



**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**
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10–14 September 2012

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

**List of issues to be taken up in connection with the consideration of the
initial report of Rwanda (CMW/C/RWA/1)**

Addendum

Written replies of Rwanda*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

I. General information

A. Estimated statistics of the number of migrant workers in an irregular situation in Rwanda between 2008-2010

<i>Nationality</i>	<i>Sex</i>		<i>Total</i>
	<i>Female</i>	<i>Male</i>	
Congolese	1103	2101	3204
Ugandan	227	903	1130
Burundi	326	522	848
Tanzania	167	357	524
Kenya	110	136	246
Totals	1933	4019	5952

<i>Nationality</i>	<i>Age Group</i>		
	0 - 30	30 - 60	60<
Congolese	227	2967	10
Ugandan	359	765	6
Burundi	355	489	4
Tanzania	20	504	0
Kenya	196	50	0
Totals	1157	4775	20

1. Statistics of irregular migrant workers of Rwandan nationality, who are living abroad, are not available. But the Diaspora Department in Ministry of Foreign Affairs and Cooperation is conducting a study on all Rwandans of diaspora, which will help to obtain the needed information.

B. Role played by non-governmental organizations in the preparation of the initial report and implementation of the Convention

2. The preparation of the Rwandan initial report was coordinated by the inter-institutional Task Force on Treaty Reporting. This group is composed of representatives of the Ministry of Foreign Affairs and Cooperation, Ministry of Justice, Ministry of Gender and Family Promotion, Ministry of Health, Ministry of Education, Ministry of Public Service and Labour, Ministry of Internal Security, Ministry of Local Government and the National Human Rights Commission.

3. Wide consultations were made in the framework of information collection on the implementation of the International Convention on the Protection of the Rights of all Migrant Workers and members of their families. The said report was elaborated using a participative approach of different actors, complemented by field visits, discussions and

interviews with representatives of public institutions, civil society organisations, notably, Ligue des Droits de la personne dans la région des Grands Lacs (LDGL), Congrès des Travailleurs et de la Fraternité (COTRAF), Centrale des Syndicats des Travailleurs du Rwanda (CESTRAR), Collectif des Ligues et Associations de défense des Droits de l'Homme (CLADHO), African Evangelistic Entreprise in Rwanda (AEE/RWANDA), Association de la Jeunesse pour la Promotion des Droits de l'Homme (AJPRODHO); United Nations Agencies and international organisations (UNDP, ILO, IOM). Documentary research and validation workshops complemented the information included in the present report.

4. Regarding the implementation of the Convention, the Government recommends different NGOs to development partners to facilitate them in obtaining the financing of different projects. The Rwanda Governance Board also finances different projects of different NGOs.

C. Applicability of the Convention

5. The text of the Convention is among the key international human rights treaties that were translated in three official languages of Rwanda and distributed to all legal practitioners (judges, prosecutors, lawyers, etc.). Secondly, sensitizations are being conducted, with the collaboration of One UN System to encourage legal practitioners to apply duly ratified international instruments (including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families). Thus, there is no doubt that courts will soon start applying ratified international instruments (including the Migrant Workers Convention) like internal laws, as per Article 190 of the Rwandan Constitution.

D. Responsibilities and the budget of the National Commission of Human Rights

6. Article 4 of law No. 30/2007 of 06/07/2007 determining the organisation and functioning of the National Commission for Human Rights (NCHR) assigns to the latter the general responsibility of promoting and defending human rights. According to the same provision, the NCHR has a number of special responsibilities.

7. The NCHR has the responsibility of educating and mobilizing the population on matters relating to human rights (article 4,1 of the 2007 Law). Thus, the NCHR organizes trainings on human rights comprised in the Constitution and international treaties to different categories of the population. In addition, the NCHR is drafting a special module on the rights of migrant workers. Besides, the NCHR is planning to translate into Kinyarwanda the Convention, disseminate it and inform the public at large.

8. Moreover, the NCHR has the responsibility of sensitizing relevant Government Institutions as regards ratification of International Conventions relating to human rights and integrating them in existing internal laws; (Article 4,8° of the 2007 Law). In this regard, the NCHR advocated for the ratification of some treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families especially in 2004 and in 2007. The Republic of Rwanda acceded to the Convention in December 2008. The NCHR disseminated four booklets on the status of ratification of international and regional instruments on human rights by the Republic of Rwanda.

9. Furthermore, the NCHR has the responsibility of sensitizing relevant Government Institutions as regards timely submission of the reports relating to International

Conventions on Human Rights ratified by Rwanda (4,12° of the 2007 Law). In this regard, in 2010 the NCHR developed a booklet on the “Status of submission of Rwanda’s periodic reports to international and regional treaty monitoring bodies” (available on the website of the NCHR: www.cndp.org.rw). The booklet has been widely disseminated in three official languages (Kinyarwanda, French and English) by the NCHR (see the website of the NCHR) and especially to concerned institutions in September 2010 in order to submit overdue and due reports to international and regional treaty monitoring bodies within provided time. The Edition No. 1 of the booklet was published in December 2010. The booklet stated that the initial report on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by General Assembly resolution 45/158 of 18 December 1990, acceded to by the Republic of Rwanda on 15/12/2008 and which came into effect in 1/04/2009, was overdue.

10. The NCHR develops annually an activity report. This report states the situation of human rights in the country and formulates recommendations to competent public organs. It has been reported that the Convention should be ratified.

11. In addition, it is the responsibility of the NCHR to examine violations of human rights committed within the territory of the Republic of Rwanda by State organs, public officials using their duties as cover, organizations and individuals (4,2). The NCHR did yet receive any complaint on the violation of migrant workers’ rights or members of their family.

12. Concerning financial resources of the NCHR, it is obvious that the NCHR is independent. The latter develops annually its own action plan related to its mandate, attributions and priorities and receives part of the budget from the national budget. Another major source of funding comes from development partners of the NCHR.

E. Acceding to International Labour Organization conventions

13. Consultations have started towards acceding to the International Labour Organization (ILO) conventions concerned.

F. Declaration in accordance with articles 76 and 77

14. Consultations have started towards making the declaration in accordance with article 76 and article 77.

II. Information relating to the articles of the Convention

General principles

Bodies to investigate complaints of migrant workers and their families

(a) Judicial bodies

15. The Intermediate Court’s labour chamber has the competence to judge all labour litigations (including litigations involving migrant workers). Secondly in case of administrative litigations, the High Court is competent to receive complaints of the general population, including migrant workers.

(b) Administrative measures

16. Different specialized institutions deal with administrative and labour litigations: Office of Ombudsman, the National Commission of Human Rights; the National Labour Council; etc.

(c) Administrative appeals before the Government or the Parliament

17. The President's Office, the Prime Minister's Office, the Ministry of Justice but also the Parliament regularly deal with administrative and labour complaints from the general population, including migrant workers.

III. Part III of the Convention

A. Types of penalties imposed on migrant workers for violation of immigration law

18. The law on immigration punishes violations of the law by migrant workers as follows:

<i>Misconduct</i>	<i>Penalty Assigned</i>
Forging or altering documents by forged signature or fingerprint, falsifying documents or signatures or impersonation,	An imprisonment of more than five (5) years to seven (7) years and a fine of three hundred thousand (300,000) to three million (3,000,000) Rwandan francs
Illegal change of names	A term of imprisonment of one (1) month but less than six (6) months and a fine of one hundred thousand (100,000) to one million (1,000,000) Rwandan francs, or one of these penalties.
Non-compliance with immigration and emigration laws such as any person who: <ol style="list-style-type: none"> 1. knows or ought to know, assists a foreigner who is a persona non grata; 2. prevents an Immigration Officer from accomplishing his/ her duties; 3. enters and stays in Rwanda contrary to immigration and emigration law; 4. crosses or attempts to cross a border post or any other authorized place without clearance of an immigration officer; 5. crosses or attempts to cross through unauthorized place; 6. assists another person to obtain what he/she is not entitled to under immigration and emigration law; 7. conceals any offence provided for under this Article 	A term of imprisonment of fifteen (15) days but less than six (6) months and a fine of one hundred thousand (100,000) to one million (1,000,000) Rwandan francs or one of these penalties
Refusal by an expelled foreigner to leave Rwanda	A term of imprisonment of fifteen (15) days to three (3) months and a fine of fifty thousand (50,000) to five hundred thousand (500,000) Rwandan francs or one of these penalties and

A deported foreigner who re-enters illegally	deportation after serving the sentence
Employing a foreigner who is not legally authorized to work	A term of imprisonment of one (1) year to two (2) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs or one of these penalties and deportation after serving the sentence
A foreigner who does not comply with the decision taken against him/her by the Directorate General of Immigration and Emigration such as paying fine	A term of imprisonment of seven (7) days but less than six (6) months and a fine of one hundred thousand (100,000) to one million (1,000,000) Rwandan francs or one of these penalties. Or, a term of imprisonment of six (6) months to two (2) years and a fine of five hundred thousand (500,000) to two million (2,000,000) Rwandan francs or one of these penalties. In case of a recidivism
	A term of imprisonment of one (1) month but less than six (6) months and a fine of five hundred thousand (500,000) to two million (2,000,000) Rwandan francs or one of these penalties

19. Up to now, no case of violation of the immigration by migrant workers has been registered. As there was no violation registered, there was no compensation.

B. Information on migrant workers and members of their families expelled from Rwanda since 2008

20. No migrant worker has been expelled from Rwanda from 2008 to the present. Some illegal immigrants who are expelled from Rwanda are the ones found with no clear reason of living in Rwanda such as street beggars and people who cannot fulfill required documents for living in Rwanda.

21. Regarding the procedure for deportation of migrant workers, the ministerial order No. 02/01 of 31/05/2011 establishing regulations and procedures implementing immigration and emigration law stipulates, in its article 38, that without prejudice to the law, the Director General (of Immigration and Emigration) shall order a foreigner to be deported by issuing a deportation order.

22. Before deporting a foreigner, he/she may be provisionally detained as provided by the law. Where the decision to deport a foreigner has been made, a copy of the decision shall be given to the person to be deported.

23. When the decision to deport a foreigner is taken, the expenses for his/her return shall be payable from the public funds unless the person to be deported agrees to pay the expenses. A deported foreigner may appeal the decision within thirty (30) days from deportation.

24. Since 2008, there was no collective expulsion.

C. Steps taken or planned to ensure that migrant workers employed in the informal sector are not exploited or subjected to abusive working conditions

25. The new Labour Code and the immigration law (for migrant workers) fix working conditions. The new Criminal Code prohibits the exploitation of workers or submitting them to abusive working conditions. Labor inspectors were established in each district to ensure the respect of good working conditions for different categories of workers. There is also the National Labour Council, whose responsibility is to supervise the implementation of labour policies and laws, including working conditions.

Steps taken for the ratification of the International Labour Organization Convention concerning Decent Work for Domestic Workers

26. Consultations have started towards the ratification of the said ILO Convention.

D. Health care for migrant workers

27. Law No. 62/2007 of 30 December 2007 on community health insurance provides that every Rwandan resident must be affiliated to an insurance scheme. Any foreigner (including migrant workers) entering the Rwandan territory must get health insurance within 15 days.

E. Education for migrant workers

28. The 12 years basic education is free and universal. Even children of migrant workers benefit from it without any discrimination. There is no statistical data for the only category of migrant workers' students.

F. Steps taken to disseminate and promote the Convention

29. The Convention was translated in the national language and distributed to different partners including civil society organizations. The National Commission of Human Rights regularly sensitizes different categories of the population on different ratified international instruments, including the Convention on the Rights of Migrant Workers. The wide consultations and workshops that were conducted for the preparation of the initial report of Rwanda was an important tool to promote the awareness of Rwandans on the Convention.

IV. Part IV of the Convention

A. Information for potential migrant workers

30. The Common Market Protocol of the East African Community (EAC), which provides for the establishment of nationals of one State party in another State party have been widely sensitized to Rwandan citizens.

31. Out of EAC, any Rwandan citizen wishing to emigrate can find needed information through the Ministry of Foreign Affairs and the General Directorate of Immigration and Emigration.

B. Measures to allow Rwandan migrant workers and members of their families to vote and be elected

32. All Rwandans of diaspora regularly participate in organized elections through polling stations established in embassies and consulates.

C. Legal provision and statistical data on the policies relating to the family reunification of migrant workers

33. Rwanda migration policy and laws value family reunification as a major way to maintain links with family members. Rwandan laws allow immigrants residing in Rwanda to maintain family contacts as this will thus contribute to their well-being and also offer positive effects to Rwanda as a host country. On this effect, family members coming to visit immigrants residing in Rwanda receive an entry visa to stay up to three (3) months. Non-nationals granted residence in Rwanda for such purposes as family reunions may engage in any other activities in accordance with the Immigration law.

34. Concerning the entry and stay in Rwanda, the immigration law provides for a specific type of visa – Family visit designed for persons who wish to visit a family member or a close relative residing in Rwanda.

35. Dependants, including spouses and children, enjoy a dependant pass that allows them to stay with the principle resident or a national in Rwanda according to article 3, point 12 of the Ministerial order No.02/01 of 31/05/2012 establishing regulations and procedures implementing immigration and emigration law.

36. For their well-being in Rwanda, the laws offer unrestricted residence and employment rights for spouse and eligible dependants. By the same token, dependants qualified as students shall enjoy rights that are similar to those of nationals studying in Rwandan schools (i.e. similar tuition fee, no requirement for student visa).

37. For equal treatment and fairness at work, the law allows migrant workers heading Rwandan institutions, to have privileges that are similar to those accorded to Rwandans holding similar positions or status. They are therefore, entitled to duty-free importation of personal belongings including one family car on his or her first arrival to take up long residence.

D. Exemptions for imported material necessary for remunerated activities

38. Migrant workers are 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.

E. Measures to facilitate the transfer of migrant workers' earnings and savings

39. Migrant workers are free to transfer to their countries their earnings and savings. But they have to respect regulations on the prevention and the fight against money laundering.

F. Restrictions or conditions on the exercise by migrant workers of the right to freely choose their remunerated activity

40. Migrant workers are free to choose their remunerated activities except political activities reserved to the Rwandan nationals.

V. Part VI of the Convention

A. Information on services provided to migrant workers by embassies and consulates

41. Rwandan embassies and consulates abroad provide visas to migrant workers and provide them all kind of information on Rwanda.

B. Number of migrant workers returning to the country

42. There are no data on the number of Rwandan migrant workers returning to Rwanda.

43. Measures that are taken to ensure orderly return to Rwanda include:

(a) An office in charge of handling expeditiously applications for travel documents from Rwandan diplomatic mission for Rwandan Diaspora has been established in the Directorate General of Immigration and Emigration;

(b) Issuance of emergency travel document to Rwandans who would like to return to their country while they have lost their travel document or voluntary candidates for repatriation.

44. On the issue of Rwandans who do not meet criteria set out in article 6 of Immigration and Emigration Law No. 4/2011 of 21 March 2011; they are required to provide information on their relatives, people who know them in Rwanda and places they may have lived in to confirm their citizenship and subsequently be allowed to enter Rwanda.

C. Alleged cases of Rwandan children sent to Uganda, Kenya and the United Republic of Tanzania where they are subjected to hard labour

45. The Government of Rwanda has put in place and adopted policies and laws towards preventing and repressing any act that may cause all children to enter into illegal employment or worse forms of child labour. We have to underline the fact that the Rwandan Penal Code prohibits the trafficking of children and the Government of Rwanda has undertaken specific measures for the prevention of human trafficking including community sensitization. Concerning children from neighboring countries, the Gender Based Violence Policy, the Integrated Child Rights Policy, laws relating to the rights and the protection of children and the labour law prohibit the trafficking of children and any kind of sale of children and forced labour.

D. Desegregated information on persons who have been trafficked

46. There is no information.

E. Information on measures taken to prevent and eliminate illegal employment of migrant workers

47. The Directorate General of Immigration and Emigration, the institution directly responsible for issuing travel documents to Rwandans and for controlling Rwandan borders, has no information related to Rwandans who are being recruited or trafficked in the neighboring countries. But also article 31 of the Ministerial Order No. 02/01 of 31/05/2011 establishing regulations and procedures implementing Immigration and Emigration law stipulate that a child under sixteen (16) years of age intending to enter in or exit from Rwanda shall be required to fulfill the following:

(a) To be accompanied by one of the parents or another person authorized by the child's parent or guardian;

(b) A proof of consent from one of the parents or guardian authorizing him/her to travel in case the child is not accompanied.

48. Based on this provision, children passing through Rwandan borders and issued with Rwandan travel document are screened and allowed to travel.

Impact of measures taken to prevent and eliminate illegal employment of migrant workers

49. The impact noted so far is that 95% of illegal immigrants have been registered. The institution directly responsible for immigration and emigration granted 03 months to illegal immigrant to register without having to pay penalties for delay.

50. The mentioned cases of illegal situation are not true because the Ministerial Order No. 02/01 establishing regulations and procedures on implementing the Immigration and Emigration Law in its article 4 Class R provide for a class of permit that could be issued to a person who has not yet acquired a resident permit due to various reasons; among them is that the person have not yet got all the required documents for a resident permit.

51. Regarding the registration of businesses belonging to migrant workers, there are no delays in registering employees of a business because in Rwanda registering a business is done once and does not exceed a day.
