

**LAW N° 51/2018 OF 13/08/2018
RELATING TO THE PREVENTION,
SUPPRESSION AND PUNISHMENT OF
TRAFFICKING IN PERSONS AND
EXPLOITATION OF OTHERS**

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RELATING TO THE PREVENTION,
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TRAFFICKING IN PERSONS AND
EXPLOITATION OF OTHERS**

Paul KAGAME,
President of the Republic;

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

THE PARLIAMENT:

the Chamber of Deputies, in its session of 29
January 2018;

in pursuance of the Constitution of the Republic of
Rwanda of 2003 revised in 2015, especially in
articles 12, 13, 14, 18, 19, 64, 69, 70, 88, 90,
106, 120 and 176;

rsuant to the Convention for the Suppression
the Traffic in Persons and of the
ploitation of the Prostitution of Others,
opted in Lake Success, New York on 21
arch 1950, as ratified by the Presidential
der n° 162/01 of 31st December 2002;

rsuant to the Convention on the Rights of the
ild, adopted in New York on 20 November
89, as ratified by the Presidential Order n°
3/16 of 19 September 1990 and the Optional
otocol to the Convention on the Rights of the
ild on the sale of children, child prostitution
d child pornography adopted in New York
25 May 2000, as ratified by the Presidential
der n° 31/01 of 26/2/2006;

rsuant to the International Labour
rganization Convention n° 182 concerning
e Prohibition and Immediate Action for the
mination of the Worst Forms of Child
bour, adopted in Geneva on 17 June 1999,
ratified by the Presidential Order n° 39 bis
of 30 September 1999;

rsuant to the United Nations Convention
ainst Transnational Organized Crime
opted in New York on 15 November 2000
d ratified by the Presidential Order n° 158/01
31/12/2002, and its supplementary Protocol
Prevent, Suppress and Punish Trafficking in
ersons, especially Women and Children
igned in Palermo, Italy, on 15 December
00, as ratified by Presidential Order n°
3/01 of 31 December 2002;

DOPTS:

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of this Law

the purpose of this Law is to prevent, suppress
and punish the offence of trafficking in persons
and exploitation of others. It also provides for
the protection of, and assistance to, the victims
of trafficking in persons.

Article 2: Scope of this Law

This Law applies to all forms of trafficking in persons and any other offence provided for herein, whether or not connected with organized crime, when the offence is committed on the territory of the Republic of Rwanda by a Rwandan national, a stateless person or a foreign citizen residing in Rwanda at the time of the commission of the offence.

This Law also applies to any offence provided for herein where the offence is committed outside the territory of the Republic of Rwanda by a Rwandan national or any other person who permanently resides in Rwanda at the time of the commission of the offence, and where the offence is committed by any person of any nationality or any stateless person against a Rwandan national.

Article 3: Definition of terms

Used in this Law, the following terms have the meanings ascribed to them below:

1° coercion: the use of force or threat thereof, and some forms of non-violent

or psychological use of force or threat thereof, including:

- a) threats of harm or physical restraint of any person;
- b) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or a physical restraint against any person;
- c) abuse or any threat linked to the legal status of a person;
- d) psychological pressure;

2° sexual exploitation: the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials;

3° debt bondage: the status or condition arising from a pledge by a debtor of his/her personal services or those of a person under his/or her control as security for a debt, if:

- a) the value of those services as reasonably assessed is not applied towards the liquidation of the debt and the person is not expecting a reward;
- b) the length and nature of those services are not respectively limited and defined;

4° exploitation of another:

- a) forced or coerced labour, slavery and or any other practices similar to slavery intended to be performed in Rwanda or abroad;
- b) forced or coerced begging;
- c) offering adoption, fostering or guardianship of a child for the purposes of slavery, begging or other forms of exploitation;

- d) offering of a child for adoption, fostering or guardianship for the purposes of gaining profit;
- e) use or offering of a child for illicit activities;
- f) removal of organs or body parts for the purpose of exploiting another person;
- g) other forms of exploitation provided for by law;

5° practices similar to slavery: debt bondage, serfdom, forced or servile marriage, forced pregnancy or forced surrogacy;

6° trafficking in persons:

- a) any act committed by a person who, for the purpose of exploitation, hires or recruits, transports, transfers, harbours, or receives another person; by means of threat or use of force, or other forms of coercion, of

abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

- b) any act of a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation, even if this does not involve any of the means set out in item (a) of this Paragraph;

7° transnational trafficking in persons:
an offence of trafficking in persons committed in:

- a) more than one State;
- b) one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- c) one State but involves an organized criminal group that engages in criminal activities in more than one State;

d) one State but has substantial effects in another State;

8° sexually explicit conduct: actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, bestiality, masturbation, sadistic or masochistic abuse;

9° proceeds of crime: any property derived from or obtained, directly or indirectly, through the commission of an offence;

10° abuse of a position of vulnerability: any situation in which the person involved believes he/she has no real and acceptable alternative but to submit;

11° consent: agreement by free choice, without duress or coercion, made by a person with the freedom and capacity to make that choice;

12° Ministry: the Ministry in charge of justice;

13° Minister: the Minister in charge of justice;

14° slavery: the status or condition of a person over whom all or any of the powers attaching to the right of ownership are exercised by another;

15° serfdom: a work where the working individual cannot get rid of such a work or cause a change to it;

16° deception: any conduct that is ended to deceive a person on the following:

the nature of work;

the conditions of work;

the extent to which the person is free to leave /her place of residence or work;

other circumstances involving exploitation the person;

17° forced or servile marriage: any institution or practice in which:

- a) a person is forced to live with someone as husband and wife and has no right to refuse it;
- b) one spouse or spouse's family has transferred the other spouse to another person for a value received or otherwise;
- c) a spouse is forced to live with someone else as husband and wife upon his/her former spouse's death;

18° victim's accompanying dependent: any family member whom the victim is legally obligated to provide support, and was present with the victim at the time of the offence, as well as any child born during or after the time of the offence;

19° organized criminal group: a structured group acting in concert with the aim of committing one or more

offences referred to in this Law, in order to obtain benefit;

20° competent authority: a person, group of people, institution or agency entitled to exercise powers by virtue of law;

21° child: any person under eighteen (18) years of age;

22° commercial carrier: any legal or natural person who engages in the international transportation of goods or people for commercial gain;

23° victim:

- a) an individual against whom the offence of trafficking in persons has been committed;
- b) an individual whom the competent authorities, including non-governmental organizations reasonably believe is the victim, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted.

CHAPTER II: PREVENTION OF TRAFFICKING IN PERSONS, PROTECTION OF AND ASSISTANCE TO THE VICTIM

Section One: Prevention of trafficking in persons

Article 4: Policies and strategies for the prevention of trafficking in persons

The Ministry puts in place policies and strategies for the prevention of trafficking in persons.

Moreover, the Ministry cooperates with public and private institutions, civil society and international organizations for the prevention of trafficking in persons.

Article 5: Duty to report the offence of trafficking in persons

Any person who obtains information about the victim, the commission of or the intention to commit the offence of trafficking in persons must report it to the organ in charge of criminal investigation or any other competent authority for appropriate action.

Article 6: Duties of carrier

Any commercial carrier has the following duties:

- 1° to verify that each passenger possesses the identity or travel documents required to enter the destination country or any transit country;
- 2° to report to the competent authority that a person has attempted to or has travelled on that carrier without the identity or travel documents required to enter the destination country or any transit country.

Section 2: Protection of the victim

Article 7: Non-discrimination against the victim

The protection of and assistance and support to the victim are carried out without any discrimination.

Article 8: Protection of the victim and the victim's accompanying dependants

The Ministry takes all appropriate measures to ensure that the victim and the victim's accompanying dependants, have access to adequate protection if their safety is at risk.

Article 9: Protection of the identity of the victim during court proceedings

During the court proceedings, a judge may order upon the request of the victim, or where s/he deems it necessary in the interest of justice, that:

- 1° the court proceedings be conducted in camera;
- 2° records of the court proceedings be sealed;
- 3° evidence of the victim be heard through a video link or the use of other adequate communications technology;
- 4° the victim use a pseudonym;
- 5° the statement of the victim made during the pre-trial phase be admitted as evidence.

Section 3: Assistance to the victim

Article 10: Basic assistance services to the victim

The Ministry cooperates with other public institutions, private institutions, civil society and international organizations to ensure that

Basic assistance services are provided to the victim, without regard to the immigration status of the victim, or the ability or willingness of the victim to participate in the investigation or prosecution of his/her alleged offender.

The assistance services referred to in paragraph One of this Article are also provided to a victim who is repatriated from another State.

Article 11: Special treatment granted to the victim

The victim benefits from the following special treatment:

- 1° he/she is provided, in a language he/she understands, with information on the nature of protection, assistance, and support to which he/she is entitled and the possibilities of assistance and support by non-governmental organizations or victim assistance agencies, as well as updated information on any ongoing legal proceedings related to him/her;

- 2° he/she has the right to participate in the proceedings against the perpetrator of trafficking in persons, and is assisted to present his/her views and concerns for consideration at appropriate stages of the proceedings relating to the offence;
- 3° he/she is provided with the legal assistance throughout the entire proceedings;
- 4° he/she is exempted from payment of any filing fees required under civil procedure laws when bringing a civil suit in compensation for damages caused by the crime of trafficking in persons committed against him/her;
- 5° he/she receives social services, health care and security.

An Order of the Minister provides for other particular means for support to the victim and services made available to him/her.

Article 12: Special assistance to the child victim

In addition to any other protection provided for under this Law, the child victim is accorded special treatment as follows:

- 1° where the age of the victim is uncertain and there are reasons to believe that the victim may be a child, the victim is presumed to be a child and is treated as such, pending verification of his/her age;
- 2° assistance to the child victim is provided by specially trained professionals and in accordance with the children's special needs;
- 3° if the victim is an unaccompanied child, he/she is provided with a legal guardian, in accordance with the provision of Law;
- 4° the organ in charge of child protection ensures that the child's identity or nationality is established, and makes every effort to locate his/her family if it

is in the best interest of the child to do so.

Article 13: Permission for a non-Rwandan victim to remain in Rwanda

The victim is not removed from the territory of Rwanda until the identification process has been completed by the competent authority.

Without prejudice to the provisions of other laws, the victim is permitted to remain in Rwanda for a minimum of six (6) months, and until the legal proceedings are concluded.

Article 14: Repatriation of a foreign victim to his/her country

Without prejudice to other legal provisions, the Ministry, in collaboration with the authority in charge of immigration and emigration, may repatriate the victim to his/her country of origin.

Article 15: Return of the victim to Rwanda

Where the victim is a Rwandan or had the right of permanent residence in Rwanda at the time he/she was trafficked, the competent authority facilitates and accepts the return to the country of the victim without unreasonable delay and with due regard for his/her rights and safety, privacy, dignity and health.

Where the victim is a Rwandan national across the borders who does not have proper travel documents, the competent authority in Rwanda issues the necessary travel documents to enable the victim to be repatriated.

The Prime Minister's Order determines an organ responsible for providing necessary means to cover the cost of transportation and repatriation to Rwanda of the victim and modalities for their allocation.

CHAPTER III: PENALTIES FOR OFFENCES OF TRAFFICKING IN PERSONS AND EXPLOITATION OF OTHERS

Article 16: Consent of the victim

The consent of the victim is not relevant to the offense of the person prosecuted for trafficking in persons.

Article 17: Non-liability of the victim

The victim shall not be detained, charged, or prosecuted for his/her illegal entry into or residence in Rwanda, or for his/her involvement in any unlawful activity that was a direct consequence of his/her situation as a trafficked person.

Article 18: Offence of trafficking in persons

Any person convicted of trafficking in persons is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen

5) years and a fine of not less than ten million (10,000,000) and not more than fifteen million (15,000,000) Rwandan francs.

if the offence is transnational in nature, the penalty is imprisonment for a term of not less than twenty (20) years and not more than twenty five (25) years and a fine of not less than twenty million (20,000,000) and not more than twenty five million (25,000,000) Rwandan francs.

Article 19: Promoting and facilitating trafficking in persons

Any person who commits any of the following acts commits an offence of promoting and facilitating trafficking in persons:

- 1° knowingly lease his/her own building, sublease a building or lease a building under his/her management for the purpose of promoting trafficking in persons;
- 2° use or allow the use of his/her own building or his/her residence or other premises under his/her responsibility

for the purpose of promoting trafficking in persons;

3° advertise, publish, distribute by any means, export or import any material that is aimed at promoting the trafficking in persons;

4° tamper with or falsify a document for the purpose of committing or facilitating trafficking in persons;

5° manage, run or finance any job recruitment agency for the purpose of promoting trafficking in persons;

6° confiscate, conceal or destroy traveling documents or other personal documents of a person for the purpose of trafficking him/her;

7° facilitate or assist, in the exit from or entry into Rwanda, a person who is in possession of traveling documents unissued by the relevant organ, tampered or fraudulent, for the purpose of trafficking him/her;

8° promote by any other means trafficking in persons.

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

Article 20: Stiffening of penalties in case of aggravating circumstances

Any person who commits the offences referred in Articles 18 and 19 of this Law is liable to imprisonment if any of the following aggravating circumstances are present:

- 1° where the offence involves serious injury, disability, incurable disease, death or suicide of the victim;
- 2° where the offence is committed against a person who is particularly vulnerable,

including a pregnant woman and a physically or mentally handicapped person;

- 3° where the offence involves more than one victim;
- 4° where the offence was committed by a person engaging in it as a profession or within the framework of the activity of an organized criminal association;
- 5° where drugs, medications or weapons were used in the commission of the crime;
- 6° where the offender has been previously convicted for the same or similar offences;
- 7° where the offender is a spouse or the conjugal partner of the victim;
- 8° where the offender is the leader of the victim or a person who exercises authority over the victim;

9° where the offender is in a position of responsibility or trust in relation to the victim.

where the offences referred to under this article and Article 22 are committed against a child, the penalty is life imprisonment and a fine of not less than fifteen million (15,000,000) and not more than twenty million (20,000,000) Rwandan francs.

Article 21: Seizure and confiscation of places used for trafficking in persons, proceeds of crime and objects used for the commission of the offence

The court orders the seizure and confiscation of immovable property, proceeds of the crime and objects used for the commission of the offence of trafficking in persons.

Without prejudice to other penalties that may be imposed, the offender is ordered to pay the amount equal to the value of the proceeds, immovable property or objects associated with the offence if the proceeds, immovable property or objects associated with the offence:

1° are destroyed, diminished in value or otherwise rendered worthless by any direct or indirect act or omission of the offender;

2° have been concealed, removed, converted or transferred to prevent the same from being found or to avoid their being confiscated.

Article 22: Forced labor, slavery or other related services

Any person who makes use of forced labor, slavery or any other related services commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one year and not more than three (3) years and a fine of not less than one million (1,000,000) Rwandan francs and not more than three million (3,000,000) Rwandan francs.

When the use of forced labor is committed against the victim, the penalty is imprisonment for a term of not less than five

years and not more than ten (10) years and a fine of not less than five million (5,000,000) and not more than ten million (10,000,000) Rwandan francs.

where the offence is committed against a child or any other vulnerable person such as a pregnant woman or a person with disability, the offender is imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years and a fine of not less than ten million (10,000,000) and not more than fifteen million (15,000,000) Rwandan francs.

Article 23: Participating in the adoption, fostering, or guardianship of a child for the purpose of exploitation

Any person who, for the purpose of exploitation, adopts a child, fosters him/her, acts as his/her guardian or offers him/her to another person, commits an offence

Any person convicted of any of the acts referred to under Paragraph One of this Article is liable to life imprisonment and a fine of not less than ten million (10,000,000) and not more than fifteen million (15,000,000) Rwandan francs.

Article 24: Sexual exploitation

a person who, for the purpose of exploitation, commits any of the following acts commits the offence of sexual exploitation:

- 1° encourage, incite, mislead, manipulate or force a person to have sexual relations, or use any other means for the purpose of luring him/her into sexual relations;
- 2° pay for sexual intercourse on his/her own behalf or on behalf of another person;
- 3° knowingly host another person for the purpose of sexual exploitation;
- 4° announce, by whatever means, that he/she facilitates sexual relations;
- 5° knowingly help, assist or protect a person engaged in sexual exploitation;

6° run houses of sexual exploitation, invest in such houses or knowingly manage property derived from such houses;

7° knowingly provide any place for rent for the purpose of sexual exploitation;

Any person convicted of any of the acts referred to under Paragraph One of this Article is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years and a fine of not less than three million (3,000,000) and not more than five million (5,000,000) Rwandan francs.

The penalty provided for under Paragraph 2 of this Article is doubled for any person who commits a sexual exploitation offence, if:

1° the offence is committed against several persons;

2° the offence is committed by many co-offenders;

- 3° the offender has used a weapon;
- 4° the offence is committed by an ascendant of the victim or any other relative;
- 5° the offence is committed by a domestic servant of the victim;
- 6° the offence is committed by a person having authority over the victim, a public servant, a teacher, an educator or a religious leader.

Where the acts referred to under Paragraph 1 of this Article are committed against a child, the offender is liable to life imprisonment and a fine of not less than ten million (10,000,000) and not more than fifteen million (15,000,000) Rwandan francs.

Article 25: Seizure and closure of a place intended for sexual exploitation

The building and any other place used for sexual exploitation may be closed or seized by

competent authority in accordance with relevant laws.

Article 26: Removing another person's organ or body part for sale or other profits

Any person who removes, sells, keeps, hides, transports, receives or uses an organ or a part of the body of another person or forces another person to have his/her organ or body part removed in order to sell it or for other illegal interests, commits an offence. Upon conviction, he/she is liable to a term of life imprisonment.

If the offence referred to under Paragraph One of this Article is committed at the transnational level, he/she is liable to a term of life imprisonment and a fine of more than twenty million (20,000,000) and not more than twenty-five million (25,000,000) Rwandan francs.

If the offence is committed against a child, the offender is liable to a term of life imprisonment and a fine of more than twenty-five million (25,000,000) and not more than thirty million (30,000,000) Rwandan francs.

any person who sells an organ or a body part of a person he/she has killed for the purpose of trafficking of organs or human body parts, or who sells an organ of a living person, if the removal of such organ may result in that person's death, is liable to a term of life imprisonment and a fine of more than twenty five million (25,000,000) and not more than thirty million (30,000,000) Rwandan francs.

Article 27: Carrier's failure to comply with his/her obligations related to the prevention of trafficking in persons

Any carrier that fails to verify that every passenger possesses the identity or travel documents required to enter the destination country and any transit country, commits an offence. Upon conviction, he/she is liable to a fine of not less than ten million (10,000,000) and not more than fifteen million (15,000,000) Rwandan francs.

Any carrier that fails to report to the competent authorities that a passenger has attempted to

vel or has travelled on that carrier without the identity or travel documents required to enter the destination country or any transit country, with knowledge or in disregard of the fact that the person was the victim, commits an offence. Upon conviction, he/she is liable to a fine of not less than fifteen million (15,000,000) and not more than twenty million (20,000,000) Rwandan francs.

Article 28: Penalties for public or private companies, institutions, organizations and associations with legal personality

Without prejudice to the provisions of any other law, public or private companies, institutions, organizations and associations with legal personality which are convicted of the offence of trafficking in persons or exploitation of others, is liable to a fine of not less than fifty million (50,000,000) and not more than one hundred million (100,000,000) Rwandan francs.

Article 29: Failure to report the offence of trafficking in persons

Any person who obtains information about the victim, the commission of the offence of trafficking in persons, or the intention to commit the offence of trafficking in persons and fails to report it to the investigation bureau or another competent authority, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one year and not more than three (3) years.

CHAPTER IV: MISCELLANEOUS AND FINAL PROVISIONS

Article 30: Cooperation with foreign countries in obtaining evidence

For the prosecution of crimes provided for under this Law requires evidence that may be obtained from abroad, the security organs and the prosecution cooperate with their counterparts in foreign countries in accordance with relevant laws.

Article 31: Drafting, consideration and adoption of this Law

This Law was drafted in English, considered and adopted in Kinyarwanda.

Article 32: Repealing provision

All prior provisions contrary to this Law are hereby repealed.

Article 33: Commencement

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

igali, 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