



Economic and Social Council

Committee on Economic, Social and Cultural Rights

Concluding observations on the second to fourth periodic report of Rwanda, adopted by the Committee at its fiftieth session (29 April-17 May 2013)

The Committee on Economic, Social and Cultural Rights considered the second to fourth periodic reports of Rwanda on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/RWA/2-4) at its 15th and 16th meetings, held on 8 May 2013 (E/C.12/2013/SR.15-16), and adopted, at its 28th meeting held on 17 May 2013, the following concluding observations.

A. Introduction

The Committee welcomes the submission of the second to fourth periodic reports of Rwanda (E/C.12/RWA/2-4) and the constructive dialogue with the delegation of the State party, but regrets the long delay in the submission of the reports. The Committee is grateful to the State party for its timely replies to its list of issues (E/C.12/RWA/Q/2-4/Add.1) and additional information provided by the delegation during the dialogue with the Committee. It regrets the lack of statistical data on certain issues raised by the Committee.

The Committee wishes to put on record its deep sorrow for the genocide in the State party in 1994 and expresses its sympathy with all victims. It encourages the State party to continue its efforts aimed at reconciliation, transitional justice, nation-building and post-conflict reconstruction.

B. Positive aspects

The Committee notes with appreciation the legislative, institutional and policy measures adopted by the State party including:

- (a) The Constitution of 2003 which contains human rights provisions;
- (b) Labour Law No. 13 of 27 May 2009;
- (c) Law No. 01/2007 of 20 January 2007 concerning the protection of persons with disabilities;
- (d) Law No. 59/2008 concerning the prevention and suppression of gender-based violence;
- (e) Law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda;
- (f) Law No. 54/2011 of 14 December 2011 relating to the rights and protection of children against violence;
- (g) The National Policy to Fight against Child Labour;
- (h) Various mechanisms and strategies set up to promote the advancement of women as well as gender equality, such as the creation of the Ministry for Gender Issues and Promotion of the Family, the national gender policy, the National Women's Council and the Gender Monitoring Office.

The Committee welcomes the ratification of, or accession to the following human rights instruments, by the State party:

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 15 December 2008;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 15 December 2008;

Convention on the Rights of Persons with Disabilities, on 15 December 2008;

International Convention on the Protection of the Rights of All Migrant Workers and Their Families, on 15 December 2008;

Optional Protocol to Convention on the Rights of Persons with Disabilities, on 15 December 2008;

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 15 December 2008;

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 23 April 2002;

(h) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 14 April 2002.

C. Principal subjects of concern and recommendations

The Committee notes that according to article 190 of the Constitution, international treaties and agreements have precedence over ordinary and organic laws and can be applied directly in the domestic legal order. However, the Committee is concerned at the absence of cases of invocation or direct application of the Covenant by domestic tribunals and courts (art.2.).

The Committee recommends that the State party pursue its efforts to increase the awareness of the rights under the Covenant among judges, magistrates and lawyers as well as to take steps to disseminate the Covenant among the population. The Committee recommends that the State party provide the Committee with information on cases of invocation before, or application of the Covenant by, domestic courts or tribunals.

The Committee is concerned at the lack of independence of the Commission in practice, the lack of transparency regarding the selection process of its members, the lack of independent and transparent dismissal procedures of the Commissioners, as well as its lack of financial autonomy. The Committee notes the adoption of the Law No. 19/2013 of 25 March 2013 amending the previous legislation on the Commission, which legally addresses most of the above-mentioned concerns (art. 2).

The Committee recommends that the State party effectively implement the Law No. 19/2013 of 25 March 2013 amending the legislation on the *Commission Nationale des Droits de la Personne*, in order to ensure its independence in practice, particularly on the selection process of its members and its financial autonomy, as set out in the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

The Committee is concerned about the persistence of stereotypes against the “Batwa” population and the discrimination they continue to face preventing them from fully enjoying the rights enshrined in the Covenant, in particular, access to the labour market, adequate housing, education, health-care services and other social services, notwithstanding the anti-discrimination legislation and other measures adopted by the State party.

The Committee recommends that the State party firmly combat stereotypes, stigma and discrimination against and marginalization of Batwa, including by ensuring the effective application of its anti-discrimination legislation. The Committee also recommends that the State party adopt temporary special measures, in order to enable the Batwa to fully enjoy the rights under the Covenant in line with the recommendations of the Special Rapporteur on adequate housing. The Committee draws the State party’s attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

The Committee is concerned at the persistence of deeply rooted patriarchal stereotypes regarding roles and responsibilities of men and women, despite the measures taken by the State party to raise awareness of the population and to promote gender equality. The Committee is also concerned that measures taken to promote income generating activities for women, in particular for those living in rural areas, have not been effective. The Committee is further concerned that inequality persists between men and women regarding access to high ranking positions both in the private sector and the local public administration (art.3.).

The Committee recommends that the State party intensify the efforts to ensure the effective application of its legislation on gender equality and implementation of policy measures taken to achieve equality between men and women, including by reinforcing its awareness-raising campaigns on the elimination of negative cultural attitudes against women and girls. The Committee also recommends that the State party reinforce equal representation of women in high ranking positions in local public administration as well as in the private sector. In this regard, the Committee draws the attention of the State party to general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

The Committee is concerned that women continue to face violence in the State party, including sexual violence, despite the newly adopted legislation and other measures put in place to combat such violence and to provide protection to victims. The Committee is also concerned about the lack of information on cases of gender based violence, in particular on the investigations, prosecutions, convictions and penalties for the perpetrators. The Committee regrets the lack of information on the effective implementation of measures taken and its impact on the decrease of the gender-based violence as well as on the number of women affected, including in rural areas (arts. 3 and 10).

The Committee recommends that the State party ensure the effective application of its legislation against gender-based violence and investigate, prosecute and condemn the perpetrators. The Committee also recommends that the State party reinforce its policy and strategy plan adopted in July 2011 on gender-based violence and its awareness-raising campaigns on gender-based violence, in particular in rural areas and communities. The Committee further recommends that the State party intensify its efforts to provide support services to victims and ensure adequate staffing of these services. The Committee recommends that the State party provide it with comprehensive disaggregated data by age and urban/rural, in its next report.

The Committee is concerned that the refugee and asylum legislation do not protect against refoulement and do not allow family reunification for dependents not under the age of 18. The Committee is also concerned that refugees and asylum seekers still face difficulties in access to social services and to fully enjoy the rights covered by the Covenant, in particular regarding access to the labour market, to durable residence status and the recognition of their diplomas. The Committee is further concerned about difficulties faced by returnees to be fully reintegrated in Rwanda, in particular regarding their access to the land and other property rights, free access to education, health care and income generating activities. Moreover, the Committee is concerned that the birth registration of refugees, asylum seekers and stateless children is not fully guaranteed in practice (art 10).

The Committee recommends that the State party revise its refugee and asylum legislation in order to guarantee the

principle of non-refoulement and to ensure family reunification of dependents of refugees without restrictions based on their age . The Committee also recommends that the State party ensure the effective enjoyment of rights covered by the Covenant by refugees and implement measures aimed at reintegrating returnees , in particular regarding access to land, free access to education, health care and income generating activities . The Committee further recommends that the State party ensure the registration of all children born in its territory, in particular refugee, asylum seekers and stateless children, including by revising the Law No. 14/2008 of 4 June 2008 Law Governing the Registration of the Population and Issuance of National Identity Card to extend the registration deadline and by providing training to civil registry officials.

The Committee is concerned about the high rate of unemployment which particularly affects women, people living in rural areas and marginalized and disadvantaged groups and peoples, including Batwa and the youth. The Committee is also concerned at the high unemployment rate of persons with disabilities and at the lack of information on the implementation of measures adopted to facilitate access to labour market for persons with disabilities, including vocational training. The Committee is further concerned at the lack of comprehensive data on the impact of training and vocational programmes with regard to access to the labour market, in particular for young persons (art. 6).

The Committee recommends that the State party take steps to reduce the rate of unemployment and to reinforce targeted plans and programmes designed to combat unemployment of women, young persons, marginalized and disadvantaged persons and groups as well as persons living in rural areas, in order to achieve concrete results. The Committee also recommends that the State party ensure the effective implementation of measures taken in favour of persons with disabilities in particular those related to their integration into the work of enterprises . The Committee further recommends that the State party provide , in the next periodic report , statistical data on the concrete impact of all measures taken to improve the unemployment rate and evaluate programmes to ensure that they respond to the labour market needs.

The Committee is concerned at the large number of persons working in the informal economy and at the lack of measures taken by the State party to protect them and ensure enjoyment of their rights (art. 6).

The Committee recommends that the State party take steps to reduce the number of people working in the informal economy by providing them with formal employment opportunities and to effectively protect them. It also recommends that the State party ensure that they fully enjoy their rights under the Covenant.

The Committee is concerned at the lack of information on measures taken to protect domestic workers and to ensure that they fully enjoy the rights enshrined in the Covenant (art. 7).

The Committee recommends that the State party take steps to ensure that domestic workers are protected and enjoy the rights protected under the Covenant. The State party is encouraged to ratify the ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers .

The Committee is concerned that although the State party has set various specific minimum wages in limited sectors of the formal economy, it has not yet introduced a national minimum wage for all branches of economic activities (art. 7).

The Committee recommends that the State party take all necessary measures to introduce a national minimum wage and to ensure that it is periodically reviewed, so as to ensure a decent standard of living to all workers and their families.

While noting that the State party has established a labour inspectorate in each district, the Committee is concerned at reports that violations of working standards provided for by the Labour Code, in terms of wages, working time, safety and health standards continue to occur mostly in the informal economy (art. 7).

The Committee recommends that the State party reinforce inspections on working conditions and effectively implement its Labour Code and Ministerial Orders No. 02 of 17 May 2012 determining conditions of occupational health and safety, including by investigating violations of labour standards, prosecuting those responsible and sanctioning them. The Committee also recommends that the State party speed up the adoption and implementation of the National Policy on Occupational Health and Safety .

While noting that the national social security policy adopted by the State party in 2009 aims at extending social security coverage, the Committee is concerned that many workers are still excluded from social security, in particular those working in the informal economy as well as disadvantaged and marginalized persons (art. 9).

The Committee recommends that the State party speed up the implementation of its national social security policy adopted in 2009 in order to provide universal social security coverage . The Committee further recommends that the State party provide assistance to the most disadvantaged and marginalized persons who cannot afford contribution to the social security schemes. The Committee draws the attention of the State party to its general comment No. 19 (2007) on the right to social security.

The Committee is concerned that according to the Labour Law, women who have used six weeks of maternal leave with full salary and opt for additional six weeks are entitled to receive only 20 per cent of the salary (arts. 9 and 10).

The Committee recommends that the State party review its Labour Code in order to increase the level of salary for women who extend the duration of their maternity leave . The Committee draws the attention of the State party to its general comment No. 19 (2007) .

The Committee is concerned at the high rate of child labour, in particular in agriculture, as domestic workers, in small companies and

light manufacturing, brick-making, mining industries, despite the prohibition of child labour by the Labour Code and by the Law No. 54/2011 of 14 December 2011 on the protection of the rights of children (art. 51) and other measures taken to combat child labour (art. 10).

The Committee recommends that the State party take steps to firmly implement its legislation which prohibits child labour, including by reinforcing inspections, investigating, prosecuting and sanctioning those responsible and providing victims with rehabilitation and assistance . The Committee also recommends that the State party conduct awareness-campaigns about its legislation against child labour, in particular in rural areas where children are employed in the agriculture sector . Moreover, the Committee recommends that the State party effectively implement its five-year National Plan on Child Labour aimed at its abolition and combating its worst forms drawn up in 2007, in order to reinforce the protection of children and request s the State party to provide information on investigations, prosecutions and sanctions imposed on those responsible for child labour .

The Committee is concerned that trafficking of children for sexual exploitation persists in the State party (art. 10).

The Committee recommends that the State party effectively implement its legislation against trafficking by investigating cases of trafficking, prosecuting and sanctioning those responsible and providing assistance and protection to victims.

The Committee notes that the Law No. 54/2011 of 14 December 2011 relating to the rights and the protection of children has abolished corporal punishment in all settings, but it remains concerned that the “right of correction” set out in the Civil Code may be misinterpreted and allow for corporal punishment (art. 10).

The Committee recommends that the State party ensure that the Law No. 54/2011 of 14 December 2011 and the Civil Code fully abolish corporal punishment of any kind in all settings without exception.

The Committee is concerned at the high rate of poverty in the State party despite measures taken and despite the high economic growth rate, which particularly affects women including those heading households, child-headed households, persons living in rural areas and working in agriculture. The Committee is also concerned at poverty and the inadequate living conditions of marginalized and disadvantaged persons and groups such as Batwa community, asylum seekers and refugees and domestic workers, which prevent them from effectively enjoying their economic, social and cultural rights. The Committee is further concerned at the higher level of poverty in some rural areas (art. 11).

In line with the Committee’s statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/ 2002/22-E.12/2001/17, annex VI) , the Committee recommends that the State party effectively implement and reinforce measures taken to combat poverty and reduce inequalities that exist between different regions , including by facilitating income generating activities . The Committee also recommends that the State party regularly review its plans and strategies in order to evaluate its weaknesses. It requests the State party to include in its next periodic report comparative data , disaggregated by sex, age and rural/urban populations , on the number of persons living in poverty and on progress made in combat ing poverty.

The Committee is concerned at the housing situation of disadvantaged and marginalized groups and persons both in the surroundings of Kigali and in rural areas. It is also concerned that the State party has not yet adopted legislation on rent control and has not provided information on homelessness. The Committee is further concerned that in the context of governmental housing programmes, such as the “Bye Bye Nyakatsi programme” and the Kigali Master Plan and the villagization policy, displaced persons face worse living conditions than they had in their previous settlements. Moreover, the Committee is concerned that some Batwa people displaced in the context of such programmes continue to live in sub-standard conditions (art. 11).

The Committee recommends that the State party adopt legislation on rent control and strengthen its measures to improve access to adequate housing for all, in particular for disadvantaged and marginalized persons and groups, in particular the Batwa community . The Committee also recommends that the State party conduct inclusive consultation before any displacement of the population and ensure relocation in adequate settlements with conditions comparable to those they previously enjoyed. It requests that the State party include in its next periodic report comparative data on the implementation of the right to housing and the progress made , disaggregated by sex, age and rural/urban populations . The Committee also requests disaggregated information on homelessness in its next periodic report. It draws the attention of the State party to its general comment No. 4 (1991) on the right to adequate housing .

The Committee is concerned at reports that most of the people expropriated or forcibly evicted from their lands or whose lands have been expropriated in the context of land consolidation policy or urban planning by virtue of the Law No. 18/2007 of 19 April 2007 had not received fair compensation and were not properly consulted prior to the expropriations and displacements (art. 11).

The Committee recommends that the State party conduct full and prior consultation to seek the consent of those to be expropriated or evicted and provide them with prompt and fair compensation. It draws the attention of the State party to its general comment No. 7 (1997) on the right to adequate housing: forced evictions.

The Committee is concerned that access to health-care services is not yet effectively ensured to all, including refugees, asylum seekers, disadvantaged and marginalized individuals as well as to the Batwa community (art. 12).

The Committee recommends that the State party pursue its efforts to ensure access to health-care services to all its population without distinction.

The Committee is concerned at the rate of child mortality. It is also concerned at the high rate of maternal mortality, including among adolescents, which is partially due to unsafe abortions taking place in inadequate or clandestine conditions. The Committee is also

concerned at the general criminalization of, and the application of, severe punishment for recourse to abortions as well as at difficulties faced by some women in accessing family planning services, including contraceptives, in particular in rural areas (art. 12).

The Committee recommends that the State party take measures to reduce the high rate of child mortality and maternal mortality. The Committee also recommends that the State party extend family planning services, including contraceptives, to all women, and carry out educational programmes on sexual and reproductive health. The Committee urges the State party to revise its laws in order to reduce the scope and the severity of the punishment of abortion and to facilitate access to professional medical services with a view to eliminating the practice of unsafe abortions that place the lives of women and girls at risk.

The Committee is concerned at the high rate of dropouts among children belonging to disadvantaged and marginalized families, in particular to Batwa families. The Committee is further concerned at the low salaries paid to teachers. Moreover, the Committee is concerned at the lack of information relating to human rights education in school curricula (art. 13).

The Committee recommends that the State party strengthen measures aimed at reducing the dropout rates of children belonging to marginalized and disadvantaged families, in particular the Batwa families, in primary and secondary schools. The Committee also recommends that the State party increase the salaries of teachers and introduce human rights education in school curricula. The State party is encouraged to intensify its efforts to progressively make secondary education fully free. The Committee draws the attention of the State party to its general comment No. 13 (1999) on the right to education.

While noting the position of the State party regarding the recognition of ethnic groups and indigenous peoples, the Committee is concerned at the possible adverse impact of the position of the State party. The Committee is also concerned at the lack of information on the impact of measures taken to ensure that different groups living in its territory enjoy full participation in cultural life as well as on measures aimed at promoting tolerance and understanding among the different groups living in its territory (art. 15).

The Committee recommends that the State party take into account the diversity of its population and effectively implement measures aimed at ensuring that different groups living in its territory enjoy full participation in cultural life and at promoting tolerance and understanding among different groups living in its territory. The Committee also recommends that the State party provide it with information on the concrete results achieved in this regard.

In light of the statement made by the delegation of the State party, the Committee encourages the State party to finalize the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

In light of a great number of disappearances that occur in the Great Lakes Region, the Committee encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.

The Committee invites the State party to submit its core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting (HRI/GEN/2/Rev.6).

The Committee requests the State party to submit its fifth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 31 May 2018.