

**LAW N° 54/2018 OF 13/08/2018 ON
FIGHTING AGAINST CORRUPTION**

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**LAW N° 54/2018 OF 13/08/2018 ON
FIGHTING AGAINST CORRUPTION**

We, KAGAME Paul,
President of the Republic;

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

THE PARLIAMENT:

The Chamber of Deputies, in its session of 30
May 2018;

Pursuant to the Constitution of the Republic of
Rwanda of 2003 revised in 2015, especially in
Articles 29, 64, 69, 70, 88, 90, 91, 106, 120,
168 and 176;

Pursuant to the United Nations Convention
against corruption, adopted in New York, on
31 October 2003, as ratified by Presidential
Order n° 56/01 of 27/12/2005;

Pursuant to the African Union Convention on
preventing and combating corruption adopted

in Maputo, on 11 July 2003, as ratified by Presidential Order n° 12/01 of 24/06/2004;

Having reviewed Law n° 23/2003 of 07/08/2003 on prevention, suppression and punishment of corruption and related offences;

ADOPTS:

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of this Law

This Law aims at preventing and punishing corruption in public organs, civil society private institutions and international organizations operating or wishing to operate in Rwanda.

Article 2: Definitions

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

1° illicit benefit: any benefit solicited, offered, accepted or promised illegally in order to render or omit a service;

2° corruption: any act performed or

caused to be performed in public organs, private institutions, civil society and international organizations operating or wishing to operate in Rwanda, which is aimed at soliciting, receiving or offering an illicit benefit in order to unlawfully obtain illicit enrichment or a given favor of sexual nature to unlawfully render a service or carry out an activity whether carried on by himself or herself or through another person. Corruption is reflected in the following acts:

- a) to solicit, accept or offer illegal benefit;
- b) to solicit, promise or offer sexual favors;
- c) to make a decision based on favoritism, friendship, hatred, acquaintances or nepotism;
- d) influence peddling;
- e) to illicit enrichment;
- f) embezzlement;
- g) to use public property for unintended purposes;

- h) to misuse property of public interest;
 - i) illegal exemption;
 - j) to demande or receive undue or excessive money;
 - k) abuse of functions;
 - l) appropriation of unlawful favors.
- 3° **public servant:** any person entrusted with authority or responsibilities, at any public level or with public mandate through regular election or any other process or representing any public institution;
- 4° **public organ:** any public administration organ or public institution utilizing the property of the State or a parastatal.

CHAPTER II: PREVENTION OF CORRUPTION

Article 3: Obligations of organs in prevention of corruption

Any public organ, private institution, civil society member or international organization operating in Rwanda must:

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- 1 ° implement mechanisms for the prevention of corruption;
- 2 ° to carry out activities in transparency;
- 3 ° submit a report to the relevant authorities;
- 4 ° ensure that there is no corruption practices within it;
- 5 ° present activities that were performed in the prevention and against corruption upon request by a competent organ;
- 6 ° have a document describing modalities and timeframe for decision making;
- 7 ° collaborate with other institutions in line with the required timeframe while presenting the activities performed or providing any information requested by another institution;
- 8 ° ensure equal treatment of clients and timely delivery of services.

The Office of the Ombudsman requests for administrative sanctions against the leader of an organ that fails to comply with the

provisions of Paragraph One of this Article.

CHAPTER III: OFFENCES AND PENALTIES FOR CORRUPTION

Article 4: Solicit, accept or offer illegal benefit

Any person who solicits, accepts or receives, by any means, an illegal benefit for himself/ herself or another person or accepts a promise in order to render or omit a service under his or her mandate or uses his or her position to render or omit a service commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years but not more than seven (7) years with a fine of three (3) to five (5) times the value of the illegal benefit solicited received.

Penalties provided under Paragraph 2 of this Article apply to a person who offers or promises to offer a benefit, by any means, an illegal benefit for him/ herself or another person to have a service rendered or omitted.

If acts referred to in Paragraph One and 3 of this Article are committed in order to perform an act contrary to law, the penalty is imprisonment for a term of more than seven

(7) years and not more than ten (10) years with a fine of three (3) to five (5) times the value in Rwandan francs of the illegal benefit received or offered.

Article 5: Solicit or receive an illegal benefit by person who makes or executes justice decisions

Any judge or arbitrator who receives or solicits an illegal benefit, commits an offence.

Upon conviction, he/she is liable of imprisonment of not less than ten (10) years but not more than twelve (12) years and a fine of three (3) to five (5) times the value in Rwandan francs of the illegal benefit solicited.

Any court registrar, prosecutor, assistant to prosecutor, advocate, State attorney in court, professional bailiff, a court judgment review officer, investigator or person summoned as expert in court, an officer from Access to Justice Bureau who solicits or receives or accepts to receive an illicit benefit or promise thereof as a condition for accomplishing his or her responsibilities or in order to refrain from carrying out any usual duty or exert an influence resulting in a decision contrary to the law, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than seven (7) years but not more than ten (10) years with a fine of three (3) to five (5) times the value in Rwandan francs of the illegal benefit received, solicited or was promised.

Article 6 : Soliciting or offering sexual favors

Any person who, by any means, solicits, accepts or promises a given favor of sexual nature or subjects another person to such favor or accepts a promise thereof in order to render or omit a service commits an offence.

Upon conviction, he/she is liable to imprisonment for a term more than five (5) years and not more than seven (7) years with a fine of not less than one million Rwandan francs (FRW 1,000,000) and not exceeding two million Rwandan francs (FRW 2,000,000).

When the favor of sexual nature was done in order for the beneficiary of such a favor to perform a service contrary to the law, the punishment is an imprisonment for a term of more than seven (7) years but not more than

ten (10) years with a fine of not less than two million (FRW 2,000,000) but not more than three million Rwandan francs (FRW 3,000,000).

Article 7 : Influence peddling

Any person who, by any means, exerts influence in making a decision for his or her own benefit or another person's benefit, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years and not more than seven (7) years with a fine of not less than three million rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

If the influence resulted into receiving or being promised an illegal benefit, the penalty is imprisonment for a term of more than five (5) years but not more than seven (7) years with a fine of five (5) to ten (10) times the value of the illegal benefit.

If an influence was result of receiving or being promised sexual favour, the punishment is imprisonment for a term more than five (5) years and not more than seven (7) years with a fine of more than two million Rwandan francs (FRW 2,000,000) but not more than three million Rwandan francs (FRW 3,000,000).

A person who offers an illegal benefit or sexual favour for influence peddling is liable to the penalties provided under Paragraphs 3 and 4 of this Article.

Article 8 : Making a decision based on favoritism, friendship, hatred, acquaintances or nepotism

Any person in charge of providing service to people who makes a decision based on favoritism, friendship, hatred, acquaintances or nepotism to any person who seeks a service, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years but not more than seven (7) years with a fine of not less than one million Rwandan francs (FRW 1,000,000) but not more than two million Rwandan francs (FRW 2,000,000).

Article 9 : Illicit enrichment

Any person who cannot justify the source of his or her assets compared with his or her lawful income commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than seven (7) years but not more than ten (10) years with a fine of three (3) to five (5) times the value of the property the legal source of which, he/she is not able to justify.

Article 10 : Embezzlement

Any person, whether public servant or any other agent in charge of public service or working within public organs, an officer or an employee of a commercial institution, a company or a cooperative, an agent of an individual, a religious-based organization or any other organization who embezzles for personal or someone else's interests property, funds or securities entrusted to him or her by virtue of his or her office, or any person who uses for personal gains, the staff under his or her authority commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than seven (7) years but not more than ten (10) years and a fine of three (3) to five (5) times the value equivalent to the value of the embezzled property.

Article 11 : Use of public property for unintended purposes

Any person vested with public authority or in charge of a public service mission who uses State budget funds or other public property for the purposes for which they were not intended, without prior authorization of competent authority, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years but not more than seven (7) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

Article 12 : Misuse of property of public interest

Any person who is entrusted with power to manage property of general interest, whether owned by a public or private institution, a company, a cooperative, a non-governmental organization with legal personality, who uses such property for purposes other than what it is intended or lets it perish or does not preserve it or uses it illegally, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years but not more than seven (7) years and a

fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW5,000,000).

Article 13 : Illegal exemption

Any employee who, for any reason whatsoever and without being authorized by a law, exempts in any form, taxes, duties, fines, security or other required fees, or gives free of charge or at a lower price a public property or that of any other institution, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years but not more than seven (7) years and a fine of three (3) to five (5) times the value of the exemption, the value of the property given free of charge or at a lower price.

Article 14: Demanding or receiving undue or excessive money

Any employee who knowingly demands undue money or receives an excessive amount of money for a service fee, duties, tax, fine or security, income or interests, benefits or salaries of employees, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years but not more than seven (7) years and a fine of three (3) to five (5) times the value in Rwandan francs of the illegal benefit demanded or received.

Article 15: Abuse of functions

Any public servant or any other person holding a public office who abuses his/ her position or powers he/she holds by virtue of that position and performs or omits to perform an act, in violation of laws, for the purpose of obtaining an illegal benefit for himself/herself or for another person, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than seven (7) years but not more than ten (10) years and a fine of not less than five million Rwandan francs (FRW 5,000,000) but not more than ten million Rwandan francs (FRW 10,000,000).

Where the offence is committed with the aim of getting a profit valuable in money, the penalty becomes imprisonment for a term of not less than seven (7) years and not more than ten (10) years and a fine of three (3) to five (5)

times the value of the illegal benefit solicited.

Article 16: Appropriation of unlawful favours

Any person who:

- 1° gives to himself or herself or accepts for himself or herself in violation of laws governing him or her, whether explicitly or implicitly or by means of an intermediary any kind of benefits, from services or tenders, in public services or private sector, in which that person has or had, at the time of commission of the act, administration or control powers in whole or in part;
- 2° in violation of laws governing him or her, profits from a service which he or she was in charge of authorizing payment or liquidation;

commits an offence.

Any person convicted of one of the acts referred to under Paragraph One of this Article, is liable to imprisonment for a term of more than five (5) years but not more than seven (7) years and a fine of three (3) to five (5) times the value in Rwandan francs of the

illegal benefit received.

Article 17: Aggravating circumstances for the offence of corruption committed by a person in leadership position

When the acts constituting the offences referred to under Article 4 to Article 16 have been committed by a person in leadership position in public organs, private sector, in civil society and in international organizations operating in Rwanda, that leader is liable to the highest penalty for that offence.

Article 18: Offence of corruption committed by companies, cooperatives, institutions and organisations with legal personality

Companies, cooperatives, institutions and organisations with legal personality convicted of the offence of corruption are liable to a fine of seven (7) to ten (10) times the value of the illicit benefit received or accepted, solicited, given or promised.

CHAPTER IV: MISCELLANEOUS AND FINAL PROVISIONS

Article 19: Exemption from criminal liability for corruption

A person who gives or receives an illegal benefit with the aim of helping justice organs to get evidences for the offence of corruption is not considered as having committed an offence, if he or she informs the judicial organs before the occurrence of the act.

There is no criminal liability for a person who gives or receives an illegal benefit and informs the justice organs before the commencement of criminal investigation by providing information and evidence.

Article 20: Confiscation of proceeds of corruption

If the defendant is found guilty of corruption, the court orders the confiscation of property or proceeds resulting from the offence.

Article 21: Non-prescription of the offence of corruption

The offence of corruption is imprescriptible.

Article 22: Access to records and their seizure

During the investigation, the investigator, the prosecutor or the judge is authorized to demand information or seize the bank and finance institution's records, financial and property or commercial records and any other thing likely to facilitate investigation.

Professional secret cannot constitute an obstacle to investigation measures taken by the investigator, the public prosecutor or the judge in their efforts to know the truth.

Article 23: Drafting, consideration and adoption of this Law

This Law was drafted, considered and adopted in Ikinyarwanda.

Article 24: Repealing provision

Law n° 23/2003 of 07/08/2003 on prevention, suppression and punishment of corruption and related offences and all prior provisions contrary to this Law are repealed.

Article 25 Commencement

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

Kigali, on **13/08/2018**

(sé)

KAGAME Paul

President of the Republic

(sé)

Dr. NGIRENTE Edouard

Prime Minister

**Seen and sealed with the Seal of the
Republic:**

(sé)

BUSINGYE Johnston

Minister of Justice/Attorney General