INGINGO NGENDERWAKO ZEREKEYE ABANTU BATESHEJWE IZABO BAKABA BAGUMYE MU GIHUGU CABO

OCHA

E/CN.4/1998/53/Add.2

Ibiro bihuza amashirahamwe atabara imbabare

INGINGO NGENDERWAKO ZEREKEYE ABANTU BATESHEJWE IZABO BAKABA BAGUMYE MU GIHUGU CABO

ISHIRAHAMWE MPUZAMAKUNGU - O.N.U.

New-York, 1999

IJAMBO RY'INTANGAMARARA RY'ICEGERA C'UMUNYAMABANGA MUKURU WA O.N.U., SERGIO VIEIRA DE MELLO, KU VYEREKEYE INGINGO NGENDERWAKO

Uko bukeye uko bwije, umuryango w'amashirahamwe y'abatabara imbabare urushirizaho gutahura amabi aterwa n'ukuburabuzwa kw'abantu bagera ku miliyoni mirongo ibiri kw'isi yose, bateshwa izabo batahungiye inyuma y'igihugu cabo.

Naho gukingira abateshwa izabo vyega mbere na mbere amaleta n'abategetsi b'intara mu gihugu hagati, ni nkenerwa ko amakungu yihweza ingene yoterera, kugira ngo abo bantu barushirizeho gukingirwa mu bihe vy'ingwano n'amatati. Birakwiye ko twokwiyumvira ingene hotabarwa imbabare ku buryo abantu bateshejwe izabo bokingirwa kurusha.

Mw'ishirahamwe mpuzamakungu O.N.U., ingingo zihambaye zarafashwe kugira ngo hatorwe inyishu irashe kandi ibangutse ku bikenewe n'abantu bateshejwe izabo. Umurwi ntayegayezwa mpuzamashirahamwe wanshinze igikorwa c'ukuyavugira mw'ishirahamwe mpuzamakungu O.N.U. ku bibazo bijanye n'abantu bateshejwe izabo.

Mu kurangura ico gikorwa niyemeje gukora ku buryo ibisata vyose vy'ishirahamwe mpuzamakungu O.N.U. bishobora gutorera umuti ingorane z'abateshejwe izabo, n'ugutegekanya uburyo bw'ingene ayo mashirahamwe yorushirizaho gukorana, hakerekanwa neza kurusha ivyo igisata kimwe kimwe kijejwe, kandi amashirahamwe abikora agashigikirwa bikwiye.

Mur'iyo nzira, ndanezerejwe n'uko intumwa idasanzwe y'umunyamabanga mukuru wa O.N.U. ajejwe abantu bateshejwe izabo, yatangaje ingingo ngenderwako zerekeye abateshwa izabo bakaguma mu gihugu cabo. Izo ngingo, zishingiye ku mategeko mpuzamakungu yerekeye gutabara imbabare hamwe n'amategeko yerekeye agateka ka zina muntu, nizo amaleta n'amashirahamwe mpuzamakungu yishinze gufasha abari mu ngorane no mu vyerekeye iterambere yokwisunga mu kugarukira ku bateshejwe izabo n'ukubakingira.

Umurwi ntayegayezwa mpuzamashirahamwe uremeza ata gahigihigi izo ngingo ngenderwako kandi warahimirije abanywanyi bawo ngo bazomenyeshe inzego nshingwantwaro n'abakozi babo, nk'iyo bari ku mirimo bajejwe, kugira ngo bisunge izo ngingo mu vyo bafasha abateshejwe izabo.

Ndemeza ko izo ngingo ngenderwako zishobora kugira uruhara ntangere mu gutuma abantu bategera ingorane abateshejwe izabo barimwo, mu guhimiriza amashirahamwe atabara imbabare kugira ngo abafashe yongere afate mu mugongo abakozi bari ku kivi mu gutorera umuti ingorane zijanye no gukingira no gufasha abateshejwe izabo. Izo ngingo zizofasha kandi amaleta mu gucungera umutekano w'abateshejwe izabo no mu kubaronsa ivyo bakeneye kugirango babeho neza.

Ndizeye ko umwe umwe wese muri mwebwe azokwihatira kumenyekanisha izo ngingo ngenderwako n'ukuzishira mu ngiro aho ageza hose, kugira ngo habe akarusho mu vyerekeye amategeko agenga abateshejwe izabo n'ingene bafatwa, ari navyo bikenewe cane.

URWANDIKO RUSHIKIRIJWE N'UWUSERUKIRA UMUNYAMABANGA MUKURU AJEJWE ABANTU BATESHEJWE IZABO, UMUSHINGANTAHE

Francis M. DENG

Amakungu ategerezwa kwihanga igikorwa gihambaye c'ugukingira abateshejwe izabo biturutse ku ngwano, ugurtyoza bimwe bigaragara agateka ka zina muntu n'ibindi vyago biteye ubwoba, ariko abo bantu bakaba batarenze imbibe z'igihugu cabo. Mu bihe nka vyose usanga abo bantu bari mu bukene butagira uko buvugwa, bakababara kandi bagakumirwa.
Izi ngingo ngenderwako zateguwe kugira ngo zikingire ayo mabi abantu bateshejwe izabo bakaguma hagati mu gihugu.

Izo ngingo ziratomora amateka n'ibitegekanijwe kugira ngo abantu bateshejwe izabo bakingirwe mu bihe vyose bazomara batari imuhira. Zirabuza kandi ko abantu bavanwa mu zabo ata mvo ishemeye. Zirerekana ivyo bafatirako kugira ngo bakingirwe bongere bafashwe igihe bakiri mu buhungiro. Vyongeye zirerekana ibitegekanijwe kugira basubire mu zabo, bagererwe ahandi kandi basubire kumenyera kubana n'abandi bari mu mutekano ukwiye. Naho izo ngingo ubwazo atari amategeko ntarengwa, ivyo ari vyo vyose zijanye n'amategeko mpuzamakungu yerekeye agateka ka zina muntu, amategeko mpuzamakungu yerekeye gutabara imbabare, kandi ubigereranije zijanye n'amategeko yubahiriza impunzi.

Izo ngingo namaze imyaka itari mike ndazitegura nisunze umurimo nari nashinzwe n'umurwi ujejwe agateka ka zina muntu mu 1992. Zahavuye zishimangirwa n'ivyapfunditswe n'uwo murwi hamwe n'Inama ya bose y'ishirahamwe mpuzamakungu O.N.U. Mu ntango, nasabwe kwiga ibituma

n'inkurikizi z'ukuvana abantu mu zabo ; ikibanza abateshejwe izabo bafise mu mategeko mpuzamakungu ; ingene inzego zihari zikora kugirango baronke ivyo bakeneye, n'uburyo bwo kurushirizaho kuba kingira no kubafasha.

Ni naco gituma ibikorwa bikuru bikuru bijanye n'umurimo nashinzwe vyashimikiye ku gushiraho inzego n'amategeko agenga impunzi, hamwe n'ugutunganya ingendo mu bihugu bitandukanye kugira ngo ntangure ibiganiro n'amaleta, n'abandi bose bitayeho ico kibazo.

Mfadikanije n'umurwi w'abahinga mpuzamakungu mu vy'amategeko, narihweje ingene ikibazo c'abateshejwe izabo citaweho mu mategeko mpuzamakungu. Naratororokanije nongera ndihweza amategeko avyerekeye (E/CN.4/1996/52/Add.2). Ico nabonye ni uko n'aho amategeko ahari yitaho cane abantu bateshejwe izabo, hariho ibindi bice vyinshi ayo mategeko adashimikako bikwiye, kugira ngo abateshejwe izabo bakingirwe bongere bafashwe. Mu nyuma, umurwi ujejwe ivyerekeye agateka ka zina muntu n'Inama ya bose y'ishirahamwe mpuzamakungu O.N.U. baransavye gutegura amategeko yerekeye abantu bateshejwe izabo. Aho niho havuye ingingo ngenderwako, nazo zikaba zemeza amategeko yari ahasanzwe, zikageragеza kunonosora ibitari bitomoye kandi zikongeramwo ivyari bibuze.

Nashikirije izo ngingo ngenderwako uwo murwi mu mwaka w'1998, ari naho waciye ufata icemezo c'ukuzakirana n'umugambi nari mfise wo kuzisunga mu biganiro nama ngiranira n'ama Leta n'abandi bose bashinzwe gufasha abateshejwe izabo ; ivyo vyose nkabigira nserukira umunyamabanga mukuru wa O.N.U.

Uwo murwi ujejwe agateka ka zina muntu warongeye urakira ingingo y'umurwi ntayegayezwa mpuzamashirahamwe wari washimye izo ngingo ngenderwako ukanahimiriza amashirahamwe awuhurikiyemwo kuzimenyesha inzego nshingwantwaro n'abakozi babo nk'iyo bari ku mirimo bajejwe, kugira bazisunge mu vyo bafasha abateshejwe izabo.

Izo ngingo ngenderwako zotegerejwe gutanga intumbero irashe kandi ngirakamaro ku Maleta n'abandi bategetsi babijejwe, amashirahamwe mpuzamaleta n'ayategamiye amaleta, mu kurangura imirimo yerekeye abantu bateshejwe izabo. Ndizeye ko izo ngingo zizomenyekanishwa hose kandi zigashirwa mu ngiro bimwe biboneka n'abarangura imirimo y'ugufasha abateshejwe izabo.

INGINGO NGENDERWAKO ZEREKEYE ABANTU BATESHEJWE IZABO BAKAGUMA MU GIHUGU CABO

INTANGAMARARA : INTUMBERO N'IBIRIMWO

1. Izi ngingo ngenderwako zifise intumbero y'ugutorera umuti ingorane zisangijwe n'abantu bateshejwe izabo kw'isi yose ariko bakaguma mu gihugu cabo. Muri izo ngingo harangwamwo amateka n'ibitegakanijwe kugira ngo abantu ntibateshwe izabo ku gahato, bakingirwe bikwiye kandi baronke imfashanyo ishimishije igihe bateshejwe izabo, igihe bazisubiyemwo canke bagererewe ahandi, no mu gusubira kumenyera kubana n'abandi.

2. Ku bw'izi ngingo ngenderwako, abantu bateshejwe izabo bakaguma mu gihugu cabo ni abo bantu canke imirwi y'abantu batujijwe, bagoberewe kugira ngo bahunge, bave mu ngo zabo, bave aho bari basanzwe baba, nk'iyo bivuye ku ngwano, ku mudugararo wakwiye intara babamwo, k'ugurtyoza agateka ka zina muntu, ku mpanuka ziyadukije canke zitumwe n'abantu cabure ngo bikingire inkurikizi zavyo, mu gihe batarenganye imbibe z'ico gihugu zemewe n'amakungu.

3. Izo ngingo zigaragaza amategeko mpuzamakungu yerekeye agateka ka zina muntu n'amategeko mpuzamakungu yerekeye gutabara imbabare kandi zikaba zihuye nayo. Zifasha aba bakurikira :

    a) Uwuserukira umunyamabanga mukuru w'ishirahamwe mpuzamakungu O.N.U. ajejwe ibibazo vy'abateshejwe izabo bakaguma mu gihugu cabo, mu kurangura umurimo yashinzwe ;

    b) Ama Leta ahanzwe n'ikibazo c'abateshwa izabo bakaguma mu gihugu cabo ;

    c) Iyindi mirwi yose, abategetsi n'abantu bose begwa n'ico kibazo, ku migenderanire yabo hamwe n'abateshejwe izabo bakaguma mu gihugu cabo ;

    d) Amashirahamwe mpuza ama Leta n'ayategamiye ama Leta mu bikorwa vyabo bijanye n'abateshejwe izabo bakaguma mu gihugu cabo.

4. Izi ngingo ngenderwako zotegerejwe kumenyekanishwa n'ugushirwa mu ngiro aho bishoboka hose.

IKIGABANE CA I : INGINGO RUSANGI

Ingingo ya 1

1. Mu mategeko mpuzamakungu no mu mategeko y'igihugu, abateshejwe izabo bakaguma mu gihugu cabo bafatwa kimwe n'abandi banyagihugu mu vyerekeye amateka n'ukwishira n'ukwizana. Ntibategerezwa gukumirwa na gatoya ngo n'uko bateshejwe izabo.

2. Izi ngingo ntizibuza abateshejwe izabo gukurikiranwa n'amategeko mpuzamakungu nk'igihe boba barakoze ihonyabwoko, icaha gikorewe umurwi canke imirwi y'abantu kigafatwa ko gikorewe zina muntu wese, hamwe n'icaha gikorewe mu ntambara.

Ingingo ya 2

1. Imirwi yose, abategetsi n'abantu bose, ata kuraba amategeko abagenga, barakurikiza izi ngingo ngenderwako, bakazishira mu ngiro ata n'imwe basobanuye. Gukurikiza izi ngingo ntaco bihindura mu mategeko agenga abategetsi, imirwi canke abandi bantu vyerekeye.

2. Izi ngingo ntizoshobora gufatwa nk'izije kugabanya, guhindura canke kugabanura ububasha bw'amategeko mpuzamakungu agenga agateka ka zina muntu canke ayerekeye gutabara imbabare, be n'amateka abantu bahabwa n'amategeko y'igihugu.
   Na cane cane izi ngingo ntizaka abateshejwe izabo uburenganzira bwo kurondera no kuronka ubuhungiro mu bindi bihugu.

Ingingo ya 3

1. Abategetsi b'igihugu nibo begwa kandi bategerezwa mbere na mbere gukingira no gufasha abantu bateshejwe izabo bakaba batarenze imbibe z'igihugu cabo.

2. Abateshejwe izabo bakaba bagumye mu gihugu cabo barafise uburenganzira bwo gusaba ko abo bategetsi babakingira bakabaronsa n'imfashanyo. Ntibashobora gufatwa nabi canke guhanwa ngo n'uko basavye ibintu bene ivyo.

Ingingo ya 4

1. Izi ngingo zirakurikizwa ata n'umwe akumiriwe, bivuye nko ku bwoko, urukoba, igitsina, ururimi avuga, idini canke ukwemera kwiwe, ivyiyumviro mu vyerekeye intwaro y'igihugu canke ibindi, amamuko, umuryango, urugero arimwo mu gihugu, ingene afatwa n'amategeko canke mu mibano, imyaka afise, ubumuga, ubutunzi bwiwe, amavukiro yiwe canke ibindi bofatirako bisa n'ivyo.

2. Abantu bamwe bamwe bateshejwe izabo bakaba bagumye mu gihugu cabo, nk'abana, cane cane abana bari bonyene batarakwiza imyaka itegetswe kugira ngo bemezwe ko bakuze, abakenyezi bibungenze, abafise abana bakiri bato, abagore batunze ingo bonyene, abamugaye n'abageze mu zabukuru, bategerezwa gukingirwa n'ugufashwa nk'uko bibereye uravye uko bameze n'ivyo bakeneye.

IKIGABANE CA II : INGINGO ZIJANYE N'UGUKINGIRA ABANTU GUTESHWA IZABO

Ingingo ya 5

Abategetsi n'abo bose vyerekeye bari mu muryango mpuzamakungu, barangura ivyo bajejwe bisunze amategeko mpuzamakungu, nk'ayagenga agateka ka zina muntu n'ayerekeye gutabara imbabare, bakayubahiriza mu bihe vyose ku buryo bazitira bakongera bakabuza ivyotuma abantu bateshwa izabo.

Ingingo ya 6

1. Zina muntu wese ategerezwa gukingirwa ukuvanwa mu rugo rwiwe canke aho yari asanzwe aba, ku mvo zidashemeye.

2. Birabujijwe kuvana abantu mu zabo ata mvo zishemeye zibitumye, mu bihe bikurikira :

    a) Intwaro ivangura amoko y'abantu, intwaro yo guhonya canke gutoteza ubwoko kanaka, ingiro zisa n'izo, zirondera guhindura amadini canke ubwoko bw'abantu babikorewe ;

    b) Igihe c'intambara, kiretse bitumwe n'ugukingira umutekano w'abanyagihugu canke ukwivuna umwansi ;

c) Hariko hararangurwa imigambi ihambaye y'iterambere yamara ititwararitse ineza ya bose ;

d) Hadutse impanuka, kiretse iyo umutekano n'amagara y'abantu vyerekeye, bituma bimurirwa ahandi ;

e) Bifashwe nk'uguhana abantu ikivunga.

3. Kugumiza abantu inyuma y'ingo zabo ntibitegerezwa kubandanya kandi icabitumye kitakihari.

Ingingo ya 7

1. Imbere yuko hafatwa ingingo iyo ariyo yose yo kuvana abantu mu zabo, abategetsi vyega barageragеza kwihweza ko ata bundi buryo bushoboka kugirango iyo ngingo ntifatwe. Igihe ata kundi vyoge-nda, habwirizwa gukorwa ibishoboka vyose kugira ngo igitigiri c'abavanwa mu zabo kibe gito cane kandi inkurikizi mbi zavyo zibe nke.

2. Abategetsi bafashe ingingo yo gukura abantu mu zabo baritwararika uko bishoboka kwose ko abo bantu baronka uburaro bubereye, ko ico gikorwa kirangurwa mu mutekano ukwiye, ko baronswa ibifungurwa bikwiye, ko amagara yabo n'isuku bikwiye, bakitwararika kandi ko abagize umuryango umwe batotandukanywa.

3. Igihe abantu bavanywe mu zabo bidatumwe n'imvo y'ukubakingira vyihutirwa ingwano canke impanuka, hategerezwa gukurikizwa ibi bikurikira :

a) Ingingo iyo ariyo yose ishingwa n'umutegetsi aserukira Leta kandi abirekuriwe n'amategeko ;

b) Ingingo zose zikenewe zirafatwa kugira ngo abateshejwe izabo bamenyeshwe bikwiye imvo zabitumye, uburyo bwo kubimura, kandi bikenewe bakamenyeshwa n'ingingo zafashwe zo kubashumbusha no kubagerera ahandi ;

c) Kugerageza ko abavanwa mu zabo babitegera kandi bakavyemera ata gahato ;

d) Abategetsi babifitiye ububasha barageragеza gufadikanya n'abantu vyerekeye, cane cane abakenyezi, mu gutegura imigambi y'ukubagerera ahandi n'uburyo bwo kubishira mu ngiro ;

e) Bikenewe, ingingo z'ukubungabunga umutekano zirafatwa n'abajejwe ubutungane babifitiye ububasha ;

f) Kwubahiriza uburenganzira bwo gusaba gusubira kwihweza ingingo zose zafashwe, harimwo n'izafashwe n'abategetsi bajejwe ubutungane babifitiye ububasha.

Ingingo ya 8

Birabujijwe kuvana abantu mu zabo harenzwe amateka yubahiriza ubuzima, agateka, ukwishira n'ukwizana be n'umutekano wabo.

Ingingo ya 9

Amaleta ategerezwa gukingira cane cane imvukira, inkehwa, abirimizi, aborozi n'iyindi mirwi y'abantu bazeye uburaro n'uburamuko ku matongo yabo kandi ari nkoramutima kuri bo.

IKIGABANE CA III : INGINGO ZEREKEYE UGUKINGIRA ABANTU IGIHE BAVANYWE MU ZABO

Ingingo ya 10

1. Ubuzima bw'umuntu wese burakingirwa n'amategeko. Nta n'umwe ashobora kubwamburwa hatisunzwe amategeko. Abateshejwe izabo bakaba bagumye mu gihugu cabo barakingirwa cane cane :

   a) ihonyabwoko ;
   b) ukwicwa ;
   c) ukwicwa ata rubanza baciriwe canke hatisunzwe amategeko ;
   d) ukuzimanganywa harimwo n'ukunyuruzwa canke ugupfungwa kutemewe n'amategeko, igihe ahigirwa kwicwa canke hari uwishwe.

   Kirazira gukangisha ayo mabi avuzwe canke kwosha kuyakora.

2. Birabujijwe gutera canke kugirira ayandi mabi yose hakoreshejwe igikenye abateshejwe izabo bakaba bagumye mu gihugu cabo, igihe cose

batari mu bagwana canke batakigwana. Abateshejwe izabo barakingirwa cane cane :

a) Ibitero bije bibatumbera canke vy'inkuzako canke ayandi mabi yose, harimwo n'ugushinga uturere aho birekuwe gutera abantu batari ku rugamba ;

b) Kwicishwa inzara bifashwe nk'ubuhinga bw'ukurwana ;

c) Gukoreshwa nk'inkinzo z'uturere abasirikare bakoreramwo canke gupfukapfuka, kworohereza no kubuza ibitero vyabo ;

d) Ibitero bitumbera insago canke uturere abateshejwe izabo bagererewemwo ;

e) Imitego izikwa yica abantu.

Ingingo ya 11

1. Umuntu wese ategerezwa kwubahirizwa no gusonerwa mu buzima bwiwe, mu bwenge bwiwe n'imibereho yiwe.

2. Abateshejwe izabo bakaguma mu gihugu cabo, ubwigenge bwabo, buba bwaragabanijwe canke ari bwose, barakingirwa cane cane ibi bikurikira :

a) Ugusambanywa ku nguvu, kujejagurwa, gusinzikarizwa ubuzima, gufatwa canke guhanwa nk'umuyobe mu kubakorera amabi atogirirwa umuntu canke abatesha agaciro canke ayandi mabi atyoza agateka ka zina muntu nk'ugukoresha igikenye, nk'amabi agirirwa abakenyezi n'ayandi mabi yose abatesha ubuntu ;

b) Gufatwa ruja canke ubundi buryo bwa none bwo gufata abantu ruja (kugurisha abigeme ku bashaka kubarongora, kurondera inyungu mu kubashurashuza, gukoresha abana ku nguvu, n'ibindi) ;

c) Amabi agirwa hakoreshejwe igikenye kugira atere ubwoba abateshejwe izabo.

Kirazira gukangisha ayo mabi avuzwe canke kwosha kuyakora.

Ingingo ya 12

1. Umuntu wese arafise uburenganzira bw'ukwishira n'ukwizana, gusonerwa n'ugukingirwa mu buzima bwiwe. Nta muntu n'umwe ashobora gufatwa canke gupfungwa bitemewe n'amategeko.

2. Kugira ubwo burenganzira bwubahirizwe, kirazira kwugarana abateshejwe izabo canke kubabuza gucaruka. Iyo hari ibituma bidasanzwe, ata kundi vyogenda hadafashwe izo ngingo, ntizitegerezwa kugumaho igihe icazitumye cahavuye.

3. Abateshejwe izabo barakingirwa ugufatwa n'ugupfungwa ngo ni uko bavuye mu zabo.

4. Nta na rimwe vyemewe ko abateshejwe izabo bafatwa nk'incungu.

Ingingo ya 13

1. Nta gihe na kimwe vyemewe ko abana bateshejwe izabo binjizwa mu ntwaramiheto canke ngo babagobere canke babemerere kuja mu ngwano.

2. Abateshejwe izabo barakingirwa kugira ngo ntihagire uwubinjiza mu ntwaramiheto canke mu mirwi yitwaje ibirwanisho afatiye ku ngorane barimwo. Birabujijwe cane cane, mu gihe ico arico cose, ko umuntu yateshejwe urwiwe afatwa nk'umuyobe, akorerwa amabi atogirirwa umuntu canke amutesha agaciro, kugira ngo amugobere yemere kwinjizwa mu murwi w'abitwaje ibirwanisho canke kumuhana igihe avyanse.

Ingingo ya 14

1. Uwateshejwe urwiwe wese arafise uburenganzira bw'ukuja iyo ashaka n'ukwitorera aho aba ata gahato.

2. Abateshejwe izabo barafise cane cane uburenganzira bwo kwinjira no kuva mu nsago canke mu tundi turere bagererewemwo ata ntambamyi.

Ingingo ya 15

Abateshejwe izabo barafise uburenganzira bukurikira, bwo :

a) kurondera ahandi hantu mu gihugu hatekanye bashobora kuba ;
b) kuva mu gihugu cabo ;
c) kurondera ubuhungiro mu kindi gihugu ;
d) gukingirwa gusubizwa mu ngo zabo canke kwungururizwa ku gahato aho hose ubuzima bwabo, umutekano wabo, ubwigenge bwabo n'amagara yabo vyobangamirwa naho amagara yabo ariyo yonyene yobangamirwa.

Ingingo ya 16

1. Abateshejwe izabo bose barafise uburenganzira bwo kumenyeshwa ivyashikiye ababo bazimiye n'aho boba bari.

2. Abategetsi babijejwe bazokwihatira kumenya ivyashikiye abateshejwe izabo bazimiye, n'ukumenya aho boba bari, kandi bazofashanya n'amashirahamwe mpuzamakungu yitanga atiziganya muri ico gikorwa. Bazoza baramenyesha ababo aho bagejeje kurondera hamwe n'inkuru yose nshasha baronse.

3. Abo bategetsi bazokwihatira kandi kwegeranya ibisigarira vy'abantu bapfuye n'ukumenya abo ari bo, babuze ko bihumanywa canke bijejagurwa ; bazogerageza kworohereza ababo mu kubisubizwa canke mu kubafubana iteka.

4. Imva z'abantu bateshejwe izabo zotegerezwa gukingirwa mu bihe vyose. Abateshejwe izabo botegerezwa kuronka uburenganzira bwo gushika aho imva z'ababo ziri.

Ingingo ya 17

1. Umuntu wese ategerezwa kwubahirizwa mu buzima bw'umuryango wiwe.

2. Kugirango ubwo burenganzira bwemerewe abateshejwe izabo bwubahirizwe, abagize umuryango umwe bipfuza kugumana barabirekuriwe.

3. Imiryango yatandukanijwe n'uguhunga izosubizwa hamwe mu maguru masha. Hazofatwa ingingo zose zikenewe kugira ngo uko gusubizwa hamwe kw'imiryango kunyaruke, cane cane iyo harimwo abana. Abategetsi babijejwe bazokworohereza imiryango irondera ababo,

bazofata mu mugongo amashirahamwe asanzwe afasha abari mu vyago yitaho guhuza imiryango bongere babifadikanye.

4. Abagize imiryango y'abateshejwe izabo barafise uburenganzira bwo kuguma bari hamwe, igihe ubwigenge bwabo bwagabanijwe mu kwugaranirwa mu nsago zabo canke mu kubuzwa gucaruka.

Ingingo ya 18

1. Abantu bose bateshejwe izabo barafise uburenganzira bwo kubaho ku rugero rukwiye.

2. Abategetsi babijejwe bazoronsa abateshejwe izabo bose atakuvangura, n'imiburiburi ibi bikurikira, vyongeye babafashe kubishikira mu mutekano :

   a) imfungurwa nkenerwa n'amazi meza ;
   b) insago n'uburaro ;
   c) ivyambarwa bikwiranye nabo ;
   d) amavuriro n'utuzu twa surwumwe bikwiye.

3. Bategerezwa kwihatira cane cane ko abakenyezi bagira uruhara rukwiye mu kuringaniza no mu gushikiriza imfashanyo y'ivyankenerwa.

Ingingo ya 19

1. Abantu bose bateshejwe izabo bakaguma mu gihugu cabo, bakomeretse canke barwaye, hamwe n'ibimuga, bategerezwa kuvurwa mu buryo bushoboka bwose kandi mu maguru masha, bakitabwaho mu kuronswa ivyo bakeneye, ata kuvangura guhagaze ku mvo zindi zitajanye n'umwuga w'ubuvuzi. Bikenewe, abateshejwe izabo bakaguma mu gihugu cabo bategerezwa kuronka ababaremesha kugira batekane bongere bumve ko ari abantu nk'abandi.

2. Abakenyezi bokwitwararikwa cane cane mu vyo bakeneye vyerekeye amagara yabo nk'ugushikira abavuzi n'amavuriro, aha twovuga nk'ibijanye n'irondoka hamwe n'isuzumwa bikwiye, igihe bakorewe amabi mu gusambanywa ku nguvu n'ayandi mabi nkayo.

3. Hokwitwararikwa cane cane gukingira abateshejwe izabo ingwara zandukira kandi z'akaranda harimwo n'ingwara ya SIDA.

Ingingo ya 20

1. Umuntu wese arafise uburenganzira bw'ukwubahirizwa aho ari hose mu buntu bwiwe bwemewe n'amategeko.

2. Kugira ubwo burenganzira bwubahirizwe, abategetsi babijejwe baraha abateshejwe izabo inzandiko zose bakeneye (igitabu c'inzira, inzandiko ndangamuntu, inzandiko z'amavuka, inzandiko zemeza ko babiranye, n'izindi) kugira ngo bashobore kuronka ivyo bafitiye uburenganzira. Baraborohereza cane cane kuronka inzandiko nshasha canke izisubirira izatakaye igihe bariko barahunga, batiriwe barabatuma amananiza, nk'ukubabwira ngo basubire kuzirondera iyo bavuye canke ngo bazane izindi nzandiko za nkenerwa.

3. Abagabo n'abakenyezi bashobora kuronka izo nzandiko mu buryo bumwe kandi barafise uburenganzira bwo kuzironka umwe wese kw'izina ryiwe.

Ingingo ya 21

1. Nta n'umwe ashobora kunyagwa itongo ryiwe n'ibindi atunze ku mvo zidashemeye.

2. Itongo n'ayandi matungo y'abateshejwe izabo arakingirwa igihe cose, na cane cane ibi bikurikira :

    a) ugusahurwa ;
    b) ibitero vyoza biyagana canke bitavangura, n'ayandi mabi agirwa hakoreshejwe igikenye ;
    c) gukoreshwa bwa nkinzo mu gihe c'intambara canke mu gukingira ibikoresho vya gisirikare ;
    d) kubikoresha mu kwihora ;
    e) kubisambura canke kuvyigarurira ngo bahanwe ikivunga.

3. Amatongo n'amatungo yasizwe n'abateshejwe izabo mu guhunga yotegerezwa gukingirwa ntasamburwe, ntiyigarurirwe n'abandi, ntihagire uwuyabamwo canke akoreshe ibirimwo bidaciye mu mategeko.

Ingingo ya 22

Uburenganzira buvugwa muri iyi ngingo bwemerewe abateshejwe izabo, baba abari mu nsago canke ahandi ; nta mvo n'imwe yotuma babwakwa ngo ni uko bari mu buhungiro, nabwo ni ubu :

a) uburenganzira bw'umuntu wese bw'ukwiyumvira uko ashaka, bw'ugukurikiza agatima ka muntu, ugukurikiza idini canke ivyiyumviro yemera n'uguserura ikiri ku mutima ;

b) ubwigenge bw'ukurondera akazi n'ukugira uruhara mu bikorwa vy'ubutunzi ;

c) ubwigenge bw'ukwinjira mu mashirahamwe n'ukuyagiramwo uruhara rungana n'urw'abandi bose ;

d) uburenganzira bw'ugutora n'ukugira uruhara mu vyerekeye intwaro no mu gutunganya ivy'igihugu harimwo n'ukuronswa uburyo bukenewe kugirango ubwo burenganzira buje mu ngiro ;

e) uburenganzira bwo gukoresha ururimi bumva.

Ingingo ya 23

1. Umuntu wese arafise uburenganzira bw'ukuronka indero n'ubumenyi.

2. Kugira ivyo bishoboke abategetsi babijejwe baritaho kwigisha ku buntu abateshejwe izabo na cane cane abana, kandi kwiga kukaba itegeko kuri bose mu mashure y'intango. Izo nyigisho zikwiye kwubahiriza akarangandanga kabo, ururimi n'idini vyabo.

3. Bokwihatira cane cane ko abakenyezi n'abigeme bagira uruhara rukwiye kandi rungana n'urw'abandi mu vyerekeye inyigisho.

4. Mu gihe bishobotse, abateshejwe izabo cane cane imiyabaga n'abakenyezi, baba abari mu nsago canke ahandi, barigishwa kandi bakagororerwa ubwenge.

IKIGABANE CA IV : INGINGO ZEREKEYE UGUTABARA IMBABARE

Ingingo ya 24

1. Imfashanyo yose y'ugutabara imbabare itangwa hisunzwe ingingo zubahiriza ikiremwa muntu, uwuyitanga ataho ahengamiye kandi atawe akumiriye.

2. Imfashanyo y'imbabare yagenewe abateshejwe izabo ntiyonyuruzwa na cane cane ku mvo zifatiye ku vy'intwaro y'igihugu canke ivy'igisirikare.

Ingingo ya 25

1. Abategetsi b'igihugu nibo begwa kandi bategerezwa mbere na mbere gutabara abateshejwe izabo bagumye mu gihugu cabo.

2. Amashirahamwe mpuzamakungu atabara imbabare n'abandi bose babijejwe barashobora gusaba gufasha abantu bateshejwe izabo bagumye mu gihugu cabo. Ivyo ntivyofatwa nk'inyendamuvano canke ukwisuka mu biraba igihugu, ahubwo abategetsi bovyakira neza. Abategetsi ntibovyanka ata mvo bafise cane cane iyo bobo badashoboye gutanga iyo mfashanyo canke ata migambi babifitiye.

3. Abategetsi bose vyega bararekurira kandi bakorohereza iyo mfashanyo n'abajejwe kuyitanga kurengana ata nkomanzi, bagashikira ningoga ata ntambamyi abateshejwe izabo bagumye mu gihugu cabo.

Ingingo ya 26

Abantu bajejwe gufasha imbabare bategerezwa kwubahirizwa n'ugukingirwa, hamwe n'uburyo bwabo bwo gutwara imfashanyo n'ububiko bayishinguramwo. Kirazira ko ivyo bintu n'abo bantu baterwa canke bagirirwa amabi ayo ari yo yose hakoreshejwe igikenye.

Ingingo ya 27

1. Ku vyerekeye imfashanyo zitangwa, amashirahamwe mpuzamakungu atabara imbabare n'abandi babijejwe bote gerezwa kwitaho bikwiye gukingira abateshejwe izabo n'amateka yabo ngenderwako, bagafata n'ingingo zikenewe kugira ivyo bishoboke. Gutyo ayo mashirahamwe

n’abo bantu, bazoba bubashe amategeko abagenga n’amabwirizwa mpuzamakungu yerekeye amabanga yabo.

2. Ivyo bivuzwe muri iyi ngingo ntibibuza na gato ko amashirahamwe mpuzamakungu yikingira ubwayo canke ama Leta akayikorako.

IKIGABANE CA V : INGINGO ZEREKEYE GUSUBIZA MU ZABO ABAZITESHEJWE, KUBAGERERA AHANDI N’UGUTUMA BASUBIRA KUMENYERA KUBANA N’ABANDI

Ingingo ya 28

1. Abategetsi babijejwe ni bo begwa kandi bategerezwa mbere na mbere gutegekanya ibikenewe kugirango abateshejwe izabo bemere gusubira mu ngo zabo canke aho bari basanzwe baba ata gahato, mu mutekano, agateka kabo kubahirijwe ; canke bakagererwa bavyishakiye mu yindi ntara y’igihugu kandi bakongera bakaronswa uburyo bukenewe kugira ngo ico gikorwa kiranguke neza. Abo bategetsi bazokwihatira kworohereza abari barateshejwe izabo bakazisubiramwo canke bakagererwa ahandi ngo basubire kumenyera kubana n’abandi.

2. Bokwihatira cane cane ko abateshejwe izabo bagira uruhara rukwiye mw’iringanizwa no mw’itunganywa ry’ugusubira mu zabo canke kugererwa ahandi n’ugusubira kumenyera kubana n’abandi.

Ingingo ya 29

1. Abantu bari bateshejwe izabo bakazisubiramwo canke bagasubira aho bari basanzwe baba canke bakagererwa mu zindi ntara z’igihugu, ntibategerezwa gukumirwa na gato ngo ni uko bari baravuye mu zabo. Barafise uburenganzira bwo kugira uruhara rukwiye kandi rungana n’urw’abandi mu vyerekeye igihugu mu nzego zose, n’ugushingwa amabanga y’igihugu nk’abandi bose.

2. Abategetsi babijejwe ni bo bategerezwa gufasha abari barateshejwe izabo bakaba barasubiye iyo bavuye canke bakaba baragererewe ahandi, kugira ngo bishobotse, basubire mu matongo n’ayandi matungo bari bateshejwe canke bari banyazwe igihe bahunga. Igihe bidashoboka ko babisubizwa, abategetsi babijejwe baraha abo bantu indishi ikwiye canke bagatora

ubundi buryo bw’ukubashumbusha batarenganijwe canke bakabafasha kubironka.

Ingingo ya 30

Abategetsi bose vyega bararekurira bakongera bagafasha amashirahamwe mpuzamakungu atabara imbabare n’abandi bose babijejwe, gushikira kandi ata ntambamyi abantu bateshejwe izabo bagumye mu gihugu cabo, kugira ngo babafashe gusubira mu zabo canke kugererwa ahandi n’ugusubira kumenyera kubana n’abandi.

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