



**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
Thirty-third session**

Summary record of the 455th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 28 September 2021, at 10 a.m.

Chair: Mr. Ünver

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of Rwanda (continued) (CMW/C/RWA/2;
CMW/C/RWA/QPR/2)

1. *At the invitation of the Chair, the delegation of Rwanda took places at the Committee table.*
2. **The Chair** said that, at the invitation of the Committee, other members of the delegation would be speaking via video link from Kigali.
3. **Ms. Umurungi** (Rwanda), speaking via video link from Kigali, said that a unit within the Ministry of Foreign Affairs was building a database of members of the Rwandan diaspora. Although exact figures were not yet available, it was estimated that around 500,000 Rwandan nationals were living abroad. Members of the Rwandan diaspora had the right to vote in national elections through an embassy or consulate in their country of residence. They were also given the opportunity to contribute to dialogues on government policy.
4. Although no specific member of Parliament currently represented the diaspora, several Rwandan nationals who had returned to the country after living abroad had been elected to Parliament. The majority of embassies covered a number of neighbouring countries in addition to the country where they were based and consular services were available in most countries where Rwanda did not have an embassy. Consular services were authorized to issue birth certificates, register marriages and allocate citizenship to persons who fulfilled the relevant criteria.
5. In recent years, around 1,000 cases involving a foreign national had been brought before a court in Rwanda but it was not known how many of those foreigners had been migrant workers. All foreign nationals, including migrant workers, had access to justice and could apply for legal assistance or engage a private lawyer. In accordance with the Government's open migration policy, all persons were entitled to obtain a visa on arriving in Rwanda, provided that they submitted the necessary documentation. Ninety-day visas were granted to persons arriving from other countries in the region. The Government provided assistance to undocumented migrants to enable them to regularize their migration status.
6. Migrant children had the right to enrol in primary and secondary schools but it was not known how many of the foreign minors enrolled in school were the children of migrant workers. In recent years, the number of foreign children enrolled in school had increased in line with the increased number of migrants entering the country. Around 50,000 refugee children were enrolled at different levels of the education system. Children living in refugee camps were able to attend schools set up within the camps. Migrant children living in the community had the right to attend school on an equal footing with Rwandan nationals.
7. **Mr. Mwambari** (Rwanda), speaking via video link from Kigali, said that the National Labour Council, which was the highest national body responsible for labour, employment and migration, was made up of representatives of government agencies, trade unions, the private sector and civil society organizations who met every three months. All complaints related to labour migration that could not be dealt with by the labour inspectorates were referred to the Council, which also reviewed all new policies and laws related to its areas of competence. The Ministry of Labour, in collaboration with representatives of the private sector and the trade unions, held annual forums in the four provinces and the city of Kigali to discuss issues related to labour migration. Any matters that could not be resolved by the forums were also referred to the National Labour Council. Sectoral forums, chaired by labour inspectors, met regularly with representatives of trade unions and employers' organizations to discuss sector-specific labour issues.
8. Article 9 of the law regulating labour provided that employers must give employees equal opportunities in the workplace. That law also prohibited employers from discriminating against employees on any grounds, established the principle of equal pay for work of equal value and provided that foreign nationals must enjoy the same employment conditions as

Rwandan nationals in both the formal and the informal sectors. All employees, irrespective of their nationality, were entitled to enrol in the mandatory pension scheme.

9. In January 2021, Rwanda had signed a regional agreement on the harmonization of labour migration policies in East Africa and the Horn of Africa in order to promote safe labour mobility within the region. In 2019, the Government had adopted a policy on labour mobility in order to protect the rights of migrant workers and their families and to promote safe labour migration and decent conditions for migrant workers. Although the coronavirus disease (COVID-19) pandemic had hindered the implementation of that policy, the Government had signed a number of bilateral agreements on safe labour mobility with countries in the region and was negotiating similar agreements with other countries. All residents of Rwanda, irrespective of their nationality, enjoyed equal access to basic health services, and employers were required by law to provide access to health insurance for their employees.

10. **Mr. Taghi-Zada** said that he wished to know how many Rwandan nationals living abroad had voted in the presidential election in 2017 and the parliamentary election in 2018 and how many had received assistance of some kind from one of the State party's embassies or consulates. He wondered how many undocumented workers in the State party had received assistance from the Government, whether all entry points into the country were controlled by the immigration authorities and whether those authorities registered all migrant workers entering Rwanda, including those who were in transit to another country.

11. **Mr. Oumaria** said that he wished to know if there was an interministerial mechanism for cooperation in reporting to the human rights treaty bodies.

12. **Ms. Diallo** (Country Rapporteur) said that she would like to know more about access to education for the children of migrant workers, particularly public secondary education and publicly funded technical training. She would appreciate additional information about the mechanisms for the prompt regularization of migrant workers in an irregular situation, including any awareness-raising and training initiatives to inform such workers of available opportunities and regularization procedures. She would be interested to receive data on the number of migrant workers in an irregular situation and the number who had used the mechanisms to regularize their situation.

13. She would like to know how labour inspectors were able to monitor informal domestic work, given that it took place inside private homes. How often did such inspections take place and what mechanisms were used? She wished to know what steps the Government had taken towards the ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

14. She would like to know to what extent civil society and private sector stakeholders were involved in efforts to combat the trafficking and smuggling of migrants, including through participation in mechanisms such as the related working group attached to the Ministry of Justice. She would be interested to know about any specific data on the trafficking and smuggling of migrants.

15. **Mr. Corzo Sosa** said that he would appreciate statistics on the number of asylum seekers who had actually obtained refugee status. He would like to hear about the State party's position regarding future cooperation with the African Court on Human and Peoples' Rights, including whether it would reconsider its withdrawal of the recognition of the competence of the Court to heard individual complaints. In the meantime, he would like to know what alternative mechanisms were available to migrants to protect their human rights at the regional level.

16. He was concerned that persons living in refugee camps, including minors, might be at risk of becoming victims of trafficking in persons, including for the purpose of sexual exploitation and domestic work, and wondered what measures had been taken to mitigate that risk. He would like to know whether the right to food was being upheld for persons living in refugee camps, despite the decrease in the support provided by the World Food Programme (WFP).

17. **Mr. Botero Navarro** said that he would appreciate an explanation of how the memorandum of understanding on asylum and migration concluded between Rwanda and

Denmark was compatible with article 8 of the Convention on the freedom of migrants to leave their State of origin and with the right of all persons to seek asylum. He wished to hear about any international judicial cooperation measures being taken to ensure access to justice for migrants whose human rights had been violated in other countries and had subsequently returned to Rwanda and for the families of migrants who had died abroad. He would be interested in information about Rwandan migrants who had gone missing or died along migration routes in Africa and the Mediterranean and the measures taken in cooperation with other countries to identify and repatriate their remains.

18. He would like to have more detailed information about the measures being taken to give effect to the provisions of article 84 of the Convention. He wished to know whether judges ever invoked the Convention or the standards developed by the Committee in their decisions. Lastly, he would like to hear about the Government's position on recognizing the competence of the Committee to receive communications from individuals or States.

19. **Mr. Babacar** said that he would like to know whether the forums run by the Ministry of Labour were also responsible for following up on issues faced by migrants and for reviewing draft legislation. He wondered whether the Government had requested technical assistance from ILO to establish a programme for formalization of the informal economy, and he wished to know whether the State party intended to ratify the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Minimum Age Convention, 1973 (No. 138).

20. **Ms. Poussi** said that she would appreciate clarification as to whether situations could occur in which some members of a family were in a regular situation while others were not. For example, she wondered what would happen if a foreign mother in an irregular situation obtained a residency permit for her child born in Rwanda and whether the mother could face deportation. In her understanding, the spouse of a person with a permanent residency permit was automatically entitled to permanent residence whereas the child of such a person only had the possibility to apply. She would like to know whether that interpretation was correct and, if so, what would prevent the child from obtaining the permit. She would appreciate more specific information about the cost of visas for migrant workers.

21. **Mr. Botero Navarro** said that he would like to know what public policy measures had been taken to prevent discrimination and xenophobia against migrants and promote their integration into society. He would be interested to hear about the legislative and other measures adopted at the national level to prevent statelessness, particularly among migrants and refugees. He wondered whether a statelessness determination procedure was in place and whether pathways to citizenship for stateless migrants existed. Lastly, he would be interested to hear about any policies to establish legal channels for migration and ensure regularization for migrants in an irregular situation.

The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.

22. **Mr. Ngango** (Rwanda) said that the embassies and permanent missions of Rwanda provided a variety of services to Rwandan citizens living abroad. For example, they issued consular identification cards and helped citizens obtain attestations from government institutions. Rwandan citizens living abroad could, on the same basis as Rwandan citizens living in Rwanda, register online to vote in parliamentary and presidential elections. The National Electoral Commission verified the information provided and, through the Ministry of Foreign Affairs, circulated lists to the embassies and permanent missions of individuals whose registration had been validated. The embassies and permanent missions then notified the individuals concerned. Persons whose registration could not be validated were given the opportunity to submit any missing documents. With the permission of the host country, the embassies and permanent missions set up polling stations within their jurisdictions, on the basis of where Rwandan citizens lived and with members of the diaspora sometimes helping to choose the venues. The level of diaspora participation in elections was high.

23. **Ms. Rwakazina** (Rwanda) said that refugees in Rwanda were accepted as students at universities and professional training schools under memorandums of understanding between those institutions and entities such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Rwanda Red Cross. The country's administrative structure was arranged in levels: the village level at the bottom, the central level at the top and the cell,

sector and district levels in between. Villages comprised between 100 and 300 households. Villagers could raise any concerns, including those regarding the employment by other households of domestic workers in an irregular situation, at a village assembly held on the last Saturday of every month. Any concerns that could not be resolved there were taken to the next administrative level. The information thus collected from households and channelled through the administrative levels was used by labour inspectors and facilitated their work in the field.

24. **Ms. Umurungi** (Rwanda), speaking via video link from Kigali, said that, according to National Electoral Commission data, almost 40,000 members of the diaspora had voted in the 2017 presidential elections and almost 47,000 had voted in the 2018 parliamentary elections. All the reports that Rwanda was required to submit to human rights treaty bodies were prepared by a task force assembled and coordinated by the Ministry of Justice. Of the task force's 40 members, 24 were from government institutions and ministries whose fields of expertise were relevant to the treaty under which the report in question would be submitted and 16 were from civil society organizations active in the field of human rights. The task force met regularly and, when writing a report, travelled at government expense to a location outside Kigali so that members could concentrate on the drafting process. The report drafted by the task force would be finalized by the Ministry of Justice and sent to the Cabinet for approval before being submitted to the relevant treaty body. The task force received various types of training. For example, before beginning work on the country's first report under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, task force members had been trained on the provisions of the Convention. Two staff members of the Ministry of Justice worked exclusively on reporting under treaty body mechanisms and under regional human rights instruments.

25. The National Labour Council was the high-level body responsible for analysing, monitoring and taking decisions on all labour-related issues. Its 20 members – of whom 5 represented public institutions, 5 represented the private sector, 5 represented civil society and 5 represented trade unions – met on a quarterly basis. The Rwanda Law Reform Commission was the entity responsible for ensuring that bills were consistent with the Constitution and the country's international obligations. Bills drafted by the Commission were sent to the Cabinet for approval and then to Parliament.

26. All children had access to 12 years of basic education in public schools, including secondary and vocational training schools. There were no prohibitions on foreign nationals' studying in those schools. In practice, it appeared that migrant families preferred to send their children to private schools, perhaps because of the languages of instruction available there. While the Government did maintain statistics on the numbers of foreign nationals studying in Rwandan public schools, separate figures regarding the children of migrant workers were not readily available.

27. A framework was in place for the repatriation of victims of trafficking in persons. Civil society organizations had been involved in developing government policies to prevent trafficking and, in 2018, with funds from the International Organization for Migration (IOM) and the United States Agency for International Development, the Ministry of Justice had contracted with the organization Never Again Rwanda to conduct an assessment on trafficking in persons in Rwanda. The assessment, carried out mainly in border districts, had revealed that Rwanda was primarily a country of transit, not of destination. The organization had also concluded that the risk of trafficking in persons in refugee camps was not high.

28. Although Rwanda had withdrawn the declaration that it had made under article 34 (6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, which had allowed individuals to file complaints directly with the Court, effective domestic remedies were available to any migrant workers or other individuals who experienced human rights violations. Had Rwanda not withdrawn the declaration, any individual wishing to file a complaint with the Court would in any event have had to exhaust those domestic remedies. The Government currently had no plans to make the declaration again.

29. Four training sessions had been organized for judges and prosecutors in 2016 and 2017, with support from the Office of the United Nations High Commissioner for Human

Rights, on the eight core international human rights instruments to which Rwanda was a party. The judges had been encouraged to refer to those instruments in their rulings. Although the Government had no information specific to the Convention in that regard, statistics showed that the courts had invoked other human rights instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights. The memorandum of understanding signed in 2021 by Denmark and Rwanda contained no provisions that were in conflict with the latter's obligations regarding the protection of migrants.

30. **Mr. Ntagozera** (Rwanda), speaking via video link from Kigali, said that, since visa fees were waived for travellers from Africa and the countries of the Commonwealth and the International Organization of la Francophonie, individuals could easily enter Rwanda in a regular manner. In the rare cases where children were born to mothers in an irregular situation, the law provided for the issuance of emergency travel documents to both mother and child. When children were born to foreign nationals in Rwanda, the parents were given a period of one year from the time of birth to obtain a travel document for their offspring. Children of foreign nationals residing in Rwanda would be issued dependent permits with the same period of validity as the parents' residency permits.

31. Fees for visas and for residency and work permits were lower in Rwanda than in other East African countries. Individuals for whom the visa fee was not waived paid US\$ 30 to enter the country. Fees for permits ranged from US\$ 20 to US\$ 250, depending on the nature of the activity the individual would be carrying out in the country. For example, a five-year permit for investors cost US\$ 250. Rwanda was a party to the Convention on the Reduction of Statelessness. Under the 2021 law on Rwandan nationality, stateless persons could apply for Rwandan nationality.

32. **Mr. Mwambari** (Rwanda), speaking via video link from Kigali, said that interministerial steering and technical committees dedicated to labour mobility issues had been put in place under the national labour mobility policy adopted in 2019. The steering committee comprised representatives of ministries and government entities such as the Ministry of Public Service and Labour, the Ministry of Foreign Affairs and International Cooperation, the Directorate General of Immigration and Emigration, the Rwanda Governance Board and the National Bank of Rwanda, as well as the Ministries of Health, Education and Justice. IOM participated as an observer. The committee assessed programmes for the implementation of labour mobility policy, advised the Government on the adoption of relevant measures, harmonized labour mobility programmes nationwide, coordinated the activities of all the entities represented on the committee and developed strategies for achieving national labour mobility goals. Any matters arising from the discussions of the committee that required a higher-level decision were sent to the National Labour Council.

33. The new labour law adopted in 2018 extended the powers of labour inspectors to the informal sector. In 2020, over 700 inspections relating to child labour and domestic work had been conducted. Labour inspectors received reports about potential issues from grass-roots committees that existed at the village, cell, sector and district levels. The village committee was chaired by the chief of the village and the district committee was chaired by the mayor of the district. The committees carried out inspections three times a month and were required to inform the labour inspectors of any problems that they found. Any member of the community could report problems using a toll-free number.

34. In 2020, the Ministry of Public Service and Labour, together with its partners, had begun assessing various treaties with a view to ratification. Many provisions of the seven conventions to which Rwanda had become a party over the preceding three years had already been incorporated into domestic law.

35. **Mr. Karagire** (Rwanda), speaking via video link from Kigali, said that the Government was working with UNHCR and IOM to prevent trafficking in persons in refugee camps by promoting community engagement and training staff who worked with refugees. Since March 2021, there had been shortages in the food for refugees owing to the funding challenges faced by WFP and UNHCR. As recommended by donors, the Government had resorted to a targeted strategy where refugees were prioritized for assistance on the basis of their socioeconomic profiles. The Government had launched a programme to improve

refugees' access to services and increase their economic opportunities. The Refugee Status Determination Committee had received 123 applications for asylum over the preceding 2 years.

36. **Ms. Diallo** said that the Committee would welcome greater efforts by the State party to include civil society organizations in its activities to prevent trafficking in persons. The Committee remained concerned about news reports that refugees not accepted by Denmark following that country's adoption of restrictive refugee targets would be channelled towards Rwanda. The State party was to be commended for the great strides that it had made in gender parity and for its leadership role in the African Union. She was curious to know what impact the increased presence of women in decision-making bodies had had on the protection of the rights of women, including women migrant workers. She wished to hear the delegation's views on the role that the State party could play in helping the African Observatory for Migration and Development fulfil its mandate. The delegation could submit its responses in writing.

37. **Mr. Frasheri** (Country Rapporteur) said that he appreciated the exchange of views that had taken place with the delegation. He would welcome any ideas that the delegation might have for ways to strengthen the collaboration between the Committee and the State party.

38. **Ms. Rwakazina** (Rwanda) said that the dialogue between the Committee and the delegation had demonstrated the importance of partnership, and she looked forward to continued collaboration with the Committee. Despite the challenges created by the COVID-19 pandemic over the previous year and a half, a framework was in place for the protection of the rights of migrant workers and the Government was committed to continuing its efforts in that field.

The meeting rose at 1 p.m.