

DUSOBANUKIRWE N'ITEGEKO RY'IMICUNGIRE Y'UMUTUNGO W'ABASHYINGIRANYWE, IMPANO N'IZUNGURA



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IBIRIMO

IBIRIMO	2
IJAMBO RY'IBANZE	3
INTANGIRIRO	4
UMUTWE WA MBERE: IBYEREKEYE IMICUNGIRE Y'UMUTUNGO W'ABASHYINGIRANYWE	6
1.1. Ubwoko bw'imicungire y'umutungo w'abashakanye n'ihitamo	7
1. Ivangamutungo rusange	7
2. Ivangamutungi w'umuhahano.....	8
3. Ivanguramutungo risesuye	9
1.2. Ese abashyingiranywe bashobora guhindura uburyo bw'imicungire y'umutungo bahisemo mu gihe bakibana?	10
1.3. Ni ibiki ubu buryo bw'imicungire y'umutungo w'abashyingiranywe buhiriyeho?	11
1.4. Abari barashyingiranywe mbere y'iri tegeko, imicungire y'umutungo wabo igenda gute ?	13
UMUTWE WA KABIRI: IMPANO	15
2.1. Impano ni iki?	15
2.1.1. Ni ibihe bintu bigomba kubahirizwa kugira ngo impano ibeho?	15
2.1.2. Impano zemewe ni izihe?	16
1. Impano hagati y'abazima:	16
2. Itanga ry'umunani	17
3. Umurage	18
4. Isezerano ry'impano	19
2.1.3. Ese impano ishobora guta agaciro cyangwa guseswa?	19
UMUTWE WA 3 : IZUNGURA	21
3.1. Izungura bisobanura iki?	21
3.2. Uburyo izungura rikorwamo	21
3.2.1. Izungura rikurikije irage	22
3.1.2. Izungura ry'umutungo nta rage ryakozwe	24
3.2. Ibarura ry'umutungo uzungurwa rikorwa gute ? Uzungwa ute ?	27
3.2.1. Igena ry'umutungo uzungurwa	30
3.2.2. Ibyerekeranye n'izungura ry'amasambu	30
UMWANZURO	31
IBITABO N'AMATEGEKO BYIFASHISHIJE	32

IJAMBO RY'IBANZE

Minisiteri y'Uburinganire n'Iterambere ry'Umuryango inejejwe no kubagezaho inyandiko ihinnye kandi yumvukana mu buryo bworoshye yubakiye ku Itegeko n°22/99 ryerekeranye n'imicungire y'umutungo w'abashyiranywe, impano n'izungura.

Aka gatabo kanditswe hagamijwe kongerera ubumenyi ndetse n'ubushobozi abayobozi bo mu nzego z'ibanze; kugira ngo bafashe abaturage kumva iri tegeko neza, no kurishyira mu bikorwa. Aka gatabo kakaba kagamije cyane cyane gusobanurira umunyarwandakazi uburenganzira bwe ku mutungo; waba umutungo w'aho avuka, haba n'uw'aho yashyiringiwe, kugira ngo agire uruhare mu birebana nawo aho uva ukagera; haba kuwuhabwa no kuwujiraho ijamba ku buryo busesuye.

Gushyira ahagaragara aka agatabo bijyanye na Politiki ya Guverinoma y'u Rwanda igamije guteza imbere uburenganzira n'uruhare by'umugore mu iterambere ry'Igihugu biciye mu iyubahiriza ry'uburenganzira amategeko yemerera umunyarwandakazi ku mutungo.

Tuboneyeho kandi gushimira abafatanyabikorwa bacu Impuzamiryango Pro-Femmes/Twese Hamwe na Norwegian People's Aid (NPA) mu ruhare badahwema kutugaragariza mu guharanira uburenganzira bw'umugore. Twese hamwe dusobanukirwe kandi turusheho kubahiriza uburenganzira bw'umugore ku mutungo.

Oda GASINZIGWA

Minisitiri w'Uburinganire n'Iterambere ry'Umuryango

INTANGIRIRO

Bumwe mu burenganzira bw'umugore, nk'ikiremhamuntu, ateganyirizwa n'amasezerano mpuzamahanga, Leta y'u Rwanda yashyizeho umukono ndetse ikanayemeza, harimo uburenganzira ku mutungo.

Ubwo burenganzira ku mutungo umugore afite bukaba kandi bwemezwa ndetse bushimangirwa n'Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 04/06/2003 uko ryavuguruwe kugeza uyu muni cyane cyane mu ngingo ya ryo ya 29 ndetse n'andi masezerano mpuzamahanga u Rwanda rwashyizeho umukono.

Mu mategeko y'u Rwanda yo hambere, umwana w'umukobwa ntiyahabwaga uburenganzira bungana n'ubw'umuhungu ku mutungo w'umuryango, cyane cyane ubutaka.

Wasangaga umutungo uhererekanywa mu muryango biciye mu kubakira abana babo cyangwa se kuzungura. Ab'abahungu nibo bonyine bahabwaga umunani bakanazungura ababyeyi babo mu gihe bapfuye. Naho abakobwa wasangaga nta kintu bagenerwa mu muryango, bakagira umwe muri basaza babo (umutware w'umuryango) uzabagenera umutungo bazabamo mu gihe bazaba babaye indushyi.

Umwana w'umukobwa wabaga ahatse, nta mutungo ufatika yajyanaga aho ashyingiwe usibye ibishyingiranwa bigizwe n'imitungo yimukanwa nk'ibikoreshe byo mu rugo n'imyambaro. Ibi bikaba byaramuviraga mo ko mu gihe babaga batandukanye cyangwa se uwo bashakanye apfuye, umugore yagendaga amara masa, usibye kandi ko bashoboraga kumuha imperekeza nayo idafatika.

Aho rero Itegeko n°42/1988 ry'umuryango riziye mu 1988 naryo ntacyo ryavugaga ku mutungo umugore yagiragaho uburenganzira haba aho ashyingiwe ndetse n'aho avuka.

Mu gihe umugore yabaga apfakaye nta mwana afitanye na nyakwigendera, umuntu wabaga azunguye umugabo we yagiraga ibintu agenera umupfakazi, kandi akabimugenera mu mutungo yabaga yarashakanye n'umugabo we.

Ikibazo cy'izungura cyaje kuba ingorabahizi nyuma ya genoside yakorewe abatutsi mu 1994. Ibi bikaba byaratewe n'uko hari abapfakazi benshi ndetse n'imfubyi zari mu guhezwa ku mutungo w'aho bavuka n'aho bashatse bishigiye ku muco. Niyo mpamvu Leta y'u Rwanda, biciye mu Nteko Ishinga Amategeko, yashyizeho Itegeko n° 22/99 ryuzuzanya igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyira ho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura.

Iri tegeko rikaba ryaraje guha umwana w'umuhungu n'uw'umukobwa uburenganzira bungana ku mutungo w'ababyeyi babo. Itegeko kandi riha buri wese mu bashyingiranywe uburenganzira bungana ku mutungo bafitanye harimo kuwukoresha, kuwikenusa, kuwucunga no kuwufutaho ibyemezo.

Ubu burenganzira umugore ahabwa n'iri tegeko bukaba butuma umugore agira uruhare mu iterambere ry'igihugu ahereye mu gufata ibyemezo ku mutungo w'urugo rwabo bityo akanagira uruhare mu iterambere ry'urugo rwabo n'iry'igihugu muri rusange.

Iyi mfashanyigisho **“Dusobanukirwe n'Itegeko ry'imicungire y'umutungo w'abashyingiranywe, impamo n'izungura”** ikaba izafasha abaturage muri rusange, umugore by'umwihariko, mu kumenya no guharanira uburenganzira ku mutungo nk'uko biteganywa n'Itegeko ryerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura ryatangiye kubahirizwa guhera ku wa 15/11/1999, umunsi ryatangarijweho mu Igazeti ya Leta.

UMUTWE WA MBERE: IBYEREKEYE IMICUNGIRE Y'UMUTUNGO W'ABASHYINGIRANYWE

Iyo umuhungu n'umukobwa biteguye gushyingiranwa, buri wese aba afite umutungo azana bagashyira hamwe. Iyo bamaze gushyingirwa bakomeza gushakisha undi mutungo wo gutunga urugo rwabo. Ibibazo umuntu yakwibaza ni ibi bikurikira:

Umutungo buri wese yari asanganywe cyangwa se uwahashywe nyuma y'ishyingirwa ujya he? Uba uwa nde? Uchungwa ute? Uchungwa na nde? Abashyingiranywe bawikenuza bate cyangwa se bawugena gute?

Ibyo bibazo byose bibona ibisubizo mu mategeko agenga imicungire y'umutungo w'abashyingiranywe.

❖ Ni ubuhe bwoko bw'imicungire y'umutungo w'abashyingiranywe bwemewe mu Rwanda?

Mu gihe habayeho ugushyingirwa hagati y'umugabo n'umugore, Itegeko riteganya ko abagiye gushyingiranwa bagomba guhitamo uburyo bumvikanyeho bagiye gucunga mo umutungo wabo. Iryo hitamo rikaba rikorerwa imbere y'umwanditsi w'irangamimere w'Umurenge ugiye kubashyingira niba bari mu Rwanda cyangwa se imbere ya Ambasaderi mu gihe ishyingirwa ribereye mu mahanga.



1.1. Ubwoko bw’imicungire y’umutungo w’abashakanye n’ihitamo

Mbere y’uko umugore n’umugabo bajya gushyingiranwa, mu gihe bagiye kwandikisha ishyingirwa ryabo, umwanditsi w’irangamimerere abamenyesha ndetse akanabasobanurira uburyo bw’imicungire y’umutungo w’abashyingiranywe bwemewe mu Rwanda.

Abagiye gushyingiranwa, bamaze kubiganiraho bagahitamo uburyo bumvikanyeho bubanogeye mu buryo bukurikira bw’imicungire y’umutungo wabo:

- Ivangamutungo rusange;
- Ivangamutungo w’umuhahano;
- Ivanguramutungo risesuye.

Icyitonderwa Iyo abagiye gushyingiranwa batagize uburyo na bumwe bahitamo muri butatu, Itegeko riteganyye ko bafatwa nk’abahisemo “Ivangamutungo rusange”. Ibyo bikaba kimwe no ku babanaga mbere y’uko iri tegeko riyahwe (ku wa 12/11/199) kuko nta buryo barimo bw’imicungire y’umutungo wabo cyane cyane ko nta cyo itegeko ryabivugagaho.

1. Ivangamutungo rusange

❖ Ivangamutungo rusange bisobanura iki?

Nk’uko biteganywa mu Itegeko, ivangamutungo rusange ni amasezerano abashyingiranywe bagirana, bumvikana gushyira hamwe umutungo wabo wose, ibyimukanwa n’ibitimukanwa kimwe n’imyenda/amadeni yabo yose. Ibyo byose bigahinduka umutungo rusange w’abashyingiranywe.

Icyitonderwa

Muri ubu buryo haba umutungo umwe mu muryango, umutungo utimukanwa nk’amazu n’amasambu bombi ugomba kubandikwaho. Ku birebana n’imitungo yimukanwa urugero imodoka igare, ipikipiki... igomba kugira umwe mu bashyingiranywe iba yanditseho; abashyingiranywe bumvikana umwe muri bo uyandikwaho ariko bese bakaba bayifiteho uburenganzira bumwe.

Muri ubu buryo, abashyingiranywe bumvikana uko bacunga umutungo wabo, ariko bakagira ububasha bungana bwo kuwikenusa, kuwukoresha, kuwukurikirana no kuwuhagararira mu gihe hari ikibazo kiwugaragayeho.

Muri ubu buryo abashyingiranywe bafatanywa kwishyura imyenda/amadeni agaragaye mu mibanire yabo kubera ko baba barahuye imitungo yabo yose; mbese hano baba basangiye akabisi n'agahihe.

2. Ivangamutungo w'umuhahano

❖ Ivangamutungo w'umuhahano bisobanura iki?

Ni amasezerano abashyingiranywe bagirana, bumvikana gushyira hamwe ibyo buri wese yazanye igihe cy'ishyingirwa kugirango bibe iremezo ry'ibihahano, kimwe n'ibyo bungutse mu mibanire yabo, bakorera hamwe cyangwa buri wese ku giti cye, byaba impano, ibyo bahashye cyangwa ibizungurwa.

Muri ubu buryo, haba hari imitungo yafatwa mu bice bitatu: umutungo bwite w'umugabo, umutungo bwite w'umugore hakaba kandi n'umutungo bahuriyeho bombi bashyira hamwe ku munsu basezeraniye ho n'uwo bashakana kuva umunsu batangiriyeho kubana. Bikagenda gutyo kandi no ku myenda/amadeni.

Kumenya umutungo abashyingiranywe bazaniye umuryango bikorwa igihe cy'imihango y'ishyingirwa, bakagaragariza umwanditsi w'irangamimirere ibintu n'imyenda bemeye gushyira hamwe.

Iyo hari imyenda yafashwe n'umwe agamije gutunga urugo, yishyurwa ku mutungo w'umuryango bahuriyeho. Ku birebana n'imyenda yafashwe n'umwe mu bashyingiranywe agamije guteza imbere umutungo we bwite, yishyurwa n'umutungo we bwite.

Mu ivangamutungo w'umuhahano, abashyingiranywe bakurikiza amategeko y'ivangamutungo rusange ku mutungo n'imyenda bahuriyeho, bagakurikiza amategeko y'ivanguramutungo risesuye ku mutungo badasangiye.

Icyitonderwa

Muri ubu buryo bw'ivangamutungo w'umuhahano, umutungo bashyize hamwe utimukanwa bawiyandikishaho bombi, nk'imitungo y'amasambu n'amazu naho ku yindi mitungo yimukanwa, abashyingiranywe bumvikana umwe muri bo uyandikwaho ariko bese bagakomeza kuyigira ho uburenganzira bumwe.

Urugero :

Umukobwa ugiye gushyingirwa yari amaze kugura amasambu atatu, akaba agiye gushyingiranwa n'umusore ufite inzu ebyiri n'imodoka, mu gihe cy'ishyingirwa imbere y'umwanditsi w'irangamimerere, wa mukobwa yemerewe gushyira hamwe na wa musore imirima ibiri undi murima usigaye ugakomeza kuba umutungo we bwite, naho wa musore we agashyira hamwe na wa mukobwa inzu imwe n'imodoka; inzu isigaye ikaba umutungo we bwite. Umutungo bahuriyeho ukaba ugizwe n'amasambu abiri, inzu imwe n'imodoka

3. Ivanguramutungo risesuye

❖ Ivanguramutungo risesuye ni iki?

Ni amasezerano abashyingiranywe bagirana bumvikana gufata neza urugo rwabo hakurikijwe ubushobozi bwa buri wese, bakagumana ukwikenuza, ugucunga no gukoresha uko bikwiye umutungo wabo bwite.

Muri aya masezerano haba hari imitungo y'ibyiciro bibiri: umutungo n'imyenda bwite by'umugabo n'umutungo n'imyenda bwite by'umugore.

Icyitonderwa :

Kuba umuntu acunga umutungo we bwite ntibimuha uburenganzira bwo gutagaguza no kwangiza umutungo we bwite, cyane cyane ko aba afite n'inshingano zo gutanga ibitunga urugo. Umwe mu bashyingiranywe uteshutse ku kurangiza inshingano zo gutanga ibitunga urugo, cyangwa se asesagura umutungo, uwo bashyingiranywe cyangwa se undi wese ubifitemo inyungu ashobora gusaba urukiko rubibifitiye ububasha; mu kirego kihutirwa, ko we yamburwa ububasha bwo kuba yicungira umutungo we.

Iyo urukiko rushyikirijwe ikirego rusanze gifite ishingiro, rutegeka uwo bashakanye kumucungira umutungo keretse iyo habonetse indi mpamvu ikomeye ituma bashyiraho undi mucunga mutungo. Iyo impamvu yatumye yamburwa ububasha bwo kwicungira umutungo ivuyeho, ashobora gusaba urukiko kumusubiza uburenganzira bwe.

Mu kwandikisha imitungo yabo yose, yaba itimukanwa cyangwa se iyimukanwa, buri wese mu bashyingiranywe yiyandikishaho imitungo ye bwite, kandi buri wese akoresha umutungo we, ndetse akanawikurikiranira mu gihe hari ikibazo kiwuvutseho.

1.2. Ese abashyingiranywe bashobora guhindura uburyo bw'imirungire y'umutungo bahisemo mu gihe bakibana?

Abashyingiranywe bafite uburenganzira bemererwa n'amategeko bwo guhindura amasezerano y'imirungire y'umutungo wabo bari barahisemo biturutse ku nyungu z'umuryango.

❖ Bikorwa bite ?

Abashyingiranywe mu gihe bakibana, umwe muri bo cyangwa bombi babyumvikanyeho bashobora gusaba ko imirungire y'umutungo bari mu ihindurwa. icyo gihe ubishaka cyangwa bombi, babisaba urukiko rubifitiye ububasha (urukiko rw'ibanze) rw'aho amasezerano yabo yakorewe, bigakorwa mu buryo bw'ikirego kihutirwa, bakarugaragariza impamvu zituma bifuzaga guhindura imirungire y'umutungo wabo.

Icyitonderwa

Iyo mpamvu ushaka guhindura icyo imirungire y'umutungo w'abashyingiranywe atanga, igomba kuba itabangamiye inyungu z'umuryango wabo ; cyangwa se na none ushaka guhindura uburyo bw'imirungire, akagaragariza urukiko ikintu cyahindutse cyane mu mibereho y'umuryango. Urukiko akaba ari rwo rwemeza ko ihindurwa ryemewe, n'impamvu ryemewe.

Mu gihe urukiko rubibemerereye, icyemezo cyafashwe gishyikirizwa umwanditsi w'irangamimerere w'aho ishyingirwa ryabo ryabereye, kugira ngo acyandukure mu bitabo by'irangamimerere.

Iyo abashyingiranywe bahinduye imirungire y'umutungo wabo bashakaga kugira ivangamutungo w'umuhahano ; bagomba kwerekana umutungo n'umyenda bakomeza gufatanya. Na none, byumvikane ko mu gihe habaye guhindura imirungire y'umutungo, abashyingiranywe bari mu ivangamutungo rusange bashakaga kujya mu bundi buryo, bagomba kubanza kugabana ku buryo bungana imitungo n'umyenda bari basangiye. Igihe cy'igabana, ibikoresho bwite by'umwe mu bashyingiranywe, nk'umyambaro, ibikoresho by'umuturako, ibikoresho by'akazi,... bikomeza kuba umutungo wa nyira byo, cyeretse icyo bigaragaye ko nabyo ari ibyiyongera ku mutungo, cyangwa ku byashowe ngo bibyare umutungo biba biri mu ivangamutungo.

Icyitonderwa

Iyo urukiko rutemeye ibyasabwemo n'ushaka cyangwa abashakaga guhindura imirungire y'umutungo wabo, bashobora kongera kurusaba ko rubemerera guhindura imirungire y'umutungo wabo, icyo icyifuzo cyabo gishingiye ku mpamvu itari icya mbere, kandi hakabashyize imyaka ibiri, urukiko rufashe icyemezo kibangira, guhindura uburyo bw'imirungire

Umugabo n’umugore bafitanye amasezerano y’ivangamutungo rusange, bakaba bari abahinzi borozi. Ariko kubera ibikorwa by’amashyirahamwe byabagezeho, umugore yatangiye imirimo y’ubucuruzi yo kugemura ibitoki muri Tanzaniya, bivuze ko yinjiye mu bucuruzi. Kubera ko mu bucuruzi ashobora gufata inguzanyo, yaje gusanga ku nyungu z’umuryango, ari ngombwa ko asaba guhindura amasezerano y’imicungire y’umutungo wabo ; agahinduka ay’ivanguramutungo risesuye, kugira ngo ajye ashobora kubona inguzanyo bimworoheye, atagombye buri gihe gusaba ko abyemererwa n’umugabo we kandi akanamusinyira nk’uko byakabaye bigenda bari mu ivangamutungo rusange.

Icyitonderwa

Abashyingiranywe bakora umwuga w’ubucuruzi, bagomba kumenyekanisha uburyo bw’imicungire y’umutungo wabo, bikandikwa ku ruhushya rwabo rwo gucuruza. Ibyo bikaba bigomba gukorwa, no mu gihe habaye ihinduka ry’imicungire y’umutungo w’abashyingiranywe barimo.

1.3. Ni ibiki ubu buryo bw’imicungire y’umutungo w’abashyingiranywe buhiriyeho?

Uko imicungire y’umutungo w’abashyingiranywe iteye kose, buri gihe ni ngombwa ko habaho ubwumvikane bw’abashyingiranywe bombi ku mpano, igurisha, n’itangwa ry’ingwate ku bintu bitimukanwa.

❖ **Ibyiza n'ibyo kwitondera bigaragara kuri buri bwoko bw'imicungire**

Iyi mbonerahamwe ikurikira, ikubiyemo ibyiza n'ibibi bifatiye kuri buri bwoko bw'imicungire y'umutungo, nk'uko tubisanga mu itegeko:

<i>Ubwoko bw'imicungire y'umutungo</i>	<i>Ibyiza</i>	<i>Icyitonderwa</i>
<i>Ivangamutungo rusange</i>	•Gushyira hamwe umutungo wabo wose waba uwimukanwa n'utimukanwa; •Guhurira kuri uwo mutungo bivuga ibiwureba byose yaba n'imyenda ifatiyeho igihe bashyingiranwa cyangwa yo mu gihe kizaza; •Abashakanye bashobora guhindura imicungire y'umutungo wabo •Iyo abashyingiranwe bahinduye uburyo bw'ivangamutungo rusange, umutungo rusange n'imyenda babigabana ku buryo bungana; •Iyo imyenda yafashwe n'umwe mu bashakanye ku nyungu z'urugo, iyo myenda yishyurwa hifashishijwe umutungo rusange; •Iyo abashyingiranywe bagabanye imyenda n'umutungo rusange igihe bahinduye imicungire y'umutungo ibikoreshe bwite nk'inyambaro n'imitako yambarwa ku mubiri bisigara ari umutungo bwite wa buri wese mu bashyngiranywe.	•Abashakanye bagomba kugabana imyenda ifatiye ku mutungo rusange igihe bahinduye imicungire y'umutungo; •Abo babereyemo imyenda bashobora gusaba kwishyurwa iyo myenda abashakanye bahawe mbere y'uko baretse ivangamutungo rusange; •Iyo imyenda yari ifitwe n'umwe mu bashakanye ariko akaba yarayifashe ku nyungu z'urugo, iyo myenda yishyurwa hifashishijwe umutungo rusange. Icyo gihe bishoboka ko imwe muri iyo myenda ishobora kuba itanyuze mu mucyo cyangwa ikaba itewe n'uburangare bw'umwe mu bashakanye.
<i>Ivangamutungo w'umuhahano</i>	•Gushyira hamwe ibyo buri wese yazanye igihe cy'ishyingirwa kugira ngo bibe iremezo ry'umutungo wabo; •Gushyira hamwe ibyo bungutse mu mibanire yabo bakorera hamwe cyangwa buri wese ku giti cye byaba impano cyangwa ibizungurwa; •Abagiye gushyingiranwa bandika kandi bagaha umwanditsi w'irangamimerere ibaruramutungo rishyizweho umukono wabo ryerekana umutungo n'imyenda buri wese ageneye iremezo ry'ibihahano.	•Iyo abantu bahisemo ubu bwoko bw'imicungire y'umutungo, umwanditsi w'irangamiumerer yomeka kopi y'urutonde rwayo mu gitabo cy'irangamimerere ; •Umutungo wose utarashyizwe ku rutonde rw'umutungo rusange ufatwa nk'umutungo bwite w'umuntu. Ibyo bivuzeko umwe mu bashakanye ashobora kubihomberamo kubera ko uwo

	•Iyo abashyingiranywe bifuje guhindura imicungire y'umutungo wabo, hagamijwe gukurikiza ivangamutungo w'umuhahano bagomba kwerekana urutonde rw'imyenda bagera umuhahano; •Imyenda yafashwe n'umwe mu bashyingiranywe mbere y'ishyingirwa yerekeye umutungo we yishyurwa n'ubwayifashe ku mutungo we bwite.	mutungo utashyizwe ku rutonde.
Ivanguramutungo risesuye	•Gufatany mu gutunga urugo rwabo ; •Gufata neza urugo rwabo hakurikijwe ubushobozi bwa buri wese; •Kugumana ukwikenusa, ugucunga no gukoresha uko bikwiye umutungo wabo bwite; •Uwambuwe ububasha nta kindi akoresha ibye uretse kumwitirirwa; •Nyuma yaho ashobora gusaba urukiko kumusubiza uburenganzira bwe iyo agaragaje ko impamvu zatumye abwakwa zitakiriho	•Igihe umwe mu bashyingiranywe abangamira inyungu z'urugo, atuma umutungo we ukendera cyangwa awutagaguzwa yamburwa uburenganzira bw'icunga ry'umutungo we n'ubwo kwikenusa bisabwe n'uwo bashyingiranywe cyangwa n'undi wese ubifitemo inyungu; •Uretse iyo bibaye ngombwa ko hashyirwaho umucungamutungo ugenwe n'urukiko, ubundi urubanza ruha umwe mu bashyingiranywe wabisabye ububasha bwo gucunga iby'uwabwambuwe kimwe no kubibonaho urwunguko akoresha afata neza urugo rwabo ibisagutse akabishyingura.

1.4. Abari barashyingiranywe mbere y'iri tegeko, imicungire y'umutungo wabo igenda gute ?

Abari barashyingiranywe mbere y'uko iri tegeko rijyaho ryabateganyirije ko bahawe imyaka 2 yo kuba bagize bumwe mu buryo butatu bwavuzwe haruguru bahisemo. Iyo myaka ikaba ibarwa bahereye ku munsu Itegeko ryatangarijwe ho mu Igazeti ya Leta, ni ukuvuga ku wa 15/11/1999. Bagomba rero, kuba uhagaze ku iyo tariki, kuba bahisemo bumwe muri buriya buryo butatu bw'amasezerano y'imicungire y'umutungo w'abashyingiranywe buteganywa n'itegeko kandi bakajya kubimenyesha umwanditsi w'irangamimere w'aho batuye.

Iyo batagize ubundi buryo bahitamo, itegeko ribateganyiriza ko amasezerano bagiranye mbere akomeza kugira agaciro kayo iyo atanyuranye n'ibiteganywa n'iri tegeko. Iyo nta masezerano

y'imicungire y'umutungo bigeze bagirana, itegeko riteganya ko bafatwa nk'abahisemo amasezerano y'ivangamutungo rusange.

Ubutumwa bw'ingenzi

Uko imicungire y'umutungo w'abashyingiranywe yaba iteye kose, ubwumvikane bwabo, ku gikorwa icyo ari cyo cyose cyerekeye umutungo w'abashyingiranywe, ni ngombwa muri icyo micungire yabo, ku nyungu ndetse hagamijwe n'imibereho myiza y'abagize umuryango. Ikindi kandi, abashyingiranywe bagomba kubahiriza inshingano n'uburenganzira bikomoka ku ishyingirwa nko gutanga ibitunga urugo, gutabarana no kubahiriza amategeko arebana n'ububasha bwa kibyeyi n' icunga ry'umutungo

UMUTWE WA KABIRI: IMPANO

Hambere mu muco nyarwanda, umugabo yafatwaga nk'aho ari nyir'umutungo wose w'urugo ku giti cye, bityo, akawutanga uko yishakiye kandi ari uw'umuryango. Ibyo yabikoraga atagishije inama umugore, kuko yafatwaga nk'uwaje mu rwuzuye, atagira ijamba.

Mu by'ukuri, itegeko ryerekeye imicungire y'umutungo w'abashakanye, impano n'izungura, ryaje rivanaho ubwo busumbane hagati y'umugabo n'umugore, rishyiraho uburyo impano zigomba gutangwa, rikanateganya ko hagomba ubwumvikane hagati y'abashyingiranywe, kabone n'iyi baba barahisemo ivanguramutungo risesuye nk'imicungire y'umutungo wabo.

2.1. Impano ni iki?

Impano ni igikorwa cyo guha umuntu ikintu gifite agaciro nta kiguzi. Umuntu rero, afite uburenganzira bwo kugena umutungo we uko ashaka, ariko kugira ngo umutungo w'umuryango udasesagurwa, itegeko riteganywa ibishobora gutangwa ntarengwa, n'ibibikirwa izungura.

2.1.1. Ni ibihe bintu bigomba kubahirizwa kugira ngo impano ibeho?

a. Ukwemerwa kw'abashyingiranywe cyangwa se abagize umuryango.

Mu gihe cyose hari impano igiye gukurwa mu mutungo w'abashyingiranywe, ni ngombwa ko abashyingiranywe n'abagize umuryango bayemera, kuko ikigiye gutangwa kiba kigiye gukurwa mu mutungo wabo, bitewe n'uburyo bw'imicungire y'umutungo bahisemo. Bikaba byumvikana ko abashyingiranywe mu ivangamutungo rusange cyangwa se ivangamutungo w'umuhahano, bagomba ubwumvikane bwabo bombi ku mutungo bahuriyeho cyangwa se umutungo utimukanwa uwo ari wo wose.

b. Kubahiriza imbibi ziteganywa n'amategeko

Uburyo bw'imicungire y'umutungo w'abashyingiranywe bwatoranywa ubwo ari bwo bwose, umugabane w'ibishobora gutangwa ntugomba kurenga icya gatanu (1/5) cy'umutungo w'utanga, iyo afite umwana/abana. Iyo nta mwana/abana afite, uwo mugabane nturenza icya gatatu (1/3) cy'umutungo w'umuryango.

2.1.2.Impano zemewe ni izihe?

Mu mategeko agenga impano mu Rwanda, impano zemewe ni izi zikurikira:

1. Impano hagati y’abazima:

Impano hagati y’abazima, ni uburyo umuntu aha undi ku mutungo we ku bugira neza, ku buryo budasubirwa ho, uyihawe kandi akayemera akayegukana. Ibi byafatwa nk’ibyo bita kugabira umuntu mu kinyarwanda.

Impano yimura umutungo watanze, ujyanwa k’uwawuhawe, kandi ku mpande zombi hari inshingano zemeranywaho.

Muri izo nshingano twavuga :

- Ku ruhande rw’uwahawe, inshingano ye ni ukwakira ibyo yahawe kandi akabyemera, ndetse akajya anazirikana ineza yagiriwe, ku buryo aramutse ayiteshutseho, ashobora kwamburwa impano yahawe.
- Ku ruhande rw’uwatanze, inshingano ye ni ugushyikiriza icyo yatanze nyir’ukugihabwa. Niba ari umutungo wimukanwa, icyatanze kizashyikirizwa nyiri ukugihabwa n’ibyangombwa byacyo. Niba ari umutungo w’ubutaka cyangwa umutungo utimukanwa, kuwushyikirizwa ni uguhabwa impapuro mpamo z’iyandikisha ry’ubutaka bw’igipimo yahawe.

2. Itanga ry'umunani

❖ Umunani ni iki?

Umunani ni igikorwa ababyeyi bakora bakiriho, kigamiye kugabira umutungo abana babo cyangwa ababakomukahomu gihe abo bakomokaho bapfuye batarahabwa umunani, bagahita bawegukana, bikitwa ko bashoje inshingano yo kubarera no kububakira.



Icyitonderwa

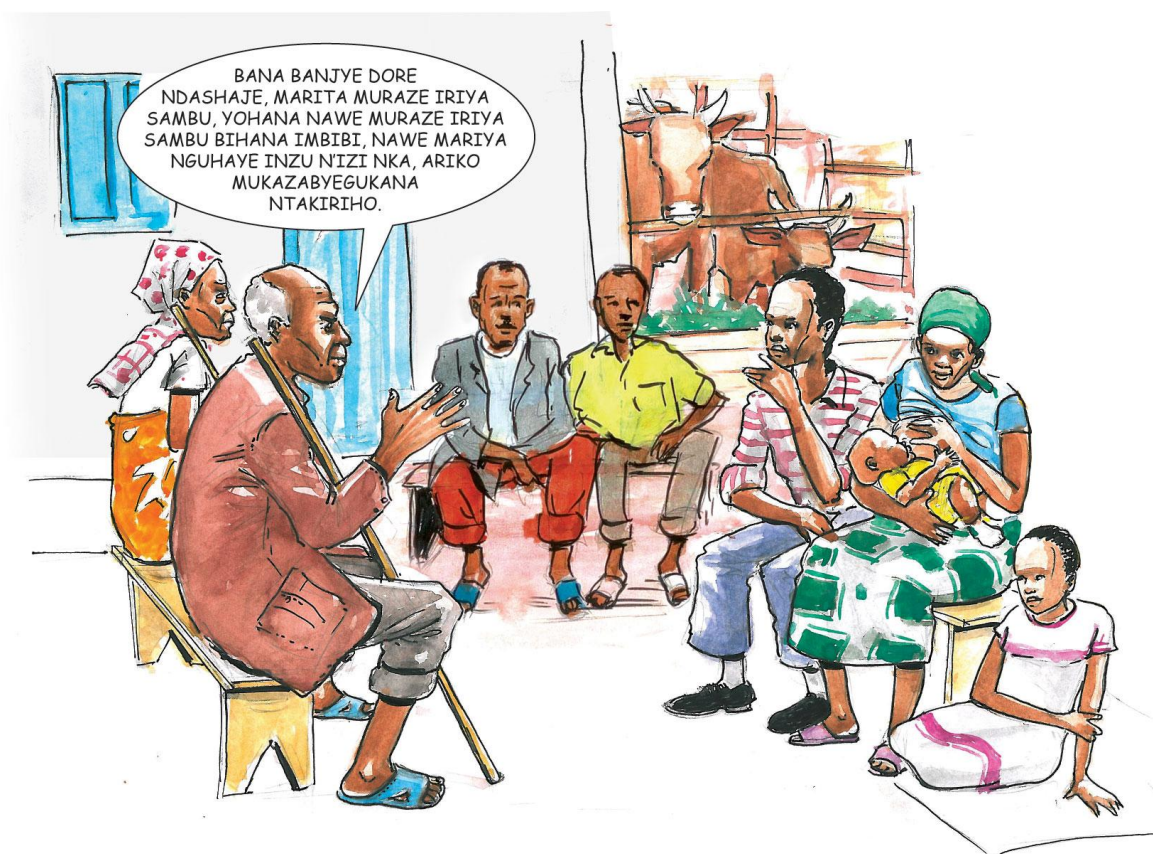
Abana bose, nta vangura gitsina, abahungu n'abakobwa bahabwa umunani, keretse abaciwe kubera imyitwarire mibi yabo cyangwa ubuhemu ku bw'itegeko, abana baciwe kubera imyitwarire yabo mibi cyangwa guhemuka bigomba kuba byararegewe urukiko, abo bireba bakagaragaza impamvu bashingiraho basaba ko umwana runaka aciwe cyangwa se agaragaweho n'ubuhemu; bityo urukiko narwo rukabifataho umwanzuro ubibahamya cyangwa ubibahanaguraho.

Gutanga umunani hari aho byitwa kubakira abana, kubatekesha, kubaremera, gutanga ibirongoranwa bivuze kugenera abana umutungo uzabatunga mu gihe bashinze urugo rwabo.

3. Umurage

❖ Umurage ni iki?

Umurage ni ikintu cyangwa ibintu bitanzwe na nyira byo akiriho, ubihawe akabyegukana uwabimuhaye atakiriho. Hashobora kubaho umurage kuri byose, mu gihe umubyeyi cyangwa umuntu agaragaje amerekezo y'umutungo we wose. Hashobora no kubaho umurage ku bintu bimwe, cyangwa umurage k'umutungo w'ikintu kizwi.



Icyitonderwa

Iyo hakoze imirage ibiri ku mutungo umwe, umurage ugira agaciro ni umurage wa nyuma wakoze na nyiri ukuraga. Ibi bikaba bigamije kubahiriza ibyifuzo bya nyuma bya nyakwigendera.

Urugero

Umubyeyi ashobora kuraga inka umwana we Karoli, uyu Karoli ntiyite kuri wa mubyeyi aziko yahawe burundu, Umubyeyi akaba yahindura umurage wa ya nka akayiraga umwana we witwa Faraziya wamwitayeho mu minsi ye ya nyuma. Wa murage wanyuma niwo uzagira agaciro wa mubyeyi amaze gupfa.

Umurage uhindura uwundi wakozwe mbere ugomba kuba wakozwe mu buryo bumwe, uwa mbere wari wakozwemo. Ni ukuvuga niba umurage wambere warakozwe mu mvugo, uwa kabiri nawo ukaba uko; niba ari mu nyandiko, n'uwuhindura ugakorwa mu nyandiko.

4. Isezerano ry'impano

❖ Isezerano ry'impano ni iki?

Ni ubwumvikane abantu bagirana bagamije guhana ibintu mu gihe kizaza. Ni ukuvuga ko uhawe ibintu abyegukana mu gihe kizaza kuko aba yabigenewe na runaka ari we nyirabyo.

Urugero : Umuntu usezeranya umwana we w'umukobwa ko naramuka yize amashuri ya kaminuza akayarangiza azamuha inka.

Isezerano ry'impano ryemewe ni ri rikurikira:

- Hagati y'abantu bagamije gushyingiranwa ;
- Hagati y'abashyingiranywe ;
- Hagati y'ababyeyi n'abana babo haba abari ho cyangwa abazavuka.

2.1.3. Ese impano ishobora guta agaciro cyangwa guseswa?

Impano iyo ariyo yose yamaze gutangwa ishobora guta agaciro ku mpamvu zikurikira:

- Iyo itanzwe ku buryo ishyirwa mu bikorwa ryayo, rishingira ku gushaka ku yitanze wenyine, bivuze ko uyihawe nawe agomba kuyemera;
- Iyo itegeka uwahawe kuriha imyenda y'uwamuhaye;
- Iyo uyitanze yisigariza mu burenganzira bwo gukoresha uko ashatse kuri kimwe, cyangwa bimwe mu bintu yatanze. Urugero nko guha umuntu imodoka warangiza ukamusaba ko buri gitondo azajya ayikugarurira kugira ngo utware abana ku ishuri ;
- Iyo itubahirije amategeko n'imigenzo myiza;
- Iyo ari impano y'iby'undi muntu.

❖ **Ni izihe mpamvu zituma impano iseswa?**

Impano, uko yaba yakozwe kose, ishobora guseswa kubera impamvu zikurikira:

- Igihe uwahawe atubahirije inshingano ziyiturutseho yari yarahawe twavuga nk'urugero rw'umuntu uhayeho undi nk'igipimo cy'ikawa amubwira ko azajya asarura izo kawa ariko akajya yishyurira umwana we amafaranga y'ishuri imyaka itandatu. Uwo muntu wahawe iyo mpano ntiyubahirize ibyo yemeye gukora uwamuhaye ashobora kumutegeka gusubiza cya gipimo cy'ikawa.
- Kubera ubuhemu bw'uwahawe nk'urugero iyo uwahawe yishe abishaka cyangwa yashatse kwica uwamuhaye; iyo uwahawe agiriye nabi cyangwa atutse uwamuhaye; iyo uwahawe yanze gufasha uwamuhaye kandi abikeneye. Uwatanze ashobora gusesa iyo mpano.

Icyitonderwa

Kugira ngo iyo mpano iseswe, hagomba gutangwa ikirego cyo kuyisera mu rukiko rubifitiye ububasha kandi kigomba gutangwa mu gihe cy'umwaka umwe uhaye ku munsu ikosa ryakoreweho cyangwa se ku munsu uwatanze yarimenyeho. Iyo iseswa ryemejwe, uwahawe ategewe gusubiza ibihwanye n'agaciro k'ibyo yatanze mu bigize impano n'inyungu zayiturutseho kuva aho ikirego cy'iseswa gitangiwe

Ubutumwa bw'ingenzi

Uwo ari we wese yatanga impano mu byo ariko akaba atemerewe gutanga ibirenze ibyo amategewe ateganya. N'ubwo yemerewe gutanga impano, hagomba ubwumvikane bw'abagize umuryango, umugore, umugabo n'abana. Impano igira agaciro ari uko uyihawe ayemeye. Bityo rero, uwahawe impano atayemeye, isubuzwa mu maboko ya nyiri ukuyitanga, bigafatwa nk'aho itigeze itangwa.

UMUTWE WA GATATU : IZUNGURA

Mbere y'uko Itegeko n°22/99 ryerekeranye n'izungura rijyaho, uko imitungo ya ba nyakwigendera yagabanywaga byakurikizaga umuco. Umuco nyarwanda ntiwahaga uburenganzira bungana ku mutungo umugore n'umugabo. Wasangaga umuco ugenera abagabo uburenganzira bwihariye ku mutungo w'umuryango, ku buryo busumbana, haba mu muryango bakomokamo, ndetse n'uwo bashyingiye mu gihe izungura ryabaga rigiye kubaho.

Ni muri urwo rwego, Itegeko ryavuzwe haruguru ryaje guhesha umunyarwandakazi, yaba umukobwa cyangwa se umugore washyingiye, uburenganzira bungana n'ubw'umugabo ku mutungo w'aho avuka ndetse n'aho yashatse, mu gihe habayeho izungura.

3.1. Kuzungura sobanura iki?

Kuzungura ni uguhabwa ububasha n'inshingano ku mutungo n'imyenda/amadeni bya nyakwigendera. Mu by'ukuri, iyo ari umugabo cyangwa se umugore upfuye, n'ubwo umwe muri bo asigara, ariko ibyerekeranye n'izungura biba byatangiye, kuko uburyo bw'imicungire y'umutungo wabo buba burangiye.

Icyitonderwa

Izungura ritangira ku munsu nyakwigendera yapfiriye, kuko ari bwo umutungo asize utangira kubarwa ndetse hakanagaragazwa abafite uburenganzira bwo kuzungura.

Mu buryo bw'ishyirwa mu bikorwa, izungura ritangira abari barashyingiranywe bombi bamaze kwitaba Imana cyangwa se iyo nyir'umutungo uzungurwa amaze gupfa niba yari ingaragu

3.2. Uburyo izungura rikorwamo

Amategeko mbonezamubano agenga iby'izungura mu Rwanda, ateganya uburyo bubiri bwo kuzungura nyakwigendera: izungura rikurikije irage ryakozwe na nyakwigendera, n'izungura rishingiye ku itegeko ari ryo mu mategeko bavuga ko ari izungura nta rage.

3.2.1. Izungura rikurikije irage

a. Irage ni iki ?

Ni igikorwa umuntu akora akiriho akena amerekezo y'umutungo we mu gihe azaba atakiriho, akagaragaza n'ibyifuzo bye bya nyuma. Irage rishobora gukorwa mu mvugo, mu nyandiko bwite yakozwe n'uraga, cyangwa mu nyandiko yakozwe n'uraga akayikorera imbere y'umwanditsi w'irangamimerere, cyangwa se imbere ya Noteri.

Icyitonderwa

Umuntu ku giti cye ni we uraga, byumvikane ko ntawe ushobora kuraga mu mwanya w'undi. Iyo uraga atazi kwandika, cyangwa abizi adashobora ubwe kwandika cyangwa gushyira umukono ku irage rye, ahitamo ubimukorera. Irage rikozwe muri ubu buryo rigira agaciro iyo ryemejwe n'umwanditsi w'irangamimerere cyangwa se Noteri w'aho ryandikiwe, uwaraze ahibereye. Iyo ibiteganywa n'imirage ibiri cyangwa myinshi bibangamiranye, hubahirizwa ibikubiye mu irage riheruka gukorwa. Irage rishobora kuvanwaho ryose cyangwa igice cyaryo n'ubaraze, mu buryo bumwe n'ubusabwa kugira ngo irage rigire agaciro bwavuzwe haruguru.

b. Umurage n'irage bitandukanira he?

Aya amagambo akunze kwitiranywa ariko akaba atandukanye cyane. Umurage ni igikorwa cyo gutanga umutungo ku muntu uwo ari we wese nta kiguzi uwuhawe akawegukana uwutanze amaze gupfa. Naho irage ni uburyo bwo gutanga uwo mutungo. Irage ni uko byakozwe (mu nyandiko bwite, inyandiko mpamo cyangwa mu mvugo), mu gihe umurage ari icyakozwe.

c. Uburyo irage rikorwamo

1. Irage mvugo cyangwa rivuzwe mu magambo

Ni irage rikorewe imbere y'abazungura b'ibanze bose n'abatangabuhamya nibura babiri bagejeje ku myaka y'ubukure. Iyo abazungura badashoboye kuboneka, abatangabuhamya bagomba kuba bane. Ubu bwoko bw'irage butera ingorane mu bijyanye no kubungabunga ubuhamya kuko buba butakiriwe n'umukozi ubishinzwe (Umwanditsi w'irangamimerere) cyangwa se ngo bishyirwe mu nyandiko. Bishobora kugira ingaruka mu gihe abazungura bahakanye ko iryo rage nta ryigeze ribaho. Ubu buryo mu Rwanda buracyakoreshwa kuko hacyiri abantu batari gusoma no kwandika. Bityo, abantu bakwiye kujya bakoresha ubu buryo iyo nta kundi babigenza.

2. Irage rikozwe mu nyandiko bwite

Ni irage rikozwe n'uraga azi kwandika, akaryiyandikira ubwe n'intoki ze, agashyira ho itariki n'aho ryakorewe kandi agashyiraho umukono we cyangwa igikumwe cye. Iyo hari inyandiko nyinshi zivuguruzanya, irage rikozwe rya nyuma ni ryo rihabwa agaciro.

Icyitonderwa

Iyo uraga atazi kwandika cyangwa adashobora kwiandikira kubera uburwayi, uraga ashobora gushaka umuntu umwandikira ariko kugira ngo iryo rage rigire agaciro, iyo nyandiko igomba gushyikirizwa Umwanditsi w'irangamimerere cyangwa Noteri w'aho irage ryandikiwe kugira ngo ayemeze, uwaraze ahibereye.

3. Irage mpamo cyangwa irage ry'umwimerere

Ni irage rikozwe n'uraga imbere ya Noteri cyangwa imbere y'umwanditsi w'irangamimerere mu umurenge uraga abarizwamo cyangwa atuyemo. Iryo rage ryandikwa n'uraga, Umwanditsi w'irangamimere cyangwa Noteri akaryemeza. Iyo nyandiko ikandukurwa mu gitabo cyandikwamo imirage, bigacungwa mu ibanga bikaba byarebwamo gusa n'abo bireba uwaraze amaze gupfa.

Ubutumwa bw'ingenzi ku irage

- *Uraga abikora nta gahato;*
- *Agomba kandi kuba afite ubushobozi bwo kuraga;*
- *Irage rigomba kuganisha ku kintu cyemewe n'amategako niyo mpamvu gutanga irage ku kintu cy'undi bibujijwe;*
- *Irage rigomba gushingira ku mpamvu yemewe n'amategako ariyo kuba ishingiyeye ku bushake bw'uraga bwo gutanga ku buntu nta kiguzi atanze.*

d. Inshingano z'uwarazwe

Uwarazwe ashobora kugira inshingano nyinshi ariko iz'ingenzi ni izi zikurikira:

- Kubahiriza uburenganzira abandi bantu bafite ku cyarazwe, urugero twavuga nk'umutungo uhuriwe n'abantu benshi uwaraze yararaze igice runaka cy'uwo mutungo ;
- Kubahiriza indi mirage ibangikanye n'uwe.

3.1.2. Izungura ry'umutungo nta rage ryakozwe

Izungura ridakurikije irage ni izungura ku mutungo wa nyakwigendera iyo yapfuye adatanze irage ku mutungo we wose . Iryo zungura rikorwa hakurikijwe ibyo Itegeko ryerekeranye n'imicungire y'umutungo w'abashyingiranywe, impano n'izungura riteganywa ku bijyanye n'izungura.

Niba nyakwigendera yarapfuye asize umutungo atigeze atanga mu murage cyangwa nta n'irage ryigeze rikorwa, uwo mutungo uzungurwa hakurikijwe imicungire y'umutungo w'abashyingiranywe nyakwigendera yari arimo.



a. Ni gute abari mu mu masezerano y' ivangamutungo rusange bazungurwa ?

Iyo abari barashyingiranywe bari barahisemo amasezerano y' ivangamutungo rusange, byitwa ko umutungo wabo uzungurwa hakurikije uko Itegeko ribiteganyaga ku buryo bukirikira :

- ❖ Iyo umwe apfuye, usigaye asigarana umutungo wose akubahiriza inshingano yo kurera abana no gufasha ababyeyi ba nyakwigendera iyo babikeneye;
- ❖ Iyo bombi bapfuye bagasiga abana, umutungo wose uzungurwa n' abana bagafasha ba sekuru na ba nyirakuru. Iyo hari abana badahuriyeho, umutungo ugabanywamo kabiri buri mwana akazungura umubyeyi we;
- ❖ Iyo bombi bapfuye badasize abana, umutungo ugabanywamo kabiri, $\frac{1}{2}$ kigahabwa abazungura b' umugabo ikindi kigahabwa abazungura b' umugore;
- ❖ Iyo uwapfakaye nta mwana afitanye na nyakwigendera akongera gushaka, asigarana $\frac{1}{2}$ cy' umutungo bafatanyije ikindi $\frac{1}{2}$ kigahabwa abazungura ba nyakwigendera;
- ❖ Iyo uwapfakaye ataye inshingano yo gufasha ababyeyi ba nyakwigendera, inama y' umuryango igenera abo babyeyi icyo bazungura mu mutungo wa nyakwigendera;
- ❖ Iyo uwapfakaye ataye inshingano yo kurera abana yasigiwe na nyakwigendera, yamburwa $\frac{3}{4}$ by' umutungo wose bigahabwa abana;
- ❖ Iyo nta mwana wa nyakwigendera uwapfakaye akirera, akongera gushaka, atwara $\frac{1}{2}$ cy' umutungo wose, ikindi $\frac{1}{2}$ gihabwa abazungura ba nyakwigendera;
- ❖ Iyo uwapfakaye agiye kongera gushaka akagumana inshingano yo kurera abana yasigiwe na nyakwigendera, ahabwa $\frac{1}{4}$ cy' umutungo wose, $\frac{3}{4}$ agakomeza kubicungira abana ba nyakwigendera;
- ❖ Iyo uwapfakaye atongeye gushaka, akabyara umwana cyangwa abana batari aba nyakwigendera, igihe cy' izungura ry' abana, $\frac{1}{2}$ cy' umutungo wose kiba umwihariko w' abana ba nyakwigendera, $\frac{1}{2}$ gisigaye abana bose b' uwapfakaye bakakigiramo uruhare ku buryo bungana hatarebwe aba nyakwigendera n' ab' uwapfakaye yabyaye ahandi.

b. Ni gute izungura ry' umutungo w' abari mu masezerano y' ivanguramutungo risesuye rikorwa ?

Mu masezerano y' ivanguramutungo risesuye, cyangwa se umutungo w' umuntu wari ingaragu, cyangwa se umutungo bwite w' umwe mu bashyingiranywe, kuko buri muntu aba afite umutungo we bwite ntawo bahuriyeho, abazungura babo bagabana umutungo wa nyakwigendera hubahirizwa urutonde rukurira :

1. Abana ba nyakwigendera;
2. Se na nyina ba nyakwigendera;
3. Abavandimwe ba nyakwigendera basangiye se na nyina ;
4. Abavandimwe ba nyakwigendera basangiye umubyeyi umwe ;
5. Ba se wabo, ba nyirasenge, ba nyirarume na banyina wabo ba nyakwigendera.

❖ Uru rutonde rusobanura iki?

Muri ubu buryo, abana ba nyakwigendera ni bo bonyine bazungura umutungo. Iyo nta bana yasize, umutungo we uzungurwa n'ababyeyi be. Niba nta bana, nta babyeyi yasize, umutungo wa nyakwigendera uzungurwa n'abavandimwe be bahuriye ku babyeyi bombi. Iyo abo bavandimwe bahuje se na nyina nta bariho, umutungo wa nyakwigendera uzungurwa n'abavandimwe ba nyakwigendera bahuje umubyeyi umwe. Iyo nyakwigendera atasize abana, ababyeyi, ntasige n'abavandimwe, umutungo we uzungurwa n'abavandimwe ba se na nyina ; ari bo ba se wabo, ba nyirasenge, ba nyirarume na ba nyina wabo nta vangura hagati y'umugabo n'umugore. Bose bakazungura ku buryo bungana umutungo wa nyakwigendera.

Icyitonderwa

Iyo hari umwe mu bagize urwego rwo hejuru mu bazungura, ahita azitira abo mu rwego rwo hasi kuzungura.

Usibye se na nyina ba nyakwigendera badahagararirwa mu izungura niba barapfuye mbere ya nyakwigendera bahagararirwa n'ababakomokaho.

Niba abazungurwa ari abashyingiranywe, ufite uburenganzira bwo kuzungura, azungura umubyeyi umwinjiza mu rutonde rw'abazungura.

Ikindi kandi bigaragara ko uwapfakaye atari mu bazungura ahubwo we akomeza kuba mu nzu yasizwemo na nyakwigendera babanagamo n'ibikoresho byari biyirimo. Iyo ari byo byonyine bigize umutungo uzungurwa ntawe ushobora kuwumukuramo.

c. Izungura ry'umutungo w'abashyingiranywe mu masezerano y' ivangamutungo w'umuhahano rikorwa rite ?

1) Ku mutungo rusange bahuriye ho

Iyo nyakwigendera yapfuye yari afite amasezerano y'ivangamutungo w'umuhahano, izungura ry'umutungo wose asangiye n'uwapfakaye rikurikiza amategeko agenga ibyerekeranye n'izungura ry'umutungo w'abari mu ivangamutungo rusange.

2) Ku mutungo bwite

Ku byerekeranye n'izungura ry'umutungo bwite cyangwa se badahuriyeho, amategeko y'izungura kuri uwo mutungo bwite akurikizwa ni amwe n'agenga izungura ry'umutungo w'abari mu ivanguramutungo risesuye.

❖ Ni gute umuntu ashobora kuvanwa mu bemerewe kuzungura kandi yari abyemerewe ?

N’ubwo abantu bemererwa n’amategeko kuba mu bazungura ba nyakwigendera, ku mpamvu ziteganywa n’amategeko kubera imyitwarire yabo bagaragaje mu gihe nyakwigendera yari akiriho bashobora kuvanwa mu bazungura.

Muri izo mpamvu harimo izikurikira :

1. Iyo yakatiwe igihano bitewe no kuba yarishe abishaka nyakwigendera cyangwa yarabigambiriye;
2. Iyo yakatiwe igihano bitewe no kuba yarareze nyakwigendera amubeshyera cyangwa bitewe n’ikinyoma yavuze yatanze umugabo, mu gihe icyo kinyoma cyari gutuma nyakwigendera ahanishwa nibura igifungo cy’amezi atandatu;
3. Iyo yaciye umubano abishaka na nyakwigendera igihe yari akiriho;
4. Iyo yanze kwita kuri nyakwigendera akiriho mu gihe yagombaga kumufata neza kubera indwara ye ya nyuma, kandi abitegekwa n’amategeko cyangwa umuco;
5. Iyo yitwaje intege nke z’umubiri cyangwa zo mu mutwe bya nyakwigendera akigarurira umutungo we uzungurwa cyangwa igice cyawo;
6. Iyo yarigishije, akangiza cyangwa akagira ibyo ahimba mu nyandiko abyitirira umurage wa nyuma wa nyakwigendera cyangwa agakoresha umurage wataye agaciro.

Kugira ngo umuntu avanwe mu bazungura ku mpamvu ya 3, 4, 5 na 6 ni ngombwa ko izo mpamvu ziba zemejwe n’urukiko rubifitiye ububasha rumaze kuregerwa n’ababifitemo inyungu.

3.3. Ibarura ry’umutungo uzungurwa rikorwa gute ? Uchungwa ute ?

a. Ibarura ry’umutungo uzungurwa

Ibarura ry’umutungo rikorwa nyakwigendera akimara gupfa kugira ngo umutungo uzungurwa umenyekane. Birasanzwe, ko abazungura bamwe na bamwe bagira umururumba wo gushaka kwikubira ibintu byose bya nyakwigendera. Niyo mpamvu iryo barura rigomba gukorwa rikajya ahagaragara ndetse hakaba n’umuntu umwe cyangwa benshi bashinzwe iryo barura n’igabanya ry’ibizungurwa. Iri barura rireba kandi n’imyenda/amadeni nyakwigendera asize

Icyitonderwa

Iri barura ntirikorwa k'uwapfakaye iyo abashyingiranywe bari barasezeranye ivangamutungo rusange cyangwa se w'umuhahano, ku mutungo bahuriyeho, kubera ko umutungo asigaranye awugumamo akanawurereramo abana yasigiwe na nyakwigendera, akanawufashamo ababyeyi ba nyakwigendera babaye babikeneye. Gusa, iri barura ni ngombwa iyo uwapfakaye agiye kongera gushyingirwa hagamije kugaragaza igice cy'umutungo uwapfakaye afiteho uburenganzira, ashobora kuvanga n'uwo agiye gushyingiranwamo na mugenzi we, ndetse n'uw'abazungura basigarana.

d. Ni gute umutungo uzungurwa ucungwa ?

Nk'uko amategako abiteganya, uwapfakaye ntakurwa mu nzu yasizwemo na nyakwigendera babanagamo ndetse n'ibikoresho byose biyirimo iyo ari byo byonyine bigize umutungo uzungurwa cyangwa ari bimwe mu biwugize.

Umutungo ugomba kuzungurwa ucungwa n'uwahawe ububusha na nyakwigendera, yaba ntawashyizweho bigakorwa n'inama ishinze iby'izungura.

Cyakora iyo uwapfakaye agiye kongera gushyingirwa, izungura rirakorwa nk'uko byasobanuwe haruguru. Ariko nanone inama ishinze iby'izungura ishobora kwemeza ko aguma mu mutungo yasigaranye iyo iyo nama isanze ari ngombwa ku bw'inyungu z'abana.

Icyitonderwa

Bigenda gute iyo uwapfakaye yifuje kugira uburenganzira atanga ku mutungo asigayemo? Mu gihe uwapfakaye usigaranye umutungo yifuje kugurisha, kuwutangaho ingwate cyangwa se kuwugurana, icyo gihe inama ishinze iby'izungura ibanza kubisuzuma cyane cyane ikareba niba bitabangamiye inyungu z'abana. Iyo isanze inyungu z'abana zihahungabanira, inama ishobora gusaba urukiko rubifitiye ububasha (urukiko rw'ibanze) rw'aho izungura ryabereye mu kirego kihutirwa ko rwambura uwo mupfakazi ubwo burenganzira.

Mu gihe ku mutungo uzungurwa hari igice cy'impano, nk'umurage, kirenze ibyemerewe gutangwa, ni ukuvuga 1/5 iyo utanga afite umwana na 1/3 iyo utanga nta mwana afite; icyo gihe gishobora kugaruzwa n'uwo ari wese mu bazungura bazigamirwa ari bo uwapfakaye n'abana. N'ubwo abo bazungura bazigamirwa bafite ubwo bushobozi bwo kugaruza ibyatanzwe by'ikirenga, itegeko riteganya ko ikintu cyatanzwe mbere y'imyaka 5 ibanziriza umunsi izungura ritangiriyeho kidashobora kugaruzwa.

e. Ni bande bagize inama ishinzwe iby'izungura, inshingano zabo ni izihe?

Inama ishinzwe iby'izungura iba igizwe n'abantu bateganywa n'Itegeko bafite ububasha bwo kumenya no kubungabunga umutungo ugomba kuzungurwa ndetse akaba ari nabo bagabanya uwo mutungo abazungura babyemererwa n'amategeko.

Iyo nama ishinzwe iby'izungura n'igabanya ikaba igizwe n'abantu bakurikira:

- Uwapfakaye;
- Umwana uhagarariye abandi iyo hari abana bakuru yasize;
- Uhagarariye umuryango wa nyakwigendera;
- Uhagarariye umuryango w'uwapfakaye;
- Inshuti nyangamugayo imwe itangwa n'umuryango w'uwapfakaye;
- Inshuti nyangamugayo imwe itangwa n'umuryango wa nyakwigendera.

Umuyobozi w'inama ishinzwe iby'izungura atangwa n'umuryango wa nyakwigendera, umwanditsi wayo agatangwa n'umuryango w'uwapfakaye.

Ibyemezo by'inama ishinzwe iby'izungura bifatwa abayigize bose bahari bakayishyira ho umukono.

❖ Ni izihe nshingano z'inama ishinzwe iby'izungura?

- Gucunga umutungo uzungurwa;
- Kwishyura imyenda yasizwe n'uzungurwa igejeje igihe;
- Kugena burundu abagomba kuzungura;
- Gufata icyemezo iyo habaye impaka no kutumvikana ku migabane;
- Kugaragariza imicungire y'umutungo abagomba kuzungura cyangwa urukiko.

Indi nshingano y'iyo nama ni yo kugena ishumbushanyo abazungura babonye umugabane munini batahawe n'itegeko cyangwa se irage baha ababonye muto iyo bidashobotse ko umutungo uterwa mo imirwi ngo ugabanywe.

Icyitonderwa:

Iyi nama ishinzwe iby'izungura igomba gushyirwaho n'abagize umuryango w'abafite uburenganzira bwo kuzungura mu miryango yombi mu gihe izungura ritangiye.

Umuntu usaba kuzungura abikora mu nyandiko ihabwa n'ushinzwe iyegeranya n'igabana cyangwa umuyobozi w'inama ishinzwe iby'izungura, yaba atazi kwandika akabikora mu mvugo hari abagabo babiri.

Kwanga kuzungura bikorwa mu nyandiko kandi bikamenyeshwa ushinzwe iyegeranya n'igabana ry'umutungo. Uko kwanga bituma ubikora afatwa nk'aho atigeze aba umuzungura.

3.2.1. Igena ry'umutungo uzungurwa

Mbere y'uko igabanywa rikorwa, umutungo wa nyakwigendera ubanza gukurwaho imyenda yafashwe kuri wo. Mu kwishyura iyo myenda, hakurikizwa urutonde rukurikira:

1. Ibyatanzwe mu ishyingurwa rya nyakwigendera;
2. Imishahara nyakwigendera yagombaga guhemba;
3. Ibyatanzwe mu icunga, iyegeranya n'igabagabanya-mutungo;
4. Imyenda ya nyakwigendera;
5. Umurage ku bintu bizwi watanze na nyakwigendera.

Ibyo iyo bimaze gukorwa, umutungo usigaye ugabanywa abazungura hakurikijwe urutonde rwabo ndetse hanakurikijwe uburyo bw'imicungire y'umutungo ba nyakwigendera bari barimo nk'uko byavuzwe haruguru.

3.2.2. Ibyerekeranye n'izungura ry'amasambu

Kubera agaciro gakomeye abanyarwanda baha isambu, mu gihe cyo kuzungura isambu ntigomba kuva mu gisekuru. Ni muri urwo rwego abari ku rutonde rw'abazungura badakomoka ku gisekuru cyagabiye nyakwigendera iyo sambu batayizungura, keretse iyo bigaragaye ko abahuriye na nyakwigendera ku gisekuru cyamugabiye iyo sambu batakiraho.

Ubutumwa bw'ingenzi

Umutungo w'umuryango ugomba kugirwaho uburenganzira n'abawugize mu gihe cy'izungura, ryaba irikurije irage cyangwa se rikozwe bikurikije ibiteganywa n'Itegeko.

Rigomba gukorwa nta vangura hagati y'umukobwa n'umuhungu cyangwa se hagati y'umugabo n'umugore ku mpamvu iyo ari yo yose ndetse no ku mutungo uwo ari wo wose, waba utimukanwa cyangwa se wimukanwa.

UMWANZURO

Itegeko n°22/99 ryo ku wa 12/11/1999 ryerekeranye n'imicungire y'umutungo w'abashyingiranywe, impano n'izungura ryasubije byinshi mu bibazo bitari byarabonewe umuti mu mategeko mbonezamubano mu Rwanda.

Ibi byagaragaye cyane cyane iyo umugore yabaga agiye gushyingirwa ntagire umutungo agenerwa wo gushyira hamwe n'uwo bagiye gushyingiranwa. Mu gihe umugore amaze gushyingirwa ntagire n'uburenganzira ku mutungo w'aho yashatse, cyane cyane nk'igihe umugore yabaga atanye n'umugabo akagenda amara masa. Ikindi kandi, umugore mu gihe cy'izungura nabwo ntagire uburenganzira ku mutungo w'ababyeyi be ndetse n'iyo yabaga amaze gupfakara umutungo asigayemo nawo ntawugireho uburenganzira kubera umuco wamuhezaga.

Iri tegeko rikaba ryarazanye impinduka mu mibanire y'abashyingiranywe kuko mbere yo kubana bagirana amasezerano azagenga imicungire y'umutungo wabo, ribaha kandi uburenganzira bungana bwo kuwucunga kandi bakaba bagomba kuwukoresha ku bwumvikane bwa bombi. Itegeko rigaragaza n'uko umutungo wabo uzazungurwa igihe umwe muri bo yitabye Imana cyangwa bombi hashingiwe ku masezerano y'imicungire y'umutungo bari bafitanye.

Nta wakwirengagiza na none agaciro gakomeye iri tegeko ryahaye umugore kuko ryamugeneye umugabane ku mutungo wo mu muryango avukamo rimwemerera nawe guhabwa umunani kimwe na basaza be ndetse rikanamuha uburenganzira bungana n'ubw'abavandimwe be mu gihe cy'izungura ry'ababyeyi babo.

Umugore namara no gusobanukirwa n'ibikubiye muri iri Itegeko bizanamufasha nawe kurimenyekanisha no ku bana azabyara kugira ngo bakurane umuco wo guharanira no kurengera uburenganzira bwabo muri rusange n'ubwo ku mutungo w'umuryango bakomokamo.

Aha, abantu bakwibutswa ko iri tegeko rigirira akamaro abashyingiranywe mu buryo bwemewe n'amategeko ku byerekeranye n'imicungire y'umutungo wabo, naho ku izungura abantu bose rikaba ribareba.

Aka gatabo rero, kakaba kanditse ku buryo busobanura ingingo z'ingenzi zikubiye muri iri Itegeko kugira ngo rirusheho kumenywa n'abanyarwanda bose muri rusange; by'umuhariko umugore n'umukobwa kugira ngo baryifashishe mu guharanira no kurengera uburenganzira bwabo mu muryango ndetse banabukoresha mu kwiteza imbere no kugira uruhare mu iterambere ry'Igihugu.

Mu gusoza, Impuzamiryango Pro- Femmes /Twese Hamwe ikaba ishishikariza abagiye gushinga urugo ko bagomba gushyingirwa mu buryo bwemewe n'amategeko kugira ngo Itegeko ribashe kubagirira akamaro kuko ribaha uburenganzira bungana ku mutungo w'aho bavuka ndetse n'aho bashyinyiwe.

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