Rwanda

Presidential Order determining the Modalities for a Leader to Receive Donations and Gifts
Presidential Order 54 of 2010

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President Order determining the Modalities for a Leader to Receive Donations and Gifts

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We, KAGAME Paul,
President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date especially Articles 112, 120, 121, 182 and 201;

Pursuant to Organic Law n°61/2008 of 10/09/2008 on the Leadership Code of Conduct in Articles 2, 3, 9, and 10;

Pursuant to Law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman as amended to date, especially in Article 7;

On proposal by the Minister in the Office of The President;

After consideration and approval by the Cabinet, in its session of 08/06/2010;

HAVE ORDERED AND HEREBY ORDER:

Article One – Purpose of this Order

This Order determines the modalities for a leader to receive or give donations and gifts and their disposal.

Article 2 – Leaders governed by this Order

This Order governs leaders mentioned in the Organic Law n° 61/2008 of 10/09/2008 on the Leadership Code of Conduct, hereby mentioned:

1° high ranking leaders who are President of the Republic, President of the Senate, Speaker of the Chamber of Deputies, President of the Supreme Court and the Prime Minister;

2° senior officials who are Cabinet Ministers, Ministers of State, Members of Parliament, Judges of the Supreme Court and other officials appointed by a Presidential Order as well as those appointed by a Prime Minister’s Order to the Director General and those falling in the same job classification level;

3° heads of public institutions, Government services and institutions governed by statutes or people holding political offices;

4° the representatives of officials in different meetings and festivities.

Article 3 – Definition of gifts or donations

For the purpose of this Order, "donations" or "gifts" are defined as follows:

1° movable or immovable property or other property that is valued in monetary term given/received by a leader freely;
2° any service that is usually payable that a leader may enjoy freely or rendered on a lower price than the one provided;

3° hospitality received or given to a leader

**Article 4 – Circumstances allowed for a leader to receive or give donations and gifts**

A leader is allowed to receive or give gifts or donations in the following exceptional circumstances:

1° safeguarding the good image of the Country;

2° adhering and respecting foreign culture;

3° reciprocating the offer;

4° avoiding an embarrassment to an Institution represented.

**Article 5 – Value of gifts or donations a leader may receive or offer**

The President of the Republic shall be allowed to offer a gift or a donation in accordance with the provisions of the Law determining the State Finances.

The provisions of this Order shall apply to the President of the Republic concerning receiving of gifts or donations and their disposal.

Other leaders shall not in normal circumstances receive or offer a donation or gift whose value exceeds One hundred thousand Rwandan francs (100,000 Rwf).

However, under the exceptional circumstances mentioned in the Article 4 of this Order, a leader may receive a gift or donation whose value exceeds the amount stipulated in the preceding paragraph.

If the official receiving or offering a gift or donation that exceeds the amount prescribed in paragraph one of this article is from the Office of the Ombudsman, he/she shall inform the Bureau of Senate in writing.

The leader shall, by his/her discretion, estimate the value of the gift or donation received.

**Article 6 – Disposal of gifts and donations received**

A leader who receives a gift or a donation shall with an accompanying letter, deliver it to the Institution he/she represents.

However, in case the Institution whose leader received the gift or donation mentioned in the preceding paragraph is unable to utilize it, that institution shall forward the gift to the line Institution that has capacity to make it profitable for the public interest.

In case there is no Institution that has a direct link with the gift or donation received, the latter shall be forwarded to the Ministry in charge of Public Treasury in its attributions. The modalities of usage of a gift or a donation mentioned in this paragraph shall be established by instructions of the Minister in charge of State Treasury in his/her attributions.

The Office of the Ombudsman shall always be informed, in writing, of the disposal of a gift or donation whose value exceeds One Hundred Thousand Rwandan Francs (100,000 Rwf).

If the gift or donation is meant for personal use a leader shall keep it for him/herself if its value does not exceed One Hundred Thousand Rwandan Francs (100,000 Rwf).
Article 7 – Sanctions to a leader who receives or offers gifts and donations in violation of this Order

A leader who violates provisions of this Order shall be sanctioned in accordance with the relevant provision of the Organic Law n° 61/2008 of 10/09/2008 on the Leadership Code of Conduct.

Article 8 – Authorities responsible for the implementation of this Order

The Prime Minister and the Minister with State Treasury in his/her attributions are entrusted with the implementation of this Order.

Article 9 – Commencement

This Order shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.