

RWANDA

CESCR E/1989/22

162. The Committee considered the second periodic report of Rwanda concerning the rights covered by articles 6 to 9 of the Covenant (E/1984/7/Add.29) and the initial report concerning the rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.42), at its 10th to 12th meetings, held on 13 and 14 February 1989 (E/C.12/1989/SR.10-12).

163. The reports were introduced by the representative of the State party, who distributed to the members statistics on the economy (1988) and educational situation (1987-1988) of his country.

General matters

164. The members of the Committee asked for further information on factors and difficulties, if any, affecting the implementation of articles 6 to 9 and 13 to 15 of the Covenant in Rwanda. In particular, it was asked whether the Government considered that the high birth rate in Rwanda constituted an obstacle to the implementation of the Covenant; whether the Government of Rwanda had already requested technical assistance from the United Nations system, in particular, ILO, to diagnose and solve any problems hampering the full implementation of the Covenant; and whether there was a global plan in Rwanda for gradually implementing the rights set forth in articles 13 to 15. The Committee sought further statistical information, in particular on the proportion of the budget devoted to the various economic and social sectors, and expressed the wish that for purposes of comparison over time, United States dollar equivalents should be given for all data concerning financing.

165. Members requested additional information on the Umuganda policy, which apparently required citizens to contribute to civil works; in particular, it was asked whether the policy was compatible with international human rights standard prohibiting forced labour.

166. Members asked whether the people of Rwanda were aware of the contents of the report submitted to the Committee, and whether any instruction on human rights was given to the police and the members of the armed forces.

167. In his reply, the representative of the State party pointed out that the main problems affecting Rwanda's implementation of articles 6 to 9 and 13 to 15 were directly due to its underdevelopment and the fact that its economy was still largely agricultural. Rwanda had a shortage of resources for the creation of the necessary infrastructure. He stated that the Government was co-operating in a wide variety of projects with ILO, which included the study on the organization and structure of employment in Rwanda, and the technical expert made available by ILO would shortly be submitting his report.

168. He pointed out that Rwanda was currently implementing its fourth five-year economic, social and cultural development plan, which covered more or less all objectives set forth in the Covenant. The ministries responsible for the areas covered by the rights set forth in articles 13 to 15 of the

Covenant received a large share of the national budget. The economic sectors of these ministries received 39.01 per cent of the operational budget and the social sectors 33.66 per cent. In addition, the Government was encouraging the private sector to make a contribution, particularly in education.

169. The representative stated that human rights was taught at all levels of education, and that military and police officers were also given courses in human rights. He explained that Umuganda was a way of life and a traditional means of organization of the population, which the public authorities had merely institutionalized. It embodied the principle of collective self-help as well as community solidarity. He said that no compulsion was used in the Umuganda programmes. The majority of projects implemented under the Umuganda policy were popular initiatives to build roads, health centres and so on. A report was published every year on the Umuganda projects, and he promised to send the French version to the Committee.

Article 6: Right to work

170. The members of the Committee wished to know what were the rates of unemployment by sector of economic activity in Rwanda, and what specific measures were being taken to improve the situation in that regard. The Committee asked what percentage of the labour force was covered by training programmes designed to place workers and the self-employed in productive employment. The Committee also requested further information on any quota system concerning the allocation of employment and training to members of the Tutsi minority. The State party was asked to comment on the compatibility of restrictions on the right of residence in urban areas with the right to work as provided for by article 6 of the Covenant and with the right to freedom of movement.

171. With regard to the rates of unemployment, the representative of the State party explained that in his country there was an ample supply of unskilled labour which could not all be absorbed by the rural sector, while at the same time there was a great shortage of skilled labour and statistics for the government service showed that there were many vacant posts. The Government's efforts were being directed to the training of young people and to the implementation of developmental projects, especially of a labour-intensive nature. In view of the shortage of qualified personnel, there was no quota in the public service. However, in filling vacancies all elements in the population were taken into account to correct past inequalities.

172. He stated that there were no restrictions on the right of residence in urban areas, but it was government policy to encourage citizens to live where they could find work, for example in the countryside, where there was employment in agriculture.

Article 7: Right to just and favourable conditions of work

173. The members of the Committee wanted to know who was represented on the Advisory Commission for Minimum Wages, by whom, and how they were appointed, and asked whether unions, workers and employers were involved in the formulation and application of the provisions of the law concerning working conditions. A member asked whether there was a labour inspectorate, and if so, how it was organized, and how many inspectors it had to monitor the implementation of labour legislation.

174. In his reply, the representative stated that the Advisory Commission for Minimum Wages was a tripartite body with the representatives of the Government, employers and workers. The representatives of the employers and workers were elected by the Revolutionary Movement for Development.

175. He said that unions, workers and employers participated in the implementation of legislation on working conditions through the tripartite Advisory Commission and, since 1988, also through the Rwandan Trade Union Federation of Workers. The Rwandan Constitution and legislation protected equality between men and women in employment, and women represented about 31 per cent of the employees in the public sector and 1 per cent in the private sector.

176. With regard to the labour inspectorate, he explained that there was a central inspection service both in the capital and in each district. In Rwanda there were 14 labour inspectorates which were charged with monitoring the application of labour legislation.

Article 8: Trade union rights

177. The Committee wanted to know what specific measures were being taken to promote free collective bargaining and if there was a trade union service in the Ministry of Labour to assist workers or employers to organize. The members asked what alternative measures were available, in the absence of the right to strike, to public servants to promote and protect their rights and interests (E/1984/7 Add.29, p. 16, sect. E). The members also asked what criteria the Federal Executive Bureau applied to accept or reject applications for strikes in the private sector (*ibid.*) and what was the percentage of rejected application for strikes.

178. Some members wanted to know the number of trade unions and the size of their membership, and whether membership of the single trade union was compulsory.

179. In his reply the representative of the State party stated that laws to promote and safeguard trade union rights were contained both in the Rwandan Constitution and in the Labour Code. He said there was a division dealing with trade unions in the Ministry of Labour. The right and interest of public servants were handled through the policy of consultation within the tripartite Advisory Committee and the Rwandan Trade Union Federation. In the private sector, when workers had taken a formal decision that they wished to strike, they had to seek the authorization of the Federal Executive Bureau of Trade Unions. He pointed out, however, that the policy in Rwanda was one of negotiation in preference to confrontation. The Federal Executive Bureau arbitrated disputes between the employers and the workers. It was estimated that about 70 per cent of the workers in Rwanda were unionized and he stated that the people of Rwanda themselves had chosen to be organized in a single movement, the Rwandan Trade Union Federation of Workers, which was integrated with the Revolutionary Movement for Development. He stated that the single union corresponded to the unified political structure in the country, and therefore pluralism in the trade union movement would be premature and out of place. The membership of the Rwandan Trade Union was wholly voluntary.

Article 9: Right to social security

180. The members of the Committee asked whether any studies had been done to determine basic needs and minimum subsistence levels in Rwanda and to establish a comprehensive social security scheme to satisfy basic needs and ensure the enjoyment of minimum subsistence levels. It was also asked how the Social Security Fund was financed, and how contributions were apportioned between employers and workers and whether the State also participated.

181. The representative of the reporting State indicated that social security was one of the Government's major concerns, and the Rwandan Social Security Fund, which was administered as a public body, had been set up with overall responsibility for medical care. He pointed out that studies were being conducted by the Ministry of Planning and the National Bank of Rwanda to determine the rate of contributions payable to the Fund by employers and workers. The Social Security Fund itself was studying how it might widen its coverage to include sickness benefit for independent workers. The whole social security system was under review.

Articles 13 and 14: Right to education; principle of compulsory free education

182. The members of the Committee wanted to know to what extent educational facilities were provided to members of various religious denominations or sects in Rwanda. The members requested additional information on the percentage of children enrolled in primary education, also on what specific measures were being taken to ensure the right of everyone to education, and when the Government expected that all children would be enrolled in primary education. Information was also sought on what sort of limitations there were in free primary education and on the sort of assistance needed, if any, to achieve the full implementation of the right to a free and compulsory education. In that respect, some members wanted to know whether parents were required to contribute to the cost of education and what measures the Government was taking to punish parents who did not send their children to primary school regularly or at all.

183. The Committee asked what percentage of children were enrolled in secondary education, how had that changed during the period under review, and what specific measures were being taken to ensure a higher level of attendance. A member wanted to know what measures were being taken to ensure that secondary and higher education were free. The Committee wished to know why the number of females attending secondary schools had dropped in the last few years (E/1982/3, Add.42, p.18, table). A member asked whether all the courses at the Integrated Rural and Craft Education Centre were open to boys and girls.

184. The members of the Committee sought further information on any governmental plan being set up to develop higher educational facilities. A member asked how many university faculties were there and what their coverage was, and how many university professors were Rwandan and foreign respectively. Another member asked whether any vocational training was given in prisons. Information was requested on what percentage of education was given in the private and public sectors respectively.

185. In reply, the representative of the State party stated that the primary school enrolment rate in Rwanda was approximately 61 per cent. Under the national development plan, the Government was making a very great effort to extend primary education, with the aim of achieving the target of 100 per cent. However, material difficulties were being encountered. He informed the Committee that

the right to education was enshrined in the Constitution. He stated that education was in principle free of charge, although parents were expected to contribute to the cost of textbooks and stationery for their children even if only in a nominal amount. He explained that, for that reason, upon ratification of the Covenant Rwanda had entered a reservation to the effect that “the Rwandese Republic (was) bound, however, in respect of education, only by the provisions of its Constitution”.

186. He pointed out that religious denominations had full educational facilities. Private persons set up schools, and the Government actively encouraged them to do so. A high percentage of schools were managed by religious denominations. Religion was included as a subject in all school curricula, and each denomination supplied its own teachers of religion.

187. With regard to secondary education, he informed the Committee that a considerable effort was being made to promote education at that level. New schools were being built, existing schools were being extended, and the traditional boarding schools were being turned into day schools in order to increase the amount of space available for classrooms. He stated that the Government was receiving considerable international assistance in the educational field. The percentage of children enrolled in secondary school had risen considerably, but still did not exceed 8 to 10 per cent. At the university level, capacity had been enhanced through the decentralization of the National University into three separate campuses. Additional opportunities for higher education were being provided by the Higher Military Institute, and the Higher Institutes of Public Finance, Public Administration and Agronomy. The representative promised to supply the statistics of Rwandese professors and foreigners at a later date. He pointed out, however, that the Government had a policy of Rwandization of teachers and professors at higher levels of education. Finally, he informed the Committee that in the prisons the inmates were given literacy lessons and vocational training.

Article 15: Right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

188. The Committee wanted to know what steps were being taken to develop and protect national culture, and what efforts were being made to ensure the preservation of the cultural rights of the Tutsi minority in Rwanda. Further information was also sought on any facilities provided by the Government in the cultural and scientific fields and a member asked whether rights of authors were being protected.

189. In his reply, the representative of the State party stated that the Government had established the Rwandan Institute of Culture, set up dancing companies and a national library. A National Day of Culture had also been proclaimed. He pointed out that Rwandese people constituted a single nation State, enjoyed a common culture and that Tutsi could not therefore be regarded as a separate entity. With regard to rights of authors he said that Rwanda was a member of WIPO, which had recently adopted a law concerning the rights of authors.

Concluding observations

190. Some of the members commended the reporting State for its reports; in particular, the inclusion of the cultural elements in the Rwandan economic, social and cultural plan which was considered praiseworthy, and expressed their satisfaction with the manner in which the reports were presented.

However, the view was expressed that the report was not entirely satisfactory in that it did not give sufficient information, and particularly statistics, to establish the extent to which the situation with respect to implementation of the rights contained in the Covenant was gradually improving. It was observed that on the requirement to provide compulsory education free of charge, article 14 of the Covenant was quite unequivocal in establishing a two-year timetable for the preparation and adoption of a plan of action for implementation of that right. The report (E/1982/3/Add.42) did not give any evidence of the existence of such a plan. It was noted that while due allowance should be made for the difference in resources available to States in fulfilling their obligations under the Covenant, lack of material resources did not explain why there was only one trade union in Rwanda. Although article 8 of the Covenant required States parties to allow their citizens to form trade unions and to join trade unions of their choice, in Rwanda there was effectively no choice.

191. It was suggested that the Committee should emphasize the need for co-operation between States parties at the regional level, and between States parties and such specialized agencies as ILO and UNESCO in order to promote more rapid progress towards implementation of the Covenant and, in particular, to ensure the preparation of more satisfactory reports.

192. It was observed that consultation and co-operation were no substitute for the right to strike and expressed the view that that concern of the Committee should be conveyed to the Government of Rwanda.