

**DUSOBANUKIRWE IBIKUBIYE MU ITEGEKO N°27/2016 RYO  
KU WA 08/07/2016 RIGENGA IMICUNGIRE Y'UMUTUNGO  
W'ABASHYINGIRANYWE, IMPANO N'IZUNGURA.**

Aka gatabo kateguwe kandi  
kandikwa n'umunyamategeko  
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## IJAMBO RY'IBANZE

Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavugururwe mu 2015, mu ngingo yaryo ya 176 riteganywa ko: “ntawe ushobora kwitwaza ko atazi itegeko iyo ryatangajwe mu buryo buteganywa n'amategeko”. N'ubwo ari ihame ko nta muntu ukwiye kwitwaza ko atazi itegeko iyo ryatangajwe mu igazeti ya Leta, Mu Rwanda hari inzitizi nyinshi zituma abantu batamenya amategeko.

Igazeti ya Leta itangazwamo amategeko igera ku mubare muto cyane w'abanyarwanda ndetse n'igiciro cyayo ntigituma ishobora kugurwa na buri wese. N'ubwo hashyizweho uburyo bwo kuba ababyifuza babona igazeti ya Leta bakoresheje uburyo bw'ikoranabuhanga bakanyura ku rubuga rwa interineti rw'ibiro bya Minisitiri w'Intebe, Umubare munini w'abanyarwanda ntufite ubumenyi n'ubushobozi buhagije bwo gukoresha iryo koranabuhanga. Ibyo bituma hari abantu bategerwaho n'amategeko kandi bazi gusoma nubwo tutakwirengagiza ko kugeza ubu hakiri n'umubare munini w'abanyarwanda batazi gusoma no kwandika.

Indi nzitizi tutakwirengagiza ni imyandikire y'amategeko isaba gukoresha amagambo yihariye azwi ahanini n'abize amategeko cyangwa abandi bantu bakunze kuyakoresha mu kuzuza inshingano zabo.

Amategeko kandi akomeza kugenda avugururwa kugira ngo ahuzwe n'ibihe turimo, ibyo bigatuma abakoresha amategeko bashobora kugira urujijo kuko bashobora kuvanga amategeko mashya n'atagikoreshwa.

Mu rwego rwo gushyira mu bikorwa imwe mu nshingano zawo yo gufasha abanyarwanda kumenya amategeko arebana n'uburenganzira bw'ikiremhamuntu muri rusange n'uburenganzira bw'umugore n'umwana by'umwihariko, Umuryango HAGURUKA wateguye aka gatabo kugira ngo gafashe buri munyarwanda wese ugasoma kumenya no gusobanukirwa bitamugoye uburenganzira bwe n'inshingano ze bikubiye mu Itegeko N°27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyiranywe, impano n'izungura.

Aka gatabo gakoze mu buryo bworohereza ugasoma wese kumenya imirongo y'ingenzi y'iryo tegeko kabone n'ubwo yaba adasanze afite ubumenyi ku mategeko ndetse hanakubiyemo 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 imicungire y'umutungo w'abashyiranywe, impano n'izungura.

**Me. MUNYANKINDI Monique**

**Perezida w'Inama y'Ubutegetsi y'Umuryango Haguruka.**

## **IBISOBANURO BY'AMAGAMBO.**

Muri iri tegeko N°27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura, amagambo akurikira afite ibisobanuro bikurikira:

1. **Abazungura bazigamirwa:** Uwapfakaye n'abana bemewe n'amategeko;
2. **Ibizungurwa bizigamirwa:** Umutungo umuntu atemerewe gutanga cyangwa kuraga kuko uba ugenewe abazungura bazigamirwa;
3. **Inshumbushanyo:** Agaciro k'ibigomba gutangwa n'umuzungura wegukana umugabane ufite agaciro gasumba agakwiranye n'ibintu yakagombye kugiraho uburenganzira mu gihe cy'izungura;
4. **Ubuhemu:** Igikorwa icyo aricyo cyose gikozwe ku bushake n'uwahawe, cyagira ingaruka mbi kuwahaye umuntu, nko kumwica cyangwa kugerageza kumwica, kumugambanira, kumwima ubufasha igihe bigaragara ko abukeneye bidasubirwaho, gutanga ubuhamya bw'ibinyoma byamuviramo igihano gikomeye;
5. **Umutungo:** Ibintu byose umuntu atunze, ari ibifatika n'ibidafatika, imyenda, hamwe n'uburenganzira n'inshingano abifiteho;
6. **Umutungo uzungurwa:** Umutungo wose usizwe n'uwapfuye kandi wemerewe kuzungurwa.

## IRIBURIRO

Itegeko N°27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura ryasohotse mu igazeti ya Leta ya Repubulika y'u Rwanda No. 31 yo ku wa 01/08/2016. Ryaje risimbura Itegeko No. 22/99 ryo ku wa 12/11/1999 ryagengaga imicungire y'umutungo w'abanyingiranwe, impano n'izungura.

Iri tegeko rishya ryatekerejwe mu rwego rwo gukemura ibibazo byinshi byaterwaga n'ishyirwa mu bikorwa ry'Itegeko No. 22/99 ryo ku wa 12/11/1999 ryangengaga imicungire y'umutungo w'abashyingiranywe, impano n'izungura.

Mu bibazo byaterwaga n'ishyirwa mu bikorwa ry'iryo tegeko ryo muri 1999 twavugamo nko:

- ☞ kuba Itegeko ryo muri 1999 ritarateganyaga uburyo bwo kuzungura ku bana b'abakobwa basigaye ababyeyi babo bamaze gupfa mbere y'uko rishyirwa mu bikorwa;
- ☞ kuba Itegeko ryo muri 1999 ritarigeze riteganya urupfu mu mpamvu zisesa uburyo bw'imicungire y'umutungo w'abashyingiranywe, ku buryo umuntu yibazaga niba ubwo buryo bwagumaho kandi umwe mu bashyingiranwe atakiriho. Ibi byateraga urujijo mu gihe cyo kuzungura ugasanga benshi baritiranya uburenganzira bwo kuzungura n'uburenganzira uwapfakaye akomora ku buryo bw'imicungire yari yarahisemo;
- ☞ kuba Itegeko ryo muri 1999 ritarateganyaga kuzungurana kw'abashakanye;
- ☞ kuba Itegeko ryo muri 1999 ryarateganyaga urutonde rw'abazungura gusa mu gihe cy'ivanguramutungo rusange, ukaba rero wakwibaza impamvu urwo rutonde rutateganijwe ku bundi buryo bwo gucunga umutungo w'abashakanye;
- ☞ kuba Itegeko ryo muri 1999 ritari rigihuje n'ivugururwa ry' inzego z'ubutegetsi bwa Leta kimwe n'iz'ubucamanza, ryabaye mu gihugu .
- ☞ n'ibindi.



## **Impinduka z'ingenzi zaje mu itegeko rishya ryo muri 2016.**

Muri rusange habayeho guhuza itegeko rishya n'Itegeko Nshinga nk'uko ryavuguruwe muri 2015 cyane cyane mu mahame yaryo arebana no kwegereza ubuyobozi abaturage (mu gihe nta muzungura uhari, umunyamabanga nshingwabikorwa w'umurenge akaba ari we ukwiye gutangaza izungura ritagira nyiraryo aho kuba Burugumesitiri); ibi bikajyana no kuvana inyito zishaje mu itegeko (burugumesitiri, komini, urukiko rwa mbere rw'iremezo,...), hagakoreshwa inyito nshya ziberanye n'ivugurwa ry'ubutegetsi bwa Leta;

### **Ku byerekeranye n'amicungire y'umutungo w'abashyingiranywe**

- ☞ Urupfu rw'umwe mu bashyingiranywe rwongewe mu mpamvu zikuraho uburyo bw'amicungire y'umutungo w'abashyingiranywe (ingingo ya 25). Ibi bizafasha mu gutandukanya uburenganzira bwo kuzungura uwapfakaye afite n'uburenganzira akomora ku buryo bw'amicungire y'umutungo yahisemo. Ugutandukana by'agateganyo kw'abashyingiranywe byavanywe muri izo mpamvu kuko iyo abantu batandukanye by'agateganyo baba bashobora kwongera kubana.
- ☞ Ku bantu bashyingiranywe mu buryo bw'ivangamutungo rusange, iyo hari umutungo wimukanwa cyangwa utimukanwa wanditse kuri umwe ubarirwa mu mutungo wabo bombi (ingingo ya 6), kandi ugomba no kwandikwa ku wundi kugira ngo na we awugireho uruhare.
- ☞ Itegeko rishya rya 2016 ryagennye ko iyo ivangamutungo rishejwe, ababerewemo imyenda bahabwa uburenganzira bwo guhitamo uwo bishyuzwa umwenda wose (ingingo ya 8). Ibi biha abo baberewemo umwenda icyizere ko umunsi uburyo bw'amicungire y'umutungo buzaba bwasheshwe, batazatakaza icyizere cyo kwishyurwa igihe umwenda nawo uzaba wasaranganjwe hagati y'abari baravanze umutungo.

### **Kubyerekeranye n'impano**

- ☞ Itegeko rishya rya 2016 ryagennye ko impano zigengwa naryo zaba impano zitanzwe mu rwego rw'umuryango gusa, ni ukuvuga impano zitanzwe hagati y'abashyingiranywe cyangwa zitanzwe nabo. Izindi mpano zose zikagengwa n'amategeko agenga amasezerano yihariye.
- ☞ Impano itanzwe mu rwego rw'umuryango n'umwe mu bashakanye igomba kubanza kwemezwa n'uwo bashakanye iyo abashyingiranywe basezeranye mu buryo bwo kuvanga umutungo.

- ☞ Mu mpamvu zisesa impano, havanwemo "kudafasha uwamuhaye kandi abikeneye" kuko byagaragaye ko ibi byaba nk'ubuhake, uwatanze akumva yasesa impano uko yishakiye yitwaje ko uwo yahaye atamwitaho.

## **Kubyerekeranye n'izungura**

- ☞ Hashyizweho urutonde rw'abazungura no mu bundi buryo bw'imicungire y'umutungo w'abashyingiranywe. Itegeko rya 1999 ryateganyaga uru rutonde gusa mu buryo bw'ivanguramutungo risesuye.
- ☞ Hateganyijwe abazungura bahoraho n'abazungura badahoraho. Uru rutonde kandi rwarahinduwe hongerwamo ba Sekuru na Nyirakuru b'uzungurwa (ingingo ya 73) kuko muri ibi bihe usanga kenshi abana basigaye barerwa na ba Sekuru/Nyirakuru, nk'iyo umwana abyaye akiri muto uruhinja akarusigira nyina, agiye gukomeza amashuri.
- ☞ Uwafakaye nawe yagizwe umuzungura udahoraho (ingingo ya 75) kuko itegeko ryo muri 1999 ryitiranyaga uburenganzira umwe mu bashyingiranywe akura mu buryo bw'imicungire y'umutungo n'ubwo kuzungura. Wasangaga bibabaje kuba uwafakaye nta burenganzira afite bwo kuzungura uwo bari barashyingiranywe witabye Imana kandi akenshi aba yaragize uruhare mu mutungo wa mugenzi we.
- ☞ Itegeko rya 2016 ryagennye ko izungura rikimara gufungurwa ni ukuvuga nyakwigendera akimara gupfa, hashyirwaho inama y'izungura nayo igahitamo ushinzwe kwegeranya ibizungurwa ikanamuha inshingano zirimo kugaragaza no kugena uko imyenda izungurwa izishyurwa (ingingo ya 86).
- ☞ Impamvu zo kwamburwa uburenganzira bwo kuzungura zagabanijwemo ibice bibiri. Hari ukwamburwa uburenganzira nta mpaka (kubera guta umwana, kumushora mu busambanyi no kumugirira ibikorwa by'urukozasoni,...) no kwamburwa uburenganzira bwo kuzungura ariko bishobora gusuzumwa bikavanwaho (ingingo ya 56 na 57);
- ☞ Irage rikozwe mu magambo ryavanweho kuko ubwaryo rishobora guhindurwa kubera inyungu z'umuntu ku giti cye. Hashyizweho irage rikozwe ku buryo bw'inyandiko mpamo n'irage rikozwe ku buryo bw'inyandiko bwite (ingingo ya 65).
- ☞ Kugira ngo hakemuke ikibazo cy'abakobwa batabashaga kuzungura imitungo y'ababyeyi babo bapfuye itegeko ryo muri 1999 ribemererera kuzungura ritarajyaho, naryo aho risohokeye rikaza ritabakemurira ikibazo kuko ryavugaga ko ritangira gukurikizwa uhereye igihe ryasohokeye, Iri

tegeko rya 2016 ryakemuye icyo kibazo kuko ariryo rizakoreshwa ku mazungura yose yafunguwe ku italiki ya 01/10/1990 ariko igabana rikaba ritaraba (ingingo ya 101).

Hashingiwe ku bikubiye muri iri itegeko rishya N°27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura, Umuryango HAGURUKA wateguye aka gatabo mu bice bitatu by'ingenzi:

- ☞ Igice cya mbere, aka gatabo karagaragaza ingingo z'ingenzi zijyanye n'ibirebana n'imicungire y'umutungo w'abashakanye;
- ☞ Mu gice cya kabiri, aka gatabo karavuga ku ngingo z'ingenzi zireba n'impano zitanzwe mu rwego rw'umuryango
- ☞ Mu gice cya gatatu aka gatabo karavuga ku birebana n'izungura.

## **Igice cya mbere: IMICUNGIRE Y'UMUTUNGO W'ABASHYINGIRANWE**

Imicungire y'umutungo w'abashyiringanywe ni uburyo buteganywa n'itegeko abashyiringanywe bumvikanaho mu gucunga umutungo wabo.

Muri iki gice cya mbere harasobanurwa ubwoko bw'imicungire y'umutungo w'abashakanye, iseswa ryabwo, inkurikizi bigira n'uko amadeni yafashwe n'abashyiringanywe yishyurwa. Harasobanurwa kandi bimwe mu bigomba kubahirizwa n'abashyiringanwe hatitawe ku bwoko bw'imicungire y'umutungo bahisemo.

Itegeko rigenga imicungire y'umutungo w'abashyiringanwe ryateganyije uburyo butatu abashyiringanywe bashobora gucungamo umutungo wabo:

1. Ivangamutungo rusange;
2. Ivangamutungo w'umuhahano;
3. Ivanguramutungo risesuye.

### **1.1. Ivangamutungo rusange**

Ivangamutungo rusange ni amasezerano abashyiringanywe bagirana bakumvikana gushyira hamwe umutungo wabo wose. Gucunga umutungo bijyana n'ububasha bwo kuwukoresha uko bikwiye, kuwikenusa, kuwutanga no kuwugurisha (ingingo ya 6).

Abashyiringanywe bahisemo ivangamutungo rusange baba biyemeje ibi bikurikira :

- ☞ Gucungira hamwe umutungo wabo,
- ☞ Kuwugiraho bubasha bungana bwo kuwukurikirana no kuwuhagararira,
- ☞ Gafatanya kwishyura imyenda yafashwe mbere na nyuma yo gushyiringirwa,
- ☞ Umutungo wose wanditse kuri umwe mu bashyiringanywe uhita ubarwa nk' umutungo bombi basangiye.



### 1.1.1. Iseswa ry'uburyo bw'ivangamutungo rusange n'inkurikizi zaryo

Iyo uburyo bw'ivangamutungo rusange busheshwe ku mpamvu z'ubutane cyangwa guhindura uburyo bw'umutungo y'umutungo, abari barahisemo kuvanga umutungo bagabana imitungo n'imyenda ku buryo bungana cyangwa mu bundi buryo bumvikanye. Ibikoresho bidashobora gusangirwa n'ibikoreshwa mu kazi k'umwe mu bashyingiranywe bishyirwa mbere na mbere mu mugabane w'usanzwe abikoresha.

Icyakora, iyo umwe mu bashyiranywe hari ibyo aryoza yangije, urukiko rushobora gutegeka ko agaciro kabyo gakurwa mu mugabane we.

Iyo umwe mu bari barashyingiranywe apfuye, umutungo wegukanwa n'uwo bashakanye kugeza igihe izungura rizakorerwa.

### **1.1.2. Bigenda gute ku baberewemo imyenda iyo abashyingiranwe bifuza gusesa uburyo bw'ivangamutungo rusange?**

Ababerewemo umwenda n'abashyingiranywe bafite uburenganzira bwo kubasaba kwishyura mbere yo gusesa uburyo bw'ivangamutungo rusange. Abaratashoboye kumenya iby'iryo hinduka ngo babashe gusaba ko bishyurwa mbere, bashobora guhitamo gukurikirana umugabo cyangwa umugore cyangwa bose icyarimwe kandi ku mwenda wose.

### **1.2. Ivangamutungo w'umuhahano**

Ivangamutungo w'umuhahano ni amasezerano abashyingiranywe bagirana bakumvikana gushyira hamwe umutungo bazahaha bari kumwe kuva ku muni w'ishyingirwa, kimwe n'ibyo bungutse mu mibanire yabo, bakorera hamwe cyangwa buri wese ku giti cye, byaba impano cyangwa ibizungurwa.

Mu gihe cyo gusezerana imbere y'amategeko, hashingiwe ku byo abashyingiranwa ubwabo bumvikanyeho, hakorwa ibaruramutungo ryerekana umutungo buri wese yari asanzwe afite, bakanagena umutungo buri wese atanze ngo ube iremezo ry'urugo iyo bishoboka (ingingo ya 10).

Abashyingiranywe bahisemo kuvanga umutungo w'umuhahano baba biyemeje ibi bikurikira:

- ☞ Gucunga umutungo w'umuhahano mu buryo bumvikanyeho bombi;
- ☞ kuwugiraho uburenganzira bungana bwo kuwurikirana no kuwuhagararira;
- ☞ buri wese afite ububasha bwo gukoresha, kwikenuza, gutanga no kugurisha umutungo yigengaho;
- ☞ inyungu n'ibindi byose byabyawe n'umutungo buri wese yigengaho bishyirwa muri uwo mutungo we.

#### **1.2.1. Iseswa ry'ivangamutungo w'umuhahano n'inkurikizi zaryo**

Iseswa ry'ivangamutungo w'umuhahano rigira inkurikizi zikurikira:

- ☞ Iyo ivangamutungo w'umuhahano risheshwe ku mpamvu z'ubutane cyangwa guhindura uburyo bw'umutungo, umutungo w'umuhahano ugabanywa abashyingiranywe mu buryo bungana hakurikijwe ibiteganywa mu ivangamutungo rusange, naho umutungo bwite wa buri wese akawugumana.

☞ Iyo ivangamutungo w'umuhahano risheshwe ku mpamvu z'urupfu rw'umwe mu bashyingiranywe, umutungo usangiwe wegukanwa n'uwapfakaye naho umutungo uwapfuye yari yihariye ugacungwa n'uwapfakaye kugeza igihe izungura rikorewe (ingingo ya 13).

### **1.2.2. Imyenda yafashwe n'umwe mu bashyingiranywe yishyurwa ite?**

Inguzanyo n'imyenda byafashwe n'umwe mu bashyingiranywe mu buryo bw'ivangamutungo w'umuhahano hagamije gukemura ibibazo by'urugo, byishyurwa mu mutungo rusange (bombi bahuriyeho). Iyo umutungo rusange udahagije kugira ngo wishyure uwo mwenda wose, ibisigaye byishyurwa n'umutungo wa buri wese mu bashyingiranywe ku buryo bungana.

Inguzanyo n'imyenda byafashwe n'umwe mu bashyingiranywe mu nyungu ze kandi ku giti cye byishyurwa na nyir'ukubifata ku mutungo we bwite. Iyo mu gihe cyo kuwufata habayeho ubufatanye, uwo mwenda wishyurwa ku mutungo rusange (ingingo ya 12).

Ihazabu n'imyenda ishingiyeye ku buryozwe bw'icyaha kirebana n'umutungo bwite wa buri wese ni gatozi, kandi bikishyurwa n'umutungo bwite w'uwo bireba.

### **1.3. Ivanguramutungo risesuye**

Ivanguramutungo risesuye ni amasezerano abashyingiranywe bagirana bakumvikana gufatanya gutunga urugo rwabo hakurikijwe ubushobozi bwa buri wese, kandi buri wese akagumana uburenganzira bwo gucunga, kwikenuza, gutanga no kugurisha umutungo we bwite.

Umwe mu bashyingiranywe mu buryo bw'ivanguramutungo risesuye yemerewe guha mugenzi we ububasha bwo kumucungira umutungo.

#### **1.3.1. Isewa ry'ivanguramutungo risesuye n'inkurikizi zaryo**

Iyo ivanguramutungo risesuye risheshwe ku mpamvu z'ubutane cyangwa guhindura uburyo bw'imicungire y'umutungo w'abashyingiranywe, buri wese mu bashyingiranywe agumana umutungo we bwite.

Iyo iryo seswa ritewe n'impamvu y'urupfu rw'umwe mu bari barashyingiranywe, umutungo w'uwapfuye uzungurwa n'abazungura be.

### 1.3.2. Iyishyurwa ry'imyenda

Buri wese mu bashyingiranywe mu buryo bw'ivanguramutungo risesuye afite inshingano zo kwishyura ubwe umwenda yafashe mbere cyangwa nyuma y'isezerano ryo gushyingirwa, keretse iyo uwo mwenda yawufashe ku nyungu z'urugo. Umwenda bahuriyeho bawishyura bombi ku mutungo wa buri wese kandi mu buryo bumvikanyeho bajya kuwaka (ingingo ya 16).

### 1.4. Ibigomba kubahirizwa n'abashyingiranywe hatitawe ku micungire y'umutungo bahisemo:

Hatitawe ku micungiro y'umutungo abashyingiranywe bahisemo, bagomba kuzirikana ibi bikurikira:

- ☞ Abashyingiranywe bagomba kubahiriza uburenganzira n'inshingano byabo bikomoka ku gushyingirwa nko kudahemukirana, gutabarana, gufashanya,... (ingingo ya 18).
- ☞ Abagiye gushyingirwa bafite uburenganzira bwo gusobanurirwa imiterere ya buri buryo bw'amicungire y'umutungo w'abashyingiranywe kandi bagafashwa guhitamo ububanogeye. Ibyo bigomba gukorwa n'umwanditsi w'irangamimerere nibura iminsi 7 mbere y'uko umuhango w'ishyingira ubaho (ingingo ya 19).
- ☞ Ku munsu w'ishyingirwa, uburyo bwo gucunga umutungo abashyingiranywe bahisemo bwandikwa mu gitabo cy'inyandiko z'abashyingiranywe ndetse no mu nyandiko y'ishyingirwa (ingingo ya 20).
- ☞ Abagiye gushyingirwa bahitamo uburyo bw'amicungire y'umutungo wabo bahibereye kandi babyemeranyijweho.
- ☞ Uburyo bwo gucunga umutungo butangira gukurikizwa bakimara gushyingirwa.
- ☞ Umuntu wambuwe n'inkiko uburenganzira bwo gucunga umutungo we kubera kuwutagaguza, iyo agiye gushyingirwa, ahitamo uburyo bw'amicungire y'umutungo abifashijwemo n'ushinzwe kumugira inama cyangwa umwishingizi we.
- ☞ Uburyo bw'amicungire y'umutungo w'abashyingiranywe bushobora guhinduka bisabwe na bombi cyangwa umwe muri bo. Bagomba kugaragariza urukiko ko iryo hinduka risabwe mu nyungu z'urugo cyangwa ko hari impinduka zikomeye zabayeho mu mibereho yabo cyangwa iy'umwe muri bo (ingingo ya 22).



- ☞ Iyo umwe mu bashyiringanywe abangamiye inyungu z'urugo, kwaba kutita ku mutungo w'umuryango ndetse n'uwe bwite, cyangwa kuwupfusha ubusa, ashobora kwamburwa ububasha bwo kuwucunga, kuwikenuza, kuwutanga no kuwugurisha, bisabwe n'uwo bashyiringanywe cyangwa undi wese waba abifitemo inyungu (ingingo ya 24).
  
- ☞ Uburyo bw'amicungire y'umutungo w'abashyiringanywe buseswa iyo habayeho gutana kw'abashyiringanywe; guhindura uburyo bw'icungamutungo cyangwa urupfu rw'umwe mu bashyiringanywe.

## **Igice cya kabiri: IMPANO ZITANZWE MU RWEGO RW'UMURYANGO**

Impano itanzwe mu rwego rw'umuryango ni igikorwa cy'ubushake cyo gutanga cyangwa kwakira ikintu gifite agaciro nta kiguzi cyangwa uburenganzira kuri icyo kintu bikoze n'abashyingiranywe bombi cyangwa umwe muri bo.

Impano itanzwe mu rwego rw'umuryango ishobora gutangwa hagati y'abashyingiranywe ubwabo cyangwa hagati y'abashyingiranywe n'undi muntu cyangwa igatangwa hagati y'ababyeyi n'abana babo kuri bimwe mu bigize umutungo wabo. Iyo ababyeyi baha umwana wabo impano, babikora hadashingiwe ku ivangura hagati y'abana b'abakobwa n'abahungu.

Impano itanzwe mu rwego rw'umuryango ishobora gukorerwa inyandiko mpamo cyangwa inyandiko bwite cyangwa igashyikirizwa gusa nyirayo.

Impano zitanzwe mu rwego rw'umuryango zirimo amoko abiri akurikira :

1. Impano zitanzwe hagati y'abakiriho;
2. Indagano.

Muri iki gice cya kabiri harasobanurwa impano zitanzwe hagati y'abakiriho n'indagano. Haranasobanurwa uko ubwo bwoko bwombi bw'impano bushobora guteshwa agaciro cyangwa guseswa ndetse n'inkurukizi bigira.

### **2.1. Impano zitanzwe hagati y'abakiriho**

Nkuko bisobanurwa mu itegeko rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura:

- ☞ Impano hagati y'abakiriho ni amasezerano y'ubugiraneza atuma umuntu aha undi ku mutungo we ku buryo budasubirwaho kandi uhawe akabyemera.
- ☞ Impano hagati y'abakiriho igira agaciro ku munsu uyihawe ayemereyeho.
- ☞ Uhawe impano ashobora kuyemera mu nyandiko cyangwa mu mvugo.



### 2.1.1. Ni ryari impano hagati y'abakiriho ishobora guteshwa agaciro?

Impano hagati y'abakiriho itakaza agaciro iyo habayeho umwe muri izi impamvu zikurikira:

- ☞ Igihe itanzwe ku buryo ishyirwa mu bikorwa ryayo rishingira ku bushake gusa bw' uwayitanze;
- ☞ itubahirije amategeko ndemyagihugu n'imigenzo myiza;
- ☞ itanzwe n'utari nyirayo;
- ☞ itegeka uyihawe kuriha imyenda y'uyitanze cyangwa ibindi agomba, bitariho cyangwa bitagaragajwe mu gihe cy'itangwa ryayo;
- ☞ utanga yisigiramo uburenganzira bwo gutanga cyangwa kugurisha kimwe cyangwa byinshi mu bintu atanze.

Ikirego kigamije gutesha agaciro impano gishobora gutangwa n'uwatanze impano, uwayihawe, cyangwa undi wese ubifitemo inyungu mu gihe kitarenze umwaka umwe uherye igihe impamvu ituma iyo mpano isabirwa guteshwa agaciro yabereyeho

### 2.1.2. Inkurikizi zo guta agaciro kw'impano hagati y'abakiriho

Mu gihe Impano hagati y'abakiriho iteshejwe agaciro n'urukiko bigira inkurukizi zikurikira:

- ☞ Impano iteshejwe agaciro, ifatwa nk'aho itigeze ibaho;
- ☞ ibyari byaratanzweho impano n'ibyabyawe nayo byose bikiri mu maboko y'uwahawe birasubizwa;
- ☞ iteshwagaciro ry'impano ntacyo ribangamiraho abahawe ingwate ku mutungo wari waratanzweho impano cyangwa abandi bafite uburenganzira kuri wo.

### 2.1.3 Iseswa ry'impano hagati y'abakiriho

Urukiko rubifitiye ububasha rushobora gusesa impano yatanzwe hagati y'abakiriho kubera ku mpamvu zikurikira:

- ☞ Iyo uhawe impano yanze kubahiriza inshingano yari yarahawe ziyiturutseho;
- ☞ Ubuhemu bw'uwahawe.

Uwifuzwa gusesa impano atanga Ikirego mu rukiko rubifitiye ububasha mu gihe kitarenze umwaka umwe uhareye igihe impamvu iryo seswa risabirwa yabereyeho cyangwa igihe nyir'ukurisaba yayimenyeyeho. icyo kirego ni gatozi k'uwatanze impano kandi ntashobora kugitanga aryoza abazungura b'uwo yayihaye (ingingo ya 39) .

Icyakora, iyo uwayitanze apfuye yari yarakigejeje mu rukiko, abamuzungura bashobora kugikomeza mu izina rye.

### 2.1.4 Inkurikizi z'iseswa ry'impano hagati y'abakiriho

Guseswa kw'impano bikozwe n'urukiko rubifitiye ububasha bigira inkurikizi zikurikira:

- ☞ Iyo impano isheshwe, uwayihawe ategukwa gusubiza ibyo yari yarahawe ku bw'amasezerano y'impano ariko ntashobora gutegekwa gusubiza agaciro k'ibyo na we yatanze cyangwa yagurishije mbere y'uko urukiko rushyikirizwa ikirego. Ntategekwa kandi gusubiza ibyo yabyaje iyo mpano cyangwa izindi nyungu izo ari zo zose yakuye kuriyo (ingingo ya 38).
- ☞ Iyo uwahawe hari ibyo yakoze kugira ngo yongere agaciro k'impano yahawe arabisubizwa igihe isheshwe. Urugero: uramutse uhawe imodoka nk'impano, ukayigurira amapine mashya ndetse ukayitara n'irangi rishya, mu gihe iyo

mpano isheshwe wemerewe gusaba ko usubizwa amafaranga y'ikiguzi cy'amapine mashya n'irangi wateresheje kuri iyo modoka.

- ☞ Iseswa ntacyo ribangamiraho abahawe ingwate ku bintu byari byaratanzwe kimwe n'abafite ubundi burenganzira kuri byo.

## 2.2. Indagano

Indagano ni impano itangwa mu buryo bw'irage nyir'ukuyihabwa akayegukana ari uko uwayimuhaye apfuye.

- ☞ Indagano ishobora gukorwa ku mutungo wose, ku gice cy'umutungo cyangwa ku bintu runaka.
- ☞ Indagano ku mutungo wose iha nyir'ukuyihabwa uburenganzira ku bintu byose bigize umutungo wose uwapfuye yemerewe gutanga.
- ☞ Indagano ku gice cy'umutungo iha nyir'ukuyihabwa uburenganzira ku gice cy'ibintu bigize umutungo uwapfuye yemerewe gutanga.
- ☞ Naho indagano ku bintu runaka iha nyir'ukuyihabwa uburenganzira ku kintu cyangwa ibintu runaka ku mutungo uwapfuye yemerewe gutanga.
- ☞ Uwahawe indagano mu mutungo w'uwapfuye nta nshingano agira yo kwishyura imyenda y'uwamuhaye indagano.

### 2.2.1 Inkurikizi z'indagano

Gutanga indagano bigira inkurikizi zikurikira:

- ☞ Ibintu byatanzweho indagano n'ibibikomokaho byose n'indishyi zabyo zo mu bwishingizi bihabwa uwahawe indagano uherye ku muni irage ryatangiriyeho keretse iyo uraga abigennye ukundi.
- ☞ Indagano ihawe ababerewemo imyenda ntabwo ifatwa nk'ihwanisha mwenda.

### 2.2.2. Guta agaciro kw'indagano

Indagano ita agaciro iyo:

- ☞ Uwahawe indagano apfuye mbere y'ubaraze, uretse igihe ashobora guhagararirwa;
- ☞ icyari cyaratanzweho indagano cyangiritse cyose uwayitanze akiriho;

- ☞ Uwahawe indagano ayanze cyangwa habayeho impamvu zituma yakwa uburenganzira bwo kwakira indagano.

### 2.2.3. Iseswa ry'indagano

Indagano yose cyangwa igice cyayo ishobora guseswa iyo ibishingirwaho by'ingenzi kugira ngo igire agaciro bitubahirijwe.

### 2.3. Ibigomba kubahirizwa ku mpano zose zitanzwe mu rwego rw'umuryango

Impano zise zitanzwe mu rwego rw'umuryango, zaba ari izitanzwe hagati y'abakiriho cyangwa ari indagano zigomba kubahiriza ibi bikurikira:

- ☞ Mu gihe cy'ivangamutungo rusange cyangwa ivangamutungo w'umuhahano, impano yose y'ikintu kivuye mu mutungo w'umuryango itanzwe n'umwe mu bashyingiranywe igomba kubanza kwemezwa n'uwo bashyingiranywe. Ni nako bigenda mu gihe cyo kwemera impano (ingingo ya 47).
- ☞ Abashyingiranywe bafite uburenganzira bwo gutanga impano ariko ntibagomba kurenza umugabane w'ibyo bashobora gutanga (ingingo ya 49).
- ☞ Hatitawe ku buryo bw'icungamutungo, umugabane w'ibishobora gutangwa ntushobora kurenga kimwe cya gatanu ( $1/5$ ) cy'umutungo w'utanga iyo afite abana, bine bya gatanu ( $4/5$ ) bikaba ibizungurwa bizigamirwa abana n'uwo bashyingiranywe. Kugira ngo hamenyekane agaciro ntarengwa k'ibyo utanga yemerewe gutangwa, hagenderwa ku gaciro k'utanga ku munsu impano itangiweho.
- ☞ Utanga ashobora gutanga inshuro zirenze imwe ariko igiteranyo cy'ibyo yatanze ntikigomba kurenga ibyo yemererwa n'itegeko.
- ☞ Iyo utanga impano nta bana afite ariko uwo bashyingiranywe akaba akiriho, umugabane w'ibishobora gutangwa ntushobora kurenga kimwe cya gatatu ( $1/3$ ) cy'umutungo we, bibiri bya gatatu ( $2/3$ ) bikagirwa ibizungura bizigamirwa uwo bashyingiranywe.
- ☞ Ibizungurwa bizigamirwa bibarwa bashingiye ku mutungo w'utanga havanywemo imyenda yari afite ku munsu impano yatangwaga.

## Igice cya gatatu: IZUNGURA

Iyo umuntu apfuye, umutungo yari afite ntawuhambanwa cyangwa ngo ujugunywe ahubwo umutungo we wegurirwa abamukomokaho.

Iki gice cya gatatu kiribanda ku gusobanura izungura icyo ari cyo, kugaragaza abemerewe kuzungura, impamvu zituma habaho kwamburwa uburenganzira bwo kuzungura, uko izungura rikorwa, inama ishinzwe izungura ndetse n'uko igabana ry'umutugo uzungurwa rikorwa.

### 3.1. Igisobanuro cy'Izungura

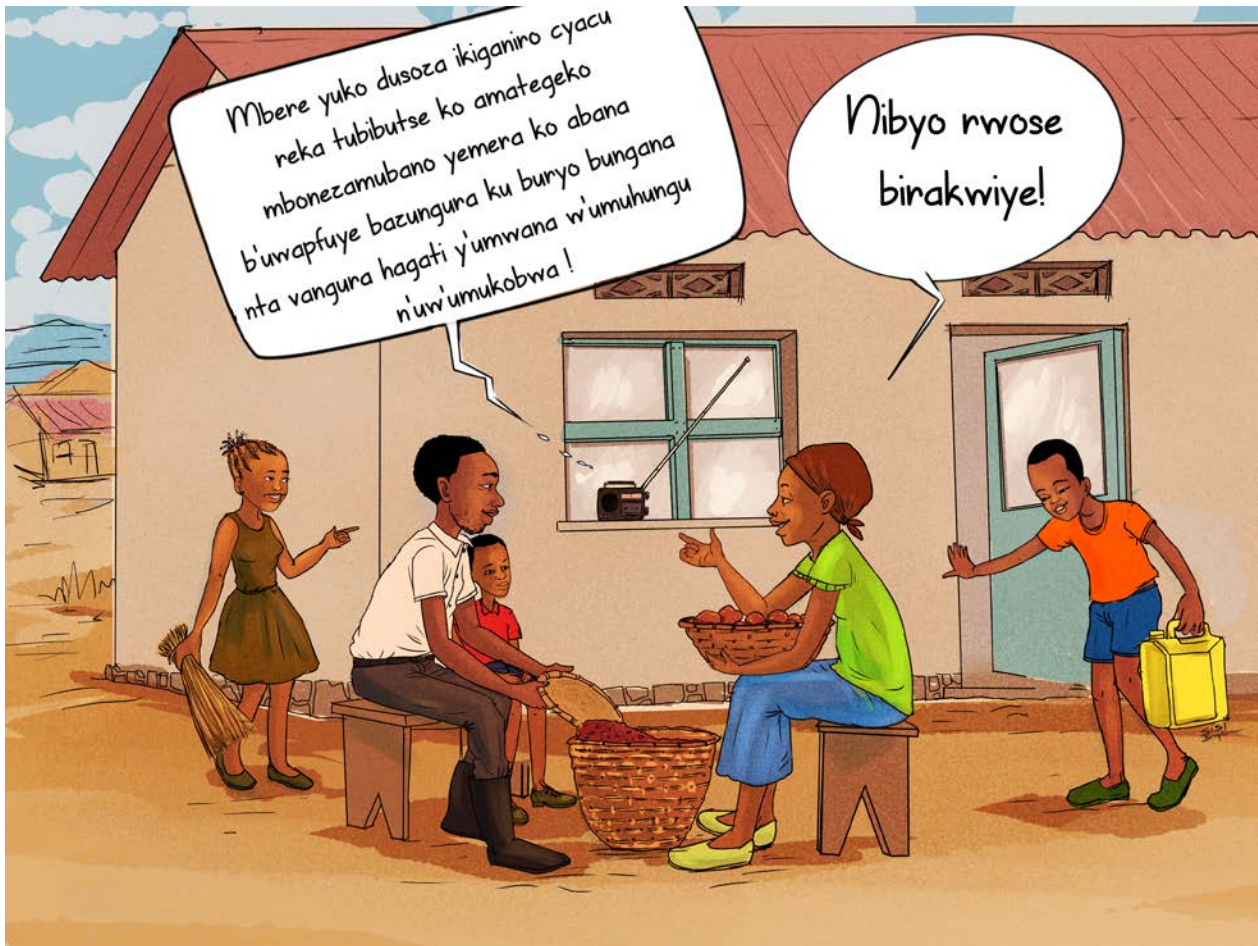
Kuzungura ni uguhabwa uburenganzira n'inshingano ku mutungo n'imyenda by'uwapfuye.

- ☞ Izungura ry'uwapfuye ritangira iyo uzungurwa amaze gupfa, rikabera aho yari atuye cyangwa yabaga.
- ☞ Iyo habayeho kuzimira cyangwa kubura, izungura ritangizwa n'urubanza rutangaza urupfu rw'uwazimiye cyangwa rw'uwabuze.
- ☞ Izungura ry'abashyingiranywe ritangira ari uko bombi bapfuye cyangwa umwe yongeye gushyingirwa.

Ushobora kuzungura ni umuntu ukiriho cyangwa uhagarariwe igihe izungura ryatangiraga, kimwe n'umwana ukiri mu nda, apfa gusa kuvuka ari muzima (ingingo ya 53).

- ☞ Ntawe ushobora kwitwa umuzungura atabyemeye
- ☞ Uwazimiye na we ashobora kuzungura iyo agifatwa nk'ukiriho. Leta n'ibigo bya Leta cyangwa ibitari ibya Leta bifite ubuzimagatozi bishobora kuzungura hakurikijwe irage iyo ibizungurwa bigizwe n'umutungo ushobora gutungwa na byo.
- ☞ Abana amategeko mbonezamubano yemera ko ari ab'uwapfuye bazungura ku buryo bungana nta vangura hagati y'umwana w'umuhungu n'uw'umukobwa.





### 3.2. Impamvu zituma habaho kwamburwa uburenganzira bwo kuzungura

Impamvu zishobora gutuma habaho kwamburwa uburenganzira bwo kuzungura zirimo ibice bibiri: Igice cya mbere kigizwe n'impamvu zituma habaho kwamburwa nta mpaka uburenganzira bwo kuzungura (ingingo ya 56); naho igice cya kabiri kigizwe n'impamvu zishobora gutuma habaho kwamburwa uburenganzira bwo kuzungura ariko bikaba bisaba ko ufite uburenganzira bwo kuzungura abiregera mu gihe kitarenze umwaka umwe uhereye igihe yamenyeye izo mpamvu (ingingo ya 57).

#### 3.2.1. Impamvu zituma habaho kwamburwa nta mpaka uburenganzira bwo kuzungura

Umuzungura wese ashobora kwamburwa nta mpaka uburenganzira bwo kuzungura iyo:

- ☞ Yakatiwe n'inkiko kubera ko yishe abishaka cyangwa yagambiriye kwica uzungurwa;



- ☞ yakatiwe n'inkiko kubera ko yabeshyeye cyangwa yatanzeho uzungurwa ubuhamya bw'ibinyoma bwashoboraga gutuma akatirwa n'inkiko igifungo nibura cy'amezi atandatu ;
- ☞ yataye nkana umwana we uzungurwa, yamugiriye igikorwa cy'urukozasoni, yamwangije imyanya ndangagitsina, yamusambanyije cyangwa yamushoye mu busambanyi.

Icyemezo cy'urukiko cyonyine kirahagije kugira ngo umuzungura wemewe n'itegeko wakoze kimwe mu byaha bimaze kuuvugwa avanwe mu bazungura.

### **3.2.2. Impamvu zituma habaho kwamburwa uburenganzira bwo kuzungura ariko bikaba bisaba ko zibanza kuregerwa mu rukiko.**

Impamvu zikurikira zishobora gutuma habaho kwamburwa uburenganzira bwo kuzungura ariko zigomba kuregerwa mu rukiko:

- ☞ Umuzungura wacanye umubano wa kibyeyi n'uwapfuye igihe yari akiriho;
- ☞ Umuzungura wirengagije abigambiriye kandi yari abishoboye kwita k'uzungurwa mu gihe yari abikeneye;
- ☞ Umuzungura witwaje ubushobozi buke bw'uzungurwa, ari ubwo mu mutwe cyangwa ku mubiri, akiharira igice cyangwa ibizungurwa byose;
- ☞ Umuzungura warigishije nkana, wacagaguye cyangwa wangije irage rya nyuma ry'uwapfuye atabimwemereye;
- ☞ Umuzungura wihaye uburenganzira agendeye ku irage ryavanweho cyangwa ryataye agaciro.

Iyo mbere yo gupfa, uzungurwa yari azi impamvu yashoboraga gutera umwe mu bazungura be kwamburwa uburenganzira bwo kuzungura, nyamara ntabikore, uzungura ntiyamburwa uburenganzira bwo kuzungura (ingingo ya 58).

Uwambuwe uburenganzira bwo kuzungura avanwa mu mubare w'abazungura b'uwapfuye. Umugabane yagombaga kubona wongerwa ku migabane y'abazungura basigaye

Uzungura cyangwa uhabwa indagano wakuwe mu mubare w'abazungura kubera kwamburwa uburenganzira bwo kuzungura, ategetswe gusubiza umutungo yazunguye, yarazwe cyangwa agaciro kawo mu gihe akiriho.

### 3.3. Uko izungura rikorwa

Izungura rishobora gukorwa mu buryo bubiri. Uburyo bwa mbere ni izungura rikozwe ku buryo bw'irage. Ubu buryo bukoreshwa iyo uzungurwa akoze irage akiriho. Uburyo wa kabiri ni izungura rikozwe nta rage. Ubu buryo bukoreshwa iyo uzungurwa yapfuye ataraze.

#### 3.1.1. Izungura rikozwe ku buryo bw'irage

Irage ni igikorwa umuntu akora akena amerekezo y'umutugo we igihe azaba atakiriho. Uruga yikuraho ibintu nta kiguzi akabiraga abamukomokaho, bakazabyegukana ari uko uruga apfuye (ingingo ya 61).

- ☞ Irage rikorwa mbere y'uko uruga apfa.
- ☞ Irage rikozwe n'umwe mu bashyingiranywe mu buryo bw'ivangamutungo rusange cyangwa ivangamutungo w'umuhahano, ku mutungo bahuriyeho rigomba kwemerwa mu nyandiko n'uwo bashyingiranywe.
- ☞ Uruga n'uragwa bagomba kuba bafite ubushobozi buteganywa n'amategeko. Iyo uragwa adafite imyaka y'ubukure arahagararirwa bikurikije amategeko.

Irage rishobora gukorwa mu buryo bubiri. Uburyo bwa mbere n'iburyo bw'inyandiko mpamo naho uburyo bwa kabiri ni uburyo bw'inyandiko bwite (ingingo ya 65).

#### a) Irage rikozwe ku buryo bw'inyandiko mpamo:

Irage rikozwemu buryo bw'inyandiko mpamo ni irage rikorewe imbere ya Noteri n'uruga cyangwa imbere y'Umwanditsi w'Irangamimerere waho uruga atuye cyangwa aba.

- ☞ Umwanditsi w'Irangamimerere cyangwa Noteri abika inyandiko y'umwimerere akandika mu gitabo cyabugenewe itariki irage ryakoreweho, amazina y'uruga n'aho atuye cyangwa aho aba.
- ☞ Inyandiko y'umwimerere n'igitabo cyandikwamo irage bibikwa mu ibanga, ntawe ushobora kumenya ibyanditswemo uruga atarapfa kandi bimenyeshwa gusa abarebwa n'irage bonyine.



### **b) Irage rikozwe ku buryo bw'inyandiko bwite:**

Irage rikozwe mu nyandiko bwite ni irage ryanditse ryose n'intoki z'uraga, hari abatangabuhamya nibura babiri (2) akarishyiraho itariki, umukono we n'uw'abatangabuhamya.

- ☞ Iyo ukora irage atazi kwandika cyangwa nta bushobozi afite bwo kwandika n'ubwo gushyira umukono ku irage, ashobora kwihitiramo uryandika mu mwanya we.
- ☞ Irage rikozwe mu magambo ntiryemewe. Irage ryose rigomba gukorwa mu nyandiko.
- ☞ Irage rishobora kuvugururwa rigakorwa mu nyandiko z'umurage nyinshi kandi zikubahirizwa icyarimwe mu buryo bwose bushobotse (ingingo ya 66). Iyo ibiteganywa n'imirage ibiri cyangwa myinshi bivuguruzanya, hubahirizwa ibikubiye mu irage ryakozwe nyuma.

Mu gihe kitarenze iminsi mirongo itatu nyuma y'urupfu rw'uwaraze, umukuru w'umuryango akena umunsi irage rizatangarizwa abazungura b'uwapfuye. Kuri uwo munsi irage ritangarijweho, hanashyirwaho abagize inama ishinze

iby'izungura (ingingo ya 67). Ubifitemo inyungu wese ashobora kwitabira iryo tangazwa.

Irage rishobora kuvanwaho ryose cyangwa igice cyaryo n'urukiko bisabwe n'ubifitemo inyungu mu gihe ryakozwe ku gahato, ryakoranywe uburiganya cyangwa ritubahirije ibiteganywa n'iri tegeko. Ivanwaho ry'irage ritesha agaciro iryo rage. Izungura ry'umutungo w'uwapfuye rikorwa hakurikijwe ibiteganywa n'iri tegeko niba nta rindi rage ryigeze rikorwa (ingingo ya 71).

### 3.1.2. Izungura rikozwe nta rage

Izungura rikozwe nta rage ni izungura rikorwa hakurikijwe itegeko, iyo nta rage ryabayeho.

Mu izungura rikozwe nta rage, abazungura bakukirana mu buryo bukurikira:

1. Abana b'uwapfuye;
2. se na nyina b'uwapfuye;
3. abavandimwe b'uwapfuye basangiye ababyeyi bombi;
4. abavandimwe b'uwapfuye basangiye umubyeyi umwe;
5. ba sekuru na nyirakuru b'uwapfuye;
6. ba se wabo, ba nyirasenge, ba nyirarume na ba nyina wabo b'uwapfuye.

☞ Buri rwego rw'abazungura ruzitira izindi mu rutonde rw'izungura. Ni ukuvuga ko iyo urwego rumwe rw'izungura ruhari, abandi bazungura bo mu zindi nzegura ntacyo babona ku mutungo wa myakwigendera. Urugero: Niba nyakwigendera apfuye asize abana, nibo bazamuzungura. Ababyeyi be ntacyo bazahabwa mu izungura. Niba nta bana afite ariko ababyeyi be bacyiriho nibo bazamuzungura kandi abavandimwe ba nya kwigendera ntacyo bazahabwa ku mutungo wa nyakwigendera.

☞ Abana bavugwa hano ni abana uwapfuye yabyaranye n'uwo bashyingiranywe hamwe n'abana yabyaye ahandi ariko akabemera cyangwa akabemezwa n'urukiko.

☞ Abana b'uwapfuye basangiye ababyeyi bombi bazungura mu gisekuru cya se n'icya nyina, naho abana bahuje umubyeyi umwe gusa bazungura mu gisekuru cy'umubyeyi wabo gusa.

☞ Uretse se na nyina, sekuru na nyirakuru b'uwapfuye, iyo abazungura b'uwapfuye bapfuye mbere ye, bahagararirwa mu izungura

n'ababakomokaho. (impamvu sekuru na nyirakuru ba nyakwigendera badahagarira nyakwigendura mu izungura ni ukubera ko n'ubusanzwe bari ku rutonde rw'abazungura ba nyakwigendera). Ku bakomoka k'uwapfuye, iryo hagararirwa ntrigira aho rirangirira kandi igabana rikorwa hakurikijwe igisekuru.

- ☞ Uwapfakaye afite uburenganzira bwo kugira uruhare mu izungura ry'umutungo wasizwe n'uwo bari barashyingiranywe (ingingo ya 75).
- ☞ Uwapfakaye uhamagawe mu izungura, azungurana mu buryo bungana n'abazungura bo ku rwego rwa mbere. Iyo nta bazungura bo ku rwego rwa mbere bahari, azungurana n'abazungura bo ku rwego rwa kabiri. Iyo na bo badahari, azungurana n'abo ku rwego rwa gatatu, bityo bityo.





**A. Iyo abashyingiranywe bahisemo ivangamutungo rusange nk'uburyo bwo gucunga umutungo wabo, Izungura rikozwe nta rage ryubahiriza ibi bikurikira (ingingo ya 76):**

<b>Ibishingirwa ho mu kugena uko izungura rikorwa</b>	<b>Iyo abashyiranywe bombi bapfuye</b>	<b>Iyo umwe mu bashyingiranywe yapfuye uwapfakaye ntiyongere gushyingirwa</b>	<b>Iyo umwe mu bashyingiranywe yapfuye uwapfakaye akongera gushyingirwa</b>
<b>Iyo abashyingiranywe babyaranye abana</b>	Umutungo wose uzungurwa n'abana bose abashyingiranywe basize. Iyo hari abana badahuriyeho, Umutungo ugabanywamo kabiri (2), buri mwana akazungura umubyeyi we.	Usigaye yegukana Umutungo wose akubahiriza inshingano yo kurera abana babo n'ab'uwapfuye yemeye cyangwa yemejwe n'urukiko.	Izungura ry'uwapfuye rirafungurwa, maze kimwe cya kabiri (1/2) cy'umutungo w'abashyingiranywe kikegukanwa n'uwapfakaye nk'uburenganzira akura ku masezerano y'ivangamutungo rusange, ikindi akakizungurana n'abana bose bemewe n'amategeko uwapfuye asize ku buryo bungana. Uruhare rw'abana batarageza ku myaka'ubukure arakomeza akarubacungira.
<b>Iyo abashyingiranywe nta bana babyaranye</b>	Umutungo ugabanywamo kabiri, igice kimwe (1/2) kigahabwa abazungura b'umugabo ikindi gice (1/2) kigahabwa abazungura b'umugore hakurikijwe urutonde rw'abazungura.	Uwapfakaye yegukana umutungo wose agasigara inshingano yo kurera abana uwapfuye yaba yarabyaye ahandi iyo bahari kandi akaba yarabemeye cyangwa yarabemejwe n'urukiko	Umutungo ugabanywamo ibice bibiri bungana. Igice kimwe (50%) kigahabwa uwapfakaye nk'uburenganzira akura ku masezerano y'ivangamutungo rusange.  Ikindi gice gisigaye (50%) uwapfakaye akizungurana n'abazungura b'uwapfuye hakurikijwe urutonde rw'izungura. Uwapfakaye atwara 1/2 cy'uwo mutungo, abazungura banyakwigendera bakagabana 1/2 gisigaye.  Muri rusange uwapfakaye yegukana 3/4 by'umutungo wose yari afitanye n'uwapfuye.

☞ Iyo uwapfakaye ataye inshingano zo kurera abana bose cyangwa bamwe muri bo uwapfuye asize, yamburwa n’urukiko rubifitiye ububasha izo nshingano na kimwe cya kabiri (1/2) cy’umutungo wose, rukanagena ushinzwe kubarera no kubacungira umutungo kugeza igihe bagiriye imyaka y’ubukure.

**B. Iyo abashyingiranywe bahisemo ivanguramutungo risesuye nk’uburyo bwo gucunga umutungo wabo, izungura rikozwe nta rage ryubahiriza ibi bikurikira (ingingo ya 78):**

<b>Ibishingirwaho mu kugena uko izungura rikorwa</b>	<b>Iyo abashyiranywe bombi bapfuye</b>	<b>Iyo umwe mu bashyingiranywe apfuye</b>
<b>Iyo abashyingiranywe babyaranye abana</b>	Umutungo wa buri umwe mu bashyingiranywe uzungurwa n’abana be bose bemewe n’amategeko. Ni ukuvuga abo babyaranye n’uwo bashyingiranywe, nabo yemeye cy’umutungo w’urukiko iyo bahari. Abana bose bagabana ku buryo bungana.	Uwapfakaye agumana umutungo we bwite kuko ntawo aba yaravanze n’uwo bashyingiranywe; naho umutungo w’uwapfuye ukawuzungurana ku buryo bungana n’abana bose amategeko yemera nk’ab’uwapfuye asize.  Iyo harimo abana bataragera ku myaka y’ubukure, uwapfakaye akomeza kubacungira umutungo bazunguye.
<b>Iyo abashyingiranywe nta bana babyaranye</b>	Umutungo ugabanywamo kabiri, igice kimwe (1/2) kigahabwa abazungura b’umugabo ikindi gice (1/2) kigahabwa abazungura b’umugore Hakurikijwe urutonde rw’abazungura.	Uwapfakaye azungurana n’abandi bazungura umutungo uwapfuye asize, akegukana kimwe cya kabiri (1/2) cyawo, ikindi gice gisigaye (1/2) kikegukana n’abandi bazungura b’uwapfuye hakurikijwe urutonde rw’izungura

- ☞ Iyo habaye igabana, uwapfakaye ashobora gusaba ko yahabwa mu mugabane we mbere y'abandi bazungura bese, inzu yabanagamo n'uwo bari barashyingiranywe n'ibiyirimo. Iyo agaciro kayo n'ak'ibiyirimo karenze umugabane we, arayigumana ariko agatanga inshumbushanyo.
- ☞ Inzu y'umuryango ivugahwa hano ni inzu bwite abashyingiranywe babanagamo nk'umugabo n'umugore ibarirwa mu mutungo w'umwe muri bo.
- ☞ Iyo uwapfuye asize abana batarageza ku myaka y'ubukure, uwapfakaye asigara acunga umutungo wose uwapfuye asize kugeza igihe abana bese bemewe n'amategeko yasize bageze ku myaka y'ubukure, bakazungura umutungo w'umubyeyi wabo wapfuye.
- ☞ Iyo atubahirije izo nshingano yamburwa n'urukiko rubifitiye ububasha uburenganzira bwo kubacungira umutungo wose uwapfuye asize, rukagenya ushinze kubarera no kubacungira umutungo kugeza igihe bagiriye imyaka y'ubukure.
- ☞ Uwapfakaye akomeza kuba mu nzu y'umuryango yabanagamo n'uwo bari bashyingiranywe n'ibiyirimo igihe cyose agifite abana babo arera bemewe n'amategeko uwapfuye asize.
- ☞ Ubwo burenganzira arabugumana kugeza igihe yongeye gushyingirwa cyangwa abana bageze ku myaka y'ubukure bakazungura umutungo w'umubyeyi wabo wapfuye

**C. Iyo abashyingiranywe bahisemo ivangamutungo w'umuhahano nk'uburyo bwo gucunga umutungo wabo, izungura rikozwe nta rage ryubahiriza ibi bikurikira (ingingo ya 77):**

<b>Igice cy'umutungo</b>	<b>Uko izungura rikorwa</b>
Umutungo bwite wa buri wese mu bashyingiranywe (umutungo buri wese yari afite mbere y'uko habaho ishyingirwa)	Umutungo uzungurwa hakurikijwe uburyo bw'izungura ry'umutungo w'abashyingiranywe bahisemo ivangamutungo risesuye nk'uburyo bw'imicungire y'umutungo (nkuko byasobanuwe mu mbonerahamwe ya (“b”))
Umutungo w'umuhahano (umutungo abashyingiranywe bahuriyeho ugizwe n'ibyo bungutse bombi bari kumwe kuva ku munsu w'ishyingirwa harimo n'ibyo buri wese yageneye iremezo ry'urugo ku munsu w'ishyingirwa abikuye mu mutungo we bwite)	Umutungo uzungurwa hakurikijwe uburyo bw'izungura ry'umutungo w'abashyingiranywe bahisemo ivangamutungo rusange (nkuko byasobanuwe mu mbonerahamwe ya (“a”))



### 3.4. Izungura ridafite nyiraryo

Izungura ryitwa ko ridafite nyiraryo, iyo nta muzungura cyangwa abazungura banze uburenganzira bwabo bwo kuzungura.

Mu gihe izungura ridafite nyiraryo umutungo uzungurwa wegurirwa Leta. Leta igomba kurangiza inshingano z'uwapfuye hakurikijwe agaciro k'ibintu yakiriye.

Izungura ridafite nyiraryo rikorwa mu buryo bukurikira:

- ☞ Urukiko rubifitiye ububasha cyangwa Komite y'Abunzi byerekana ko izungura ridafite nyiraryo, bibisabwe n'Umunyamabanga Nshingwabikorwa w'Umurenge w'aho izungura rigomba kubera cyangwa w'aho umutungo uzungurwa uri;
- ☞ mu gihe kitarenze ukwezi kumwe (1), urukiko cyangwa Komite y'Abunzi byaregewe bigomba gufata icyemezo kigaragaza by'agateganyo ko izungura ridafite nyiraryo. Muri icyo gihe umutungo ucungwa hakurikijwe ibiteganywa n'itegeko ryerekeye imicungire y'imitungo yasizwe na beneyo;
- ☞ icyo cyemezo kimanikwa ku biro by'Umurenge w'aho izungura rigomba kubera cyangwa w'aho umutungo uzungurwa uri; nyuma y'imyaka itatu (3), ku mutungo wimukanwa n'imyaka itanu (5) ku mutungo utimukanwa uherye igihe byemejwe ko umutungo ucunzwe by'agateganyo, urukiko cyangwa Komite y'Abunzi bibisabwe n'urwego rushinzwe gucunga imitungo yasizwe na beneyo rubifitiye ububasha ruteganywa mu itegeko ryerekeye imicungire y'imitungo yasizwe na bene yo bitangaza ku buryo budasubirwaho ko izungura ridafite nyiraryo maze umutungo uzungurwa uguhita wegurirwa Leta. Nyamara iyo ibihe by'ubuzime biteganyijwe n'itegeko rigena ubusaze bitararangira, umuzungura ubonetse ashobora gusaba ko asubizwa ibintu byari byareguriwe Leta;
- ☞ Umuzungura wigaragaje mbere y'uko ibihe byavuzwe haruguru birangira azungura umutungo w'uwapfuye uko awusanze, hagakurwamo ibyakoreshejwe.

### 3.5. Inama ishinzwe iby'izungura

Inama y'umuryango ni yo ishinzwe gukemura impaka cyangwa ibibazo mu muryango byerekeranye n'izungura mbere y'uko bishyikirizwa Komite y'Abunzi cyangwa urukiko rubifitiye ububasha.

Iyo yiga ku bibazo byerekeranye n'izungura, inama y'umuryango igena abagize inama ishinzwe iby'izungura muri aba bakurikira:

- ☞ Uhagarariye abazungura igihe harimo abagejeje ku myaka y'ubukure;
- ☞ Uwapfakaye igihe ahamagawe mu izungura;
- ☞ Uhagarariye umuryango w'uwapfuye;
- ☞ Abantu babiri (2) b'inshuti z'umuryango, umwe ku ruhande rw'umugabo, undi ku ruhande rw'umugore iyo bashyingiranywe.

Inama ishinzwe iby'izungura igenzurwa n'Inama y'Umuryango.

#### .5.1. Inshingano z'Inama ishinzwe iby'izungura

Inama ishinzwe iby'izungura ifite inshingano zikurikira:

- ☞ Guhitamo umuntu ushinzwe kwegeranya umutungo uzungurwa no kumugenzura;
- ☞ kwemeza ibyakozwe n'ushinzwe kwegeranya ibizungurwa;
- ☞ gufata ibyemezo ku mpaka zose zerekeranye n'imirimo y'ushinzwe kwegeranya ibizungurwa.

#### 3.5.2. Inshingano z'ushinzwe kwegeranya ibizungurwa

Kwegeranya ibizungurwa ni ukubarura umutungo wose ugomba kuzungurwa kugira ngo abazungura b'uwapfuye cyangwa abo yahaye indagano babashe kwegukana ibyo bemerewe kuri uwo mutungo.

Ushinzwe kwegeranya ibizungurwa afite inshingano zikurikira:

- ☞ Kugaragaza no kugena uko imyenda izungurwa izishyurwa, ikagena n'igihe ntarengwa bizakorwamo,
- ☞ Gukorera raporo Inama ishinzwe iby'izungura kugira ngo yemeze ibyakozwe.

- ☞ Mu kwishyura imyenda ikurwa ku mutungo, ushinzwe kwegeranya umutungo uzungurwa agomba kubahiriza urutonde rukurikira:
  - ✓ ibyatanzwe mu ishyingurwa ry’uwapfuye;
  - ✓ ibyatanzwe mu icunga, iyegeranya n’ikigereranyo cy’ibizakoreshwa mu igabana ry’umutungo uzungurwa;
  - ✓ imyenda yose uwapfuye asize igejeje igihe cyo kwishyurwa;
  - ✓ indagano yatanzwe n’uwapfuye.

### **3.6. Uburenganzira bwo kwemera cyangwa kwanga kuzungura**

Ntawe uhatirwa kwemera kuzungura cyangwa gufata indagano yagenewe. Uzungura wese afite uburenganzira bwo kwemera cyangwa kwanga indagano. Kwemera izungura cyangwa indagano bikorwa ku mugaragaro. Iyo uzungura atagize icyo avuga kandi yaramenyeshewe ko ari mu bazungura, bifatwa nk’aho yemeye kuzungura. Uwemeye kuzungura azungura umutungo n’imyenda by’uwapfuye (ingingo ya 88).

#### **3.6.1. Guhitamo kuzungura**

Guhitamo kuzungura bikorwa mu gihe cy’amezi atandatu abarwa uherye ku itariki uzungura cyangwa uragwa yamenyesherejweho n’ushinzwe kwegeranya umutungo uzungurwa ko afite uburenganzira bwo kuzungura cyangwa ku munsu we ubwe yagaragajeho ko afite ubwo burenganzira (ingingo ya 89).

- ☞ Umuntu ufite ububasha bwa kibyeyi ku mwana utaragera ku myaka y’ubukure ni we umuhitiramo kuzungura cyangwa kutazungura;
- ☞ Umuntu mukuru wambuwe ubushobozi we ahitirwamo n’umwishingizi we.
- ☞ Iyo umuntu apfuye atemeye cyangwa ngo yange kuzungura, bikorwa n’abamuzungura.
- ☞ Uwemeye kuzungura wese agomba kuriha imyenda y’uwapfuye hag cy’uruhare agomba bigendanye n’uruhare agomba kubona ku mutungo uzungurwa.
- ☞ Uwishyuye umwenda wose ashobora gusaba urukiko ko hahamagazwa abazungura kugira ngo bishyure uruhare rwabo bityo asubizwe ibyo yatanze abishyurira.

### 3.6.2. Kwanga kuzungura

Kwanga kuzungura bigomba kugaragazwa kandi bigakorwa mu nyandiko mu buryo bukurikira (ingingo ya 91):

- ☞ Iyo uzungura atazi cyangwa adashobora kwandika, ashobora kuvuga mu magambo ko yanze kuzungura mu gihe cyagenwe.
- ☞ Kwanga kuzungura bimenyeshwa abandi bazungura cyangwa bikamenyeshwa ushinzwe kwegeranya umutungo iyo hari uwagenwe imbere y'abatangabuhamya babiri.
- ☞ Uzungura wanze kuzungura afatwa nk'aho atigeze ashirwa mu bagomba kuzungura. Ntasabwa kwishyura imyenda ikurwa ku mutungo uzungurwa.

Uzungura cyangwa uwahawe indagano wemeye cyangwa wanze kuzungura ntashobora kwisubiraho iyo igihe cyo guhitamo cyarangiyeye, keretse iyo byabayeho hakoreshejwe uburiganya, ingufu cyangwa ibikangisho kandi bikaregerwa mu rukiko mu gihe cy'amezi cumi n'abiri uhereye igihe ubwo buriganya, ingufu, cyangwa ibikangisho byarangiriye.

Icyo gihe cy'amezi cumi n'abiri gishobora kongerwa habonetse impamvu zigaragara kandi zifatika.

### 3.7. Kugabana umutungo uzungurwa

Igabana ry'umutungo ni uburyo Inama ishinzwe iby'izungura cyangwa Komite y'Abunzi cyangwa urukiko bagabanya umutungo uzungurwa hagati y'abawufiteho uburenganzira bose.

#### 3.7.1. Uburyo igabana rikorwamo

- ☞ Umutungo uzungurwa ugabanywa uko uri.
- ☞ Agaciro kawo kagenwa ku munsu w'igabana.
- ☞ Iyo bidashobotse ko umutungo uko umeze ugenwa mu migabane ingana, abazungura babyumvikanyeho, bagena inshumbushanyo abazungura babonye umugabane urenze uw'itegeko cyangwa irage ribemerera baha ababonye umugabane mutoto.
- ☞ Iyo habayeho impaka hagati y'abazungura ku gaciro k'umutungo uzungurwa cyangwa kw'itangwa ry'inshumbushanyo, ikibazo gishyikirizwa Inama ishinzwe iby'izungura, Komite y'Abunzi cyangwa urukiko rubifitiye ububasha bikagena ako gaciro.

- ☞ Iyo ibintu bimwe bidashobora kugabanyika uko bikwiye, abazungura bumvikana uburyo bwo kubicunga no kugabana inyungu.
- ☞ Iyo bibaye ngombwa ko bigurishwa, abazungura bagira uburenganzira bwo kuba babigura mbere y'undi muntu wese.
- ☞ Iyo hari umuzungura wifuza kubona umugabane we nyamara abandi bazungura badashaka igabana ry'umutungo, abiregera mu rukiko rubifitiye ububasha mu buryo bw'ibirego bisanzwe, akaba yagenerwa uruhare rwe bitabaye ngombwa ko igabanywa rikorwa kuri bose.
- ☞ Umutungo wazunguwe n'abana batarageza ku myaka y'ubukure ucungwa n'umubyeyi wabo wasigaye, yaba adahari ugacungwa n'ubafiteho ububasha bwa kibyeyi.
- ☞ Igabana ritanga uburenganzira busesuye ku mutungo. Uzunguye yegukana ku buryo budasubirwaho umutungo wose azunguye.

### 3.7.2. Igabana ry'ubutaka buzungurwa

Ubutaka buzungurwa nk'uko undi mutungo utimukanwa uzungurwa. Igabana ryabwo rikorwa nk'uko iry'indi mitungo rikorwa.

- ☞ Birabujijwe kugabanyamo ibice ubutaka bugenewe ubuhinzi n'ubworozi mu gihe ibice biva muri uko kugabanya bitanga ibice by'ubutaka bifite munsu ya hegitari imwe buri gice cyagabanyijwe.
- ☞ Abazunguye ubutaka bubujijwe kugabanywamo ibice babutunga bakanabukoreshereza hamwe mu buryo buteganywa n'itegeko rigenga ubutaka mu Rwanda

### 3.7.3. Kugaruza ibyarenze mu gihe cy'itangwa ry'impano

Iyo uwapfuye yarengaje igice cy'ibyoyagombaga gutanga:

- ☞ Indagano ntitangwa;
- ☞ Abazungura bazigamirwa bashobora gusaba ko ibyarenze ku mpano byagaruzwa, haherewe ku mpano zatanzwe nyuma z'izindi.
- ☞ Ikintu cyatanzwe mbere y'imyaka itatu (3) ibanziriza umunsi izungura ritangiriyeho ntigishobora kugaruzwa.

## UMWANZURO

Itegeko N°27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyiringanywe, impano n'izungura ryasohotse mu igazeti ya Leta ya Repubulika y'u Rwanda No.31 yo ku wa 01/08/2016 ari nabwo ryatangiye gukurikizwa. Ryaje rikuraho kandi risimbura Itegeko No. 22/99 ryo ku wa 12/11/1999 ryagenga ibirebana n'imicungire y'umutungo w'abashyiringanywe, impano n'izungura.

Nta gushindikanya ko aka gatabo kazafasha abazagasoma gusobanukirwa neza ibirebana n'imicungire y'umutungo w'abashakanye, impano n'izungura, dore ko izo ngingo zigaruka kenshi mu buzima bwa buri muni bw'abanyarwanda. By'umwihariko turizera ko aka gatabo kazafasha mu gukemura ibibazo by'amakimbirane mu miryango ashingiye ku mitungo kuko usanga ahenshi mu Rwanda abagize umuryango basubiranamo kubera kutamenya no gusobanukirwa ibyo buri wese yemererwa n'itegeko.

Aka gatabo ntigasimbura itegeko rigenga imicungire y'umutungo w'abashyiringanywe, impano n'izungura, 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.

Turasaba ko aka gatabo kazagera ku banyarwanda benshi bashoboka kandi abagasomye bakagasangiza abandi ibigakubiyemo bityo iri tegeko rigenga imicungire y'umutungo w'abashayakanye, impano n'izungura rikarushaho kumenyakana.

Twongeye gushima byimazeyo abantu bose bagize uruhare mu itegurwa ry'aka gatabo; by'umwihariko tukaba duhimira umufatanyabikorwa wacu w'imena GIZ wadufashije kugira ngo aka gatabo gategurwe ndetse kanasohoke. Tubifurije mwese gukomeza kugira uruhare mu kubaka u Rwanda twifuzaga rugendera ku mategeko kandi ruzira amakimbirane mu miryango cyane cyane ashingiye ku mutungo.

## **INYANDIKO ZIFASHISHIJE**

### **A. Amategeko**

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3. Itegeko No. 27/2016 ryo kuwa 08/07/2016 ryerekeye imicungire y'umuutungo w'abashyingiranywe, impano n'izungura, Igazeti ya Leta, 2016.
4. Itegeko No. 32/2016 ryo kuwa 28/08/2016 rigenga abantu n'umuryango, Igazeti ya Leta, 2016
5. Itegeko No. 22/99 ryo ku wa 12/11/1999 ryagenga ibirebana n'imicungire y'umutungo w'abashyingiranwe, impano n'izungura, Igazeti ya Leta, 1999.

### **B. Ibitabo byifashishijwe**

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