



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Second periodic report submitted by Rwanda
under article 73 of the Convention pursuant to the
simplified reporting procedure, due in 2017***

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* The present document is being issued without formal editing.



Acronyms

AU	African Union
CEPGL	<i>Communauté Économique des Pays des Grands Lacs</i> (Economic Community of the Great Lakes Countries)
COMESA	Common Market for Eastern and Southern Africa
COSYLI	Confederation of Free Trade Unions of Rwanda
CRADAT	<i>Centre Régional Africain d'Administration du Travail</i> (African Regional Centre for Labour Administration)
CSO	Civil Society Organisation
DGIE	Directorate General of Immigration & Emigration
EAC	East African Community
GBV	Gender Based Violence
ICMPD	International Centre for Migration Policy Development
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Organization
IOM	International Organization for Migration
MAJ	<i>Maison d'Accès à la Justice</i> (Access to Justice Bureaus)
MIEUX	Migration EU eXpertise
MIFOTRA	Ministry of Public Service and Labour
MIGEPROF	Ministry of Gender and Family Promotion
MINALOC	Ministry of Local Government
MINEMA	Ministry of Emergency Management
MINIJUST	Ministry of Justice
NCHR	National Commission for Human Rights
NGOs	Non-Governmental Organisations
NMP	National Migration Policy
NPM	National Preventive Mechanism
NPPA	National Public Prosecution Authority
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PSF	Private Sector Federation
RDB	Rwanda Development Board
RIB	Rwanda Investigation Bureau
RLRC	Rwanda Law Reform Commission
RNP	Rwanda National Police
RSSB	Rwanda Social Security Board
TIP	Trafficking in Persons
UNODC	United Nations Office on Drugs and Crime

I. Introduction

1. The Government of Rwanda continues to ensure that all human beings enjoy the fundamental human rights secured by the Constitution and other national and applicable international human rights laws, including the ICMW to which Rwanda is a State party since 2008.
2. In April 2018, the Committee sent a list of issues prior to submission of the second periodic report of Rwanda. The responses to the list of issues constitute Rwanda's second periodic report under the ICMW.
3. The present report covers the period from October 2012 to May 2018 pursuant to article 73 of the ICMW. The common core document which also forms part of the report, was submitted by the Government of Rwanda in 2015 and should be consulted in conjunction with this report. The report highlights the developments that have taken place in the application of the ICMW in Rwanda since the previous report submission in 2011 and it addresses the list of issues raised by the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families (the Committee) after considering Rwanda's initial report.

II. Responses to the list of issues prior to reporting (CMW/C/RWA/QPR/2)

Reply to paragraph 1 of the list of issues

4. The supremacy of the Constitution and organic laws over international treaty as stipulated in article 95 of the Constitution of Rwanda of 2013 revised in 2015 has not changed anything in particular regarding the provisions of the Convention.
5. The Constitution in its article 170 removes the possibility to have conflict between international treaties and agreements and national legislation. The provision makes it clear that where an international treaty or agreement contains provisions which are conflicting with the Constitution or an organic law, the power to ratify or approve that treaty or agreement cannot be exercised until the Constitution or the organic law is amended. So far, there has not been conflict regarding the ICMW.

Reply to paragraph 2 of the list of issues

6. Various trainings were conducted during the reporting period by the Ministry of Justice and the Judiciary on the provisions of various human rights instruments and their applicability in domestic courts.
7. Regular trainings are also conducted by relevant stakeholders on a regular basis (MIFOTRA, DGIE, RNP...).
8. Every year, at least two labour inspectors attend a training at the African Regional Centre for Labour Administration (CRADAT) in Cameroun on different labour aspects which includes also labour migration. Since 2012 up to 2018, nine (9) Labour Inspectors had been sent to Cameroun to up skill their knowledge.
9. The IOM has been conducting trainings on labour migration for different Stakeholders in the region and the recent one was done in July 2019 in Rwanda where agents from MIFOTRA who mostly deal with migrant workers were trained on the protection of migrant workers. In addition, IOM regularly conducts trainings designed for police officers, immigration officials, labour inspectors and other agents who deal with migrant workers. They are trained relevant areas such as labour migration policies, assistance of migrant workers and human trafficking among others.
10. Awareness campaigns were organized by the immigration office with MIFOTRA to sensitize and protect migrant workers from potential human traffickers.
11. Within the framework of dissemination, workshops and awareness campaigns are regularly organized by public institutions in partnership with the civil society to sensitize safe

migration and to protect potential migrant workers from falling into the hands of human traffickers.

Reply to paragraph 3 of the list of issues

12. Regarding the composition of the NCHR it is worth mentioning that the Commission has seven Commissioners including the Chairperson and the Vice Chairperson working on full time.¹

13. According to article 18 of Law n°19/2013 of 25/03/2013 governing the National Commission for Human Rights (NCHR), Commissioners come from non-governmental organizations for the promotion and protection of human rights; public and private universities and institutions of higher learning; civil society; public institutions; and private sector.

14. Serving Commissioners were selected from public institutions, civil society and the private sector. Four out of seven Commissioners are female.

15. Further, the above mentioned law in its article 20 empowers a Presidential order to determine the establishment, responsibilities, organizations and functioning of the Committee in charge of selecting Candidate Commissioners. The Committee was established by Presidential Order n°72/01 OF 12/03/2014. The Committee is independent and in discharging its duties, the Committee is required to comply with the principles of transparency and objectivity.

16. According to article 4 of the Presidential order, the Selection Committee comprises of five members, nominated after broad consultations with their respective institutions including non-governmental organizations for the promotion and protection of human rights; Public Service Commission; Civil Society; and other relevant experts with expertise and skills in human rights issues. Members of the Selection Committee are appointed for a 5 years term renewable once.

17. With regard to selection and appointment of Commissioners, the procedure is set out in article 6 and 7 of Law n° 61/2018 of 24/08/2018 modifying Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights. In selecting candidates, the Committee is required to comply with the principles of transparency and independence; and widely announce vacancies for Commissioners. The law further provides that after selecting the candidates, the Committee submits to the Government a list of selected candidates, and the President of the Republic appoints the Chairperson and the Vice Chairperson if those posts are vacant. Commissioners are approved by the Senate.

18. The appointment complies with the provisions of article 86 and 112 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 (the Constitution). Article 86 of the Constitution gives power to the Senate, to approve the appointment of the Chairpersons, Vice Chairpersons and other Commissioners of National Commissions including the NCHR. Further, article 112 provides that the President of the Republic enacts Presidential Orders by virtue of the powers vested in him or her by this Constitution and other laws regarding the appointment of the Chairpersons, Vice Chairpersons and other Commissioners of National Commissions.

19. Regarding the independence and functioning of the NCHR, the Constitution through article 42, guarantees the independence of the NCHR.

20. Article 3 of Law n° 19/2013 of 25/3/2013 determining missions, organisation and functioning of the National Commission for Human Rights also designates the NCHR as “independent and permanent” and stresses that in fulfilling its mission, the Commission shall not be subject to any instructions from any other organ. In this regard, Commissioners are selected and appointed on an individual basis and they do not represent their institutions of origin.

¹ Article 17 of the law n°19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights.

21. The law also gives the NCHR legal personality, administrative and financial autonomy. The provisions of the law are reflected in practice as nothing hinders or interferes with either its financial or administrative autonomy. In terms of financial autonomy, the Commission manages its budget whatever its sources.² Further, the Commission has the autonomy in recruiting its staff and recruitment is made on a competitive basis.

Reply to paragraph 4 of the list of issues

22. Access to justice is guaranteed to all people in Rwanda according to the Constitution. The Constitution of Rwanda of 2003 revised in 2015 under its article 15, recognizes everyone's rights to equality before the law. It states that 'all persons are equal before the law and that they are entitled to equal protection of the law'.³ In addition, the Constitution prohibits all forms of discrimination⁴. Particularly, the Constitution guarantees everyone's right to due process of law.⁵ There is no distinction made between national and non-nationals. Migrant workers and members of their families, including those in irregular situation, have the right to lodge complaints about violations of their rights under the Convention and to access effective remedies. They have access to available administrative and judicial avenues.

23. In April 2018, Rwanda adopted a Law n° 22/2018 of 29/04/2018 relating to the civil, commercial, labor and administrative procedure. This law repealed the Law n° 21/2012 of 14 June 2012 establishing the Code of Civil, Commercial, Social and Administrative Procedure. The provision on furnishing security by foreigners which was provided for in article 87 of the 2012 law was maintained in the 2018 law under article 91. The rationale of this security deposit is to provide a guarantee of good administration of justice aiming to equally protect parties in a suit. Nonetheless, this security is not required from foreign national of EAC or those who file a claim with respect to property they have been deprived of, and after providing sufficient evidence thereof. It is also worth mentioning that this sum of money only applies to civil matters as no security is required in criminal matters.

24. Law n° 22/2018 of 29/04/2018 makes it clear that the objection to furnish security is not automatically granted. The foreigner who is the claimant has the right to challenge the request. The procedure is set in its article 92. According to this article, a party seeking to raise an objection relating to the furnishing of security by foreigners does it in his/her defense submissions. The court registrar presiding over the pretrial conference asks parties to provide observations on the objection and decides thereon. A party dissatisfied with the decision of the court registrar may appeal to the president of the court.

Reply to paragraph 5 (a) of the list of issues

25. The same way as nationals, migrant workers and members of their families including those who are non-documented or in an irregular situation have access to all available local judicial and administrative avenues to have their complaints heard where there are allegations of violations of rights.

26. RIB is the organ in charge of receiving and investigating all reported cases without exception based on whether the alleged victim is a national or a foreigner. The NPPA has the power to investigate offences under prosecution process and lead investigations carried out by criminal investigators.

27. Migrant workers and members of their families including those who are non-documented or in an irregular situation have rights to request enforcement of their rights through courts of law. Article 29 of the Constitution recognizes the right of everyone to due process of law. The Constitution does not make any exceptions based on the nationality or any other status.

28. The NCHR also has the power to receive and investigate complaints from any person whose rights have allegedly been violated. Particularly, in cases of allegation of torture, since August 2018, the powers of the NCHR were expended to allow the Commission to work as

² Internal regulations of the commission, article 5(2).

³ Article 15 of the Constitution of the Republic of Rwanda of 04/06/2003 as revised in 2015.

⁴ Article 16 of the Constitution of the Republic of Rwanda of 04/06/2003 as revised in 2015.

⁵ Article 29 of the Constitution of the Republic of Rwanda of 04/06/2003 as revised in 2015.

the National Preventive Mechanism provided under the OPCAT. With these new responsibilities, the NCHR will play vital role in the prevention of torture.

29. The courts can also hear cases where migrant workers are seeking to enforce their rights.

30. Besides, the above mentioned institutions, the DGIE and MIFOTRA through its labour inspection services deal with complaints of migrants workers in more specific ways. The details on the role these two institutions are provided in the preceding section of this report.

Reply to paragraph 5 (b), (c) and (d) of the list of issues

31. So far, the Rwandan judiciary has not registered any cases or complaints stemming from migrant workers.

Reply to paragraph 5 (e) of the list of issues

32. Each establishment with at least 10 employees has workers' representatives whose responsibilities include advising their colleagues including migrant workers on their rights and mediate them with the employer in the case of labour disputes which are submitted to labour inspections and court if they are not settled.

33. All workers, including migrant workers have the right to join trade unions of their own choice whose core mandate includes promotion of workers' rights.

Reply to paragraph 6 of the list of issues

34. The Government of Rwanda has put in place different laws that guarantee the equality of all without discrimination of any kind. The preamble of the Constitution of Rwanda of 2003 revised in 2015, for instance, states the commitments of Rwandans to preventing and punishing, among other things 'divisionism and discrimination based on ethnicity, region or any other ground.'⁶ The crime of discrimination is also punishable under article 163 of Law n° 30/08/2018 determining offences and penalties in general. Discrimination related to race, ethnicity, origin, clan, family connection, colour of skin, sex, region, nationality, religion, political ideology, economic classes, culture, language, social status, physical or mental disability of physical appearance are all prohibited and punishable.⁷

35. Article 9 of Law n° 66/2018 of 30/08/2018 governing labour in Rwanda prohibits discrimination at workplace. It provides that an employer must give employees equal opportunities at the workplace. An employer is prohibited from discriminating employees on basis of ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural difference, language, physical or mental disability or any other form of discrimination.

36. As preventive measures, labour inspectors conduct inspections each year to ensure compliance with labour laws.

Reply to paragraph 7 of the list of issues

37. With regards to the protection benefited by migrant workers in an irregular situation, the Committee is referred to the information provided above under recommendation six (6).

38. Strong political commitment in Rwanda has resulted in significant positive strides in the promotion of gender equality and women's empowerment. Conducive policy and legal frameworks for mainstreaming gender in socio-economic sectors are in place at all levels (inclusive of a National Gender Policy, gender sensitive laws, etc.) These frameworks apply equally to migrant women.

39. Various initiatives also promote the empowerment of women in Rwanda. There is a Chamber of Women Entrepreneurs within the PSF which is the umbrella organization for all

⁶ Preamble of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

⁷ Article 164 of Law n° 68/2018 of 30/08/2018 determining offences and penalties in general.

women entrepreneurs in Rwanda. It has the mandate to empower women in business through capacity building, advocacy, networking, support services, social corporate responsibility and forging partnerships with key stakeholders and inspiring girls and young women entrepreneurs.

40. This Chamber was established to foster women's economic empowerment and to do advocacy work for women entrepreneurs, business women and women professionals to promote their interests at the regional and international levels. It enhances women's self-help initiatives and increases their business potential, especially in micro- and small enterprises.

41. The Chamber addresses gender disparities by enhancing and empowering the economic status of women entrepreneurs through resource mobilization, entrepreneurship skills development, training and advocacy, access to information, institutional development, access to finance, networking and monitoring training impact on performance. The work of the Chamber benefits all women entrepreneurs without discrimination on whether the beneficiary is Rwandan or a foreigner.

42. Aside from this, all other government initiatives aimed at empowering all women in Rwanda apply equally to migrant workers. These include but are not limited to gender monitoring, financial support, cooperatives aimed at removing women in informal to formal sector, etc. More particularly all programs against GBV and safe shelters are not discriminatory to migrant workers. These also include facilities such as Isange One Stop Centre which facilitate and empower mothers and other migrant women.

Reply to paragraph 8 (a) of the list of issues

43. Rwanda has strong institutional, legal and policy framework to protect every person on its territory from cruel, inhuman or degrading treatment or punishment. Addition, to the existing mechanisms on these acts, in 2018, the law regulating the NCHR was revised to ensure that the Commission also serves as a National Preventive Mechanism provided under the OPCAT.

44. Law n° 57/2018 of 13/8/2018 on immigration and emigration in Rwanda in its article 14 provides for exemptions. among others, the DGIE has discretion to exempt from entry and residence formalities to persons or group of persons in consultation with relevant authorities, to exonerate or reduce administrative fines imposed on foreigners in Rwanda on an exceptional basis if there is evidence that they cannot afford to pay them.

Reply to paragraph 8 (b) of the list of issues

45. The NCHR has the responsibilities among others to receive, examine and investigate complaints relating to human rights violations.⁸ While conducting talk in private at any time with persons deprived of their liberty, the NCHR gets information and thus receives complaints relating to detention, well-being and other rights of persons deprived of their liberty. During this private talk, victims are free to file complaints without fear of being prosecuted. This private talk encourages victims to fully understand their rights and thus file complaints.

46. In 2017, Rwanda revised the law on the protection of whistle-blowers⁹ to effectively safeguard them from retaliation for having reported offences, or illegal acts or behaviours. This legal framework safeguards whistle-blowers from retaliatory acts such as dismissal, suspension, denial of promotion, demotion, redundancy, discrimination, any form of victimisation, administrative sanctions, threats and harassment by the employer or a colleague of the employee. This legal protection encourages victims to file complaints.

47. Lastly, various toll free numbers are available to report crimes (112 for emergencies, 3511 for abuse by a police officer, 3512 for GBV, etc).

⁸ Law n° 61/2018 of 24/08/2018 modifying Law No 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights.

⁹ Law n° 44bis/2017 of 06/09/2017 relating to the protection of whistle-blowers.

Reply to paragraph 8 (c) of the list of issues

48. Migrant workers are protected by the laws of Rwanda on the same level as other Rwandans. Migrant workers can first lodge their complaints to the labour inspector at the district level and if they are not satisfied, they can then appeal to MIFOTRA. Further, migrants workers and members of their families have the rights to lodge cases in court of laws.

49. Rwanda is a State governed by the rule of law and based on the respect for human rights and freedom of all. The Constitution of the Republic of Rwanda of 2003 revised in 2015 provides for everyone's right to due process of law.¹⁰ In light of this provision, no person including migrants, whatever his/her status can be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute an offence under national or international law at the time it was committed. The Constitution also recognizes the right to liberty and security of person which protects any person from being subjected to prosecution, arrest, detention or punishment unless provided for by laws in force at the time the offence was committed.¹¹ This provision grants further protection of migrant including those in an irregular situation.

Reply to paragraph 9 of the list of issues

50. In August 2018, Rwanda adopted a new law n° 57/2018 of 13/8/2018 on immigration and emigration in Rwanda. The 2018 law repealed the law n° 04/2011 of 21/03/2011 on Immigration and Emigration in Rwanda.

51. The exemptions provided for under article 14 of the law n° 57/2018 of 13/8/2018 on immigration and emigration in Rwanda includes the discretion that the Directorate General has to exonerate or reduce administrative fines imposed on foreigners in Rwanda on an exceptional basis if there is evidence that they cannot afford to pay them.

52. In addition, the above said law in its article 43 provides that the administrative misconduct and sanctions with regard to the non-compliance with the provisions of that law are determined by an Order of the Minister.

53. This means that faults and administrative sanctions will be determined in that Ministerial Order. In Law n° 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda, article 48 provided administrative fine for a foreigner who delays paying residence permit or visa fees or fails to comply with registration requirements as well as for a transport company by the Directorate General.¹²

54. It is in this regard, that the new law on immigration and emigration in Rwanda provides for a Ministerial Order to determine administrative misconduct and sanctions with regards to the non-compliance with the provisions of Law n° 57/2018 of 13/08/2018 on immigration and emigration in Rwanda indicates that the new law is in the spirit of the Convention.

55. Articles 12 and 13 of the Law n°04/2011 of 21 March 2011 on Immigration and Emigration in Rwanda define categories of foreigners who are undesirables or prohibited on the Rwandan territory that may be subjected to expulsion.

56. According to article 44 of Law n° 57/2018 of 13/08/2018 on Immigration and Emigration in Rwanda, any person who:

- (a) Assists a foreigner when he/she knows or ought to know that such a foreigner is an irregular immigrant in Rwanda;
- (b) Invites a foreigner or covers him/her when he/she knows that such a foreigner is violating this Law;
- (c) Prevents an immigration officer from fulfilling his/her duties;

¹⁰ The Constitution of the Republic of Rwanda of 2003 revised in 2015, article 29.

¹¹ Ibid, article 24.

¹² Art 48, Law No 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda, in OG no13bis of 28/3/2011.

- (d) Causes to cross or attempts to cross the border post or any other authorized place without clearance of an immigration officer;
- (e) Causes to cross or attempts to cross through unauthorized place;
- (f) Assists another person to obtain what he/she is not entitled to under this Law;
- (g) Covers any offence provided for under this Article, commits an offence.

57. Upon conviction, he/she is liable to imprisonment for a term of not less than thirty (30) days and not more than six (6) months or a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000) or both.

Reply to paragraph 10 of the list of issues

58. Rwanda maintains a policy of open borders and a secure country. Border control in Rwanda is conducted in accordance with the Rwandan Immigration law and the Ministerial Order n 06/01 of 29/05/2019 relating to immigration and emigration which ensure equitable control over all persons entering and leaving Rwanda through fair and non-discriminatory entry and exit procedures. This is fundamental in the fight against global threats like terrorism, trafficking and smuggling of persons.

59. With regards to the detention of migrants for violations of immigration law, it is worth noting that efforts have been made to ensure that detention is used as a measure of last resort.

60. In practice, administrative sanctions and fines are imposed on foreigners who violate immigration laws (e.g. foreigners who delay to submit an application for or extension of their visa or residence permit).

61. The DGIE conducts regular inspections on foreigners' compliance of immigration and emigration laws. An irregular foreigner may be required to leave the country. But before being declared an irregular foreigner, the foreigner is informed of the nature and cause of all accusations against him or her and given the opportunity to defend himself or herself.

62. If found not to be cooperative, their travel documents are confiscated and the concerned person is deported within 48 hours. Pending deportation, the person awaiting deportation are put in holding rooms and not prisons.

63. Article 8 of the same Ministerial Order provides that a traveller may be provisionally intercepted for the following reasons:

- If it is suspected that a person is a perpetrator or a victim of any offence;
- If there is an on-going investigation against him or her.

64. Article 9 of the same Ministerial Order provides for the rights of a traveller provisionally intercepted at a border-post. It is also worth noting that immigration offences are general and do not target foreigners only. Nationals can also be sanctioned or prosecuted for breaching immigration laws. Finally, migrant workers can appeal in case they do not agree with the decision.

65. Lastly, the NCHR in its capacity as the National Preventive Mechanism (NPM) conducts regular visits to all places of detention, including where migrant workers may be held. They can also conduct unannounced visits.

Reply to paragraph 11 of the list of issues

66. Since August 2018, Rwanda has a new Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda. The law is progressive in terms of treatment of migrant workers.

67. Concerning the employment of a foreigner, apart from issues related to working permits for foreigners working in Rwanda that are determined by immigration and emigration laws, employment of foreigners in Rwanda is governed by the Labour Law. This is a clear indication of the Government of Rwanda's commitment to afford Migrant Workers with the same treatment as nationals.

68. The 2018 law regulating labour in Rwanda sets fundamental principles that aim at the protection of high risk workers and their families; it prohibits child labour, forced labour and gender based violence in the framework of employment. Article 9 of this law stipulates that every employer must pay employees equal salary for work of equal value without discrimination of any kind.

69. Article 2 of the above mentioned law stipulates that the law applies to an informal sector employee with regard to the following: occupational health and safety; the right to form trade unions and employers' associations; the right to salary; the minimum wage in categories of occupations determined by an Order of the Minister in charge of labour; the right to leave; social security; protection against workplace discrimination; protection from forced labour; prohibited forms of work for the child, pregnant or breastfeeding woman.

70. Article 113 of the same law provides that the Labour Inspectorate is responsible for monitoring compliance with the law, its implementing orders, collective agreements as well as awareness and providing advice on matters relating to Laws governing labour and social security. In line with the above, the law provides labour inspectors with power to inspect both formal and informal sector. Thus, as they conduct labour inspections each year, the informal sector is also included.

Reply to paragraph 12 of the list of issues

71. The Government of Rwanda has continuously invested efforts in protecting children, especially girls against all forms of exploitation. Efforts are made both in law and in practice.

72. Law n° 54/2011 of 14/12/2011 relating to the protection of the child was repealed by the new Law n° 71/2018 of 31/08/2018 but prohibition of the employment of children under 18 years of age in underground mines has been catered for by Law n° 66/2018 of 30/08/2018 governing labour in Rwanda.

73. Its article 6 lists the work that are prohibited for a child below the age of eighteen (18) years. Among the forms of work prohibited under this article, 'it is prohibited to subject a child below the age of eighteen (18) years to work underground, under water, at dangerous heights or in confined spaces...'. The law delegates the power to the Ministry in charge of labour to adopt a Ministerial Order determining the nature of prohibited forms of work for a child. The Ministerial Order is in the process of adoption and the available draft includes domestic work among prohibited forms of work for a child.

74. Article 117 of law n° 66/2018 of 30/08/2018 governing labour in Rwanda criminalizes and punishes an employer who personally subjects a child to any of the prohibited forms of work stipulated by the law. The act carries a penalty of imprisonment ranging from two (2) years and five (5) years and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than five million Rwandan francs (FRW 5,000,000) or one of these penalties. If the perpetrator is a company, institution, public or private organization and association, is liable to double the fine provided in the same article.

75. Article 120 of Law n° 66/2018 of 30/08/2018 governing labour in Rwanda stipulates that an employer who refuses to allow a labour inspector to enter an enterprise, refuses to provide information with him/her, fails to report to him/her summon or implement recommendations from a labour inspector, commits an administrative misconduct and therefore liable for administrative fine.

76. Given that article 2 of Law n° 66/2018 of 30/08/2018 governing labour in Rwanda provides that the law governs both formal and informal sector workers where domestic workers are also included and article 113 of the same law provides that labour inspectors are responsible for ensuring compliance with the law, it is clear that the responsibilities and powers of labour inspectors also apply to informal sector and domestic work in particular.

77. From District to Village level, child labour elimination and prevention committees were established. These committees have responsibilities to identify child labour cases and cases prone to child labour and report them to competent authorities via mobile phones where the labour inspector can access reported information online through the Integrated Labour Information System (ILAS) and raising public awareness on child labour.

Reply to paragraph 13 of the list of issues

78. The Government of Rwanda, through the Ministry of Public Service and Labour and its different stakeholders conduct awareness campaigns among all workers, including informal sector workers and domestic workers in particular through labour inspectors' awareness campaigns, compliance forums that bring together Employers, Trade Unions and the Government and chaired by the Hon. Minister of Public Service and Labour.

79. A Trade Union known as "COSYLI" with members including domestic workers conduct awareness campaigns among them on their labour rights.

Reply to paragraph 14 of the list of issues

80. Each year, the budget is earmarked to all District exclusively for conducting labour inspections. Specifically, for child labour, it is mainstreamed into Districts performance contracts which translates an increase of labour inspection budget from Districts side. To increase the number of labour inspections, all labour inspectors have to conduct inspections at least 3 days a week as opposed to spending more time on labour disputes settlement which shall be prevented from occurring by conducting inspections and advise employers and workers on their respective roles and responsibilities.

81. As mentioned above, article 117 of Law n° 66/2018 of 30/08/2018 governing labour in Rwanda provides that employing a child is an offence while article 7 of the same law provides that forced labour is prohibited for any person. The same applies to the informal sector according to Article 2 para 6° (h) (i).

Reply to paragraph 15 of the list of issues

82. As of today, the transferability of pension benefits has only been realised between Rwanda and Burundi, largely due to the reciprocal arrangements the two countries have between their mandatory pension schemes.

83. Burundi and Rwanda are among the countries that signed a memorandum of understanding in 1978 that binds the CEPGL Countries to allow portability of pension benefits.

84. On the basis of a new bilateral agreement with Rwanda that allows pension portability, individuals who live in Rwanda, but have a contribution record with the mandatory pension scheme of Burundi — National Institute of Social Security of Burundi — receive their pension payments through quarterly transfers.

85. Individuals who live in Burundi but have a contribution record with the Rwanda Social Security Board RSSB, receive their pension as monthly payments.

86. Within the context of the CEPGL, a general social security convention was adopted in 1978 and came into force in 1980. It is modelled on international instruments, with the sole difference being that it does not extend its scope of application to family and maternity benefits.

87. With regard to the EAC countries no agreement had been concluded, but it should be noted that discussions on the adoption of an EAC social security agreement are under way.

88. As a result, the EAC Secretariat is in discussion with partner states and Stakeholders to come up with appropriate policies that will guide priority activities in order to make progress with the coordination and harmonisation of the pensions sector in line with the EAC Common Market Protocol, the Monetary Union Protocol and the EAC Treaty.

89. EAC partner states are working on guidelines that will allow employees from the formal sector to transfer their pension contributions and benefits to other schemes across the region.

90. The six EAC member states are also working to ensure that fund managers can invest retirees' money in any country in the region.

Reply to paragraph 16 of the list of issues

91. Rwanda ratified ILO Convention N°48 (1935) on the conservation of rights to pension of the migrant and the Rwanda Social Security Fund is a member of the International Social Security Association, which enables this Fund to obtain information on major issues related to social security as well as continuous analysis of major developments in the area.

92. In addition to the above, the 2018 law regulating labour in Rwanda obligates an employer to affiliate and contribute for an employee to the social security organ in Rwanda. The obligation is to be observed by any employer for the benefit of employees without any distinction on whether he/she is a national or a migrant worker. Law n° 05/2015 of 30/03/2015 governing the organization of pension schemes, explains further that the persons subject to mandatory pension scheme include all employees governed by the Law regulating labour in Rwanda regardless of nationality, type of contract, duration of the contract or the amount of wages.¹³

93. Pension benefits are only transferable abroad in cases of reciprocal agreements or international conventions. Rwanda has started the process of having agreements with different countries, as of today Rwanda has agreements with CEPGL: Burundi and the Democratic Republic of Congo. Also some local banks like Ecobank, Bank of Kigali and Kenya Commercial Bank can facilitate this transfer for its clients.

Reply to paragraphs 17 and 18 of the list of issues

94. With regards to access to health services, all employees, whether national or foreigner who is on the Rwandan territory is required to have health insurance.¹⁴

95. Employers of foreigners have a duty to ensure that their employees have health insurance cover for themselves and their families.

96. Migrant workers in public service have access to Rwandan Public Service Medical Insurance (RSSB), while those working in private sectors are awarded private health insurance by their employers.

Reply to paragraph 19 of the list of issues

97. Every foreigner residing or domiciled in Rwanda may be registered under the civil registry by a Rwandan Civil Registration Officer on registration documents provided for by law.

98. A child born to a foreigner in Rwanda, is given one year (1) period from the date of birth to obtain relevant documents and permit allowing him/her to lawfully stay in Rwanda. Children of Migrant workers born abroad can be registered at Rwandan embassies and thereafter given birth certificates.

99. Children born outside or on the territory of the Republic of Rwanda shall be subjected to registration formalities when the father and mother or one of the two is or both were themselves subjected to this obligation. The foreigner who declares a birth before a competent Civil Registration Officer shall be asked to complete a registration form provided to him/her for that purpose by the service in charge of Immigration and Emigration of his/her jurisdiction. The National Identification Agency is currently building a database to register all Rwandans born and registered abroad.

100. Further, the Constitution of the Republic of Rwanda of 2003 revised in 2015, stipulates that every Rwandan has the right to his or her country. That no Rwandan can be banished from his or her country and that every Rwandan has the right to Rwandan nationality. It permits dual nationality and as such no one can be deprived of Rwandan nationality of origin. It goes further, to provide that all persons of Rwandan origin and their descendants are, upon request, entitled to Rwandan nationality.¹⁵

¹³ Law N° 05/2015 of 30/03/2015 governing the organization of pension schemes, article 4.

¹⁴ Article 3 of the Law Governing the Organisation and Management of Health Insurance Schemes in Rwanda.

¹⁵ Article 25 of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

101. The State Party has organized communities in different countries including but not limited to; Australia, Belgium, Canada, China, France, Germany, Kenya, Russia, Senegal, South Korea, Switzerland, Tanzania, The Netherlands, Uganda, United Kingdom, United States of America, Zambia, etc.

102. The above communities have structures through which they elect representatives. Elected representatives among their multiples roles is to keep a register for births, deaths, new members etc. Upon the recommendation of community members, Embassies and High Commissions provide consular services including registration of different categories of migrant workers, including children.

Reply to paragraph 20 of the list of issues

103. Children of Migrant workers, like all other children, have the right to education. Rwandan education policies prohibit any kind of discrimination, including gender based discrimination, nationality, exclusion and favoritism. As specified above, members of the families of a migrant worker cannot in any way be subjected to discrimination. According to the Convention on the Rights of the Child which was ratified by Rwanda, children including children of migrant workers cannot be subjected to discrimination. In this regard, children of Migrant workers have access to primary, secondary and tertiary education.

Table 8
Distribution of lifetime migrants aged three and above by level of education, area of residence and sex compared to non-migrants

Level of education of lifetime-migrants and non-migrants	Urban			Rural			Rwanda		
	Male	Female	Both Sexes	Male	Female	Both Sexes	Male	Female	Both Sexes
<i>Lifetime- migrants</i>									
No education	8.2%	11.0%	9.5%	23.5%	31.8%	28.0%	16.8%	24.3%	20.7%
Pre-school	1.7%	1.9%	1.8%	2.3%	2.0%	2.1%	2.0%	1.9%	2.0%
Primary	44.6%	44.3%	44.5%	57.9%	53.6%	55.5%	52.1%	50.2%	51.2%
Post-primary	1.3%	1.1%	1.2%	0.9%	0.9%	0.9%	1.1%	1.0%	1.0%
Secondary	28.7%	28.8%	28.7%	12.6%	10.1%	11.2%	19.6%	16.8%	18.2%
University	14.5%	11.8%	13.2%	2.0%	0.9%	1.4%	7.4%	4.8%	6.1%
Not stated	1.0%	1.1%	1.1%	0.8%	0.9%	0.9%	0.9%	0.9%	0.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Count	432,120	381,654	813,774	561,014	677,319	1,238,333	993,134	1,058,973	2,052,107
<i>Non-migrants</i>									
No education	18.1%	20.4%	19.3%	25.1%	29.8%	27.6%	24.3%	28.9%	26.7%
Pre-school	6.5%	6.6%	6.6%	3.7%	3.5%	3.6%	4.0%	3.8%	3.9%
Primary	52.6%	51.2%	51.9%	60.6%	57.3%	58.9%	59.8%	56.7%	58.2%
Post-primary	0.7%	0.8%	0.8%	0.7%	0.6%	0.7%	0.7%	0.6%	0.7%
Secondary	17.3%	17.1%	17.2%	8.1%	7.5%	7.8%	9.1%	8.4%	8.8%
University	3.5%	2.7%	3.1%	0.8%	0.3%	0.5%	1.1%	0.6%	0.8%
Not stated	1.2%	1.2%	1.2%	0.9%	0.9%	0.9%	1.0%	0.9%	1.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Count	388,635	393,592	782,227	3,230,048	3,543,858	6,773,906	3,618,683	3,937,450	7,556,133

Source: Fourth Rwanda Population and Housing Cen.

Reply to paragraph 21 of the list of issues

104. Migrant workers' state of origin representatives (embassy or consular) are free to give and receive information concerning a migrant worker in the host State. The Rwandan government, through its different bodies provides information to any interested person. Websites are also available and regularly give accurate information. These include laws, policies as well as regulations related to migrant workers. Furthermore, upon arrival, migrant workers with migration authority hold meetings to discuss the policy and legal environment context of the country; regular visits are conducted by migration officers to ensure that migrant workers are doing their activities. RDB also provides relevant information to investors and migrant workers on different topics relevant to their status.

105. Rwanda ensures that its nationals travelling abroad are aware of minimum requirements and conditions of stay in the country of their destinations. The compilation of this information is found in the Travel Assistance Information (TAI).¹⁶

106. Migrant workers in Rwanda have a right to access information in their embassies accredited in their consular services before travelling to Rwanda and during their stay in Rwanda. A list of embassies and key contacts is published on the website of the Ministry of Foreign Affairs and International Cooperation.¹⁷

107. Migrant workers are always included in all awareness campaigns regarding trade unions conducted by MIFOTRA.

108. A one stop information centre for foreigners, including migrant workers has been established within RDB and the DGIE. These institutions disseminate posters, brochures and pamphlets that highlight the rights and facilitation measures granted to migrant workers.

Reply to paragraph 22 (a) (b) and (c) of the list of issues

109. All women and men, including migrant workers are sensitized about the prevention of violence especially against women. This is done by different Institutions including MIFOTRA, MIGEPROF, RNP and other stakeholders. In the event of any violence, victims are encouraged to refer to "Isange One Stop Centers" for assistance.

Reply to paragraph 23 of the list of issues

110. Article 83 of Law n° 66/2018 of 30/08/2018 governing labour in Rwanda stipulates that an employee (migrant employee included) has the right to:

- Join others in forming a trade union;
- Join a trade union of his/her choice;
- Participate in lawful activities of a trade union.

Reply to paragraph 24 of the list of issues

111. The Rwandan law allows Rwandans living abroad to vote and to be elected. Rwandan migrant workers are facilitated to exercise their right to vote and participation in the public life of their country through the establishment of different polling stations in embassies and consulates. There has been increase of participation in elections by Rwandans in diaspora. For instance, while during the presidential election the rate of participation was at 67.9% among members of diaspora in 2010, the rates raised to 89,5% in 2017 elections.

112. The right for migrant workers to vote and to be elected is exercised pursuant to the regulations governing elections in their countries of origin. Rwanda may facilitate the exercise of their rights, by allowing them to vote through their embassies. Migrant workers legally established on the national territory may, in the framework defined by their country of origin, participate in elections organized by their countries through their diplomatic and consular missions accredited to Rwanda.

¹⁶ The information is available at: <https://www.migration.gov.rw/index.php?id=268>.

¹⁷ Available at: <http://www.minaffet.gov.rw/diplomatic-missions/foreign-missions-in-rwanda/>.

113. Rwandan migrant workers are also facilitated to exercise their right to vote and participate in the public life of their country through facilitation by embassies and other relevant government institutions. The right to participate in the Government of the country is recognized under article 27 of the Rwandan constitution which provides that all Rwandans have the right to equal access to public service in accordance with their competence and abilities.

114. Each person who attains majority age (18) is eligible to vote and to be voted for. By default, each person who attains the majority age, is a registered voter of his/her area of residence and votes from the gazetted polling stations in their area of residence.

115. In the event that an individual moves from area or country of residence, a user friendly electronic system is in place through which individuals can move and become eligible voters of their new area or country of residence.

116. Rwanda has 37 Embassies and High Commissions across the globe. In practice, Embassies and High Commissions have geographical coverage known as jurisdictions. Over the years, Embassies and High Commissions have served as polling stations in line with domestic laws of host countries.

Reply to paragraph 25 of the list of issues

117. Firstly, Rwandan law provides that all persons are equal before the law. They are entitled to equal protection by the law.¹⁸

118. As mentioned above, the Law n° 66/2018 of 30/08/2018 governing labour in Rwanda provides for protection against discrimination of any kind. Article 30 of the same law provides that unlawful termination of employment contract gives rise to the payment of damages. This provision applies equally to migrant workers.

119. The Labour law provides that migrant workers in Rwanda enjoy the same rights as Rwandan citizens, there is no discrimination based on the country of origin. Their social, economic and cultural rights are also respected. For instance, with regard to social rights migrant workers are eligible for health insurance and pension schemes.

120. With regards to equal treatment on the protection against unfair dismissal, and access to public work schemes, the new labour law¹⁹ provides for equal treatment for all.

Reply to paragraph 26 of the list of issues

121. Rwandans living abroad receive assistance through the General Diaspora Facilitation Program. Likewise, those who acquire foreign nationalities are facilitated return to Rwanda, either through the acquisition of permanent residence and dual nationality.

122. The Ministry of Foreign Affairs and International Cooperation has a unit that serves the members of the Rwandan community abroad on a daily basis. Services provided include:

- Connecting members with the Embassy and High Commission staff for effective orientation;
- Provision of equivalent domestic consular services in regards to the authentication process required by Law n° 13 bis/2014 of 21/05/2014 governing the Office of Notary.

123. Local mechanisms to facilitate the voluntary return of Rwandans living abroad and members of their families as well as well long term economic, social and cultural integration in the State Party include:

- Initiatives like ‘Come and See Go and Tell’ where Rwandan communities choose representatives to come every year and get to interact with both the community and policy makers with the view to getting to know locally available opportunities;

¹⁸ Article 15, of the Constitution of the Republic of Rwanda of 2003 revised in 2015.

¹⁹ Law n° 66/2018 of 30/08/2018 governing labour in Rwanda.

- Itorero indangamirwa, mainly of youth born brought up outside Rwanda, who are encouraged to come back home at least once a year, those who wish are issued with National IDs, Passports etc;
- Youthconnekt, where youth that are living abroad and engaged in social economic activities are linked with their counterparts within the country for possible market exchange programmes;
- Rwanda day, aimed at connecting Rwandans living abroad with the top leadership of the country to discuss issues that faces Rwandans abroad and finding solutions thereof.

124. Rwanda considers Diaspora as its other province. Therefore, information is collected and disseminated to Diaspora as people living in Rwanda through diplomatic missions. Also, it is involved in public events for example: national dialogues where representatives participate with the rest of the Rwandan community.

Reply to paragraph 27 of the list of issues

125. Rwandan laws do not have any particular restrictions as for the rights of migrant workers and members of their families to freely leave and return to any country including theirs. Movement of foreigners is free on condition that they possess travel documents required for entry and exit in the host country.

126. In addition, members of the Rwandan Diaspora with nationalities of countries that do not accept double citizenship are facilitated in obtaining long term resident visa with multiple entries which enable them to work in their motherland and regularly visit their relatives and families.

127. There is permanent residence permit (class L-4) issued to a member of the Rwandan community abroad, who acquired a nationality of a country which does not accept dual nationality.

128. Rwandan nationals outside Rwanda who need assistance with immigration and other similar pressing concerns may approach Rwandan Diplomatic and consular missions abroad, or consult the immigration website or any other means of communication.

Reply to paragraph 28 of the list of issues

129. Reintegration plays an essential part of return migration as it empowers and protects returnees by providing them with the necessary tools and assistance for their reinsertion into society and their country of origin, while general contributing to the sustainability of return.

130. Various government programs are open to Rwandans who permanently return from abroad. There are long term economic and social reintegration mechanism aimed at enabling returning nationals to settle in, and have a starting in life. These include Ubudehe, VUP umurenge, GIRINKA, various Credit and saving schemes, etc.

131. In 2014, the GoR designed a five-year National Employment Program for Rwanda. This program is designed to create new jobs and enhance skills particularly among young people. Among the activities, professional internships and short trainings are provided to returnees.

132. Currently, the GoR is building an integrated National Skills Database system whereby all Rwandans from within the country and in Diaspora will be mapped to their skills. This system will help to timely provide accurate data on skills available in and outside of the country.

133. In partnership with the PSF, IOM Rwanda developed a strategic plan for a business institute with the aim of establishing appropriate mechanisms that respond to the capacity gaps of the private business operators, mainly start-ups and SMEs, as well as establish a platform for business research that will inform the advocacy agenda. This is part of return migration as it empowers and protects returnees by providing them with the necessary tools and assistance for their reinsertion into society.

Reply to paragraph 29 (a) of the list of issues

134. The new law on trafficking in persons was enacted in 2018 (Law n° 51/2018 of 13/08/2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others (Official Gazette n° 39 of 24/09/2018)). The country's commitment to ending human trafficking is also reflected in the adoption of national legal frameworks and incorporation of internationally accepted standards for addressing the crime of human trafficking into the new law.

Reply to paragraph 29 (b) of the list of issues

135. In support of the Rwandan Government's efforts to end TIP, IOM Rwanda implements a project with UNICEF and UN Women as partners. The joint project increases the knowledge and capacities of relevant actors regarding the development and implementation of effective, evidence-based counter-trafficking policies, regulations and legislations and increase the efforts to identify trafficked persons, investigate trafficking cases, and prosecute trafficking offenders. The aim is to assist both the Government of Rwanda and civil society organizations in Rwanda, to strengthen their capacity to respond to all forms of internal and cross border human trafficking, including trafficking of children and to identify and protect victims.

136. Specifically, the project will enhance the competency of government agencies and social and child protection actors to make informed decisions on TIP programming based on accurate data on TIP in Rwanda. The project will complement and reinforce ongoing efforts by the Government and key partners to address human trafficking. This project will also make available a comprehensive research report describing TIP in Rwanda and it will support civil society organizations in acquiring skills to contribute to counter trafficking efforts in the country.

137. For the period under review, various trainings have been conducted with the lead of the Ministry of Justice and its partners (UNODC, IOM). Among the beneficiaries of these trainings were: DGIE, RNP, RIB, NPPA, CSOs and Labour Inspectors. Participants were trained on 'Investigation and Prosecution of TIP cases'; 'Identification and Investigation of human trafficking cases' among others.

138. In 2018, the Migration EU eXpertise (MIEUX) a joint initiative funded by the EU and implemented by the International Centre for Migration and Policy Development (ICMPD) in collaboration with DGIE and MINIJUST trained more than 50 law enforcement officials from RIB, RNP, NPPA, MINIJUST and DGIE on Investigation and Prosecution Techniques related to Irregular Migration including human trafficking and smuggling.

Reply to paragraph 29 (c) of the list of issues

139. Overall, border posts have effective standard operating procedures for screening suspected cases of human trafficking.

140. IOM Rwanda partners with UNHCR and MINEMA to increase the awareness of Trafficking in Persons, identification and referrals among the refugee community and staff operating in refugee settings, including the six camps and their surrounding communities. The project conducts a research assessment in the camps on the issue which will be used to deliver tailored awareness materials and sensitization activities for the refugees in the camps and their surrounding communities. The project will also conduct tailored trainings for the authorities which will improve the services offered and increase trust in the process and encourage victims and witnesses to come forward.

Reply to paragraph 29 (d) of the list of issues

141. Section 3 of the TIP law²⁰ outlines the sentencing principles applying to TIP. When TIP occurs in Rwanda, the sentence for imprisonment should not be less than 10 years and not exceeding 15 years, in addition to fines between 10 and 15 million Rwandan Francs. If

²⁰ Law n 51/2018 of 13/08/2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others.

the crime is transnational, or committed across borders, the sentence can increase to 20 years but not exceeding 25 years of imprisonment (Article 18, paras 1 and 2).

142. Rwanda has improved its competency to adjudicate human trafficking cases by enacting the 2018 human trafficking law, providing training for members of the judicial system. The conviction rates have significantly increased from 12.5% in 2016, 41.7% in 2017 and 53.3% in 2018 which signals continued progress in this area. According to the NPPA, there were 29 human trafficking cases reported in Rwanda in 2017 and 56 cases reported in 2018, thus reflecting a 93% increase. This increase in conviction rates could be attributed to an increased number of awareness-raising campaigns and a higher level of training among key stakeholders, which improved their capacity for identification, investigation, and prosecution of human trafficking cases.

Reply to paragraph 29 (e) of the list of issues

143. A study entitled ‘Understanding Human Trafficking in Rwanda: Causes, Effects, and Impact’ was recently conducted by MINIJUST in collaboration with IOM. The overall objective of this research was to determine the scope of the problem of human trafficking in Rwanda, as well as its characteristics and associated factors, in order to formulate evidence-based recommendations for strengthening the response to human trafficking locally and nationally in order to eventually combat it. This study contains disaggregated data on the characteristics of victims and perpetrators and other trends in this regard.

144. Another study entitled ‘Assessment of human trafficking in refugee camps in Rwanda’ is currently in the finalisation stage.

Reply to paragraph 30 of the list of issues

145. No cases of forced labour involving migrant workers have been identified.

146. With regards to sexual exploitation, a case was identified in 2018 of a group of 8 Chinese girls who entered the country as tourists but were later found to be sexually exploited by a Chinese company which was disguised as a motel. This case was duly prosecuted.

147. There are various mechanisms in place to prevent and combat forced labour and sexual exploitation. To prevent such exploitation, the Government of Rwanda regularly conducts community awareness campaigns to inform the public on this phenomena while calling community members to report any related incident. Several hotlines are in place to ease reporting on cases of exploitation. Homegrown initiatives are also in place to prevent sexual exploitation and forced labour. These include Umugoroba w’ababyeyi (Parent’s evening forum where issues affecting the community are discussed), anti GBV clubs in schools, as well as specialised units within the RIB. With regards to forced labour, inspections are carried out regularly by labour inspectors in collaboration with the District Steering Committee²¹ and employers found engaging in forced labour are punished. Lastly, the Isange One Stop Centres provide victims of sexual exploitation with shelter, medical treatment, psychosocial counselling, and medical-legal aid under one roof so as to avoid re-victimization. They are currently operational in 44 hospitals countrywide.

Reply to paragraph 31 of the list of issues

148. Migrant workers are protected by the law like other foreigners. They have the right to lodge complaints about violations of their fundamental rights under the convention and to benefit effective remedies. Migrant workers are registered by their employers and the immigration gives them worker permit that allows them to enjoy their fundamental rights. The law on Immigration and Emigration, provides for a duty of employers to ensure that their employees are duly registered. In addition, it provides for sanctions for employers who do not facilitate their foreign employees to acquire necessary documentation.

²¹ This steering committee is composed of the Vice Mayor in charge of social affairs, a representative in charge of education, a representative in charge of GBV, all executive secretaries of cells, and NGOs operating in the field of children rights.

149. According to Article 33 of Law n° 57/2018 of 13/08/2018 on Immigration and Emigration in Rwanda, the employer of a foreigner has among others, the obligation to:

- Ensure that all his/her foreign employees are in possession of appropriate residence permits;
- Keep the necessary information relating to his/her foreign employees in office or having completed their office.

Reply to paragraph 32 of the list of issues

150. The national migration policy was formulated to serve the following objectives:

- To promote the attraction of qualified foreign workers, the acquisition of skills by nationals, the promotion of investments, and competitiveness of the private sector;
- To facilitate entry and residence of qualified foreign workers and entrepreneurs so as to fill the existing gap between the current manpower and needs on the labour market;
- To promote free movement of people, goods and services in the region;
- To facilitate the Rwandan Diaspora to contribute to the national development;
- To ensure efficient management of border posts and reducing challenges linked to migrations in this era of globalisation so as to consequently make Rwanda a secure and safe destination for investments, employment and tourism;
- To facilitate transparent and expeditious issuance of necessary travel documents to all deserving and bona fide applicants 11 types of resident permits and visas issued.

151. There are two major categories of residence permits: permanent resident permits and temporary resident permit.

152. A temporary resident permit enables a foreigner to reside in Rwanda within a specified period. Whilst in Rwanda, a holder of a temporary resident permit may work, establish businesses, invest in new or existing businesses, unite with family members or any other activity authorized by his/her permit. National Migration Policy, 2008.

153. A permanent resident permit enables a foreigner to reside in Rwanda permanently in order to work or engage in business in accordance with the law. Upon submitting the necessary requirements to the Directorate General, the applicant shall be issued with such a permit within 30 working days of application. A child living with his/her parents who is eligible to a permanent resident permit may be granted permanent residence as the parents.

154. This permit shall be withdrawn when he/she attains 25 years of age. Thereafter, he/she shall be eligible for any other relevant permit upon application. A spouse of the holder of the permanent resident permit shall be entitled with the permit that has the same validity as the principal applicant.

155. There are three major categories of Rwandan visas: entry visa, transit visa and tourist visa: Entry visa is issued to a foreigner who intends to visit Rwanda for any purpose other than work or business and is not a citizen of a country with which Rwanda has a visa waiver regime. It is issued to crew members and is also issued to citizens of EAC Partner States, obtained at the border post by the prescribed endorsement on the valid travel document.

156. Transit visa is issued to a person transiting Rwanda for a period not exceeding 72 hours. Transit visa may be extended only once when necessary. A transit visa is a single entry visa and the holder shall not be permitted to work.

157. Tourist visa enables a foreigner to visit Rwanda for tourism, seek employment, visit friends, medical treatment or other short term.

158. Working migration programme: the strategy consists in using the migration policy to facilitate the entry of qualified foreign workers with skills that are lacking on the Rwandan labour market, to encourage temporary or permanent repatriation of members of the Rwandan Diaspora living abroad so as to contribute to the building of the nation. Migrant workers with rare and the most scarce qualifications [ODL (Occupations on Demand List)] are not obliged

to be recommended by an employer or to have a working contract with an employer in Rwanda to be eligible for a visa. He/she is subjected to conditions of possessing documents required to be eligible for a visa in Rwanda.

159. If all conditions of admissibility are met, a prospective migrant worker receives a Job Search visa to enable him/her to explore possibilities of employment on the labour market. The costs of a visa for migrant workers are affordable.

160. Other privileges are granted to specific categories of migrant workers (on demand list, diaspora, investors staff members...), especially the right to be exempted from payment of import duties for personal effects, including a family vehicle at their first arrival when they wish to stay for a long period, the right to change an employer during the period of validity of their permits; etc. However, they have to inform immigration authorities and the labour inspection authorities.

161. Foreign nationals who come to Rwanda for holidays and who eventually decide to engage in a non-remunerated employment during their holidays in the country, receive a two-year temporary permit. Expatriates working as technical assistants according to bilateral agreements between Rwanda and other countries, receive a two-year permit.

162. A temporary resident permit issued to a person other than a self-employed person may be classified into sub-classes corresponding to the nature of the activity he/she intends to engage in. A foreigner who has a contract of employment for a period of more than 90 days shall apply for a work permit within 15 working days from the day of entry in Rwanda. If such a foreigner concludes a contract of employment while in Rwanda, he/she shall apply for the work permit within 15 working days from the date of concluding such a contract.

163. Family reunion, a family tourist visa has been introduced for relatives who wish to visit migrant workers. Members of migrant workers' families receive identical resident permits as the principal migrant worker. Non-nationals can receive resident permits in Rwanda for the mere reason of joining their families. Family members of migrant workers can engage in any other economic, social or cultural activity on conditions that they respect laws governing immigration.

Reply to paragraph 33 (a) of the list of issues

164. The Government of Rwanda established different mechanisms that guarantee the equality of all without discrimination of any kind or its propaganda based on, inter alia, ethnic, origin, nationality, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law. Among those mechanisms, one may mention the Constitution of the Republic of Rwanda of 2003 revised in 2015.

165. Since the submission of the initial report in 2012, a number of laws have been adopted to give effect to the protection and promotion of the rights of Migrant Workers and members of their families. More significantly, a new Rwandan labour law repealed the previous law n° 13/2009 of 27/05/2009 regulating labour.

166. The treaty establishing the EAC, provides for free movement of people, recommending the partner States to ease border crossing by the EAC citizens and harmonize common employment labour policies, programmes and legislation. Rwanda has drafted a migration policy which aims to: (i) facilitate and encourage tourists to come to Rwanda;(ii) allow the entry of foreign skilled workers in occupations lacking in Rwanda's labour market; (iii) allow and facilitate the entry of investors with substantial funds to invest in Rwanda; and (iv) enable the Rwandan Diaspora to contribute towards nation-building.

Reply to paragraph 33 (b) of the list of issues

167. There are various institutions in charge of regulating movements of migrant workers in Rwanda. Mainly, these are the MIFOTRA, the MINALOC, the DGIE as well as other authorities in charge of territorial administration and security.

Reply to paragraph 33 (c) of the list of issues

168. The Rwandan Migration Policy and Strategies of 2008 provides for the rights of particular categories of migrant workers and members of their families. The Law on Immigration and Emigration has also catered for particular migrant workers as follows: (1) For frontier workers: Rwanda issues Frontier pass to a foreigner who resides along the border area of Rwanda or bordering countries who regularly crosses for reasons of work or business, (2) Specified employment worker or project-tied worker: Rwanda issues a special pass to this category of people to bridge flexibility between the nature of the work and its reasonable time, (3) Itinerant worker: Rwanda issues a Visa called T-10 : Itinerant Business Person to people who have significant business activities in Rwanda that needs regular visit and inspection.

169. Law n° 13 ter/ 2014 of 21/05/2014 relating to refugees provides for the principle of non-refoulement where it provides that under no circumstances may a refugee be sent back or deported to a country where his/her life or liberty may be compromised.

Reply to paragraph 33 (d) of the list of issues

170. Rwanda has ratified a number of ILO conventions. On August 3rd 2017, Rwanda ratified 6 Conventions namely: Convention 144 concerning tripartite consultations to promote the implementation of International Labour Standards, Convention 150 concerning labour administration, Convention 154 concerning the promotion of collective bargaining, Convention 155 concerning occupational safety and health and working environment, Convention 181 concerning private employment agencies, and Convention 187 concerning the promotional framework for occupational safety and health.

171. Rwanda is still considering the ratification of the ILO Conventions Nos 97 (1949) on Migration for Employment and No. 143 (1975) on Migrant Workers and No. 181 mentioned by the Committee.

Reply to paragraph 33 (e) of the list of issues

172. The latest census specific to migration was published in 2014 by the National Institute for Statistics in collaboration with the Ministry of Finance. It is the Fourth Population and Housing Census (2012) with the thematic report: Migration and Spatial Mobility.²²

173. Moreover, IOM Rwanda assists the Government of Rwanda to streamline migration data in a way that it can be used effectively by policymakers, for the benefit of the country and migrants alike. A current migration profile exercise would bring together all information relevant to migration and development, thus allowing for a more appropriate policy approach and contributing to a better understanding of the policies implemented.

174. Lastly, IOM Rwanda in close collaboration with the Ministry of Foreign Affairs and International Cooperation is carrying out a diaspora mapping exercise in the United Kingdom, the Netherlands, Belgium and Germany. This diaspora mapping exercise will provide an insight into the diaspora socio-economic profile, professional skills and expertise and will assess their capacity, interests and motivation to participate in the development process of their country of origin, Rwanda. The exercise will also promote evidence-based policymaking and support the mainstreaming of diaspora issues into the development policymaking process in the country.

Reply to paragraph 34 (a) of the list of issues

175. Migratory flows observed in Rwanda are mainly done by nationals from countries bordering Rwanda, or the East African Community at large. On Rwandan borders with the Democratic Republic of Congo, people cross through 6 border posts for reasons of cross border trade, education and family visits.

²² http://www.lmis.gov.rw/scripts/publication/reports/Fourth%20Rwanda%20Population%20and%20Housing%20Census_Migration.pdf.

176. On Rwandan borders with the Republic of Uganda, crossings are done for reasons of cross border trade, education, agriculture and family visits for those forming part of border community. Borders on the northern part of Rwanda are used by Rwandans or Burundians and Congolese who are on transit to Uganda or Kenya.

177. At Rwandan border with Tanzania (Rusumo), people make daily, weekly or seasonal crossings for reasons such as family visits, cross border trade through the port of Dar Es Salaam. Users of this border are Rwandans, Ugandans and Congolese travelling either to Tanzania or its neighboring countries (Zambia, Mozambique and Malawi) and vice versa.

178. On its borders with Burundi, crossings are done for reasons of cross border trade and family visits. To Burundi, Rwanda is a gateway to Uganda, Democratic Republic of Congo, Kenya and South Sudan.

179. In addition to land transport which necessitates the crossing of border posts, people use Kigali International Airport for reasons of business, tourism and visits.

180. Below is a table detailing entries and exits from Rwanda, disaggregated based on purpose of entry posts in 2016/2017/2018.

<i>Flows</i>	<i>Year 2016</i>		<i>Year 2017</i>		<i>Year 2018</i>	
	<i>Entry</i>	<i>Exit</i>	<i>Entry</i>	<i>Exit</i>	<i>Entry</i>	<i>Exit</i>
Other reasons	34,436	96,045	29,240	101,535	47,752	24,982
Business	372,437	961,058	377,398	861,403	323,217	1,060,750
Visiting	447,842	709,447	459,460	695,890	581,764	787,486
Total	854,715	1,766,550	866,098	1,658,828	841,931	1,782,169

181. Below is a table detailing entries and exits from Rwanda, disaggregated based on the state of origin in 2016/2017/2018.

<i>Flows</i>	<i>Year 2016</i>		<i>Year 2017</i>		<i>Year 2018</i>	
	<i>Entry</i>	<i>Exit</i>	<i>Entry</i>	<i>Exit</i>	<i>Entry</i>	<i>Exit</i>
EAC Members	522,302	1,525,905	456,106	1,471,154	482,949	2,037,815
CEPGL Members	413,537	1,710,534	501,091	1,606,265	530,991	1,777,294
Other Nationals	82,668	26,756	84,051	30,167	104,640	32,699

Reply to paragraph 34 (b) of the list of issues

182. In the year 2017/2018, 208 foreigners were detained for committing immigration offences.

Reply to paragraph 34 (c) of the list of issues

183. Below are tables detailing numbers and nationality of foreigners who have been expelled from 2015-2019.

2015-2016

<i>Country of origin</i>	<i>Number of deported foreigners</i>
Burundi	8
Kenya	3
America	2
Italy	2
Tanzania	2
Belgium	1
China	1
Congo	1
Mali	1
Netherlands	1
South Africa	1
Uganda	1
Total	24

2016-2017

<i>Country of origin</i>	<i>Number of deported foreigners</i>
Burundi	1450
Uganda	10
Nepal	4
USA	3
Kenya	2
Senegal	2
Nigeria	2
Cameroon	2
China	2
DRC	47
France	1
Italy	1
Total	1526

2017-2018

<i>Country of origin</i>	<i>Number of deported foreigners</i>
Burundi	64
Tanzania	33
DRC	7
Uganda	5
China	5
Kenya	2
USA	1
Sri Lanka	1
Gambia	1
Eritrea	1
Cameroon	1
Total	121

Reply to paragraph 34 (d) of the list of issues

184. Rwandan law does not permit entry or exit of unaccompanied children. The only acceptable and lawful means through which a child may be allowed to travel without being accompanied is with parental consent. Therefore there are no data and statistics on unaccompanied or separated children within Rwanda.

Reply to paragraph 34 (e) of the list of issues

185. In 2010, the government of Rwanda decided to go beyond its borders mobilising Rwandans in Diaspora to contribute to nation building. Through 'Rwanda Day', more than 40000 Rwandans have been mobilised in Europe, US and North America. Since the first Rwanda Day, Central Bank says that remittance receipts have increased from \$98.2 million in 2010 to \$167.3 million in 2016.

186. Remittances from the Rwandan Diaspora contributed at least 2 per cent to Gross Domestic Product in 2016 and grew by 34 per cent over the last decade. Inbound remittances to Rwanda increased by 17 percent from \$155.4 million in fiscal year 2015/2016 to \$181.9 million in fiscal year 2016/2017, according to figures from Central Bank.

187. During the same period, outward remittances or money sent outside the country, slightly dipped – from \$57.61 million in fiscal year 2015/2016 to \$57.44 million in fiscal year 2016/2017.

188. For previous years, remittances decreased from \$169.65 million in fiscal year 2013/2014 to \$167.02 million in fiscal year 2014/2015 and then to \$155.40 million in fiscal year 2015/2016. Amounts sent out had increased from \$49.46 million to \$53.44 million and then to \$57.61 million, respectively, in the same time period.

Reply to paragraph 34 (f) of the list of issues**Foreigners convicted (Summary)**

<i>No</i>	<i>Period</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1	July 2012- May 2018	600	28	628

Foreigners convicted by nationality

<i>No</i>	<i>Nationality</i>	<i>Convicted persons</i>
1	Burundian	288
2	Congolese	176
3	Ugandan	57
4	Tanzanian	30
5	Kenyan	21
6	Chines	7
7	Nigerian	7
8	Guinean	7
9	Indian	6
10	Senegalese	4
11	Somali	4
12	American	2
13	Bangladesh	2
14	Belgian	2
15	British	2
16	Cameroonian	2
17	Canadian	2

<i>No</i>	<i>Nationality</i>	<i>Convicted persons</i>
18	French	2
19	Eritrean	1
20	Ethiopian	1
21	German	1
22	Netherlands	1
23	Pakistan	1
24	Slovenia	2
25	Spanish	1
Total		628

Reply to paragraph 34 (g) of the list of issues

189. Legal assistance services are provided to all indigent nationals and foreigners in Rwanda. Through the Ministry of Justice, the government initiated Access to Justice Bureaus/*Maisons d'Accès à la Justice* (MAJ) in 2007. Now established in all 30 districts of Rwanda, MAJ serves as the first point of orientation with legal aid service for Rwandans. MAJ mainly provides legal information/education as well as legal advice/mediation.

190. The RBA law²³ grants MAJ staff powers to provide legal and judicial aid to indigents and needy people (articles 58 & 68). They may assist, counsel, represent and plead, before all courts, for indigents. They are also able to analyse cases, offer legal advice and mediation to parties.

191. With regards to nationals working abroad, the respective embassies and consular services can facilitate their access to legal services.

Reply to paragraph 35 of the list of issues

192. Rwanda is still considering the possibility of making the declaration under articles 76 and 77 of the Convention.

²³ Law n° 83/2013 of 11/09/2013 establishing the bar association in Rwanda and determining its organization and functioning.