The Legal Aid Forum

INYANDIKO IKUBIYEMO IBISOBANURO KU MATEGEKO AGENGA UBUTAKA MU RWANDA

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IRIBURIRO

Aka gatabo gatanga amakuru kuri amwe mu mategeko agenga imikoreshereze n'imitungire y'ubutaka mu Rwanda. Muri aka gatabo urasangamo kandi amakuru y'ingenzi ku burenganzira ku butaka ndetse n'uburyo bwo kubugeraho, aka gatabo kakaba kakwifashishwa mu gukemura amakimbirane ashingiye ku butaka ndetse kagatanga amakuru ku bwuzuzanye buri hagati y'amategeko agenga ubutaka mu Rwanda.

Aka gatabo kateguwe hifashishijwe itegeko Nº 43/2013 ryo kuwa 16/06/2013 rigenga ubutaka mu Rwanda, itegeko rigena uko iyandikisha ry'ubutaka rikorwa n'itegeko rigena uburyo iyimurwa ku nyungu rusange rikorwa.

I. Amwe mu mategeko agenga ubutaka mu Rwanda

- Itegeko Nshinga rya Repubulika y'uRwanda
- Itegeko ry'ubutaka no 43/2013 of 16/6/2013
- Iteka rya Minisitiri N° 002/2008 ryo kuwa 01/4/2008 rigena uburyo iyandikisha ry'ubutaka rikorwa.
- Itegeko n° 18/2007 ryo kuwa19/04/2007 ryerekeye kwimura abantu ku mpamvu z'inyungu rusange

II. Amatsinda y'ubutaka

Mu matsinda y'ubutaka dusanga hatandukanywa ubutaka bwo mu mijyi n'ubutaka bwo mu cyaro, hatandukanywa kandi ubutaka bw'abantu ku giti cyabo n'ubutaka bwa Leta; mu butaka bwa Leta tugasanga na none harimo ubutaka bwa Leta bugize umutungo rusange n'ubutaka bwite bwa Leta.

Dusangamo kandi n'itsinda ry'ubutaka bw'Akarere n'ubw'Umujyi; iri tsinda rikaba ririmo ibyiciro bibiri: Ubutaka bw'Akarere, ubw'Umujyi n'ubw'Umujyi wa Kigali bugize umutungo rusange n' Ubutaka bwite bw'Akarere, ubw'Umujyi n'ubw'Umujyi wa Kigali

II.1. Ubutaka bwo mu mujyi n'ubutaka bwo mu cyaro

Nk'uko bigaragara mu ngingo ya 9 y'itegeko ry'ubutaka: *"Ubutaka bwo mu mijyi ni ubutaka bukubiye mu mbago z'imijyi zishyirwaho* n'Iteka rya Perezida.*"*Na none Iteka rya Perezida rishobora kugena ubundi butaka bufatwa nk'ubwo mu mijyi. Uretse ubwo buba bwagenwe n' Iteka rya Perezida, ubundi bwose ni ubutaka bwo mu cyaro.

II.2. Ubutaka bw'abantu ku giti cyabo n'ubutaka bwa Leta

II.2.1. Ubutaka bw'umuntu ku giti cye

Nk'uko bigaragara mu ngingo ya 10 y'itegeko ry'ubutaka yerekana ubutaka bw'umuntu ku giti cye ni:

- ubutaka atunze yarabuhawe n'ubuyobozi bubifitiye ububasha;
- ubwo yaguze, yahaweho impano,ingurane, murage, izungura, umunani n'isaranganya.

Biragaragara ko yaba ubutunze yarabubonye kubw'umuco cyangwa mu buryo bujyanye n'amategeko yanditse, iri tegeko risigasira ku buryo bungana uburenganzira ku butaka butunzwe biciye mu nzira zose zemewe n'amategeko nkuko byavuzwe haruguru.

II.2.2. Ubutaka bwa Leta

Ubutaka bwa Leta burimo iby'iciro bibiri: ubugize umutungo rusange wa Leta n'ubutaka bwite bwa Leta. Nanone hakaba ubw'ibigo bya Leta, ubw'inzego z'ibanze bwaba mu mutungo rusange cyangwa mu mutungo bwite wabyo.

II.2.2.1. Ubutaka bwa Leta bugize umutungo rusange

Ubutaka bugize umutungo rusange wa Leta nk'uko bivugwa mu ngingo ya 12 n'iya 13 by'itegeko ry'ubutaka ni:

- Ubutaka bwose bugenewe gukoreshwa n'abantu bose;
- Ubwo inzego z'imirimo ya leta zikoreraho;
- Ubutaka bw'igihugu bugenewe kurinda ibidukikije.

Mu ngingo ya 12 y'itegeko rigenga ubutaka batanga urutonde rw'ubutaka bugenewe kurinda ibidukikije aribwo bukurikira:

- Ubutaka buriho ibiyaga cyangwa imigezi byashyizwe ku rutonde n'iteka rya minisitiri ufite umutungo kamere w'amazi mu nshingano ze;
- Inkombe z'ibiyaga cyangwa imigezi kugeza ku burebure bushyirwaho n'iteka rya minisitiri ufite umutungo kamere w'amazi mu nshingano ze uhereye aho amazi agarukira ku murongo usumba iyindi uko imyuzure yagiye ikurikirana, ariko hatitawe ku myuzure idasanzwe;
- ubutaka buriho amasoko n'amariba y'amazi bugenwa hakurikijwe Iteka rya Minisitiri ufite umutungo kamere w'amazi mu nshingano ze;

- ubutaka bw'igihugu bw'amashyamba cyimeza, za pariki z'Igihugu, ibishanga bikomye, ubusitani rusange bwa Leta n'ahantu nyaburanga;
- ibirwa biri ku rutonde rushyirwaho n'Iteka rya Minisitiri ufite ubutaka mu nshingano ze;
- imihanda ya Leta n'imbago zayo;
- ubutaka bugenewe gukorerwaho imirimo rusange n'ibikorwa remezo bya Leta;
- ubutaka buriho inzibutso n'amarimbi by'abantu bazize jenoside yakorewe Abatutsi mu Rwanda.

II.2.2.2. Ubutaka bwa Leta bugize umutungo bwite wayo

Ubutaka bwite bwa Leta bugizwe na :

- ubutaka bwose butari mu butaka bugenewe ibikorwa rusange n'ibikorwa remezo,
- ubutaka butari ubw'ibigo bya Leta n'ubw'inzego z'ibanze hamwe n'ubutaka butari ubw'abantu ku giti cyabo.

Ibyiciro by'ubutaka bukurikira bishobora kubarirwa mu mutungo bwite wa Leta:
Inkungu, indeka, ubutaka bwambuwe abari babufite hakurikijwe ibiteganywa n'amategeko, ubutaka bwa Leta bwari busanzwe buriho ibikorwa byayo bwakuwe mu mutungo rusange hakurikijwe iby'amategeko ateganya, ubutaka Leta yaguze, yahawe cyangwa yimuyeho abaturage ku mpamvu z'inyungu rusange, ibishanga bidakomye, ubutaka buriho amashyamba ya Leta, ubutaka bw'amarimbi yihariye.

II.2.2.3. Ubutaka buri mu mutungo rusange w'inzego z'ibanze

Ubutaka buri mu mutungo rusange w'inzego z'ibanze bugizwe n'ubutaka buri mu byiciro bikurikira:

- ubutaka bugenewe imirimo cyangwa ibikorwa remezo by'inzego z'ibanze;
- imihanda y'Uturere n'Umujyi wa Kigali n'ahandi hafatwa nk'umujyi ihuza ahantu hari ubuyobozi bw'Imirenge iri mu Karere kamwe cyangwa imihanda ikoreshwa mu Murenge umwe n'imbago zayo;
- uduhanda duto two mu cyaro duhuza imihanda y'Uturere n'ahandi hantu hagiye hakomeye mu cyaro hatuwe n'abantu benshi bari kumwe n'imbago zatwo;
- ubutaka bw'amarimbi rusange.

II.2.2.4. Ubutaka buri mu mutungo bwite w'inzego z'ibanze

Ubutaka buri mu mutungo bwite w'inzego z'ibanze bugizwe n'ubutaka buri mu byiciro bikurikira:

- ubutaka bw'inzego z'ibanze butagenewe ibikorwa rusange;
- ubutaka bw'inzego z'ibanze bwari busanzweho ibikorwa rusange bwakuwe mu mutungo rusange hakurikijwe amategeko;
- ubutaka inzego z'ibanze zaguze, zahawe cyangwa bwimuweho abantu ku mpamvu z'inyungu rusange;
- ubutaka buriho amashyamba y'inzego z'ibanze;
- ubutaka bwambuwe ba nyirabwo hakurikijwe ibiteganywa n'iri tegeko.

II.2.2.5. Ubutaka bw'ibigo bya Leta

Ubutaka buri mu mutungo rusange w'ibigo bya Leta bugizwe n'ubutaka buriho imirimo n'ibikorwa remezo by'ibyo bigo. Ubutaka buri mu mutungo bwite w'ibigo bya Leta bugizwe n'ubutaka buri mu byiciro bikurikira:

- ubutaka butagenewe gukorerwaho imirimo rusange n'ibigo bya Leta;
- ubutaka bw'ibigo bya Leta buri mu mutungo rusange bugakurwamo hakurikijwe amategeko;
- ubutaka ibigo bya Leta byaguze, byahawe cyangwa byimuyeho abantu ku mpamvu z'inyungu rusange;
- ubutaka buriho amashyamba y'ibigo bya Leta.

III. Ibibazo bikunze kugaragara bishingiye ku butaka

III.1 bibazo birebana n'izungura

Izungura bivuga guhabwa ububasha n'inshingano ku mutungo n'imyenda bya nyakwigendera Izungura rikaba ritangira iyo umuntu amaze gupfa, rikabera ku gicumbi cya nyakwigendera cyangwa ku icumbi rye. Izungura rikorwa nta vangura iryo ariry ryose rishingiye ku gitsina hagati y'abana b'abakobwa n'abahungu. Izungura rikunze gutera amakimbirane kubera ko ahanini umutungo w'abanyarwanda ushingiye ku butaka. Iya hageze igihe cyo kubugabana usanga bikurura amakimbirane.

Izungura rero rikaba rikorwa hakurikijwe urutonde rutegaywa n'itegeko rigenga imicungire y'umutungo w'abashyingiranwe, impano n'izungura.

III.2 Ubuzime bw'uburenganzira ku butaka

Ubuzime bw'uburenganzi umuntu aba afite ku mutungo bivuga igihe kuba cyarateganijwe n'amategeko kugirango umuntu atakaze uburenganzira aba afite kuri uwo mutungo. Inginyo ya 46 y'itegeko ringenga ubutaka mu Rwanda iteganya ko igihe cy'ubuzime mu byerekeranye n'ubutaka ari imyaka mirongo itatu (30) kandi ubwo buzime bikemezwa n'Urukiko rubifitiye ububasha. Ubuzime bw'uburenganzira ku butaka kandi ntabwo bukurikizwa mu bihe bikurikira:

- Iyo ubutaka umuntu yabwihaye hakoreshejwe uburiganya ntashobora kwitwaza ubuzime ngo yigarurire ubutaka bw'abandi
- Iyo umuntu akoresha ubutaka bw'abandi ku buryo bw'intizo ntashobora kubwegukana yitwaje impamvu z'ubuzime igihe yaba abumaranye cyose.
- Nta buzime bw'uburenganzira ku butaka bubaho ku bagize umuryango umwe ni ukuvuga abazungura. Ibi bivuze ko umwe mu bagize umuryango afite uburenganzira bwo gukurikirana ubutaka bwe igihe icyo aricyo cyose

III. 3. Gufatira ubutaka budakoreshwa

Nk'uko bitegywa n'ingingo ya 52 y'itegeko rignega ubutaka mu Rwanda, ubutaka bufatwa nk'ubutaka budakoreshwa iyo bwagenewe ubuhinzi, ubworozi cyangwa amashyamba, bumaze imyaka itatu (3) ikurikirana butabyazwa umusaruro kandi nta mpamvuyumvikana yatanzwe, Minisitiri ufite ubutaka munshingano ze, afite ububasha bwo gufatira ubwo butaka mu gihe cy'imyaka itatu (3). Iyo nyirubutaka akameje kutabyaza umusaruro ubwo butaka, igihe cyo kubufatira gishobora kongerwa. Ifatira ry'ubutaka kandi rikorwa habayeho integuza yanditse y'iminsi mirongo ine n'itanu y'akazi (45).

III.4 Kwimura abantu ku nyungu rusange

kwimura abantu ni ugukura abantu mu byabo kubera inyungu rusange zigamije iterambere, imibereho myiza, umutekano n'ubusugire by'Igihugu. Kwimura abantu rero bikaba bikurikiza uko itegeko ribigenga. Kwimura abantu ku nyungu rusange rero bitera amakimbirane iyo hatabayeho kutubahiriza ibyo itegeko ry kwimura abantu ku nyungu rusange riteganya nko

kudatanga indishyi y'agaciro k'ubutaka n'ibyabukoreweho ihabwa uwimurwa itabazwe hatagendewe ku biciro biri ku isoko.

III.5 Ibibazo birebana n'imbibi z'ubutaka

Ibibazi bishingiye ku mbibi z'ubutaka bivuka iyo habayeho kurengera izo mbibi. Usanga rero bitera amakimbirane cyane ariko bikaba byarakemuwe na gahunda yo kwandikisha ubutaka; aho buri muntu ufite ubutaka yabaruje hariho igishishanyo kerekana imbibi z'ubutaka bwe. Urwego rw'Abunzi rero akaba arirwo rufite ububasha ku rwego rwa mbere mu gukemura amakimbirane ashingiye ku mbibi.

III.6 Iyandikisha ry'ubutaka

Itegeko rigena uburyo iyandikisha ry'ubutaka rikorwa kandi kwandikisha ubutaka ni itegako. Umutungo w'ubutaka n'ubukode burambye bigaragazwa mu buryo bwemewe n'amategeko n'icyemezo cy'iyandikisha ry'uburenganzira ku butaka, uwanditse kuri icyo cyemezo aba ariwe nyir'ubutaka. Kwandikisha ubutaka bikurikiza ibyo itegekoryo kwandikisha ubutaka riteganya, iyo bidakurikijwe nko kwiyandikishaho ubutaka bufite nyirabwo nibwo bituma habaho amakimbirane.

III.6 Ihererekanya ry'uburenganzira ku butaka

Nk'uko bitegywa n'ingingo ya 21 y'itegeko ry'ubutaka kandi bitabangamiye ibiteganywa n' itegeko byerekeranye n'ubuso bw'ubutaka butemerewe kugabanywamo ibice, uburenganzira ku butaka bushobora guhererekanywa biciye mu izungura,impano, umurage, umunani, ikodeshwa, igurishwa,iyatisha, ingurane, inshingano yo gutanga inzira ku butaka bw'undi bukomoka ku miterere y'ahantu,gutangwaho ingwate n'ubundi buryo bwose bw'ihererekanya hakurikijwe uburyo bugenwa n'amategeko n'amabwiriza.

III.7 Ihezwa ry'abagore ku micungire y'ubutaka

Umuco nyarwanda ntabwo wemereraga uburenganzira bungana ku butaka ku mugabo n'umugore. Umugabo niwe wari ufite uburenganzira bwo gucunga no gutunga ubutaka kandi bugahererekanywa hagati y'umugabo n'abana be b'abahungu. Abana b'abakobwa n'umugore ubwo burenganzira ntabwo bagiraga kabone niyo umugore yabaga apfakaye yagombaga

gutegereza ko abana be b'abahungu bakura kugira ngo abone uburenganzira ku mirima y'umuryango.

Aho bigaragara ko yahabwa ubutaka byabaga ari mu bihe bidasanzwe nko ku munsi w'ubukwe cyangwa yagiye kwerekana umwana cyangwa iyo yatandukanye n'umugabo.

Nawe yajyaga kuraga akayiha abana be b'abahungu gusa.

Itegeko n°22/99 ryo kuwa 12/11/1999 ryerekeye imicungire y'umutungo w'abashakanye, impano n'izungura mu ngingo yaryo ya 50 ivuga ko "abana bose bavutse mu buryo bwemewe n'amategeko, bazungura ababyeyi babo mu buryo bungana nta kubavangura hashingiye ko ari umuhungu cyangwa umukobwa. N'ubwo itegeko ritemera ihezwa r'abagore ku mutungo, hari ahakigaragara iryo hezwa ry'abagore n'abana b'abakobwa ku mutungo w'ubutaka.

IV. Imicungire n'imikoreshereze y'ubutaka mu Rwanda

IV.1 Amahame akurikizwa ku burenganzira ku butaka

IV.1.1 Ubutaka ni umurage rusange w'abanyarwanda bose

Kubera ko ubutaka ari umutungo rusange w'imbaga y'Abanyarwanda abakurambere, abariho ubu, n'abazavuka, kandi bukaba bugomba gucungwa mu buryo burambye kugira ngo bikorwe mu nyungu za bose Leta ni yo ifite ububasha bw'ikirenga bwo gucunga ubutaka bwose bw'Igihugu. Mu kuzuza izo nshingano Leta ibikora igamije iterambere rusange n'imibereho myiza y'abaturage nk'uko bitegaywa n'ingingo ya 3 y'itegeko ry'ubutaka. Kuri iyo mpamvu Leta niyo itanga uburenganzira bwo kubutunga no kubukoresha, ikaba ishobora no gutegeka ko abantu bimurwa ku nyungu rusange. Icyakora bikorwa habanje gutangwa indishyi ikwiye nk'uko bitegaywa n'ingingo ya 29 y'Itegeko Nshinga rya Repubulika y'uRwanda.

IV.1.2 Uburenganzira bungana ku butaka

Iri hame ribuza ivangura iryo ariryo ryose ariko rigashyira umwihariko ku buringanire bw'umugore n'umugabo mu burenganzira bafite ku mutungo w'ubutaka mu ngingo ya 4 y'iri tegeko y'itegeko ry'ubutaka. Mu rwego rwo kurengera inyungu z'umuryango, nanone ihererekanya ry'uburenganzira ku butaka rigira agaciro iyo abagize umuryango ari bo umugore, umugabo n'abana babyemeranijweho. Uko kwemera kugira agaciro

Biragaragara ko ikigambiriwe muri iri hame ari uguca umuco gakondo wo guheza igitsina gore ku burenganzira bw'umutungo cyane cyane uw'ubutaka. Ibi birashimangira ibivugwa n'andi mategeko ubwo turavuga Itegeko nshinga mu ngingo ya 11 n'iya 16 cyangwa se itegeko ryerekeye imicungire y'umutungo w'abashakanye, impano n'izungura mu ngingo ya 43 n' iya 50.

IV.1.3 Guhamya uburenganzira bw'abasanzwe bari bafite ubutaka

Iri tegeko ntabwo ryaje ryambura uburenganzira abantu babonye ubutaka mu buryo bwemewe n'amategeko cyangwa hakurikijwe umuco gakondo, ahubwo ritanga ibigomba gukurikizwa kugira ngo ubwo burenganzira burusheho guhama ariko rishyiraho amategeko areba abaturarwanda bose bakoresha ubutaka. Ni muri urwo rwego, nta butaka buzongera kugendera ku muco ubundi ngo bugengwe n'amategeko yanditse, ahubwo utunze ubutaka wese agengwa n'iri tegeko ryanditse.

By'umwihariko bikaba bigaragara muri iri tegeko ko ubutunze wese abufite mu buryo bw'ubukode burambye cyakora agomba kuba yarabubonye mu buryo bwemewe, haba ku bw'umuco cyangwa yarabuhawe n'ubuyobozi bubifitiye ububasha cyangwa se yarabuguze yemerewe kubutunga mu buryo bw'ubukode burambye nk'uko itegeko ribiteganya.

IV.1.4 Uburenganzira ku nkondabutaka

Uburenganzira ku nkondabutaka ni uburyo bwo gutunga ubutaka buha nyirabwo uburenganzira bwa burundu kuri bwo, ariko ubwo butaka bugomba kuba butarengeje hegitari eshanu (ha 5) keretse iyo Minisitiri ufite ubutaka mu nshingano ze abitangiye uburenganzira.

Umunyarwanda wese afite uburenganzira bwo guhabwa inkondabutaka ku butaka bugenewe gutura, inganda, ubucuruzi, imibereho myiza, umuco cyangwa se ibikorwa by'ubumenyi. Uburenganzira ku nkondabutaka butangwa gusa ku butaka buriho inyubako n'ubuzikikije bwonyine bukenewe kugira ngo ibyo bwagenewe bishobore kuzikorerwamo.

V. Uburenganzira n'inshingano k'ubutaka

Mu rwego rwo kunoza imikoreshereze n'imicungire y'ubutaka, ni ngombwa ko Leta irengera uburenganzira bw'abakoresha ubutaka ibarinda ko buhungabanywa. Abatunze ubutaka nabo

bafite inshingano mu rwego rw'iri tegeko zijyanye n'ubwo burenganzira bafite kugirango babukoreshe mu buryo batabangamira inyungu z'abandi.

V.1. Uburenganzira

V.1.1 Uburenganzira busesuye bwo gukoresha ubutaka

Atabangamiye amategeko y'imiturire n'ay'imitunganyirize rusange n'imikoreshereze y'ubutaka, nyir'ubutaka afite uburenganzira bwo gukoresha ubutaka bwe mu buryo bwubahiriza amategeko, ariko nta burenganzira na buke afite ku mabuye y'agaciro no ku wundi mutungo kamere biri munsi y'ubutaka bwe; ni ibya Leta. Icyakora yemererwa mbere y'abandi mu kubona uburenganzira bwo kubicukura iyo abisabye kandi abishoboye. Leta yishingira ko nyir'ubutaka abutunga mu mudendezo kandi ikamurinda kubwamburwa ku maherere, bwaba bwose cyangwa se igice cyabwo.

V.1.2 Uburenganzira ku mutungo kamere

Atabangamiye amategeko y'imiturire n'ay'imitunganyirize rusange n'imikoreshereze y'ubutaka, nyir'ubutaka afite uburenganzira bwo gukoresha ubutaka bwe mu buryo bwubahiriza amategeko, ariko nta burenganzira na buke afite ku mabuye y'agaciro no ku wundi mutungo kamere biri munsi y'ubutaka bwe; ni ibya Leta. Icyakora yemererwa mbere y'abandi mu kubona uburenganzira bwo kubicukura iyo abisabye kandi abishoboye. Leta yishingira ko nyir'ubutaka abutunga mu mudendezo kandi ikamurinda kubwamburwa ku maherere, bwaba bwose cyangwa se igice cyabwo.

V.1.3 Uburenganzira ku bikorwa biri ku butaka bifatwa nk'ibya nyir'ubutaka

Nyir'ubutaka afite uburenganzira ku nyubako zose, ibihingwa n'ibikorwa biri ku butaka byitwa ko byakozwe na nyir'ubwo butaka ku mafaranga ye cyangwa ku bundi buryo kandi ko ari ibye. Icyakora, ibyo ntibibuza ko undi muntu ashobora kugira umutungo w'inyubako, uw'ibihingwa cyangwa uw'ibindi bikorwa ku butaka bw'abandi mu buryo buteganywa n'amategeko.

V.2. Inshingano k'ubutaka

Amasezerano yo guha abantu uburenganzira ku butaka ateganya ibigomba kuzuzwa byihariye byerekeranye no kubufata neza no kububyaza umusaruro hakurikijwe icyo bugenewe

gukoreshwa. Uretse igihe bigaragara ko ari ngombwa, nyir'ubutaka ntagomba kubangamira uburenganzira bw'abandi.

Bityo ntashobora nko:

1. kwima abaturanyi be inzira y'amaguru igera mu kwabo mu gihe nta handi bashobora kunyura. Icyakora, ku zindi nzira, bikorwa ku bwumvikane hagati y'impande zombi;
2. kubuza ko amazi y'amasoko atemba ku bwa kamere anyura mu butaka bwe;
3. kubuza abandi kuvoma ku iriba riri ku butaka bwe, keretse ashoboye kwerekana ko iryo riba ari we ubwe waryifukuriye.

Umuntu wese ku giti cye, utunze ubutaka, agomba kubukoresha mu buryo bwongera agaciro kabwo akurikije kamere yabwo n'icyo bwagenewe kandi umuntu wese ukoresha ubutaka bw'undi, yaba ashingiye ku masezerano yagiranye na nyirabwo cyangwa se yaba yarabutijwe ku buryo bwemewe n'amategeko, ategetswe kubufata neza no kububyaza umusaruro.

Bwitwa ko bufashwe neza kandi ko bubyazwa umusaruro, ubutaka bwatunganyijwe buriho ibihingwa cyangwa inyubako, uburiho amashyamba ku buryo butangiza ibidukikije, ubuhinge bwateguriwe guterwamo imyaka, ubutaka bumaze gusarurwamo imyaka bwarajwe mu gihe kitarenze imyaka itatu (3), ubumaze gusarurwamo imyaka, kimwe n'inzuri abantu baragiramo amatungo akwiriye haba ku giti cyabo, haba mu mashyirahamwe cyangwa se imiryango ifite ubuzima gatozi.

Ntibushobora kwitwa ko bufashwe neza kandi bubyazwa umusaruro:

1. ubutaka butarinzwe isuri;
2. ubutaka bwagenewe guhingwa, butarimo imyaka cyangwa ibindi bihingwa nibura kugeza kuri kimwe cya kabiri (½) cy'ubuso bwabwo ;
3. ubutaka bwagenewe urwuri, butaragirwamo amatungo mu buryo bukwiye cyangwa se budateyeho ubwatsi bw'amatungo kugeza nibura kuri kimwe cya kabiri (½) cy'ubuso bwabwo;
4. ubutaka bwagenewe inyubako izo ari zo zose, ariko izo nyubako zikaba zitarubatswe mu gihe giteganyijwe n'amategeko;
5. ubutaka bwagenewe ibikorwa bitagamije inyungu, ariko hagashira imyaka itatu (3) ibyo bikorwa bitaratangira.

Gutera imbago, kuzungurutsa inkuta cyangwa uruzitiro ubutaka, ubwabyo byonyine ntibyitwa ko ari ukubufata neza ku buryo buhagije no kububyaza umusaruro ugaragara. Ibikubiye muri gahunda y'imitunganyirize rusange n'imikoreshereze y'ubutaka bw'Igihugu bigomba iteka kubahirizwa, byaba byarateganyijwe mbere y'uko amasezerano akorwa cyangwa se mu gihe arimo gushyirwa mu bikorwa.

Nyir'ubutaka ntashobora kubuza ibikorwa mu kuzimu cyangwa hejuru mu kirere cy'ubutaka bwe bigamije inyungu rusange. Iyo ibyo bikorwa bimuteye igihombo abibonera indishyi ikwiye. Nyir'ubutaka afite inshingano yo gutanga umusoro w'ubutaka ugenwa n'itegeko ryihariye.

VI. Inzego zishinzwe imicungire n'imitunganyirize y'ubutaka

Mu rwego rwo gucunga gucunga no kubungabunga ubutaka neza hashizweho inzego zitandukanye zibishinzwe; aha twavuga:

1. Urwego rw'Igihugu rushinzwe iyandika ry'ubutaka, ibipimo n'amakuru y'ubutaka
2. Ibiro by'ubutaka ku rwego rw'Akarere biyoborwa n'Umukuru w'Ibiro by'ubutaka. Umukuru w'Ibiro by'ubutaka kimwe n'undi mukozi wese wabiherewe ububasha n'Iteka rya Perezida, bafite ububasha bwa Noteri mu bijyanye n'ubutaka kandi bakora hakurikijwe amategeko agenga ibyerekeye inyandiko zikorwa na Noteri. Ibiro by'Ubutaka ku rwego rw'Akarere bihabwa amabwiriza y'imikorere mu bya tekiniki n'urwego rw'Igihugu rushinzwe iyandika ry'ubutaka, ibipimo n'amakuru y'ubutaka.
3. Komite z'ubutaka: izi komite zishinzwe gukurikirana imicungire n'imikoreshereze y'ubutaka.

VII. Kwimura abantu ku mpamvu z' inyungu rusange

Kwimura abantu kubera inyungu rusange biteganywa n'itegeko N° 18/2007 ryo ku wa 19/04/2007. Iri tegeko rigena uburyo bwo kwimura abantu ku mpamvu z'inyungu rusange.Aha twabibutsa ko igikorwa cy'inyungu rusange ari igikorwa cyaba icya Leta, icy'ibigo bya Leta, imiryango itegamiye kuri Leta, amashyirahamwe yemewe n'amategeko akorera mu Gihugu cyangwa icy'umuntu bwite, kikaba gifitiye akamaro abantu benshi.

Leta ni yo yonyine ishobora gutegeka kwimura ku mpamvu z'ibikorwa by'inyungu rusange kandi kwimura abantu bikorwa gusa ku mpamvu z'inyungu rusange kandi habanje gutangwa indishyi ikwiye.Akaba ntawe ugomba kwitwaza inyungu ze bwite ngo abangamire ishyirwa mu bikorwa rya gahunda yo kwimura abantu ku mpamvu z'inyungu rusange.

Nyir'ubutaka ntashobora kubuza ibikorerwa mu kuzimu cyangwa hejuru y'ubutaka bwe bigamije inyungu rusange.Iyo ibyo bikorwa bimuteye gihombo abibonera indishyi ikwiye.Buri mushinga ku rwego urwo ari rwo rwose, uteganya ibikorwa byo kwimura abantu ku mpamvu z'inyungu rusange ugomba guteganya amafaranga y'igikorwa cy'ibarura ry'umutungo w'uwimurwa n'ay'indishyi ikwiye.Indishyi ikwiye ikaba ari indishyi y'agaciro k'ubutaka n'ibyabukoreweho ihabwa uwimurwa kandi ibarwa hashingiwe ku biciro biri ku isoko.

VII.1 Ibikorwa by'inyungu rusange

Ibikorwa by'inyungu rusange ni ibi bikurikira:

- Imihanda n'inzira ya gari ya moshi;
- Imiyoboro y'amazi n'ibigega rusange by'amazi;
- Imiyoboro itwara amazi yanduye n'aho atunganyirizwa;
- ingomero z'amazi;
- imiyoboro y'amazi y'imvura ikorwa ku mihanda;
- ahatunganyirizwa imyanda;
- imiyoboro y'amashanyarazi;
- imiyoboro ya gazi, peterori n'ibigega byabyo;
- imiyoboro y'itumanaho;
- Ibibuga by'indege;
- Aho bategera ibinyabiziga, gari ya moshi n'amato n'aho babyururukira;
- Ahantu hakomye hagamije kurengera urusobe rw'ibinyabuzima, umuco gakondo n'amateka y'igihugu;
- Ibikorwa bigamije umutekano n'ubusugire bw'igihugu;
- Ibitaro, ibigo nderabuzima, amavuriro n'izindi nyubako zifitanye isano n'ubuvuzi rusange;
- Amashuri n'izindi nyubako zifitanye isano na yo;
- Inyubako z'inzego z'ubuyobozi bwa leta n'ibigo byayo, ibigo mpuzamahanga na za ambasade;

- Ibibuga n’inyubako bigenewe imikino n’imyidagaduro;
- Amasoko ;
- Amarimbi ;
- Inzibutso za jenoside;
- Imirimo yo gushyira mu bikorwa ibishushanyo mbonera by’imitunganyirize y’imijyi n’iby’ubutaka bw’igihugu muri rusange;
- Amabuye y’agaciro n’undi mutungo kamere biri mu bikorwa by’inyungu rusange;
- Ibikorwa remezo n’ ibindi bikorwa byose bigamije inyungu rusange bitagaragajwe kuri uru rutonde byemezwa n’iteka rya minisitiri ufite ibikorwa byo kwimura abantu ku mpamvu z’inyungu rusange mu nshingano ze abisabwe n’abo bireba.

Ibikorwa bigamije inyungu z’abantu ku giti cyabo ku buryo bw’umwihariko ntibishobora na rimwe kwitwa ko bigamije inyungu rusange. Iyo bibaye ngombwa, nyir’ibyo bikorwa abanza kubyumvikanaho n’ushobora kwimurwa akamuha ikiguzi bumvikanyeho bashingiye ku mategeko abigenga kandi bikorewe imbere y’ubuyobozi bubifitiye ububasha. Iyo bigaragaye ko iyo mirimo y’abantu ku giti cyabo ifitiye inyungu abantu benshi n’Igihugu muri rusange, iyo mirimo ifatwa nk’iy’inyungu rusange, ariko ba nyir’iyo mirimo ni bo bishyura amafaranga y’igikorwa cy’ibarura ry’umutungo w’uwimurwa n’ay’indishyi ikwiye Kwamburwa ubutaka bwangirika n’ubutabyajwe umusaruro bituma uwabwambuwe burundu atakaza uburenganzira ku ndishyi ikwiye igenerwa abimurwa ku mpamvu z’inyungu rusange.

VII.2 Inzego zifite ububasha bwo kwimura abantu, ibikurikizwa , uburenganzira bw’abimurwa n’ubw’abimura ku mpamvu z’imirimo y’inyungu rusange

VII.2.1 Inzego zifite ububasha bwo kwimura abantu

Inzego zigaragaza imishinga yo kwimura abantu ku mpamvu z’inyungu rusange ni izi zikurikira:

- Komite Nyobozi ku rwego rw’Akarere, iyo imirimo ireba Akarere kamwe ;
- Komite Nyobozi ku rwego rw’Umujyi wa Kigali, iyo imirimo ireba Akarere karenze kamwe mu mbago z’Umujyi wa Kigali;
- Minisiteri bireba, iyo imirimo iteganyijwe ireba Uturere turenze kamwe cyangwa ari igikorwa cyo ku rwego rw’Igihugu.

Inzego zigenzura ko imishinga yo kwimura abantu ku mpamvu z'inyungu rusange yujuje ibya ngombwa ni izi zikurikira:

- Komisiyo ishinzwe iby'ubutaka ku rwego rw'Akarere, iyo ari umushinga ureba Akarere kamwe;
- Komisiyo ishinzwe iby'ubutaka ku rwego rw'Umujyi wa Kigali, iyo ari umushinga ureba Uturere turenze kamwe mu mbago z'Umujyi wa Kigali;
- Komisiyo ishinzwe iby'ubutaka ku rwego rw'Igihugu, iyo ari umushinga ureba Uturere turenze kamwe cyangwa umushinga wo ku rwego rw'Igihugu.

Kwemeza ko abantu bimurwa ku mpamvu z'inyungu rusange bikorwa:

- ku rwego rw' Akarere, n'Inama Njyanama y'Akarere ishingiye ku cyemezo cya Komisiyo ishinzwe iby'ubutaka ku rwego rw'Akarere;
- ku rwego rw' Umujyi wa Kigali, iyo ari umushinga ureba Uturere turenze kamwe mu mbago z'Umujyi wa Kigali, n'Inama Njyanama y'Umujyi wa Kigali ishingiye ku cyemezo cya Komisiyo ishinzwe iby'ubutaka ku rwego rw'Umujyi wa Kigali;
- ku rwego rw'Uturere turenze kamwe, hakoreshejwe Iteka rya Minisitiri ufite ubutaka mu nshingano ze, hashingiwe ku cyifuzo cya Komisiyo ishinzwe iby'ubutaka ku rwego rw'Igihugu, haseguriwe ibivugwa mu gace ka 2° k'iyi ngingo;
- ku rwego rw'Igihugu, hakoreshejwe Iteka rya Minisitiri w'Intebe.

VII.2.2 Imihango ikurikizwa

Inyandiko isaba kwimura abantu ku mpamvu z'inyungu rusange igomba kugaragaramo ibi bikurikira:

- imiterere y'umushinga;
- ikigaragaza ko umushinga ugamije inyungu rusange;
- igishushanyo mbonera cy'ubutaka umushinga uzakorerwaho;
- inyandiko igaragaza ko umushinga utabangamiye ibidukikije;
- ikimenyetso gihamya ko ikiguzi cy'indishyi ikwiye gihari;
- isobanurampamvu igaragaza ko ubwo butaka cyangwa aho hantu ariho habereye uwo mushinga;
- inyandikomvugo igaragaza ko abaturage bireba basobanuriwe iby'uwo mushinga n'akamaro ufite.

Igishushanyo mbonera kivugwa kigomba kugaragaramo ibi bikurikira:

- Igishushanyo cyangwa amakarita yerekana imbago z'ubutaka iyo mirimo izakorerwaho;
- Imiterere y'ibintu biri kuri ubwo butaka;
- Urutonde rugaragaza abafite uburenganzira kuri ubwo butaka;
- Urutonde rw'abafite uburenganzira ku bikorwa biri kuri ubwo butaka.

Komisiyo y'ubutaka ibishinzwe imaze kubona isabwa ryo kwimura abantu ku mpamvu z'inyungu rusange, isuzuma ishingiro ry'uwo mushinga. Iyo isanze uwo mushinga ufite ishingiro, Komisiyo isaba mu nyandiko ubuyobozi bw'Akarere bireba gutumiza inama nyunguranabitekerezo y'abaturage aho ubwo butaka buherereye nibura mu minsi mirongo itatu (30) nyuma yo kubona isabwa ryo kwimura abantu ku mpamvu z'inyungu rusange, ibamenyesha itariki, isaha n' aho inama izabera. Iyo Komisiyo ibishinzwe igomba kuba yafashe icyemezo nibura mu gihe cy'iminsi cumi n'itanu (15) nyuma y'ikiganiro nyunguranabitekerezo n'abaturage.

Nyuma yo kungurana ibitekerezo n'abaturage, Komisiyo y'ubutaka ibishinzwe yongera guhura n'abaturage igatangaza mu ruhame icyemezo ntakuka yafashe kuri uwo mushinga. Icyemezo Komisiyo ifashe kimanikwa ahagaragara ku biro by'Umujyi wa Kigali, iby'Akarere, iby'Umurenge n'iby'Akagari aho ubwo butaka buherereye, kikanatangazwa kuri Radiyo Rwanda no mu binyamakuru bya Leta kugira ngo abo bireba babimenye. Bibaye ngombwa gishobora kandi no kunyuzwa mu rindi tangazamakuru ryose rishoboka. Ibi bikorwa nibura mu minsi mirongo itatu (30) nyuma yo gufata icyo cyemezo.

Nyuma yo gutangaza icyemezo ntakuka cy'iyimura ku mpamvu z'inyungu rusange, Komisiyo y'ubutaka ibishinzwe ikora urutonde nyarwo rwa ba nyir'uburenganzira ku butaka n'ibikorwa byabukoreweho kandi rukamanikwa ahagaragara ku biro by'Akarere, iby'Umurenge n'iby'Akagari ubwo butaka buherereyemo kugira ngo abo bireba babimenye. Imihango ikurikizwa mu iyimura ntishobora kurenza igihe cy'amezi ane (4) guhera ku munsi inzego zivugwa haruguru zibyemeje.

VII.2.3 Uburenganzira bw'abimurwa n'ubw'abimura ku mpamvu z'imirimo y'inyungu rusange

Uwimurwa ku mpamvu z'imirimo y'inyungu rusange agomba kumenyeshwa igihe ipima n'ibarura by'ubutaka bwe n'ibyabukoreweho bizatangirira. Imirimo y'ipima n'ibarura ikorwa ubifiteho uburenganzira ahari cyangwa ahagarariwe hari kandi n'abahagarariye ubuyobozi bw'inzego z'ibanze.

Iyo nyiri ibikorwa atabonetse kandi yarabimenyeshejwe mu buryo buteganyijwe muri iri tegeko, bikorerwa inyandikomvugo ishyirwaho umukono n'abahagarariye ubuyobozi bw'inzego z'ibanze hamwe n'abakoze ipima n'ibarura.

Umuntu ufite ubutaka bwagenewe imirimo y'inyungu rusange agomba kugaragaza ibimenyetso bihamya ko ubwo butaka n'ibyabukoreweho abifiteho uburenganzira n'icyemezo cy'uko imiryango ye ibyemera. Mu bimenyetso bihamya ko ubwo butaka n'ibyabukoreweho ari ibye harimo ibi bikurikira:

- Ibimenyetso byanditse bigaragaza ko ubutaka yabuguze, yabuhawe, yaburazwe, cyangwa se yabuzunguye;
- Inyandiko cyangwa se imvugo y'abayobozi b'ibanze ko uwo muntu afite uburenganzira ku butaka yimurwaho;
- Inyandiko cyangwa ubuhamya bw'abaturanyi byemeza ko ubwo butaka ari ubwe koko;
- Icyemezo cy'urukiko.

Umuntu ufite ubutaka bwagenewe imirimo y'inyungu rusange agomba kugaragaza kandi icyemezo cy'uwo bashakanye iyo ari abashakanye hakurikije ivangamutungo rusange cyangwa ivangamutungo w'umuhahano.

Uwituje cyangwa uwakoreye ibikorwa ku butaka bubujijwe guturwaho nyuma y'uko amategeko abigenga ajyaho, nta ndishyi ahabwa.

Uwimurwa ku mpamvu z'inyungu rusange afite uburenganzira bwo kujuririra icyemezo cyafashwe na Komisiyo y'ubutaka ibishinzwe muri Komisiyo y'ubutaka yo ku rwego rwisumbuye mu minsi mirongo itatu (30) nyuma y'ifatwa ry'icyemezo. Binaniranye, hiyambazwa urukiko rubifitiye ububasha.

Usaba kwimura ku mpamvu z'inyungu rusange afite uburenganzira bwo kujuririra icyemezo cyafashwe na Komisiyo y'ubutaka ibishinzwe muri Komisiyo y'ubutaka yo ku rwego rwisumbuye mu minsi mirongo itatu (30) nyuma y'ifatwa ry'icyemezo. Binaniranye, hiyambazwa urukiko rubifitiye ububasha.

VII.3 Guha agaciro ubutaka n'ibyabukoreweho no gutanga indishyi ikwiye

VII.3.1 Guha agaciro ubutaka n'ibyabukoreweho

Ibintu bibarurwa kugira ngo bihabwe agaciro ko kuriha indishyi zikwiye z'abimuwe ku mpamvu z'inyungu rusange ni ubutaka n' ibikorwa byakorewe ku butaka nk'ibihingwa binyuranye, amashyamba, inyubako izo ari zo zose cyangwa ibindi bikorwa bigamije gukoresha neza ubutaka cyangwa kububyaza umusaruro.

Bitabangamiye andi mategeko, agaciro k'ubutaka n'agaciro k'ibikorwa byakorewe ku butaka bwimurwaho abantu ku mpamvu z'inyungu rusange, bibarwa hitawe ku ngano, imiterere yabyo n'aho biherereye kandi hashingiwe ku biciro biri ku isoko.

VII.3.2 Gutanga indishyi

Ku bwumvikane bw'uwimura n'uwimurwa, indishyi ikwiye ishobora kuba amafaranga, ubundi butaka, inyubako cyangwa ibindi bikorwa bihwanye n'indishyi ikwiye yabaruwe mu mafaranga. Iyo indishyi ikwiye yabaruwe mu mafaranga isumbije agaciro ubutaka bundi uwimurwa ahawe, amafaranga asagukaho ahabwa uwimurwa.Kandi kugira ngo iyimurwa ryemerwe, indishyi ikwiye ihabwa uwimurwa igomba kurihwa mbere y'uko yimuka.

Indishyi ikwiye yemejwe na Komisiyo y'ubutaka yishyurwa mu gihe kitarenze iminsi ijana na makumyabiri (120) uhereye igihe iyo ndishyi ikwiye yemerejwe. Iyo birenze icyo gihe, iyimurwa riba ritaye agaciro keretse uwimurwa n'uwimura babyiyumvikaniye.

Nyuma yo kwakira indishyi ikwiye, uwimuwe afite igihe kitarenze iminsi mirongo cyenda (90) kugira ngo abe yimutse kandi igihe cyose uwimurwa agitegereje kwishyurwa, afite uburenganzira bwo guhinga ibihingwa bitarenza mu murima we iminsi mirongo cyenda (90) no gusarura imyaka ye ikiri mu murima.

Amafaranga y'indishyi ikwiye ashyirwa kuri konti y'uwimurwa muri banki iri mu Gihugu cyangwa mu kigo cy'imari kiri mu Gihugu cyemewe n'amategeko kandi yihitiyemo naho mu gihe indishyi zikwiye zigomba guhabwa abimurwa barenze umwe iyo basangiye uburenganzira kuri uwo mutungo nk'umuryango cyangwa se umugore n'umugabo bashakanye mu buryo bwemewe n'amategeko, amafaranga ashyirwa kuri konti basangiye ku buryo bisaba ko ugiye kuyabikuza ahabwa uruhushya rwanditse rw'abo bayisangiye.Aha twakwibutsa ko Iyo umutungo w'uwimurwa wafashweho ingwate muri banki, amafaranga y'indishyi ikwiye ashyirwa kuri konti yumvikanyeho n'iyo banki.
Iyo uwimurwa atagaragaje nomero ya konti amafaranga y'ibintu yabaruriwe yashyirwaho mu gihe kitarenze iminsi mirongo itatu (30) uhereye igihe abimenyesherejweho, ayo mafaranga ashyirwa kuri konti y'Akarere uwo mutungo uherereyemo akaba ari ho azayafatira.

Iyo uwimurwa atanyuzwe n'agaciro kahawe ubutaka n'ak'ibikorwa byabukoreweho, Komisiyo y'ubutaka yo ku rwego ikibazo kiriho imusaba mu nyandiko kwishyiriraho impuguke cyangwa ibiro by'inyigo yihembera byazobereye mu ibaruragaciro kandi byemewe n'amategeko kugira ngo bigaragaze agaciro mvuguruza ; Iyo ako gaciro mvuguruza katemewe na Komisiyo yari yabisabye, uwimurwa ajuririra Komisiyo y'ubutaka y'urwego rwisumbuye mu gihe kitarenze iminsi cumi n'itanu (15) y'akazi na yo igatanga umwanzuro mu gihe kitarenze iminsi mirongo itatu (30) uhereye ku munsi yakiriyeho ubwo bujurire.

Uwimurwa atanyurwa n'umwanzuro wa Komisiyo y'ubutaka yajuririyemo, aregera inkiko zibifitiye ububasha hagati aho agaciro kemejwe na Komisiyo y'ubutaka y'urwego rwajuririwe gahabwa uwimurwa kugira ngo ibikorwa bidahagarara mu gihe hagitegerejwe icyemezo cy'urukiko.

Bitabangamiye ibihano biteganywa n'Igitabo cy'amategeko ahana, umuntu wese wishyuwe indishyi ikwiye iteganywa n'iri tegeko agasaba kubarurirwa no kwishyurwa inshuro irenze imwe yirengagije ko yari yabaruriwe kandi yarishyuwe mbere, ahanishwa igihano cy'igifungo kuva ku mezi atandatu (6) kugeza ku myaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda kuva ku bihumbi ijana (100.000 Frw) kugeza kuri miliyoni eshanu (5.000.000 Frw) cyangwa se kimwe muri ibyo bihano. Iyo bigaragaye ko uwimurwa yishyuwe inshuro irenze imwe, agomba gusubiza indishyi yari yahawe kandi agahanishwa ibiteganywa n'ingingo z'amategeko zikubiye mu Gitabo cy'amategeko ahana ibyaha.

Mu gihe uwishyura indishyi zikwiye atazitangiye igihe cyagenwe cyavuzwe haruguru yishyura indishyi y'ubukererwe ya 5% buri mwaka yiyongera kuri iyo ndishyi ihabwa uwimurwa. Icyo gihe ntigishobora kurenga imyaka ibiri (2), kandi iyo uwimura yisubiyeho mu gihe cyavuzwe haruguru ntibimubuza gutanga izi ndishyi.

Mu gihe uwimurwa atimutse mu gihe cyateganyijwe kandi yaramaze kwishyurwa, yimurwa ku ngufu z'ubuyobozi bubifitiye ububasha. Mu gihe ibi byose byagezweho ari uko byaciye mu nkiko, uwatsinzwe urubanza ni we wishyura amafaranga y'ikurikiranwa ry'urubanza agenwa n'urukiko.