

Rwanda

Presidential Order establishing Special Statutes of Diplomatic Officers

Presidential Order 113 of 2019

Legislation as at 4 November 2020

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Rwanda

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Presidential Order 113 of 2019

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Assented to on 1 November 2020

Commenced on 4 November 2020

[This is the version of this document from 4 November 2020.]

We, KAGAME Paul,

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 111, 112, 120, 122 and 176;

Pursuant to Law n° 86/2013 of 11/09/2013 establishing the general statutes for public service, especially in Article 2;

On proposal by the Minister of Public Service and Labour;

After consideration and approval by the Cabinet, in its session of 24/06/2019;

HAVE ORDERED AND ORDER:

Chapter One General provisions

Article One – Purpose of this Order

This Order establishes special statutes governing diplomatic officers.

Article 2 – Scope of application

This Order applies to diplomatic officers.

Article 3 – Officers not governed by this Order

This Order does not apply to the following officers:

- 1° administrative and support staff to the headquarters, governed by the general statutes for public service;
- 2° diplomatic officers appointed to the headquarters and to diplomatic missions employed on contract basis.

Diplomatic officers appointed to the headquarters employed on contract basis are governed by the law regulating labour in Rwanda.

Diplomatic officers appointed in diplomatic missions employed on contract basis are governed by the law of the host country.

Article 4 – Definitions

In this Order, the following terms have the following meaning:

- 1° Ministry: Ministry in charge of foreign affairs;
- 2° Minister: Minister in charge of foreign affairs;
- 3° headquarters: main office of the Ministry in Rwanda;
- 4° diplomatic mission: Embassy, High Commission, Permanent Mission, Diplomatic Office, General Consulate and Liaison Office of the Republic of Rwanda;
- 5° head of diplomatic mission: Ambassador, High Commissioner, Permanent Representative, Chargé d’Affaires, General Consul, or Liaison Officer in a diplomatic mission;
- 6° diplomatic officer: public servant responsible for conducting and coordinating international relations and cooperation at bilateral, regional and multilateral levels, who works at the headquarters or in a diplomatic mission;
- 7° area of jurisdiction: countries or international organisations in which a head of diplomatic mission is officially accredited to;
- 8° administrative and support officer: a public servant of the Ministry working in administrative or support units and that who performs administrative or support activities;
- 9° rotation: way in which diplomatic officers are periodically transferred to other job positions as provided for by this Order, from the headquarters to diplomatic missions or *vice versa*, or from a diplomatic mission to another;
- 10° career Ambassador: diplomatic officer of the grade of Ambassador who was recruited and promoted in accordance with this order.
- 11° non-career Ambassador: person outside the Ministry who was appointed at the grade of Ambassador by the competent authority.
- 12° recalling a diplomatic officer: to return to the headquarters a diplomatic officer who was working in a diplomatic mission;
- 13° dependent of a diplomatic officer:
 - a. his or her spouse;
 - b. his or her legitimate child under twenty-one (21) years old or under twenty-five (25) years old if the child is pursuing education and is still single;
 - c. his or her recognised child under twenty-one (21) years old or under twenty-five (25) years old if the child is pursuing education and is still single;
 - d. his or her adoptive child under twenty-one (21) years old or under twenty-five (25) years old if the child is pursuing education and is still single;
 - e. his or her legitimate, recognised or adoptive child who is physically or mentally disabled regardless of his or her age, with no own income and unable to earn his or her living.

Chapter II Diplomatic career

Article 5 – Diplomatic grades

Diplomatic grades, in ascending order, are the following:

- 1° Diplomatic Attaché;
- 2° Third Secretary;
- 3° Second Secretary;
- 4° First Secretary;
- 5° Second Counsellor;
- 6° First Counsellor;
- 7° Minister Counsellor;
- 8° Ambassador.

Article 6 – Diplomatic career building

The diplomatic career is built through promotion, in diplomatic grades, of a diplomatic officer.

Article 7 – Modalities for recruitment of a diplomatic officer

Recruitment of a diplomatic officer is conducted by the Ministry and through competition.

Article 8 – Appointment of a diplomatic officer

A candidate who successfully passed an examination, is provisionally appointed on the job position he or she applied for and given a grade of Diplomatic Attaché, at the headquarters.

However:

- 1° a candidate who successfully passed an examination is appointed on the job position he or she applied for and may be given a higher grade than that of Diplomatic Attaché taking into account his or her qualification and experience;
- 2° a public servant working outside the Ministry may be appointed to a diplomatic mission to one of the diplomatic grades mentioned in Article 5 of this Order, except the grade of Ambassador. During his or her service, the officer is entitled to vertical promotion up to the grade of Minister Counsellor. At the end of his or her service, the officer returns to the institution of origin;
- 3° a citizen may be appointed to a diplomatic mission as Attaché, other than Diplomatic Attaché, to perform specific tasks of interest for the country. At the end of his or her service, the officer returns to the institution of origin or is appointed to another job position.

Appointment is done in writing.

Diplomatic officers recruited through competition, are appointed by the Minister.

Diplomatic officers who are not recruited through competition, are appointed by the competent authority.

Article 9 – Appointment of an Ambassador to the Ministry

The competent authority may appoint a career or non-career Ambassador to the Ministry and entrust the Ambassador with special assignments notwithstanding the organisational structure of the Ministry.

Article 10 – Basic training of a diplomatic officer

A diplomatic officer who is provisionally appointed, undergoes basic training lasting for a period of six (6) months.

However, a diplomatic officer who is appointed to a diplomatic grade higher than that of Second Secretary does not undergo a basic training.

A diplomatic officer who successfully completes the basic training is confirmed to the job position, in writing, by the Minister.

Article 11 – Promotion of a diplomatic officer

A diplomatic officer is vertically promoted following a successful performance evaluation on the basis of the performance contract, every four (4) financial years.

The score marks for the vertical promotion of a diplomatic officer is the same as for the horizontal promotion provided for by relevant laws.

The diplomatic officer who has reached the grade of Ambassador is horizontally promoted in accordance with relevant laws.

Article 12 – Rotation

The diplomatic officer serves alternatively at the headquarters and in a diplomatic mission.

The rotation takes place after four (4) financial years. The rotation period may be reduced or extended in interest of service.

However, a diplomatic officer may not serve more than eight (8) consecutive financial years at the headquarters or in a diplomatic mission.

Rotation is scheduled and published by the Ministry at least three (3) months before its implementation.

Article 13 – Recall of a diplomatic officer

The competent authority may recall a diplomatic officer, at any time, for service purposes.

A recalled diplomatic officer who is not immediately placed in a job position remains at the disposal of the Ministry and he or she receives salary and fringe benefits equivalent to those allocated to a diplomatic officer of the same grade as his or hers, who works at the headquarters within six (6) months. However, the payment of salary and fringe benefits stops when a recalled diplomatic officer is placed in a job position or finds another job.

If, at the expiry of six (6) months, a recalled diplomatic officer is not placed in a job position, he or she is removed from office by the appointing authority.

Chapter III

Rights of a diplomatic officer

Article 14 – Salaries

A diplomatic officer is entitled to a salary based on his or her grade, regardless of the job position he or she occupies at the headquarters or in a diplomatic mission.

However, a diplomatic officer who occupies a higher job position than his or her grade, is entitled to a salary based on the job position he or she occupies at the headquarters or in a diplomatic mission.

Article 15 – Working hours

Working hours for diplomatic officers appointed in diplomatic missions conform to those of the host country.

Article 16 – Official public holidays

Public holidays for diplomatic officers appointed in diplomatic missions are those established in Rwanda and in the host country.

However, when a same public holiday is taken on different days in Rwanda and in the host country, diplomatic officers take the holiday on the day it is taken in the host country.

Article 17 – Annual leave

A diplomatic officer appointed in a diplomatic mission is entitled to an annual leave of thirty (30) days, which are taken within his or her area of jurisdiction, except special authorisation. The leave may be split into a maximum of two (2) portions.

The annual leave of the head of diplomatic mission taken within his or her area of jurisdiction is authorised by the Minister, while that taken outside the area of jurisdiction is authorised by the President of the Republic, upon request by the Minister.

The annual leave of other diplomatic officers taken within their area of jurisdiction is authorised by the head of diplomatic mission, while that taken outside the area of jurisdiction is authorised by the Minister, upon request by the head of diplomatic mission.

Article 18 – Reconstitution leave

At the time of rotation or after four (4) years, a diplomatic officer serving in a diplomatic mission is entitled to a paid reconstitution leave of thirty (30) days, taken in Rwanda. The reconstitution leave replaces the annual leave of the fourth year.

The return ticket of the diplomatic officer and his or her dependents is taken in charge by the Ministry.

Article 19 – Incidental leave

The diplomatic officer is granted an incidental leave as follows:

- 1° two (2) working days in case of his or her civil marriage if the marriage takes place in the host country;
- 2° ten (10) working days in case of his or her civil marriage if the marriage takes place in another country;
- 3° four (4) working days in case his wife gives birth in the host country;
- 4° ten (10) working days in case his wife gives birth in another country;

- 5° ten (10) working days in case of death of his or her spouse;
- 6° ten (10) working days in case of death of his or her father or mother;
- 7° ten (10) working days in case of death of his or her legitimate, legally recognised or adoptive child;
- 8° ten (10) working days in case of death of his or her brother or sister;
- 9° ten (10) working days in case of death of his or her father-in-law or mother-in-law.

Chapter IV

Official missions for diplomatic officers appointed in a diplomatic mission

Article 20 – Application for authorisation for official mission

A diplomatic officer, appointed in a diplomatic mission, who travels outside his or her area of jurisdiction for official mission, requests for an authorisation, in accordance with the Presidential Order regulating official missions abroad.

The head of diplomatic mission who travels in another country of his or her jurisdiction for official mission requests for the authorisation from the Minister. In case of travel for official mission within the host country that requires spending the night outside his or her residence, the head of diplomatic mission must inform the Minister in advance.

Other diplomatic officers who travel within their area of jurisdiction for official mission request for prior authorisation from the head of diplomatic mission.

Article 21 – Travel aviation classes

Travel aviation classes of diplomatic officers appointed in diplomatic missions, who travels for official mission, are governed by the Presidential Order regulating official missions abroad.

However, the head of diplomatic mission always travels in business class in the following cases:

- 1° when the head of diplomatic mission commences or ends his or her tour of duty;
- 2° when the head of diplomatic mission travels to another country of his or her jurisdiction to present his or her letters of credence. If the host country allows the presence of the spouse, he or she also travels in business class;
- 3° when the head of diplomatic mission is sent to another country to present a special message of the President of the Republic to his or her counterpart.

The spouse of the head of diplomatic mission, his or her legitimate, legally recognised or adoptive children under twelve (12) years old and disabled legitimate, legally recognised or adoptive children who need special attention also travel in business class when they are travelling with the head of diplomatic mission who commences or ends his or her tour of duty. Other dependents travel in economy class.

Chapter V

Transitional and final provisions

Article 22 – Matters not provided for under this Order

Matters not provided for under this Order are governed by the law establishing the general statutes for public service and other laws in force in Rwanda.

Article 23 – Grades and rotation of diplomatic officers on the commencement date of this Order

The grades of diplomatic officers working in the Ministry on the commencement date of this Order are determined on the basis of the job position they occupy and their experience on the commencement date of this Order.

The period for the rotation of diplomatic officers appointed in diplomatic missions, referred to in article 12 of this Order, is calculated from the date of their appointment.

Article 24 – Authorities responsible for the implementation of this Order

The Prime Minister, the Minister of Foreign Affairs and International Cooperation, the Minister of Public Service and Labour and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

Article 25 – Repealing provision

All prior provisions contrary to this Order are repealed.

Article 26 – Commencement

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