# DUSOBANUKIRWE IBIKUBIYE MU ITEGEKO

# No 32/2016 RYO KU WA 28/08/2018

# RIGENGA ABANTU N'UMURYANGO

Aka gatabo kateguwe kandi
kandikwa n'umunyamategeko
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# IBIRIMO

IJAMBO RY'IBANZE .....6
IBISOBANURO BY'AMAGAMBO .....7
IRIBURIRO .....9
IGICE CYA MBERE: ABANTU.....11
1.1. Ubuzima gatozi .....11
1.1.1. Urupfu.....12
1.1.2. Umuntu wabuze cyangwa wazimiye .....12
A. Ibyerekeye urubanza rutangaza urupfu rw'umuntu wabuze? .....12
B. Ni ryari hashobora kubaho urubanza rutangaza urupfu rw'umuntu wazimiye? .....13
C. Kubura no kuzimira bigira izihe nkurikizi? .....13
1.2. Ibiranga umuntu .....14
1.2.1. Izina.....14
Impamvu zatuma umuntu yemererwa guhindurirwa izina ni izi zikurikira: .....15
1.2.2. Igitsina.....16
1.2.3. Inkomoko .....16
1.2.4. Aho umuntu atuye n'aho aba .....17
1.3. Irangamimerere.....17
1.3.1. Igisobanuro cy'irangamimerere n'ibimenyeshwa umwanditsi w'irangamimerere .....17
1.3.2. Kuki ari ngombwa kwandikwa mu bitabo by'irangamimerere ?.....18
1.3.3. Inshingano z'umwanditsi w'irangamimerere n'ibyo abujijwe .....18
1.3.4. Ibitabo by'irangamimerere n'ururimi rukoreshwa mu kwandika inyandiko y'irangamimerere.....19
1.3.5. Amategeko yihariye agenga iyandikwa ry'abavuka n'iry'abapfuye.....20
1.4. Ubushobozi bw'abantu .....21
1.4.1. Ubukure.....21
1.4.2. Ubwishingire.....22

1.4.3. Umujyanama w'umuntu mukuru utagaguza ibye.....24
IGICE CYA KABIRI: UMURYANGO.....25
2.1. Amasano.....25
2.2. Inama y’umuryango.....25
2.3. Ishyingirwa.....26
2.3.1. Abatemerewe gushyingiranwa:.....27
2.3.2. Imihango y’umuco ishobora ibanziriza ishyngirwa.....27
2.3.3. Imigenzo igomba kubahirizwa mbere yo gushyingira:.....27
2.3.4. Ibikurikizwa mu ishyingirwa rikozwe hagati y’abanyarwanda n’abanyamahanga.....28
2.3.5. Ni ryari hashobora kubaho gutambamira ishyingira?.....29
2.3.6. Inshingano z’abashyingiranywe.....29
2.3.7. Ni ryari habaho iseswa ry’ishyingirwa?.....31
2.3.7. 1. Urupfu rw’umwe mu banyingiranwe:.....31
2.3.7.2. Gutana burundu kw'abashyingiranywe.....32
A. Ubutane bushingiye ku mpamvu ziteganywa n'itegeko.....32
B. Ubutane bwumvikanyweho n'abashyingiranywe (ingingo 229-235):.....33
C. Ingaruka zo gutana burundu kw'abashyingiranywe.....34
2.3.8. Gutana by'agateganyo:.....35
2.4. Isano gahati y’ababyeyi n’abana.....36
2.4.1. Abana bavutse ku babyeyi bashyingiranwe:.....36
2.4.2. Abana bavutse ku babyeyi batashyingiranwe.....37
2.4.3. Ibirego byerekeye isano y’umubyeyi n’abamukomokaho.....38
2.4.3.1. Kwihakana umwana.....38
2.4.3.2. Ikirego cy’umwana kigamije gushaka se cyangwa nyina.....38
2.4.3.3. Ikirego cyo kwihakana se cyangwa nyina.....40
2.5. Kubera umubyeyi umwana utabyaye.....40
2.5.1. Kubera umubyeyi umwana utabyaye ku buryo bworoheje.....41
2.5.2. Kubera umubyeyi umwana utabyaye ku buryo busesuye.....41

2.5.3. Ni ibihe ushaka kubera umubyeyi umwana atabyaye agomba kuba yujuje? .....41
2.5.4. Kwemeza koumuntu aba umubyeyi w'umwana atabyaye bikorerwa he? .....42
2.5.5. Kubera umubyeyi umwana utabyaye bikozwe n'abashyingiranwe .....42
2.5.6. Kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga .....43
2.6. Ububasha bwa Kibyeyi .....44
UMUSOZO.....45
INYANDIKO ZIFASHISHIJWE.....46

## IJAMBO RY'IBANZE

Umuryango "**HAGURUKA**" ni Umuryango ugamije kurengera uburenganzira bw'umugore n'ubw'umwana, ibikorwa byawo bikaba byibanda cyane cyane ku birebana no guharanira uburinganire bw'ibitsina byombi mu kugira uburenganzira n'ubushobozi mu byerekeye ubukungu, amategeko, imibereho na politiki hakurikijwe Itangazo Mpuzamahanga ryerekeye Uburenganzira bw'Ikiremwa muntu, andi masezerano mpuzamahanga yerekeye uburenganzira bw'ikiremwamuntu n'amategeko u Rwanda rwashyizemo muri urwo rwego.

Mu rwego rwo gufasha abanyarwanda kumenya amategeko no kubahugura ku burenganzira bwa muntu muri rusange n'ubw'umugore n'umwana by'umwihariko, umuryango HAGURUKA wateguye aka gatabo gakubiyemo ingingo z'ingenzi z'itegeko n° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango mu Rwanda, ryatangajwe mu Igazeti ya Leta n° 37 yo ku wa 12/09/2016.

Iri tegeko ryaje risimbura itegeko nº 42/88 ryo ku wa 27/10/1988 rishyiraho Interuro y'Ibanze n'Igitabo cya Mbere cy'Amategeko Mbonezamubano kuko ritari rikijyanye n'igihe tugezemo dore ko ryari rifite n'ingingo nyinshi zidashyigikira uburinganire hagati y'umugabo n'umugore ndetse rikaba ryaragombaga guhuzwa n'Itegekonshinga n'andi mategeko u Rwanda rugenderaho muri iki gihe.

Aka agatabo gakoze mu buryo bworohereza ugasoma wese kumenya imirongo y'ingenzi y'iryo tegeko rishya rigenga Abantu n'Umuryango kabone n'ubwo ugasoma yaba adasanzwe afite ubumenyi ku mategeko. Hanakubiyemo kandi amashusho yunganira abagasoma gusobanukirwa neza ibikubiye muri iryo tegeko.

Turashimira cyane umufatanyabikorwa w'ingenzi GIZ hamwe n'abandi bafatanyabikorwa bose bagize uruhare mu gutegura no gutangaza aka gatabo. Turizera ko ibigakubiyemo bizafasha abanyarwanda kurushaho kunoza imibanire hagati yabo ndetse bakamenya uburenganzira bwabo n'inshingano bikubiye mu Itegeko rigenga abantu n'umuaryango.

**Me. MUNYANKINDI Monique**

**Perezida w'Inama y'Ubutegetsi y'Umuryango HAGURUKA**

## IBISOBANURO BY'AMAGAMBO

Muri iri tegeko, amagambo akurikira afite ibisobanuro bikurikira:

1. aho umuntu aba: ahantu umuntu aba kubera imirimo akora cyangwa se kubera izindi mpamvu ariko atari aho atuye;
2. aho umuntu atuye: aho umuntu yanditse mu bitabo by'irangamimerere:
3. ibura: igihe umuntu ataboneka aho atuye cyangwa aba ku buryo hari amakuru yemeza cyangwa ashobora kwemeza ko yaba yarapfuye n'ubwo umurambo we utaraboneka;
4. icyambu: ahantu ubwato cyangwa indege bihagurukira;
5. igihugu cy'inkomoko: igihugu umwana abamo igihe cyo gusuzuma isabwa ryo kumugira umwana n'ababyeyi batamubyaye ku rwego mpuzamahanga;
6. igihugu cyo kwakirwamo: igihugu umwana agiyemo cyangwa agomba kujyamo nyuma yo kugirwa umwana n'ababyeyi batamubyaye ku rwego mpuzamahanga :
7. ikigo cy'ubuzima: ikigo gikora ibikorwa by'ubuvuzi-in'ubuzima muri rusange kandi gifite inshingano yo kubigeza ku baturage mu buryo bwuzuye:
8. imimerere y'umuntu: imiterere y'irangamimerere mu rwego rw'amategeko iranga umuntu mu muryango cyangwa mu gihugu bigatuma atandukanywa n'abandi bantu, cyane cyane nk'ubwenegihugu, amazina, igitsina, igihe n'aho yavukiye, aho atuye n'aho abarizwa, isano ye n'ababyeyi cyangwa abo bavukana, ububasha bwa kibyeyi, ibijyanye n'ubushyingiranywe cyangwa ubutane bwe;
9. imiryango iharanira uburenganzira bw'umwana: inzego cyangwa amashyirahamwe byaba ibya Leta cyangwa iby'abikorera bifite mu nshingano zabyo kurengera umwana no guharanira ko uburenganzira bwe bwubahirizwa;
10. inyungu z'umwana : ibyitabwaho kugira ngo uburenganzira bw'umwana budahungabana cyane cyane mu bijyanye no kumwitaho, uburere bwe, umuco, umutungo n'ibindi hagamijwe kumurinda;
11. isanomuzi: ibihuza umwana n'umuryango w'ibanze akomokamo cyane cyane ibirebana n'uburenganzira n'inshingano;
12. izimira: igihe umuntu yabuze aho atuye cyangwa aho aba kandi nta makuru ye azwi nyuma y'igihe runaka giteganywa n'itegeko ku buryo ntawe uzi niba ari muzima cyangwa yarapfuye;
13. izina : uko umuntu yitwa byemewe n'amategeko;
14. izina ry'amasezerano y'idini: izina umuntu wiyeguriye Imana yitwa igihe akora amasezerano mu muryango w'abiyeguriye Imana;

**15.** ububasha bwa kibyeyi: uburenganzira n'inshingano ababyeyi cyangwa undi muntu wemewe n'amategeko bagira ku mwana utaragira imyaka y'ubukure cyangwa ku mwana utaremererwa ubukure no ku mutungo we bakoresha mu nyungu z'uwo mwana;

**16.** ubushobozi bw'umuntu: ububasha buteganywa n'amategeko butuma umuntu yagira ibikorwa akora ku buryo bwemewe n'amategeko kandi mu izina rye akirengera ingaruka z'ibyo akoze;

**17.** ubuzimagatozi bw'umuntu: ububasha umuntu wese agira kuva akivuka kugeza apfuye bwo kugira uburenganzira n'inshingano;

**18.** ukubera umubyeyi umwana utabyaye: uburyo butuma habaho isano hagati y'umwana n'umubyeyi utaramubyaye;

**19.** umuntu : ikiremwa muntu ku giti cyacyo gifite ubuzima gatozi bwihagije kandi cyemerewe kugira uburenganzira n'inshingano;

**20.** umuryango: itsinda ry'abantu bafitanye isano hagati yabo ishingiye ko bamwe bakomoka ku bandi, ku mategeko cyangwa ku bushyingiranywe; rishobora kuba rigizwe n'ababyeyi, abana, ababakomokaho ndetse n'abo mu miryango y'abashyingiranywe nabo;

**21.** urwego rufite ububasha mu bijyanye no kubera umubyeyi umwana utabyaye: urwego rwa Leta rushinzwe gusuzuma no gukurikirana ibyerekeranye no kubera umubyeyi umwana utabyaye ku rwego rw'igihugu no ku rwego mpuzamahanga rukanagenzura ishyirwa mu bikorwa ryabyo.

## IRIBURIRO

Itegeko No 32/2016 ryo ku wa 28/08/2016 rigenga Abantu n'Umuryango ni itegeko umuntu yavuga ko rikiri rishya kuko ryatangajwe mu Igazeti ya Leta ya Repubulika y' Urwanda n° 37 yo ku wa 12/09/2016 ari nabwo ryatangiye gukurikizwa.

Iri tegeko ryaje risimbura itegeko n° 42/1988 ryo ku wa 27 Ukwakira 1988 ryashyiragaho Interuro y'Ibanze n'Igitabo cya Mbere cy'Urwunge rw'Amategeko Mbonezamubano; kuko ritari rikijyanye n'igihe.

By'umwihariko zimwe mu mpamvu zatumye n'iri tegeko rishya rya 2016 rigenga Abantu n'Umuryango rijyaho rigasimbura itegeko ryo mu 1988 ni izi zikurikira:

- ☞ Guhuza itegeko ryerekeye abantu n'umuryango n'Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 04 Kamena 2003 ryavuguruwe muri 2015 n'andi mategeko arimo ay'ubucamanza, ay'ubushinjacyaha, ay'imitegerekere y'igihugu n'ayandi.
- ☞ Guca ubusumbane ubwo aribwo bwose buboneka hagati y'umugabo n'umugore kuko mu Itegeko nº 42/88 ryo ku wa 27/10/1988 rishyiraho Interuro y'Ibanze n'Igitabo cya Mbere cy'Amategeko Mbonezamubano hari hakigaragaramo ingingo nyinshi zidashyigikira uburinganire hagati y'umugabo n'umugore.

## Bimwe mu bitekerezo bishya byashyizwe muri iri tegeko rigenga abantu n'umuryango rya 2016 ni ibi bikurikira:

- ☞ Ingingo zose zagaragaramo ubusumbane hagati y'umugabo n'umugore nk'uko zagaragajwe haruguru, zaravuguruwe;
- ☞ Ibirebana no guhindura amazina byashyizwe mu nshingano za Minisitiri w'Ubutegetsi bw'Igihugu (ni we ufite irangamimerere mu nshingano ze) ari nawe ugena ibisabwa ku muntu wifuza guindura amazina (ingingo ya 44);
- ☞ Mu byo umwanditsi w'irangamimerere atangarizwa hiyongereyemo ibirebana ubwishingire bw'umwana n'itangwa ry'ubwenegihugu (ingingo ya 74) ndetse hanongerwamo ko umwana wavutse ariko ivuka ntirimenyeshwe umwanditsi w'irangamimerere kubera uburangare cyangwa izindi mpamvu, hanyuma akazapfa agomba kwandikwa mu gitabo cy'abavutse hanyuma akanandikwa mu gitabo cy'abapfuye (ingingo ya 104);

- ☞ Imyaka y’ubukure yavanywe ku myaka makumyabiri n’umwe (21) ishyirwa ku myaka cumi n’umunani (18) ariko ibirebana no gushyingirwa imyaka yo gushyingirwa yakomeje kuba 21 (ingingo ya 113);
- ☞ Itegeko ryagennye ko abagiye gushyingiranwa bagomba kubanza kwigishwa ibijyanye n'imucungire y'umutungo wabo bigakorwa nibura iminsi irindwi (7) mbere y‘ umunsi wo gushyingiranwa (ingingo ya 172);
- ☞ Itegeko ryagennye ko aho umwana agomba kwitabaza ubutabera atarageza ku myaka y’ubukure ashobora guhagararirwa n’ufite ububasha bwa kibyeyi kuri we cyangwa imiryango iharananira uburenganzira bw’umwana (ingingo ya 114, 280);
- ☞ Ugushyingirwa kutakurikiwe no kubana mu gihe cy’imyaka ibiri (2) nta mpamvu zumvikana, itegeko ryagennye ko bishobora kuba impamvu yashingirwaho mu gusaba ubutane (ingingo ya 218, 8’);
- ☞ Itegeko ryashyizeho ingingo zerekeye kubera umubyeyi umwana utabyaye ku buryo busesuyeno mu rwego mpuzamahanga; mu gihe itegeko ryo mu 1988 ryemeraga kubera umubyeyi umwana utabyaye ku buryo busanzwe gusa (ingingo ya 287);
- ☞ N’ibindi.

Hashingiwe ku bikubiye muri iryo tegeko rishya, aka gatabo kagizwe n'ibice bibiri by'ingenzi :

- ☞ Mu gice cya mbere, aka gatabo karibanda ku ngingo z'ingenzi zijyanye n'abantu.
- ☞ Mu gice cya kabiri, aka gatabo karavuga ku ngingo z'ingenzi zirebana n’umuryango

## IGICE CYA MBERE: ABANTU

Muri iki gice cya mbere harasobanurwa ibirebana n'ubuzima gatozi buri muntu wese agira kuva akivuka, ibiranga umuntu, irangamimerere ndetse n'ibyerekeye ubushobozi bw'abantu.

### 1.1. Ubuzima gatozi

Itegeko rigenga abantu n'umuryango rivuga ko umuntu wese agira ubuzimagatozi kuva akivuka ari na bwo shingiro ry'uburenganzira mbonezamubano. By'umwihariko itegeko riteganya ko :

- ☞ Umwana wasamwe afite uburenganzira mbonezamubano bwemererwa buri muntu apfa gusa kuvuka ari muzima (ingingo ya 10).
- ☞ Umwana wasamwe afatwa nk'uwavutse igihe cyose hagamijwe inyungu ze. Ibi bisobanuye ko umwana wavutse ari muzima afite uburenganzira bwo gusaba ko hubahirizwa uburenganzira yashoboraga kuba yagira igihe yari akiri mu nda ya nyina.
- ☞ Umuntu wese yaba umunyarwanda cyangwa umunyamahanga uri mu Rwanda (usibye mu gihe amategeko abiteganya ukundi) afite ubwisanzure ku burenganzira mbonezamubano.
- ☞ Ubwisanzure ku burenganzira mbonemubano bugendana n'ubushobozi bwo gukoresha mu gihugu ubwo burenganzira keretse mu gihe amategeko ateganya guhagararirwa cyangwa kunganirwa.
- ☞ Ukoresha uburenganzira mbonezamubano bwe abukoresha mu izina rye riri mu nyandiko y'ivuka kandi gukoresha nabi uburenganzira mbonezamubano no kubukoresha mu buryo burenze cyangwa budasobanutse, hagamijwe kubangamira undi muntu, ntibyemewe n'amategeko.

Ubuzimagatozi burangira iyo umuntu yapfuye cyangwa habayeho urubanza rutangaza urupfu rw'umuntu wabuze cyangwa wazimiye (ingingo ya 15).

### 1.1.1. Urupfu

Ikimenyetso gihamya urupfu ni inyandiko yemeza ko umuntu yapfuye itangwa n’urwego rubifitiye ububasha keretse igihe itegeko ryemera ubundi bwoko bw’ibimenyetso.

- ☞ Ubuzimagatozi burangirana n'uko umuntu apfuye.
- ☞ Icyo gihe uburenganzira bwe abusimburwamo n'abamuzunguye mu buryo bwemewe n'amategeko.
- ☞ Igihe umuntu apfuye, umurambo we ukagaragara, ugashyingurwa abo mu muryango w’uwapfuye bihutira kubimenyesha umwanditsi w'irangamimerere, kugira ngo uwapfuye yandukurwe mu bitabo byabugenewe.

### 1.1.2. Umuntu wabuze cyangwa wazimiye

Uretse urupfu, ubuzima gatozi bushobora kurangizwa n'urubanza rwatangaje ko umuntu yabuze cyangwa ko yazimiye.

#### A. Ibyerekeye urubanza rutangaza urupfu rw’umuntu wabuze?

Ku byerekeye urubanza rutangaza urupfu rw’umuntu wabuze, itegeko riteganya ko :

- ☞ Igihe umuntu yabuze ku buryo kwemeza urupfu rwe bidashidikanywaho n'aho umurambo we waba utarabonetse cyangwa warabonetse hakabura icyemezo ko ari uwe koko, umuntu wese ubifitemo inyungu ashobora gusaba urukiko gufata icyemezo gitangaza urupfu rw'uwo muntu mu buryo bw'ikirego gitanzwe n'umuburanyi umwe (ingingo ya 17).
- ☞ Mbere yo gufata icyemezo ku kirego yashyikirijwe, umucamanza afata icyemezo gisaba buri muntu wese waba ufite amakuru kuri uwo muntu wabuze kuyamushyikiriza. Imenyekanisha ry'icyo cyemezo rikorwa hakurikijwe ibiteganywa n'amategeko agenga imenyesharuhame mu miburanishirize y'imanza z'imbonezamubano.
- ☞ Ikirego gisaba gutangaza ko uwabuze yapfuyeGishyikirizwa urukiko rubifitiye ububasha rw'aho uwabuze yari atuye cyangwa yabaga. Urubanza rutangaza urupfu rw'umuntu runemeza umunsi ufatwa nk'aho ari wo yapfiriyeho, hashingiwe ku mpamvu zabiteye.

- ☞ Urubanza rutangaza urupfu rw'umuntu wabuze rutegeka umwanditsi w'irangamimerere gukora inyandiko y'urupfu rw'uwo muntu.
- ☞ Umwanditsi w'irangamimerere ubifitiye ububasha ni uwo aho uwabuze yari ari, uwo ahari icyambu cyangwa uwo mu gihugu cy'amahanga ibura ryabereyemo.
- ☞ Umwanditsi w'irangamimerere wakoze inyandiko y'urupfu rw'umuntu wabuze agomba, mu gihe kitarenze amezi atatu (3), kohereza kopi yayo umwanditsi w'irangamimerere w'aho uwabuze yari atuye kugira ngo ahite ayandika mu gitabo cy'inyandiko z'abapfuye.

## B. Ni ryari hashobora kubaho urubanza rutangaza urupfu rw'umuntu wazimiye?

Urubanza rutangaza urupfu rw'umuntu wazimiye rushobora kubaho mu bihe bikurikira :

- ☞ Iyo umuntu azimiye habanza gukekwa ko akiriho. Iyo yazimiye kandi ntawe yasigiye ububasha bwo gucunga ibye, bavuga ko akiriho mu gihe cy'imyaka ibiri (2) bahereye ku munsi baherukiraho amakuru yemeza ko akiriho. Iyo hari umuntu yasigiye ububasha bwo gucunga ibye, bavuga ko akiriho mu gihe cy'imyaka ine.
- ☞ Nyuma y'icyo gihe ababifite mo inyungu bashobora gusaba urukiko rubifitiye ububasha gutangaza iryo zimira.
- ☞ Mu gihe umuntu wazimiye hakekwa ko akiriho, umutungo we ucungwa n'uwo bashyingiranywe hatitawe ku masezerano y'icungamutungo abashyingiranywe bari barahisemo, keretse urukiko rubigennye ukundi.
- ☞ Iyo hashize imyaka itanu (5) kuva urubanza rutangaje izimira kandi nta makuru mvaho na busa y'uko uwazimiye akiriho, umuntu wese ubifitemo inyungu ukeka ko uwazimiye yapfuye asaba urukiko rw'aho uwazimiye yatuye cyangwa yabaye bwa nyuma gutangaza ko yapfuye.

## C. Kubura no kuzimira bigira izihe nkurikizi?

Kubura no kuzimira bigira inkurikizi zikurikira:

- ☞ Itangaza ry'uko uwabuze cyangwa uwazimiye yapfuye riha uwo bashyingiranywe uburenganzira bwo kongera gushyingirwa. Iyo uwabuze cyangwa uwazimiye agarutse mbere y'uko uwo bari barashyingiranywe yongera gushyingirwa, uburenganzira bwo gushyingirwa buvaho.
- ☞ Gutangaza ko uwabuze cyangwa uwazimiye yapfuye bituma izungura rye ritangira. Abazungura bariho ku munsi wafashweho ko ariwo w'urupfu

rw'uwabuze cyangwa uwazimiye bafite uburenganzira bwo kugabana umutungo we hakurikijwe amategeko abigenga.

- ☞ Uwo batangaje ko yapfuye yari afite uburenganzira bwo kuzungura buhabwa abamuzungura hakurikijwe inzira yo guhagararira umuntu mu izungura.
- ☞ Iyo umuntu Urukiko rwemeje ko yapfuye abonetse nyuma y'urubanza rwabitangaje, urwo rubanza ruteshwa agaciro n'urukiko rwaruciye bisabwe na we cyangwa undi muntu wese ubifitemo inyungu.
- ☞ Abari bamuzunguye bagomba gusubiza ibyo bari bahawe bagifite mu mutungo wabo. Ariko ishyingirwa ryabaye nyuma y'urubanza rutangaza urupfu ntirishobora guteshwa agaciro.

## 1.2. Ibiranga umuntu

Itegeko rigenga abantu n'umuryango rivuga ko umuntu arangwa n'izina, inkomoko, igitsina, aho aba n'aho atuye.

### 1.2.1. Izina

Izina ry'umuntu ni iryanditse mu nyandiko ye y'ivuka. Inyandiko y'ivuka niyo nyandiko y'ifatizo izindi zigomba gushingiraho nko kubirebana n'amazina, indangamuntu, amazina y'ababyeyi n'ibindi.

Izina rigizwe n'izina bwite n'izina ry'ingereka. Izina ry'ingereka rishobora kuba izina ry'idini, iry'umuryango cyangwa yombi. Uru rutonde rw'amazina rugomba gukurikizwa mu nyandiko z'ubutegetsi, bitaba ibyo inyandiko igata agaciro (ingingo ya 36). Urugero: Niba umuntu yitwa Kamana John, ni uko agomba kwandika izina rye igihe cyose. Nabihindura akanidika John Kamana, inyandiko yakoreshejemo iryo zina zishobora guteshwa agaciro bikamugiraho ingaruka zanamuteza igihombo.

Inyandiko zisanzwe ziriho, zaba izakorewe mu Rwanda cyangwa mu mahanga hakurikijwe ibiteganywa n'amategeko cyangwa imigenzo y'aho zakorewe zigumana agaciro kazo.

Ni ngombwa kuzirikana ko:

- ☞ Umwana wese afite uburenganzira bwo kugira izina. Umubyeyi w'umwana cyangwa undi umufiteho ububasha bwa kibyeyi afite inshingano zo kumuhitiramo izina ashaka.

- ☞ Umwana ntashobora kwitwa amazina yose ya se, aya nyina cyangwa ay'abo bavukana.
- ☞ Izina ntirishobora gusesereza imigenzo myiza cyangwa ubunyangamugayo by'abantu.
- ☞ Ishyingirwa cyangwa amasezerano y'idini ntibihindura izina ry'umuntu ariko ku bwumvikane bw'abashyingiranywe, buri wese afite uburenganzira bwo kwitwa izina bwite ry'uwo bashyingiranywe ariko rikongerwa ku mazina ye asanganywe bikorewe imbere y'umwanditsi w'irangamimerere w'aho atuye.

- ☞ Gukoresha izina ry'amasezerano y'idini byemerwa iyo bikorewe imbere y'Umwanditsi w'Irangamimerere w'aho ubishaka atuye. Izina ry'amasezerano y'idini ryiyongera ku izina asanganywe, bigatangirwa icyemezo giteganywa n'Iteka rya Minisitiri ufite irangamimerere mu nshingano ze.

Impamvu zatuma umuntu yemererwa guhindurirwa izina ni izi zikurikira:

- ☞ Iyo izina ritesha agaciro nyiraryo ;

- ☞ Iyo izina risesereza imyifatire mbonezabupfura cyangwa ubunyangamugayo bw'abantu;
- ☞ Iyo hari undi ukoresha izina ku buryo rishobora kumwangiriza icyubahiro cyangwa umutungo:
- ☞ Indi mpamvu yose Minisitiri ufite irangamimerere mu nshingano ze yabona ko ifite ishingiro.

Uguhindura izina bigira agaciro ari uko izina rishya ryanditswe mu gitabo cy'inyandiko z'ivuka. Inyandiko zakozwe mu izina rya mbere zifatwa nk'izakozwe ku izina rishya. Nyirubwite cyangwa undi wese ubifitemo inyungu asaba ko izo nyandiko zandukurwaho izina rishya

### 1.2.2. Igitsina

Igitsina ni imimerere umuntu afite nk'ikinyabuzima imugaragaza nk'umugabo cyangwa umugore. Igitsina cy'umuntu ni icyanditse mu nyandiko ye y'ivuka.

### 1.2.3. Inkomoko

Inkomoko ni isano iri hagati y'umwana na se cyangwa na nyina. Kuba umuntu akomoka kuri se cyangwa nyina bigaragazwa n'inyandiko y'ivuka. Iyo nyandiko y'ivuka ibuze, kuba umuntu asanzwe azwiho ko akomoka ku bashyingiranywe birahagije kugira ngo byemezwe ko abakomokaho.

Uko umuntu asanzwe azwi bigaragazwa n'ibimenyetso byerekana neza isano umuntu afitanye n'abo yita ababyeyi be. Bimwe muri ibyo bimenyetso ni ibi bikurikira:

- ☞ Kuba se cyangwa nyina w'umwana yaramufashe nk'uwe koko bikaba kandi byaragaragajwe n'uko yitaye ku kumurera, kumufata neza no kumugenera ibintu bye bwite;
- ☞ Kuba abantu bo mu muryango nabo bazi ko ari uwe;
- ☞ Kuba abandi bantu basanzwe bazi ko ari uwe.

K'umwana ukomoka ku batarashyingiranywe, kwemeza se w'uwo mwanabigaragazwa n'ibi bikurikira:

- ☞ Imvugo cyangwa inyandiko yemera uwo mwana, bikorewe imbere y'umwanditsi w'irangamimerere;
- ☞ Urubanza rwemeza se w'umwana cyangwa kopi y'igitabo cy'irangamimerere cyanditswemo urwo rubanza.

### 1.2.4. Aho umuntu atuye n'aho aba

Itegeko rigenga abantu n'umuryango riteganya ko :

- ☞ Umuntu ahitamo aho atura ku bushake kandi mu buryo bwubahirije amategeko (ingingo ya 51).
- ☞ Aho umuntu atura hashobora kuba hamwe n'aho aba. Mu gihe umuntu atagira aho atuye hazwi, aho aba hafatwa nk'aho ariho atuye.
- ☞ Nta muntu wemerewe kugira aho atura harenze hamwe mu Rwanda. Ukwandikwa mu gitabo cy'ibarura ry'abaturage n'ikarita iranga umuntu (Indangamuntu) ni ibimenyetso byemewe n'ubutegetsi ko umuntu afite aho atuye.
- ☞ Buri muntu agomba kugira aho atuye.
- ☞ Abashyingiranywe batura ahantu hamwe bahisemo mu bwumvikane bwabo
- ☞ Umwana utaragira imyaka y'ubukure atura aho abamufiteho ububasha bwa kibyeyi batuye keretse iyo bamwemereye gutura ahandi kubera inyungu ze.
- ☞ Abashyingiranwe kandi baba hamwe, keretse iyo inyungu z'urugo rwabo zitumye biba ukundi, naho umwana utaragira imyaka y'ubukure aba aho abamufiteho ububasha bwa kibyeyi baba, keretse iyo bamwemereyc kuba ahandi ku nyungu ze.
- ☞ Uwambuwe ubushobozi bwo gukoresha uburenganzira bwe aba atuye aho umwishingizi we atuye.

## 1.3. Irangamimerere

### 1.3.1. Igisobanuro cy'irangamimerere n'ibimenyeshwa umwanditsi w'irangamimerere

Imimerere y'umuntu mu muryango ni ibiranga urwego arimo mu byerekeye kuba yarashyingiwe cyangwa ari ingaragu, kuba ariho cyangwa yarapfuye n'ibindi bigaragazwa mu butegetsi kuri buri muntu.

Muri rusangege ibimenyeshwa umwanditsi w'irangamimerere ni ibi bikurikira:

- ☞ Ivuka;
- ☞ Ishyingirwa;
- ☞ Urupfu,
- ☞ Kwemera umwana wavutse ku babyeyi batashyingiranywe;
- ☞ Kubera umubyeyi umwana utabyaye;
- ☞ Ubwishingire bw'umwana cyangwa bw'umuntu mukuru;
- ☞ Itangwa ry'ubwenegihugu nyarwanda;
- ☞ Ibindi byashyirwa mu nshingano ze n'itegeko.

Urwego rw'irangamimirere rwa Leta ni rwo rutanga ibyangombwa biherwaho mu guha umuntu ibyemezo bitandukanye bimufasha kubona serivisi zitandukanye akenera, ndetse ni na rwo rwego rwemewe n'amategeko rwandika imimerere y'umuntu kuva avutse kugera apfuye.

### 1.3.2. Kuki ari ngombwa kwandikwa mu bitabo by'irangamimerere ?

Umuntu ku giti cye, kwandikwa mu bitabo by'irangamimerere bimufasha kumenyekana bityo we cyangwa se abamukomokaho bagashobora kubona uburenganzira bagenerwa n'amategeko bifashishije inyandiko igaragaza ko banditswe.

Ku gihugu muri rusange, kwandikwa mu bitabo by'irangamimerere bifasha muri gahunda y'igenamigambi ry'Igihugu. Nibwo buryo buryo bworoshye butuma igihugu kimenya umubare w'abaturage gifite ndetse n'imimerere yabo.

### 1.3.3. Inshingano z'umwanditsi w'irangamimerere n'ibyo abujijwe

Muri rusange umwanditsi w'irangamimerere afite inshingano eshatu z'ingenzi:

- ☞ Kwandika no kwandukura mu bitabo byabigenewe ibyo amcnycshwa n'abaturage biteganyijwe n'amategeko nk'ibyerekeye ivuka, iyemerwa ry'abana bavutse ku batarashyingiranywe, gushyingira, abantu bapfuye, n'ibindi, ibyo byose akanabikorera inyandiko;
- ☞ Guha ababifitiyc uburenganzira amakopi cyangwa ingingo z'ingenzi z'ibyanditswe mu bitabo by'irangamimerere;
- ☞ Gutanga inyandikompamo.

Hari ibyo umwanditsi w'irangamimerere abujijwe:

- ☞ Umwanditsi w'irangamimerere ntashobora gukora inyandiko y'irangamimerere kandi ngo ayigiremo urundi ruhare (ingingo ya 69).
- ☞ Umwanditsi w'irangamimerere abujijwe kwakira imihango y'ishyingira imwerekeye ubwe cyangwa yerekeye uwo bashyingiranywe, Iyerekeye abo akomokaho, abamukomokaho, abavandimwe be n'abo bafitanyc isano ishingiye ku ishyingiranwa kugeza ku gisanira cya kabiri (2).Muri icyo gihe inyandiko ikorwa n'undi mwanditsi w'irangamimerere ubifitiye ububasha.

### 1.3.4. Ibitabo by'irangamimerere n'ururimi rukoreshwa mu kwandika inyandiko y'irangamimerere

Ibitabo by'irangamimerere ni ibi bikurikira:

- ☞ Igitabo cy'inyandiko z'amavuko;
- ☞ Igitabo cy'inyandiko z'abapfuye;
- ☞ Igitabo cy'inyandiko z'abashyingiranywe**;**
- ☞ Igitabo cy'inyandiko z'ubwishingire;
- ☞ Igitabo cy'inyandiko z'iyemera ry'abana bavutse ku batarashyingiranywe;
- ☞ Igitabo cy'inyandiko zerekeye kwernera kubera umubyeyi umwana utabyaye:
- ☞ Igitabo cy'izindi nyandiko. Urugero: inyandiko yandikwamo irage.

Inyandiko z'irangamimerere zandikwa n'umwanditsi w'irangamimerere muri rumwe mu ndimi zemewe mu butegetsi uwandikisha yihitiyemo.

Kwandika mu gitabo cy'irangamimerere byishingirwa na Leta. Usaba iyo serivisi ayihabwa nta kiguzi atanze.Icyakora, gutanga kopi y'inyandiko yose cyangwa inyandiko ihinnye bitangirwa ikiguzi kigenwa n'itegeko.

Iyo umuntu adashoboye kubona inyandiko y'irangamimerere, ashobora kuyisimbuza ku buryo budasanzwe inyandiko ihamya itangwa n'umwanditsi w'irangamimerere w'aho yavukiye cyangwa abarurirwa (ingingo ya 93).

Mu gihe igitabo cy'irangamimerere cyazimiye, cyaba uko cyakabaye cyangwa haburaho igice, umwanditsi w'irangamimerereakora inyandikomvugo y'iryo zimira akayishyikiriza umuyobozi umukuriye mu kazi asobanura uburyo icyo gitabo cyabuze, akagenera kopi Urwego rw'ubugenzacyaha rwo mu ifasi akoreramo.

Umuyobozi umukuriye mu kazi asaba mu nyandiko umwanditsi w'irangamimerere bireba kwandika ibyazimiye bikubiye mu bitabo by'irangamimererebyabuze uko imyaka yakurikiranye. Umuyobozi ukuriye umwanditsi w'irangamimerere mu kazi asaba inzego zibishinzwe gukora ipererereza no gushyiraho uburyo bwose bukwiye bwo kubimenyesha bose.

Ibivuye mu ipererereza bishyirwa, mu gihecy'amezi atatu (3), ku biro by'umwanditsi w'irangamimerere aho umuntu wese ubifitemo inyungu ashobora kubimenyera (ingingo ya 90).

### 1.3.5. Amategeko yihariye agenga iyandikwa ry'abavuka n'iry'abapfuye

Mu iyandikwa ry'abavutse, ibi bikurikira bigomba kubahirizwa:

- ☞ Umwana wese agomba kwandikishwa mu minsi mirongo itatu (30) kuva avutse.
- ☞ Iyandikisha ry'ivuka rikorwa na se cyangwa na nyina w'umwana.
- ☞ Iyo bombi batabonetse, rikorwa n'uwo bahaye uburenganzira cyangwa undi ufite ububasha bwa kibyeyi ku mwana.
- ☞ Iyo umwana yavukiye mu rugo cyangwa ahandi hatari kwa muganga, umwandikisha yitwaza icyemezo cy'ubuyobozi bubifitiye ububasha bw'aho umwana yavukiye (ubuyobozi bw'inzego z'ibanze) kigaragaza amazina y'ababyeyi n'itariki umwana yavukiyeho kandi akitwaza abatangabuhamya babiri bafite nibura imyaka cumi n'umunani (Ingingo ya 100).
- ☞ Umuyobozi wa gereza agomba kwandikisha ku mwanditsi w'irangamimerere w'ahantu gereza ayobora ihereye abana bavukiye muri gereza ayobora abiherewe uburenganzira n'umubyeyi w'umwana.
- ☞ Mu bigo by'ubuzima bya Leta n'ibyigenga habaho igitabo cyihariye cyandikwamo abana babivukiyemo hakurikijwe uko amatariki akurikirana (ingingo ya 101).
- ☞ Iyo ababyeyi b'umwana batashyingiranywe, imvugo imenyesha izina rya se cyangwa nyina w'umwana mu biro by'umwanditsi w'irangamimerere ntivuga ko uvuzwe ko ari we se cyangwa nyina w'umwana amwemeye keretse iturutse kuri se cyangwa nyina ubwe.
- ☞ Umwana uvutse apfuye cyangwa wapfuye akimara kuvuka ntatangarizwa umwanditsi w'irangamimerere.
- ☞ Umwana wavutse ariko ivuka ntirimenyeshwe umwanditsi w'irangamimerere kubera uburangare cyangwa izindi mpamvu, hanyuma agapfa, ivuka rye rigomba kwandikwa mu gitabo cy'abavutse, kandi rikanandikwa mu gitabo cy'abapfuye.
- ☞ Uretse inyandiko y'ivuka yakorewe mu Rwanda, inyandiko y'irangamimerere yose yaba yarakorewe mu Rwanda cyangwa mu mahanga itabonetse ku mpamvu iyo ariyo yose, isimburwa n'urubanza ruciwe, bisabwe n'umuntu wese ubifitemo inyungu, mu rukiko rubifitiye ububasha rw'aho uyisaba atuye cyangwa aba. Umuburanyi muri uru rubanza agomba gushyikiriza urukiko ibimenyetso byose bishoboka byemeza ko iyo nyandiko yabayeho koko.

- ☞ Urukiko rushobora gutegeka ko habaho ipererereza igihe rubona ko ari ngombwa (ingingo ya 86).

Mu iyandikwa ry'abapfuye, ibi bikurikira bigomba kubahirizwa:

- ☞ Kumenyesha ko umuntu yapfuye bikorwa mu minsi mirongo itatu (30) ikurikira itariki umuntu yapfiriyeho herekanywe icyemezo cy'umuganga cyangwa icyemezo gitanzwe n'ubuyobozi bubifitiye ububasha.
- ☞ Bikorwa hari abatangabuhamya babiri (2) bafite nibura imyaka cumi n'umunani (18).
- ☞ Umenyesha urupfu rw'umuntu utazwi agaragariza umwanditsi w'irangamimerere ahantu n'itariki uwo muntu ashobora kuba yapfiriyeho n'ibindi yashoboye kumenya byerekeye izina, imyaka yari afite, umwuga yakoraga, aho yavukiye n'aho yari atuye ashingiye kuri raporo y'umugenzacyaha cyangwa ya muganga.
- ☞ Iyo aho yapfiriye hadashoboye kumenyekana, ahakekwa ko yapfiriye ni aho basanze umurambo we.
- ☞ Umuntu wese upfiriye mu kigo cy'ubuzima ahita yandikwa mu gitabo cyabugenewe.
- ☞ Umwanditsi w'irangamimerere w'aho ikigo cy'ubuzima kiri, abayobozi b'inzego za Leta zibifitemo inyungu cyangwa ab'inkiko bashobora guhamagaza icyo gitabo igihe bibaye ngombwa.
- ☞ Mu gihe umuntu apfiriye muri gereza, umuyobozi w'iyo gereza agomba, bitarenze amasaha mirongo irindwi n'abiri (72), kohererereza umwanditsi w'irangamimerere w'aho umuntu yapfiriye, icyemezo cy'urupfu gitangwa na muganga wemewe.

## 1.4. Ubushobozi bw'abantu

Itegeko rigenga abantu n'umuryango (kuva ku ngingo ya 113-157) rivuga no ku bushobozi bw'abantu. By'umwihariko risobanura ibirebana n'ubukure, ubwishingire ndetse n'umujyanama w'umuntu mukuru utagaguza ibye.

### 1.4.1. Ubukure

Muri rusange imyaka y'ubukure ni imyaka cumi n'umunani (18) y'amavuko keretse aho amategeko abiteganya ukundi. Kuri iyo myaka, umuntu agira ubushobozi bwo gukora ibintu byose bimuhuza n'abandi.

Cyakora iyo hari impamvu zifite ishingiro, umwana ugejeje ku myaka cumi n'itandatu (16) ashobora gusabirwa ubukure n'ababyeyi be cyangwa umwc muri bo ukiriho; ababyeyi bamugize umwana bataramubyaye; umwishingizi we byemewe n'Inama y'ubwishingire cyangwaImiryango iharanira uburcnganzira bw'umwana.
Itegeko riteganya ko :

- ☞ Usibye aho ashobora kugira icyo akora ubwe, umwana utarageza ku myaka y'ubukurc ahagararirwa n'umufiteho ububasha bwa kibyeyi mu birebana no gukoresha uburenganzira bwe.
- ☞ Umwana ufite imyaka cumi n'itandatu (16), ahawe uburenganzira na Pcrczida w'urukiko rubifitiye ububasha cyangwa umusimbura we, ashobora kwitangira ikirego kirebana n'imimerere, ikoreshwa ry'ububasha bwa kibyeyi ku mwana cyangwa ikindi gikorwa cyamugirira akamaro.
- ☞ Igikorwa cyose gikozwe n'umwana utarageza ku myaka y'ubukure kandi amategeko atabimwemerera nta gaciro kigira.

### 1.4.2. Ubwishingire

Ubwishingire ni uburyo bukoreshwa bwo gufasha umwana cyangwa umuntu mukuru ufite ubumuga bwo mu mutwe gukoresha uburenganzira bwemererwa buri wese muri rusange no kumufasha gucunga umutungo we igihe awufite. Inyandiko y'ubwishingire ikorwa n'umwanditsi w'irangamimerere kandi igashyirwa mu gitabo cy'ubwishingire (ingingo ya 119).

Ni ryari habaho ubwishingire bw'umwana?

- ☞ Iyo se na nyina bapfuye, bazimiyc, babuze cyangwa batazwi;
- ☞ Iyo abo yitaga sc na nyina bamwihakanye;
- ☞ Iyo ababyeyi bakiriho ariko barambuwe ububasha bwa kibyeyi;
- ☞ Iyo umubyeyi usigaye afite ubumuga bumubuza kurangiza inshingano za kibyeyi.

Ibyo umwishingizi w'umwana agomba kuba yujuje:

- ☞ Afite nibura imyaka makumyabiri n'umwe (21) y'amavuko;
- ☞ Afitiye umwana akamaro kandi afite ubunyangamugayo bugaragaza ko azarera neza umwana.

Hari utemerewe umwishingize w'umwana:

- ☞ Utarageza nibura ku myaka makumyabiri n'umwe (21) y'amavuko;
- ☞ Uwambuwe ubushobozi n'inkiko ;
- ☞ Uwahanishijwe kwamburwa uburenganzira umuntu afite mu gihugu, n'abandi.

Ni ubuhe bubasha n’inshingano z’umwishingizi w’umwana?

- ☞ Kumuhagararira mu bikorwa bimuhuza n'abandi uretse aho amategeko abiteganya ukundi;
- ☞ Gucunga umutungo we ku buryo bwa kibyeyi kandi akaryozwa ingaruka zitewe n'imicungire mibi yawo.
- ☞ Umwishingizi ashinzwe kwita ku mwana.
- ☞ Umwana ntashobora kugira ahandi aba (ni ukuvuga aho yacumbika cyangwa aho yajya gutura) umwishingizi atabimwemereye.
- ☞ Ategetswe kandi gutunga no kurera umwana akurikije umutungo w'umwana n'inyungu ziwukomokaho.
- ☞ Iyo umwana adafite umutungo, umwishingizi agomba kwita kuri uwo mwana, kumurera kumurihirira amashuri no kumuha ibindi byangombwa byose by'ibanze akurikije ubushobozi bwe.
- ☞ Iyo umwishingizi atangiye inshingano ze, abarura umutungo wimukanwa n'utimukanwa by'umwana yishingiye hari abagize Inama y'ubwishingire bateranye mu buryo buteganywa n'iri tegeko.

Ubwishingire bw'umwana burangira ryari?

- ☞ Umwana agize imyaka y'ubukure cyangwa yemerewe ubukure
- ☞ Umwana apfuye
- ☞ Umwe mu babyeyi be wari warabuze cyangwa yarazimiye abonetse;
- ☞ Umwe mu babyeyi yemcyc umwana:
- ☞ Umubyeyi wambuwe ububasha bwa kibyeyi abusubiranye;
- ☞ Umwana agizwe umwana n'utaramubyaye.

Mu gihe kitarenze amezi abiri (2), ubwishingire bw'umwana burangiye umwishingizi agomba kumuha umutungo we kandi akamuha inyandiko yuzuye igaragaza uko yawucunze imbere y'Inama y'ubwishingire (ingingo ya 143).

Ni nde wemerewe gusaba koumuntu mukuru yamburwa ubushobozi agahabwa umwishingizi?

- ☞ Umwe mu babyeyi, iyo abisabira umuntu mukuru ariko utarashyingiwe;
- ☞ Umwe mu bashyingiranywe iyo abisabira uwo bashyingiranywe;
- ☞ Umwana ugejeje ku myaka y'ubukure iyo abisabira umubyeyi;
- ☞ Undi muntu wese ubifitemo inyungu.

Ku birebana n’umuntu mukuru ufite ubumuga bwo mu mutwe n'aho bwaba bujya bumuha agahenge rimwe narimwe, yamburwa ubushobozi n'urukiko rubifitiye ububasha, rukamushyiriraho umwishingizi.
Ubwishingire bw'umuntu mukuru burangirana n'uko impamvu zabiteye nazo zivuyeho cyangwa apfuye (ingingo ya 153). Umwishingizi cyangwa undi muntu wese ubifitemo inyungu asaba ko kwamburwa ubushobozi bikurwaho n'urukiko rwabitegetse.

### 1.4.3. Umujyanama w'umuntu mukuru utagaguza ibye

Umujyanama w'umuntu mukuru ni ushinzwe kugira inama umuntu utagaguza umutungo we kugira ngo ashobore gukora ibikorwa byo mu rwego rw'amategeko byerekeranye n'umutungo we. Gutagaguza umutungo byumvikana nko gukoresha nabi umutungo ku buryo bugaragarira burl wese, kuwusesagura cyangwa kuwangiza mu bundi buryo ubwo ari bwo bwose.

Ni izihe nshingano z’umujyanama w’umuntu mukuru?

- ☞ Umujyanama w'umuntu mukuru agira uruhare mu bikorwa byose ashinzwe kugiraho inama uwo yunganira nko kuburana, kugira amasezerano y'ubwumvikane n'abandi, kugurizwa, kwakira umutungo, kuwikuraho no kuwutangaho ingwate.
- ☞ Icyakora, ntashinzwe gucunga umutungo w'umuntu afasha.

Umujyanama w’umuntu mukuru agenwa ate?

- ☞ Umujyanama w'umuntu mukuru agenwa n'urukiko rw'aho utagaguza ibye aba bisabwe n'umuntu wese ubifitemo inyungu nyuma yo kumva uwo bashyingiranywe, abatangabuhamya n'Inama y'umuryango.
- ☞ Umujyanama w’umuntu mukuru ashobora gutoranywa mu babyeyi b’usabirwa umujyanama, mu bana be cyangwa mu bagize Inama y’umuryango iyo abo bandi badahari.
- ☞ Iyo usabirwa umujyanama ari umwe mu bashyingiranywe, umujyanama we aba uwo bashyingiranywe.

## IGICE CYA KABIRI: UMURYANGO

Itegeko rigenga abantu n'umuryango mu ngingo yaryo ya 2, 20', risobanura ko Umuryango ari itsinda ry'abantu bafitanye isano hagati yabo ishingiye ko bamwe bakomoka ku bandi, ku mategeko cyangwa ku bashyingiranywe; rishobora kuba rigizwe n'ababyeyi, abana, ababakomokahondetse n'abo mu miryango y'abashyingiranywe nabo.

Muri iki gice cya kabiri, harasobanurwa ibirebana n'amasano hagati y'abantu muri rusange n'amasano hagari y'ababyeyi n'abana, inama y'umuryango, ibyerekeye ishyingirwa, kubera umubyeyi umwana utabyaye ndetse n'ibirebana n'ububasha bwa kibyeyi.

### 2.1. Amasano

Isano ishingiye ku buvandimwe ituruka ku guhuza amaraso. Isano ishingiye ku buvandimwe ishobora kuba itaziguye cyangwa iziguye: Itegeko riteganya ko:

- ☞ Isano iba itaziguye iyo ihuza ababyeyi n'ababakomokaho;
- ☞ Isano iba iziguye iyo ihuza abantu bahuje umukurambere ariko bamwc bakaba batarabyaye abandi;
- ☞ Isano ishingiye ku buvandimwe itaziguye ntigira aho igarukira keretse iyo amategeko abiteganya ukundi;
- ☞ Iyo birenze urwego rwa karindwi, isano ishingiye ku buvandirnwc iziguye ntabwo iba ikivugwa.
- ☞ Kugira ngo abantu bamenye urwego rw'isano iziguye ishingiye ku buvandimwe bafitanye, bahera ku wo bashakira isano, bakabara ibisekuru kugeza ku mukurambere bahuriyeho, bakongeraho ibisekuru biciye hagati y'uwo mukurambere n'uwo bashaka kurnenyera isano.

### 2.2. Inama y'umuryango

Inama y'umuryango ni urwego rwo mu muryango rushinzwe cyane cyane kurengera inyungu z'abagize uwo muryango no gukemura ibibazo biwuvutsemo.

Mu nshingano z'inama y'umuryango harimo:

- ☞ Kurengera inyungu z'umuryango:
- ☞ Kumva no gukemura ibibazo byerekeranye n izungura n'ibindi byose bivutse mu muryango:
- ☞ Kugena ushinzwe gucunga umutungo w'uwazimiye cyangwa wabuze igihe nyir'ubwite cyangwa urukiko batamugennye:

- ☞ Kunga ababyeyi b'umwana igihe bananiwe kumvikana ku ikoreshwa ry'ububasha bwa kibyeyi, n'izindi.

Mbere yo gushyikiriza ibibazo birebana n'izungura n'ibindi bibazo birebana n'umuryango abanzi cyangwa inkiko zibifitiye ububasha, abagize umuryango bagomba kubanza kwiyambaza inama y'umuryango byakanga bakabona kwiyambaza izindi nzego z'ubutabera. Ntibagomba gusimbuka inama y'umuryango.

Abagize inama y'umuryango:

- ☞ Se na nyina b'uwo bireba:
- ☞ Basaza na bashiki be bafite imyaka y'ubukure:
- ☞ Nibura babiri (2) mu bo bafitanye isano b'uwo bireba baturutse ku ruhande rwa se cyangwa nyina hakurikijwe abo bafitanye isano ya bugufi:
- ☞ Abantu babiri (2) bazwiho ubushishozi batoranywa n'uwo bireba.

Mu gihe abantu bavugwa haruguru badashobora kuboneka, hatoranywa abantu babiri mu nshuti z'umuryango bazwiho kuvugisha ukuri.

Inama y'umuryango iterana igihe cyose bibaye ngombwa kandi ibyemezo byayo bifatwa ku bwumvikane bigakorerwa inyandikomvugo igasinywa n'abahari mu bagize Inama y'umuryango. Iyo ubwumvikane budashobotse, ibyemezo bifatwa ku bwiganze bw'abitabiriye inama.Umuntu wese utanyuzwe n'ibyemezo by'Inama y'umuryango atanga ikirego mu rwego rubifitiye ububasha.

## 2.3. Ishyingirwa

Mu Rwanda, Ugushyingiranwa k'umugabo umwe n'umugore umwe gukorewe mu butegetsi bwa Leta ku bushake bwabo niko konyine kwemewe n'itegeko.

Uko gushyingirwa gukorerwa ku mugaragaro imbere y'umwanditsi w'irangamimerere w'aho umwe mu bashyingirwa atuye cyangwa aba.

Abanyarwanda baba mu mahanga bandikishiriza kandi bagashyingirirwa mu biro by'uhagarariye u Rwanda muri icyo gihugu.

Imyaka yo gushyingirwa ni makumyabiri n'umwe (21) nibura.

### 2.3.1. Abatemerewe gushyingiranwa:

Aba bakurikira ntibemerewe gushyingiranwa:

- ☞ Abafitanye isano y'ubuvandimwe itaziguye ntibashobora gushyingiranwa.
- ☞ Naho abafitanye isano y'ubuvandimwe iziguye ntibashobora gushyingiranwa kugeza ku gisanira cya karindwi.
- ☞ Birabujijwe ko umuntu ashyingiranwa na sebukwe cyangwa nyirabukwe.
- ☞ Ishyingirwa ntiryemewe mu bijyanye n'abemeye kubera ababyeyi abana batabyaye.
- ☞ Ntawe ushobora kongera gushyingirwa ugushyingirwa kwa mbere kukiriho.

Mbere yo gushyingira, umwanditsi w'irangamimerere agomba kureba niba abashyingiranwa barahisemo amasezerano y'icungamutungo. Abagiye gushyiranwa bagomba kandi kumushyikiriza ibyangombwa bikurikira akabisuzuma:

- ☞ Icyemezo cy'amavuko cya buri wese mu bazashyingiranwa;
- ☞ Icyemezo cy'uko buri wese mu bazashyingiranwa ari ingaragu cyangwa ingingo z'ingenzi z'inyandiko yerekeye urupfu rw'uwo baheruka gushyingiranwa, cyangwa ingingo z'ingenzi z'urubanza rw'ubutane n'uwo baherutse gushyingiranwa cyangwa rusesa amasezerano y'ubushyingiranwe nawe;
- ☞ Icyemezo gitanga uburenganzira bwo gushyingiranwa itangazwa ritabaye kubera impamvu zifite ishingiro.

### 2.3.2. Imihango y’umuco ishobora ibanziriza ishyngirwa

Ishyingirwa rikorewe imbere y’ubutegetsi rishobora kubanzirizwa n’imihango gakondo ndangagaciro y’umuryango nyarwanda irimo iyi ikurikira:

- ☞ Umuhango wo gusaba no gufata irembo uhuza imiryango y’abifuza gushyingiranwa ikemeranwa ko nta nzitizi yo gushyingiranya abana bayo;
- ☞ Umuhango wo gusaba umugeni no gukwa ugaragaza amasezerano y’ubwumvikane hagati

### 2.3.3. Imigenzo igomba kubahirizwa mbere yo gushyingira:

Mbere y’ishyingira, imihango ikurikira igomba kubahirizwa:

- ☞ Umwanditsi w'irangamimerere ashyira itangazo ku biro by'irangamimerere by'aho abazashyingiranwa baba, iby'aho batuye n'iby'aho bazashyingirirwa nibura mu minsi makumyabiri (20) mbere y'ishyingira.

- ☞ Iyo ishyingira ritabaye mu mezi ane (4) nyuma y'irangira ry'igihe cyateganywaga n'itangazo, ntiriba rikibaye batongeye kuritangaza mu buryo buvugwa mu gika cvaAnbere cy'iyi ngingo.
- ☞ Mbere y'ishyingira, iyo umwanditsi w'irangamimerere abonye ikimwemeza ko hari inkomyi iteganywa n'itegeko, agomba kwanga gushyingira.
- ☞ Icyo gihe abikorera inyandiko kandi agaherako abimenyesha abagomba gushyingirwa.
- ☞ Umwanditsi w'irangamimerere ntashobora kongera kwanga gushyingira, iyo urukiko rwemeje ko impamvu yatanze abyanga idafite ishingiro.

Ishyingirwa rihamywa n'inyandiko y'ishyingirwa keretse igihe itegeko riteganya ubundi bwoko bw'ikimenyetso. Iyo inyandiko y'ishyingirwa idashoboye kuboneka ku mpamvu iyo ariyo yose, ishobora gusimburwa n'urubanza ruciwe, bisabwe n'umuntu were ubifitemo inyungu, mu rukiko rubifitiye ububasha rw'aho atuye.

### 2.3.4. Ibikurikizwa mu ishyingirwa rikozwe hagati y'abanyarwanda n'abanyamahanga

Ishyingirwa ry'abanyamahanga ribereye mu Rwanda rigengwa n'ibi bikurikira:

- ☞ Ku byerekeye imihango y'ishyingirwa, hakurikizwa itegeko ry'u Rwanda;
- ☞ Ku byerekeye ibisabwa by'ishingiro, hakurikizwa itegeko ry'igihugu cya buri wese mu bashyingiranwaiyo bitabangamiye umudendezo 'rusange n'imyifatire mbonezabupfura y'Abanyarwanda;
- ☞ Ku bireba uburenganzira bwa buri muntu bukomoka ku ishyingirwa n'ubw'abana, iyo nta masezeranobagiranye ubwabo, hakurikizwa itegeko ry'aho baba;
- ☞ Ku byerekeye inkurikizi ku mutungo wabo, iyo abashyingiranywe nta masezerano y'icungamutungobagiranye, hakurikizwa itegeko ry'aho uwo mutungo uri.

Ishyingirwa hagati y'umunyamahanga n'umunyarwanda ribereye mu Rwanda rigengwa n'ibi bikurikira:

- ☞ Ibyerekeranye n'imihango y'ishyingirwa bigengwa n'itegeko ry'u Rwanda
- ☞ Ibyerekeye ibisabwa by'ishingiro bigengwa n' itegeko ry'u Rwanda ku bireba umunyarwanda n'iry'igihugu uwo munyamahanga abereye umwenegihugu iyo bitabangamiye umudendezo rusange n'imyifatire mbonezabupfura y'abanyarwanda.

Ni irihe tegeko rigenga ishyingirwa ry'umunyamahanga n'umunyarwanda ribereye mu mahanga?

- ☞ Ibyerekeranye n'imihango y'ishyingirwa bigengwa n' itegeko ry'igihugu isezerano ryo gushyingirwa ryabereyemo
- ☞ Ibyerekeye ibisabwa by'ishingiro ku Munyarwanda, hakurikizwa itegeko ry'u Rwanda.

Ni irihe tegeko rikurikizwa igihe abashyingiraniwe mu mahanga bombi ari abanyarwanda?

- ☞ Iyo ishyingirwa hagati y'abanyarwanda ribereye mu mahanga, rigakorerwa muri ambasade cyangwa konsula y'u Rwanda rigengwa n'itegeko ry'u Rwanda ku byerekeranye n'imihango y'ishyingirwa n'ibisabwa by'ishingiro.
- ☞ Iyo ishyingirwa ribereye mu gihugu kitarimo uhagarariye u Rwanda mu mahanga, hakurikizwa itegeko ry'igihugu isezerano ryabereyemo ku byerekeranye n'imihango y'ishyingirwa, n'itegeko ry'u Rwanda ku byerekeranye n'ibisabwa by'ishingiro.

### 2.3.5. Ni ryari hashobora kubaho gutambamira ishyingira?

Gutambamira ishyingira bikorwa mu magambo cyangwa mu nyandiko mu gihe cyose ishyingira ritaraba imbere y'umwanditsi w'irangamimerere. Iryo tambamira rishobora gushingira nibura kuri imwe mu mpamvu zikurikira:

- ☞ Ukubura kwa kimwe mu bisabwa byerekeye imigendekere y'ishyingirwa cyangwa ishingiro ryayo;
- ☞ Kuba hari umwe mu miziro y'ishyingirwa.

### 2.3.6. Inshingano z'abashyingiranywe

Uhereye igihe ishyingirwa ryabereye imbere y'umwanditsi w'irangamimerere, abashyingiranwe bafite inshingano n'uburenganzira bungana. Zimwe mu nshingano zabo ni izi zikurikira:

- ☞ Kwita ku bana bazabyarana, kubaha ibibatunga no kubarera bishingiye ku ndagagaciro z'umuco nyarwanda. Iyo umwe mu bashyingiranywe ateshutse kuri iyo nshingano, uwo bashyingiranywe cyangwa undi muntu ubifitemo inyungu ashobora kubimurega.

- ☞ Buri wese mu bashyingiranywe afite inshingano yo guha uwo bashyingiranywe ibimutunga iyo bikenewe. Ibitunga umuntu bitangwa mu

rugero nyir'ukubihabwa abikeneyemo kandi bigereranyije n'ubushobozi bwa nyir'ukubitanga kandi bishobora gutangwa mu mafaranga cyangwa mu bintu.

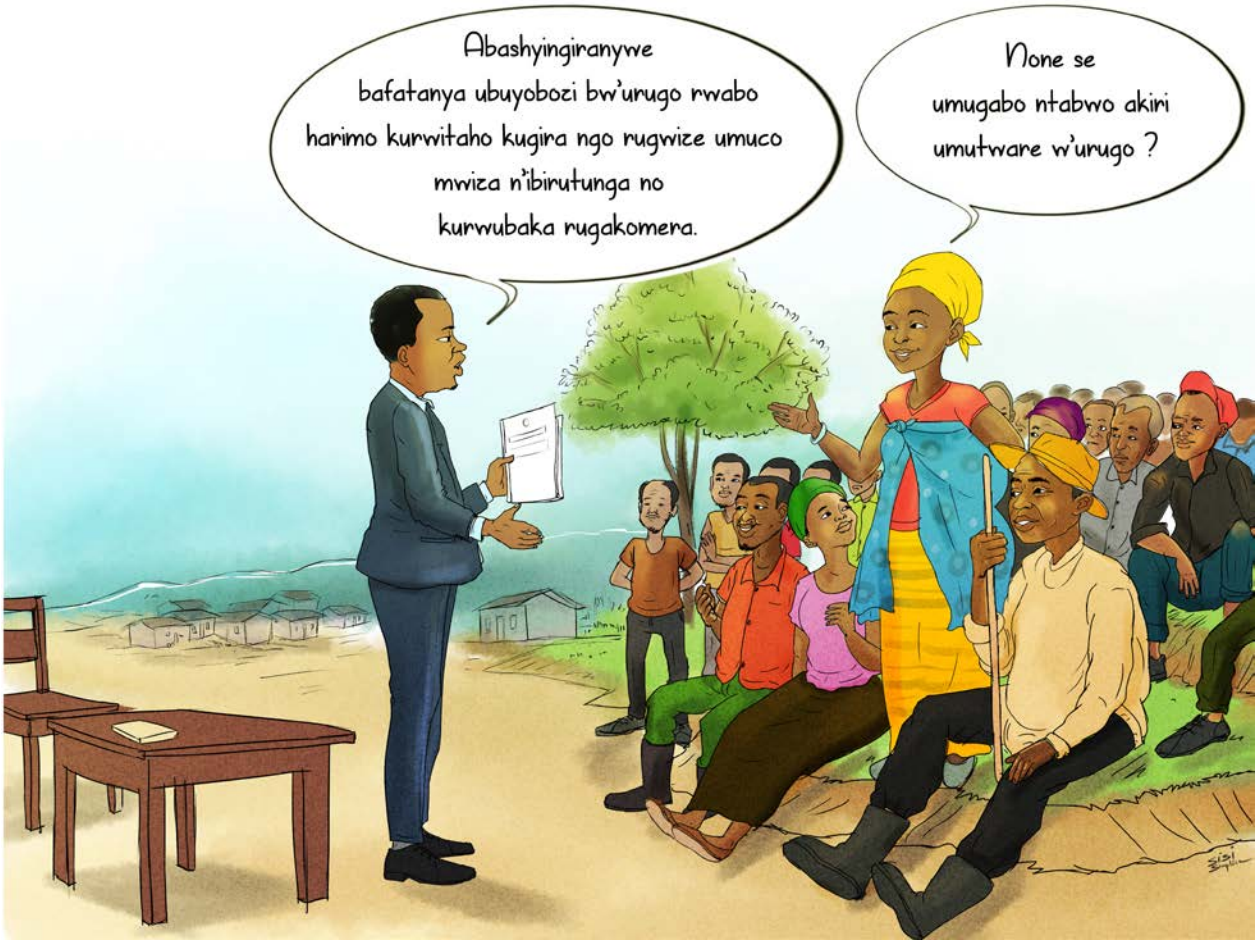
- ☞ Abashyingiranywe bagomba kudahemukirana, gutabarana no gufashanya.
- ☞ Ugushyingirwa biha abashyingiranywe uburyo bwo gushinga umuryango ndemyabuzima, kukanabaha itegeko ryo kubana.

- ☞ Abashyingiranywe bafatanya ubuyobozi bw'urugo rwabo harimo kurwitaho kugira ngo rugwize umuco mwiza n'ibirutunga no kurwubaka rugakomera.

- ☞ Umwe mu bashyingiranywe yiharira iyo nshingano iyo undi adashobora kuyikora. Iyo batabyumvikanyeho byemezwa n'inzego zibifitiye ububasha.

- ☞ Buri wese mu bashyingiranywe agomba kugira uruhare mu bitunga urugo rwabo bikurikije uburyo n'amikoro ye.

Iyo umwe mu bashyingiranywe atubahirije inshingano ze, uwo bashyingiranywe ashobora kuregera urukiko rubifitiye ububasha kugira ngo hafatwe ibyemezo by'agateganyo birengera urugo cyane cyane ibyita ku bana (ingingo ya 211).




## 2.3.7. Ni ryari habaho iseswa ry'ishyingirwa?

Ishyingirwa riseswa gusa kubera impamvu zikurikira:

- ☞ Urupfu rw'umwe mu bashyingiranywe;
- ☞ Gutana burundu kw'abashyingiranywe.

## 2.3.7. 1. Urupfu rw'umwe mu banyingiranwe:

- ☞ Iyo umwe mu bashyingiranywe apfuye, ishyingirwa riraseswa;
- ☞ Umwe mu bashyingiranywe upfakaye afite uburenganzira bwo kongera gushyingirwa;
- ☞ Icyakora, umugore ashobora kongera gushyingiranwa n'undi mugabo hashize iminsi magana atatu (300) yuzuye umugabo wa mbere apfuye. Ibyo bituma haba icyizere ko uwo mugore nta mwana atwite cyangwa inda yasigiwe n'umugabo we wa mbere, akaba agiye kuyishyingiranwa ku mugabo wa kabiri. Icyo gihe gihagarikwa no kubyara cyangwa n'icyemezo cy'uko umugore atwite cyangwa adatwite gitanzwe n'umuganga wemewe na Leta;

☞ Abana bakomeza kurerwa n'umubyeyi wabo wasigaye kabone n'iyo yakongera gushyingirwa. Iyo nawe apfuye barerwa mu buryo buteganywa n'amategeko.

### 2.3.7.2. Gutana burundu kw'abashyingiranywe

Gutana burundu kw'abashyingiranywe bishobora gushingira ku mpamvu ziteganywa n'itegeko cg bugashingira ku bwumvikane bw'abashyingiranywe

#### A. Ubutane bushingiye ku mpamvu ziteganywa n'itegeko

Umwe mu bashyingiranywe ashobora gusaba ubutane bwa burundu ashingiye ku mpamvu zikurikira ziteganywa n'itegeko (ingingo ya 218):
**1°** Ubusambanyi;
**2°** Guta urugo nibura igihe cy'amezi cumi n'abiri (12) akurikirana;
**3°** Igihano cy'icyaha gisebeje;
**4°** kwanga gutanga ibitunga urugo;
**5°** guhoza undi ku nkeke:
**6°** ihohoterwa rishingiye ku gitsina;
**7°** kumara nibura imyaka ibiri (2) batabana ku bushake bwabo;
**8°** kutabana mu gihe kirenze amezi cumi n'abiri (12) akurikirana uhereye igihe habereye ishyingirwa nta mpamvu zifite ishingiro zihari.

Ikirego gisaba ubutane kiregerwa kandi kikaburanishwa nk'izindi manza (ingingo ya 220)

Mu rubanza rw'ubutane, iyo bibaye ngombwa ko hakorwa iperereza, umuntu wese ashobora kubazwa mu rubanza. Ubuhamya bw'abana, ababyeyi b'abashyingiranwe n'ubw'abakozi bo mu rugo rwabo nabwo bwitabwaho (ingingo ya 222).

## B. Ubutane bwumvikanyweho n'abashyingiranywe (ingingo 229-235):

☞ Gutana burundu guturutse ku bwumvikane gusabwa n'abashyingiranywe bombi bamaze kumvikana ku gusesa ishyingirwa no ku nkurikizi zaryo kandi bagashyikiriza umucamanza amasezerano akemura ingaruka z'ubutane ku bashyingiranywe n'umutungo wabo kimwe n'abana babo.

☞ Ubutane bwasabwe n'umwe mu bashyingiranywe bushobora guhinduka ubutane bwumvikanyweho mu gihe uregwa yemera ko ikirego gifite ishingiro akemera ubutane.

☞ Abashyingiranywe biyemeje gusaba gutana ku bwumvikane bagomba mbere na mbere, kubarura umutungo wabo mu nyandiko, uwimukanwa n'utimukanwa, kugaragaza agaciro kawo, kugena ibyo buri muntu yakwegukana hakurikijwe amasezerano y'icungamutungo bahisemo.

☞ Gutana biturutse ku bwumvikane byemerwa gusa nibura nyuma y'imyaka ibiri (2) abashyingiranywe babana.

## C. Ingaruka zo gutana burundu kw'abashyingiranywe

**Ku bashyingiranywe n'umutungo wabo**:

- ☞ Ingaruka ubutane bugira ku bashyingiranywe ni ugusesa ishyingirwa ndetse n'amasezerano agenga imicungire w'abashyingiranywe. Igabana ry'umutungo rikorwa hakurikijwe amategeko abigenga.

**Ingaruka ku bana:**

- ☞ Urubanza rwemeza ubutane runagena aho abana b'abari barashyingiranywe berekeza. Muri rusange, abana bahabwa umubyeyi watsindiye ubutane,undi mubyeyi agasigarana uburenganzira bwo gusura abana, kubavugisha cyangwa gusurwa na bo. Mu ica ry'urubanza, umucamanza agena uburyo bukwiye kugira ngo ubwo burenganzira bwubahirizwe
- ☞ Mu gihe biri mu nyungu z'uwmana, urukiko rubyibwirije cyangwa rubisabwe n'umwe mu basaba ubutane cyangwa n'undi muntu wese ubifitemo inyungu, rushobora gutegeka ko umwana ahabwa umubyeyi utatsinze urubanza cyangwa se undi muntu wese, rushingiye ku byagirira abana akamaro;
- ☞ Abana batarageza ku myaka itandatu (6) y'amavuko, bagomba kubana na nyina keretse iyo bishobora kubangamira inyungu z'abana:
- ☞ Urukiko rushobora kandi gutegeka ko abana bamwe barerwa n'umubyeyi umwe, abandi nabo bakarerwa n'undi mubyeyi mu gihe biri mu nyungu z'abana:
- ☞ Ibyemezo urukiko rufata rushingiye kuri iyi ngingo bihora ari agateganyo, rushobora buri gihe kubikuraho bisabwe n'ubifitemo inyungu mu buryo bw'ikirego gitanzwe n'umuburanyi umwe.

## 2.3.8. Gutana by'agateganyo:

Gutana by'agateganyo biri mu byiciro bikurikira:
1° gutana by'agateganyo bishingiye ku mpamvu iteganyijwe n'amategeko;
2° gutana by'agateganyo biturutse ku bwumvikane.

Gutana by'agateganyo bisabwa n'abashyingiranywe mu buryo bumwe no ku mpamvu zimwe nk'igihe cyo gutana burundu.Gutana by'agateganyo biregerwa, biburanishwa kandi bigakemurwa hakurikijwe ingingo z'iri tegeko zerekeye ubutane. Gutaba by'agateganyo bigira ingaruka zikurikira:

- ☞ Gutana by'agateganyo byemerera abashyingiranywe gutana ariko ntabwo bisesa amasezerano y'ishyingirwa cyangwa amasezerano agenga imicungire y'umutungo wabo.
- ☞ Nyuma y'isomwa ry'urubanza rwemeza gutanaby'agateganyo, vinshingano yo gufashanya no kudahemukirana bigumaho.
- ☞ Abana b'ababyeyi batanye by'agateganyo barengerwa mu buryo bumwe no mu gihe cy'ubutane bwa burundu

- ☞ Gucunga umutungo w'abasaba gutana by'agateganyo bikorwa hakurikijwe amategeko agenga imicungire y'umutungo w'abashyingiranywe iyo bari mu gihe cy'urubanza rw'ubutane bitewe n'ubwoko bw'ubutane.

## 2.4. Isano gahati y'ababyeyi n'abana

Itegeko rigenga abantu n'umuryango risobanura umwana nk'umuntu wese ukomoka ku mubyeyi hatitawe ku myaka y'uwo mwana.

- ☞ Abana bose bakomoka ku mubyeyi cyangwa ku babyeyi bazwi bagira uburenganzira n'inshingano zimwe ku babyeyi babo, hatitawe ku buryo ubwo aribwo bwose bavutsemo.
- ☞ Umwana agomba guha agaciro ababyeyi be, kububaha no kubaha ibibatunga igihe babikeneye.

### 2.4.1. Abana bavutse ku babyeyi bashyingiranwe:

- ☞ Umwana wese uvutse ku bashyingiranywe mu gihe babana nta wundi wakwitwa se uretse umugabo wa nyina (ingingo ya 256);
- ☞ Nyina w'umwana ni uwamubyaye kandi wanditse mu nyandiko y'ivuka;
- ☞ Hemerwa ko umwana uvutse nyuma y'iminsi ijana na mirongo inani (180) y'ishyingirwa cyangwa mu gihe cy'iminsi magana atatu (300) ishyingirwa risheshwe aba yarasamwe mu gihe abashyingiranywe babanaga.

Umugabo ashobora kwihakana umwana kubera imwe mu mpamvu zikurikira:

- ☞ Agaragaje ko mu gihe kiri hagati y'iminsi magana atatu (300) n'iminsi ijana na mirongo inani (180) ibanziriza ivuka ry'umwana atabonanye na nyina w'uwo mwana kuko yari ahantu kure cyangwa se ko atabishoboye kubera ibyago byamugwiririye bikabimubuza;
- ☞ Umwana yavutse hashize iminsi magana atatu (300) nyuma y'urubanza rwemeza kuba ahantu hatandukanye mu gihe cy'unibanza rw'ubutane cyangwa rwemeza gutana by'agateganyo;
- ☞ Umwana yavutse mbere y'iminsi ijana na mirongo inani (180) uhereye igihe habereyeho urubanza rudasubirwaho rwanga ubutane cyangwa uhereye igihe abashyingiranywe babaga ahantu hatandukanye bongeye kubana;
- ☞ Agaragaje ko umugore yakoze ubusambanyi (abitangiye ibimenyetso bikemezwa n'urukiko);
- ☞ Atigeze yemera kororoka hifashishijwe ikoranabuhanga cyangwa iyo agaragaje ko atariho umwana yaturutse.

Umugabo ntashobora kwihakana umwana uvutse mbere y'umunsi w'ijana na mirongo inani (180) nyuma y'ishyingirwa ry'ababyeyi iyo:

- ☞ Mbere y'ishyingirwa yamenye ko uwo bagiye gushyingiranwa atwite;
- ☞ Yandikishije umwana mu gitabo cy'abavutse;
- ☞ Mbere na nyuma yo kuvuka, yiyemereye kuba se w'umwana, byaba mu mvugo cyangwa mu nyandiko;
- ☞ Bigaragayeko abashyingiranywe bongeye kubana mu gihe kiri hagati y'iminsi magana atatu (300) n'iminsi ijana na mirongo inani (180) ibanziriza ivuka ry'umwana.

Umugorena we ashobora kwihakana umwana iyo agaragaje ko atari we wamubyaye. Akoresha uburyo bwose bwemewe n'amategeko.

### 2.4.2. Abana bavutse ku babyeyi batashyingiranwe

Nyina w'umwana wavutse ku babyeyi batashyingiranywe ni uwamubyaye kandi bikandikwa mu nyandiko y'ivuka naho se ni uwamwemeye ku giti cye cyangwa wabyemejwe n'urukiko;
(ingingo ya 262).

Itegeko rivuga iki ku birebana no kwemera umwana?

- ☞ Kwemera umwana ni igikorwa cy'ubushake, cy'umuntu ku giti cye kandi nta gihe ntarengwa kigira;
- ☞ Kwemera umwana bikorerwa imbere y'umwanditsi w'irangamimerere, akabikorera inyandiko
- ☞ Kwemera umwana bishobora gukorerwa umwana ukiriho; umwana batwite ariko akavuka ari muzima; umwana wapfuye iyo yasize abamukomokaho.
- ☞ Kwemera umwana bikozwe n'umwe mu bashyingiranywe ntibisaba ko uwo bashyingiranywe abyemera. Kwemera kugira inkurikizi ku wamwemeye gusa.Icyakora, uwo bashakanye agomba kumenyeshwa uko kwemera umwana bikozwe n'umwanditsi w'irangamimerere.
- ☞ Ntawushobora kwemera umwana warangije kwemerwa n'undi igihe cyose ukwemerwakwa mbere kutarateshwa agaciro n'icyemezo cy'urukiko cyafashwe burundu.
- ☞ Umubyeyi wataye umwana abishaka abonetse ashobora kumwemera. Icyakora, uko kumwemera ntibimusubiza ububasha bwakibyeyi iyo umwana yari yaragizwe umwana n'utaramubyaye.

- ☞ Umwana wemewe n'uwamubyaye afite uburenganzira n'inshingano bimwe n'iby'abana bakomoka ku bashyingiranywewariko ku ruhande rw'uwamwemeye gusa;
- ☞ Umwana wavutse ku babyeyi batashyingiranywe yemerwa nk'uwavutse ku bashyingiranywe iyo se na nyina bamwemeye mu gihe cy'ugushyingiranwa kwabo;
- ☞ Abana bemewe nk'aho bavuka ku babyeyi bashyingiranywe bagira uburenganzira n'inshingano bimwe nk'iby'abana bavutse ku bashyingiranywe.

### 2.4.3. Ibirego byerekeye isano y'umubyeyi n'abamukomokaho

#### 2.4.3.1. Kwihakana umwana

Ikirego cyo kwihakana umwana gitangwa n'umugabo cyangwa umugore gusa mu gihe akiriho. Nta wundi ushobora kugitanga mu izina rye. Ikirego cyo kwihakana umwana ni we kiregwa (ingingo ya 274).

- ☞ Ikirego cyo kwihakana umwana gitangwa mu gihe cy'amezi atandatu (6) abarwa uhereye igihe umugabo cyangwa umugore yamenyeye ko umwana atari uwe.
- ☞ Umwana ahagararirwa na nyina cyangwa se, iyo badahari ahagararirwa n'umwishingizi, uwamugize umwana ataramubyaye cyangwa imiryango iharanira uburenganzira bw'umwana iyo ataragira imyaka y'ubukure;
- ☞ Urukiko rubifitiye ububasha ni urw'aho umwana atuye;
- ☞ Iyo urukiko rwemeje ko umugabo cyangwa umugore atari we se cyangwa nyina w'umwana, umwana atakaza uburenganzira n'inshingano yari afite ku wo yitaga umubyeyi we;
- ☞ Iyo abo yitaga se na nyina bamwihakanye bombi, umwana yishingirwa na Leta.

#### 2.4.3.2. Ikirego cy'umwana kigamije gushaka se cyangwa nyina

Ikirego cy'umwana ushaka se cyangwa nyina ni ikirego gitangwa n'umwana wavutse ku babyeyi batashyingiranywe cyangwa batazwi ushaka kwemerwa nk'umwana wabo binyujijwe mu rukiko (ingingo ya 279).

- ☞ Ikirego cy'umwana kigamije gushaka se cyangwa nyina gitangwa n'umwana ubwe igihe afite imyaka y'ubukure;

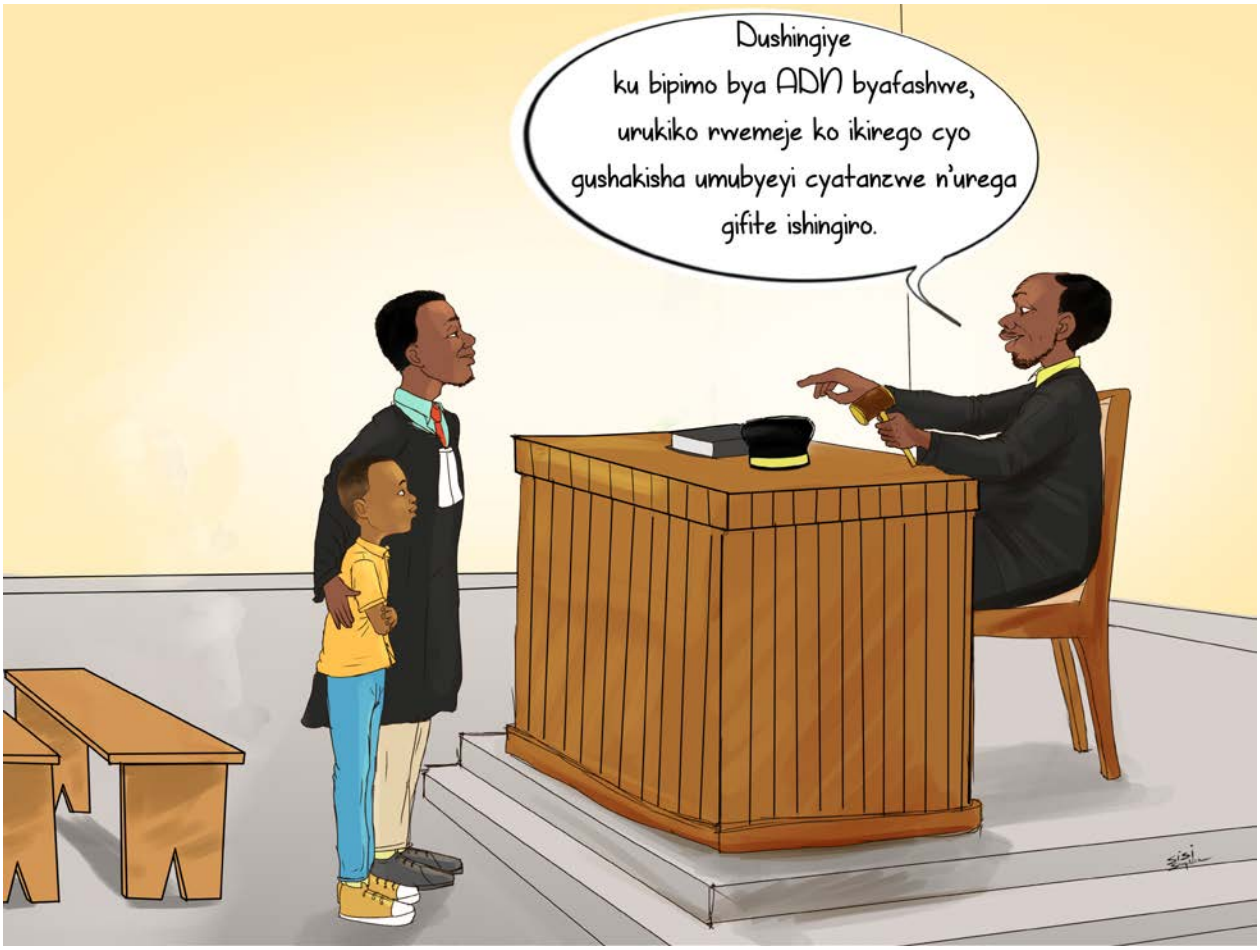
- ☞ lyo umwana ataragira imyaka y'ubukure, umwe mu babyeyi be, imiryango iharanira uburenganzira bw'umwana cyangwa undi wese wemewe n'amategeko wamuhagararira ashobora gutanga ikirego mu izina ry'umwana;
- ☞ Ikirego kigamije gushaka se cyangwa nyina ntigishobora kuregerwa nyuma y'imyaka itanu (5) uhereye igihe umwana wagejeje ku myaka y'ubukure yamenyeye uwo yita se cyangwa nyina.
- ☞ Iyo se cyangwa nyina w'umwana bapfuye kandi asanzwe anafatwank'umwana w'umubyeyi asabira kwemeza ko ari se cyangwa nyina, icyo gihe uwo mwana ahabwa igihe cy'imyaka itanu (5) gitangira kubarwa igihe uwo yita se cyangwa nyina apfuye.

Ikirego cy'umwana ushaka se cyemerwa cyane cyane iyo hari imwe mu mpamvu zikurikira:

- ☞ Umwana yavutse hagati y'iminsi ijana na mirongo inani (180) n'iminsi magana atatu (300) nyuma y'uko nyina w'umwana yateruwe,yagumishijwe ahantu afungiwebaramufashe cyangwa yarasambanyijwe ku ngufu;
- ☞ Nyina w'umwana yasambanyijwe hakoreshejwe uburiganya, igitugu, cyangwa yasezeranyijwe kuzashyingiranwa;
- ☞ hari inyandiko cyangwa imvugo idashidikanywaho ko uwo yita se amwemera nk'umwana we;
- ☞ Nyina w'umwana yabanye n'umugabo batashyingiranywe ;
- ☞ Umugabo asanzwe amufata nk'uwe ku buryo buzwi na bose;
- ☞ Byemejwe n'ibipimo bya ADN cyangwa ibindi bimenyetso bibonetse bikoreshejwe ikoranabuhanga.

Ikirego kigamije kwerekana nyina w'umwana cyemerwa cyane cyane iyo:

- ☞ Umugore asanzwe afata umwana nk'uwe ku buryo buzwi na bose;
- ☞ Iyo ivuka rye rifite aho rihurira no kubyara k'uregwa, hifashishijwe ibimenyetso;
- ☞ Byemejwe n'ibipimo bya ADN cyangwa ibindi bimenyetso bibonetse bikoreshejwe Ikoranabuhanga




### 2.4.3.3. Ikirego cyo kwihakana se cyangwa nyina

Umwana nawe ashobora kwihakana se cyangwa nyina iyo afite ibimenyetso byemeza ko uwitwa secyangwa nyina atari we w'ukuri. Icyo kirego gitangwa mu buryo bumwe n'ubw'ikirego cy'umwana kigamije gushaka se cyangwa nyina (ingingo ya 286).

## 2.5. Kubera umubyeyi umwana utabyaye

Kubera umubyeye umwana utabyaye ni uburyo butuma habaho isano hagati y'umwana n'umubyeyi utaramubyaye.

Kubera umubyeyi umwana utabyaye bishobora gukorwa mu buryo bubiri (2) bukurikira:

1° Uburyo bworoheje;

2° Uburyo busesuye

### 2.5.1. Kubera umubyeyi umwana utabyaye ku buryo bworoheje

Kubera umubyeyi umwana utabyaye ku buryo bworoheje ni uburyo bwo kubera umubyeyi umwana utabyaye ariko isanomuzi hamwe n'umuryango we w'ibanze igakomeza (ingingo ya 288).

Ni ibihe bisabwa kugira ngo habeho kubera umubyeyi umwana utabyaye ku buryo bworoheje?

- ☞ Iyo ugirwa umwana agifite se na nyina, bagomba kwemera bombi ko umwana wabo agirwa umwana n'undi muntu kabone n'iyo baba baratanye burundu.
- ☞ Iyo umwe mu babyeyi yapfuye cyangwa se adafite ubushobozi bwo kugaragaza icyo atekereza, yarazimiye cyangwa yarabuze, biba bihagije iyo byemewe n'undi.
- ☞ Iyo umwana atagifite se na nyina, cyangwa badafite ubushobozi bwo kugaragaza icyo batekereza, bazimiye cyangwa babuze, kugirwa umwana n'utaramubyaye byemerwa n'Inama y'umuryango cyangwa n'umuntu ushinzwe kumurera.

### 2.5.2. Kubera umubyeyi umwana utabyaye ku buryo busesuye

Kubera umubyeyi umwana utabyaye ku buryo busesuye ni uburyo butuma umwana ata burundu isano muzi yari afitanye n'umuryango we w'ibanze. Icyakora, guta isanomuzi ntibikuraho uburenganzira yari afite ku gihugu cye.

Kubera umubyeyi umwana utabyaye ku buryo busesuye byemerwa gusa iyo biri mu nyungu z'umwana mu bihe bikurikira:

- ☞ Ababyeyi b'umwana batazwi cyangwa baramutaye byemejwe n'urukiko;
- ☞ Umwana ari imfubyi kandi adafite abavandimwe ;
- ☞ Umwana arerwa na Leta.

### 2.5.3. Ni ibihe ushaka kubera umubyeyi umwana atabyaye agomba kuba yujuje?

Ushaka kubera umubyeyiumwana atabyaye agomba kuba yujuje ibi bikurikira:

- ☞ Kuba ari inyangamugayo;
- ☞ kuba afite amikoro ahagije kugira ngo ashobore kurangiza inshingano zituruka ku kubera umubyeyi umwana atabyaye;
- ☞ kuba afite nibura imyaka makumyabiri n'umwe (21) y'amavuko;
- ☞ kuba arusha nibura imyaka irindwi (7) umwana ashaka kubera umubyeyi ataramubyaye;
- ☞ kuba afite aho abarizwa hazwi;

- ☞ kuba atarakatiwe igihano cy'igifungo kubera ibyaha bikorerwa mu muryango;
- ☞ kuba atarakatiwe igihano cy'igifungo kubera icyaha cya jenoside;
- ☞ kuba atarakatiwe igihano cy'igifungo kubera ibyaha by'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo;
- ☞ kuba atarambuwe ububasha bwa kibyeyi.

Ntawe ushobora kugirwa umwana n'utaramubyaye iyo arengeje imyaka cumi n'umunani (18).

### 2.5.4. Kwemeza ko umuntu aba umubyeyi w'umwana atabyaye bikorerwa he?

Kuba umubyeyi w'umwana utabyaye bisabwa imbere y'umwanditsi w'irangamimerere w'aho umwana usabirwa umubyeyi atuye, hari usaba cyangwa abasaba kubera umubyeyi umwana; ababyeyi be iyo bakirihocyangwa umukuru w'Inama y'umuryango n'abatangabuhamya byibuze babiri (2).

Iyo asanze ibyangombwa byose bisabwa kugira ngo umuntu abe umubyeyi w'umwana atabyaye byuzuye, umwanditsi w'irangamimerere akora inyandiko yo kubera umubyeyi umwana utabyaye, ishyikirizwa urukiko kugira ngo ruyemeze.

### 2.5.5. Kubera umubyeyi umwana utabyaye bikozwe n'abashyingiranwe

Kubera umubyeyi umwana utabyaye bishobora gukorwa n'abashyingiranywe bombi. Muri icyo gihe, itegeko riteganya ko:

- ☞ Iyo kubera umubyeyi umwana utabyaye byakozwe n'umwe mu bashyingiranywe, uwo bashyingiranywe na we agomba kubyemera, ariko uko kwemera k'uwo bashyingiranywe ntikumugira umubyeyi w'umwana atabyaye;
- ☞ Ntawe ushobora kugirwa umwana n'ababyeyi benshi, keretse abashyingiranywe gusa.
- ☞ Iyo kugirwa umwana n'abatarakubyaye bikozwe n'abashyingiranywe bombi, ugizwe umwana agira uburenganzira n'inshingano bingana n'iby'abana bakomoka ku bashyingiranywe;
- ☞ Iyo ukubera umubyeyi umwana utabyaye bikozwe n'umwe mu bashyingiranywe, uburenganzira n'inshingano by'uwo mwana bireba gusa uwamubereye umubyeyi.

### 2.5.6. Kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga

Ukubera umubyeyi uwo utabyaye ku rwego mpuzamahanga ni uburyo butuma habaho isano hagati y'umwana n'umubyeyi abereye umwana atabyaye badahuje amaraso ariko bombi bakaba badatuye mu gihugu kimwe. Ukubera umubyeyi umwanautabyaye ku rwego mpuzamahanga bishobora gukorwa mu buryo bworoheje cyangwa busesuye

Ni ryari habaho kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga?
Habaho ukubera umubyeyi umwana utabyaye ku rwego mpuzamahanga iyo uwo mwana:

- ☞ Ubusanzwe aba mu Rwanda kandi akaba agomba kujyanwa mu gihugu cy'amahanga;
- ☞ Agomba kuva mu gihugu akomotsemo akaza mu Rwanda;
- ☞ Aba mu Rwanda ariko nta burenganzira afite bwo kuhatura.

Ni ibihe by'ingenzi bigomba kwitabwaho kugira ngo habeho kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga?
Kugira ngo habeho kubera umubyeyi umwana utabyaye ku rwego mpuzamahanga hagomba kurebwa niba:

- ☞ Inyungu z'umwana arizo zigamijwe;
- ☞ Nta muntu wundi uri mu gihugu umwana akomokamo wifuza kumubera umubyeyi;
- ☞ Abantu bagomba kwemera ko habaho kubera umubyeyi umwana utabyaye babikozenta gahato, kandi bagiriwe inama zihagije ku byerekeranye n'inkurikizi z'uko kwemera;
- ☞ Igihugu ugirwa umwana agomba kujyanwamo cyagaragaje ko ushaka kuba umubyeyi w'uwo atabyaye ku rwego mpuzamahanga afite ubushobozi bwo gutunga umwana n'ubunyangamugayo bwo kubera umubyeyi umwana atabyaye;
- ☞ Igihugu cy'ushaka kuba umubyeyi w'umwana atabyayecyemeye ko umwana azemererwa kwinjira no gutura ku buryo buhoraho muri icyo gihugu.

## 2.6. Ububasha bwa Kibyeyi

Ububasha bwa kibyeyi ku mwana bufitwe na se na nyina b'umwana. Iyo babuze ubwumvikane ku byerekeye gukoresha ubwo bubasha bwa kibyeyi, umwe mu bashyingiranywe abishyikiriza lnama y'umuryango ikagerageza kubunga;
Itegeko riteganya ko:

- ☞ Iyo umwe mu bashyingiranywe yapfuye, yabuze, yazimiye, yambuwe ubushobozi cyangwa ububasha bwa kibyeyi, ububasha bwa kibyeyi busigarana undi mubyeyi;
- ☞ Iyo abo babyeyi bombi batakiriho, babuze, bazimiye, bambuwe ubushobozi cyangwa ububasha bwa kibyeyi, ubwo bubasha busigarana umwishingizi w'umwana cyangwa undi wese umurera mu buryo bwemewe n'amategeko;
- ☞ Ububasha bwa kibyeyi ku mwana wavutse ku batarashyingiranywe bugirwa n'umubyeyi umurera;
- ☞ Ububasha bwa kibyeyi bugizwe n'inshingano yo kwita ku mwana, kumurera, gucunga umutungo we no kuwukoresha mu buryo bwubahirije amategeko (ingingo ya 321);

## UMUSOZO

Nk'uko Itegeko Nshinga rya Repubulika y'u Rwanda ryo muri 2003 ryavugurwe mu 2015 ribivuga mu ngingo yaryo ya 18, Umuryango ni wo shingiro kamere ry'imbaga nyarwanda kandi urengerwa na Leta. Gushyiraho amategeko agenga umuryango n'abawugize ni bumwe mu buryo Leta yifashisha mu kuwurengera.

Muri aka gatabo twageragejе kugaragaza mu ncamake ibikubiye mu itegeko Itegeko n° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango.

Birumvikana ko ibikubiye mu itegeko byose tutabivuye imuzi; twibanze ku byo tubona ari ingenzi, ku buryo abanyarwanda benshi cyangwa bose babimenye byaba ari intangiriro nziza yabafasha gusobanukirwa inshingano n'uburenganzira bwabo bukubiye mu itegeko rigenga abantu n'umuryango.

Aka gatabo ntigasimbura Itegeko rigenga Abantu n'Umuryango, niyo mpamvu ari byiza ku babishoboye kujya bagira inyota yo gusoma igazeti ya Leta ya Repubulika y' u Rwanda cyangwa izindi nyandiko zirebana n'amategeko bakarushaho kwiyongerera ubumenyi.

Twongeye gushima byimazeyo abantu bose bagize uruhare mu itegurwa ry'aka gatabo; by'umwihariko tukaba dushimira umufatanyabikorwa wacu w'imena GIZ wadufashije kugira ngo aka gatabo gategurwe ndetse kanasohoke. Tubifurije mwese gukomeza kugira uruhare mu kubaka u Rwanda twifuza rugendera ku mategeko.

## INYANDIKO ZIFASHISHIJWE


1. Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, Igazeti ya Leta, 2015.
2. Itegeko n°27/2016 ryo ku wa 08/07/2016 ryerekeye imicungire y'umutungo w'abashyingiranywe, impano n' izungura; Igazeti ya Leta, 2016.
3. Itegeko n° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango mu Rwanda;
4. Itegeko n° 54/2011 ryo ku wa 14 Ukuboza 2011 ryerekeye uburenganzira bw'umwana n'uburyo bwo kumurinda ihohoterwa; Igazeti ya Leta, 2011.
5. Itegeko No42/1988 ryo ku wa 27 Ukwakira 1988 ryerekeye interuro y'ibanze n'igitabo cya mbere cy'Urwunge rw'amategeko Mbonezamubano, Igazeti ya Leta, 1989.