borrow funds from any capital or financial market, as the Board of Directors deems necessary for the performance of its functions.

Article 14: Investment of Excess Funds

The Corporation may invest any available funds in any money or capital market instruments or in performing any other financial operation linked with its objectives.

CHAPTER 4: ADMINISTRATION OF THE CORPORATION

Article 15: General Meeting

1. The Shareholders shall hold an annual meeting (the "Annual General Meeting") and such other meetings as may be provided for by the General Meeting or called by the Board of Directors. The Board of Directors shall convene a General Meeting whenever requested by holders of at least one-quarter in nominal value of the Shares.
2. All General Meetings other than the Annual General Meeting shall be called Extra-ordinary General Meetings.
3. The first General Meeting shall be called by the Provisional Depository, upon the fulfillment of the condition set forth in paragraph (a) of Article 41, at such venue and date, as shall be determined by the Provisional Depository.
4. Each holder of Shares in the capital of the Corporation shall have or be entitled to one Representative at the General Meeting.
5. Each Representative shall serve for such period or periods as shall be determined at the pleasure of the appointing Shareholder. Representatives shall serve as such without remuneration from the Corporation.

Article 16: General Meeting -- Powers

- 1 The General Meeting shall exercise the following powers:
 - a. subject to the provisions of Article 24 of this Charter, elect and remove the Directors including the Chairman of the Board of Directors and determine their remuneration. In the election of Directors, the Shareholders shall have due regard to high competence in economic, financial and trade matters required for the office;
 - b. appoint and remove the External Auditors and determine their remuneration;
 - c. approve, after reviewing the report of the External Auditors, the annual financial statements of the Corporation and adopt the annual report;
 - d. determine and authorize, on the recommendation of the Board of Directors, the distribution of dividends
 - e. increase or decrease the authorized capital of the Corporation;
 - f. suspend or terminate the operations of the Corporation at an Extra-ordinary General Meeting or Annual General Meeting convened in accordance with the provisions of this Agreement;
 - g. consider any matter referred to it by the Board of Directors; and
 - h. subject to the provisions of this Agreement exercise such other powers as are not expressly reserved to the Board of Directors.
- 2 Without prejudice to the provisions of sub-paragraph (a) of paragraph 1 of this Article, and by way of a transitional measure, the first Chief Executive Officer of the Corporation and the

Executive Directors shall be appointed at the first General Meeting by the founding Shareholders and if appointed earlier by the promoters, their appointment shall be ratified at the first General Meeting.

Article 17: Notice of General Meetings

- 1 Every Annual General Meeting shall be called by twenty-one days' notice in writing at the least, and a General Meeting other than an Annual General Meeting shall be called by fifteen days notice in writing at the least.
- 2 The notice shall be exclusive of the day on which it is served or deemed to have been served and of the day for which it is given, and shall specify the provisional agenda, the place, the day and the hour of the meeting, and shall be given in the manner hereinafter mentioned or in such other manner, if any, as may be prescribed by a resolution passed by the Shareholders at a General Meeting, to such persons as are, under this Charter, entitled to receive such notices from the Corporation, provided always that a General Meeting shall, notwithstanding that it is called by shorter notice than that specified in this Charter, be deemed to have been duly called if it is so agreed:
 - a. in the case of the Annual General Meeting, by all the Representatives entitled to attend and vote thereat; and
 - b. in the case of any other meeting, by a majority in number of the Representatives having the right to attend and vote at the meeting, being a majority holding not less than ninety-five per cent (95%) in nominal value of the Shares giving that right.
- 3 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting

Article 18: Proceedings at General Meetings

1. All business that is transacted at an Extra-ordinary General Meeting and at an Annual General Meeting shall be deemed special, with the exception of the matters referred to in paragraphs (a) to (h) of paragraph 1 of Article 16.
2. No business shall be transacted at any General Meeting unless a quorum is present when the meeting proceeds to business. Save as otherwise provided in this Charter, the quorum for any meeting shall be a majority of Representatives representing or acting as proxies for Shareholders holding not less than sixty per cent (60%) of the nominal value of the issued Shares.
3. If a quorum is not present for an Extra-ordinary General Meeting, including a meeting convened on the requisition of Shareholders, the meeting shall be dissolved. In any other case the meeting shall stand adjourned to the fourth day (excluding non-working days) thereafter at the same time and place, and if at such adjourned meeting a quorum is not present, Representatives of Shareholders holding in aggregate not less than 30% of the issued Shares, shall be a quorum. The Chairman shall adjourn any such meeting if so requested by holders of not less than fifty per cent (50%) of the issued Shares.

4. The Chairman of the Board of Directors shall preside at every General Meeting. If at any meeting the Chairman shall not be present, or if he is unable or unwilling to act as Chairman, the Representatives present shall choose the person to act as chairman of the meeting from amongst the Directors present.
5. The Chairman may, with the consent of any meeting at which a quorum is present, and shall, if so directed by the meeting, adjourn any meeting from time to time and from place to place as the meeting shall determine. Whenever a meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given in the same manner as in the case of an original meeting. Save as aforesaid, no Shareholder shall be entitled to any notice of an adjourned meeting.

Article 19: Votes of Representatives and Representation by Proxy

1. Without prejudice to any special rights and privileges of any Shareholder provided for in this Charter and subject to restrictions as to voting for the time being attached to any class of Shares, every Shareholder represented at a General Meeting shall, subject to paragraph 3 of this Article, have one vote for every Share of which he is the holder.
2. Except as otherwise provided in this Charter, all matters before a General Meeting shall be decided by a simple majority of votes of Shareholders represented at the meeting.
3. At any General Meeting, a poll may be demanded by any one or more Representatives of Shareholders holding not less than one-tenth of the total voting power of all the Shareholders having the right to vote at the meeting. The demand for a poll may be withdrawn.
4. Unless a poll be so demanded, a declaration by the Chairman that a resolution has been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Corporation shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.
5. If a poll is duly demanded it shall be taken in such manner as the Chairman of the General Meeting directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
6. In the case of equal division of votes the Chairman shall be entitled to a casting vote.
7. No person other than the Representative of a Shareholder duly registered shall be entitled to be present at a General Meeting or to vote on any question either personally or by proxy, or to be counted in a quorum at any General Meeting.
8. Votes may be given either by a Representative or a proxy. A proxy need not be a Representative.
9. The appointment of a proxy shall be by an instrument in common form or in any form approved by the Board of Directors and shall be in writing under the hand of some officer or attorney duly authorized to act in that behalf for the appointing Representative or Shareholder, but any Shareholder whose address as shown in the Register of Shareholders is outside the country where the headquarters of the Corporation is situated may appoint a proxy by telecopier or cable. The instrument or cable appointing a proxy may contain a

direction to the proxy to vote for or against a particular resolution or resolutions but unless such a direction is given, the proxy may vote as he thinks fit.

10. The instrument appointing a proxy, together with the power of attorney (if any) under which it is signed or a copy thereof certified by a notary, or a cable or telecopier message appointing a proxy pursuant to paragraph (9) of this Article shall be respectively deposited or received at the principal office of the Corporation or such other place as is specified for that purpose in the notice convening the meeting not less than forty-eight hours before the time appointed for holding the meeting or an adjourned meeting or the taking of a poll at which the person named in such instrument proposes to vote in respect thereof.
11. A resolution passed by correspondence by Shareholders for the time being entitled to vote shall be as valid and effectual as if the same had been passed at a General Meeting duly convened and held.

Article 20: Board of Directors – Composition and Tenure

1. The Board of Directors shall be composed of a minimum of eight (8) and a maximum of twenty one (21) Directors provided that at least two (2) are independent directors. The Chief Executive Officer and Executive Directors shall by virtue of their offices be members of the Board of Directors.
2. Subject to the provisions of paragraphs (4) and (5) of Article 24, Directors including the Chairman shall be elected for a renewable term of three years.
3. Directors shall continue in office until their successors are elected.
4. The Chairman shall preside at every meeting of the Board of Directors. If the Chairman is not present within one hour after the time appointed for holding a meeting or is for any reason unable or unwilling to act, the Directors present shall choose any Director other than the Chief Executive Officer or the Executive Directors, to chair the meeting.
5. If the office of a Director becomes vacant, a successor shall be elected in accordance with the provisions of paragraph 1 of this Article. Any deficiency in the number of Directors pending the filling of a vacancy shall not invalidate the composition of the Board of Directors or any act done by the Board of Directors provided their number does not at any time fall below eight (8).
6. The Shareholders shall by regulations adopted at a General Meeting define the material causes, reasons or incidents justifying the removal by the Corporation, at any time, of any Director elected pursuant to this Article. Such regulations shall be adopted by a resolution passed by a majority holding not less than two-thirds of the total voting power of the Shareholders.

Article 21: Board of Directors – Powers and Duties

1. Subject to the provisions of this Charter, the Board of Directors shall have responsibility for the general conduct of the business of the Corporation
2. The Board of Directors shall at all times exercise independent judgment, act in the best interest of the Corporation and be responsible only to the General Meeting.

- 3 Subject to paragraph 1 of this Article, the Board of Directors shall have full powers to manage the business of the Corporation. It shall provide for its management in such manner as the Board of Directors may deem expedient. Without prejudice to the general powers conferred on it under this Charter, the Board of Directors shall:
 - a. prepare the work of the General Meeting;
 - b. submit to the Shareholders for consideration at each Annual General Meeting, the annual report of the Corporation and the annual financial statements, together with the report of the External Auditors relating thereto;
 - c. in conformity with the general directives of the Shareholders issued in a General Meeting, take decisions concerning particular trade-financing proposals, direct loans, guarantees, investments, the borrowing of funds and other operations of the Corporation.
 - d. establish, transfer and close down branch offices, representative offices agencies and subsidiaries;
 - e. establish subsidiary organs or committees and delegate thereto any of its powers;
 - f. approve the annual budget of the Corporation;
 - g. appoint and remove, on the recommendation of the Chief Executive Officer, officers of the Corporation and fix their conditions of service in accordance with universally recognized principles.
 - h. upon the recommendation of the Chief Executive Officer, determine the organizational structure, staffing level, remuneration and compensation of the Corporation and prescribe the staff regulations.
4. In appointing the officers and staff of the Corporation, the Board of Directors shall make it its foremost consideration to secure the highest standards of efficiency, technical competence and integrity.
- 5 A Director who has a direct personal interest in any matter being, or to be considered by the Board of Directors, shall disclose the nature of his interest to the Board of Directors as soon as possible after the relevant facts concerning the matter have come to his knowledge, and shall not be present during any deliberation on the matter by the Board of Directors or vote on such matter.

Article 22: Board of Directors – Procedure

1. The Board of Directors shall meet at least once every three months and as often as the business of the Corporation may require at the place of the headquarters of the Corporation or at any place specified in the convening notice.
2. The Chairman, in consultation with or upon the request of one-third in number of the Directors, shall summon a meeting of the Board of Directors at any time.
3. Fifteen clear days notice of every meeting of the Board of Directors shall be given to every Director. Every such notice shall specify the place, the day and the hour of the meeting and the provisional agenda of the meeting.

- 4 A quorum for any meeting of the Board of Directors shall not be less than sixty percent of the total number of Directors, provided that a majority present at that meeting shall be non-Executive Directors.
- 5 A committee established by the Board of Directors shall, in the exercise of the powers delegated to it, conform to any regulations governing its composition, functions, responsibilities and procedures as may be prescribed by the Board of Directors.
- 6 Subject to any regulations prescribed by the Board of Directors, a committee of the Board of Directors, may meet and adjourn as it thinks proper. Questions arising at any meeting of a committee shall be decided by a majority of votes of members of the committee. Each member shall have one vote and in case of an equal division of votes, the Chairman shall have a casting vote. Resolutions duly adopted by a committee shall have the full force of resolutions adopted by the Board of Directors, except as otherwise expressly provided in the regulations constituting, or delegating powers to, the committee.
- 7 All acts done in good faith at any meeting of the Board of Directors or of a committee or a subsidiary organ of the Board of Directors shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Director or member of the committee or the subsidiary organ acting as aforesaid, or that any of them was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director or a member of that committee or subsidiary organ.
- 8 The Board of Directors shall cause minutes to be made in books provided for the purpose:
 - a. of the names of the Directors present at each meeting of the Board of directors, and of members of a committee or subsidiary organ of the Board of Directors present at each meeting of that committee or subsidiary organ; and
 - b. of all proceedings of, and resolutions adopted at, all General Meetings, meetings of the Board of Directors and meetings of committees and subsidiary organs of the Board of Directors.
- 9 Any such minute of any meeting, if purporting to be signed by the Chairman of such meeting or of the next meeting shall, unless contested by the majority of attendants at the meeting, be conclusive evidence without any proof of the facts therein stated.
- 10 Each Director shall have one vote, and resolutions of the Board of Directors shall be passed by a majority of votes cast by the Directors present. In the event of equal division of votes, the Chairman shall be entitled to a casting vote.
- 11 Subject to paragraph 10 of this Article, a resolution adopted by postal vote or by any means of communication in the form of one or more documents signed or approved in writing by Directors, shall be as valid and effectual as if it had been passed at a meeting of the Board of Directors duly convened and held. The Board of Directors shall at its next meeting following adoption of such resolution take note thereof and direct that the resolution be recorded in the minutes of the said meeting.

CHAPTER 5: MANAGEMENT

Article 23: Executive Committee

1. The Board of Directors shall set up at the headquarters of the Corporation an Executive Committee which shall exercise such functions and powers as may be delegated to it from time to time by the Board of Directors, including in particular commitment authority in respect of financing, guarantee and investment proposals.
2. The Executive Committee shall be composed of the Chief Executive Officer and the Executive Directors and such other persons as may be designated from time to time by the Board of Directors. The Chief Executive Officer shall be the Chairman of the Executive Committee.
3. The Executive Committee shall meet as often as the business of the Corporation may require.

Article 24: Chief Executive Officer and Executive Directors

1. The Board of Directors shall, by a simple majority of all its elected members, appoint the Chief Executive Officer. The Chief Executive Officer shall be a person of the highest competence in matters pertaining to the operations, management and administration of an international financial institution.
2. The Chief Executive Officer shall be the chief executive of the Corporation and shall, subject to the provisions of this Charter, conduct, under the general control and direction of the Board of Directors, the day-to-day business of the Corporation.
3. If the Chief Executive Officer is incapacitated or his office should become vacant for any reason, the Board of Directors shall designate an Acting Chief Executive Officer from among the Executive Directors and shall within four months appoint a new Chief Executive Officer.
4. The Board of Directors shall appoint such number of Executive Directors, not exceeding a maximum of four, as it may deem necessary, to assist the Chief Executive Officer and carry out such functions as the Chief Executive Officer may determine. The terms and conditions of service of the Executive Directors, including their remuneration and retirement, shall be as may be prescribed from time to time by regulations issued by the Board of Directors. The Board of Directors may designate one of the Executive Directors the Deputy Chief Executive Officer of the Corporation.
5. The term of office of the Chief Executive Officer shall be five years each, renewable once for a second and final term of five years.
6. The Board of Directors may remove the Chief Executive Officer or any of the Executive Directors from office.

Article 25: Use of the Official Seal

1. The Corporation shall have an official seal which shall only be used by the authority of the Board of Directors or of a committee of the Board of Directors duly authorized by the Board of Directors in that behalf.
2. Every instrument to which the seal shall be affixed shall be signed by the Chief Executive Officer and shall be countersigned by the Secretary of the Corporation or by some other person appointed by the Board of Directors for the purpose.

CHAPTER 6: ACCOUNTS, SUPERVISION AND CONTROL

Article 26: Accounts

- 1 The Board of Directors shall cause proper books of account to be kept with respect to:
 - a. all sums of money received and expended by the Corporation and the matters in respect of which the receipts and expenditure take place;
 - b. all sales and purchases by the Corporation; and
 - c. the assets and liabilities of the Corporation.
- 2 Proper books shall not be deemed to have been kept if there are not kept such books of account as are necessary to give a true and fair view of the state of the Corporation's affairs and to explain its transactions.
- 3 The books of account shall be kept in United States Dollars, or any currency specified by the Board of Directors, at the headquarters of the Corporation or at such other place or places, as the Board of Directors, may deem fit, and shall always be open to the inspection of the Directors and the Shareholders. The procedure for inspection by the Shareholders shall be established by the Board of Directors.
- 4 The Board of Directors, shall at the end of each financial year, cause to be prepared and be laid before the Annual General Meeting the annual financial statements of the Corporation, including the consolidated accounts (if any) and the reports of the External Auditors relating thereto.
- 5 The financial statements of the Corporation shall be compiled and presented in conformity with generally accepted international accounting standards and shall be made available to all Shareholders not less than one month before the date of the Annual General Meeting.

Article 27: External Audit

1. The accounts of the Corporation shall be audited each financial year by External Auditors appointed by the General Meeting upon the recommendation of the Board of Directors. The External Auditors shall be appointed for a term of one year, which may be renewed.
2. The External Auditors shall, subject to any special directives that the General Meeting may issue from time to time, carry out their audit responsibilities in accordance with international auditing guidelines and standards and the terms of their engagement letter. They shall, in particular, carry out such tests and checks of the Corporation's records as they shall deem appropriate and certify whether or not:
 - a. the annual financial statements, including the balance sheet and the profit and loss account of the Corporation is in accordance with its books and records,
 - b. the financial transactions reflected in the annual financial statements have been recorded in accordance with the applicable rules, regulations and financial decisions.
 - c. the securities and monies on deposit and in hand have been verified by certificates received from the Corporation's depositories or by actual count; and

- d. the physical assets of the Corporation are in existence and are attributed proper valuation.
- 3 The report of the External Auditors shall be annexed to the financial statements of the Corporation for the relevant financial year and shall be laid by the Board of Directors before the Annual General Meeting. In their report the External Auditors shall state whether or not:
 - a. all the information and explanations required by the External auditors have been obtained;
 - b. in their professional opinion, the financial statements present fairly the financial position of the Corporation, the result of its operations and generally the state of affairs of the Corporation at the end of the relevant period; and
 - c. the financial situation of the Corporation during the period covered by the audit is in conformity with the provisions of this Charter and the applicable resolutions, rules, regulations and financial decisions.
- 4 The External Auditors shall have right of access at all times to the books of account, registers and vouchers of the Corporation and to all other supporting evidence of transactions that they consider necessary to consult for the effective discharge of their duties. The Board of Directors, the Chief Executive Officer and all the officers and staff of the Corporation shall furnish to the External Auditors such information and explanations as they may require.
- 5 The External auditors shall receive notice of, and may attend any meeting of the Board of Directors or the General Meeting at which the financial statements of the Corporation for any financial year is to be presented and considered.

Article 28: Audit and Compliance Committee

1. The Board of Directors shall set up an audit and compliance committee which shall exercise such functions and powers as may be delegated to it from time to time by the Board of Directors, including in particular the power to review, examine and verify the proper applications of the Corporation's internal control and financial reporting policies and procedures and the power to propose the appointment and remuneration of External Auditors of the Corporation. The Audit and Compliance Committee shall have access to all accounts, documents, registers and records in the custody or under the control of the Corporation.
2. The Audit and Compliance Committee shall be composed of three non-Executive Directors designated by the Board of Directors.
3. The Audit and Compliance Committee shall meet at least three times a year or as often as its business may require. The Audit and Compliance Committee shall submit to the Board of Directors and to the General Meeting an annual report and such other reports as often as it deems necessary.

CHAPTER 7: DIVIDENDS AND CAPITALIZATION OF PROFITS

Article 29: Dividends and Reserves

1. Subject to any preferential right or other special right for the time being attached to any Shares, the Annual General Meeting may declare dividends.
2. The General Meeting may from time to time on the recommendation of the Board of Directors cause the payment of dividends out of the profits of the Corporation as appear to the Board of Directors to be justified by the financial position of the Corporation, after making adequate provision for losses and reserves; provided that the amount paid shall not exceed the amount recommended by the Board of Directors.
- 3 No dividend shall bear interest.

Article 30: Capitalization of Profits

1. The Corporation in General Meeting may resolve that it is desirable to capitalize any part of the amount for the time being standing to the credit of any of the Corporation's reserve accounts or to the credit of the profit and loss account or otherwise available for distribution, and accordingly, that such sum be set free for distribution amongst the Shareholders who would have been entitled thereto if distributed by way of dividend in proportion to their Shareholding on condition that the same shall not be paid in cash but applied either in or towards paying up any amounts payable on any Shares or debentures of the Corporation to be allotted and distributed, credited as fully paid up to and amongst such Shareholders in the proportion aforesaid, or partly in one way and partly in the other.
2. Whenever a resolution is passed at a General Meeting pursuant to paragraph 1 of this Article, the Board of Directors shall give effect to such resolution and shall make all appropriations and applications of the undivided profits resolved to be capitalized thereby and all allotments and issues of fully-paid Shares or debentures, if any, and generally shall do all acts and things required to give effect to such resolution.

CHAPTER8: GENERAL PROVISIONS

Article 31: Suspension of Operations and Dissolution

1. The General Meeting may, by the affirmative votes of a simple majority of Shareholders, suspend or terminate the operations of the Corporation.
2. In the event of termination of operations of the Corporation, the liquidator may, with the sanction of a resolution of the General Meeting, divide among the Shareholders in specie or in kind the whole or any part of the assets of the Corporation and may for such purpose set such value as he deems fair upon any property to be divided as aforesaid and may determine how such division shall be carried out among the Shareholders. No distribution shall, however, be made to the Shareholders as aforesaid until all liabilities to creditors and employees shall have been discharged or properly provided for.

Article 32: Financial Year

The financial year of the Corporation shall begin on 1st January and end on 31st December of each year, except that the first financial year of the Corporation shall begin on the date on which the Corporation commences operations and end on 31st December of the following year.

Article 33: Annual Report

The Corporation shall within 6 months of the end of each financial year of the Corporation, publish a report on the operations and activities of the Corporation. The annual report shall contain the financial statements of the Corporation for the preceding financial year, including the balance sheet and the profit and loss account, together with the corresponding report of the External Auditors.

Article 34: Indemnification

The Chief Executive Officer, every Director, the External Auditors and any other officer, employee and agent for the time being of the Corporation shall be indemnified out of the assets of the Corporation against any liability arising out of the exercise of his functions, or costs incurred by him in defending any civil or criminal proceedings pertaining thereto.

Article 35: Register of Shareholders

1. The Secretary shall keep and maintain a Register of Shareholders which shall be open for inspection by Shareholders. The Register of Shareholders shall contain such particulars as the Board of Directors may from time to time prescribe. It shall be maintained at the principal office of the Corporation or any other place as determined by the Board of Directors.
2. The Register of Shareholders shall contain the following particulars:
 - a. the names and postal addresses of Shareholders, and a statement of the Shares held by each Shareholder distinguishing each Share by its number and the amount paid thereon;
 - b. the date on which each person was entered in the register as a Shareholder; and

- c details of any Share transfer.
3. In order to facilitate transfer of Shares, the Board of Directors may at any time appoint transfer agents to undertake the transfer and registration of Shares.

Article 36: Share Certificates

1. Every Shareholder shall be entitled, without payment, to receive one certificate for all his Shares or several certificates each for one or more of his Shares. Every Certificate shall be under the Seal of the Corporation and shall specify the Shares to which it relates and the amount paid up thereon, provided that in respect of a Share or Shares held jointly by several persons, delivery of a certificate for a Share or several certificates each for one or more Shares to one of the several joint-holders shall be sufficient delivery to all such holders.
2. Worn out, defaced, destroyed or lost Share certificates shall be replaced on such terms as to evidence and indemnity and the payment of expenses and fees as the Board of Directors shall from time to time determine.

Article 37: Rules and Regulations

The Board of Directors may adopt such rules and regulations, including financial regulations, as may be necessary or appropriate in order to conduct the business of the Corporation.

Article 38: Working Language

The working language of the Corporation shall be English and or such other language as the General Meeting may prescribe.

Article 39: Settlement of Disputes

Any question of interpretation or application of the provisions of this Charter arising among Shareholders inter se or between a Shareholder and the Corporation shall be submitted to the Board of Directors for decision. In any case where the Board of Directors has given a decision, the Shareholder concerned may require that the question be referred to the General Meeting, whose decision shall be final and binding. Pending the decision of the General Meeting the Corporation may act on the basis of the decision of the Board of Directors. The foregoing procedure shall be applicable in lieu of any judicial or arbitral procedure for the settlement of disputes and neither the Corporation nor any Shareholder or former Shareholder may bring action in court in respect thereof, except in order to enforce a decision of the Board of Directors or the General Meeting.

Article 40: Amendment

1. Subject to the provisions of paragraph 2 of this Article, any provision contained in this Agreement may be amended from time to time by a resolution passed by a majority of votes of Shareholders present or represented at a General Meeting.
2. Notwithstanding any provision contained in this Charter, any resolution to modify or change the purpose, functions or the fundamental structure of the Corporation stated in Articles 5, 7, 8, 11, 13, 14, 20, 28, as well as Article 40 of this Agreement or to merge, consolidate or dissolve the Corporation or to suspend its operations shall require a majority of votes of at least two-thirds of the holders of all issued Shares.

Article 41: Establishment of the Corporation

The Corporation shall be deemed finally established only after:

- a. Shares corresponding to at least ten percent of the initial authorized Share capital have been have been subscribed and paid for in accordance with the provisions of Article 9 by eligible subscribers;
- b. the first General Meeting of the Corporation has been convened pursuant to the provisions of paragraph 3 of Article 15 of this Charter; and
- c. the General Meeting has elected the Directors and appointed the first Chief Executive Officer and the External Auditors of the Corporation.

Article 42: Transitional Provisions

Pending the final establishment of the Corporation pursuant to Article 41 of this Charter and commencement of its operations;

- a. the text of this Charter shall be deposited with the Provisional Depository and shall be open for signature by eligible subscribers;
- b. each Shareholder shall at least one month before the date fixed for the first General Meeting appoint a Representative and communicate his name and address to the Provisional Depository.

**IN WITNESS WHEREOF THE UNDERSIGNED BEING THEREUNTO DULY
AUTHORISED, HAVE SIGNED THIS AGREEMENT.**

Done in _____ this _____ day of _____ 2007 in a single copy in the
English language

SCHEDULE

LIST OF SIGNATORIES:

ANNEXURE A

ALLOCATION OF THE CORPORATION'S SHARE CAPITAL

AS AT 14 SEPTEMBER 2009

<u>S/N</u>	<u>Name of Shareholder</u>	<u>Address of Shareholder</u>	<u>Shares Subscribed</u>	<u>Percentage Holding</u>
1	Central Bank of Nigeria	Governor Central Bank of Nigeria Central Business District Abuja Nigeria	462,923,000.00	42.497%
2	United Bank of Africa Plc	(UBA House) No. 57 Marina Lagos, Nigeria	114,750,000.00	10.534%
3	First Bank Nigeria Plc	35, Marina Lagos, Nigeria	100,119,013.00	9.191%
4	Access Bank Plc	Plot 1665, Oyin Jolayemi Street Victoria Island Lagos, Nigeria	61,250,000.00	5.623%

5	Oceanic International Bank Plc	Ozumba Mbadiwe Avenue P. O. Box 75073 Victoria Island Lagos, Nigeria	50,000,000.00	4.590%
6	Zenith Bank Plc	Plot 87 Ajose Adeogun Street P.O. Box 75315 Victoria Island Lagos, Nigeria	50,000,000.00	4.590%
7	Intercontinental Bank Plc	Plot 999c, Danmole Street (Intercontinental Plaza) PMB 80150 V/I Lagos, Nigeria	50,000,000.00	4.590%
8	WEMPCO Limited	18, Wempco Road Ogba Scheme, Ikeja, Lagos, Nigeria	50,000,000.00	4.590%
9	Gloria Investments Ltd	18, Wempco Road Ogba Scheme, Ikeja,	50,000,000.00	4.590%

		Lagos, Nigeria		
10	Union Bank Nigeria Plc	Marina Lagos, Nigeria	50,000,000.00	4.590%
11	First City Monument Bank Plc	17a, Tinubu Street, Marina Lagos, Nigeria	10,000,000.00	0.918%
12	First Inland Bank Plc	4/6, Adetokunbo ademola Street, Victoria Island, Lagos, Nigeria	10,000,000.00	0.918%
13	Fidelity Bank Plc	2, Kofo Abayomi Street, Victoria Island, Lagos, Nigeria	5,000,000.00	0.459%
14	Equatorial Trust Bank Plc	Plot 1092, Adeola Odeku Street, Victoria Island, Lagos, Nigeria	5,000,000.00	0.459%
15	UBA Asset Management Limited	22B, Idowu Taylor Street, Victoria Island,	5,000,000.00	0.459%

		Lagos, Nigeria		
16	Guaranty Trust Bank Plc	1669, Oyin Jolayemi Street, Victoria Island Lagos, Nigeria	5,000,000.00	0.459%
17	NOFEC Investment LTD	163, Chime Avenue, New Haven, Enugu	5,000,000.00	0.459%
18	Leadway Assurance Company Limited	121/123 Western Avenue Iponri Lagos, Nigeria	2,500,000.00	0.230%
19	Ekulo International Limited	Plot 1401B, Tihamiyu Savage Street, Victoria Island, Lagos, Nigeria	1,000,000.00	0.092%
20	Megac hem Nigeria Limited	33, Idumagbo Avenue Lagos, Nigeria	500,000.00	0.046%

21	Nondon West Africa Limited	3A, Shodipe Street, Surulere, Lagos, Nigeria 22, Montgomery Road, Yaba, Lagos, Nigeria	200,000.00	0.018%
22	Dyer & Blair Investment Bank, Kenya	10 th Floor Loita House, Loita Street P.O. Box 45396-00100 Nairobi Kenya	100,000.00	0.009%
23	APT Securities & Funds Ltd		100,000.00	0.009%
24	Elka Investment Ltd	A2, Zoddamaturu Road Kaduna Nigeria	75,000.00	0.007%
25	Capital Assets Limited	Bookshop House (8 th Floor) 50/52 Broad Street, Lagos, Nigeria	50,000	0.005%
26	Prof. Owodunni Teriba		150,000.00	0.014%

27	Mr. Akindipe Ebenezer Akintayo	Suite 65, LSDPCS, Ijaye Road Lagos, Nigeria	100,020.00	0.009%
28	Mr. Nwosu Rapheal A. Ozoemena		100,000.00	0.009%
29	Okafor paul Okwudiri		51,000.00	0.005%
30	Obiakar Uchendu Paulinus		51,000.00	0.005%
31	Mr, Mekwunye Dumbiri Charles		50,000.00	0.005%
32	Prot. Festus O. Fajana		50,000.00	0.005%
33	Dr, Samuel Idunonyi	1357 15 Street Fortlee New Jersey 07024 USA	50,000.00	0.005%
34	Mr. Anozie Nnamdi Ignatius		50,000.00	0.005%
35	Modupe Ayodeji Omotosho	31, Felipe Road Chafford Hundred Thurrock Essex RM 16 6NE United Kingdom	50,000.00	0.005%

36	AFC Staff Equity Scheme		10,000,000.00	0.000%
37	Mr Victor Hammond	163/165, Broad Street, Lagos, Nigeria	50,000.00	0.005%

ANNEXURE B

HEADQUARTER'S AGREEMENT

ANNEXURE C
BRANCH OFFICE AGREEMENT

Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 085/01 ryo ku wa 07/09/2020 ryemeza burundu Amasezerano y'iyinjizwa ry'u Rwanda muri <i>Africa Finance Corporation</i> yakozwe ku wa 20 Kamena 2019 hagati ya <i>Africa Finance Corporation</i> na Repubulika y'u Rwanda	Seen to be annexed to Presidential Order n° 085/01 of 07/09/2020 ratifying the Accession Agreement of the Republic of Rwanda to the Africa Finance Corporation, made on 20 June 2019, between the Africa Finance Corporation and the Republic of Rwanda	Vu pour être annexé à l'Arrêté Présidentiel n° 085/01 du 07/09/2020 ratifiant l'Accord d'adhésion de la République du Rwanda à <i>Africa Finance Corporation</i>, fait le 20 juin 2019, entre <i>Africa Finance Corporation</i> et la République du Rwanda
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEKA RYA PEREZIDA N° 086/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y’U RWANDA N’UBWAMI BWA MAROC KU KOHEREREZANYA ABAKURIKIRANYWEHO IBYAHA YAKOREWE I RABAT, KU WA 19 WERURWE 2019</p> <p style="text-align: center;"><u>ISHAKIRO</u></p> <p><u>Ingingo ya mbere:</u> Kwemeza burundu</p> <p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p> <p><u>Ingingo ya 3:</u> Igihe iri teka ritangirira gukurikizwa</p>	<p>PRESIDENTIAL ORDER N° 086/01 OF 07/09/2020 RATIFYING THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON EXTRADITION DONE IN RABAT, ON 19 MARCH 2019</p> <p style="text-align: center;"><u>TABLE OF CONTENTS</u></p> <p><u>Article One:</u> Ratification</p> <p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p> <p><u>Article 3:</u> Commencement</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 086/01 DU 07/09/2020 RATIFIANT L’ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L’EXTRADITION FAIT À RABAT, LE 19 MARS 2019</p> <p style="text-align: center;"><u>TABLE DES MATIÈRES</u></p> <p><u>Article premier:</u> Ratification</p> <p><u>Article 2:</u> Autorités chargées de l’exécution du présent arrêté</p> <p><u>Article 3:</u> Entrée en vigueur</p>
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<p>ITEKA RYA PEREZIDA N° 086/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y’U RWANDA N’UBWAMI BWA MAROC KU KOHEREREZANYA ABAKURIKIRANYWEHO IBYAHA, YAKOREWE I RABAT, KU WA 19 WERURWE 2019</p> <p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p> <p>Dushingiye ku Itegeko Nshinga rya Repubulika y’u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167, iya 168 n’iya 176;</p> <p>Dushingiye ku Itegeko n° 07 quater/2020 ryo ku wa 07/08/2020 ryemera kwemeza burundu Amasezerano hagati ya Repubulika y’u Rwanda n’Ubwami bwa <i>Maroc</i> ku kohererezanya abakurikiranyweho ibyaha yakorewe i <i>Rabat</i>, muri <i>Maroc</i>, ku wa 19 Werurwe 2019;</p> <p>Tumaze kubona Amasezerano hagati ya Repubulika y’u Rwanda n’Ubwami bwa <i>Maroc</i> ku kohererezanya abakurikiranyweho ibyaha yakorewe i <i>Rabat</i>, ku wa 19 Werurwe 2019;</p>	<p>PRESIDENTIAL ORDER N° 086/01 OF 07/09/2020 RATIFYING THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON EXTRADITION DONE IN RABAT, ON 19 MARCH 2019</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;</p> <p>Pursuant to Law n° 07 quater/2020 of 07/08/2020 approving ratification of the Agreement between the Republic of Rwanda and the Kingdom of Morocco on extradition done in Rabat, Morocco, on 19 March 2019;</p> <p>Considering the Agreement between the Republic of Rwanda and the Kingdom of Morocco on extradition done in Rabat, on 19 March 2019;</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 086/01 DU 07/09/2020 RATIFIANT L’ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L’EXTRADITION FAIT À RABAT, LE 19 MARS 2019</p> <p>Nous, KAGAME Paul, Président de la République;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;</p> <p>Vu la Loi n° 07 quater/2020 du 07/08/2020 approuvant la ratification de l’Accord entre la République du Rwanda et le Royaume du Maroc sur l’extradition fait à Rabat, au Maroc, le 19 Mars 2019;</p> <p>Considérant l’Accord entre la République du Rwanda et le Royaume du Maroc sur l’extradition fait à Rabat, le 19 Mars 2019;</p>
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<p>Bisabwe na Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta ;</p> <p>Inama y'Abaminisitiri imaze kubisuzuma no kubyemeza;</p> <p>TWATEGETSE KANDI DUTEGETSE:</p> <p><u>Ingingo ya mbere: Kwemeza burundu</u></p> <p>Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa <i>Maroc</i> ku koherezanya abakurikiranyeho ibyaha yakorewe i <i>Rabat</i>, ku wa 19 Werurwe 2019, ari ku mugereka w'iri teka, yemejwe burundu kandi atangiye gukurikizwa uko yakabaye.</p> <p><u>Ingingo ya 2: Abashinzwe gushyira mu bikorwa iri teka</u></p> <p>Minisitiri w'Intebe, Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta na Minisitiri w'Ububanyi n'Amahanga n'Ubutwererane bashinzwe gushyira mu bikorwa iri teka.</p>	<p>On proposal by the Minister of Justice and Attorney General;</p> <p>After consideration and approval by the Cabinet;</p> <p>HAVE ORDERED AND ORDER:</p> <p><u>Article One: Ratification</u></p> <p>The Agreement between the Republic of Rwanda and the Kingdom of Morocco on extradition done in Rabat, on 19 March 2019, annexed to this Law, is ratified and becomes fully effective.</p> <p><u>Article 2: Authorities responsible for the implementation of this Order</u></p> <p>The Prime Minister, the Minister of Justice and Attorney General and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.</p>	<p>Sur proposition du Ministre de la Justice et Garde des Sceaux;</p> <p>Après examen et adoption par le Conseil des Ministres;</p> <p>AVONS ARRÊTÉ ET ARRÊTONS:</p> <p><u>Article premier: Ratification</u></p> <p>L'Accord entre la République du Rwanda et le Royaume du Maroc, sur l'extradition, fait à Rabat, le 19 mars 2019, annexé au présent arrêté, est ratifié et sort son plein et entier effet.</p> <p><u>Article 2: Autorités chargées de l'exécution du présent arrêté</u></p> <p>Le Premier Ministre, le Ministre de la Justice et Garde des Sceaux et le Ministre des Affaires Étrangères et de la Coopération Internationale sont chargés de l'exécution du présent arrêté.</p>
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<p><u>Ingingo ya 3: Igihe iri teka ritangirira gukurikizwa</u></p> <p>Iri teka ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p>	<p><u>Article 3: Commencement</u></p> <p>This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 3: Entrée en vigueur</u></p> <p>Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
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Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEKA RYA PEREZIDA N° 086/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y'U RWANDA N'UBWAMI BWA MAROC KU KOHEREREZANYA ABAKURIKIRANYWEHO IBYAHA YAKOREWE I RABAT, KU WA 19 WERURWE 2019</p>	<p>ANNEX TO PRESIDENTIAL ORDER N° 086/01 OF 07/09/2020 RATIFYING THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO ON EXTRADITION DONE IN RABAT, ON 19 MARCH 2019</p>	<p>ANNEXE À L'ARRÊTÉ PRÉSIDENTIEL N° 086/01 DU 07/09/2020 RATIFIANT L'ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC SUR L'EXTRADITION FAIT À RABAT, LE 19 MARS 2019</p>
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AGREEMENT

BETWEEN

THE REPUBLIC OF RWANDA

AND

THE KINGDOM OF MOROCCO

ON EXTRADITION

The Republic of Rwanda and the Kingdom of Morocco hereinafter referred to as “Contracting Parties”.

Desirous of making more effective the cooperation of the two Parties in the combating of crime by concluding Agreement on extradition.

Have agreed as follows:

Article 1
Obligation to Extradite

The Contracting Parties shall agree to extradite to each other, upon request and subject to the provisions of the present Agreement and their respective national laws, any person who is wanted in the territory in the Requesting Party for prosecution for an extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence.

Article 2
Conditions for extradition

1. Extradition for prosecution shall be executed for all acts which constitute punishable offences with a depriving of freedom penalty for at least two years, or by a more severe penalty under the law of both Contracting Parties.
2. Extradition for carrying out a sentence issued from the Requesting Party’s courts shall be executed for the offences described in paragraph 1 of this Article, provided that the duration of the penalty remaining to be served must not be less than six months.
3. If the request for extradition includes several separate offences each of which is punishable under the laws of the two Contracting Parties by a sentence of imprisonment, but some of which do not fulfill the condition with regard to the duration of the sentence which may be awarded, the requested Party shall also have the right to grant extradition for the latter offences.

Article 3
Mandatory Grounds of Refusal

Extradition shall not be granted:

- a) If the person required to be extradited is a national of the Requested Party. In such case the requested Party shall, in accordance with its laws and at the other contracting Party’s request, submit the case to its competent authorities for the purpose of taking over the criminal prosecution.

- b) If the offence for which extradition is requested is regarded by the Requested Party as an offence of a political nature under its laws. For the purpose of this Agreement, a political offence shall not include:
 - i) An offence within the scope of any multilateral international conventions to which both Contracting Parties are Parties to, and which imposes on them an obligation either to extradite or prosecute the person sought;
 - ii) Assault against life of the Head of the State, a member of his immediate family, a head or a member of a government, or any related offence including attempting or conspiring to commit such an offence;
 - iii) Any offence related to terrorism.
- c) If the requested Party has substantial grounds to believe that the request has been made for the purpose of prosecuting or punishing a person on account of race, religion, nationality, or that the position of the said person at his trial may be prejudiced for any of these reasons;
- d) If the offence for which extradition is requested, is an offence under military law which is not also an offence under the general criminal law;
- d) If there has been a final judgment rendered against the person in the Requested Party in respect of the offence for which the person's extradition is requested;
- e) In case of lapse of time from prosecution or punishment, according to the law of either Contracting Party;
- f) If pardon or amnesty has been granted either in the territory of the Requesting Party or in the territory of the Requested Party, provided, in the latter case that the Requested Party was competent to prosecute according to its national law.

Article 4 **Optional Grounds of Refusal**

Extradition may be refused:

- a.) If the person sought is being prosecuted by the Requested Party in respect of the offence or offences for which extradition is requested, or if the competent authority of the Requested Party have discontinued, in accordance with the law of that contracting Party, the criminal proceedings for the offence for which extradition is requested;
- b.) If the offence for which extradition is requested has been committed outside the territory of either Contracting Party and the law of the Requested Party does not provide for jurisdiction over such an offence committed outside its territory in comparable circumstances;

- c.) If the offence for which extradition is requested is regarded under the law of the Requested Party as having been committed in whole or in part within that Requested Party or its jurisdiction;
- d.) When the person sought has been tried and acquitted or convicted in a third state in respect of the offence or offences for which extradition is requested;
- e.) If the person sought has been found guilty in absentia, unless the Requesting Party provides the Requested Party with information which demonstrate that the person was afforded an adequate opportunity to present a defense;

Article 5 Capital Punishment

When the offence for which extradition is requested is punishable by death under the laws of the Requesting Party, death penalty shall be replaced, in accordance with the provisions of the present Agreement, and by the force of law by punishments which are provided for the same offences in the legislation of the Requested Party.

Article 6 Request and Supporting Documents

1. A request for extradition shall be made in writing and transmitted through the diplomatic channels.
2. A request for extradition shall be accompanied by the following:
 - a.) A warrant of arrest issued by a judicial authority in the territory of the Requesting Party, or any other documents having the same force and if the request relates to a person already convicted, an original or true certified copy of the final judgment;
 - b.) Statement of acts constituting the offence for which extradition is requested, indicating time and place of committal, its characterization and the text of the relevant legal provisions;
 - c.) An accurate description as possible of the person sought, together with any other information that may help to establish his/her identity, location and nationality;
 - d.) Particulars of the remaining duration of the sentence to be carried out when the person is claimed for the purpose of serving a sentence of imprisonment.
3. The documents supporting the request on extradition should be certified by an official and fasten by the seal of the competent authority of the Requesting Party.
4. Except when this Agreement provides otherwise the procedures with the regard to extradition and provisional arrest shall be governed solely by the law of the Requested Party.

5. If the Requested Party considers that the supplied information is not sufficient to take a decision under this agreement, additional information may be requested from the requesting party, within such time as the Requested Party shall require.

Article 7 Provisional Arrest

1. In the case of urgency, the competent authority of the Requesting Party may request the provisional arrest of the person sought to be extradited. The competent authority of the Requested Party shall decide the matter in accordance with its law.
2. The request for provisional arrest shall state that one of the documents mentioned in Article 6 paragraph 2.a. exists and that it is intended to send a request for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed and shall as precise as possible give a description of the person sought.
3. A request for provisional arrest shall be sent to the competent authority of the Requested Party either through the diplomatic channels or direct by post or through the International Criminal Police Organization (INTERPOL) or by any other means affording evidence in writing or accepted by the Requested Party. The requesting authority shall be informed without delay of the result of its request.
4. Provisional arrest may be terminated if, within a period of 30 days after arrest, the Requested Party has not received the request for extradition and the documents mentioned in Article 6. It shall not, in any event, exceed 40 days from the date of such arrest. The possibility of provisional release at any time is not excluded, but the Requested Party shall take any measures which it considers necessary to prevent the escape of the person sought.
5. Release shall not prevent re-arrest and extradition if a request for extradition is received subsequently.
6. When the person is arrested by either of the parties on the basis of an international warrant issued by the other party, such warrant will be considered as a request for his provisional arrest.

Article 8 Rule of Specialty

1. The extradited person shall not be proceeded against nor detained nor restricted in his personal freedom in any way for an offence committed prior to his surrender and the other than the one for which he was extradited except for the following cases:

- a) If the surrendering Contracting Party consent thereon, provided that a request in this concern be submitted and be attached with the documents provided for in Article 6, and with a record including any statement of the extradited person on the extension of extradition, and referring to the fact that the said person had his/her chance to defend himself before the requesting Party;
 - b) When the person, having had an opportunity to leave the territory of the Contracting Party to which he/she has been surrendered and has not executed within 45 days of his final discharge or has returned voluntarily to that territory after leaving it.
2. When the legal description of the offence for which a person has been extradited is altered this person shall only be proceeded against or sentenced if the offence under its new description:
- a) Can give rise to extradition pursuant to this Agreement;
 - b) Relates to the same facts on which extradition was granted.

Article 9 **Re-extradition to a Third State**

Except as provided for in Article 8 paragraph 1.b, the Requesting Party shall not, without the consent of the Requested Party, surrender to a third state a person surrendered to the requesting Party and sought by the said third State in respect of offences committed before his surrender. The Requested Party may request the production of the documents mentioned in Article 6, paragraph 2.

Article 10 **Concurrent Requests**

If extradition is requested concurrently by more than one state for the same offence or for the different offences, the Requested Party shall make its decision freely having regard to all the circumstances especially the nationality of the person sought, the possibility of mutual subsequent extradition and the date of receiving requests, gravity of offences and the place of committal.

Article 11 **Decision on the Request for Extradition**

1. The Requested Party shall, through diplomatic channels and INTERPOL, inform the Requesting Party of its decision on extradition.
2. The reasons of the refusal decisions whether wholly or partially shall be stated.
3. In case of acceptance, the competent authorities of the Contracting Parties shall agree on the most appropriate way, place and date to execute extradition.

4. Subject to the case provided for in the paragraph 5 of this Article, the person to be extradited may be released after 15 days of the appointed date if such person has not been taken over on the date agreed upon. In all cases the person to be extradited shall be released after 30 days of the appointed date and in that case the Requested Party may refuse the extradition for the same offence.

5. If circumstances beyond its control prevent a Contracting Party from surrendering or taking over the person to be extradited, it shall notify the other Contracting Party. The two Contracting Parties shall agree on a new date for surrender and the provisions of the paragraph 4 of this Article shall apply.

Article 12

Postponed or Conditional Surrender

1. The Requested Party may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been convicted, in order to enforce a sentence imposed for an offence other than that for which extradition is requested. In such a case the Requested Party shall advise the Requesting Party accordingly.

2. The Requested Party may, instead of postponing surrender, temporarily surrender the sought person to the Requesting Party in accordance with conditions to be agreed upon by the Contracting Parties.

Article 13

Seizure and Hand-over of Things

1. The Requested Party shall, in so far as its law permits, without prejudice to the rights of the third Party and at the request of the Requesting Party, seize and hand-over things:

a) Which may be required as evidence relevant to the offence for which extradition is requested;

b) Which has been acquired as a result of the offence for which extradition is requested and in which, at the time of the arrest is found in possessions of the person sought or is discovered subsequently;

c) Which have been earned in return for the proceeds of the crime.

2. The things referred to in paragraph 1 of this Article may, if the Requesting Party so requests, be handed over to that Party even if the extradition agreed to cannot be carried out.

3. If the said thing is liable to seizure or confiscation in the territory of the Requested Party, the latter in connection with pending criminal proceedings, temporarily retain it or hand it over on condition that it is returned.

4. Any rights which the Requested Party or third Parties may have acquired on the said things shall be preserved. When these rights exist, the things shall be returned without charge to the Requested Party as soon as possible after the completion of the proceedings.

Article 14

Transit

1. Transit through the territory of either of the Contracting Parties shall be granted upon the request transmitted through the diplomatic channels to the Central authority of the Requested Party provided that the offence concerned is an extraditable offence under this Agreement.

2. The Contracting Party requested to grant transit may refuse to comply when the person concerned is its national.

3. Where a person is to be extradited to the Requesting Party through the territory of a third state, the Requesting Party shall request that other state to permit the transit of that person through its territory.

4. In case of using air transport, the following provisions shall be followed:

a) Where the landing of the plane is not required, the Requesting Party shall inform the Contracting State whose space shall be crossed of the existence of the documents stipulated in Article 6 paragraph 2.a. In case of emergency landing, such notification shall have the effects of the provisional custody request referred to in Article 7 and the Requesting Party shall submit an ordinary request for transit;

b) If the landing of the plane is required, the Requesting Party shall submit a request for transit according to the provisions of paragraph 1 of this Article.

Article 15

Expenses

Expenses arising from the procedures of extradition in the territory of the Requested Party shall be borne by that Party. Expenses of transportation and the transit costs in connection with the surrender of the person sought to be extradited shall be borne by the Requesting Party.

Article 16

Language

1. Requests for judicial assistance and supporting documents shall be made in the language of the requesting party, and shall be accompanied by a translation into the language of the requested party, or in the French language.
2. The translation attached to the assistance request shall be certified by a qualified person in accordance with law of the requesting party.

Article 17
Central Authorities

For the purpose of the present Agreement, the central authorities of both parties shall exchange through diplomatic channels. The central authority for :

- The Kingdom of Morocco, the Ministry of Justice (Directorate of Penal Affairs and Amnesty) ;
- Republic of Rwanda, the Ministry of Justice.

The Parties shall immediately notify each other through the diplomatic channels about the changes of their Central Authorities through exchanging verbal notes.

Article 18
Consultations

The Parties shall consult each other regarding the interpretation or implementation of the present Agreement through diplomatic channels.

Article 19
Scope of Application

The present Agreement shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

Article 20
Final Provisions

1. The present Agreement is subject to ratification.
2. The present Agreement shall enter into force from the date of receiving the last notification by either of the Contracting Parties through the diplomatic channels, concerning the execution of the necessary measures for the ratification, according to the domestic laws of either Contracting Parties.

3. Either of the Contracting Parties may denounce the present Agreement by giving notice in writing through diplomatic channels to the other Contracting Party. Such denunciation shall take effect six months following the date on which it is received by the other Contracting Party.

4. The amendments and/or modifications shall be drawn up by protocols, which shall enter into force in the order prescribed for the entry into force of this agreement.

In Witness Whereof the undersigned being duly authorized thereto, have signed this Agreement.

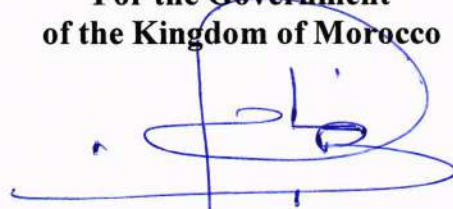
Done in Rabat on March 19th, 2019 in duplicate in Arabic and English languages, both texts being equally authentic.

**For the Government
of the Republic of Rwanda**



Dr. Richard SEZIBERA
Minister of Foreign Affairs and
International Cooperation

**For the Government
of the Kingdom of Morocco**



M. Nasser BOURITA
Minister of Foreign Affairs and
International Cooperation

Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 086/01 ryo ku wa 07/09/2020 ryemeza burundu Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa Maroc ku kohererezanya abakurikiranyweho ibyaha yakorewe i Rabat, ku wa 19 Werurwe 2019	Seen to be annexed to Presidential Order n° 086/01 of 07/09/2020 ratifying the Agreement between the Republic of Rwanda and the Kingdom of Morocco on extradition done in Rabat, on 19 March 2019	Vu pour être annexé à l'Arrêté Présidentiel n° 086/01 du 07/09/2020 ratifiant l'Accord entre la République du Rwanda et le Royaume du Maroc sur l'extradition fait à Rabat, le 19 Mars 2019
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEKA RYA PEREZIDA N° 087/01 RYO KU WA 07/09/2020 RYEMEZA KO U RWANDA RUBA KIMWE MU BIHUGU BIHURIYE KU MASEZERANO Y'I MARRAKESH YOROHEREZA ABANTU BAFITE UBUMUGA BWO KUTABONA, ABATABONA NEZA CYANGWA ABATABASHA GUSOMA INYANDIKO ZICAPYE KUBONA IBIHANGANO BYASOHOWE, YAKOREWE I MARRAKESH, KU WA 27 KAMENA 2013</p>	<p>PRESIDENTIAL ORDER N° 087/01 OF 07/09/2020 RELATING TO ACCESSION OF RWANDA TO THE MARRAKESH TREATY TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED, DONE IN MARRAKESH, ON 27 JUNE 2013</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 087/01 DU 07/09/2020 PORTANT L'ADHÉSION DU RWANDA AU TRAITÉ DE MARRAKECH VISANT À FACILITER L'ACCÈS DES AVEUGLES, DES DÉFICIENTS VISUELS ET DES PERSONNES AYANT D'AUTRES DIFFICULTÉS DE LECTURE DES TEXTES IMPRIMÉS AUX ŒUVRES PUBLIÉES, FAIT À MARRAKECH, LE 27 JUIN 2013</p>
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<p>Twebwe, KAGAME Paul, Perezida wa Repbulika;</p>	<p>We, KAGAME Paul, President of the Republic;</p>	<p>Nous, KAGAME Paul, Président de la République;</p>
<p>Dushingiye ku Itegeko Nshinga rya Repbulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167, iya 168 n'ya 176;</p>	<p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;</p>	<p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;</p>
<p>Dushingiye ku Itegeko n° 013/2020 ryo ku wa 07/09/2020 ryemera kwemeza ko u Rwanda ruba kimwe mu bihugu bihuriye ku Masezerano y'i Marrakesh yoroheraza abantu bafite ubumuga bwo kutabona, abatabona neza cyangwa abatabasha gusoma inyandiko zicapye kubona ibihangano byasohowe, yashyiriweho umukono i</p>	<p>Pursuant to Law n° 013/2020 of 07/09/2020 approving accession of Rwanda to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, adopted at Marrakesh, in Morocco, on 27 June 2013;</p>	<p>Vu la Loi n° 013/2020 du 07/09/2020 approuvant l'adhésion du Rwanda au Traité de Marrakech visant à faciliter l'accès des aveugles, des déficients visuels et des personnes ayant d'autres difficultés de lecture des textes imprimés aux œuvres publiées, signé à Marrakech, au Maroc, le 27 juin 2013,</p>

<p>Marrakesh, muri Maroc, ku wa 27 Kamena 2013;</p> <p>Tumaze kubona Amasezerano y’i Marrakesh yorohereza abantu bafite ubumuga bwo kutabona, abatabona neza cyangwa abatabasha gusoma inyandiko zicapye kubona ibihangano byasohowe, yakorewe i Marrakesh, ku wa 27 Kamena 2013;</p> <p>Bisabwe na Minisitiri w’Ubucuruzi n’Inganda;</p> <p>Inama y’Abaminisitiri imaze kubisuzuma no kubyemeza;</p> <p>TWATEGETSE KANDI DUTEGETSE:</p> <p><u>Ingingo ya mbere: Kwemeza kuba kimwe mu bihugu bihuriye ku Masezerano</u></p> <p>U Rwanda rwemeje ko rubaye kimwe mu bihugu bihuriye ku Masezerano y’i Marrakesh yorohereza abantu bafite ubumuga bwo kutabona, abatabona neza cyangwa abatabasha gusoma inyandiko zicapye kubona ibihangano byasohowe, yakorewe i Marrakesh, ku wa 27 Kamena 2013, ari ku mugereka w’iri teka, kandi ayo</p>	<p>Considering the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, done in Marrakesh, on 27 June 2013;</p> <p>On proposal by the Minister of Trade and Industry;</p> <p>After consideration and approval by the Cabinet;</p> <p>HAVE ORDERED AND ORDER:</p> <p><u>Article One: Accession</u></p> <p>Rwanda accedes to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, done in Marrakesh, on 27 June 2013, annexed to this Order, and the treaty becomes fully effective.</p>	<p>Considérant le Traité de Marrakech visant à faciliter l’accès des aveugles, des déficients visuels et des personnes ayant d’autres difficultés de lecture des textes imprimés aux œuvres publiées, fait à Marrakech, le 27 juin 2013;</p> <p>Sur proposition du Ministre du Commerce et de l’Industrie;</p> <p>Après examen et adoption par le Conseil des Ministres;</p> <p>AVONS ARRÊTÉ ET ARRÊTONS:</p> <p><u>Article premier: Adhésion</u></p> <p>Le Rwanda adhère au Traité de Marrakech visant à faciliter l’accès des aveugles, des déficients visuels et des personnes ayant d’autres difficultés de lecture des textes imprimés aux œuvres publiées, fait à Marrakech, le 27 juin 2013, annexé au présent arrêté, et ce traité sort son plein et entier effet.</p>
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<p>masezerano atangiye gukurikizwa uko yakabaye.</p> <p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p> <p>Minisitiri w’Intebe, Minisitiri w’Ubucuruzi n’Inganda na Minisitiri w’Ububanyi n’Amahanga n’Ubutwererane bashinzwe gushyira mu bikorwa iri teka.</p> <p><u>Ingingo ya 3:</u> Igihe iri teka ritangirira gukurikizwa</p> <p>Iri teka ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.</p>	<p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p> <p>The Prime Minister, the Minister of Trade and Industry and the Ministry of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.</p> <p><u>Article 3:</u> Commencement</p> <p>This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 2:</u> Autorités chargées de l’exécution du présent arrêté</p> <p>Le Premier Ministre, le Ministre du Commerce et de l’Industrie et le Ministre des Affaires Étrangères et de la Coopération Internationale sont chargés de l’exécution du présent arrêté.</p> <p><u>Article 3:</u> Entrée en vigueur</p> <p>Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

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Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled*

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* This Treaty was adopted by the Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities on June 27, 2013.

Preamble

The Contracting Parties,

Recalling the principles of non-discrimination, equal opportunity, accessibility and full and effective participation and inclusion in society, proclaimed in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities,

Mindful of the challenges that are prejudicial to the complete development of persons with visual impairments or with other print disabilities, which limit their freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds on an equal basis with others, including through all forms of communication of their choice, their enjoyment of the right to education, and the opportunity to conduct research,

Emphasizing the importance of copyright protection as an incentive and reward for literary and artistic creations and of enhancing opportunities for everyone, including persons with visual impairments or with other print disabilities, to participate in the cultural life of the community, to enjoy the arts and to share scientific progress and its benefits,

Aware of the barriers of persons with visual impairments or with other print disabilities to access published works in achieving equal opportunities in society, and the need to both expand the number of works in accessible formats and to improve the circulation of such works,

Taking into account that the majority of persons with visual impairments or with other print disabilities live in developing and least-developed countries,

Recognizing that, despite the differences in national copyright laws, the positive impact of new information and communication technologies on the lives of persons with visual impairments or with other print disabilities may be reinforced by an enhanced legal framework at the international level,

Recognizing that many Member States have established limitations and exceptions in their national copyright laws for persons with visual impairments or with other print disabilities, yet there is a continuing shortage of available works in accessible format copies for such persons, and that considerable resources are required for their effort of making works accessible to these persons, and that the lack of possibilities of cross-border exchange of accessible format copies has necessitated duplication of these efforts,

Recognizing both the importance of rightholders' role in making their works accessible to persons with visual impairments or with other print disabilities and the importance of appropriate limitations and exceptions to make works accessible to these persons, particularly when the market is unable to provide such access,

Recognizing the need to maintain a balance between the effective protection of the rights of authors and the larger public interest, particularly education, research and access to information, and that such a balance must facilitate effective and timely access to works for the benefit of persons with visual impairments or with other print disabilities,

Reaffirming the obligations of Contracting Parties under the existing international treaties on the protection of copyright and the importance and flexibility of the three-step test for limitations and exceptions established in Article 9(2) of the Berne Convention for the Protection of Literary and Artistic Works and other international instruments,

Recalling the importance of the Development Agenda recommendations, adopted in 2007 by the General Assembly of the World Intellectual Property Organization (WIPO), which aim to ensure that development considerations form an integral part of the Organization's work,

Recognizing the importance of the international copyright system and desiring to harmonize limitations and exceptions with a view to facilitating access to and use of works by persons with visual impairments or with other print disabilities,

Have agreed as follows:

Article 1

Relation to Other Conventions and Treaties

Nothing in this Treaty shall derogate from any obligations that Contracting Parties have to each other under any other treaties, nor shall it prejudice any rights that a Contracting Party has under any other treaties.

Article 2

Definitions

For the purposes of this Treaty:

- (a) "works" means literary and artistic works within the meaning of Article 2(1) of the Berne Convention for the Protection of Literary and Artistic Works, in the form of text, notation and/or related illustrations, whether published or otherwise made publicly available in any media¹;
- (b) "accessible format copy" means a copy of a work in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability. The accessible format copy is used exclusively by beneficiary persons and it must respect the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons;
- (c) "authorized entity" means an entity that is authorized or recognized by the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes a government institution or non-profit organization that provides the same services to beneficiary persons as one of its primary activities or institutional obligations².

An authorized entity establishes and follows its own practices:

- (i) to establish that the persons it serves are beneficiary persons;

¹ Agreed statement concerning Article 2(a): For the purposes of this Treaty, it is understood that this definition includes such works in audio form, such as audiobooks.

² Agreed statement concerning Article 2(c): For the purposes of this Treaty, it is understood that "entities recognized by the government" may include entities receiving financial support from the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis.

- (ii) to limit to beneficiary persons and/or authorized entities its distribution and making available of accessible format copies;
- (iii) to discourage the reproduction, distribution and making available of unauthorized copies; and
- (iv) to maintain due care in, and records of, its handling of copies of works, while respecting the privacy of beneficiary persons in accordance with Article 8.

Article 3

Beneficiary Persons

A beneficiary person is a person who:

- (a) is blind;
- (b) has a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or³
- (c) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading;

regardless of any other disabilities.

Article 4

National Law Limitations and Exceptions Regarding Accessible Format Copies

1. (a) Contracting Parties shall provide in their national copyright laws for a limitation or exception to the right of reproduction, the right of distribution, and the right of making available to the public as provided by the WIPO Copyright Treaty (WCT), to facilitate the availability of works in accessible format copies for beneficiary persons. The limitation or exception provided in national law should permit changes needed to make the work accessible in the alternative format.
 - (b) Contracting Parties may also provide a limitation or exception to the right of public performance to facilitate access to works for beneficiary persons.
2. A Contracting Party may fulfill Article 4(1) for all rights identified therein by providing a limitation or exception in its national copyright law such that:
 - (a) Authorized entities shall be permitted, without the authorization of the copyright rightholder, to make an accessible format copy of a work, obtain from another authorized entity an accessible format copy, and supply those copies to beneficiary persons by any means, including by non-commercial lending or by electronic communication by wire or wireless means, and undertake any intermediate steps to achieve those objectives, when all of the following conditions are met:

³ Agreed statement concerning Article 3(b): Nothing in this language implies that “cannot be improved” requires the use of all possible medical diagnostic procedures and treatments.

- (i) the authorized entity wishing to undertake said activity has lawful access to that work or a copy of that work;
- (ii) the work is converted to an accessible format copy, which may include any means needed to navigate information in the accessible format, but does not introduce changes other than those needed to make the work accessible to the beneficiary person;
- (iii) such accessible format copies are supplied exclusively to be used by beneficiary persons; and
- (iv) the activity is undertaken on a non-profit basis;

and

(b) A beneficiary person, or someone acting on his or her behalf including a primary caretaker or caregiver, may make an accessible format copy of a work for the personal use of the beneficiary person or otherwise may assist the beneficiary person to make and use accessible format copies where the beneficiary person has lawful access to that work or a copy of that work.

3. A Contracting Party may fulfill Article 4(1) by providing other limitations or exceptions in its national copyright law pursuant to Articles 10 and 11⁴.

4. A Contracting Party may confine limitations or exceptions under this Article to works which, in the particular accessible format, cannot be obtained commercially under reasonable terms for beneficiary persons in that market. Any Contracting Party availing itself of this possibility shall so declare in a notification deposited with the Director General of WIPO at the time of ratification of, acceptance of or accession to this Treaty or at any time thereafter⁵.

5. It shall be a matter for national law to determine whether limitations or exceptions under this Article are subject to remuneration.

Article 5

Cross-Border Exchange of Accessible Format Copies

1. Contracting Parties shall provide that if an accessible format copy is made under a limitation or exception or pursuant to operation of law, that accessible format copy may be distributed or made available by an authorized entity to a beneficiary person or an authorized entity in another Contracting Party⁶.

2. A Contracting Party may fulfill Article 5(1) by providing a limitation or exception in its national copyright law such that:

⁴ Agreed statement concerning Article 4(3): It is understood that this paragraph neither reduces nor extends the scope of applicability of limitations and exceptions permitted under the Berne Convention, as regards the right of translation, with respect to persons with visual impairments or with other print disabilities.

⁵ Agreed statement concerning Article 4(4): It is understood that a commercial availability requirement does not prejudice whether or not a limitation or exception under this Article is consistent with the three-step test.

⁶ Agreed statement concerning Article 5(1): It is further understood that nothing in this Treaty reduces or extends the scope of exclusive rights under any other treaty.

- (a) authorized entities shall be permitted, without the authorization of the rightholder, to distribute or make available for the exclusive use of beneficiary persons accessible format copies to an authorized entity in another Contracting Party; and
- (b) authorized entities shall be permitted, without the authorization of the rightholder and pursuant to Article 2(c), to distribute or make available accessible format copies to a beneficiary person in another Contracting Party;

provided that prior to the distribution or making available the originating authorized entity did not know or have reasonable grounds to know that the accessible format copy would be used for other than beneficiary persons⁷.

3. A Contracting Party may fulfill Article 5(1) by providing other limitations or exceptions in its national copyright law pursuant to Articles 5(4), 10 and 11.

4. (a) When an authorized entity in a Contracting Party receives accessible format copies pursuant to Article 5(1) and that Contracting Party does not have obligations under Article 9 of the Berne Convention, it will ensure, consistent with its own legal system and practices, that the accessible format copies are only reproduced, distributed or made available for the benefit of beneficiary persons in that Contracting Party's jurisdiction.

(b) The distribution and making available of accessible format copies by an authorized entity pursuant to Article 5(1) shall be limited to that jurisdiction unless the Contracting Party is a Party to the WIPO Copyright Treaty or otherwise limits limitations and exceptions implementing this Treaty to the right of distribution and the right of making available to the public to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder^{8,9}.

(c) Nothing in this Article affects the determination of what constitutes an act of distribution or an act of making available to the public.

5. Nothing in this Treaty shall be used to address the issue of exhaustion of rights.

Article 6

Importation of Accessible Format Copies

To the extent that the national law of a Contracting Party would permit a beneficiary person, someone acting on his or her behalf, or an authorized entity, to make an accessible format copy of a work, the national law of that Contracting Party shall also permit them to import an

⁷ Agreed statement concerning Article 5(2): It is understood that, to distribute or make available accessible format copies directly to a beneficiary person in another Contracting Party, it may be appropriate for an authorized entity to apply further measures to confirm that the person it is serving is a beneficiary person and to follow its own practices as described in Article 2(c).

⁸ Agreed statement concerning Article 5(4)(b): It is understood that nothing in this Treaty requires or implies that a Contracting Party adopt or apply the three-step test beyond its obligations under this instrument or under other international treaties.

⁹ Agreed statement concerning Article 5(4)(b): It is understood that nothing in this Treaty creates any obligations for a Contracting Party to ratify or accede to the WCT or to comply with any of its provisions and nothing in this Treaty prejudices any rights, limitations and exceptions contained in the WCT.

accessible format copy for the benefit of beneficiary persons, without the authorization of the rightholder¹⁰.

Article 7

Obligations Concerning Technological Measures

Contracting Parties shall take appropriate measures, as necessary, to ensure that when they provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures, this legal protection does not prevent beneficiary persons from enjoying the limitations and exceptions provided for in this Treaty¹¹.

Article 8

Respect for Privacy

In the implementation of the limitations and exceptions provided for in this Treaty, Contracting Parties shall endeavor to protect the privacy of beneficiary persons on an equal basis with others.

Article 9

Cooperation to Facilitate Cross-Border Exchange

1. Contracting Parties shall endeavor to foster the cross-border exchange of accessible format copies by encouraging the voluntary sharing of information to assist authorized entities in identifying one another. The International Bureau of WIPO shall establish an information access point for this purpose.
2. Contracting Parties undertake to assist their authorized entities engaged in activities under Article 5 to make information available regarding their practices pursuant to Article 2(c), both through the sharing of information among authorized entities, and through making available information on their policies and practices, including related to cross-border exchange of accessible format copies, to interested parties and members of the public as appropriate.
3. The International Bureau of WIPO is invited to share information, where available, about the functioning of this Treaty.
4. Contracting Parties recognize the importance of international cooperation and its promotion, in support of national efforts for realization of the purpose and objectives of this Treaty¹².

¹⁰ Agreed statement concerning Article 6: It is understood that the Contracting Parties have the same flexibilities set out in Article 4 when implementing their obligations under Article 6.

¹¹ Agreed statement concerning Article 7: It is understood that authorized entities, in various circumstances, choose to apply technological measures in the making, distribution and making available of accessible format copies and nothing herein disturbs such practices when in accordance with national law.

¹² Agreed statement concerning Article 9: It is understood that Article 9 does not imply mandatory registration for authorized entities nor does it constitute a precondition for authorized entities to engage in activities recognized under this Treaty; but it provides for a possibility for sharing information to facilitate the cross-border exchange of accessible format copies.

Article 10

General Principles on Implementation

1. Contracting Parties undertake to adopt the measures necessary to ensure the application of this Treaty.
2. Nothing shall prevent Contracting Parties from determining the appropriate method of implementing the provisions of this Treaty within their own legal system and practice¹³.
3. Contracting Parties may fulfill their rights and obligations under this Treaty through limitations or exceptions specifically for the benefit of beneficiary persons, other limitations or exceptions, or a combination thereof, within their national legal system and practice. These may include judicial, administrative or regulatory determinations for the benefit of beneficiary persons as to fair practices, dealings or uses to meet their needs consistent with the Contracting Parties' rights and obligations under the Berne Convention, other international treaties, and Article 11.

Article 11

General Obligations on Limitations and Exceptions

In adopting measures necessary to ensure the application of this Treaty, a Contracting Party may exercise the rights and shall comply with the obligations that that Contracting Party has under the Berne Convention, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, including their interpretative agreements so that:

- (a) in accordance with Article 9(2) of the Berne Convention, a Contracting Party may permit the reproduction of works in certain special cases provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author;
- (b) in accordance with Article 13 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, a Contracting Party shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder;
- (c) in accordance with Article 10(1) of the WIPO Copyright Treaty, a Contracting Party may provide for limitations of or exceptions to the rights granted to authors under the WCT in certain special cases, that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author;
- (d) in accordance with Article 10(2) of the WIPO Copyright Treaty, a Contracting Party shall confine, when applying the Berne Convention, any limitations of or exceptions to rights to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

¹³ Agreed statement concerning Article 10(2): It is understood that when a work qualifies as a work under Article 2(a), including such works in audio form, the limitations and exceptions provided for by this Treaty apply *mutatis mutandis* to related rights as necessary to make the accessible format copy, to distribute it and to make it available to beneficiary persons.

Article 12

Other Limitations and Exceptions

1. Contracting Parties recognize that a Contracting Party may implement in its national law other copyright limitations and exceptions for the benefit of beneficiary persons than are provided by this Treaty having regard to that Contracting Party's economic situation, and its social and cultural needs, in conformity with that Contracting Party's international rights and obligations, and in the case of a least-developed country taking into account its special needs and its particular international rights and obligations and flexibilities thereof.
2. This Treaty is without prejudice to other limitations and exceptions for persons with disabilities provided by national law.

Article 13

Assembly

1.
 - (a) The Contracting Parties shall have an Assembly.
 - (b) Each Contracting Party shall be represented in the Assembly by one delegate who may be assisted by alternate delegates, advisors and experts.
 - (c) The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy.
2.
 - (a) The Assembly shall deal with matters concerning the maintenance and development of this Treaty and the application and operation of this Treaty.
 - (b) The Assembly shall perform the function allocated to it under Article 15 in respect of the admission of certain intergovernmental organizations to become party to this Treaty.
 - (c) The Assembly shall decide the convocation of any diplomatic conference for the revision of this Treaty and give the necessary instructions to the Director General of WIPO for the preparation of such diplomatic conference.
3.
 - (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.
 - (b) Any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and vice versa.
4. The Assembly shall meet upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of WIPO.
5. The Assembly shall endeavor to take its decisions by consensus and shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions.

Article 14
International Bureau

The International Bureau of WIPO shall perform the administrative tasks concerning this Treaty.

Article 15
Eligibility for Becoming Party to the Treaty

1. Any Member State of WIPO may become party to this Treaty.
2. The Assembly may decide to admit any intergovernmental organization to become party to this Treaty which declares that it is competent in respect of, and has its own legislation binding on all its Member States on, matters covered by this Treaty and that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.
3. The European Union, having made the declaration referred to in the preceding paragraph at the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty.

Article 16
Rights and Obligations Under the Treaty

Subject to any specific provisions to the contrary in this Treaty, each Contracting Party shall enjoy all of the rights and assume all of the obligations under this Treaty.

Article 17
Signature of the Treaty

This Treaty shall be open for signature at the Diplomatic Conference in Marrakesh, and thereafter at the headquarters of WIPO by any eligible party for one year after its adoption.

Article 18
Entry into Force of the Treaty

This Treaty shall enter into force three months after 20 eligible parties referred to in Article 15 have deposited their instruments of ratification or accession.

Article 19
Effective Date of Becoming Party to the Treaty

This Treaty shall bind:

- (a) the 20 eligible parties referred to in Article 18, from the date on which this Treaty has entered into force;
- (b) each other eligible party referred to in Article 15, from the expiration of three months from the date on which it has deposited its instrument of ratification or accession with the Director General of WIPO.

Article 20
Denunciation of the Treaty

This Treaty may be denounced by any Contracting Party by notification addressed to the Director General of WIPO. Any denunciation shall take effect one year from the date on which the Director General of WIPO received the notification.

Article 21
Languages of the Treaty

1. This Treaty is signed in a single original in English, Arabic, Chinese, French, Russian and Spanish languages, the versions in all these languages being equally authentic.
2. An official text in any language other than those referred to in Article 21(1) shall be established by the Director General of WIPO on the request of an interested party, after consultation with all the interested parties. For the purposes of this paragraph, "interested party" means any Member State of WIPO whose official language, or one of whose official languages, is involved and the European Union, and any other intergovernmental organization that may become party to this Treaty, if one of its official languages is involved.

Article 22
Depositary

The Director General of WIPO is the depositary of this Treaty.

Done in Marrakesh on the 27th day of June, 2013.

[End of document]

<p>Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 087/01 ryo ku wa 07/09/2020 ryemeza ko u Rwanda ruba kimwe mu bihugu bihuriye ku Masezerano y'i Marrakesh yorohereza abantu bafite ubumuga bwo kutabona, abatabona neza cyangwa abatabasha gusoma inyandiko zicapye kubona ibihangano byasohowe, yakorewe i Marrakesh, ku wa 27 Kamena 2013</p>	<p>Seen to be annexed to Presidential Order n° 087/01 of 07/09/2020 relating to accession of Rwanda to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled, done in Marrakesh, on 27 June 2013</p>	<p>Vu pour être annexé à l'Arrêté Présidentiel n° 087/01 du 07/09/2020 portant l'adhésion du Rwanda au Traité de Marrakech visant à faciliter l'accès des aveugles, des déficients visuels et des personnes ayant d'autres difficultés de lecture des textes imprimés aux œuvres publiées, fait à Marrakech, le 27 juin 2013</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:**

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>ITEKA RYA PEREZIDA N° 088/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAGEZE MU ZABUKURU MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MAKUMYABIRI NA GATANDATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 31 MUTARAMA 2016</p>	<p>PRESIDENTIAL ORDER N° 088/01 OF 07/09/2020 RATIFYING THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 31 JANUARY 2016</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 088/01 DU 07/09/2020 RATIFIANT LE PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES, RELATIF AUX DROITS DES PERSONNES AGÉES EN AFRIQUE ADOPTÉ PAR LA VINGT-SIXIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, ÉTHIOPIE, LE 31 JANVIER 2016</p>
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<p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p>	<p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p>	<p><u>Article 2:</u> Autorités chargées de l'exécution du présent arrêté</p>
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<p>ITEKA RYA PEREZIDA N° 088/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAGEZE MU ZABUKURU MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MAKUMYABIRI NA GATANDATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 31 MUTARAMA 2016</p> <p>Twebwe, KAGAME Paul, Perezida wa Repbulika;</p> <p>Dushingiye ku Itegeko Nshinga rya Repbulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167, iya 168 n'iya 176;</p> <p>Dushingiye ku Itegeko n° 014/2020 ryo ku wa 07/09/2020 ryemera kwemeza burundu Amasezerano y'Inyongera ku Masezerano Nyafurika y'Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bageze mu Zabukuru muri</p>	<p>PRESIDENTIAL ORDER N° 088/01 OF 07/09/2020 APPROVING THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 31 JANUARY 2016</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;</p> <p>Pursuant to Law n° 014/2020 of 07/09/2020 approving the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa adopted by the twenty sixth ordinary session of</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 088/01 DU 07/09/2020 RATIFIANT LE PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES, RELATIF AUX DROITS DES PERSONNES AGÉES EN AFRIQUE ADOPTÉ PAR LA VINGT-SIXIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, ÉTHIOPIE, LE 31 JANVIER 2016</p> <p>Nous, KAGAME Paul, Président de la République;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;</p> <p>Vu la Loi n° 014/2020 du 07/09/2020 approuvant la ratification du Protocole à la Charte Africaine des Droits de l'Homme et des Peuples, relatif aux Droits des Personnes Agées en Afrique adopté par la vingt-sixième</p>
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<p>Afurika yemejwe n’Inama isanzwe ya makumyabiri na gatandatu, yabereye i Addis-Abeba muri Etiyopiya, ku wa 31 Mutarama 2016;</p>	<p>the Assembly, held in Addis Ababa, Ethiopia, on 31 January 2016;</p>	<p>session ordinaire de la Conférence, tenue à Addis-Abeba, en Éthiopie, le 31 janvier 2016;</p>
<p>Tumaze kubona Amasezerano y’Inyongera ku Masezerano Nyafurika y’Uburenganzira bwa Muntu n’ubw’Abaturage yerekeye Uburenganzira bw’Abantu bageze mu Zabukuru muri Afurika yemejwe n’Inama isanzwe ya makumyabiri na gatandatu, yabereye i Addis-Abeba muri Etiyopiya, ku wa 31 Mutarama 2016;</p>	<p>Considering the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa adopted by the twenty sixth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 31 January 2016;</p>	<p>Considérant le Protocole à la Charte Africaine des Droits de l’Homme et des Peuples, relatif aux Droits des Personnes Agées en Afrique adopté par la vingt-sixième session ordinaire de la Conférence, tenue à Addis-Abeba, Éthiopie, le 31 janvier 2016;</p>
<p>Bisabwe na Minisitiri w’Ubutegetsi bw’Igihugu;</p>	<p>On proposal by the Minister of Local Government;</p>	<p>Sur proposition du Ministre de l’Administration Locale;</p>
<p>Inama y’Abaminisitiri imaze kubisuzuma no kubyemeza;</p>	<p>After consideration and approval by the Cabinet;</p>	<p>Après examen et adoption par le Conseil des Ministres;</p>
<p>TWATEGETSE KANDI DUTEGETSE:</p>	<p>HAVE ORDERED AND ORDER:</p>	<p>AVONS ARRÊTÉ ET ARRÊTONS:</p>
<p><u>Ingingo ya mbere: Kwemeza burundu</u></p>	<p><u>Article One: Ratification</u></p>	<p><u>Article premier: Ratification</u></p>
<p>Amasezerano y’Inyongera ku Masezerano Nyafurika y’Uburenganzira bwa Muntu n’ubw’Abaturage yerekeye Uburenganzira bw’Abantu bageze mu Zabukuru muri Afurika yemejwe n’Inama isanzwe ya makumyabiri na gatandatu, yabereye i Addis-Abeba muri Etiyopiya, ku wa 31 Mutarama 2016, ari ku mugereka w’iri teka,</p>	<p>The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa adopted by the twenty sixth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 31 January 2016, annexed to this Order, is ratified and becomes fully effective.</p>	<p>Le Protocole à la Charte Africaine des Droits de l’Homme et des Peuples, relatif aux Droits des Personnes Agées en Afrique adopté par la vingt-sixième session ordinaire de la Conférence, tenue à Addis-Abeba, Éthiopie, le 31 janvier 2016, annexé au présent arrêté, est ratifié et sort son plein et entier effet.</p>

<p>yemejwe burundu kandi atangiye gukurikizwa uko yakabaye.</p> <p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p> <p>Minisitiri w’Intebe, Minisitiri w’Ubutegetsu bw’Igihugu na Minisitiri w’Ububanyi n’Amahanga n’Ubutwererane bashinzwe gushyira mu bikorwa iri teka.</p> <p><u>Ingingo ya 3:</u> Igihe iri teka ritangirira gukurikizwa</p> <p>Iri teka ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.</p>	<p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p> <p>The Prime Minister, the Minister of Local Government and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.</p> <p><u>Article 3:</u> Commencement</p> <p>This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 2:</u> Autorités chargées de l’exécution du présent arrêté</p> <p>Le Premier Ministre, le Ministre de l’Administration Locale et le Ministre des Affaires Étrangères et de la Coopération Internationale sont chargés de l’exécution du présent arrêté.</p> <p><u>Article 3:</u> Entrée en vigueur</p> <p>Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEKA RYA PEREZIDA N° 088/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAGEZE MU ZABUKURU MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MAKUMYABIRI NA GATANDATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 31 MUTARAMA 2016</p>	<p>ANNEX TO PRESIDENTIAL ORDER N° 088/01 OF 07/09/2020 APPROVING THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 31 JANUARY 2016</p>	<p>ANNEXE À L'ARRÊTÉ PRÉSIDENTIEL N° 088/01 DU 07/09/2020 RATIFIANT LE PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES RELATIF AUX DROITS DES PERSONNES AGÉES EN AFRIQUE ADOPTÉ PAR LA VINGT-SIXIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, ÉTHIOPIE, LE 31 JANVIER 2016</p>
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**PROTOCOL TO THE AFRICAN CHARTER ON
HUMAN AND PEOPLES' RIGHTS ON THE
RIGHTS OF OLDER PERSONS IN AFRICA**

Republic of Rwanda

21 OCT 2019





PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND
PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS
IN AFRICA



AFRICAN UNION (AU) UNION AFRICAINE
CERTIFIED COPY
COPIE CERTIFIEE
S. B. O. M. A.
Signature
LEGAL COUNSEL
CONSEIL JURIDIQUE

WE, MEMBER STATES OF THE AFRICAN UNION:

CONSIDERING that Article 66 of the African Charter provides for special protocols or agreements, if necessary, to supplement the provisions of that Charter;

CONSIDERING that the African Charter makes specific provisions for the protection of the rights of Older Persons, under Article 18(4) which stipulates that, "*Older Persons and people with disabilities shall also have the right to special measures of protection in keeping with their physical or moral needs*";

NOTING Article 2 of the African Charter which states that, "*Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status*";

RECALLING Article 22 of the Protocol to the African Charter on the Rights of Women in Africa which provides for the special protection of elderly women;

CONSIDERING recommendation (1) contained in paragraph 4.1 of the African Union Policy Framework and Plan of Action on Ageing (2002) which states that "*Member States recognise the fundamental rights of Older Persons and commit themselves to abolish all forms of discrimination based on age; that they undertake to ensure that the rights of Older Persons are protected by appropriate legislation; including the right to organise themselves in groups and to representation in order to advance their interests*";

CONSIDERING recommendation (1) (a) contained in paragraph 4.1 of the same Policy Framework and Plan of Action which calls for the elaboration and adoption of "*an additional Protocol to the African Charter on Human and Peoples' Rights relating to the rights of Older Persons*";

CONSIDERING FURTHER paragraph 20 of the Kigali Declaration on Human Rights (2003), which "*calls upon States Parties to develop a Protocol on the protection of the rights of the elderly and persons with disabilities*";

RECALLING section 2.2.11 of the African Union Social Policy Framework (2009) which calls for the implementation of all the tenets of the AU Policy Framework and Plan of Action on Ageing (2002), other international instruments that deal with the issues of ageing and Older Persons, the 1991 United Nations Principles for Older Persons, the 1992 United Nations Proclamation on Ageing, and the 2002 Madrid International Plan of Action on Ageing and which promotes the rights of Older Persons;



CONSIDERING ALSO the World Population Plan of Action (1974), the Declaration of Principles of the United Nations Conference on Human Settlements (HABITAT) of 1996 and 1999, the International Labour Organization (ILO) Convention No. 102 of 1952 concerning Minimum Standards of Social Security, Convention No. 128 and Recommendations 131 of 1967 on Invalidity, Old Age and Survivors' Benefits, Recommendation No. 162 of 1980 concerning Older Workers, and Convention No. 157 concerning Maintenance of Social Security Rights of 1982;

CONSIDERING the various International declarations, conventions and instruments including but not limited to: Convention on the Elimination of Racial Discrimination (CERD) of 1965; International Covenant on Civil and Political Rights (ICCPR) of 1966; International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966; The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 1979; United Nations Plan of Action on Ageing of 1982; The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) of 1984; United Nations Declaration on the Right to Development of 1986; United Nations Principles for Older Persons of 1991; United Nations Proclamation on Ageing of 1992; Madrid Plan of Action on Ageing (MIPAA) of 2002;

TAKING into consideration the virtues of African traditions, values and practices which should inspire and characterize the provision of mutual social and communal care and support; respect for older members of society and the passing of knowledge to younger population groups;

NOTING that the increase in the number and needs of Older Persons in Africa calls for African Governments to institute urgent measures aimed at addressing these needs such as access to regular incomes, equitable distribution of resources, employment opportunities; access to appropriate health services; access to basic social services such as food, water, clothing and shelter; access to good care and support from the family, the state, civil society and private organizations; recognition of their contribution towards the care of persons with AIDS and orphans; respect and recognition of the role and contribution that Older Persons make to society; and a recognition of their special needs in emergency situations.

HAVE AGREED AS FOLLOWS:



Article 1
Definitions

For purposes of this Protocol:

"African Charter" means the African Charter on Human and Peoples' Rights;

"African Commission" means the African Commission on Human and Peoples' Rights;

"Ageing" means the process of getting old from birth to death and in this Protocol, it shall also refer to issues concerned with Older Persons;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"AU" means the African Union;

"Commission" means the African Union Commission;

"Constitutive Act" means the Constitutive Act of the African Union;

"Harmful traditional practices" means traditional beliefs, attitudes and practices which violate the fundamental rights of Older persons such as their right to life, dignity and physical integrity;

"ICT" means Information Communication and Technology;

"Member States" means the Member States of the African Union;

"Older Persons" means those persons aged sixty (60) years and above, as defined by the United Nations (1982) and the AU Policy Framework and Plan of Action on Ageing (2002);

"Residential care" Residential care means long-term care, including geriatric care, given to Older Persons in a residential setting rather than their home.

"States Parties" means Member States of the African Union that have ratified or acceded to this Protocol and deposited the instruments of ratification or accession with the Chairperson of the African Union Commission;

"The Advisory Council on Ageing" means a Council established in accordance with the AU Policy Framework and Plan of Action on Ageing (2002);

The words "the aged", "Older Persons", "Seniors", "Senior Citizens" and "elderly" shall be construed to have the same meaning as "Older Persons".



Article 2
Obligations of States Parties

1. States Parties shall recognize the rights and freedoms enshrined in this Protocol and shall undertake to adopt legislative or other measures to give effect to them.
2. States Parties shall ensure that the 1991 United Nations Principles of Independence, Dignity, Self-fulfilment, Participation and Care of Older Persons are included in their national laws and are legally binding as the basis for ensuring their rights.

Article 3
Elimination of Discrimination against Older Persons

States Parties shall:

1. prohibit all forms of discrimination against Older persons and encourage the elimination of social and cultural stereotypes which marginalise Older Persons;
2. take corrective measures in those areas where discrimination and all forms of stigmatisation against Older Persons continue to exist in law and in fact; and
3. support and enforce local, national, regional, continental and international customs, traditions and initiatives directed at eradicating all forms of discrimination against Older Persons.

Article 4
Access to Justice and Equal protection before the law

States Parties shall:

1. develop and review existing legislation to ensure that Older Persons receive equal treatment and protection;
2. ensure the provision of legal assistance to Older Persons in order to protect their rights; and
3. ensure that law enforcement organs at all levels are trained to effectively interpret and enforce policies and legislation to protect the rights of Older Persons.



**Article 5
Right to Make Decisions**

States Parties shall:

1. ensure that appropriate legislation exists that recognises the rights of Older Persons to make decisions regarding their own well-being without undue interference from any person or entity, and that Older Persons have the right to appoint a party of their choice to carry out their wishes and instructions;
2. ensure that, in the event of incapacity, Older Persons shall be provided with legal and social assistance in order to make decisions that are in their best interests and wellbeing; and
3. enact legislation and take other measures that protect the right of Older Persons to express opinions and participate in social and political life.

**Article 6
Protection Against Discrimination in Employment**

States Parties shall:

1. take measures to eliminate work place discrimination against Older Persons with regard to access to employment taking into consideration occupational requirements; and
2. ensure appropriate work opportunities for Older persons taking into account to their medical and physical abilities, skills and experience.

**Article 7
Social Protection**

States Parties shall:

1. develop policies and legislation that ensure that Older persons who retire from their employment are provided with adequate pensions and other forms of social security;
2. ensure that universal social protection mechanisms exist to provide income security for those Older persons who did not have the opportunity to contribute to any social security provisions;
3. ensure that the processes and procedures of accessing pensions are centralised, simple and dignified;



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4. take legislative and other measures to enable individuals to prepare for income security in old age; and
5. take legislative and other measures that facilitate the rights of Older Persons to access services from state service providers.

Article 8
Protection from Abuse and Harmful Traditional Practices

States Parties shall:

1. prohibit and criminalise harmful traditional practices targeted at Older Persons; and
2. take all necessary measures to eliminate harmful traditional practices including witchcraft accusations, which affect the welfare, health, life and dignity of Older Persons, particularly Older women.

Article 9
Protection of Older Women

States Parties shall:

1. ensure the protection of the rights of Older Women from violence, sexual abuse and discrimination based on gender;
2. put in place legislation and other measures that guarantee protection of Older Women against abuses related to property and land rights; and
3. adopt appropriate legislation to protect the right of inheritance of Older Women.

Article 10
Care and Support

States Parties shall:

1. adopt policies and legislation that provide incentives to family members who provide home care for Older Persons;
2. identify, promote and strengthen traditional support systems to enhance the ability of families and communities to care for Older family members; and

ensure the provision of preferential treatment in service delivery for Older Persons.



**Article 11
Residential Care**

States Parties shall:

1. enact or review existing legislation to ensure that residential care is optional and affordable for Older Persons;
2. ensure that Older Persons in residential care facilities are provided with care that meets the National Minimum Standards provided that such standards comply with regional and international Standards; and
3. ensure that Older Persons in palliative care receive adequate care and pain management medication.

**Article 12
Support for Older Persons Taking Care of Vulnerable Children**

States Parties shall:

1. adopt measures to ensure that indigent Older Persons who take care of orphans and vulnerable children are provided with financial, material and other support; and
2. ensure that when children are left in the care of Older Persons, any social or other benefits designed for the children, are remitted to the Older Persons.

**Article 13
Protection of Older Persons with Disabilities**

States Parties shall:

1. adopt legislation and other measures to protect the rights of Older Persons with disabilities;
2. ensure that such legislation and measures comply with regional and international standards; and
3. ensure that Older Persons with disabilities have access to assistive devices and specialised care, which respond to their needs within their communities.

**Article 14
Protection of Older Persons in Conflict and Disaster Situations**

States Parties shall:

1. ensure that, in situations of risk, including natural calamities, conflict situations, during civil strife or wars, Older Persons shall be given special attention.



- to enjoy access, on a priority basis, to assistance during rescue efforts, settlement, repatriation and other interventions; and
2. ensure that Older Persons receive humane treatment, protection and respect at all times and are not left without needed medical assistance and care.

Article 15
Access to Health Services

States Parties shall:

1. guarantee the rights of Older Persons to access health services that meet their specific needs;
2. take reasonable measures to facilitate access to health services and medical insurance cover for Older Persons within available resources; and
3. ensure the inclusion of geriatrics and gerontology in the training of health care personnel.

Article 16
Access to Education

States Parties shall provide opportunities for Older Persons to have access to education and to acquire ICT skills.

Article 17
Participation in Programmes and Recreational Activities

States Parties shall develop policies that ensure the rights of Older Persons to enjoy all aspects of life, including active participation in socio – economic development, cultural programmes, leisure and sports.

Article 18
Accessibility

States Parties shall take measures to ensure that Older Persons have access to infrastructure, including buildings, public transport and are accorded seating priority.



Article 19
Awareness on Ageing and Preparation for Old Age

States Parties shall:

1. adopt measures to encourage the development of awareness raising programmes to educate the younger population groups on ageing and Older Persons to combat negative attitudes against Older Persons; and
2. adopt measures to develop training programmes that prepare Older Persons for the challenges faced in old age, including retirement.

Article 20
Duties of Older Persons

Older Persons have responsibilities towards their families, communities, the wider society, the state and the international community. In this regard they shall:

1. mentor and pass on knowledge and experience to the younger generations;
2. foster and facilitate inter-generational dialogue and solidarity within their families and communities; and
3. play a role in mediation and conflict resolution.

Article 21
Coordination and Data Collection

States Parties shall:

1. ensure the systematic collection and analysis of national data on Older Persons;
2. develop a national mechanism on ageing with responsibility to assess, monitor, evaluate and coordinate the integration and implementation of Older Persons' rights in national policies, strategies and legislation; and
3. support the Advisory Council on Ageing, as a continental mechanism of the African Union to facilitate the implementation and follow up of the continental policies and plans on ageing.



Article 22 Implementation

1. States Parties shall ensure the implementation of this Protocol, and shall indicate in their periodic reports submitted to the African Commission in accordance with Article 62 of the African Charter, the legislative and other measures undertaken for the full realisation of the rights recognized in this Protocol.
2. In the implementation of this Protocol, the African Commission shall have the mandate to interpret the provisions of the Protocol in accordance with the African Charter.
3. The African Commission may refer matters of interpretation and enforcement or any dispute arising from the application or implementation of this Protocol to the African Court on Human and Peoples' Rights.
4. Where applicable, the African Court on Human and Peoples' Rights shall have the mandate to hear disputes arising from the application or implementation of this Protocol.

Article 23 Popularization of the Protocol

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Protocol in accordance with the relevant provisions and procedures of their respective constitutions.

Article 24 Safeguard Clause

1. No provision in this Protocol shall be interpreted as derogating from the principles and values contained in other relevant instruments for the realisation of the rights of Older Persons in Africa.
2. In the event of a contradiction between two or more provisions of this Protocol, the interpretation which favours the rights of Older Persons and protects their legitimate interests shall prevail.

Article 25 Signature, Ratification and Accession

1. This Protocol shall be open to Member States of the Union for signature, ratification or accession.

The instrument of ratification or accession to the present Protocol shall be deposited with the Chairperson of the Commission who shall notify all Member States of the dates of the deposit of the instruments of ratification or accession.



Article 26
Entry into force

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15th) Instrument of ratification by a Member State.
2. The Chairperson of the Commission shall notify all Members States of the African Union of the entry into force of the present Protocol.
3. For any Member State of the African Union acceding to the present Protocol, the Protocol shall come into force in respect of that State on the date of the deposit of its Instrument of accession.

Article 27
Reservations

1. A State Party may, when, ratifying or acceding to this Protocol, submit in writing a reservation with respect to any of the provisions of this Protocol. Reservation shall not be incompatible with the object and purpose of this Protocol.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 28
Depository

This Protocol shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Protocol to the Government of each signatory State.

Article 29
Registration

The Chairperson of the Commission upon the entry into force of this Protocol shall register this Protocol with the United Nations Secretary General in conformity with Article 102 of the Protocol of the United Nations.

Article 30
Withdrawal

At any time after three years from the date of entry into force of this Protocol, a State Party may withdraw by giving written notification to the Depository.



2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

**Article 31
Amendment and Revision**

1. Any State Party may submit proposal(s) for the amendment or revision of this Protocol. Such proposal(s) shall be adopted by the Assembly.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit such proposals to the Assembly at least six months before the meeting at which it shall be considered for adoption.
3. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority.
4. The amendment or revision shall enter into force in accordance the procedures outlined in Article 26 of this Protocol.

**Article 32
Authentic Texts**

This Protocol is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has signed this Protocol.

ADOPTED BY THE TWENTY SIXTH ORDINARY SESSION OF
THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA

31 JANUARY 2016



<p>Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 088/01 ryo ku wa 07/09/2020 ryemeza burundu Amasezerano y'Inyongera ku Masezerano Nyafurika y'Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bageze mu Zabukuru muri Afurika yemejwe n'Inama isanzwe ya makumyabiri na gatandatu, yabereye i Addis-Abeba muri Etiyopiya, ku wa 31 Mutarama 2016</p>	<p>Seen to be annexed to Presidential Order n° 088/01 of 07/09/2020 ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa adopted by the twenty sixth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 31 January 2016</p>	<p>Vu pour être annexé à l'Arrêté Présidentiel n° 088/01 du 07/09/2020 ratifiant le Protocole à la Charte Africaine des Droits de l'Homme et des Peuples relatif aux Droits des Personnes Agées en Afrique adopté par la vingt-sixième session ordinaire de la Conférence, tenue à Addis-Abeba, Éthiopie, le 31 janvier 2016</p>
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<p>ITEKA RYA PEREZIDA N° 089/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAFITE UBUMUGA MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MIRONGO ITATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 29 MUTARAMA 2018</p>	<p>PRESIDENTIAL ORDER N° 089/01 OF 07/09/2020 RATIFYING THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH DISABILITY IN AFRICA ADOPTED BY THE THIRTIETH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 29 JANUARY 2018</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 089/01 DU 07/09/2020 RATIFIANT LE PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES, RELATIF AUX DROITS DES PERSONNES HANDICAPÉES EN AFRIQUE ADOPTÉ PAR LA TRENTIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, ÉTHIOPIE, LE 29 JANVIER 2018</p>
<p><u>ISHAKIRO</u></p>	<p><u>TABLE OF CONTENTS</u></p>	<p><u>TABLE DES MATIÈRES</u></p>
<p><u>Ingingo ya mbere:</u> Kwemeza burundu</p>	<p><u>Article One:</u> Ratification</p>	<p><u>Article premier:</u> Ratification</p>
<p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p>	<p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p>	<p><u>Article 2:</u> Autorités chargées de l'exécution du présent arrêté</p>
<p><u>Ingingo ya 3:</u> Igihe iri teka ritangirira gukurikizwa</p>	<p><u>Article 3:</u> Commencement</p>	<p><u>Article 3:</u> Entrée en vigueur</p>

<p>ITEKA RYA PEREZIDA N° 089/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAFITE UBUMUGA MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MIRONGO ITATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 29 MUTARAMA 2018</p>	<p>PRESIDENTIAL ORDER N° 089/01 OF 07/09/2020 RATIFYING THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH DISABILITY IN AFRICA ADOPTED BY THE THIRTIETH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 29 JANUARY 2018</p>	<p>ARRÊTÉ PRÉSIDENTIEL N° 089/01 DU 07/09/2020 RATIFIANT LE PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES, RELATIF AUX DROITS DES PERSONNES HANDICAPÉES EN AFRIQUE ADOPTÉ PAR LA TRENTIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, ÉTHIOPIE, LE 29 JANVIER 2018</p>
<p>Twebwe, KAGAME Paul, Perezida wa Repbulika;</p>	<p>We, KAGAME Paul, President of the Republic;</p>	<p>Nous, KAGAME Paul, Président de la République;</p>
<p>Dushingiye ku Itegeko Nshinga rya Repbulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167, iya 168 n'iya 176;</p>	<p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;</p>	<p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;</p>
<p>Dushingiye ku Itegeko n° 015/2020 ryo ku wa 07/09/2020 ryemera kwemeza burundu Amasezerano y'Inyongera ku Masezerano Nyafurika y'Uburenganzira bwa Muntu n'ubw'Abaturage yerekeye Uburenganzira bw'Abantu bafite Ubumuga muri Afurika yemejwe n'Inama isanzwe ya mirongo</p>	<p>Pursuant to Law n n° 015/2020 of 07/09/2020 approving the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disability in Africa adopted by the thirtieth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 29 January 2018;</p>	<p>Vu la Loi n° 015/2020 du 07/09/2020 approuvant la ratification du Protocole à la Charte Africaine des Droits de l'Homme et des Peuples, relatif aux Droits des Personnes Handicapées en Afrique adopté par la trentième session ordinaire de la Conférence, tenue à Addis-Abeba, en Éthiopie, le 29 janvier 2018;</p>

<p>itatu, yabereye i Addis-Abeba, muri Etiyopiya, ku wa 29 Mutarama 2018;</p> <p>Tumaze kubona Amasezerano y’Inyongera ku Masezerano Nyafurika y’Uburenganzira bwa Muntu n’ubw’Abaturage yerekeye Uburenganzira bw’Abantu bafite Ubumuga muri Afurika yemejwe n’Inama isanzwe ya mirongo itatu, yabereye i Addis-Abeba, muri Etiyopiya, ku wa 29 Mutarama 2018;</p> <p>Bisabwe na Minisitiri w’Ubutegetsi bw’Igihugu;</p> <p>Inama y’Abaminisitiri imaze kubisuzuma no kubyemeza;</p> <p>TWATEGETSE KANDI DUTEGETSE:</p> <p><u>Ingingo ya mbere: Kwemeza burundu</u></p> <p>Amasezerano y’Inyongera ku Masezerano Nyafurika y’Uburenganzira bwa Muntu n’ubw’Abaturage yerekeye Uburenganzira bw’Abantu bafite Ubumuga muri Afurika yemejwe n’Inama isanzwe ya mirongo itatu, yabereye i Addis-Abeba, muri Etiyopiya, ku wa 29 Mutarama 2018, ari ku mugereka w’iri teka, yemejwe burundu kandi atangiye gukurikizwa uko yakabaye.</p>	<p>Considering the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disability in Africa adopted by the thirtieth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 29 January 2018;</p> <p>On proposal by the Minister of Local Government;</p> <p>After consideration and approval by the Cabinet;</p> <p>HAVE ORDERED AND ORDER:</p> <p><u>Article One: Ratification</u></p> <p>The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disability in Africa adopted by the thirtieth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 29 January 2018, annexed to this Order, is ratified and becomes fully effective.</p>	<p>Considérant le Protocole à la Charte Africaine des Droits de l’Homme et des Peuples, relatif aux Droits des Personnes Handicapées en Afrique adopté par la trentième session ordinaire de la Conférence, tenue à Addis-Abeba, Éthiopie, le 29 janvier 2018;</p> <p>Sur proposition du Ministre de l’Administration Locale;</p> <p>Après examen et adoption par le Conseil des Ministres;</p> <p>AVONS ARRÊTÉ ET ARRÊTONS:</p> <p><u>Article premier: Ratification</u></p> <p>Le Protocole à la Charte Africaine des Droits de l’Homme et des Peuples, relatif aux Droits des Personnes Handicapées en Afrique adopté par la trentième session ordinaire de la Conférence, tenue à Addis-Abeba, Éthiopie, le 29 janvier 2018, annexé au présent arrêté, est ratifié et sort son plein et entier effet.</p>
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<p><u>Ingingo ya 2:</u> Abashinzwe gushyira mu bikorwa iri teka</p> <p>Minisitiri w’Intebe, Minisitiri w’Ubutegetsi bw’Igihugu na Minisitiri w’Ububanyi n’Amahanga n’Ubutwererane bashinzwe gushyira mu bikorwa iri teka.</p>	<p><u>Article 2:</u> Authorities responsible for the implementation of this Order</p> <p>The Prime Minister, the Minister of Local Government and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.</p>	<p><u>Article 2:</u> Autorités chargées de l’exécution du présent arrêté</p> <p>Le Premier Ministre, le Ministre de l’Administration Locale et le Ministre des Affaires Étrangères et de la Coopération Internationale sont chargés de l’exécution du présent arrêté.</p>
<p><u>Ingingo ya 3:</u> Igihe iri teka ritangirira gukurikizwa</p> <p>Iri teka ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.</p>	<p><u>Article 3:</u> Commencement</p> <p>This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p>	<p><u>Article 3:</u> Entrée en vigueur</p> <p>Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p>

Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux

<p>UMUGEREKA W'ITEKA RYA PEREZIDA N° 089/01 RYO KU WA 07/09/2020 RYEMEZA BURUNDU AMASEZERANO Y'INYONGERA KU MASEZERANO NYAFURIKA Y'UBURENGANZIRA BWA MUNTU N'UBW'ABATURAGE YEREKEYE UBURENGANZIRA BW'ABANTU BAFITE UBUMUGA MURI AFURIKA YEMEJWE N'INAMA ISANZWE YA MIRONGO ITATU, YABEREYE I ADDIS-ABEBA MURI ETIYOPIYA, KU WA 29 MUTARAMA 2018</p>	<p>ANNEX TO PRESIDENTIAL ORDER N° 089/01 OF 07/09/2020 RATIFYING THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH DISABILITY IN AFRICA ADOPTED BY THE THIRTIETH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, ON 29 JANUARY 2018</p>	<p>ANNEXE À L'ARRÊTÉ PRÉSIDENTIEL N° 089/01 DU 07/09/2020 RATIFIANT LE PROTOCOLE À LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES, RELATIF AUX DROITS DES PERSONNES HANDICAPÉES EN AFRIQUE ADOPTÉ PAR LA TRENTIÈME SESSION ORDINAIRE DE LA CONFÉRENCE, TENUE À ADDIS-ABEBA, ÉTHIOPIE, LE 29 JANVIER 2018</p>
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PROTOCOL TO THE AFRICAN CHARTER ON
HUMAN AND PEOPLES' RIGHTS ON THE
RIGHTS OF PERSONS WITH DISABILITY
IN AFRICA

Republic of Rwanda



21 OCT 2019



PROTOCOL TO THE AFRICAN CHARTER ON HUMAN
AND PEOPLES' RIGHTS ON THE RIGHTS OF PERSONS WITH
DISABILITIES IN AFRICA



Preamble

We, the Heads of State and Government of the Member States of the African Union:

Considering that Article 66 of the African Charter on Human and Peoples' Rights of 27 June 1981 provides that special protocols or agreements, if necessary, may supplement the provisions of the African Charter;

Further considering that Article 18 (4) of the African Charter on Human and Peoples' Rights of 27 June 1981 provides that persons with disabilities shall have the right to special measures of protection in keeping with their physical or moral needs;

Noting that the Constitutive Act of the African Union of 11 July 2000 identifies respect for democratic principles, human rights, the rule of law and good governance as essential principles for the proper functioning of the African Union;

Recognising that the African Union and its agencies as well as States Parties to the African Charter have made various efforts towards ensuring the rights of persons with disabilities;

Noting that Articles 60 and 61 of the African Charter on Human and Peoples' Rights of 27 June 1981 recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as important reference points for the application and interpretation of the African Charter;

Further noting that human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, and that the rights of every individual are recognised in international human rights instruments, including the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Economic, Social and Cultural Rights 16 December 1966 and the International Covenant on Civil and Political Rights 16 December 1966;

Recalling that the rights of persons with disabilities are affirmed in the Convention on the Rights of Persons with Disabilities 13 December 2006;

Further recalling that various African Union human rights instruments, including the African Charter on the Rights and Welfare of the Child of 11 July 1990, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 11 July 2003, the African Youth Charter of 2 July 2006, the African Charter on Democracy, Elections and Governance of 30 January 2007, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 23 October 2009 make provisions for the rights of persons with disabilities;

Considering further paragraph 20 of the Kigali Declaration on Human Rights of 8 May 2003, which "calls upon States Parties to develop a Protocol on the protection of the rights of the elderly and persons with disabilities";



Recalling
Ordinary Session

that the Decision 750 (XXII) of the Executive Council of the African Union, Twenty-Second Ordinary Session held in Addis Ababa, Ethiopia, from 21 to 25 January 2013, endorsed



the African Union Disability Architecture (AUDA), of which a Protocol on the Rights of Persons with Disabilities to the African Charter is a central legal pillar;

Acknowledging that persons with disabilities have inherent dignity and individual autonomy including the freedom to make one's own choices;

Cognizant of the importance of full and effective participation and inclusion of persons with disabilities in society;

Recognising the diversity of persons with disabilities;

Appreciating the value of persons with disabilities, including those with high support needs, as full members of society;

Noting that persons with disabilities experience extreme levels of poverty;

Concerned that persons with disabilities continue to experience human rights violations, systemic discrimination, social exclusion and prejudice within political, social and economic spheres;

Gravely concerned by the harmful practices that persons with disabilities often experience;

Alarmed in particular, by the maiming or killing of persons with albinism in many parts of the continent;

Concerned at the multiple forms of discrimination, high levels of poverty and the great risk of violence, exploitation, neglect and abuse that women and girls with disabilities face;

Recognising that families, guardians, caregivers and community play essential roles in the lives of persons with disabilities;

Concerned that adequate effective measures have not been taken to ensure that persons with disabilities may exercise their full rights on an equal basis with others;

Recalling the lack of a substantive binding African normative and institutional framework for ensuring, protecting and promoting the rights of persons with disabilities;

Conscious of the need to establish a firm legal African Union framework as a basis for laws, policies, administrative actions and resources to ensure the rights of persons with disabilities;

Determined that the rights and dignity of persons with disabilities should be promoted, protected to enable them enjoy fully and equally all their human rights and fundamental

freedoms;
Have agreed as follows:



Article 1 Definitions

For the purpose of the present Protocol:

"African Charter" means the African Charter on Human and Peoples' Rights adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Banjul, Gambia, in June, 1981;

"African Commission" means the African Commission on Human and Peoples' Rights established by the African Charter on Human and Peoples' Rights adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Banjul, Gambia, in June, 2000;

"African Court" means the African Court on Human and Peoples' Rights or any successor court including the African Court of Justice and Human Rights established by the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Ouagadougou, Burkina Faso, in June 1998;

"Assembly" means the Assembly of Heads of State and Government of the African Union.

"AU" or "Union" means the African Union established by the Constitutive Act of the African Union adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July, 2000;

"Commission" means the Commission of the African Union;

"Deaf culture" means the way deaf people interact, it includes a set of social beliefs, behaviours, art, literary traditions, history, values, and shared institutions of communities that are influenced by deafness and which use sign languages as the main means of communication.

"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human and people's rights in the political, economic, social, cultural, civil or any other field. Discrimination on the basis of disability shall include denial of reasonable accommodation;

"Habilitation" means inpatient or outpatient health care services such as physical therapy, occupational therapy, speech-language pathology, audiology that address the competencies and abilities needed for optimal functioning to in interaction with their environments: enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social, and vocational ability, full inclusion and participation in all aspects of life;



"Harmful practices" include behaviour, attitudes and practices based on tradition, culture, religion, superstition or other reasons, which negatively affect the human rights and fundamental freedoms of persons with disabilities or perpetuate discrimination;

"Legal capacity" means the ability to hold rights and duties and to exercise those rights and duties;

"Persons with disabilities" include those who have physical, mental, psycho-social, intellectual, neurological, developmental or other sensory impairments which in interaction with environmental, attitudinal or other barriers hinder their full and effective participation in society on an equal basis with others;

"Protocol" means the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa;

"Reasonable accommodation" means necessary and appropriate modifications and adjustments where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human and people's rights;

"Rehabilitation" means inpatient or outpatient health care services such as physical therapy, occupational therapy, speech-language pathology and psychiatric rehabilitation services that help a person keep, restore or improve skills and functioning for daily living and skills related to communication that have been lost or impaired because a person was sick, injured or disabled.

"Ritual killings" means the killing of persons motivated by cultural, religious or superstitious beliefs that the use of a body or a body part has medicinal value, possesses supernatural powers and brings good luck, prosperity and protection to the killer.

"Situations of risks" means any situation that poses grave risk to the general population, including disasters and all forms of armed conflict

"States Parties" mean any Member States of the African Union which have ratified or acceded to this Protocol and deposited the instruments of ratification or accession with the Chairperson of the African Union Commission;

"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design, and shall not exclude assistive devices for particular groups of persons with disabilities where this is needed;

"Youth" means every person between the ages of 15 and 35 years.



Article 2 Purpose

The purpose of this Protocol is to promote, protect and ensure the full and equal enjoyment of all human and people's rights by all persons with disabilities, and to ensure respect for their inherent dignity.

Article 3 General Principles

This Protocol shall be interpreted and applied in accordance with the following general principles:

- a) Ensuring respect for and protection of the inherent dignity, privacy, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b) Non-discrimination;
- c) Full and effective participation and inclusion in society;
- d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e) Equality of opportunity;
- f) Accessibility;
- g) Reasonable accommodation
- h) Equality between men and women;
- i) The best interests of the child
- j) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4 General Obligations

States Parties shall take appropriate and effective measures, including policy, legislative, administrative, institutional and budgetary steps, to ensure, respect, promote, protect and fulfil the rights and dignity of persons with disabilities, without discrimination on the basis of disability, including by:

- a) Adopting appropriate measures for the full and effective implementation of the rights recognised in the present Protocol;

Mainstreaming disability in policies, legislation, development plans, programmes and activities and in all other spheres of life;



- c) Providing in their constitutions and other legislative instruments and taking other measures to modify or abolish existing policies, laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- d) Modifying, outlawing, criminalising or campaigning against, as appropriate, any harmful practice applied to persons with disabilities;
- e) Promoting positive representations and empowerment of persons with disabilities through training and advocacy;
- f) Taking measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise;
- g) Refraining from engaging in any act or practice that is inconsistent with the present Protocol and ensuring that public authorities, institutions and private entities act in conformity with the Protocol;
- h) Providing assistance and support as necessary and appropriate to enable the realisation of the rights set out in the present Protocol;
- i) Putting in place adequate resources, including through budget allocations, to ensure the full implementation of this Protocol;
- j) Ensuring effective participation of persons with disabilities or their representative organisations including women and children with disabilities, in all decision-making processes including in the development and implementation of legislation, policies and administrative processes to this Protocol.
- k) Ensuring, where persons with disabilities are lawfully deprived of any rights or freedoms contained in this protocol that they are on an equal basis with others, entitled to guarantees in accordance with international human rights law and the objects and principles of the present Protocol.

Article 5 Non-discrimination

1. Every person with a disability shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in this Protocol without distinction of any kind on any ground including, race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.
2. States Parties shall:

a) Prohibit discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

b) Take steps to ensure that specific measures, as appropriate, are provided to persons with disabilities in order to eliminate discrimination and such measures shall not be considered discrimination.



- c) Take effective and appropriate measures to protect the parents, children, spouses, other family members closely related to the persons with disabilities, caregivers or intermediaries from discrimination on the basis of their association with persons with disabilities.

Article 6
Right to Equality

1. Every person with a disability is equal before the law and has the right to equal protection and benefit of the law.
2. Equality includes the full and equal enjoyment of all human and people's rights.
3. State Parties shall take all appropriate legislative, administrative, budgetary and other measures in order to promote equality for persons with disabilities.

Article 7
Equal Recognition before the Law

1. States Parties shall recognise that persons with disabilities are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall take all appropriate and effective measures to ensure that:
 - a) Persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life;
 - b) Non-State actors and other individuals do not violate the right to exercise legal capacity by persons with disabilities;
 - c) Persons with disabilities are provided with effective legal protection and support they may require in enjoying their legal capacity consistent with their rights, will and specific needs;
 - d) Appropriate and effective safeguards are put in place to protect persons with disabilities from abuses that may result from measures that relate to the enjoyment of their legal capacity;
 - e) Policies and laws which have the purpose or effect of limiting or restricting the enjoyment of legal capacity by persons with disabilities are reviewed or repealed;
 - f) Persons with disabilities have the equal right to hold documents of identity and other documents that may enable them to exercise their right to legal capacity;

g) Persons with disabilities have the equal right to own or inherit property and are not arbitrarily dispossessed of their property;



- h) Persons with disabilities have equal rights to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

**Article 8
Right to Life**

1. Every person with a disability has the inherent right to life and integrity.
2. States Parties shall take effective and appropriate measures to ensure:
 - a) Protection, respect for life and the dignity of persons with disabilities, on an equal basis with others;
 - b) That persons with disabilities have access to services, facilities and devices to enable them to live with dignity and to realise fully their right to life.

**Article 9
Right to Liberty and Security of Person**

1. Every person with a disability has the right to liberty and security of person.
2. States Parties shall take appropriate and effective measures to ensure that persons with disabilities, on an equal basis with others:
 - a) Enjoy the right to liberty and security of person and are not deprived of their liberty unlawfully or arbitrarily;
 - b) Are not forcibly confined or otherwise concealed by any person or institution;
 - c) Are protected, both within and outside the home, from all forms of exploitation, violence and abuse.
3. States Parties shall take appropriate measures to prevent deprivation of liberty to persons with disabilities, to prosecute perpetrators of such abuse and to provide effective remedies for the victims.
4. Where persons with disabilities are lawfully deprived of their liberty, States Parties shall ensure that they are on an equal basis with others entitled to guarantees in accordance with international human rights law and the objects and principles of the present Protocol.
5. The existence of a disability or perceived disability shall in no case justify deprivation of liberty.



Article 10

Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment

1. Every person with a disability shall have the right to the respect of his/her inherent dignity and to be free from torture or cruel, Inhuman or degrading treatment, slavery, forced labour or unlawful punishment.
2. States Parties shall take appropriate and effective measures to ensure that persons with disabilities, on an equal basis with others:
 - a) Are not subjected to torture or cruel, inhuman or degrading treatment or punishment;
 - b) Are not subjected without their free, prior and informed consent to medical or scientific experimentation or intervention;
 - c) Are not subjected to sterilisation or any other invasive procedure without their free, prior and informed consent;
 - d) Are protected, both within and outside the home, from all forms of exploitation, violence and abuse.
3. States Parties shall take appropriate measures to prosecute perpetrators of such abuse and to provide remedies for the victims.

Article 11

Harmful Practices

1. States Parties shall take all appropriate measures and offer appropriate support and assistance to victims of harmful practices, including legal sanctions, educational and advocacy campaigns, to eliminate harmful practices perpetrated on persons with disabilities, including witchcraft, abandonment, concealment, ritual killings or the association of disability with omens.
2. States Parties shall take measures to discourage stereotyped views on the capabilities, appearance or behaviour of persons with disabilities, and they shall prohibit the use of derogatory language against persons with disabilities.

Article 12

Situations of Risk

States Parties shall:

- a) Take specific measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, forced-displacements, humanitarian emergencies and natural disasters;

Ensure that persons with disabilities are consulted and participate in all aspects of planning, implementation and monitoring of pre and post conflict reconstruction and rehabilitation.



**Article 13
Right to Access Justice**

1. States Parties shall take measures to ensure that persons with disabilities have access to justice on an equal basis with others, including through the provision of procedural, age and gender-appropriate accommodations, in order to facilitate their effective roles as participants in all legal proceedings.
2. States Parties shall take reasonable steps to ensure that customary law processes are inclusive and should not be used to deny persons with disabilities their right to access appropriate and effective justice.
3. All law enforcement and justice personnel shall be trained at all levels to effectively engage with and ensure the rights of persons with disabilities are recognised and implemented without discrimination.
4. States Parties shall ensure legal assistance including legal aid to persons with disabilities.

**Article 14
Right to Live in the Community**

1. Every person with a disability has the right to live in the community with choices on an equal basis with others.
2. States Parties shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of the right to live in the community, on an equal basis with others, including by ensuring that:
 - a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live;
 - b) Persons with disabilities who require intensive support and their families have adequate and appropriate facilities and services, including caregivers and respite services;
 - c) Persons with disabilities have access to a range of in-home, residential and other community support services necessary to support living and inclusion in the community;
 - d) Persons with disabilities have personal mobility with the greatest possible independence;
 - e) Community-based rehabilitation services are provided in ways that enhance the participation and inclusion of persons with disabilities in the community;

Community living centres organised or established by persons with disabilities are supported to provide training, peer support, personal assistance services and other services to persons with disabilities; and



- g) Community services and facilities for the general population, including health, transportation, housing, water, social and educational services, are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 15 Accessibility

1. Every person with a disability has the right to barrier free access to the physical environment, transportation, information, including communications technologies and systems, and other facilities and services open or provided to the public.
2. States Parties shall take reasonable and progressive step measures to facilitate full enjoyment by persons with disabilities of this right, and such measures shall, among others, apply to:
 - a) Rural and urban settings and shall take account of population diversities;
 - b) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
 - c) Information, communications, sign languages and tactile interpretation services, braille, audio and other services, including electronic services and emergency services;
 - d) Quality and affordable mobility aids, assistive devices or technologies and forms of live assistance and intermediaries; and
 - e) The modification of all inaccessible infrastructure and the universal design of all new infrastructure.

Article 16 Right to Education

1. Every person with a disability has the right to education.
2. States Parties shall ensure to persons with disabilities the right to education on an equal basis with others.
3. States Parties shall take, reasonable, appropriate and effective measures to ensure that inclusive quality education and skills training for persons with disabilities is realised fully, including by:
 - a) Ensuring that persons with disabilities can access free, quality and compulsory basic and secondary education;
 - b) Ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others, including by ensuring the literacy of persons with disabilities above compulsory school age.



[Handwritten signature]

The seal of the Ministry of Education, Science and Technology is circular, featuring a central emblem with a book and a torch. The text "MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY" is written around the top inner edge, and "ADDIS ABABA, ETHIOPIA" is written around the bottom inner edge.

- c) Ensuring reasonable accommodation of the Individual's requirements is provided, and that persons with disabilities receive the support required to facilitate their effective education;
 - d) Providing reasonable, progressive and effective individualised support measures in environments that maximise academic and social development, consistent with the goal of full inclusion;
 - e) Ensuring appropriate schooling choices are available to persons with disabilities who may prefer to learn in particular environments;
 - f) Ensuring that persons with disabilities learn life and social development skills to facilitate their full and equal participation in education and as members of the community;
 - g) Ensuring that multi-disciplinary assessments are undertaken to determine appropriate reasonable accommodation and support measures for learners with disabilities, early intervention, regular assessments and certification for learners are undertaken regardless of their disabilities;
 - h) Ensuring educational institutions are equipped with the teaching aids, materials and equipment to support the education of students with disabilities and their specific needs;
 - i) Training education professionals, including persons with disabilities, on how to educate and interact with children with specific learning needs; and
 - j) Facilitating respect, recognition, promotion, preservation and development of sign languages.
4. The education of persons with disabilities shall be directed to:
- a) The full development of human potential, sense of dignity and self-worth;
 - b) The development by persons with disabilities of their personality, talents, skills, professionalism and creativity, as well as their mental and physical abilities, to their fullest potential;
 - c) Educating persons with disabilities in a manner that promotes their participation and inclusion in society; and
 - d) The preservation and strengthening of positive African values.

**Article 17
Right to Health**

1. Every person with a disability has the right to the highest attainable standard of health.



States Parties shall take appropriate and effective measures to ensure persons with disabilities have, on an equal basis with others, access to health services, including sexual and reproductive health, such as by:



- a) Providing persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons;
- b) Providing those health services needed by persons with disabilities specifically because of their disabilities or health services designed to minimise or prevent further disability, the provision of medicines including pain relieving drugs;
- c) Prohibiting discrimination against persons with disabilities by providers of health services or providers of insurance;
- d) Ensuring that all health services are provided on the basis of free, prior and informed consent;
- e) Providing persons with disabilities with health-care in the community;
- f) Ensuring that health-care services are provided using accessible formats and that communication between service providers and persons with disabilities is effective;
- g) Ensuring that persons with disabilities are provided with support in making health decisions, when needed;
- h) Ensuring that health campaigns include disability specific needs, but in a manner which does not stigmatise persons with disabilities, and designing services to minimise and prevent further disability; and
- i) Ensuring that the training of health-care providers takes account of the disability specific needs and rights of persons with disabilities, and ensuring that formal and informal health services do not violate the rights of persons with disabilities.

Article 18 Habilitation and Rehabilitation

States Parties shall take effective and appropriate measures, including peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability; and full inclusion and participation in all aspects of life, including by:

- a) Organising, strengthening and extending comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services;
- b) Promoting the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services;



Promoting the availability, knowledge and use of appropriate, suitable and affordable assistive devices and technologies;



- d) Supporting the design, development, production, distribution and servicing of assistive devices and equipment for persons with disabilities, adapted to local conditions;
- e) Developing, adopting and implementing standards, including regulations on accessibility and universal design, suitable to local conditions.

Article 19
Right to Work

1. Every person with a disability has the right to decent work, to just and favourable conditions of work, to protection against unemployment, to protection against exploitation and to protection from forced or compulsory labour.
2. States Parties shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right on an equal basis with others, including by:
 - a) Prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment, including employment opportunities, vocational training, conditions of recruitment, hiring and employment, continuance of employment, promotion, career advancement, and safe and healthy working conditions;
 - b) Protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work and the right by persons with disabilities to exercise their labour and trade union rights;
 - c) Promoting opportunities for persons with disabilities to initiate self-employment, entrepreneurship and to access financial services;
 - d) Employing persons with disabilities in the public sector, including by reserving and enforcing minimum job-quotas for employees with disabilities;
 - e) Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, including through the use of specific measures such as tax incentives;
 - f) Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;
 - g) Ensuring that employees with disabilities or those who become disabled are not unfairly dismissed from employment on the basis of their disability.
3. States Parties shall take legislative, administrative and budgetary measures to ensure that the principle of equal pay for equal work is not used to undermine the right to work for persons with disabilities.



States Parties shall take appropriate measures to recognise the social and cultural value of the work of persons with disabilities.



Article 20
Right to Adequate Standard of Living

1. Persons with disabilities have the right to an adequate standard of living for themselves and their families, including adequate food, access to safe drinking water, housing, sanitation and clothing, to the continuous improvement of living conditions and to social protection.
2. States Parties shall take appropriate and effective measures to facilitate full enjoyment by persons with disabilities of this right, on the basis of equality, including by:
 - a) Ensuring that persons with disabilities shall access appropriate and affordable services, devices and other assistance for disability-related needs, including accessible housing and other social amenities, mobility aids and caregivers;
 - b) Ensuring access by persons with disabilities to social protection programmes;
 - c) Putting financial measures in place to cover disability-related expenses, including through the use of tax exemptions or concessions, cash-transfers, duty waivers and other subsidies; and
 - d) Facilitating provision of assistance, including interpreters, guides, auxiliary and augmentative supporters and caregivers, while respecting the rights, will and preferences of persons with disabilities.

Article 21
Right to Participate in Political and Public Life

1. Every person with a disability has the right to participate in political and public life.
2. States Parties shall take all appropriate policy, legislative and other measures to ensure this right, on the basis of equality, including through:
 - a) Undertaking or facilitating systematic and comprehensive civic education to encourage full participation of persons with disabilities in democracy and development processes, including by ensuring civic and voter education materials are available in accessible formats;
 - b) Encouraging the effective participation of persons with disabilities in political and public life including as members of political parties, electors and holders of political and public offices in accordance with national laws;



Putting in place reasonable accommodation and other support measures consistent with the secrecy of the ballot, including as appropriate, by ensuring accessibility to polling stations and facilitating assisted voting for persons with disabilities to enable their effective participation in political and public life in accordance with national laws;



- d) Realising increased and effective representation and participation of persons with disabilities on an equitable basis as members of regional, sub-regional, national and local legislative bodies;
- e) Repealing or amending laws that on the basis of disability restrict the right of persons with disabilities to vote, stand for or remain in public office.

Article 22
Self-representation

States Parties shall recognise and facilitate the right of persons with disabilities to represent themselves in all spheres of life, including by promoting an environment that enables persons with disabilities to:

- a) Form and participate in the activities of organisations of and for persons with disabilities at national, regional and international levels;
- b) To build relationships and networks at national, regional and international levels;
- c) Form and participate in the activities of nongovernmental organisations and other associations;
- d) Effectively advocate for their rights and inclusion in their societies;
- e) Gain and enhance capacities, knowledge and skills for effectively articulating and engaging in issues of disability, including through direct collaboration with organisations for persons with disabilities and academic institutions and other organisations;
- f) Be actively consulted and involved in the development and implementation of all legislation, policies, programmes and budgets that impact persons with disabilities.

Article 23
Right to Freedom of Expression and opinion

1. Every person with a disability has the right to freedom of expression and opinion including the freedom to seek, receive and impart information and ideas through all forms of communication of their choice.
2. States Parties shall take policy, legislative, administrative and other measures to ensure that persons with disabilities can exercise these rights, on an equal basis with others.

Article 24
Access to Information

Every person with a disability has the right to access information.



2. States Parties shall take policy, legislative, administrative and other measures to ensure that persons with disabilities can exercise these rights, on the basis of equality, including by:
 - a) Providing information intended for the general public as well as information required for official interactions to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner, and without additional cost to persons with disabilities;
 - b) Requiring private entities that provide services to the general public, including through print and electronic media, to provide information and services in accessible and usable formats for persons with disabilities;
 - c) Recognising and promoting the use of sign languages and deaf culture; and
 - d) Ensuring that persons with visual impairments or with other print disabilities have effective access to published works including by using information and communication technologies.

Article 25

Right to Participate in Sports, Recreation and Culture

1. Every person with a disability has the right to participate in sports, recreation and cultural activities.
2. States Parties shall take effective and appropriate policy, legislative, budgetary, administrative and other measures to ensure this right, on the basis of equality, including through:
 - a) Ensuring that persons with disabilities have access to sports, recreational and cultural services and facilities, including access to stadiums and other sporting facilities, theatres, monuments, entertainment establishments, museums, libraries and other historical sites;
 - b) Encouraging and promoting the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
 - c) Promoting disability-specific sporting and recreational activities and ensuring provision of appropriate infrastructure;
 - d) Facilitating funding, research and other measures aimed at promoting the participation of persons with disabilities both in disability-specific and mainstream sporting and recreational activities;
 - e) Enabling children with disabilities to participate in play within the learning environment;

Facilitating access to audio, video, print and media technologies and services including theatre, television, film and other cultural performances and activities;



- g) Discouraging negative representations and stereotyping of persons with disabilities in both traditional and modern cultural activities and through the media;
- h) Encouraging and supporting creativity and talent among persons with disabilities for their own and the society's benefit;
- i) Putting in place measures to mitigate barriers that hinder access to cultural materials in accessible formats; and
- j) Recognising and supporting the cultural and linguistic identities of persons with disabilities, including deaf-blind and deaf culture, and sign languages.

Article 26
Right to Family

1. Everyone with a disability has a right to marry and form a family with their full, prior and informed consent.
2. States Parties shall take all necessary and appropriate measures to eliminate discrimination against persons with disabilities including negative stereotypes in all matters with regard to family, marriage, parenthood, guardianship, adoption and relationships, on an equal basis with others, in order to ensure that:
 - a) Persons with disabilities may decide on the number and spacing of their children, and have access to family planning, and sexual and reproductive health education and services;
 - b) Persons with disabilities have the right to keep their children and not be deprived of their children on account of their disability.

Article 27
Women and Girls with Disabilities

States Parties shall ensure that women and girls with disabilities have full enjoyment of human and people's rights on an equal basis with other persons, including by ensuring that:

- a) Women and girls with disabilities participate in social, economic and political decision-making and activities;
- b) Barriers that hinder the participation of women with disabilities in society are eliminated;
- c) Women with disabilities are included in mainstream women's organisations and programmes;
- d) Women and girls with disabilities are protected from discrimination based on disability and enjoy the right to be treated with dignity;
- e) Women with disabilities access information, communication and technology.



- f) Women with disabilities have access to employment and to professional and vocational training;
- g) Programmes to overcome social and economic isolation and removing systemic barriers in the labour market for women with disabilities are developed;
- h) Women with disabilities have access to income generating opportunities and credit facilities;
- i) Specific measures are developed and implemented to facilitate full and equal participation for women and girls with disabilities in sports, culture and technology;
- j) Women with disabilities are protected from sexual and gender based violence and are provided with rehabilitation and psychosocial support against sexual and gender based violence;
- k) The sexual and reproductive health rights of women with disabilities are guaranteed, and women with disabilities have the right to retain and control their fertility; and are not sterilised without their consent;
- l) Disability inclusive Gender perspectives are integrated in policies, legislation, plans, programmes, budgets and activities in all spheres that affect women with disabilities.

Article 28
Children with Disabilities

1. States Parties shall ensure that Children with disabilities have full enjoyment of human and people's rights on an equal basis with other children.
2. States Parties shall respect and promote the right of children with disabilities, in particular, their right to preserve their identities and to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
3. States Parties shall ensure that the best interests of the child are the primary consideration in all actions undertaken by any person or authority concerning children with disabilities.
4. States Parties shall ensure the rights and welfare of children with disabilities by taking policy, legislative and other measures aimed at:
 - a) Ensuring children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children;



Providing children with disabilities, disability, age and gender appropriate assistance to realise their rights;



- c) Ensuring the life, survival, protection and development of children with disabilities;
- d) Ensuring children with disabilities have a name, a nationality and that they are registered immediately after birth;
- e) Ensuring children with disabilities are not abducted, sold or trafficked for any purpose or in any form for, sexual exploitation, child labour harvesting organs;
- f) Ensuring that children with disabilities are protected from all forms of sexual exploitation, abuse and forced labour;
- g) Protecting children from being separated from their parents, caregivers and guardians merely on the basis that either the children or their parents have a disability;
- h) Taking specific measures to protect children with disabilities who require more intensive support;
- i) Ensuring children with disabilities have effective access to education, training and recreational opportunities in settings most conducive for them to achieve the fullest possible social inclusion, individual development and cultural and moral development;
- j) Fostering in all children from an early age an attitude of respect for the rights of persons with disabilities;
- k) Protecting children with disabilities from exploitation, violence and abuse within family, institutional and other settings;
- l) Ensuring that under no circumstances may children on account of their disabilities be sterilised.

Article 29
Youth with Disabilities

1. States Parties shall ensure that Youth with disabilities have full enjoyment of human and peoples' rights on an equal basis with other youth.
2. States Parties shall take policy, legislative, administrative and other measures to ensure that all the rights of youth with disabilities are fully respected, including by:
 - a) Promoting full, inclusive and accessible education for youth with disabilities;
 - b) Promoting the inclusion of youth with disabilities in mainstream youth organisations, programmes, including training for leadership and governance skills for their participation at national, regional and international levels;
 - c) Removing barriers that hinder or discriminate against the participation of youth with disabilities in society;



- d) Promoting training and access to information, communication and technology for youth with disabilities;
- e) Developing programmes to overcome social and economic isolation, and removing systemic barriers in the labour market for youth with disabilities;
- f) Ensuring access to credit facilities for youth with disabilities;
- g) Developing and implementing specific measures to facilitate full and equal participation of youth with disabilities in sports, culture, science and technology;
- h) Promoting sexual and reproductive health education for youth with disabilities;
- i) Promoting the participation of youth with disabilities in political decision-making and activities.

Article 30
Older Persons with Disabilities

1. State Parties shall ensure that older persons with disabilities have full enjoyment of human and peoples' rights on an equal basis with other older persons.
2. States Parties shall ensure that all the rights of older persons with disabilities are fully protected by taking policy, legislative and other measures, including for:
 - a) Ensuring that older persons with disabilities, on an equal basis with others, access social protection programmes;
 - b) Taking account of age and gender-related aspects of disability in programming and resourcing in accordance with the present Protocol;
 - c) Ensuring that older persons with disabilities exercise their legal capacity on an equal basis with others, and that appropriate measures and safeguards are put in place to provide older persons with all the support they may require to exercise their legal capacity;
 - d) Ensuring that older persons with disabilities have access to appropriate services that respond to their needs within the community;
 - e) Ensuring that older persons with disabilities are protected from neglect, violence, including violence on the basis of accusations or perceptions of witchcraft;
 - f) Ensuring that older persons with disabilities have access to appropriate sexual and reproductive health information and services.

Article 31
Duties of Persons with Disabilities

States Parties shall recognise that persons with disabilities have duties on an equal basis with other persons as elaborated in the African Charter.



2. States Parties shall ensure that persons with disabilities are rendered the forms of assistance and support, including reasonable accommodations, which they may require in performance of such duties.

Article 32
Statistics, Data and Other Surveys

States Parties shall ensure the systematic collection, analysis, storage and dissemination of national statistics and data covering disability to facilitate the protection and promotion of the rights of persons with disabilities. Towards this end, States Parties shall:

- a) Disaggregate statistics and data, as appropriate, on the basis of disability, gender, age and other relevant variables, including by ensuring that national population census and other survey captures data on disability;
- b) Disseminate statistics and data in forms accessible to all persons including persons with disabilities;
- c) Ensure that the collection, analysis, storage and dissemination of statistics and data on persons with disabilities comply with acceptable ethical, confidentiality and privacy standards.
- d) Ensure effective involvement and participation of Persons with Disabilities in the design, collection and dissemination of data.

Article 33
Cooperation

States Parties shall:

- a) Cooperate at the international, Continental, sub-regional and bilateral levels on capacity-building on issues of persons with disabilities, including by sharing research, technical, human and financial resources, information and good practices to support implementation of this Protocol;
- b) Ensure that regional and sub-regional cooperation programmes and institutions support the implementation of this Protocol and are accessible to Persons with Disabilities;
- c) Ensure full and effective participation of persons with disabilities in the implementation and monitoring of this Protocol.
- d) Support the African Union Commission to set up an Advisory Council on Disability [as an *ad hoc*] mechanism to facilitate the implementation and follow up of the continental policies and plans on disability.



**Article 34
Implementation**

1. States Parties shall ensure the implementation of this Protocol, and shall indicate in their periodic reports submitted to the African Commission in accordance with Article 62 of the African Charter, the legislative and other measures undertaken for the full realisation of the rights recognized in this Protocol.
2. States Parties shall establish or designate national mechanisms, including independent national institutions, to monitor the implementation of the rights of persons with disabilities.
3. In the implementation of this Protocol, the African Commission shall have the mandate to interpret the provisions of the Protocol in accordance with the African Charter.
4. The African Commission may refer matters of interpretation and enforcement or any dispute arising from the application or implementation of this Protocol to the African Court on Human and Peoples' Rights.
5. In accordance with Articles 5 and 34(6) of the Protocol Establishing the Africa Court, the African Court on Human and Peoples' Rights shall have the mandate to hear disputes arising from the application or implementation of this Protocol.

**Article 35
Popularization of the Protocol**

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Protocol in accordance with the relevant provisions and procedures of their respective constitutions.

**Article 36
Safeguard Clause**

1. No provision in this Protocol shall be interpreted as derogating from the principles and values contained in other relevant instruments for the realisation of the rights of Persons with Disabilities in Africa.
2. In the event of a contradiction between two or more provisions of this Protocol, the interpretation which favours the rights of Persons with Disabilities and protects their legitimate interests shall prevail.

**Article 37
Signature, Ratification and Accession**

This Protocol shall be open to Member States of the Union for signature, ratification or accession.



2. The instrument of ratification or accession to the present Protocol shall be deposited with the Chairperson of the Commission who shall notify all Member States of the dates of the deposit of the instruments of ratification or accession.

Article 38
Entry into force

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification by a Member State.
2. The Chairperson of the Commission shall notify all Member States of the African Union of the entry into force of the present Protocol.
3. For any Member State of the African Union acceding to the present Protocol, the Protocol shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 39
Reservations

1. A State Party may, when, ratifying or acceding to this Protocol, submit in writing a reservation with respect to any of the provisions of this Protocol. Reservation shall not be incompatible with the object and purpose of this Protocol.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 40
Depositary

This Protocol shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Protocol to the Government of each signatory State.

Article 41
Registration

The Chairperson of the Commission upon the entry into force of this Protocol shall register this Protocol with the United Nations Secretary General in conformity with Article 102 of the Protocol of the United Nations.

Article 42
Withdrawal

At any time after three years from the date of entry into force of this Protocol, a State Party may withdraw by giving written notification to the Depositary.



2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

Article 43
Amendment and Revision

1. Any State Party may submit proposal(s) for the amendment or revision of this Protocol. Such proposal(s) shall be adopted by the Assembly.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit such proposals to the Assembly at least six months before the meeting at which it shall be considered for adoption.
3. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority.
4. The amendment or revision shall enter into force in accordance the procedures outlined in Article 26 of this Protocol.

Article 44
Authentic Texts

This Protocol is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has signed this Protocol.

ADOPTED BY THE THIRTIETH ORDINARY SESSION OF THE ASSEMBLY,
HELD IN ADDIS ABABA, ETHIOPIA ON 29 JANUARY 2018



<p>Bibonywe kugira ngo bishyirwe ku mugereka w’Iteka rya Perezida n° 089/01 ryo ku wa 07/09/2020 ryemeza burundu Amasezerano y’Inyongera ku Masezerano Nyafurika y’Uburenganzira bwa Muntu n’ubw’Abaturage yerekeye Uburenganzira bw’Abantu bafite Ubumuga muri Afurika yemejwe n’Inama isanzwe ya mirongo itatu, yabereye i Addis-Abeba, muri Etiyopiya, ku wa 29 Mutarama 2018</p>	<p>Seen to be annexed to Presidential Order n° 089/01 of 07/09/2020 ratifying the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disability in Africa adopted by the thirtieth ordinary session of the Assembly, held in Addis Ababa, Ethiopia, on 29 January 2018</p>	<p>Vu pour être annexé à l’Arrêté Présidentiel n° 089/01 du 07/09/2020 ratifiant le Protocole à la Charte Africaine des Droits de l’Homme et des Peuples, relatif aux Droits des Personnes Handicapées en Afrique adopté par la trentième session ordinaire de la Conférence, tenue à Addis-Abeba, Éthiopie, le 29 janvier 2018</p>
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Kigali, 07/09/2020

(sé)

KAGAME Paul
Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe
Prime Minister
Premier Ministre

Bibonywe kandi bishyizweho Ikirango cya Repubulika:
Seen and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera akaba n'Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux