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Icegeranyo c'amateguko ngenderwako yahinyanyuwe yashizweho n'ishirahamwe mpuzamakungu ONU kuvyerekeye abanyororo (Amateguko yitiriwe Nelson Mandela)

Agatabu mfashanyigisho



Agatabu mfashanyigisho karimwo icegeranyo c'amategoko ngenderwako yahinyanyuwe yashizweho n'ishirahamwe mpuzamakungu ONU ku vyerekeye abanyororo (Amategoko yitiriwe Nelson Mandela)

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Icegeranyo c'amategoko ngenderwako yahinyanyuwe yashizweho n'ishirahamwe mpuzamakungu ONU kuvyerekeye abanyororo (Amategoko yitiriwe Nelson Mandela)

Kw'isi, hari abantu bangana na miriyoni 10,2 bagizwe n'abagabo, abagore hamwe n'abana bapfunzwe, kandi abangana n'icagatatu muri bo bakaba bakirindirye gucibwa imanza.

Icegeranyo c'amategoko ngenderwako yahinyanyuwe agenga ishishamwe mpuzamakungu ONU kuvyerekeye abanyororo (Amategoko yitiriwe Nelson Mandela) cemejwe atatumwe avuyemwo n'Inama ya bese y'ishishamwe mpuzamakungu ONU muri Kigarama 2015 kandi kikaba cerekana ingendo ngenderwako zerekeye itunganywa ribereye ry'amabohero, mu ntumbero yo kwubahiriza agateka k'abanyororo.

Amategoko yitiriwe Nelson Mandela ntabwo ari mashasha ariko ni inyandiko y'amategoko ngenderwako yahinyanyuwe yerekana uko abanyororo bakwiye gufatwa. Ingingo umunani z'ayo mategeko ngenderwako zahinyanyuwe kugirango ajane n'ibihe mu bijanye n'ivyagiye biratohozwa mu buhinga bwerekeye igisata c'amategoko agenga amabohero hamwe n'ico agateka ka zina muntu kuva mu mwaka wa 1955.

Inyuma y'ibiganiro ku nyandiko yahinyanyuwe mu nama yahuje umurwi w'abahinga mpuzabihugu mu gisagara ca *Cape Town*, muri Afrika y'epfo, hafashwe ingingo ko iyo nyandiko yokwitirirwa « Nelson Mandela ». Iyo bikaba vyakozwe mu ntumbero yo guha icubahiro uwahoze atwara igihugu ca Afrika y'epfo, umuhisi Nelson Mandela, yamaze imyaka 27 apfunzwe kandi akaba yaraharaniye cane agateka k'abanyororo.



Uburyo ihinyanyurwa ryakozwe

Kuki ayo mategeko yahinyanyuwe ?

Ibihugu bigize umuryango mpuzamakungu ONU vyabonye ko icegeranyo c'amategeko ngenderwako kigizwe n'amategeko atagihuye n'ibihe tugezemwo kandi aterekana intambwe nyamukuru zashitsweko mu myaka 60 irangiye mu gisata c'agateka ka zina muntu hamwe n'amategeko mpanavyaha.

Ninde yakoze iyo mpinyanyuro ?

Mu mwaka wa 2010, ingingo y'inama ya bose y'umuryango mpuzamakungu ONU yashinze umurwi w'abahinga baturuka mu bihugu bitandukanye igikorwa co guhinyanyura ayo mategeko. Ibihugu bigize uwo muryango bikaba vyumvikanye ukuntu iryo hinyanyurwa ryakorwa hamwe n'ivyohinyanyurwa ; baca bongeramwo ibisata vy'umuryango mpuzamakungu ONU, amashirahamwe mpuzamakungu, amashirahamwe adaharanira ivyicarwo vya poritike hamwe n'incabwenge zikora muri za kaminuza, muri ico gikorwa co kuyahinyanyura.

Umurwi w'abahinga ukaba wakoranye ubwa mbere mu mwaka wa 2011, uca ufata ingingo yo gukora « impinyanyuro aho bikenewe » kubigabane n'amategeko bitagihuye n'ibihe ; ariko itunganywa hamwe n'amategeko bigihuye n'ibihe ntabwo vyahinduwe. Iyo mpinyanyuro yarasubiriye kwigwa mu zindi nama zitatu.

Amategeko yitiriwe Nelson Mandela rero akaba yaronkejwe inomeri nshasha bivanye n'izo mpinyanyuro zikomeye zakozwe.

Iryo hinyanyurwa rikaba ryashize hamwe ingendo ngenderwako kubijanye n'amategeko mpanavyaha hamwe n'agateka ka zina muntu mu nyandiko imwe. Iyi nyandiko ikaba igizwe n'ibijanye no kwubahiriza agateka k'abanyororo ikongera ikaronsa abakora mu mabohero hamwe n'abaronzwa bayo icegeranyo kigizwe n'ingingo zihinyanyuwe kandi zihuye n'ibihe.

Ushaka kumenya vyinshi kuri kino gikorwa co guhinyanyura iki cegeranyo c'amategeko ngenderwako, worondera mu vyegeranyo vyakozwe n'amashirahamwe mpuzamakungu yigenga ku buhinga ngurukanabumenyi : www.penalreform.org/resource/joint-ngo-briefing-process-review-standard-minimum-rules/ (mu rurimi rw'Icongeza)



Ishirwa mu ngiro ry'amategeko yitiriwe Nelson Mandela guhera kw'ifungwa gushika kw'ifungurwa

Aya mategeko 122 yerekana impande zose zerekewe itunganywa ry'amabohero kandi agatanga icegeranyo c'ingeri ngenderwako zumvikanyweko mu kuntu abanyororo bofatwa, haba mu gihe co gufungwa vy'agateganyo canke mu gihe bamaze gucirwa imanza.

Ingingo ngenderwako

Amategeko kuva kurya 1 gushika kurya 5 yerekana ingingo ngenderwako zikurikira :

- Abanyororo bategerezwa gufatwa runtu hisunzwe agateka kababereye nk'ikiremwa muntu.
- Ibikorwa vyo gusinzikarizwa ubuzima hamwe n'ayandi mabi birabujijwe.
- Abanyororo bategerezwa kwitabwaho atagukumira bigiyemwo.
- Igihano c'umunyororo cashizweho mu ntumbero yo gukingira abanyagihugu hamwe no kwirinda ko ubukozzi bw'ikibi bwohava bwisubiriza.
- Umutekano ku bafungwa, abakozi bo mu mabohero, uw'abo bafashanya hamwe n'abo bose babagendera uza imbere ya vyose.

Akanyenyeri* gatukura kerekana impinyanyuro zakozwe.

Kwinjizwa mw'ibohero

➡ **Ibohero umunyororo apfungigwamwo***

[Itegeko rya 59]

Amategeko asaba ko abanyororo bapfungirwa hafi y'aho baba kugirango boroshe igikorwa co kubasubiza mu buzima bwa misi yose.

➡ **Iyandikwa*** [Amategeko ya 7 na 8]

Amakuru ategerezwa kwegeranywa akongera akandikwa muri dosiye y'umunyororo agizwe ubu n'amazina hamwe n'umwidondoro w'aho umuryango wiwe uba, hamwe n'igikomere ico arico cose kiboneka canke ibirego vy'amabi yoba yakorewe imbere yo gushikanwa kw'ibohero.

➡ **Amakuru*** [Amategeko ya 54 na 55]

Bagishikanwa mw'ibohero, abanyororo bategerezwa kuronswa amakuru yerekeye iryo bohero, na cane cane ayajanye n'amategeko agenga iryo bohero, hamwe n'uburenganzira bwabo bwo kuronswa impanuro kubijanye n'ubutungane ; ivyo vyose bigakorwa mu rurimi no mu buryo abanyororo bashoboye gutahura.

➡ **Ibintu umunyororo asanzwe atunze**

[Amategeko ya 7 na 67]

Abajewe amabohero bategerezwa kubika ibikoresho vyose vy'abanyororo (cane cane ivyo baterekuriwe kwibikira) mu kibanza cizigiwe kandi basabwe no gukora urutonde rwavyo. Ivyo bikoresho biraheza bigasubizwa abanyororo bikimeze neza mu gihe barekuwe.

➡ **Kuvuzwa kwa muganga*** [Amategeko ya 30 na 34]

Umuganga yabinonosoye ategerezwa gukorera ibipimo bikenewe umunyororo agiheza kwinjizwa mw'ibohero. Amategeko atagekanya ko iryo suzumwa ritogarukira gusa ku kwerekana ingorane zibangamiye amagara y'umunyororo hamwe n'imiti yoronswa, ahubwo ryotohoza ko hoba hari ibimenyetso vy'ingwara zo mu mutwe canke n'ibindi bijanye n'ihohoterwa iryo ariryo ryose ryoba ryabaye, bigaca bishikirizwa abayobozi babijewe.

Gushigwa mu mirwi hamwe no gutunganirizwa mu ngorane kanaka

➡ **Gushirwa mu mirwi** [Itegeko rya 11]

Imirwi imwe imwe y'abanyororo itegerezwa gushirwa ukwayo kugirango babakingire bongere boroshe igikorwa co kwitaho buri muntu ku giti ciwe. Rino tegeko riraba abagabo n'abagore, rikaraba abanyororo bapfunzwe ivy'agateganyo hamwe n'abamaze gucibwa imanza, mbere rikanaraba abana n'abakuze.

➡ **Ivyankenerwa kuri buri murwi***

[Amategeko ya 2 na 5]

Ni ngombwa ko amabohero afata ingingo zibereye kugirango abafungwa bagendana ubumuga runaka bwaba ubwo ku mubiri, ubwo mu mutwe canke ubundi bumuga, bashobore kuronswa ubufasha bagenewe bubereye atakumira rigiyemwo. Ingingo zifashwe kugirango imirwi itandukanye yoroherezwe ntizokwigera zifatwa nk'izikumira.

➡ **Gushira mu mirwi** [Amategeko ya 89, 93 na 94]

Ni ngombwa ko buri muntu ku giti ciwe asuzumwa kugirango higwe ingorane abanyororo bashoboye kwikwegera, bashoboye gukwegera abakozi bo mu mabohero canke abandi banyororo ; utibagiye impanuka zishobora kubabangamira , ibintu vya nkenerwa kuri buri muntu hamwe n'ingingo zibereye zofatwa. Uburyo bwo kubashira mu mirwi bwokworoshwa kugirango bikunde ko ibibazo vya buri munyororo ku giti ciwe vyokwitabwaho.

Abakozi bo mu mabohero

➡ **Umutekano*** [Itegeko rya 1]

Umutekano w'abakozi b'amabohero utegerezwa kwubahirizwa buri gihe.

➡ **Akazi** [Amategeko ya 74 na 78]

Abakozi bo mu mabohero bategerezwa kuba abakozi bagengwa n'amasezerano y'ikiringo kibandanya kandi bategerezwa kuronswa uburenganzira bwo kuba abakozi ba reta, gutyo bagakora batekanye kubijanye n'ikiringo bazomara mu kazi, mu gihe cose bazoba bakirangwa n'inyifato zibereye, umwimbu ukwiye mukazi kabo hamwe n'amagara meza. Mu ntumbero yo gufasha abakozi bo mu mabohero, amabohero asabwa gukoresha abakozi babinonosoye kandi bakwiye, mu bisata vy'indwara zo mu mutwe, abahanuzi mu vy'imibano hamwe n'abigisha.

➡ **Imishahara** [Itegeko rya 74]

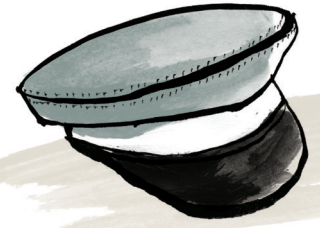
Imishahara itegerezwa kuba ikwiye kugirango amabohero ashobore gukwegakwega abakozi b'amabohero babibereye, co kimwe n'utundi turusho hamwe n'ibindi bintu bogenerwa bakabishira k'urugero ruhwaye n'igikorwa bajejwe kitoroshe.

➡ **Gutanga akazi** [Amategeko ya 74 na 81]

Kubera ko igikorwa co gucungera amabohero kigoye, uburongozi bwayo butegerezwa gukorana ubwitonzi igikorwa co gutanga akazi, kuko ni akazi gasaba ubukerebutsi n'agatima runtu ka buri mukozi hamwe n'ubumenyi mu bijanye n'akazi. Abanyororo b'igitsina gore bategerezwa gucungirwa n'abakozi b'amabohero b'abakenyezi.

➡ **Gukarihirizwa ubwenge*** [Amategeko ya 75 na 76]

Kugirango bashobore kurangurana amabanga yabo ubuhinga, abakozi b'amabohero bategerezwa kuronswa uburyo bwo kuguma babandanya gukarihirizwa ubwenge.



Izi nyigisho zitegerezwa kuba zishingiye ku ngendo zibereye zisanzwe zibaho, zubakiye kukwihweza neza ivyashitse kugirango bitwigishe, kandi zigahabwa umukozi imbere y'uko atangura akazi mbere n'inyuma amaze gutangura akazi. Izo nyigisho zobamwo ubuhinga bwo gukoresha inguvu, gufata neza imirwi imwe imwe y'abanyororo hamwe no gukoresha ubuhinga bwo gucunga umutekano bufatiye kugushiraho umubano mwiza hagati y'abanyororo n'abakozi b'amabohero. Abanyororo bategerezwa gufatwa neza mu buryo bizoborohera gusubira mu buzima busanzwe muri kazoza.

➡ **Uburongozi** [Amategeko ya 79 na 80]

Aya mategeko yerekana amabanga abayobozi b'amabohero bajejwe hamwe n'ivyo basabwa kuba bakwiye.

Amadosiye hamwe n'inyandiko zibikwa

Uburyo bwo gutunganya amadosiye y'abanyororo n'ikintu c'ingirakamaro kugirango amabohero ashobore gukora neza. Aya mategeko yahinyanyuwe aremera muri kino gihe ubuhinga ngurukana bumenyi kandi agatanga n'amakuru yerekana ibintu bishoboye kuja muri izo dosiye, abantu barekuriwe kuraba ibiri muri ayo madosiye, hamwe n'ico woshobora gukoresha ibintu ukuye muri ayo madosiye.

➡ **Ukwo amadosiye acunegwa***

[Amategeko ya 6 na 10]

Hategerezwa gushirwaho ubuhinga bwerekana uko buri dosiye y'umunyororo yocungerwa. Ayo makuru ashoboye kubikwa ukoresheje ubuhinga ngurukana bumenyi canke ukoresheje kwandika kumpapuro zabigenewe. Mu gihe ico arico cose, ubuhinga bubereye butegerezwa gushirwa mu ngiro kungirango hirindwe ko hogira uwubona ayo madosiye atabifitiye uruhusha canke ngo hagire ico ahindura mubiyaditsemwo. Inkuru ziri muri ayo madosiye zitegerezwa gusesangurwa kugirango hashobore kumenyekana ibitigiri vy'abanyororo bakirwa n'amabohero, cane cane mu kwerekana urugero ivyo bitigiri bigezeko.

➡ **Inkuru*** [Amategeko ya 7-9, 26 na 92]

Buri dosiye itegerezwa kuba irimwo amakuru ajanye n'ibintu bitandukanye vyerekeye umunyororo, na cane cane umwidondoro wa buri muntu, itariki azorekurigwako canke azokwungururizwako mu rindi bohero, ibiranga idosiye yiwe muri sentare, amaraporo yerekeye umurwi yashizwemwo, ibihano amaze guhabwa bivanye n'inyifato yiwe hamwe n'ibirego yoba yarashikirije. Amadosiye yo kwa muganga ya buri muntu ategerezwa kubikwa neza kandi mw'ibanga, akabikwa ukwayo kandi umunyororo akaba afise uburenganzira bwo kuyashikira.



Inyubakwa z'amabohero

➡ **Isuku** [Amategeko ya 15, 16, 18 na 21]

Ibohero ryose ritegerezwa kuba rifise utuzu twa surwumwe dusukuye, kugirango isuku ribungabungwe kandi n'agateka k'abanyororo kubahirizwe. Abanyororo bategerezwa kandi kuronswa amazi, hamwe n'ibindi bikoresho vy'isuku (harimwo impapuro z'isuku zo mukigo zagenewe abakenyezi), impuzu zibereye hamwe n'igitanda.

[Raba kandi amategeko y'umuryango mpuzamakungu ONU yemejwe i Bangkok]

➡ **Amazi yo kunywa n'infungurwa***

[Amategeko ya 22, 35, 42 na 43]

Abanyororo bategerezwa kuronswa infungurwa zirimwo ingaburo zibereye kandi ziteguwe neza, bakaronswa amazi meza yo kunywa buri gihe bayashatse. Nta muntu n'umwe yokwimwa infungurwa canke amazi yo kunywa mu ntumbero yo kumuhana bivanye n'inyifato mbi yoba yagize ; ivyo vyose bitegerezwa kuronswa buri muntu atakurobanura.

➡ **Uburaro** [Amategeko ya 12-14, 42 na 113]

Mu gihe uburaro bw'ibohero bugizwe n'utwumba duto duto, buri munyororo aronswa akumba kiwe. Mu gihe naho abanyororo baryama mu vyumba rusangi, hategerezwa kuba gushishoza neza kugirango hamenyekane abanyororo boshirwa mu cumba kimwe. Abafunzwe vy'infatakibanza bategerezwa kuronswa utwumba twagenewe umuntu umwe umwe. Abanyororo bategerezwa kuronswa atakumira rigiyemwo, ubuhinga bwo gususurutsa aho baba, ubwo kuzana akayaga, ubwo gutanga umuco, kuronka impwemu nziza hamwe n'ikibanza cisanzuye bikwiye.

➡ **Abana*** [Amategeko ya 28 na 29]

Ingingo y'uko umwana yobana n'umuvyeyi wiwe mw'ibohero itegerezwa gufatwa hashizwe imbere inyungu y'umwana.

Umunyororo ategerezwa kuronswa ibikenewe kubijanye n'ibipimo vy'imbere n'inyuma yo kwibaruka, ugucungera abana hamwe no kubavuzi no kubaronsa ibipimo vyo kwa muganga. Abana baba mw'ibohero ntibokwigera bafatwa nk'abanyororo.

[No ngaha raba amategeko y'umuryango mpuzamakungu ONU yemejwe i Bangkok]





Ibihano bijanye n'inyifato mbi

➡ Amakuru* [Amategeko ya 54 na 55]

Aya mategeko yemeza ko bibereye ko umunyororo amenya agateka kiwe hamwe n'ivyo asabwa kugirango amabohero arangure akazi kayo neza. Kuva abanyororo binjiye ibohero, bategerezwa kumenyeshwa ibijanye n'amategeko agenga amabohero n'abanyororo, agateka kabo hamwe n'ivyo abanyororo basabwa, ibihano bihabwa abigenjeje nabi, hamwe n'uburyo bwo kuronswa uwogufasha mu vy'amategeko (harimwo no kubafasha kuronka abobunganira mu vyo kuburana). Ayo makuru ategerezwa gutangwa mu rurimi no mu buryo butahurwa na bose.

➡ Gusaka* [Amategeko ya 50-53 na 60]

Uburyo isakwa rikorwamwo butegerezwa kuba bushingiye ku mabwirizwa canke amategeko ngenderwako, kandi imbere yo gufata ingingo yo gusaka utegerezwa kuraba ko bikenewe koko kandi uburyo isakwa ryakorwamwo butarengeje urugero. Uburyo bwo gukora isakwa butegerezwa kwubahiriza agaciro hamwe n'akabanga k'umunyororo kandi ntibukoreshwe nk'uburyo bwo gukubagura canke gutera ubwoba. Gusaka mu mpuzu no ku mubiri bikorwa iyo ariyo ngingo yanyuma ishoboka kandi ivyafashwe mw'isaka bitegerezwa gushirwa ahabona. Isakwa ry'abaje kuramutsa abanyororo bitegerezwa gukorwa vyisunze amategeko amwe nk'arya yo gusaka abanyororo ariko umuntu akitwarika ko atari abanyororo.

➡ Gufungirwa mu kumba gato kiherereye*

[Amategeko ya 43-46]

Kubera ingaruka mbi zitegwa n'iki gihano ku mubiri no mu mutwe w'umunyororo, aya mategeko ategukanya ko gufungirwa mu kumba gato kiherereye vyakorwa mu bihe bidasanze, nk'ingingo ya nyuma yari isigaye, kandi mu kiringo gito gishoboka, uburongozi bubifitiye ububasha bubanza kubitangira uruhusha kandi bikabanza gusuzumwa n'uruhande rwigenga. Birabujijwe cane gufunga umunyororo mu kumba gato kiherereye mu kiringo kitazwi kandi kirekire (kirenga imisi 15). Ku migwi imwe imwe, akarorero nk'abagore bibungenze canke bonsa, gufungirwa mu kumba gato kiherereye birabujijwe.

Amategeko arerekana neza ko gufungirwa mu kumba gato kiherereye ari ugufunga umuntu amasaha arenze 22 ku munsu umunyororo adafise uko yashobora kubonana n'abandi bantu. [No ngaha raba amategeko y'umuryango mpuzamakungu ONU yemejwe i Bangok hamwe n'amategeko y'umuryango upuzamakungu ONU yemejwe i Havane]

➡ **Ibihano bitangwa bivanye n'inyifato mbi***

[Amategoko ya 36-43]

Aya mategeko arekana uburyo bukoreshwa hamwe n'ingingo zifatwa mu gihe hari uwagiriye icaha biturutse ku nyifato mbi. Amabwirizwa canke amategoko ategerezwa gusobanura neza inyifato zifatwa nk' icaha kijanye n'inyifato mbi, kandi ibihano bitegerezwa kuba biringaniye n'inyifato mbi yakozwe ; abanyororo bategerezwa kandi kuronswa uburenganzira bwo kwisigura ku vyo baregwa. Ibihano bihabwa abanyororo bivanye n'inyifato mbi bagize bitegerezwa kuba vyanditswe. Gukoresha ubundi buryo bwose bwo gutatura amatati biciye mu kuyaga birarekuwe mu gihe vyoba vyofasha gukinga ko ivyaha bifatiye ku nyifato mbi bikorwa canke bigafasha gutatura amatati. Mu gihe biri mu nyungu y'ubutungane, na cane cane mu gihe hakoze ivyaha bikaze bifatiye ku nyifato mbi, abanyororo bategerezwa kuronswa uburenganzira bwo kwisigura ku vyaha bagirizwa, bo nyene ku giti cabo canke biciye mu kuronswa ababunganira mu vy'amategoko.

➡ **Ikoreshwa ry'uburyo bushingiye ku guhata umuntu***

[Amategoko ya 43 na 47-49]

Ibikoresho bikoreshwa mu buryo bushingiye ku guhata umuntu bitesha agateka umuntu canke bibabaza umubiri birabujijwe. Gukoresha ibikoresho ivyo arivyo vyose bitegerezwa kwisunga ibi bikurikira : Bibwirizwa gukoreshwa mu gihe ata bundi buryo butarengeje urugero bwo gucunga abanyororo bushoboka kandi ivyo ibikoresho bitegerezwa guca bikugwaho bidatwe. Uburyo bushingiye ku guhata umuntu butegerezwa guca buvanwaho mu maguru masha. Ubwo buryo bushingiye ku guhatira umuntu gufata ingingo canke gukora ikintu butegerezwa kuvanwaho mu gihe umunyororo aregutse muri sentare kandi kirazira kubukoresha mu gihe umugore ari ku bise, ariko aribaruka canke ariho agiheza kwibaruka.

➡ **Gukoresha inguvu [Itegeko rya 82]**

Nta mukozi n'umwe ajejwe gucunga amabohero arekuriwe gukoresha inguvu kiretse mu gihe co kwigwanira canke mu gihe umunyororo agerageje gutoroka. Ikoreshwa ry'inguvu iryo ari ryo ryose ritegerezwa gukorwa atakurenza urugero kandi rigaca rimenyeshwa ababijijwe. Kiretse mu bihe bidasanzwe, kirabujijwe ko abakozi b'amabohero bitwaza ibirwanisho. Ingingo z'umuryango mpuzamakungu ONU zisaba ko hobaho amategoko yokwisungwa mu gihe co gukoresha inguvu kandi zigasaba ko gukoresha inguvu mu buryo butarekuwe n'amategoko bitegerezwa guhanwa nk'uwakoze icaha. [Raba kandi intumbero ngenderwako zijanye no gukoresha inguvu hamwe no gukoresha ibigwanisho bicira umucanwa vyakozwe n'abajejwe kwubahiriza amategoko]

Imigenderanire n'abantu bo hanze

➡ **Incuti n'abagenzi [Amategoko ya 43, 58-60, 68, na 70]**

Abanyororo barafise uburenganzira bwo kugenderwa hamwe no kuvugana n'incuti, n'abagenzi hakoreshejwe n'ubundi buryo nk' amaterefone canke amabaruwa. Kwimwa uburenganzira bwo kuramutswa ntibishobora gukoreshwa nk'igihano gifatiye ku nyifato mbi na cane cane ku bakenyezi bafunzwe hamwe n'abana babo.

Abanyororo barafise uburenganzira bwo kuyagira abagenzi babo canke incuti zabo ku bijanye n'uko bafunzwe, aho bazungururizwa, ingwara canke ibikomere bihambaye. Mu gihe umuntu wo mu muryango canke umutambukanyi w'umunyororo agwaye canke yitavye imana, umunyororo arafise uburenganzira bwo kugenda kumugarukirako aho agwariye canke ku maziko yiwe. Kuramukanya no kuganira ivy'urugo n'uko bubakanye ni uburenganzira bwa bose ata nkunzi.

[Raba kandi amategoko y'umuryango mpuzamakungu ONU yemejwe i Bangkok]

➡ **Abashingwamanza***

[Amategoko ya 41, 53, 61, 119 na 120]

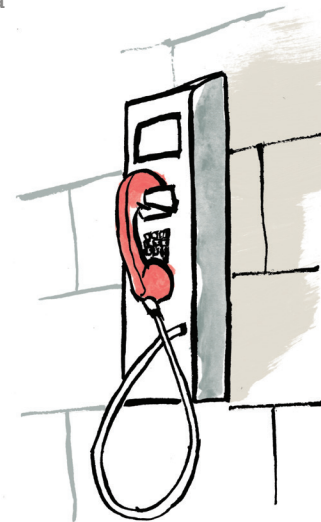
Abanyororo bategerezwa kuronswa uburyo, umwanya n'ikibanza cihereye co kuganiriramo n'abashingwamanza babo. Bategerezwa kuronswa ababunganira mu bijanye n'amategoko hisunzwe ingingo n'ingeri mpuzamakungu.

Abanyororo barafise uburenganzira bwo kubona no kubika dosiye zijanye n'urubanza rwabo kugirango zizobafashe mu mburano zabo.

[Raba kandi akarangamutima n'imirongo ngenderwako y'umuryango mpuzamakungu kubijanye no kuronswa umwunganizi mu vy'amategoko mpanavyaha]

➡ **Ubuserukizi bw'bihugu [Itegeko rya 62]**

Abanyamahanga barafise uburenganzira bwo kubonana n'abaserukiye ibihugu vyabo. Rino tegeko rishingiye ku ngorane zidasanzwe zibahanze, nko kuba badashoboye gukoresha ururimi rusanze rukoreshe mw'ibohero, kutamenya inkuru canke kuba badafise ubumenyi kubijanye n'itunganywa ry'igisata c'ubutungane hamwe n'ingorane ifatiye kukudashobora kuyaga n'imiryango yabo.



Ibikorwa vya buri musi

➡ Imigambi yo gusubizwa mu buzima busanzwe*

[Amategeko ya 4, 88, 89, na 91 gushika ku rya 94, n'irya 96 gushika ku rya 108]

Amabohero ategerezwa gutunganiriza abanyororo ibikorwa bijanye n'indero hamwe n'amashuri, inyigisho z'imyuga, hamwe n'ibindi bikorwa n'infashanyo zose ntahara zizobafasha mugihe basubiye mu buzima busanzwe. Ibi bikaba bishingiye ku ntumbero nyamukuru y'igihano c'umunyororo : gukingira abanyagihugu hamwe no kwirinda ko ivyo vyaha bisubira gukorwa. Kugirango iyo migambi ishoboke, itegerezwa gushingira k'ubushobozi n'ubumenyi bwa buri muntu ku giti ciwe. Amabohero ategerezwa kumenya uruhara rudasanzwe rw'abakozi bayo mu gikorwa co gusubiza abanyororo mu buzima busanzwe.

➡ Ubuzi bwemewe n'ububujijwe*

[Amategeko ya 40, irya 96 gushika ku rya 103]

Guhanisha umunyororo ibikorwa vy'inguvu, ubuja, ibikorwa bifise intumbero yo kuzanira inyungu abantu ku giti cabo canke inyungu runaka z'umukozi w'ibohero, birabujijwe. Igikorwa ico ari co cose gitegerezwa kuba gifitiye akamaro umunyororo mu gihe azosubira mu buzima busanzwe canke akaronsa agahembo ku gikorwa yakoze. Ako kazi kokorerwa ahantu hadafise ingaruka mbi hisunzwe amategeko. Abanyororo ntabwo bokoreshwa ibikorwa mu ntumbero yo kubahana ku nyifato mbi boba bagize.

➡ Ibikorwa bifitiye abanyororo akamaro

[Amategeko ya 4, 23, irya 64-66, n'irya 105]

Kuronsa abanyororo ibikorwa bifafitiye akamaro birafasha mw'itunganywa ry'uburongozi bwiza bw'ibohero, mbere bigafasha no kubungabunga amagara yo mu mutwe y'abanyororo, bigafasha no mu gikorwa co kugasubiza mu buzima busanzwe.



Abanyororo bafise uburenganzira bwo gutunganya inkino no gukora imyimenyerezo ngorora mubiri ; bisabwa ko boronswa n'imiburiburi ikiringo kingana n'isaha imwe ku munsu. Buri bohero ritegerezwa kugira isomero ry'ibitabo, kandi abanyororo bakaba barekuriwe n'uburongozi bw'ibohero gutunganya ibikorwa bijanye n'ukwemera kwabo.

➡ Ukwiga [Itegeko rya 104]

Umunyororo ategerezwa kuronsa uburyo bwo kwiga kuko bifasha gukinga ko ikorwa ry'ivyaha ryoza ririsubiriza. Inyigisho zitegerezwa kuba ziri ku rugero rumwe n'inyigisho zo mu mashuri ya reta kandi abanyororo bese bakaba bazifise ko uburenganzira. Abanyororo batabi gusoma no kwandika hamwe n'urwaruka bategerezwa kuronsa inyigisho.

Amagara y'umubiri n'ayo mu mutwe

➡ Uburenganzira bwo kuvurwa*

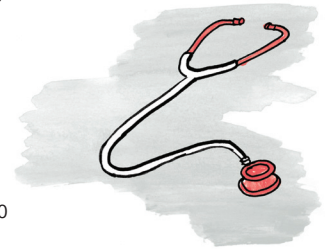
[Amategeko ya 24-29 na 31]

Nk'uko reta ari yo vyega kwitaho abo yashize mu munyororo, itegerezwa kandi kubavuzwa kandi ku rugero rungana n'urwo abandi banyagihugu bese bari hanzey'ibohero. Nk'uko bisanzwe bikorwa, igikorwa co kuvura abanyororo gitegerezwa gukorwa bakoranye ku buryo bwa hagufi, n'ibisata vy'amagara y'abantu babijejwe kugirango vyorohe gukurikirana yuko aho umuntu yoba aherereye hose yashobora kuvurwa. Aya mategeko yerekana rero ibitegekanijwe kuronsa abanyororo mu kwitaho amagara yabo, utibagiye ukwo abana n'abavyeyi babo babana mu mabohero bategerezwa kuvurwa.

➡ Uruhara rw'abaganga* [Amategeko ya 25, 30-34]

Uruhara rw'abaganga mu ma bohero rutegerezwa kuba rutandukanye neza n'urw'uburongozi bw'amabohero. Abo baganga bagengwa kandi n'akarangamutima k'inyifato n'akazi nk'ibigenga abandi bakozi bese mu gisata c'amagara y'abantu hanzey'ibohero. Uruhara rwabo mw'ibohero rukaba ari urwo gusuzuma hamwe no kubungabunga amagara yo mu mutwe n'ay'umubiri w'abanyororo bagwaye, bakongera bakabaronsa imiti. Aho rero hakaba harimwo ingwara zandukira, kuzingamikwa n'ibiyovywa bwenge, indwara zo mu mutwe hamwe n'iz'amenyo.

Abo baganga bakaba batarekuriwe kwivanga mu bibazo bijanye n'irongorwa ry'amabohero, na cane cane mu ngingo zerekuye ibihano bifatiye ku nyifato mbi, kandi ingingo zabo mu bijanye n'amagara y'abantu ntizishobora kwankwa canke ngo zirenzeke uruho rw'amazi n'abakozi b'amabohero batari mu gisata c'amagara y'abantu. Abaganga bo mu mabohero bategerezwa gushira ahabona ikimenyetso ico ari co cose cerekana ko umunyororo yakorewe ibikorwa vyo gusinzikarizwa ubuzima canke ivyaha vyo kumufata bunyamaswa.



➡ **Abanyororo bagwaye*** [Amategeko ya 26 na 32]

Iyo abanyororo bagiye kwivuza kwa muganga, bategerezwa kwitabwaho nk'abandi bagwayi bose. Abagwayi bategerezwa kuronswa insiguro zitomoye maze bakaboneraho kwemera canke guhakana kuvurwa canke kugirirwa ibipimo runaka, kandi amadosiye yabo yo kwa muganga ategerezwa kuguma mw'ibanga. Mu ntumbero yo gukingira abakozi b'amabohero hamwe n'abanyororo, kwanduzwa ingwara, akarorero nk'ingwara zandukira, hategerezwa gutangwa inkuru zose nkoramutima zoshingirwako kugira ngo hafatwe ingingo zibereye, ariko mu buryo butabangamira akarangamutima ngenderwako n'ibanga vy'umwuga w'ubuganga.

➡ **Impanuro zerekeye amagara y'abantu***

[Itegeko rya 35]

Igisata kijejwe amagara y'abantu gitegerezwa kugenzura no gutanga impanuro ku barongozi b'amabohero ku bintu bitandukanye vyerekeye amagara n'ubuzima bwiza bw'abanyororo hamwe n'abakozi b'amabohero. Muri ivyo bintu hakaba harimwo kuronswa infungurwa, isuku ry'inyubakwa hamwe n'irya abanyororo, ivya ngombwa vy'isuku, ubushuhe canke akabeho bikenewe, kuronka umuco ukwiye, kuronka akayaga gakwiye hamwe n'ibindi bintu.

Igenzura hamwe n'iperereza

➡ **Igenzura*** [Amategeko ya 83 na 85]

Mu ntumbero yo kwerekana ko ubugenduzi ari kimwe mu bigize uburyo bubereye amabohero atunganiyemwo, ano mategeko ategukanya ko hashirwaho uburyo bugizwe n'ibisata bibiri, kimwe kikaba ari igisata c'igendura rikozwe n'ibohero, ikindi naco kikaba ari igisata c'igendura rikozwe n'umurwi wigenga wo hanze yibohero. Intumbero y'iryo gendura ikaba ari ukugira ngo amabohero ashobore kurongorwa hisunzwe amabwirizwa n'amategeko bizwi, mbere n'agatega k'abanyororo gashobore kwubahirizwa. Aya mategeko arerekana iduho aho ububasha bw'abagenduzi bugarukira, ukwo amaraporo n'igenzurwa y'ivyakozwe bitunganiywe.

➡ **Iperereza*** [Amategeko ya 57 na 71]

Amabohero ategerezwa gutanga icegeranyo ku muntu wese yayapfiriye, uwahanyururijwe, uwahakomerekeye bikomeye canke uwoba yakorewe ibikorwa vyo kuborezwa igufa canke vyo gusinzikarizwa ubuzima, hatarinze kurabwa ko hoba hariho uwitwaye canke atawe. Iyo raporo itegerezwa gushikirizwa urwego rwigenga rufise ububasha n'ubushobozi vyo gukora amatohoza.



Uburongozi bw'amabohero hamwe n'abakozi bo mu mabohero bategerezwa gukorana mu buryo bubereye n'abakora ayo matohoza kandi bagasabwa kubika ahadata ivyemezo vyose vyabonetse. Nta muntu n'umwe afise uruhara muvuyakozwe yoja muri ayo matohoza.

Kwimurwa ahandi hamwe no kwiungururwa

[Amategeko ya 26(2) na 73]

Abanyororo bategerezwa kwungururwa mu buryo bubereye kandi budatuma bagaragara mu banyagihugu. Mu gihe umunyororo yungururijwe mu rindi bohero, dosiye yiye yo kwa muganga itegerezwa guca nayo yimurirwa iyo aroye.

Gupfungurwa

➡ **Amatungo bwite y'umunyororo** [Itegeko rya 67]

Amatungo bwite canke amahera vyatswe umunyororo igihe yinjizwa mw'ibohero, birasubizwa uwo munyororo igihe arekuwe kandi bikimeze neza. Umunyororo asabwa gushirako umukono wemeza ko asubijwe amatungo yiye.

➡ **Gusubizwa mu buzima busanzwe**

[Amategeko ya 88, 90]

Uburongozi bw'amabohero butegerezwa gushiraho uburyo bwo gutegura abanyororo gusubira mu buzima busanzwe buke buke bicishijwe nko mu migambi ibategurira gufungurwa vuba canke nk'akarorero mu kubashira mu mabohero yuguruye. Hategerezwa kandi kubaho intunganyo y'ukuntu bazobandanya bakurikirana abanyororo no mu gihe bamaze gushika mu buzima busanzwe.



Twokwibutsa hano ko aya mategeko yitiriwe Nelson Mandela ategerezwa gusomerwa hamwe n'ayandi mategeko y'umuryango mpuzamakungu ahasanzwe, agizwe ahanini n'amategeko ngenderwako agenga ikoresheya ry' inguvu hamwe n'ikoresheya ry'ibigwanisho bicira umucanwa ; amategeko y'umuryango mpuzamakungu ONU agenga abanyororo b'abagore yemerejwe i Bangkok ; amategeko agenga ubutungane bw'abana batarakwiza imyaka y'abantu bakuze yasinyiwe i Beijing ; amategeko agenga uburyo bwo guhana abantu batarinze kubapfunga yasinyiwe i Tokyo, hamwe n'amategeko y'umuryango mpuzamakungu agenga inyifato ibereye abajewe kwubahiriza no gushira mu ngiro amategeko.

Hokorwa iki ?

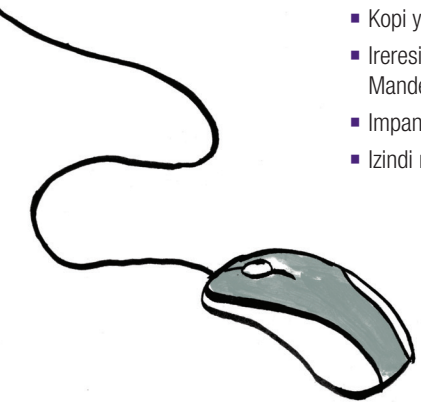
Ihinyanyurwa ry'amategeko agenga amabohero n'igikorwa gihambaye. Gushira mu ngiro aya mategeko 122 yose bizosaba umwanya n'uburyo bukwiye. Ariko, mugihe hoba hariho uburongozi bwiza, itunganywa ry'inyigisho ryiza hamwe n'umuco wo kwubahiriza agateka ka zina muntu, menshi mu mategeko yitiriwe Mandela yoshigwa mu ngiro ata buryo bwinshi bisavye.

Ishirahamwe *PRI* rikorera mu turere n'ibihugu vyinshi, aho batahura mu buryo butandukanye ivya poritike n'ivy'imibano. Dusanzwe rero tuzi ubwo budasa ko buhari kandi tugera ku bushingirako mu bikorwa vyacu vya misi yose. Uburyo dukoresheya bushira imbere uburinganire bw'ibitsina hamwe n'imico.

Dufise uburambe bw'imyaka 25 dukorera mu gisata c'ubutungane no guhinyanyura amategeko mpanavyaha ku rwego rw'igihugu, urw'akarere hamwe no ku rwego mpuzamakungu. Ubwigenge hamwe n'ubuhinga budasanzwe vyacu bituma tuba abizigirwa b'ama reta n'amashirahamwe adaharanira ivyicarwo vya poritike yamaze gutangura kwitegurira ishirwa mu ngiro ry'aya mategeko yitiriwe Nelson Mandela.

Mworaba urubuga rwacu ngurukana bumenyi **www.penalreform.org** kugirango mwibonere ibi bikurikira :

- Kopi y'amategeko yitiriwe Nelson Mandela (mu ndimi nyishi).
- Ireresi ntoya itanga umuco ku bijanye n'amategeko yitiriwe Nelson Mandela (umwanya : iminota ibiri).
- Impanuro kugirango ashirwe mu ngiro.
- Izindi nkuru hame n'inyandiko.



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