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Implementation of the International Covenant on Economic, Social and Cultural Rights

**Combined second to fourth periodic reports, submitted
under articles 16 and 17 of the Covenant**

Rwanda*

[20 January 2010]

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Acronyms and abbreviations

ADPA	Action pour le Développement et la Paix en Afrique
ASC-Umurimo	Association des Syndicats Chrétiens-Umurimo
CAPMER	Center for Support to Small and Medium Enterprises in Rwanda
CEPEX	Central Public Investments and External Finance Bureau
CERN	European Organization for Nuclear Research
CESTRAR	Rwandan Central Workers' Organization
DFID	United Kingdom Department for International Development
DHS	Demographic and Health Survey/EDS
EDPRS	Economic Development and Poverty Reduction Strategy
EICV	Household Living Conditions Survey
FAO	United Nations Food and Agriculture Organization
FARG	Assistance Fund for Survivors of the Tutsi Genocide
RF	Rwandan francs (average exchange rate: 1 USD = 658,394.668 RF)
GDP	Gross Domestic Product
HIDA	Human Resources and Institutional Capacity Development Agency
Imidugudu	Settlement formed by grouping isolated dwellings
IFAD	International Fund for Agricultural Development
MIFOTRA	Ministry of the Public Service and Labour
MIGEPROF	Ministry for Gender Issues and Family Promotion, attached to the Office of the Prime Minister
MINAGRI	Ministry of Agriculture and Animal Resources
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MINEDUC	Ministry of Education, Science, Technology and Scientific Research
MINISANTE	Ministry of Health
NGO	Non-governmental organization
NISR	National Institute of Statistics of Rwanda
PDL-HIMO	Programme de Développement Local à Haute Intensité de Main d'Œuvre
PPMER	Promotion of Small and Medium Enterprises in Rwanda
RGPH	General Census of Population and Housing
RIAM	Rwanda Institute of Administration and Management
SACCO	Savings and Credit Cooperative
TVET	Technical and Vocational Education and Training
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

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Introduction

1. The International Covenant on Economic, Social and Cultural Rights was adopted on 16 December 1966 and entered into force on 3 January 1976. Rwanda acceded to it on 16 April 1975. It was incorporated into domestic law by Legislative Decree No. 8/75 of 12 February 1975 (Official Gazette), 1975, p. 230).

2. At the time of accession the Rwandan Government made a reservation concerning article 13 of the Covenant reading as follows: "The Rwandese Republic [is] bound, however, in respect of education, only by the provisions of its Constitution."

3. That reservation was withdrawn by Presidential order¹ withdrawing the reservation concerning article 13 of the International Covenant on Economic, Social and Cultural Rights (see notification to the depositary CN.1034.2008.TREATIES-8).

4. This report combines in a single document all the reports due for submission by Rwanda under articles 16 and 17 of the Covenant.

It will be recalled that before the issue of the 1991 guidelines, periodic reports related to certain articles only. The most recent periodic report (second report), submitted on 9 November 1987, related only to articles 6 to 9.

This report comprises the following reports: second report (arts. 10 to 12), due for submission on 30 June 1990), third report (due on 30 June 1995), fourth report (due on 30 June 2000) and fifth report (due on 30 June 2005). It covers the period between the submission of the last report and July 2009.

5. The delay in submitting reports in accordance with the schedule laid down in the Covenant is partly due to the fact that the technical services responsible for the preparation of reports for the Committee are under strength.

6. It is also an outcome of the crisis situation in the country which culminated in the genocide of the Tutsi population in 1994. The post-genocide period was marked by a state of emergency; the country faced major challenges, such as the situation of displaced persons, the large numbers of vulnerable persons - widows, orphans, etc. - and the problem of the refugees - the people who for many years had been unable to return to their home country and those who had fled more recently, in 1994, and were being held hostage in neighbouring countries and used as human shields by the planners and perpetrators of the genocide. Furthermore, economic activity had become completely paralysed, and the social services had for practical purposes ceased to function. Finally, the bond of trust between people and government had been shattered. The Government turned first of all to the reconstruction of the social, economic and political networks.

7. Like every other treaty and international instrument, the Covenant has its proper place and importance in Rwandan domestic legislation, as stipulated in article 190 of the Rwandan Constitution² which provides that international treaties and agreements duly ratified or approved shall, with effect from their publication in the Official Gazette, prevail over organic and ordinary legislation, subject to implementation of each treaty or agreement by the other Party concerned.

8. This task could not have been completed without the assistance and cooperation of various institutions of State and civil society and other government agencies. The last-

¹ Presidential Order No. 50/01 of 5 Sep. 2008 (Official Gazette, No. 19, 1 Oct. 2008, p. 68).

² Constitution of 4 June 2003 as amended to date.

mentioned are playing a particularly important part in the exercise, promotion and development of the rights enshrined in the Covenant.

9. In the context of the rights recognized in the Covenant, particular mention should be made of certain national civil society organizations which assisted in the collection of factual data, namely:

(a) The Assistance Fund for Survivors of the Tutsi Genocide (FARG), a government organization established in 1998 to mitigate the recurrent problems arising from the Tutsi genocide. It focuses on the education, health and housing of the persons affected;

(b) The Concertation Council of Organizations Supporting Basic Initiatives, a group of Rwandan development organizations seeking to promote greater participation by the population in its own advancement;

(c) The Rwandan Central Workers' Organization (CESTRAR), the oldest workers' organization in Rwanda, which currently represents the vast majority of unionized workers;

(d) The Union of Leagues and Associations for the Defence of Human Rights in Rwanda;

(e) The Union for Freedom and Women's Rights in Rwanda.

10. The part played in the collection of data by international organizations such as CARE International, World Vision and the United Nations specialized agencies such as the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) should also receive acknowledgement.

11. This report is divided into two parts. The first part consists of an institutional and socio-economic description of the country, while the second describes the implementing measures taken to give effect to the rights enshrined in the Covenant.

I. Rwanda in brief

A. Overview of Rwanda

12. The Republic of Rwanda is a landlocked country in Central Africa. It is bordered by Uganda in the North, Burundi in the South, Tanzania in the East and the Democratic Republic of the Congo in the West. It covers 26,338 sq. km and is situated between latitudes 1 and 3 degrees South and longitudes 29 and 31 degrees East. It has a typical tropical mountain-type climate.

13. The population is currently estimated³ at 9,567,190 persons and the population density⁴ at 368 inhabitants per sq. km. The country is divided into four provinces (North, South, East, West) and the city of Kigali, and 30 districts.

14. Since gaining independence in 1962 Rwanda has had institutions marked by large-scale violations of human rights. The divisive policy pursued in the country established and consolidated a policy of exclusion which, combining with the ethnic hatred and intolerance existing in the country's social and political fabric, culminated in the massacre and genocide of the Tutsis in 1994.

³ General Census of Population and Housing (RGPH), National Census Service, 2008 projection.

⁴ RGPH, National Census Service, 2007.

15. Subsequently Rwanda underwent a period of transitional government.
16. The transitional period came to an end in 2003, when the country adopted a new Constitution and established new and democratically elected institutions.
17. The Constitution was a milestone marking the end of the transitional period. It guarantees the fundamental rights and freedoms of all citizens and provides for the establishment of institutions that create a foundation for democracy. The basic principles laid down in the new Constitution include:
- (a) The establishment of the rule of law based on respect for the fundamental freedoms and rights of the individual and equality between men and women, the latter being reflected in the allocation of at least 30 per cent of posts in decision-making bodies to women;
 - (b) The fight against the ideology underlying the Tutsi genocide and everything that affirms that ideology;
 - (c) The construction of a State devoted to the welfare of its peoples and social justice.
18. The Government has begun administrative reforms and has set up bodies with responsibility for good governance. These include the Office of the Ombudsman, the Gender Monitoring Office, a number of committees (for example, on the anti-genocide fight, the National Unity and Reconciliation Commission, etc.), various councils (women, young people) and also the *Gacaca* courts, which dispense transitional justice.

B. Population structure

19. Rwanda's wealth resides in the homogeneity of its population; 99.4 per cent of the population speak the same language (Kinyarwanda). Other languages spoken are French (3.9 per cent of the population), English (1.9 per cent) and Swahili (3.0 per cent).⁵
20. As regards religion, 49.8 per cent of the population are Roman Catholic and 27.3 per cent Protestant; the remainder are divided among various religious denominations (Adventist, Islam, etc.).
21. Rwanda has a young population; over 6 million of its inhabitants are under age 25. Specifically,
- (a) 16.3 per cent of the population are under age 5;
 - (b) 42.1 per cent of the population are under age 15;
 - (c) 55.2 per cent of the population are in the 15-64 age group;
 - (d) 2.7 per cent of the population are over 65 years of age;
 - (e) Life expectancy is 50.2 years for men and 55.6 for women. In 2008⁶ the overall fertility rate stood at 5.5 and the annual population growth rate at 6.0 per cent. The majority of the population live in rural areas (over 7 million, as against over 1.8 million in urban areas).⁷ The average size of ordinary households is 4.53 persons.⁸

⁵ General Census of Population and Housing, National Census Service, 2002.

⁶ EIDS 2007/08, p. 11.

⁷ *Ibid.*, 2008 projection.

⁸ *Ibid.*, National Census Service, 2002.

C. Institutional framework

22. Immediately after the Tutsi genocide, the Rwandan Government established institutions capable of consolidating the rule of law. The Constitution introduced structures providing for citizen representation and participation through the establishment of bodies and committees as described below.

23. Legislative power is exercised by two chambers (the Chamber of Deputies and the Senate) and executive power by the President of the Republic and the Government. The latter consists of the Prime Minister, Ministers, Secretaries of State and other members who the President may appoint (arts. 97 ff.) The judiciary consists of the entire apparatus of courts and tribunals (arts. 140 ff.)

24. National committees and specialized State agencies were also established to deal with specific matters. For the purposes of this report only a few (the National Committee on the Rights of the Individual, the National Committee for Unity and Reconciliation, the Gender Monitoring Office, the Auditor-General's Office and the Office of the Ombudsman) will be mentioned.

D. Socio-economic profile

25. Agriculture is a dominant element in the Rwandan economy, accounting for 39 per cent of GDP as against 14 per cent for industry and 41 per cent for services.⁹

26. GDP per head was \$ 314 in 2006; the objective set out in Vision 2000 (a long-term developmental road map) is to increase it to \$ 900 by 2020.¹⁰ The growth rate of GDP per inhabitant was 5.8 per cent in 2008 and 14.3 per cent in 2007. Gross national income rose from RF 798.6 billion in 2001 to RF 1,798.92 billion in 2006. The consumer price index rose from 74.6 in 2001 to approximately 152.8 during the first quarter of 2008.¹¹ The poverty threshold stood at 56.9 per cent in 2005/06 - a drop of 3.5 per cent from its 2000/01 level (60.4 per cent).¹² The national debt declined from RF 172 billion in December 2007 to an estimated RF 165 billion in March 2008.¹³ Due to economic growth, the level of borrowing for budget financing declined from 22 per cent of the budget in 2000 to 14 per cent in 2003 and an estimated 5 per cent in 2008.

27. The attainment of fiscal stability and economic growth has been, and continues to be, a concern of the Government of National Unity since 1994. Now that the state of emergency has ended and the stabilization of the country has begun, Rwanda is well into the process of long-term development, with targets for 2020 (set at the beginning of the century) and poverty reduction programmes.

28. The targets for 2020 form part of Rwanda's aspiration to secure economic growth based on the attainment of a number of goals, namely the creation of the nation and its social capital; the development of a credible and efficient State based on the rule of law; the development of human resources in line with the objective of establishing a prosperous

⁹ National Institute of Statistics of Rwanda (NISR), 2007: Rwanda Development Indicators - 2006; NISR Press release.

¹⁰ Ministry of Finance and Economic Planning (MINECOFIN), Macro Section: estimate for 2006, and NISR: Quarterly Economic Review, Mar. 2008, p. 7.

¹¹ *Ibid.*, p. 20.

¹² Household Living Conditions Survey, Economic Development and Poverty Reduction Strategy (EICV-EDPRS): Final report, May 2007, p. 20.

¹³ NISR: Quarterly Economic Review (as above), p. 7.

economy based on knowledge and know-how in Rwanda; the development of basic infrastructures, including town planning; the development of entrepreneurship and the private sector; and finally, the modernization of agriculture and stock-rearing. Mention should also be made of cross-cutting elements in the scheme, such as gender, protection of the environment, science and technology and regional integration. The Government's aim is to see Rwanda become a knowledge-based country and attain median income levels.

29. The main thrust of the poverty reduction programme, which forms part of the Economic Development and Poverty Reduction Strategy (EDPRS),¹⁴ is directed towards a high rate of economic growth, support for the integration of rural development and the consolidation of good governance.

30. Poverty reduction plans promoting economic growth have been established with the following objectives:

- (a) Emphasis on infrastructure investment, the modernization of agriculture and skills development;
- (b) The curbing of population growth through family planning programmes;
- (c) Combating extreme poverty by improving food security, with a focus on job creation and the improvement of social protection methods.

31. To achieve these aims Rwanda has established institutions capable of giving impetus to its different policies and strategies. Particular mention should be made of the Rwanda Development Board, an apex organization embracing institutions¹⁵ with the ability to serve as catalysts for economic recovery by mobilizing local and foreign investment, developing human resources and information and communication techniques and promoting exports and tourism.

32. Rwanda has developed cooperation and partnerships with other countries. It is a member of a number of development organizations, such as the Common Market for Eastern and Southern Africa and the International Conference on the Great Lakes Region; it is also a member of the East African Community and has resumed regional cooperation within the Economic Community of the Great Lakes Countries.

¹⁴ The first poverty reduction programme (the Poverty Reduction Strategy Paper) yielded mixed results. The second programme (covering the years 2008-2012) is designed to remedy the shortcomings of the earlier one.

¹⁵ The Rwanda Investment and Export Promotion Agency, the Rwanda Information and Technology Authority, the Rwanda Tourism and National Parks Office, the Rwanda Commercial Registration of Service Agencies, the Privatization Secretariat, a branch of the Human Resources and Institutional Capacity Development Agency, the Center for Support to Small and Medium Enterprises and the Environmental Impact Assessment, a branch of the Rwanda Environmental Management Authority.

II. Measures taken for the implementation and exercise of the rights guaranteed by the International Covenant on Economic, Social and Cultural Rights

A. General provisions of the Covenant

1. Article 1: The right of self-determination

Paragraph 1. Political aspects

33. The Constitution affirms the principle of self-determination, by virtue of which a people has the right to determine its own form of government independently of all foreign influence. Article 1 affirms that the Rwandan State is an independent, sovereign, democratic, social and secular Republic. No foreign State may interfere in the internal affairs of the Rwandan State.

34. The principle governing the Republic is that of government of the people, by the people and for the people. That power is exercised by the people by way of referendum or through their representatives (art. 1, para. 2, and art. 2 of the Constitution).

35. Presidential and legislative elections are conducted in accordance with the principles of universal suffrage and equality of all citizens. Voting is direct or indirect and secret.

(a) The President of the Republic is elected by direct and secret ballot.

(b) The members of the Chamber of Deputies (representing political parties) are elected by the same method, with the exception of members representing specific groups (such as young persons and the disabled), who are elected by single-ballot majority vote (art. 83).

(c) Senators are elected or appointed, either from within administrative entities or by the Forum of Political Organizations (art. 91).

36. In elections to administrative authorities¹⁶ voting is direct and secret for members of district councils and the executive council of the district and city of Kigali.

Paragraph 2. Economic aspects

37. In 2000, in order to enable the people to participate in the development process and take economic and social development into their own hands, the State introduced a policy of political and fiscal decentralization involving transfers of powers, responsibilities and resources from central Government to local administrative authorities. The basis of this policy is to be found in a number of legal instruments.¹⁷

38. These measures were taken in response to a commitment by the State to endow local populations with political, economic, social, administrative, technical and managerial skills, thus enabling them to participate in the planning and management processes designed to combat poverty and develop their respective regions. Local populations are able to draw up

¹⁶ Act No. 02/2006 concerning the organization of elections to local administrative authorities.

¹⁷ Act No. 02/2006 concerning the organization of elections to local administrative authorities; Act No. 8/2006 concerning the organization and functioning of districts; Act No. 10/2006 concerning the organization and functioning of the city of Kigali; Act No. 01/2006 concerning the organization and functioning of the provinces; Act No. 29/2005 concerning the organization of the administrative bodies of the Republic of Rwanda; and the Act establishing the national electoral commission.

policies directly related to the problems of their regions and follow up on them instead of leaving remedial action to the central Government, which is geographically distant from the places where needs are felt and services provided.

39. This policy can be summarized as follows:

(a) An initial phase, lasting five years, for establishment of the institutional structure of decentralized governance by linking all relevant policies and judicial frameworks and establishing the necessary administrative machinery;

(b) A second phase, begun in 2006, involving the introduction of decentralized local governance, consolidating progress already made at national policy level;

(c) The third phase (2012-2015) will involve exploiting the successes of the previous phases with a view to reorganizing all the structures and bringing the Government closer to the people.

40. A number of measures have been taken in support of the decentralization process, i.e., the participation of the population in its own economic and social development and the implementation of development programmes initiated and conceived locally. The following initiatives are already in the course of implementation: *ubudehe*, PDL-HIMO, *itorero*, *Gacaca*, the *Abunzi*, community policing, *umuganda* and *umusanzu*.

- *Ubudehe mu kurwanya ubukene*¹⁸ consists of planning of community action, deriving from the tradition of collective action and adapted to tackle the problem of poverty at grassroots level
- HIMO facilitates the design and implementation of labour-intensive public works. It is a strategy for job creation for local inhabitants, especially in rural areas. Since it was launched,¹⁹ over 43,000 persons (39 per cent of them women) have found employment in HIMO projects (in areas such as tree planting and terracing)
- *Itorero* is a platform for cultural education programmes
- *Gacaca* is a traditional method of dispute settlement within the community. It is helping to clear the huge backlog of trials resulting from the genocide.²⁰ The Act establishing the *Gacaca* courts²¹ provides for penalties of community service for persons who confess their crimes and plead guilty to the offences with which they are charged. Such persons serve their sentences in the community in the form of performance of work of general interest.²² This alternative penalty permits offenders to reintegrate into the community at an appropriate time and offers a means of strengthening unity and reconciliation. The table below gives an idea of the types of work performed through the sentences.

¹⁸ The originality of the efforts made in the areas of participative planning and involvement of the population in the poverty reduction process through the *ubudehe* programme won the United Nations Public Service Award in 2008.

¹⁹ Ministry of Local Administration (MINALOC): PDL-HIMO section, 2009.

²⁰ National *Gacaca* courts service: on 15 March 2009 there were 11,770 cases (7,949 of them cases of rape) before the *Gacaca* courts.

²¹ Organic Act No. 16/2004, concerning the organization, competence and functioning of the *Gacaca* courts responsible for the prosecution and trial of offences constituting the crime of genocide and other crimes against humanity committed between 1 October 1990 and 31 December 1994, as amended and completed to date.

²² Established by Presidential Legislative Decree No. 10/01 of 7 March 2005, establishing the modalities of recourse to community work as an alternative penalty to imprisonment, as modified and completed to date.

Table 1

<i>Type of work</i>	<i>Achievements since 2005</i>
No. of houses built for survivors of the Tutsi genocide	2 619
Terracing	3 638 ha
Road construction	1 650 km
Dressed stone:	8 190 970 blocks Chippings 27 765
Wetland maintenance	300 ha of cultivated land, 104 ha of cultivated maize
Coffee planting	1 671 051
Metal sheeting and prepared bricks	536 200
Cassava cultivation	6 700 ha

Source: TIG Executive Secretariat. In 2008, work of general interest contributed RF 12,131,965,338 to State funds; during the first quarter of 2009 that contribution amounted to RF 2,710,451,558.

- The *Abunzi* are traditional conciliators; they arbitrate in and settle disputes, thereby promoting reconciliation
- *Community policing*: a community takes over responsibility for its own security by setting up watch committees
- *Umuganda* is a traditional form of voluntary labour in community projects
- *Umusanzu* is a traditional system of contributions to support the poor or for the execution of a specific community project. It serves to establish a fund for the education of needy children and initiatives by mutual health schemes.

2. Article 2: Exercise of rights without discrimination ensured

Paragraph . Provisions on non-discrimination in national legislation

41. As stipulated in the Constitution and other legislative instruments, both nationals and non-nationals are guaranteed the rights enshrined in the Covenant.

(a) The Constitution contains provisions on the following matters:

- A statutory prohibition of discrimination based on nationality (art. 11)
- Equal pay for equal work (art. 37)
- The right of workers to form unions (art. 38)
- Aliens legally present in the territory of the Republic of Rwanda are guaranteed enjoyment of all rights save those reserved for nationals under the Constitution and other laws. In the exercise of his or her rights [...] each individual shall be subject only to the limitations established by law to ensure recognition and respect of the rights of others [...] in a democratic society (art. 43).

(b) On 15 December 2008 Rwanda acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(c) The Act on the suppression of crimes of discrimination and the practice of sectarianism²³ prohibits all forms of discrimination based on nationality. The Act also specifies that it in no way debars the State from taking decisions granting Rwandan citizens powers and rights different from those of non-nationals;

(d) The Refugees Act confers on refugees the rights and freedoms defined in the international instruments on refugees to which Rwanda is a party;²⁴

(e) The Act to regulate labour in Rwanda²⁵ (Labour Act) and the Act establishing general regulations for the Rwandan public service (Public Service Act) also affirm:

- The principle of non-discrimination;
- Recognition of the right of workers to form unions (arts. 101 and 106).

Paragraph 2. To what extent and in what manner are the guarantees recognized in the Covenant withheld from non-nationals?

42. The Labour Act places one condition on the right to work, namely the requirement of work permits for foreign workers.²⁶ The procedure has been simplified; applications for work and residence permits are now addressed to one and the same body (the Directorate-General for Immigration and Emigration). The cost of permits has been considerably reduced: from RF 200,000 to RF 50,000 for Category A workers (workers with a gross monthly income of RF 500,000 or more) and from RF 200,000 to RF 10,000 for Category B workers (workers with a gross monthly income of less than RF 500,000). Since March 2009 fees for applications for permits from nationals of countries of the East African Community have been abolished.²⁷ Refugee workers are also exempt from fees.

43. Recruitment in the public service is reserved for nationals.²⁸

Paragraph 3. Does cooperation for development endeavour to promote the exercise of the rights stipulated in the Covenant?

44. The financial assistance and other forms of aid received by Rwanda are used in various projects²⁹ for the advancement and promotion of the rights recognized in the Covenant. The country has the good fortune to have a number of development partners, some of which are mentioned below.

45. In the area of **multilateral cooperation**³⁰, of the many partners which have financed various projects, particular mention should be made of the following:

²³ Act No. 47/2001 of 18 Dec. 2001, arts. 3 and 4.

²⁴ Act No. 29/2006 of 20 July 2006 on refugees (Official Gazette, No. 15, 1 Aug. 2006), art. 22.

²⁵ Act No. 13 of 27 May 2009 (Official Gazette, special issue, 27 May 2009).

²⁶ Labour Act, art. 18.

²⁷ Ministerial Order No. 01/19/19 of 25 Feb. 2009 establishing the procedure for the recruitment of foreign workers (Official Gazette, No. 10, 9 Mar. 2009).

²⁸ Act establishing general regulations for the Rwandan public service (Public Service Act), art. 28.

²⁹ The list of partners is not exhaustive. The examples of financing given are taken from the years 2007 and 2008.

³⁰ CEPEX, Ministry of Finance and Economic Planning (MINECOFIN): Development projects implementation report, annual report 2007, Vol. 1, Jan. 2008, and first semester, Jan.-Jul. 2008.

Table 2

No.	Financing agency	Total amount allocated (in US dollars)	
		2007	2008 (1st sem.)
1	World Bank	383 062 743	451 361 531
2	African Development Bank	275 988 677	285 981 981
3	European Union	532 970 038	595 306 546

Source: Central Public Investments and External Finance Bureau (CEPEX).

(a) The World Bank funds have helped to promote the rights to work, health and nutrition. They have been used, for example, to strengthen projects such as the water supply and sanitation project for rural areas, the anti-AIDS campaign (a component of the Great Lakes Initiative) and the Rural Sector Support Project for the creation of jobs in rural areas through diversification of non-agricultural activities.

(b) The portfolio of assistance from and cooperation with the African Development Bank is equally impressive. It comprises promotion of the right to education through support for primary education, the promotion of women's employment (by providing assistance to female poverty reduction projects through the agency of the Poverty Reduction Project for Women) and programmes to combat AIDS.

(c) In 2008 financing by the European Union was directed to support for poverty reduction programmes.

46. A number of States are engaged in **bilateral cooperation**³¹; they include Belgium, the United Kingdom (through its Department for International Development (DFID)), Luxembourg, the United States (through its Agency for International Development (USAID)), the Netherlands, Sweden, Germany, Switzerland and Canada There is also bilateral cooperation with the United Nations. Some examples are given in the table below.

Table 3

No.	Financing agency	Total amount allocated (in US dollars)	
		2007	2008 (1st sem.)
1	USAID	277 596 896	252 649 998
2	Belgian Technical Cooperation	86 604 420	140 631 822
3	DFID	89 035 757	124 127 707
4	UNDP finance	85 713 031	57 658 218

Source: CEPEX.

(a) The USAID portfolio includes financing in the health sector with HIV/AIDS programmes, the anti-malaria programme (the President's Malaria Initiative) and maternal and child health; financing for programmes for vulnerable children and orphans; and the natural resource conservation and biodiversity project.

(b) Financing by Belgian Technical Cooperation helps to secure the right to health by supporting the health system as a whole (support for schools of nursing, the anti-malaria campaign, overall strengthening of the health sector).

³¹ Idem, Vol. II, Jan. 2008. The figures for DFID do not include budget financing.

(c) DFID projects in 2008 provided assistance for vulnerable persons and support services for persons infected with HIV/AIDS and their families.

(d) The United Nations portfolio covers a wide range of development sectors (ranging from good soil management to the implementation of decentralization programmes and the strengthening of State institutions).

47. **Regional cooperation** (East African States) also serves to promote implementation of the rights deriving from the Covenant. Freedom of movement of workers in East African countries is designed to encourage exercise of those rights.

48. The New Partnership for Africa's Development (NEPAD) also permits continuing strengthening of strategies such as the health strategy. NEPAD also seeks to promote the restoration of growth in agriculture and food security.

B. Specific rights

1. Article 6: The right to work

Information on employment levels and the employment situation

49. Some indicators of the employment situation in Rwanda are given below.

Table 4

<i>Employment sector/Type of employment/Region</i>	<i>2007</i>	
Agriculture		68.1 %
	Women ³²	Men
	97.18 %	90.19 %
Self-employed workers		5.1 %
Employees		7.5 %
Domestic workers		15.2 %
Other workers (apprentices or other persons who did not report their employment situation during the census)		4.1 %
Employment in the informal sector ³³	93.8 % of the active population	
Employment in the formal sector	6.2 % of the active population	

Source: Rwanda Social Security Fund (CSR): Annual statistical bulletin 2007, Oct. 2008.

50. As can be seen from the table below,³⁴ the majority of informal-sector workers are farmers or smallholders, most of them working on family plots.

³² Ministry of Labour and the Public Service (MIFOTRA): Politique nationale de l'emploi, 2007, p. 20.

³³ The Labour Act defines an informal-sector worker as "a person working in an enterprise not registered in the register of commerce, or with a local authority, or the operations of which have not been officially approved." (EICV 2)

³⁴ Rwanda National Statistical Institute (NISIR): L'analyse de l'EICV 1 et 2 sur le marché de l'emploi et les tendances de l'activité économique au Rwanda, Kigali, Rwanda, Aug. 2007.

Table 5

	<i>Men</i>				<i>Women</i>				<i>Total</i>			
	<i>EICV1</i>		<i>EICV2</i>		<i>EICV1</i>		<i>EICV2</i>		<i>EICV1</i>		<i>EICV2</i>	
Wage earners, agriculture	81 000	5.0	201 000	10.2	53 000	2.6	159 000	6.6	134 000	3.7	36 000	8.2
Subsistence agriculture	1 268 000	78.8	1 201 000	61.1	1 858 000	89.7	1 919 000	76.6	3 126 000	84.9	311 900	71.3
Non-agricultural	185 000	11.5	342 000	17.4	91 000	4.4	136 000	5.6	276 000	7.5	47 800	10.9
Self-employed, non-agricultural	71 000	4.4	205 000	10.4	57 000	2.8	143 000	5.9	128 000	3.5	34 800	8.0
Non-monetary labour, non-agricultural	5 000	0.3	18 000	0.9	13 000	0.6	54 000	2.2	18 000	0.5	7 200	1.6
Total	1 610 000	100	1 967 000	100	2 072 000	100	2 411 000	100	3 683 000	100	437 700	100

51. Under-employment³⁵ is particularly rife among farmers working fewer than 24 hours per week.

52. The information collected on other categories of workers - women, young persons and older workers - reveals that:

(a) The majority of women³⁶ are employed in jobs (commerce and handicrafts) requiring no formal skills;

(b) In rural areas, 60 per cent of women work, and 15 per cent of these are wage earners (as against 33 per cent in urban areas);

(c) Within the economically active population³⁷ (estimated at 4,484,000 persons) in 2005/06, 4.5 per cent were over 65 years of age;

(d) During the same period, 52.2 per cent of all workers were young persons³⁸ in the 15-29 age group and 25.6 per cent were young persons under age 20.

53. Unemployment levels are shown in the following table.

Table 6

<i>Region</i>	<i>Unemployment levels</i>
City of Kigali	6.6 %
Other urban centres	3.0 %
Rural regions	0.5 %

Source: EICV 2 (data for 2005-06).

³⁵ NISR: EICV (Household Living Conditions Survey): Poverty analysis for Rwanda's Economic Development and Poverty Reduction Strategy, May 2007.

³⁶ Beijing Executive Secretariat: Poverty reduction and socio-economic promotion for the Rwandan woman. A collection and analysis of research works and surveys conducted in the field of poverty, social and economic promotion and definition of basic indicators, Dec. 2007 (data collected in 2005).

³⁷ NISR: EICV 2 data: Labor Market and economic trends in Rwanda. Analysis of EICV 2.

³⁸ MIFOTRA: Politique Nationale de l'Emploi, 2007, p. 20.

Persons/groups/regions considered as particularly vulnerable

54. The workers who may be considered as vulnerable or disadvantaged are those working in agriculture, mining and quarrying and other unskilled manual occupations. Persons with disabilities may also be considered as vulnerable.³⁹

55. Women also form a vulnerable group. Agriculture is largely dominated by women; 92.97 per cent of women are engaged in agriculture as against 80.9 per cent of men.

56. This vulnerability is due to the fact that the primary sector is showing signs of slowing down; symptoms are the aging of plantations and the difficulty of obtaining access to credit and technological innovations. The vulnerability of persons with disabilities is due to the fact that infrastructure generally (e.g., transport and access to workplaces) does not take their needs sufficiently into account.

Measures and policies adopted to secure access to employment for all⁴⁰

57. Any description of policies and measures adopted to ensure that labour is as productive as possible and that everyone has access to employment must begin with a description of the spheres of government intervention. Obviously, the Rwandan economy is dominated by the rural sector in terms of both its contribution to economic growth and its potential in terms of poverty reduction. Two thirds of the population live in rural areas and engage in agriculture and stock-rearing.

58. The strategies for the agricultural sector are:

- (a) Specialization and regionalization of produce;
- (b) increased productivity through use of appropriate agricultural technologies;
- (c) The financing of rural regions.

To implement these strategies, infrastructural elements such as roads, rural energy supplies, drinking water, etc.) are being created.

59. Job creation opportunities are being provided by HIMO works projects such as road and bridge construction, wetland development, work on plantations and other factory jobs involving transportation of raw materials and fuel.

60. Other measures are being taken to stimulate this sector, namely:

- (a) A substantial increase in the number of training centres. There are now 163, covering the entire country and offering a wide variety of careers and vocational skills;⁴¹
- (b) The creation of savings and microcredit cooperatives;
- (c) The establishment of a system of rewards and bonuses to encourage young people to return to agricultural work.

61. For the private sector and entrepreneurship development:

- (a) A forum to promote partnership between the public and private sectors has been created;

³⁹ NISR: Analysis of the EICV 2 Survey (2003) (as above), pp. 56-57.

⁴⁰ MIFOTRA: Politique Nationale de l'Emploi, 2007 (as above).

⁴¹ Ministry of Education, Science, Technology and Scientific Research - Technical and Vocational Education and Training (MINEDUC - TVET), 2009: list of youth training centres and vocational training centres; the courses include joinery, cooking, dressmaking, hairdressing, welding, masonry, basketwork and metalworking.

- (b) The country has opened its doors to international financial markets;
 - (c) The Investment Code now provides for an incentive scheme and the establishment of a tax system offering incentives.
62. Measures are being taken to promote employment of young persons, women and persons with disabilities. In particular:
- (a) A self-employment and micro-enterprise programme has been launched to encourage young persons to set up their own businesses;
 - (b) Loans can now be obtained for income-generating projects through partnership with cooperatives of young people. A Youth Employment Fund, guaranteed by the Ministry responsible for labour matters and which will give access to a credit line with a bank, is in the process of establishment;
 - (c) A credit fund is being established and financed in each district to provide microcredits for rural women;
 - (d) Assistance programmes for persons with disabilities, including microfinancing and specialized training courses, are being introduced.
63. Other employment creation schemes exist under the Rural Sector Support Project, within which opportunities for training and skills development have been expanded.
64. The Workforce Development Agency, established in 2008, acts as an intermediary between employers and potential employees through one of its branches, the Labor Market Information System.
65. The Labor Market Information System was established to remedy the lack of labour market information. It also acts as a point of contact between employers looking for skilled workers and persons seeking to enter the labour market by providing information on the labour market in Rwanda.

Measures taken to achieve maximum labour productivity

66. Human resources and skills development constitute a government priority and one of the basic elements of Vision 2020.
67. The Human Resources and Institutional Capacity Development Agency was established in 2005 to improve and strengthen the skills of local workers and thus improve competitiveness in local, regional and international markets. It supports the various public and private institutions and organizations in civil society in the monitoring and evaluation of progress made in the implementation of their respective development plans.
68. The Rwanda Institute of Administration and Management (RIAM) was established in 2001 to sustain and support skills development among Rwandan workers.
69. A retraining programme for public officials has been created to enable those without the requisite qualifications to complete vocational or academic training courses.
70. The development of information and communication technologies has not been forgotten. They form one of the cross-cutting elements in the country's Vision 2020. Rwanda has adopted and is continuing to make use of modern information and communication technologies. The following are some examples:
- (a) The electronic agricultural market price access system (the "esoko" programme) gives speedier access to information available on agricultural produce markets;
 - (b) The "e-government" initiative permits the linking of all government institutions to a single system for the exchange of data and information;

(c) The development of telemedicine and the TracNet (a system of monitoring and reporting of data on HIV by telephone or electronically) is helping to improve health services throughout the country.

71. Agricultural production is rising, due to the insemination of inputs and measures to renovate agriculture.⁴²

72. The "a cow for every family" programme has also contributed to the productivity of agricultural labour.

73. In each administrative cell (the basic unit of local government) employment promotion strategies are being implemented by *abakangurira murimo* work organizers.

74. The private sector federation, the unions and the Government hold regular concertation and consultation meetings to identify any difficulties regarding employment and discuss ways of improving productivity.

75. Asia-Rwanda cooperation has helped to bring expertise on education and vocational training centres into the country. The new Technical and Vocational Education and Training (TVET) structure is based on models developed in emerging countries in Asia such as Singapore, the Republic of Korea and Japan.

Free choice of employment

76. Free choice of employment is guaranteed by the following provisions:

- (a) The Rwandan Constitution (art. 37);
- (b) The ILO Forced Labour Convention (No. 29), ratified by Rwanda in 2001;
- (c) The ILO Worst Forms of Child Labour Convention (No. 182), ratified by Rwanda in 2000.

77. Conditions of employment respect the fundamental political and economic freedoms of the individual.

Outline of technical and vocational training programmes

78. The system which had been functioning for a number of years was as follows:

- (a) There were technical schools (at secondary education level),
- (b) There were a large number of youth training centres, with programmes lasting from six months to one or two years. Each centre had its own curriculum;
- (c) Most of the vocational training centres were under the authority of the Ministry responsible for labour matters, whereas the technical schools were administered by the Ministry of Education;
- (d) Since September 2008 all the centres have been under the authority of the Ministry of Education.

79. In 2008 the Government adopted the Technical and Vocational Education and Training (TVET) policy, which was designed to harmonize, regroup and integrate technical education and the vocational training of young people.

⁴² As a result of these measures the first quarter of 2008 saw a 16 per cent increase in agricultural production, and rising projections were made for animal products and exports. 22,500 tons of fertilizer were distributed, leading to an improvement in cassava and wheat production (67,869 tons). Wheat production exceeded forecasts and the EDPRS targets for 2012 (30,000 tons).

80. Under the new TVET system, education is reorganized so as to draw a clear dividing line between general education and TVET. The TVET elements will be integrated within five integrated polytechnic regional centres covering the whole country (one centre in each province), offering A1 diplomas, A2 technical certificates and vocational training.

81. To date two of these centres have been established, one in Kigali (Kicukiro) and one in the Western province (Kavumu).

82. Before the introduction of the new TVET structure there were 163 vocational training and youth training centres in existence; 67 per cent of them were the property of private individuals or institutions (local and international NGOs) and religious organizations and 22 per cent were administered and financed by the Government; 48 per cent were receiving subsidies from financing agencies.⁴³

83. As regards actual access to training, there are a number of projects offering access to employees; there are local and international NGOs and government schemes which will pay the cost (of, for example, reintegration of ex-combatants involving technical training). There are also other types of apprenticeship training for young persons (those who have never attended school), managed by the Promotion of Small and Medium Enterprises in Rwanda agency (PPMER).⁴⁴

84. The body in charge of implementing and coordinating of the new policy is the Workforce Development Agency, which is responsible for human resource capacity development and improvement of the skills of local workers in order to make them more competitive.

85. RIAM is also responsible for providing vocational training for workers.⁴⁵ It conducted specific programmes for government officials and the personnel of civil society organizations or the private sector. During the years 2006-2008 the agency trained 2,907 persons in all. The great majority of those trained were government officials (in 2008, out of 1,512 persons trained, at least 72 per cent were government officials or local government employees).

The obstacles facing measures and policies to promote access to employment and the manner in which they were overcome

86. The obstacles are:

(a) The high rate of population growth in Rwanda. The number of job seekers is high compared to the current capacity of the employment market. The unemployment rate is high.

(b) The inadequate training of active workers and the mismatch between training and employment;

(c) The industrial sector is small;

(d) The dominant feature of the agricultural sector is a shortage of land; moreover, the plantations are old and production is on the decline;

⁴³ MINEDUC: TVET: Vocational training centres database, 2008.

⁴⁴ MIFOTRA: Plan d'action quinquennal pour la promotion de l'emploi des jeunes au Rwanda, Mar. 2007, pp. 48-49. During the period 1998-2004, 2,219 apprentice entrepreneurs were trained. Special attention was directed towards target groups such as women, landless young persons and families vulnerable to AIDS.

⁴⁵ Source: RIAM. In 2006, 153 persons were trained; the figure for 2007 was 1,242. In 2008, 1,512 persons were trained within the country and 252 public officials abroad.

- (e) The private sector is still underdeveloped;
- (f) Traditions and illiteracy;
- (g) Budget constraints;
- (h) Access to employment for women is still limited owing to their lack of technical skills.

87. These obstacles can be overcome by:

(a) The education and family planning programmes, designed to deal with the problem of rapid population growth, which are continuing and taking effect; attitudes towards these programmes are changing to such a degree that even men are beginning to have recourse to them;

(b) The institutions and strategies mentioned earlier (HIDA, the Workforce Development Agency, TVET), which seek to reduce the mismatch between supply and demand, while others, such as PDI-HIMO, seek to create jobs;

(c) The policy of transformation of agriculture (see under art.11), which is designed to improve the agricultural sector;

(d) The creation of *imidugudu* villages, which will free up arable land;

(e) Measures to promote the employment of women and young persons; associative movements are being created and productive microproject programmes benefiting women have been established;

(f) The promotion of private investment is being encouraged, and tax advantages are given.

Distinctions, exclusions, restrictions or preferences

88. The law authorizes certain restrictions based on nationality. These are:

(a) One of the conditions for participation in the recruitment system and admission to competitions in the public service is possession of Rwandan nationality (Act establishing general regulations for the public service (Public Service Act), art. 28);

(b) The same applies to recruitment into the armed forces, the national police and local defence units.⁴⁶

89. The Government practises positive discrimination⁴⁷ inasmuch as at least 30 per cent of posts in decision-making bodies are allocated to women. Preference is increasingly being given to women in a number of public and private sectors to ensure that they are adequately represented.

90. No category of worker is debarred from freedom of choice of employment.

91. The following measures have been taken:

(a) To facilitate labour mobility, charges for work permits for nationals of East African States and refugees have been abolished;

⁴⁶ Presidential Order establishing general regulations for the armed forces, art. 5; Presidential Order establishing regulations for the national police, art. 5; and Act on the creation, organization and functioning of the local service responsible for helping to maintain security ("local defence").

⁴⁷ The Constitution, arts. 9, 76 (Chamber of Deputies) and 82 (members of the Senate); Act No. 42/2000 of 15 December 2000 on the organization of elections.

(b) Charges for work permits for nationals of other countries have been reduced, and the procedure for the issue of permits has been centralized in a single office within the Directorate-General of Immigration and Emigration.

92. Positive discrimination in favour of women is a situation where gender-based preference is not deemed to be a form of discrimination based on the specific nature of the job (cases of posts in decision-making bodies). It has been introduced to promote equality between men and women in the development process.

Multiple employment

93. At least 40 per cent of the active population have two jobs. Over half of self-employed farmers have at one time or another worked as wage-earners in agriculture.⁴⁸

94. There is an established practice whereby officials in the public and private sectors also work part-time as teachers; some members of the armed forces also engage in stock-rearing.

Brief description of changes since the previous report

95. The changes made were introduced by the following legislative instruments:

- (a) The Constitution (arts. 11, 37 and 42);
- (b) The Worst Forms of Child Labour Convention (No. 182), acceded to in 2000, and the Forced Labour Convention (No. 29), acceded to in 2001;
- (c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, ratified by Rwanda on 15 December 2008;
- (d) The Labour Act;
- (e) The Act concerning the protection of persons with disabilities,⁴⁹ which guarantees such persons priority selection in competitions, other occupational qualifications being equal and where conditions are appropriate to the degree of disability;
- (f) The Act concerning the protection of ex-combatants with combat-incurred disabilities,⁵⁰ which grants persons with combat-incurred disabilities priority in selection for a job where competence is equal;
- (g) A published Ministerial order.⁵¹

96. The policies and strategies introduced include:

- (a) An employment policy;
- (b) Five-year action plans to promote the employment of women and young people;
- (c) A policy for the abolition of child labour;
- (d) A new technical and vocational training policy.

97. A number of institutions have been set up to remedy the absence or insufficiency of skills among local workers:

⁴⁸ NISR: Analysis of the EICB Survey, 2005 (as above), p. 5.

⁴⁹ Act No. 01/2007 of 20 Jan. 2007 (Official Gazette, special issue, 21 May 2007).

⁵⁰ Act No. 02/2007 (Official Gazette, No. 6, 15 Mar. 2007).

⁵¹ For example, Ministerial Order No. 19/19 of 8 Jul. 2003 establishing modalities of training for government officials.

(a) HIDA, the Rwanda Institute of Administration and Management and the Workforce Development Agency (and its Labor Market Information System) have all been established to improve labour productivity and provide local workers with the skills required in the labour market;

(b) Other projects, such as PDL-HIMO, the Rural Sector Support Project and Promotion of Small and Medium Enterprises on Rwanda, are designed to create and promote employment at the basic community level;

(c) The Rwanda Investment and Export Promotion Agency, and more recently its supervisory agency, the Rwanda Development Board, are charged with promoting local and foreign investment and thus making for an environment favourable to job creation;

(d) The Center for Support to Small and Medium Enterprises in Rwanda offers skills development and market information to small and medium-sized enterprises.

International aid

(a) The International Labour Office and the World Bank are providing technical assistance in a number of projects being conducted under the auspices of the Ministry of Labour;

(b) The African Capacity-Building Foundation is assisting with capacity and skills enhancement through HIDA.

2. Article 7: Just and favourable conditions of work

Information on wages

Wage determination

98. Article 76 of the Labour Act states that the minimum inter-occupational guaranteed wage shall be fixed by order of the Minister with responsibility for labour matters. An order of this nature, fixing the guaranteed wage for each occupational category, is in course of preparation. However, the Act applies only to employment relationships between workers, apprentices and trainees on the one hand and their employers on the other.

99. With regard to the public sector, the Public Service Act contains a scale for the classification of existing jobs. The remuneration payable consists of a basic salary, calculated on the basis of the job's position on the salary scale according to Annex II (arts. 107 and 108 of the Act; see appended bibliography). The basic salary amounts to at least 70 per cent of gross salary and is determined from a grade-related index scale. The latter is derived from a job classification scale with 20 levels (corresponding to the 20 levels in the job classification) with five steps at each level. The gross amount of the basic salary is calculated by multiplying the number of index points by the gross value of the index point, the latter being fixed on the basis of available budget resources and the cost of living. Other pay supplements, such as the allowance and bonus systems, exist; the latter is largely symbolic, since the basic grade-related salary comprises most of the elements of remuneration. Bonuses and allowances of all kinds may not add up to more than 30 per cent of basic salary.

Pay differentials for work of equal value

100. There are no differentials in the pay of workers performing the same type of work under the same working conditions. The Constitution (art. 37, para. 2) and the Labour Act (art. 12), inasmuch as they prohibit discrimination in labour matters and deprivation of a

worker of equality of opportunity or treatment, are clear on the subject. Women enjoy the same conditions of work and remuneration as men.

Wage and salary levels in the public and private sectors

101. With a few exceptions, wage and salary levels in the public and private sectors are comparable. Any differences derive from non-monetary benefits (such as sickness insurance and paid sick leave, life insurance, housing allowances and other contractual conditions). Workers in public and private administrations and the legal profession generally enjoy similar earnings levels. However, the remuneration and benefits enjoyed by workers in the accounting, medical, IT, communications and technology sectors increase as they move up their pay scales in the private sector.

A comparative table⁵² of remuneration in the public and private sectors is given below (RF x 1 000).

Table 7

<i>Sector of activity</i>	<i>Job level/category</i>	<i>Public sector</i>	<i>Private sector</i>
Accounting	2	562	540
	5	1 244	2 100
Administration	4	281	250
	9	808	750
IT, communication and technology	2	562	540
	5	1 244	2 100
Legal	2	337	450
	4	880	700
Medical	2	233	549
	5	1 097	1 640

Source: Ministry of the Public Service and Labour (MIFOTRA): Comparative study for salaries in the public and private sectors, Oct. 2007.

Safety and health at work

102. The Labour Act contains provisions on the protection of workers in the working environment.

- (a) Workplaces must be kept clean at all times (art. 90);
- (b) Necessary and suitable equipment must be provided for workers (art. 91);
- (c) Work-related accidents must be reported to the competent authorities (art. 94);
- (d) A first-aid box and medical treatment must be available to workers (art. 96);
- (e) Occupational safety and health measures are already in place in some sectors of activity;

⁵² Pp. 12-17. A few sectors of activity have been selected for reference purposes. There are various job categories in each sector; the figures in the table refer to a low- or middle-level category, or the lowest category where the data are available. The amounts are in thousands of Rwandan francs.

- (i) In health centres, protective measures for waste disposal, or safety boxes, must be in place;
- (ii) In tea processing works, for instance, workers exposed to high levels of electric current are given milk regularly.

103. The Public Service Act also provides for the protection of government officials in the event of work-related accidents and diseases (arts. 77 and 78).

104. All workers enjoy the protection provided by these provisions. The new Labour Act stipulates (art. 3) that workers in the informal sector are subject to its provisions on safety and health at work.

105. The numbers of occupational hazards occurring (work-related accidents and occupational diseases) are shown in the following table.

Table 8

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Work-related accidents	218	149	137	117	132
Occupational diseases	5	3	4	3	1
Total	223	152	141	120	133

Source: Rwanda Social Security Fund, Planning and Statistics Unit, 2009.

The principle of equality of opportunity for promotion

106. As stipulated in the Constitution (art. 37) and the Labour Act (art. 12), all groups of workers enjoy equality of opportunity for promotion.

The position of women with regard to equality of opportunity for promotion

107. A legal and institutional framework has been established and various measures adopted in support of the principle of equality of opportunity for promotion (see above).

(a) The Constitution provides for the establishment of bodies to involve women in the country's development. These include:

- (i) The National Women's Council, whose tasks include encouraging women to fight for equality and complementarity between men and women;
- (ii) The Gender Monitoring Office, which monitors gender indicators.

(b) Conventions on the elimination of all discrimination between men and women, thereby affirming the principle of equality between men and women with regard to promotion in employment, have been ratified. Since the submission of the last periodic report, the following conventions and protocols have been ratified:

- (i) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ratified on 24 June 2004);
- (ii) The Convention on the Political Rights of Women (accession on 31 December 2002);
- (iii) The Convention on the Nationality of Women (accession on 31 December 2002);
- (iv) The Convention relating to the Status of Stateless Persons (ratified on 28 December 2005);

- (v) The Equality of Treatment (Social Security) Convention (No. 118) (ratified on 21 September 1989);
- (vi) The Workers with Family Responsibilities Convention (No. 156) (currently before Parliament for ratification);
- (vii) The Beijing Declaration and Platform for Action (approved by Rwanda in 1995);
- (viii) The Solemn Declaration on Gender Equality in Africa (approved in 2004);
- (c) The Public Service Act, which provides for recruitment by competition to ensure neutrality;
- (d) Other measures taken include the following:
 - (i) A Ministry for the promotion of women (the Ministry for Family and Gender Promotion), which seeks to strengthen the capacities of women in every sphere of the nation's life, has been established;
 - (ii) A national structure has been established for follow-up on the Beijing Conference to implement the resolutions in the Beijing Declaration. One of the elements in the Beijing Secretariat platform for action concerns the need to increase training of women in business and management techniques in order to render them as competitive as men in the labour market. This year the Beijing Secretariat was incorporated in the Gender Monitoring Office;
 - (iii) The gender problem (promotion of women and equality of opportunity for promotion) has been taken into account in the principles underlying Vision 2020 and poverty reduction programmes and strategies;
 - (iv) The gender dimension has been incorporated in budgets;
 - (v) The national employment policy envisages measures for improving women's employment situation;
 - (vi) There is a five-year plan of action for the promotion of women's employment (2006-2010) and its different elements, such as sensitization to gender promotion in the work environment, the development of women's skills in order to ensure competitiveness and financing for women's initiatives;
 - (vii) It is Government policy to promote girls' education to enable them to obtain the same technical skills as boys; girls are encouraged to pursue science and technology studies;
 - (viii) The decentralization policy has also facilitated greater representation of women with responsibility for gender issues in administrative bodies. A Gender and Social Affairs Directorate, functioning at provincial level, has been established, and posts of deputy mayor with responsibility for social affairs, with a remit including gender, have been created at district level;
 - (ix) A directorate for gender and child protection issues has been established as a separate entity;
 - (x) The creation of women's councils at the cell and sector levels has permitted promotion of gender equality at the lowest levels of government.
- (e) The Government practises positive discrimination in order to bring quotas of women into district and sector executive committees, community development committees and decision-making bodies generally. Fifty-six per cent of the members of the lower

House of Parliament are women; the President of the House is also a woman, as is the President of the Supreme Court.

- (f) The aim of the gender focal points in national structures is to incorporate the gender dimension in every sector and promote gender equality at all levels;
- (g) The forum of women in parliament also helps, inter alia, to promote gender equality;
- (h) There are regular awareness-raising and information campaigns on gender issues;
- (i) Funds have been established at district level to provide credit to small businesses managed by women.

Rest, reasonable limitation of hours of work, paid holidays, remuneration of public holidays

108. The relevant legislation on rest, leisure, limitations on working hours and holidays of various kinds is described below.

Rest

- (a) The Labour Act (art. 52) and its enabling order⁵³ make provision for weekly rest. It may not be less than 24 hours per week and is in principle to be taken on Sundays;
- (b) In the public service the duration of the weekly rest period is 48 hours;⁵⁴
- (c) Children must enjoy a rest period of not less than 12 consecutive hours between two work periods (art. 5).

Reasonable limitation of hours of work

- (a) As regards reasonable limitation of hours of work, the Act stipulates that working hours may not exceed 45 per week;
- (b) At present the working week of government officials is set at 40 hours.⁵⁵ However, a bill to make their weekly working hours the same as those stipulated in the Labour Act (i.e., 45) is in the course of preparation.

Holidays with pay and remuneration for public holidays

- (a) The Labour Act states that the cost of payment for periodic holidays with pay and remuneration for public holidays shall be borne by the employer (art. 53) at a rate of one and a half days' pay per month of continuous service actually performed. Public holidays shall not be counted as part of annual paid holidays (art. 56);
- (b) Provision for holidays with pay is also made in the Public Service Act (art. 42) at a rate of 30 calendar days for 12 months' service.

Leisure

- (a) The State defines general policy on sports and leisure.⁵⁶

⁵³ Ministerial Order No. 05/19 of 14 Mar. 2003 laying down the modalities of implementing the 40-hour week and the remuneration of overtime.

⁵⁴ Ministerial Order No. 15/19 of 13 Jun. 2003 setting weekly hours of work in public services, art. 5.

⁵⁵ *Ibid.*, art. 1.

(b) Sport is highly encouraged in all public institutions; one afternoon per week (Thursday or Friday) is devoted to sports. The State even subsidizes membership of sports centres for its employees.

109. The exercise of the above rights does not give rise to any problems. However, in practice informal-sector workers do not enjoy all these rights, as the provisions of the Labour Act do not apply to them.

Changes since the last periodic report

110. The principal changes are those contained in:

- (a) The Constitution;
- (b) The Holidays with Pay Convention (Revised) (No. 132), ratified by Presidential Order of 9 November 1987 (Official Gazette, 1987, p. 1780);
- (c) The Labour Act;
- (d) In the field of safety at work, a number of Presidential and Ministerial orders⁵⁷ have established the main elements of worker protection in the field of social security.

111. These policies are directed at strengthening government action to promote fair and equitable working conditions and reinforcing the principle of equality of opportunity for promotion.

112. Close cooperation between the Government and civil society is making for the emergence of a converging view of development and complementarity of action, especially action benefiting marginalized groups (and in particular women in difficulties).

113. A number of committees have been set up to support the Government's non-discrimination policy. These include:

- (a) The National Committee on the Rights of the Individual;
- (b) The National Women's Council;
- (c) The Gender Monitoring Office;
- (d) The Public Service Commission;
- (e) The Labour Inspectorate.

114. There are a number of worker training programmes⁵⁸ which contribute to poverty reduction by initiating income-generating activities.

International aid fostering exercise of the right: examples

115. The International Labour Office offers technical assistance and capacity-building.

⁵⁶ Act No. 05/1987 of 18 February 1987 on the organization of sports and leisure in Rwanda.

⁵⁷ Ministerial Order No. 05/19 of 14 Mar. 2003 laying down the modalities of introduction of the 40-hour week and the rate of remuneration of overtime; Ministerial Order No. 16/19 of 27 June 2003 establishing the modalities of payment of termination and retirement benefits; Ministerial Order No. 1931bis/06 of 8 Dec. 1987 on the modalities of reporting of work-related accidents and occupational diseases; and the Holidays with Pay Convention (Revised, 1970 (No. 132), ratified on 9 Nov. 1987 (Official Gazette, 1987, p. 1780) and the Convention on the Political Rights of Women, ratified on 3 Dec. 2002.

⁵⁸ Poverty Reduction Programme for Women, PPMER, HIMO.

116. The World Bank has also offered aid for technical assistance programmes for government officials.

117. The United Nations Development Fund for Women (UNIFEM) offers support to the Gender and Employment project.

3. Article 8. The right freely to form trade unions and federations and freedom of functioning

Conditions for the formation of a trade union

Substantive or formal conditions for the formation of a trade union

118. The Labour Act stipulates that no prior authorization is required to form a trade union. Workers and employers may form unions freely and may freely join a trade union or employers' organization of their choice (art. 101). In this connection:

(a) The Labour Act provides that the conditions for the registration of trade unions and employers' organizations shall be fixed by an order of the Minister responsible for labour matters. That order is in the course of preparation;

(b) Rwandan legislation contains no provision specifically governing the formation of unions by particular categories of workers. The general provision in article 101 of the Act applies to all categories of workers.

Restrictions on the exercise of the right of workers to form and join trade unions

119. There are no restrictions on the right to organize. The right to join a union is recognized in the Constitution (art. 38) and the Labour Act (art. 106). The latter recognizes the right to organize for all workers.

The right of trade unions to form federations and to join international trade-union organizations

120. The Act also allows trade unions to form federations and join international trade-union organizations (art. 115, paras. 4 and 7; art. 116, paras. 2 and 4). There are no restrictions or prior conditions to be met.

Measures to promote freedom of collective bargaining

121. Collective bargaining is highly encouraged. It is a Government policy aim to foster social dialogue and a pattern of continuing consultation between the social partners (employers' and workers' organizations), civil society organizations (women, young persons, persons with disabilities) and the Government, thus defusing potential social conflicts.

122. A case in point is the collective dispute between the Kabuye sugar company and its employees (405 workers) over the payment of overtime. An amicable settlement is in course of negotiation, and good progress is being made.⁵⁹

⁵⁹ MIFOTRA, Labour Inspectorate Section.

Number and structure of trade unions

123. The majority of base unions are members of CESTRAR. The latter is a member of Promotion du dialogue en Afrique francophone, a programme designed to strengthen cooperation and tripartite dialogue between employees, employers and their Governments.

Freedom of collective bargaining

124. The law also protects collective agreements (Labour Act, arts. 119-136). A collective agreement may be negotiated at the request of a trade union or an employers' organization at a joint meeting convened by the Minister with responsibility for labour matters, his representative or the labour inspector (art. 121).

Number and structure of workers' and employers' organizations

125. All workers' unions in Rwanda are members of one of the five associations of unions. These are:⁶⁰

(a) The Rwandan Central Workers' Organization (CESTRAR),⁶¹ to which nearly all workers belong. At least 93 per cent of all unionized workers are members. It is made up of 23 base unions, with an estimated total membership of 70,000;

(b) The remaining 7 per cent are distributed among four other trade-union associations. These are:

(i) The National Council of Free Trade Unions, with 14 base unions and 12,336 members;

(ii) The Labour and Fraternity Congress, with 8 base unions and 7,520 members;

(iii) The Independent Rwandan Confederation of Trade Unions and Workers' Associations, with 13 base unions and an estimated membership of 3,654;

(iv) The Association of Christian Unions - Umurimo, with 8 unions and 5,311 members.

126. PSF-Rwanda, the private-sector employers' association, is the apex organization of nine professional bodies.⁶² There are 54 member associations; with an estimated total membership of 11,000.

The right to strike

127. The right to strike is guaranteed by article 39 of the Constitution.

128. The Labour Act lays down the procedures to be followed prior to the launching of a legal strike (arts. 189 ff: see appended bibliography).

129. Article 191 of the Labour Act restricts in certain respects the right to strike of workers in jobs essential for maintenance of the security of persons and property or jobs in which a stoppage would create a threat to security and human lives. A Ministerial order

⁶⁰ MIFOTRA: Etude sur le fonctionnement des syndicats au Rwanda, 2007, pp. 14-17 and 22-28.

⁶¹ Information received from CESTRAR (2008).

⁶² FSP, communications service (data for 2008). The professional bodies are: the Chamber of Agriculture and Stock-rearing, the Chamber of Industries, the Chamber of Commerce and Services, the Chamber of Tourism, the Chamber of Financial Institutions, the Chamber of Arts, Artists and Artisans, the Chamber of Liberal Professions, the Chamber of Businesswomen and the Chamber of Young Entrepreneurs.

containing the list of essential services (doctors, firefighters, etc.) is in the course of preparation. In the absence of this list it is at present impossible to state the numbers of persons affected by this restriction. (RIAM)

Exercise of the right to form unions and the right to strike by members of the armed forces and the police and public officials

130. Members of the armed forces⁶³ and members of the national police⁶⁴ may not take part in strikes.

131. The constitutional principle laid down in article 38 gives these categories the right to form trade unions.

132. Ministerial Order No. 004/05 of 22 December 2005 establishing regulations, sanctions and disciplinary procedures within the national police stipulates that police officers may join movements or associations formed for the purpose of promoting national development.

133. Public officials are also covered by the constitutional principle regarding the right to strike and to form trade unions.

Changes since the previous periodic report

134. As with the previous articles, there are a number of changes to report:

(a) The Constitution, the Public Service Act and various Ministerial orders⁶⁵ have established the right to join a trade union and the right to strike as fundamental rights;

(b) International conventions with a bearing on the rights enumerated in article 8 of the Covenant⁶⁶ have been ratified;

(c) The Labour Act recognizes freedom of association for workers and employers; trade unions have a recognized place in dialogue within enterprises. The Act also creates the functions of employee delegate and labour inspector. The latter intervenes as conciliator in collective disputes as soon as notified. The National Labour Council establishes arbitration committees to ensure proper conduct of collective disputes. The rights and obligations of workers' unions and employers' organizations have been defined;

(d) The National Labour Council, an advisory body, has been created;⁶⁷

(e) The National Public Service Commission has been created;

⁶³ Article 32(2) of Presidential Order No. 72/01 of 8 July 2002 establishing general regulations for the armed forces states: "All members of the armed forces are prohibited from taking part in strike movements or in any action designed to give rise to a strike".

⁶⁴ Article 30(2) of Presidential Order No. 155/01 of 31 Dec. 2002 establishing general regulations for the national police states: "All members of the police force are prohibited from taking part in strike movements or in any action designed to give rise to a strike".

⁶⁵ Ministry for the Public Service Instruction No. 1/19.18/2005 on work and skills development in relation to the modalities of election of employee delegates and the conditions of performance of their duties; Order concerning the functioning of the National Labour Council; and the Ministerial Order of 27 June 2003 concerning the procedure for deposit of the statutes of occupational organizations.

⁶⁶ The following ILO Conventions: the Workers' Representatives Convention, 1935 (No. 135), ratified on 8 November 1988; the Right to Organise and Collective Bargaining Convention (No. 98), ratified on 3 December 1985 (Official Gazette, p. 107) and the Freedom of Association and Protection of the Right to Organise Convention (No. 87), ratified on 3 December 1985 (Official Gazette, 1986, p. 106).

⁶⁷ Created by Prime Ministerial Order No. 62/03 concerning the creation and functioning of the National Labour Council (Official Gazette, No. 2/2006 of 1 Feb. 2006).

(f) In 2007, the trade unions in Rwanda organized social elections (an event without precedent in the history of the trade union movement in the country).

4. Article 9: The right to social security

135. The branches of social security as defined in the Act governing social security in Rwanda (Social Security Act)⁶⁸ are: old-age benefits; invalidity benefits; survivors' benefits; work-related accident and disease benefits.

Characteristics of the social security system

136. In each branch the scheme is operated on a pay-as-you-go basis; beneficiaries receive their benefits according to their wage or salary levels and may even receive benefits before contributing to the scheme (e.g., in cases of work-related accident or disease).

137. **Old-age benefits:** the Act lays down different methods of calculating old-age or invalidity benefits, early retirement pensions and old-age allowances (see appended bibliography). At present the scheme applies only to workers in the formal sector (some 7 per cent of the active population), but only 5.6 per cent of that group (i.e., 2.3 per cent of the population) is actually covered.⁶⁹

138. **Invalidity benefits.** The methods of calculating benefits payable in respect of temporary or permanent incapacity are laid down in articles 23-25 of the Act.

139. **Survivors' benefits:** The amounts of pensions payable to survivors and potential survivors are laid down in the Act (arts. 28 and 33).

140. **Benefits in respect of work-related accident or disease:** Any accident suffered by a worker by the fact of working or during work, whatever the cause, is deemed to be work-related.

Benefits paid by the Social Security Fund and mode of financing

141. The Rwanda Social Security Fund pays a number of benefits (defined in arts. 20, 21 and 22 of the Act).

142. The Act also provides for the financing of the system, which is derived from several sources.⁷⁰

Other existing sickness-insurance schemes

Some 91 per cent of the population have some form of sickness insurance (85 per cent are covered by mutual funds and 6 per cent by other schemes (the Rwanda Sickness Insurance Society, the scheme for the armed forces and private insurance schemes)).⁷¹ The existing schemes are described below.

143. The **Rwandan Sickness Insurance Society**;⁷² in addition to the coverage provided by the Social Security Fund, there is a wide range of public schemes covering sickness. The

⁶⁸ Act concerning the responsibilities, organization and functioning of the Social Security Fund, as amended and completed to date.

⁶⁹ CSR: National Social Security Policy, Feb. 2009.

⁷⁰ Art. 22.

⁷¹ Ministry of Health (MINISANTE), annual report 2008.

⁷² Act concerning the responsibilities, organization and functioning of the Rwandan Sickness Insurance Society, as amended and complemented to date.

Rwandan Sickness Insurance Society (RAMA), created in 2001, deserves special mention. Its principal features are as follows:

- (a) It covers officials in government and all public institutions, high-ranking officials of State and private establishments which request and obtain cover for their employees (art. 32);
- (b) The benefits provided are enumerated in the Act (arts. 37 and 38). Contributions are paid by the employer and the employee in equal shares;
- (c) The scheme is financed from a variety of sources as stipulated in the Act (art. 23).

144. The **sickness insurance scheme for the armed forces**⁷³ has the following characteristics:

- (a) The basis of coverage is the same as in the sickness insurance scheme for government officials (art. 21);
- (b) The benefits provided are also enumerated in the Act; the scheme is also financed from a range of resources (arts. 23 and 34).

145. **Mutual funds.** These provide medical cover for persons not covered by other schemes (i.e., the great majority of the population). Medical cover is provided for under the Act.⁷⁴ More specifically:

- (a) The Act designates the beneficiaries;
- (b) The medical cover provided closely resembles that provided by the Rwanda Sickness Insurance Society scheme and the scheme for the armed forces (art. 30);
- (c) The finances of mutual health funds also derive from a variety of sources (art. 37).

Private sickness insurance schemes

146. In recent years a number of private initiatives have emerged in the area of sickness insurance. There are now a considerable number of insurance companies, such as the Rwandan National Insurance Society, the General Insurance and Reinsurance Corporation, the Rwandan Insurance and Reinsurance Corporation and the Rwandan Insurance Company. All of them offer medical cover to their members.

The financing of the Rwanda Social Security Fund

147. The Social Security Fund is a self-financing organization. The funds come from contributions, fines, overdue payment surcharges, income from assets, revenue from services provided by the Fund, donations and legacies. Being self-financed, it has not needed to have recourse to financing from the State budget.

148. There is no complementarity between official (public) and private social security schemes.

⁷³ Act concerning the institution, organization and functioning of the sickness insurance scheme for the armed forces (Official Gazette, No. 6/2006, arts. 1, 21, 23, 24, 30 and 34).

⁷⁴ Act No. 62/2007 of 30 Dec. 2007 concerning the creation, organization, functioning and management of mutual health funds, arts. 29, 30, 31 and 37.

Groups not protected by the Social Security Fund

149. Until the end of May 2009 social security was only available to workers in the formal sector (workers subject to the Labour Act, persons holding political office (until their retirement), government employees with official status). The new Labour Act has changed the situation; its social security provisions are now applicable to other groups as well. .

150. The groups excluded from social security coverage are certain workers (mostly women) in the informal sector (agriculture, stock-rearing, handicrafts, petty trading, domestic work).⁷⁵ In 2005 the proportion of women covered by the Social Security Fund in all sectors of economic activity⁷⁶ was 14 per cent (as against 86 per cent of men).

Remedial measures taken by the Government

151. The Government is aware that social security coverage is not enjoyed by the entire population and has taken a number of measures, namely:

(a) A national social security policy⁷⁷ was drawn up in 2009. The objectives to be attained by 2020 are:

- (i) Every resident of Rwanda is to be entitled to a public or private pension;
- (ii) Membership of the public pension scheme should continue to be compulsory for all workers in the formal sector;
- (iii) The provident fund sector should provide for a supplementary pension linked to a savings scheme for housing or studies;
- (iv) In the private pension sector, for the rest of the population (informal sector), membership should be compulsory;
- (v) The work-related accidents branch should remain compulsory for workers in the formal sector and be open to all informal-sector workers (particularly workers organized in cooperatives);
- (vi) Voluntary membership of the sickness and maternity scheme should be encouraged, and at least 70 per cent of workers in the informal sector should be covered.

To that end,

(a) The Social Security Fund is organizing awareness-raising and educational campaigns;

(b) Voluntary contributions are authorized and encouraged.

152. No effect of the measures taken is yet apparent, since the system is in the introductory phase.

⁷⁵ MIFOTRA: Five-year plan of action for promotion of the employment of women in Rwanda, 2007. agriculture and stock-rearing make up the greater part of the informal sector. Stock-rearing predominates in rural areas and provides occupations for the majority of economically active women (p. 13).

⁷⁶ Social Security Fund, Planning, Research and Statistics Department, 2005, and MIFOTRA: Etude sur le statut des travailleurs et travailleuses au Rwanda, Aug. 2005 (as above), p. 19.

⁷⁷ See http://www.csr.gov.rw/pdf/Social_Security_Policy.pdf

Changes since the last periodic report

153. The ILO Equality of Treatment (Social Security) Convention (No. 118) was ratified in 1987.

154. New Acts have been adopted (the Act concerning the responsibilities [...] of the Rwandan Sickness Insurance Society, the Act concerning the creation [...] and management of mutual health funds and the Act concerning the institution [...] of the sickness insurance scheme for the armed forces).

155. A number of amendments to the Social Security Act have been introduced:

(a) The retirement age has been raised from 55 to 65 years. An early retirement pension may be taken from age 55 onwards;

(b) Voluntary contributions have been introduced;

(c) Adoptive parents are now included among the persons entitled to CSR benefits;

(d) The period of legal limitation for claims for social security benefits has been increased from 5 to 10 years;

(e) Benefits have been increased in line with the cost of living;

(f) A special rate of contributions to the pensions scheme has been introduced for persons working in particularly arduous and difficult conditions (art. 13 of the Act).

156. In addition, a national social security policy has been devised.

157. The Social Security Fund and the Rwandan Sickness Insurance Society have been merged (under the Rwanda Social Security Board) to secure better coordination of the services they provide.

International aid

(a) The Social Security Fund does not receive any international aid;

(b) The mutual sickness funds derive approximately 14.5 per cent of their income from outside sources.⁷⁸

5. Article 10: Protection of the family*Definition of the family*

158. In the Rwandan context the family is defined as follows:

(a) The family is the natural basis of Rwandan society (Constitution, art. 27);

(b) The family is deemed to consist of persons joined together by blood relationships or relationships resulting from marriage;⁷⁹

(c) The mononuclear family (parents and small children or children of school age) exists in law;

⁷⁸ MINSANTE, Annual report 2008, p. 45. This percentage does not take into account the ordinary budget, which provides for the transfer of a part (5 per cent in 2008) to districts for the financing of mutual sickness funds.

⁷⁹ Act No. 42/1988: preliminary Title and Book I of the Civil Code (Official Gazette, 1989, p. 9). arts. 153 and 155.

(d) The extended family (the characteristic form of the family in Rwanda in earlier times) comprises not only the father, the mother and the children but also all persons having any direct (and sometimes indirect) relationship to it;

(e) A single-parent family is a family headed by one of the parents in consequence of bereavement, divorce or the absence of the other spouse;

(f) A recomposed family consists of a couple at least one of whose members has been in a previous marriage and has the custody of one or more children issued from that marriage;

(g) A family headed by a child.

Age of majority

159. The age of majority is established for different purposes as follows:

(a) The age of civil majority is 21 years;⁸⁰

(b) The age of political majority⁸¹ is 18 years for purposes of voting in presidential and legislative elections, 21 years for valid inclusion in an electoral list of deputies and 18 years for valid inclusion in an electoral list of candidates for membership of local authorities;

(c) The age of full criminal responsibility⁸² is 18 years;

(d) The age of majority⁸³ for purposes of recruitment into the armed forces, the national police and local services responsible for assisting with the maintenance of security is 18 years;

(e) The age of majority for purposes of acquisition of Rwandan nationality⁸⁴ is 18 years;

(f) The age of majority for labour purposes is 16 years (Labour Act, art. 4);

(g) For purposes of the Act concerning cooperative societies⁸⁵ the age of majority is 16 years.

160. Emancipation takes place in the following circumstances:

(a) In the event of marriage under age 21, the Minister of Justice may grant a dispensation where serious grounds for doing so exist (Civil Code, Book 1, arts. 171(2) and 426);

(b) By declaration by the father, the mother or the guardianship council, provided that the minor is at least 18 years of age (Civil Code, Book 1, arts. 427 and 428).

⁸⁰ *Ibid.* arts. 360 and 431.

⁸¹ Act of 7 July 2003 concerning presidential and legislative elections (arts. 5 and 21) and Act of 25 Jan. 2006 concerning the organization of elections of administrative and local authorities (art. 8).

⁸² Criminal Code, art. 77.

⁸³ Presidential Order No. 155/01 of 31 Dec. 2002 establishing general regulations for the national police (art. 5), Presidential Order No. 72/01 of 8 July 2002 establishing general regulations for the armed forces (art. 5), Act No. 27/01 of 28 Apr. 2001 concerning the rights and protection of the child (art. 19) and Organic Act establishing the Code of Rwandan Nationality (art. 4).

⁸⁴ Organic Act No. 29/2004 of 3 Dec. 2004 establishing the Code of Rwandan Nationality (Official Gazette, No. 01 of 1 Jan. 2005).

⁸⁵ Act No. 50/2007 of 18 Sep. 2007 concerning the creation, organization and functioning of cooperative societies in Rwanda, art. 29.

Miscellaneous measures for the assistance, protection and consolidation of the family

The right of men and women freely to enter into marriage

161. Men and women may freely enter into marriage and found a family.

162. There is a legal restriction⁸⁶ to the effect that: "Marriage is prohibited, in the direct line between all ascendants and descendants and in the collateral line to the seventh degree". Marriage between "a person and his or her parents-in-law" is also prohibited, but the prohibition may be waived by the Minister of Justice or his representative where there are serious grounds for doing so.

163. There are customs within the country whereby payment of dowry (*inkwano*) is compulsory. The law has moderated this practice by providing that the validity of a marriage may not be dependent on payment of *inkwano* (Civil Code, Book 1, art. 168).

Measures to facilitate foundation of families and foster their maintenance, consolidation and protection

164. The following legislative measures⁸⁷ have been taken to provide assistance and protection to families:

(a) The constitutional duty of the State to assist, within the limits of its resources, survivors of the Tutsi genocide, vulnerable persons, persons with disabilities and aged and indigent persons (Constitution, art. 14);

(b) The Act establishing the National Assistance Fund for Survivors of the Tutsi Genocide;

(c) In cases of separation of spouses the law provides that the woman is entitled to maintenance from her living spouse (Act introducing the preliminary Title and Book 1 of the Civil Code, art. 200);

(d) The law also permits exemption of persons without financial resources from payment of taxes on real property, subject to approval by the district or town council (Act concerning the finances of districts and towns and their utilization, art. 9);

(e) The Act concerning the rights and protection of children against violence and the Act concerning the protection of persons with disabilities;

(f) The Act concerning the prevention and suppression of gender-based violence;

(g) The Act concerning matrimonial regimes, gifts and inheritance guarantees equality between boys and girls in matters of inheritance from a deceased father;

(h) The Ministerial Order determining subsistence allowances for ex-combatants without resources suffering from war wounds.⁸⁸ Subsistence allowances are available and paid monthly; the amount ranges between RF 20,000 and RF 35,000, according to category;

⁸⁶ Civil Code, preliminary Title and Book 1, arts. 172, 173 and 174.

⁸⁷ The Constitution; Act No. 02/1998 concerning the creation of the FARG (Official Gazette, No. 3 of 1 Feb. 1998), Act introducing the preliminary Title and Book 1 of the Civil Code, Act No. 17/2002 concerning the finances of districts and towns and their utilization, Act No. 59/2008 concerning the prevention and suppression of gender-based violence (Official Gazette, No. 14, 6 Apr. 2009), Act No. 27/2001 concerning the rights and protection of children against violence, Act No. 01/2007 concerning the protection of disabled persons generally (Official Gazette, special issue, 21 May 2007) and Act No. 22/99 concerning matrimonial regimes (Official Gazette, No. 22, 15 Nov. 1999).

⁸⁸ Ministerial Order No. 006/08/10/MIN of 14 Nov. 2007 (Official Gazette, No. 13, 30 Mar. 2009).

(i) A number of Ministerial orders⁸⁹ providing greater protection for persons with disabilities. Their subject-matter includes the modalities for monitoring the activities of guardians and reception centres for persons with disabilities, assistance to persons with disabilities incurred through conflict, accidents or other catastrophes, acceptance by the State of responsibility for persons with disabilities and without other assistance, construction of buildings in which public services are provided so as to facilitate access for persons with disabilities, provision of transport facilities to persons with disabilities for necessary journeys within the country, access to employment for persons with disabilities, access to medical treatment and access to communication facilities for persons with disabilities.

165. The policies designed to achieve this end are:

- (a) The measures taken by the Ministry for Gender Issues and Promotion of the Family;
- (b) The national poverty reduction programme, implementation of which will have a positive impact on family well-being;
- (c) The national social protection policy, which seeks to promote the well-being of vulnerable groups (e.g., widows, women and child heads of households);
- (d) The national policy in favour of orphans and other vulnerable children;
- (e) The national gender policy, which also seeks to promote family well-being;
- (f) The national policy on population for sustainable development in Rwanda, which seeks to improve the quality of life of the population as a whole;
- (g) The national policy for older persons and persons with disabilities;
- (h) The incorporation of the gender dimension into Vision 2020 and poverty reduction policies.

166. Other initiatives include:

(a) The scheme to distribute a cow to every family. It was launched in 2006 and is designed to reduce levels of malnutrition among children in the economically most vulnerable families. It targets families with less than 0.75 hectares of land. Up to the first half of 2008, cows had been distributed to 30,000 families;⁹⁰ the plan is for 501,572 families to have benefited from the scheme by the end of 2012.

(b) The *ubudehe* community scheme enables local communities to identify the poorest families in their midst. These families receive a sum as working capital to start an income-generating project. The beneficiaries can in their turn pass this benefit on to other needy families (*kugabira* and *kwitura*). In 2006 this scheme financed 8,459 projects in 21 sectors of activity. During the year 2007/08, 29,674 families benefited from the scheme.⁹¹ Since 2007, each of Rwanda's 9,154 villages has taken part in the setting-up of a structure and an analysis of its specific needs and priorities. Direct assistance is given to persons

⁸⁹ Respectively Ministerial Orders Nos. 03/09, 04/09 and 05/09 (all published in Official Gazette, No. 016 bis, 20 Apr. 2009).

⁹⁰ Ministry of Agriculture and Animal Resources (MINAGRI): Agricultural Sector Performance, Jul. 2008.

⁹¹ Ministry of Local Government (MINALOC), *Ubudehe* section. There are two categories of beneficiaries: those at the level of *imidugudu* villages (14,837 in 2007-2008) and those classified as vulnerable (also 14,837 in number). In 2005/06, there were in all nearly 20,000 beneficiaries identified at cell level. + *Ubudehe* Summary, as of Feb. 2008.

unable to work; for those who can be integrated into some kind of employment, there are income-generating employment projects. In addition to the *ubudehe* scheme, there is the Vision 2020 *umurenge* programme, which was officially launched in 2008; it is operational in the 28 sectors identified as the most impoverished. It also provides direct support to the most vulnerable population groups and seeks to develop job creation projects in the targeted regions. In 2008, 19,626 persons found jobs through this programme. The projects financed include road building, terracing and the digging of anti-erosion ditches. Both programmes receive financing from the Common Development Fund.⁹²

(c) On the initiative of the State and its partners, dwellings are being built for vulnerable persons. Since 2006, operations and funding have been coordinated through the Ministry responsible for local government. Construction work is done by the inhabitants themselves; tools are obtained with budget funds sent to the districts. Other dwellings are built in the context of community work projects or the programme of works of general interest. The beneficiaries of these programmes are persons who recently returned to Rwanda following expulsion from Tanzania, historically marginalized groups and other vulnerable persons such as older people, orphans, survivors of the genocide and persons with disabilities.⁹³

(d) The State and NGOs (particularly religious organizations) are deeply involved in assistance activities for older people. The Rwandan Association for the Aged and other associations and establishments receive State assistance and support under the aid and assistance programme for the indigent. NGOs such as Help Age International provide assistance to alleviate their isolation.

167. Other measures and practices include:

- Promotion of the associative spirit and the development of cooperative groups
- State assistance provided by the State to facilitate access to health care (through membership of mutual funds)
- Promotion of breastfeeding
- Health measures which also help to maintain and consolidate families (the anti-AIDS policy, programmes to prevent mother-to-child transmission of AIDS; details discussed under art. 12)
- Education grants to pupils from Ministry of Education funds (the children thus help parents to discharge their obligations); free and compulsory primary and lower secondary education
- Social assistance funds in every district
- Creation of a special unit in the police and the national army to prevent gender-based violence
- To protect families, unmarried couples are encouraged to regularize their situations; the fees payable to districts are waived.

⁹² A government fund supervised by MINALOC and established to implement the national decentralization policy. It provides support to administrative units by financing development projects.

⁹³ MINALOC: Report on activities 2003-2008. From 2003 up to the first half of 2008 nearly 107,000 refugees were restored to their former lives; otherwise they were provided with housing, their children were able to go to school and access to medical treatment was provided through the mutual health funds. Over 5,800 dwellings were constructed for survivors of the genocide. In addition, between 2003 and 2007 FARG provided financial aid to at least 36,000 pupils in secondary education and 1,500 students in higher education.

Measures to facilitate the formation of families with a view to their consolidation

168. The measures taken to facilitate the formation of families include:

- The establishment of a platform of cultural education programmes (*itorero*) consisting of meetings at which subjects such as unity, reconciliation, socio-economic problems affecting the local community and the country as a whole and their solutions are discussed
- The creation of clubs (for young people and adolescents) to inculcate positive family values
- Strengthening of traditional mechanisms for the settlement of disputes involving families (especially women and older people) through mediation
- The organization of meetings, on completion of community work projects, at which various messages (such as nutrition information) are passed on.

Recipients of benefits

169. With regard to recipients of benefits the State takes into account the family unit as a single entity. The different elements in a family should be borne in mind; there are orphans living in families in which another child is the head of the household, widows living with children who do not belong to the same biological family as part of a reconstituted family, families in the traditional sense of the term (father, mother, children), etc.

170. Admittedly, there are still families which are not receiving the required assistance. This is due to the still limited resources available to the Government and the fact that needs have been steadily rising for over 10 years.

171. All the measures described above may help to palliate the existing shortcomings.

Maternity protection

172. Rwanda does not yet have a maternity insurance scheme. However, the country's new social security policy does state that a maternity scheme⁹⁴ will be introduced. Initially it will cover the formal sector only, but incentives to join voluntarily will be given to workers in the informal sector. The new Social Security Act is at the drafting stage.

173. The Labour Act contains provisions⁹⁵ concerning maternity leave. In particular:

(a) Twelve consecutive weeks, at least two of them to be taken before the anticipated date of birth;

(b) The woman is also entitled to an hour of rest per day for breastfeeding for 12 months from the date of the birth;

(c) If the woman resumes work during the last 6 weeks of her maternity leave, she is entitled to 2 hours' rest per day for breastfeeding (arts. 64 and 65);

(d) The woman is also entitled to be paid during maternity leave (art. 66) and may not be dismissed during that period (art. 67). The Labour Act applies in the private sector.

174. The Public Service Act⁹⁶ provides for entitlement to the same period of 12 consecutive weeks' maternity leave. The Act is in the process of revision. Once the revised

⁹⁴ See above under article 9.

⁹⁵ Arts. 64-69.

⁹⁶ Public Service Act (as above), art. 46.5.

version has been promulgated, the maternity leave provisions will be the same as those of the Labour Act. The new Act will also give the husband entitlement to four working days' paternity leave at the time of his wife's confinement.

Women without statutory maternity protection

175. There are groups of women (mainly in the informal sector) who do not enjoy any form of maternity protection. The following measures have been taken for their benefit:

(a) The new Labour Act has remedied this situation with effect from 27 May 2009; its provisions regarding social security now apply to informal-sector workers;

(b) The Labour Act also protects pregnant women and nursing mothers (including those in the informal sector) by prohibiting them from engaging in certain types of work (art. 74);

(c) The national social security policy (and consequently the new Act concerning the organization of social security) is designed to cover the informal sector by offering incentives to voluntary membership of the social security system (including maternity insurance).

176. The other measures taken in the field of maternity protection are:

- Financial access to health care through mutual funds
- Promotion of breastfeeding
- Continuing training of health workers.

Special protection and assistance measures for children and young persons

177. The following protective measures have been taken:

(a) Several ILO conventions⁹⁷ and other international conventions and treaties⁹⁸ concerning the protection of children have been signed;

(b) The Labour Act (arts. 4 and 6) prohibits the employment of children in work which is performed at night or is laborious, insanitary or dangerous to their health. An employer subjecting a child aged under 18 years to any of the "worst forms of child labour" commits an offence. A list of "worst forms" appears in article 72 of the Act. It includes all forms of slavery and similar practices and the recruitment of children for illicit activities;

(c) Children between ages 16 and 18 are entitled to two working days' leave for each month of continuous work (art. 51(3)) and a minimum of 12 consecutive hours' rest between any two working periods;

(d) The Act concerning the prevention and suppression of gender-based violence protects children from all situations in which they are liable to be exposed to violence of this kind;

⁹⁷ The Worst Forms of Child Labour Convention, 1999 (No. 182), the Minimum Age Convention, 1973 (No. 138), the Forced Labour Convention, 1930 (No. 29).

⁹⁸ The United Nations Convention on the Rights of the Child, 1989, the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000 (Official Gazette, special issue, 26 Feb. 2002, p. 27), the African Charter on the Rights and Welfare of the Child, 1989 (Official Gazette, 2001, No. 22, p. 58), the African Charter on Human and Peoples' Rights, 1983, the International Covenant on Civil and Political Rights, 1976, and the Worst Forms of Child Labour Convention, 1999 (No. 182) (Official Gazette, 1 Apr. 2000, p. 11).

(e) A five-year national plan on child labour, aimed at its abolition and combating its worst forms, was drawn up in 2007;

(f) A five-year plan for the promotion of girls' education was drawn up in 2007;

(g) The labour inspectorate ensures that the tasks given to children are not beyond their strength or harmful to their health (art. 7).

178. In the field of assistance, the following measures have been taken. Table 9 contains data on the employment of children and young persons.

(a) The State has abolished school fees; primary and lower secondary education are free. Children prevented from studying by poverty have been able to return to school. This measure has thus reduced the dropout rate and the numbers of children seeking to enter the labour market prematurely;

(b) A number of institutions (both public and private) cover school fees themselves, thus reducing the numbers of dropouts caused by lack of money;

(i) NGOs⁹⁹ also intervene to assist children employed as domestic workers or in plantations, mines or quarries;

(ii) The school fees of children in historically marginalized population groups (survivors of the Tutsi genocide and other categories of vulnerable children) are now paid; thus their premature entry into the labour market is averted;

(c) There is a special education programme for children with disabilities;

(d) A minimum package of services is offered to orphans and other vulnerable children (housing, health care, nutrition, education, etc.);

(e) The labour inspectorates have been decentralized and are operational in all districts.

Table 9

<i>Group of children</i>	<i>Statistics</i>	
Children under age 15	5.3 % (some 106 000)	Exercising paid economic activity in an enterprise or a family farm;
Children just under age 21	900 000	Two thirds of these children work in the agricultural sector
Children under age 10	These children performed on average 9 hours of household duties per week; girls worked longer hours than boys	
11-15 year old age group	Average working hours 14 per week	

National Institute of Statistics of Rwanda (NISR): Labor market and economic activity trends in Rwanda, Analysis of EICV II.

The tendency for girls to work longer hours than boys becomes increasingly marked, even beyond age 21; the number of hours they spend on household chores may be as much as five times the corresponding number for boys.

⁹⁹ The examples may be mentioned here of ASC/Umurimo, which since 2003 has enabled 950 identified working children between ages 7 and 14 to attend school, and World Vision/Kuret, which between 2005 and 2007 enabled 1,475 children to attend school.

Groups of children and young persons without protection

179 It must be admitted that there are still groups of children (street children, orphans, child heads of households) who do not yet enjoy any protection or assistance. The State is continually endeavouring to reduce their numbers year by year. For example:

(a) The national social protection plan lays down guidelines for poverty reduction;

(b) The national employment policy also devotes attention to young persons. HIMO projects are also designed to create jobs for young people in rural environments, place vulnerable groups in jobs and promote more widespread self-employment in the formal and informal sectors;

(c) The five-year youth employment promotion plan is designed to train young persons and create jobs for them. The Government of Rwanda has committed itself to making Rwanda a pioneer country in the field of youth employment promotion in Africa within the framework of the Youth Employment Network. This policy also emphasizes efforts to train young people;

(d) The sectoral education plan and the related strategic plan are now operational;

(e) The 2005 strategic plan for street children is designed to protect them, integrate them into their families or communities and keep them off the streets;

(f) The policy of comprehensive support for orphans and other vulnerable children has become operational;

(g) A strategic plan for these children has been operational since 2007; it is designed, inter alia, to establish community structures to ensure their protection and supervision and provide various services such as education, health care, nutrition and housing;

(h) A five-year national plan on child labour, aimed at abolishing it and combating its worst forms, has been prepared.

180. Other protection and assistance measures have been taken, namely:

(a) The rehabilitation of youth centres;

(b) Since 2007, the establishment of Youth Cooperatives for Self-Employment and Development.¹⁰⁰ These are savings and credit cooperatives for young people to enable them to obtain finance for the launching of income-generating projects. Hitherto these cooperatives have been financed by the National Youth Council. The amounts allocated in recent years are shown in table 10 below.

Table 10

<i>Year</i>	<i>Finance for Youth Cooperatives for Self-employment and Development provided by the National Youth Council</i>
2007	27 000 000
2008	57 726 998
2009	50 780 000

Source: Directorate, Youth Cooperatives for Self-employment and Development.

¹⁰⁰ Ministry of Finance and Economic Planning (MINECOFIN): EDPRS quarterly report, June 2008. There are already 15 cooperatives and two credit and savings schemes in operation in the Bugesera and Kicukiro districts.

(c) The creation of reintegration centres for child victims of juvenile delinquency, in which training and skills for the practice of a trade are imparted;

(d) There is a police officer with training in the rights of children in each administrative sector with responsibility for ensuring that children and women are protected and that violations of which they are victims are reported;

(e) One NGO (Action pour la Paix et le Développement en Afrique) has been working in partnership with the Ministry of the Public Service and Labour since 2001. It seeks to liberate children from domestic work by teaching them a trade. It has mobile units travelling round the country to ascertain domestic working conditions. In some cases counselling points have been set up help children in distress, and particularly street children and children employed in domestic work;

(f) There are also a number of programmes¹⁰¹ for street children and abandoned children, and also the new Street School project launched by the Ministry for Gender Issues and Promotion of the Family and various partners in 2007, which seeks to reintegrate children into society and develop their artistic skills.

Dissemination of information on the rights of the child

181. There are a number of private and public schemes which help to disseminate knowledge of the rights of the child:

(a) The Child Rights Observatory, established by the Commission on the Rights of the Individual;

(b) An association for the promotion of the rights of the child, created by the associations of journalists;

(c) Clubs on the rights of the child have been formed in some secondary schools as forums for exchanges of views between children and teachers;

(d) Forums and competitions on the rights of the child are organized for children by partners in the public and private sectors;

(e) Awareness-raising campaigns and summits are regularly organized with children. At these summits the themes for discussion are prepared by the children themselves and broadcast on the national radio and television networks;

(f) Nation-wide campaigns are conducted on the Act concerning the protection of children against violence and the national policy for orphans and other vulnerable children.¹⁰²

Principal features of the above-mentioned measures

182. There have been positive developments in the difficult situation of these children, namely:

(a) Assistance given to child heads of households by non-governmental and governmental organizations enables them to look after themselves;

¹⁰¹ NGOs such as the Muhumurize association in Kanombe, World Vision in Musanze, and Caritas and the listening post at Gisenyi in the Northern province. All of them seek to restore children to their families and return them to school, or provide training for those who are no longer of school age.

¹⁰² Ministry for Gender Issues and Family Promotion, attached to the Office of the Prime Minister (MIGEPROF): Campaign Oct. 2004 - Feb. 2005: MIGEPROF with assistance from UNICEF.

(b) The deployment of labour inspectors in the districts is designed to mitigate the problems of exploitation of children in the work environment.

Shortcomings of measures taken hitherto

183. In particular, the following may be mentioned:

- (a) Financial resources are restricted and fall far short of needs, which are still enormous;
- (b) Lack of coordination among the different actors involved.

184. The measures taken have had the following effects:

- (a) A reduction in the number of children forced to engage in onerous or illegal work;
- (b) Later entry into the labour market for the financially most vulnerable children and a reduction in the dropout rate in schools. For example, the dropout rate¹⁰³ in primary schools fell from 31.8 per cent in 2005 to 14.3 per cent in 2007.

Outline of changes

185. The following legislative measures have been introduced:

- (a) A number of legislative instruments¹⁰⁴ have been promulgated and a number of international conventions¹⁰⁵ ratified with a view to the protection of children, women, persons with disabilities and families generally;
- (b) The Maternity Protection Convention (No. 183) is in the process of ratification.

186. These policies have had their effect.

187. Other measures have been taken, namely:

- (a) A ministry with responsibility for the family and the advancement of women has been created;
- (b) A Child Rights Observatory was established in 2006, and a National Council for Children is being set up;

¹⁰³ MINEDUC: Summary of achievements in 2007; UNESCO: Country Programme Document: Rwanda, Oct. 2007, p. 3.

¹⁰⁴ The Constitution of Rwanda as amended, the Labour Act, the Act on the rights and protection of the child against violence (as above), the Act concerning the protection of persons with disabilities (as above), Act No. 22/99 of 12 November 1999 concerning matrimonial regimes, gifts and inheritance, which gives the right of inheritance to all children without gender-based discrimination, the bill on the protection of children against trafficking and the amendment to the Criminal Code.

¹⁰⁵ In addition to the conventions on the rights of the child enumerated in footnotes 74 and 75, mention should be made of the African Youth Charter (in 2004), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (in 2002), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (in 2004), the Convention on the Political Rights of Women (in 2002), the Convention on the Rights of Persons with Disabilities and its Optional Protocol (in 2008), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (in 2008) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in 2008).

- (c) A National Youth Council with powers to organize programmes for young persons (such as youth cooperative projects) has been established;
- (d) The National Women's Council and the Gender Monitoring Office have been created;
- (e) A start has been made with activities for the economic advancement of women:
 - (i) A guarantee fund for women has been established for purposes of obtaining bank credits and loans;
 - (ii) Youth for Self-Employment and Development cooperatives have been created for young persons;
 - (iii) Offices exclusively concerned with gender-based violence have been established in every branch of the army and the police.

International aid

188. Several development partners are subsidizing different programmes and strategic plans. The following deserve particular mention:

- (a) UNICEF¹⁰⁶ projects are designed, inter alia, to improve the health of mothers and children, improve teaching standards countrywide and improve child welfare and protection;
- (b) UNIFEM projects include support for desks in police stations to handle cases of gender-based violence and financing of the work of an adviser on the subject. It also supports a number of poverty reduction programmes for women by financing income-generating projects and a project known as "Hope Village", which permits the rehabilitation of women survivors of the genocide. It also gives significant support to organizations for the advancement of women in Rwanda;
- (c) The African Development Bank supports the Poverty Reduction Programme for Women.

6. Article 11: Standard of living

Standard of living of the population

189. Table 11 contains data on standards of living, while figure 1 shows trends in the different regions.

¹⁰⁶ UNICEF in Rwanda:
http://www.unrwanda.org/images/stories/documents/unicef_in_rwanda_for_un_website.pdf

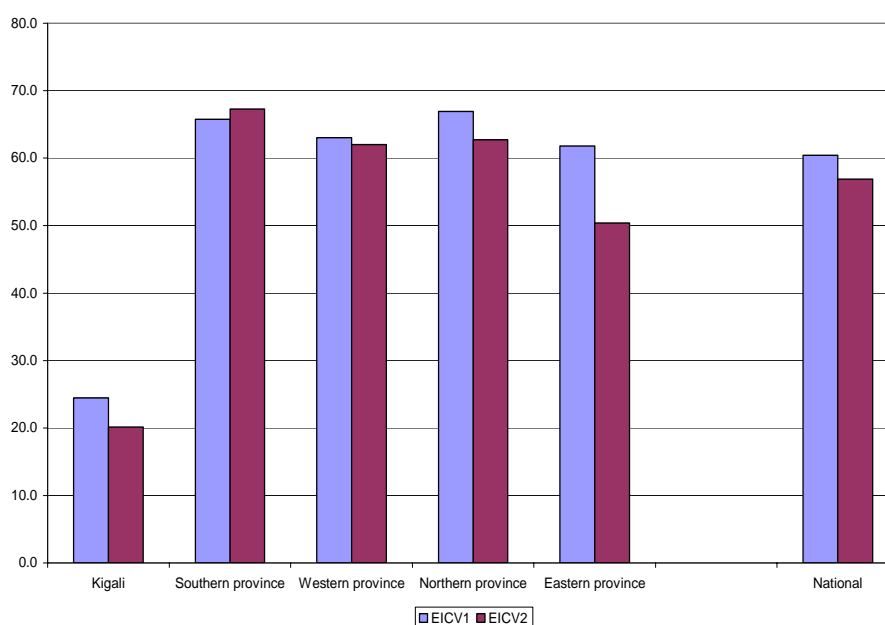
Table 11

	Year		
	2000/01	2005/06	
	60.4 % (RF 64 000/adult/year)	5.9 % (RF 90 000/adult/year), of whom, 37 % living in extreme poverty (with RF 63 500/year)	
<i>Poverty threshold</i>			
Gini coefficient	By region	2000/01	2005/06
	City of Kigali	0.48	0.47
	Other towns	0.52	0.51
	Rural regions	0.37	0.43
Gini coefficient at national level		0.47	0.51

Source: NISR, EICV I & II, EICV EDPRS Final report, May 2007, p. 20.

- As can be seen from the above figures, the standard of living has improved, but inequalities have increased in the Southern and Western provinces.¹⁰⁷
- Regional differences are apparent: poverty diminished considerably in the Eastern province and to a lesser degree in the Northern province and the city of Kigali. In 2005-2006 poverty increased in the Southern province (EICV II).

Figure 1



Source: NISR: EICV I (in 2000-2001) and II (in 2005-2006).

- 60.2 per cent of female heads of households (as against 54 per cent of male heads of households) were living below the poverty threshold in 2005-2006.

¹⁰⁷ NISR: EICV EDPRS Final report, May 2007, p. ii.

- As regards the incidence of vulnerability¹⁰⁸, it has been estimated that 43 per cent of all households were vulnerable in 2005-2006 (compared to 51 per cent in 2000-2001).

Table 12

<i>Type of household</i>		<i>Percentage of population</i>	<i>State of poverty</i>
Households headed by woman	2000/01	27.6	66.3
	2005/06	23.4	60.2
Households headed by widow	2000/01	22.0	67.7
	2005/06	18.7	59.9
Households headed by child	2000/01	1.3	60.1
	2005/06	0.7	56.9

NISR: Results of EICV II.

190. The improvement of living conditions remains a challenge for the Government. The majority of the population live in households deriving the greater part of their incomes from their own agricultural activities. At least 5 per cent of Rwandans live in households obtaining the greater part of their incomes from paid agricultural labour.

191. In addition to the Millennium Development Goals (MDGs) and those of Vision 2020, various poverty reduction strategies have been introduced since the year 2002. The Government has also set itself the aim of bringing the poverty threshold down to 30 per cent by pursuit of the objectives of the MDGs, the EDPRS and Vision 2020.

GNP per inhabitant among the most disadvantaged section (40 per cent) of the population

192. Rwanda uses the gross domestic product (GDP), not the gross national product (GNP). It is thus impossible separately to determine GNP per inhabitant among the most disadvantaged 40 per cent of the population.

Existence of a poverty threshold

193. A poverty threshold does exist in Rwanda. The method used to determine it is based on the cost of basic necessities sufficient to meet the minimum needs of an adult person, it being a given that that person consumes a variety of foodstuffs providing him or her with 2,500 calories per day together with other basic non-food products. The estimated cost (RF 250 per day) has been calculated using the prices of basic necessities in January 2006.¹⁰⁹

Index of quality of physical life

194. No information or data is available on the index of quality of physical life in Rwanda.

¹⁰⁸ *Ibid.*, EICV II.

¹⁰⁹ Rwanda Development Indicators (as above), note 13, p. xvi.

*Right to sufficient food**How is the right to sufficient food guaranteed and what measures are taken to that end?*

195. The food situation, like other socio-economic indicators, deteriorated considerably in the years following the events of the 1990s. Beginning in the 2000s, a slight improvement has been observed.

196. However, the situation is still disquieting at national level on account of the prevalence of deficiencies in protein and energy-producing substances and shortages of micronutrients, which are still serious.

197. Measures have been taken to secure this right, namely:

- A national nutrition policy
- A food security monitoring system
- Supervision (with training elements) of food production activities
- Extension of the community-based food programme
- Food support for persons with HIV/AIDS.

Data on ability of households to obtain food

198. No data is available on the ability of households (and especially vulnerable groups, such as female- or child-headed households, landless agricultural workers, chronically sick persons or persons suffering from AIDS) to obtain food.

Data on hunger or malnutrition

199. The data on hunger or malnutrition coincide with those in the study on the challenges encountered by the population in seeking adequate food.

General food situation in Rwanda

200. Applying the standards for mean daily dietary requirements per inhabitant established by FAO¹¹⁰, the level of food requirements met from agricultural production¹¹¹ works out at 87 per cent for calories, 70 per cent for protein and 22 per cent for lipids. The deficit is general for both energy and protein; but the principal feature of Rwandan agricultural production generally is a chronic insufficiency of lipids.

Situation of particularly vulnerable groups

201. The situation of particularly vulnerable groups is as follows:

- Malnutrition occurs mainly among children in the 0-5 age group; 45 per cent of children in this group are chronically malnourished.¹¹²

¹¹⁰ Ministry of Agriculture (MINAGRI): Plan stratégique pour la transformation de l'agriculture au Rwanda, Oct. 2004. The mean daily dietary requirements per inhabitant for Rwanda as fixed by FAO and WHO are: 2,100 Kcal, protein 59g, lipids 40g.

¹¹¹ The analysis relates to food requirements met from agricultural production alone. Food of animal origin accounts for a very small proportion of the ration: 2 per cent of calories, 6 per cent of protein and 40 per cent of lipids (averages calculated for the years 2000-2003).

¹¹² MINISANTE: Politique nationale de nutrition, Jul. 2007, pp. 11-12: The incidence of chronic malnutrition is 8.4 per cent among children aged 6 months or less, 20.6 per cent among children aged between 6 and 9 months and 52.2 per cent among children between ages 4 and 5.

- Trends in the food situation in Rwanda are shown in table 13 below.

Table 13

<i>Year</i>	<i>Chronic malnutrition</i>	<i>Severe malnutrition</i>	<i>Underweight</i>
2000	43 %	7 %	24 %
2005	45 %	4 %	22 %

Source: Ministry of Health, annual report for 2006, pp. 88-89.

- Difficulty in obtaining food is experienced by a wide variety of population groups and is encountered in every region and in a wide range of social strata.
- Of the total population at nutritional risk, 96 per cent live in rural areas as against 4 per cent in urban areas.

Table 14

<i>Type</i>	<i>Households with</i>	<i>Percentage</i>
Nutritional insecurity	Very low access to food and poor food consumption	28 %
Vulnerable	Low-to-moderate access to food and poor food consumption	24 %
Moderate food security	Low-to-moderate access to food and borderline food consumption	26 %
Nutritional security	Moderate-to-good access to food and, generally speaking, excellent food consumption	22 %

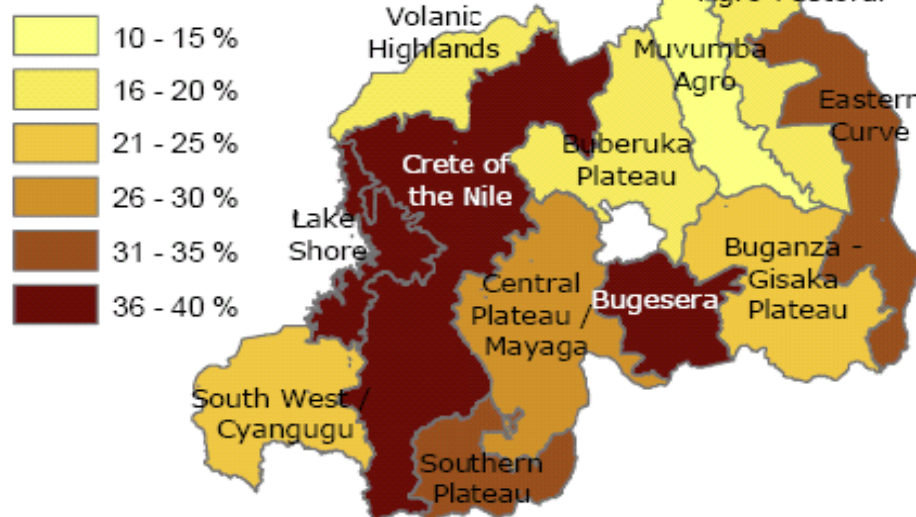
Source: Rwanda CFSVA, 2006.

- Households in the first two categories (52 per cent of the total) are either vulnerable or living in situations of severe food insecurity.
- The highest level of risk is found in rural areas (47.3 per cent of households at nutritional risk as against 33.1 per cent in urban areas).
- As shown in the figure below, levels of risk are higher in some regions¹¹³ than in others. Levels are measured in terms of the percentage of households faced with food insecurity in each food economy zone. Food insecurity is present in all regions, but is most prevalent in the Western and Southern provinces.

¹¹³ Rwanda CFSVA 2006, pp. 2-4.

Figure 2

% of Food Insecure Household in Food Economy Zone



Source: NISR: Rwanda CFSVA 2006, p. 2-3

- The categories affected are primarily households headed by a woman or an elderly person with little or no cultivable land and a low income, or by one or more illiterate persons (see table below).

Table 15

Type of household		Level of risk of malnutrition (%)
Sex	Household headed by a woman	37
	Household headed by a man	25
Family status	Household headed by a widowed, separated or divorced person	37
	Household with married couple	35
	Household with married couple	22
Age	Household with an elderly person (over age 65)	35
	Household headed by a relatively young person	27

Source: NISR: Rwanda CFSVA 2006, p. 3-4.

Measures taken to ensure that everyone enjoys the right to sufficient food

202. There are no national laws, policies or practices adversely affecting access to food. On the contrary, positive measures have been taken to ensure that everyone does enjoy the right to food. These are:

- (a) First, the strengthening of the political commitment by such measures as the incorporation of the food component in all development programmes (EDPRS, Vision 2020), a substantial budget allocation and mobilization of additional resources (from the Government or its partners) to combat nutrition problems;

- (b) The new nutrition policy has the following objectives:
 - (i) Reduction of poverty and hunger;
 - (ii) Ensuring primary education;
 - (iii) Reducing maternal and infant mortality;
 - (iv) The fight against AIDS and other diseases;
- (c) The strategic government policy on the development of the rural sector (Rural Sector Support Project) comprises the following projects:
 - (i) Consolidation of land for better land use;
 - (ii) Intensification of agricultural production and specialization and regionalization of food production;
 - (iii) Development of a rural market economy;
 - (iv) Emphasis on agricultural promotion and work in cooperatives;
 - (v) Distribution of selected seeds;
- (d) The community-based nutrition programme (so far introduced in 15 districts). This programme has not yet been made nationwide, but lessons are being drawn from it with a view to extending it to the whole country;
- (e) Promotion of optimum diet for infants and young children (including promotion of breastfeeding);
- (f) Promotion of food security in households;
- (g) Promotion of more vegetable gardens, together with small rabbit-breeding facilities, in households; distribution of seeds for these gardens, incentives to encourage every family to have a vegetable garden;
- (h) Food fortification and distribution of vitamin A;
- (i) Support and nutritional aid for persons infected or affected by HIV;
- (j) The "a cow for every family" project for vulnerable families;
- (k) The School Meals programme; school meals are beginning to make an appearance in schools, particularly in regions where food insecurity is high; initially, 30 sectors will benefit. The programme is designed not only to ensure feeding at school but also to promote school self-sufficiency and an improvement in the living conditions of persons living in the neighbourhood of schools. A baseline survey to determine the degree and level of nutrition in schools is in preparation.

Nutrition criteria

203. The nutrition criteria¹¹⁴ set for purposes of attainment of the 2010 objectives are (per person and per day): energy 2,183 Kcal, protein 58 g, lipids 18 g.

Measures to improve food production methods

204. The following measures have been taken to improve food production methods:

¹¹⁴ MINAGRI: Plan stratégique pour la transformation de l'agriculture au Rwanda (as above), note 94. The objectives for 2020 are (per day): energy, 3,236 Kcal, protein 108 g, lipids 90 g.

(a) An agricultural policy has been formulated with the primary aim of transforming and modernizing agriculture, and in particular:

- (i) The intensification and diversification of agricultural production and stock-rearing with use of inputs such as selected seeds, organic fertilizers, concentrated minerals, pesticides, etc.);
- (ii) Integration of agriculture with stock-rearing;
- (iii) Measures to check soil degradation caused by erosion and wetland development;
- (iv) Irrigation, rainwater conservation and rational water use;
- (v) Development of agricultural support infrastructure (roads, bridges);
- (vi) Adoption of high-yielding technologies adapted for producers;
- (vii) Technical skills development;

(b) The agricultural policy seeks to emphasize partnership with the private sector;

(c) The launching of the Integrated Development Programme and of Consolidation Land is designed to foster self-sufficiency in food and enable other products to be brought to the market. The aim is to move from a subsistence to a market-orientated agricultural sector, seek to achieve food security and preserve the environment;

(d) Market information and development of competition;

(e) Development of an entrepreneurial spirit and promotion of production for export.

Measures for conservation and distribution of foodstuffs

205. On this subject the following measures may be mentioned:

(a) First, the Government study on the introduction of the "commerce card", which will serve to identify shopping centres and markets, types of trader and sectors of activity, with the aim of creating a distribution chain;

(b) Government assistance to cooperatives to improve drying techniques, especially for staples such as cassava and bananas. Drying areas are under construction;

(c) Once the conservation stage is completed, the Government will address the problem of finding and building silos close to markets for this produce.

Impact of these measures on ecological equilibrium

206. The impact of these measures on ecological equilibrium and the conservation of food-producing resources is as follows:

(a) An anti-erosion project has been elaborated to prevent erosion by water and loss of soil fertility;

(b) Soil productivity is low on account of the low levels of use of inputs (including fertilizer and improved seed). The Government is therefore making every effort to break down the psychological barriers to the introduction of anti-erosion measures and to involve producers in a process of soil conservation and restoration of productivity;

(c) Terracing (2,941 terraces constructed during the first half of 2008; annual target 4,750) and wetland development to foster sound soil conservation;

(d) An increase in manure production through the "a cow for every family" programme. During the first half of 2008, 8,471 households benefited under this programme (the target is 17,000 households per year);

(e) Storage of foodstuffs; the inhabitants are being encouraged to store foodstuffs at the end of the harvest season;

(f) These measures gave rise to a 16 per cent increase in agricultural production during the first quarter of 2008¹¹⁵ and rising projections for animal and export products; 22,500 tons of fertilizer were distributed, improving cassava and wheat crop yields (67,869 tons). Wheat production exceeded the Economic Development and Poverty Reduction Strategy estimates and targets for 2012 (30,000 tons).

Dissemination of knowledge of dietary principles

207. Knowledge of dietary principles is disseminated by the following means:

(a) Awareness-raising through the radio and television networks and by means of brochures;

(b) Messages on diet;

- In the Urubaga rw'Ubuzima information magazine
- In the gira ubuzima Rwandan health information centres
- In community programmes on diet forming part of the community health programme conducted by community health officials
- Through community health officials in programmes on diet for AIDS victims/patients
- During promotions of locally available foodstuffs targeting households
- During campaigns to foster the development of vegetable gardens and orchards and the rearing of small animals to prevent malnutrition.

208. Even so, there are still groups of persons (usually the aforementioned vulnerable groups) who are unfamiliar with dietary matters.

Agrarian reform measures

209. The following agrarian reform measures have been decided on by the Government to ensure food security:

(a) In the legislative sphere, particular mention should be made of the Land Tenure Act¹¹⁶ and its various enabling orders. It permits consolidation of plots in order to make large land areas available for agricultural production, prevent fragmentation of plots and thus ensure food security;

(b) The new land tenure policy, dating from 2004, seeks to improve the return on production, offering a choice of methods:

(i) Resettling the inhabitants of an area in *imidugudu* villages in order to make more arable land available;

¹¹⁵ MINAGRI: Agricultural Sector Performance, first semester, 2008: Self Evaluation Report for the Joint Agriculture Sector Review, Jul. 2008.

¹¹⁶ Organic Act No. 08/2005 of 14 July 2005 establishing a land tenure regime in Rwanda.

- (ii) Organizing family farms on cooperative lines to prevent continual fragmentation;
- (iii) The regionalization and land use programmes, together with master plans and land classification and development charts, permitting allocation of land according to category;
- (iv) The agricultural transformation policy is also of considerable assistance inasmuch as it promotes the use of modern agricultural methods.

Monitoring of measures taken

210. Monitoring is effected through various agencies:

- (a) The agencies involved include, naturally, the public services, local and base communities, occupational organizations and private operators as well as technical and financial partners and civil society;
- (b) The Ministry of Agriculture operates consultation platforms at every level and involves all the agencies concerned in the operational monitoring and evaluation of the strategic plan for the remodelling of the sector;
- (c) The Agronomic Sciences Institute involves the rural communities it assists and the other partners in the dissemination of innovations. Agricultural extension activities are conducted by producers' organizations.

211. The private sector is also involved in agricultural production, especially in the promotion of market-orientated sectors and the distribution of inputs and dissemination of modern production techniques.

Foodstuff distribution

212. The Government's priority concern is to ensure sufficient production by guaranteeing availability of agricultural inputs. It has also introduced measures to increase production (the Crop Identification Program). It is worthy of note that during the last food shortage (in 2008), food prices remained stable throughout the country.

Equitable distribution of supplies

213. In order to contribute to fair distribution of world food supplies, various ministerial instructions have been issued, affecting in particular sugar, rice and wheat.

- (a) To encourage increased consumption of domestic produce, a surcharge is levied on sugar imports. When domestic production falls short of local demand, the Ministry responsible for commerce intervenes, offering importers contracts to meet domestic demand.
- (b) The same applies to rice. A value-added tax is levied on imported rice. When rice production is low, the Government ensures that facilities to meet domestic demand are available to importers.

*The right to adequate housing**The housing situation*

214. Housing in Rwanda is typically self-built.¹¹⁷ This is true of 60 per cent of all housing units in the country. Village-type (*umudugudu*) housing accounted for 22 per cent of the total; 18.7 per cent of the population lives in urban areas. There has been no significant change in the land register since 2002, when it stood at 1.2 per cent. The situation may be described as follows:

- In 2002, it was estimated that 86.6 per cent of occupants of housing units were owners and 6.4 per cent tenants.¹¹⁸
- There were 177,000 families in need of housing.¹¹⁹
- No other statistical data on the numbers of poorly-housed persons are available.
- In the Rwandan context, no one lives in a settlement area or in overcrowded or damp housing. Dwellings are equipped with basic sanitary facilities; those which fall short of standards are few in number, and there are no statistics on the subject.
- The practice of "illegal" housing is not relevant to the Rwandan context.
- There are no data on persons evicted from their dwellings in the country, but Rwandans expelled from Tanzania (about 15,543 in 2007)¹²⁰ have been resettled. Persons within the country claiming to have been evicted were living on land which the State has taken over for reasons of public utility. But the law lays down a compensation procedure for such cases.¹²¹
- There is no social housing or housing subsidized by public authorities.
- There is no rent threshold in Rwanda from which it can be ascertained that there are a specific number of persons whose expenditure on housing is greater than the officially declared acceptable maximum, based on ability to pay or a proportion of income. The current system is one of freedom of choice and mutual agreement. However, rents are disproportionately high in relation to monthly income, particularly in urban areas.

Miscellaneous legislation with a bearing on the right to housing

215. The legislative measures in force are as follows:

- There is no legislation specifically conferring a right to housing. The only legislative instrument indirectly referring to that right is that which grants every Rwandan citizen the right to settle freely anywhere in the country (Constitution, art. 23).
- Likewise, there is no legislation specifically concerning homeless persons; however, it can be inferred from the Constitution that such persons may be included without difficulty in the category of vulnerable persons and would benefit from State assistance.

¹¹⁷ MINALOC: Strategic plan of habitat and urbanism sub-sector for EDPRS implementation, 2008, p. 4.

¹¹⁸ NISR: General Census of Population and Housing (as above), 2002.

¹¹⁹ MINALOC: Strategic plan of habitat and urbanism sub-sector (as above), p. 4.

¹²⁰ MINALOC: report on activities, Oct. 2007; data collected up to 21 Sep. 2007.

¹²¹ Act of 19 Apr. 2007 concerning expropriation for reasons of public utility (see bibliography appended).

- As regards legislation on municipalities, there is an Act concerning the organization of the administrative entities of Rwanda.¹²²
- There is legislation on land occupation, distribution and allocation, zoning, regional development, expropriation and compensation.¹²³
- There is as yet no legislation concerning maximum sizes of land holdings.
- The right of the tenant to security of occupancy is recognized:
 - In the Constitution, which states (art. 22, para. 2), which states: "a person's home is inviolable";
 - In Book I (Contracts): peaceful possession is guaranteed by article 376, which states that: "The landlord is obliged by the nature of the contract, and without need for any particular stipulation, to grant the tenant peaceful possession for the duration of the lease";
- There is an Act concerning the financing of housing (Act concerning the finances of districts and towns), which allows the State to grant subsidies to districts and towns; within the new decentralization framework the latter are empowered to use their revenues to support various development programmes, including housing programmes.
- There is as yet no legislation on rent regulation.
- The Act establishing the urban development and construction code is in the process of adoption by the Rwandan Parliament. Enabling orders will be issued once the Act is in force. A bill to organize housing in Rwanda is also in the process of adoption.
- The Constitution (art. 11, para. 2) and the Act to suppress crimes of discrimination and the practice of sectarianism (art. 3) prohibit discrimination of all kinds. There is as yet no legislation specifically on the subject of discrimination in housing.
- The law also prohibits eviction inasmuch as it protects landowners from eviction (Act establishing a land tenure regime, art. 56).
- There is no legislative instrument amending any existing legislation which runs counter to the implementation of the right to housing, combating speculation on housing or conferring legal title of ownership on persons living in the "illegal" sector.
- Environmental planning is covered by the Act on modalities for the protection, safeguarding and promotion of the environment in Rwanda (art. 28).

Community participation procedures

216. The community participates in the implementation of the right to housing.

- This is particularly the case with the construction of dwellings for vulnerable persons (the elderly, persons with disabilities, orphans, etc.).

¹²² Organic Act No. 29/2005 of 23 Dec. 2005.

¹²³ Organic Act establishing a land tenure regime in Rwanda (arts. 3, 5, 9, 19, 54, 56); Organic Act No. 04/2005 of 8 Apr. 2005 concerning modalities for the protection, safeguarding and promotion of the environment in Rwanda (arts. 12, 28), Legislative Decree No. 4/81 of 29 January 1981 concerning urban and regional development (arts. 7, 12), Act No. 18/2007 concerning expropriation for reasons of public utility (arts. 3, 21) and art. 29 of the Constitution (on expropriation).

- There is also community participation at district meetings when needs are identified and district performance contracts prepared. Housing needs are always taken into account.

Measures to give effect to the right to housing

217. The following may be mentioned here:

- The national housing policy, established in 2004
- The Government plan to group persons living in rural areas in *imidugudu* villages
- The national urban development policy
- The strategic housing and urban development plan (2008), whose objectives include the improvement of informal habitation sites, the removal of restrictions on land available for construction and its development, the renovation of public buildings, etc.

218. Other measures taken include:

- The redistribution of land for construction, the breaking-up of the largest estates and their equitable distribution
- A system of financing housing loans for households
- Promotion of a savings scheme for house purchase
- Establishment of a housing bank to facilitate access to housing loans
- The Social Security Fund facilitates access to housing by means of long-term loans
- The banks also offer loans, and are easing the conditions attaching thereto, so as to facilitate access to housing
- All these institutions promote housing savings schemes.

Organizations involved in housing construction

219. A number of agencies are involved:

- Both local and international organizations have been involved in the construction of *imidugudu* villages and settlements to facilitate the return of refugees since 1996. The Office of the United Nations High Commissioner for Refugees (UNHCR) has also been involved from the outset.
- The organizations concerned have full freedom to operate, but do not receive any State subsidy.
- The Government also wishes to encourage the private sector to participate in housing development and site preparation. For example, it is promoting the construction of individual housing by developers. The latter operate mainly in urban areas and receive State subsidies and facilities for the purpose.

Is there a scheme for the construction of low-rent housing in Rwanda?

220. As yet there is no scheme for the construction of low-rent housing in Rwanda. However, and notwithstanding its limited resources, the Government, in cooperation with civil society and its partners, has built and is continuing to build housing, especially for vulnerable and homeless families (e.g., refugees, historically marginalized population groups and persons repatriated from Tanzania).

Measures to recover unutilized, under-utilized or poorly utilized land

221. There is one legislative measure in force: the Organic Act establishing a land tenure regime, which provides that a requisition order for land unused for 3 years may be issued save where there are valid grounds for continuation of the status quo (art. 74).

222. In addition, in the city of Kigali, when urban development or redevelopment schemes are undertaken, people living in uninhabitable areas are resettled in habitable areas.

Housing budget

223. The housing budget allocated to the provinces and the city of Kigali by the Ministry responsible for housing matters in 2006/07 amounted to 9.9 per cent of the total budget allocated to that Ministry, which covers land and community services as well as housing. In 2007 the budget for those three sectors amounted to 4 per cent of the total.¹²⁴

Monitoring body

224. The Ministry of Local Government is the body with responsibility for monitoring and to which reports and action plans drawn up by local authorities are addressed. The Central Public Investments and External Finance Bureau, a Government agency with the task of coordinating development projects, is responsible for monitoring the use of development funds.

Housing scheme

225. The current housing framework is as follows:

- It consists of urban centres, semi-urban centres (existing rural centres) and rural centres *stricto sensu* (in which *imidugudu* settlements are constructed). The *imidugudu* system offers considerable benefits, since it permits the allocation of a maximum amount of arable land to agriculture. Dwellings and utilities are constructed on selected sites; other advantages are ease of access to services, shorter distances, lower basic infrastructure costs, the possibility of developing the secondary and tertiary sectors and the promotion of a spirit of innovation through competition among villages.¹²⁵
- The older trading and market centres are being revived (water, electricity and other infrastructure elements).

226. With the adoption of the Act to organize housing, the scheme will take the following form:

- In urban centres, building will take place on sites designated by town planning legislation.
- In rural areas, building works will consist of *imidugudu* villages, single buildings in agro-pastoral areas, public utilities and other infrastructure elements.

Measures to promote urban renewal

227. The measures taken to promote urban renewal are:

- Urban renewal measures

¹²⁴ MINECOFIN, Macro information and report on the activities of MINALOC for 2007, p. 26.

¹²⁵ MININFRA: Politique nationale de l'habitat au Rwanda, Jul. 2004, p. 30.

- Master plans for the development of the city of Kigali and other urban centres (such as Karongi, Rwamagana, Rusizi and Nyagatare)
- Development of a shopping centre in the capital (under construction).

"Ville de charme" operations

228. "Ville de charme" operations have not yet begun.

Proposals for site development and redevelopment

229. Redevelopment projects exist for the relocation of residents evicted from unsuitable housing or slum dwellings, particularly in the city of Kigali. The city is endeavouring to provide a decent site where the evicted persons can enjoy basic rights, and in particular infrastructure and public utilities. Article 23 of the Act on compensation (mentioned earlier) permits the relocation of evicted persons.

230. Certain sites, such as the historical museums and the sites erected to commemorate the Tutsi genocide, are being renovated.

Recent changes

The following positive changes may be mentioned:

231. With regard to the right to food:

- Poverty reduction policies
- The agricultural conversion strategy
- The water purification policy.

232. As regards the right to housing, the following developments may be mentioned:

- All the aforementioned Acts were adopted during the period covered by this report.
- The Act concerning matrimonial regimes, gifts and inheritance prohibits all gender-based discrimination among children of the deceased at the time of distribution of the estate (art. 50).
- The decentralization policy was adopted in 2002.
- A housing policy was adopted to deal with the problem of returning refugees and promote the creation of development centres in rural areas through the construction of *imudugudu* villages.
- The nature conservation policy calls, inter alia, for improvement of sewerage systems, cessation of the use of plastic bags¹²⁶ and improved collection of household refuse. These measures won the UN Habitat award for the city of Kigali in 2008.
- Environment policy; an agency (the Rwanda Environmental Management Authority) has in fact been set up for the protection and promotion of the environment.
- The modernization of the city of Kigali and the revitalization of rural centres.

Difficulties and shortcomings in implementation of the rights set forth in article 11

Many difficulties remain.

¹²⁶ Act No. 57/2008 of 10 Sep. 2009 prohibiting the manufacture, import, utilization and marketing of plastic bags in Rwanda (Official Gazette, No. 12 bis of 23 Mar. 2009).

233. In the housing sector, for instance:

- The current limitations on the financial capacity of the Rwandan State to ensure decent housing for its population, and particularly its vulnerable population groups
- The high cost of building materials, stemming from the high cost of imported products (this in its turn deriving from the country's landlocked situation)
- The absence of a firmly established legal framework on housing; laws on habitat organization are being drafted; regulations governing the different trades in the construction industry have not yet been elaborated. Much has been done, but much remains to be done.

234. In the agricultural sector the following factors may be mentioned:

- Families with farms are finding it increasingly difficult to live off their holdings, particularly on account of climate uncertainties; households are regularly faced with food shortages and seasonal or year-round nutritional deficiencies.
- A decline in stock-rearing (where production methods are still mainly traditional) and the ensuing low rate of manure production.
- The increasing incidence of erosion, due to the exhaustion of vegetation (especially deforestation), which is giving rise to an alarming decline in soil fertility.
- Income from the sale of the marketable portion of their produce is insufficient to enable agricultural households to meet their other needs.
- The predominance of subsistence agriculture, with low levels of use of markets.
- Low levels of investment; the financial sector has hitherto taken no interest in the agricultural sector, while the banking and financial institutions consider it to be high-risk for investment purposes.
- Land is in increasingly short supply, and demographic pressures are increasing.
- Attitudes and customs are slow to adapt to the new government policies.
- Market constraints, due to factors such as the low added value of produce consequent on the insufficiency of resources, infrastructure and processing, conservation and conditioning technologies.
- Cultivation techniques which do not ensure the quality and safety of foodstuffs.
- The low marketing skills of producers' organizations.

235. Among the other measures being taken to remedy the shortcomings in the agricultural sector, mention should be made of the Government's intention¹²⁷ to increase its budget allocation; in 2008, it was 4 per cent; it should be of the order of 10 per cent in 2010.

International aid

236. International aid¹²⁸ is highly significant in both the agricultural and the housing sectors. For instance:

¹²⁷ MINAGRI: Agricultural Sector Performance, First semester, 2008 (as above), note 99.

¹²⁸ CEPEX: Development Projects Implementation Report, First semester 2008, Jul. 2008.

In the agricultural sector:

- Institutions¹²⁹ such as FAO, WFP, IFAD, UNDP, UNAIDS, the United Kingdom Department for International Development and the Japanese International Cooperation Agency are financing a number of agricultural projects. Three may be mentioned here:
 - IFAD has financed 12 rural development projects in Rwanda with a total input of US\$ 102.7 million. Some of these projects comprise the development of cash crops and job creation through Promotion of Small and Medium Enterprises in Rwanda.
 - The Japanese International Cooperation Agency is assisting the Ministry of Agriculture with sustainable agricultural development in Bugesera district (Eastern province).
 - The European Union has financed water supply projects in Bugesera.

In the housing sector:

- The African Development Bank has financed the elaboration of master plans for electricity supply and water purification in the city of Kigali.
- UN-Habitat has provided assistance in the urban development of several towns and urban centres and the renovation of public buildings; it has also assisted the Ministry of Infrastructure with the elaboration of an urban development project (2005-2008).¹³⁰
- As part of the UNDP programme, the Japanese and Netherlands Governments have financed, inter alia, the construction of dwellings for various vulnerable groups.

7. Article 12: The right to physical and mental health*The health situation*

237. As shown by the indicators in the table below, the health situation has significantly improved.

Table 16

<i>Indicator</i>	<i>Year</i>			
	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Ratio physicians/population	1:50 000	1:42 000	1:37 000	1:18 000
Ratio nurses/population		1:3 118	1:700	1:1 700
Prevalence of AIDS (national average)			4.8 %	3.0 %
Malarial morbidity rate		29.4 %	15.01 %	11.0 %
Infant mortality rate per 1,000 births	86 (DHS 2005)			62 (IDHS 2007)
Child (under age 5) mortality rate	152(DHS 2005)			103 (IDHS 2007)
Maternal mortality rate per 100 000 births	750 (DHS 2005)			

¹²⁹ MINAGRI: Les partenaires du Minagri; http://minagri.gov.rw/article.php3?id_article=19

¹³⁰ UN-Habitat: Activités au Rwanda; <http://www.unhabitat.org/list>

Indicator	Year			
	2005	2006	2007	2008
Women using modern family planning methods	14 %		22.54 %	
			Rural areas	Urban areas
			25.9 %	36.1 %
Percentage of births assisted by a health professional	31 %	49.4 %	55.1 %	52.0 %
			Rural areas	Urban areas
			49.1 %	69.8 %
Prenatal consultation rate (at least one visit)	94 %			95 %
Malarial morbidity rate in health centres		28 %	15 %	11 %
		2008	2005	
Access of population to drinking water	64 % (national average)		Rural areas	Urban areas
			55 %	69 %
Access of population to adequate facilities for sewage removal		92 % of the population has access to a latrine		
Percentage of children immunized with DPT3	95 %	96 %	97 %	95 %
VP03 vaccines	95 %	95 %	98 %	
VAR vaccine	89 %	94 %	101 %	
Percentage of population living within 5 km of a health centre				60 %
Percentage of population covered by a mutual health scheme	44.1 %	73 %	75 %	85 %

Source: MINISANTE: Mini Demographic and Health Survey (DHS) 2007-2008; DHS 2005; NISR: RGPH-projection 2008.

Non-communicable diseases

Mental health¹³¹

238. The mental health situation is as follows:

- Mental health has been integrated into primary health-care programmes.
- In 2008 a number of conferences were held on clinical mental health themes; there were also radio broadcasts and celebrations on the occasion of Mental Health Day.
- In 2008 the neuro-psychiatric hospital in Ndera admitted 31,125 patients, 46 per cent of them women and 7.5 per cent children. Of this total, only 11 per cent (3,643 patients) were hospitalized, and 84.6 per cent of these left the hospital during the same year. District hospitals treated 27,662 patients.
- The main reason for consultations was epilepsy and other neurological disorders (38.5 per cent of all cases).

¹³¹ MINISANTE: annual report 2008.

Blindness and other physical disabilities

239. Blindness is a public health problem in Rwanda. The situation is shown in the following table.

Table 17
Eye care, 2004-2008

	<i>Consultations</i>	<i>Surgical operations</i>
2004	10 232	1 847
2005	14 643	3 137
2006	18 258	3 712
2007	41 003	3 555
2008	66 803	3 122 cataracts + 1 245 other

Source: MINISANTE: Blindness, annual report 2008.

*Physical disabilities*¹³²

240. Up to 2005, available estimates were based on WHO statistics, according to which 809,200 persons were suffering from some deficiency and 121,380 urgently needed rehabilitation treatment.

241. In 2005 the Ministry of Health, in cooperation with Christian Blind Mission International, conducted a survey of the prevalence of physical disabilities and rehabilitation needs in Rwanda. The results revealed a prevalence rate of 5.8 per cent, including:

- 350,000 persons needing physical treatment
- 181,000 persons needing medicines
- 181,000 persons needing surgical operations
- 150,000 persons needing walking aids
- 27,000 persons needing prostheses and orthoses
- 10,000 persons needing wheelchairs
- 7,500 persons needing permanent care.

242. The public services (especially in hospitals) provide them with treatment and care.

243. Religious and non-governmental organizations also offer care to persons with disabilities.

National health policy

244. There is a national health policy covering prevention, treatment, rehabilitation and adaptation.

- Eight programmes on aspects of national health policy have been drawn up by the Ministry for the period 2005-2009.¹³³

¹³² MINISANTE: annual report 2008.

¹³³ MINISANTE: annual report 2007, pp. 12-13.

- There are also strategic plans. The first came to an end in 2008; the next, covering the period 2009-2012, provides for continuation of the following programmes:
 - (a) Human resources development;
 - (b) Improvement in supplies of medicines, vaccines and other high-quality medical consumables;
 - (c) An improvement in geographical accessibility of care;
 - (d) An increase in financial accessibility of high-quality health care;
 - (e) An improvement in the quality of and demand for health-care services for disease control;
 - (f) Strengthened performance by national referral hospitals;
 - (g) An institution-strengthening programme;
 - (h) Family planning.

Measures for implementation of primary health-care programmes

245. In Rwanda's health policy, priority is given to prevention (equivalent to primary health care), and the fight against the diseases responsible for morbidity and mortality, through the following measures:

- Programme to combat AIDS
- Maternal and child health programme
- Control of epidemics (such as tuberculosis and malaria)
- An increase in the number of health centres
- Expansion of existing health centres and equipment with essential materials (laboratories, delivery rooms)
- Establishment of an emergency medical transport system for ambulance management
- Construction of secondary health posts
- Increases in staffing of health centres (nurses and laboratory technicians) and staff skills development (nurses to advance from grade A2 to grade A1)
- Extension of the activities and services dealing with AIDS (VCT, ARTs, PTME), tuberculosis and malaria
- Decentralization of financial resources; transfers of budgets (e.g., wages, running costs) directly to health centres
- Generalization of the insurance system (mutual health funds) and mobility of care facilities
- Better quality of care; capacity-building (with data managers for data collection)
- Community health-care programmes; community health officers (29,000 in all) monitoring and mobilizing the population on matters relating to child health, promotion of childbirth in sanitary surroundings
- Motivation of community health officers to encourage them to form cooperatives with income-generating activities (since they work without pay).

246. All these measures provide support to the health-care system as a whole. The system operates at various levels:

- National level (referral level for complicated cases)
- Secondary (district hospital) level, which includes the complementary group of district hospitals. They are responsible for curative treatment, surgery, serious cases requiring hospitalization and emergency obstetric and neonatal care, C (Comprehensive, i.e., blood transfusion and delivery by Caesarean section) and nutritional rehabilitation
- Primary level
- Community level; community health care, Integrated management of childhood illnesses, maternal health care, nutrition programme, personal and family hygiene programme)
- Primary health care is made available at community and primary levels with:
 - Maternal and child death audit programme
 - Distribution of contraceptives
 - At the primary health-care level, a health post is being established between primary and community levels.
- The health centres offer:
 - All preventive care
 - The minimum activity package, which comprises the expanded vaccination programme, all maternity services, prenatal consultations, delivery facilities and related care
 - Emergency obstetric and neonatal care, B (basic)
 - Curative treatment for the most frequent illnesses
 - Outpatient consultations and uncomplicated cases requiring hospitalization
 - AIDS services (prevention and treatment, VCT, PMTCT, ARTs).

Budget allocation for the health sector

247. Percentage of the national budget allocated to the health sector:

Table 18

<i>Year</i>	<i>Percentage</i>
2003	5 %
2005	8.2 %
2006	17.4 % with external aid
2007	10.4 %
2008	9.1 %

Source: MINISANTE, MINECOFIN: budget by sector, fiscal year 2006/07.

248. Government expenditure on health care per person increased from \$6 in 2005 to \$11 in 2008.

249. The proportion of the health budget devoted to primary health care was 79.4 per cent in 2008¹³⁴ as against 67 per cent in 2007¹³⁵ and 40 per cent in 2006.¹³⁶

Vulnerable groups in the health area

250. The vulnerable groups in the health area are children and women, particularly pregnant women.

Miscellaneous measures

Positive changes in the health sphere

251. No policy has had any adverse effect. Rather, there have been positive developments and praiseworthy measures, including:

- Government incentives and subsidies for medical insurance, channelled through mutual health funds
- The health-care decentralization policy, designed to strengthen the district level
- Substantial increases in the number of health centres
- Redeployment of nurses
- Increased use of health-care packages in health facilities (for example, for treatment of AIDS)
- Creation of health posts (at a more basic level than that of health centre)
- Introduction of a health programme with community health officers as the linchpin.

Measures to improve physical and mental health

252. The Government considers the following measures necessary to improve the physical and mental health of persons or groups deemed to be vulnerable:

- The mutual health fund system, which gives financial access to health care
- The community health programme
- The programme for orphans and vulnerable children, which gives them access to health care
- The programmes focusing on HIV/AIDS, which are all free of charge
- The anti-malaria campaign; administration of Coartem, distribution of mosquito nets impregnated with long-lasting insecticide and large-scale insecticide spraying in homes
- Distribution of mebendazole, vitamin A and folic acid
- Integration of mental health into the primary health-care strategy.

General policy measures

253. The following general policy measures have been taken:

- (a) The Government's poverty reduction strategy;

¹³⁴ MINECOFIN: Annex II-I: Expenditure by sector and sub-sector, 2009-2012.

¹³⁵ Idem: Budget by sector, fiscal year 2007.

¹³⁶ Idem: Revised budget by sector, fiscal year 2006.

- (b) The national health policy (with its eight facets described earlier) and the strategic health plan;
- (c) The nutrition policy;
- (d) The HIV/AIDS programme and the programme to combat malaria and tuberculosis;
- (e) The family planning and maternal and child health programme;
- (f) Emergency obstetric and neonatal care;
- (g) The reproductive health policy;
- (h) The pharmacy policy;
- (i) The mental health policy (at the drafting stage);
- (j) The community health policy;
- (k) The human resources development for health policy;
- (l) The blood security policy.

Norms and standards specific to Rwanda

254. The following norms and standards are specific to Rwanda:

- (a) A minimum package of activities is on offer in health centres and district and referral hospitals in order to permit equitable provision of care throughout the country; and
- (b) Nurses undergo continuing training.

Principal effects of the measures taken

255. The principal effects of these measures are:

- (a) The infant mortality rate has fallen;
- (b) Over 90 per cent of infants under 1 year of age have been vaccinated;
- (c) The maternal mortality rate, and the mother-to-child HIV/AIDS transmission rate, have fallen;
- (d) The numbers of cases of malarial morbidity and mortality have fallen by 15 per cent;¹³⁷
- (e) All disease control programmes are coordinated within a single entity (TRAC Plus);
- (f) Membership of mutual health funds has made health care more affordable for the population;
- (g) Geographical accessibility has been improved through health service mobility and hospital construction;
- (h) The health of the population at risk has been improved through free HIV/AIDS programmes and the distribution of vitamin A supplements;¹³⁸

¹³⁷ MINISANTE: 2007 report (as above), p. 40.

¹³⁸ Idem: 2006 report (as above), p. 105. All children under age 5, and 87% of women post-partum, have received vitamin A supplements; all children, and 95% of women post partum, have been treated for worms.

- (i) Persons with mental disorders have access to appropriate services; seven mental health services have already been established;
- (j) As shown in the table earlier, the ratio of medical personnel to the population has risen.

Difficulties encountered

256. The difficulties still encountered, notwithstanding the measures taken, derive from the following factors:

- (a) There are shortcomings in the quality of the health system, and medical equipment is inadequate;
- (b) Medical personnel of high standards are few in number;
- (c) The health services for mothers and infants are not yet functioning properly;
- (d) The nutrition problem is still present;
- (e) The development of mutual health funds is still beset by management problems owing to the lack of qualified personnel;
- (f) Financial resources are often limited, and the health sector is at least 50 per cent dependent on external aid;
- (g) There is still inequality in budget allocations; anti-AIDS programmes absorb a considerable proportion of the available funds, to the detriment of provision for other diseases causing high levels of mortality.

Measures to reduce stillbirth and infant mortality rates

257. To reduce stillbirth and infant mortality rates and ensure the healthy development of children, the Government has taken the following measures:

- (a) An increase in prenatal consultations and incentives to make use of them;
- (b) Strengthening of the policy of assisted childbirth in health facilities;
- (c) The emergency obstetric and neonatal care programme;
- (d) Promotion of breastfeeding;
- (e) Infant consultations in parallel with post-natal care;
- (f) The expanded immunization programme, comprising pneumococcal vaccination;
- (g) Integrated management of childhood illnesses;
- (h) Prevention of mother-to-child HIV/AIDS transmission;
- (i) The introduction of the Kangaroo Mother Care method of care for newborn babies in hospitals;
- (j) The national integrated anti-malaria campaign, with the systematic distribution of mosquito nets to children under 5 years of age and Coartem; malaria prevention measures in the home (large-scale programme of house spraying);
- (k) Deworming and vitamin A distribution campaigns;
- (l) Inculcation of the necessity of washing the hands before feeding a child;
- (m) Community-based dietary programmes to reduce and eradicate malnutrition among children under age 5;

- (n) Community-based management of the principal causes of infant mortality, such as malaria, diarrhoea, measles and pneumonia;
- (o) Membership of mutual health funds;
- (p) General introduction of the Performance Based Financing system, which plays an incentive role in improving the quality of the care provided by medical personnel.

Measures to improve environmental hygiene

258. The following measures¹³⁹ have been taken by the Government to improve environmental hygiene:

- (a) The healthy environment policy, comprising:
 - Raising public awareness of the need for washing the hands
 - Awareness campaigns on wearing shoes
 - Prohibition of sharing of drinking reeds
 - Raising of awareness of the importance of good hygiene generally
 - Construction of latrines complying with standards
 - Management of household refuse
- (b) The following measures have been taken relating to hygiene in hospitals:
 - Single use of medical material and collection after use
 - Disposal of biological waste
 - Promotion of hygiene in schools
 - Distribution of 1,500 hand-washing units in district hospitals and health services
 - Fostering of understanding of need to keep clear of marshes
 - Regular inspections of restaurants by sanitary inspection committees.

Measures to improve hygiene at work

259. The following are the measures taken by the Government to improve hygiene at work and thereby combat work-related diseases,¹⁴⁰

- (a) Health and safety committees are being established in enterprises: a Ministerial order on safety and health at work is in the process of study and adoption by Parliament;
- (b) A policy on health and safety at work is being drawn up;
- (c) The capacities of the labour inspectors are being strengthened;
- (d) The national survey of the state of work premises has now been completed. One observation made during the inspections was the fact that health and safety committees have already been established in some large enterprises, particularly those with high risk levels;

¹³⁹ MINISANTE: report for 2007 (as above), pp. 86-87.

¹⁴⁰ MIFOTRA: Labour Inspectorate.

(e) Lastly, staff delegates have been elected to look after health and safety matters in their enterprises and advise the employer on the subject.

Measures to prevent, treat and combat epidemic, endemic and other diseases

260. The measures taken by the Government to prevent, treat and combat epidemic, endemic, occupational and other diseases include the following:

(a) The national programmes to combat highly epidemic diseases such as AIDS, malaria and tuberculosis;

(b) As regards AIDS (it should be remembered that all the programmes mentioned below are free of charge):

- Prevention measures of a general character conducted through the media (ABC, Abstinence Be Faithful and use of condoms)
- Introduction of voluntary counselling and screening for HIV/AIDS in health facilities or screening and treatment centres
- Prevention of mother-to-child transmission (by screening of pregnant women, couples, prophylaxis, ART treatment)
- ART treatment where AIDS has reached the clinical stage
- Integration of HIV services throughout the health-care system
- Comprehensive treatment of childhood diseases (clinical and community)
- Introduction of Youth-friendly Services, a programme for adolescents which encourages them to submit voluntarily to screening;

(c) For malaria, the following measures have been taken:

- Priority distribution of insecticide-impregnated mosquito nets to pregnant women and children under age 5, and intermittent prophylactic treatment for pregnant women;
- Spraying programmes for the home;
- State-subsidized use of Coartem (normal cost RF 8,000, available at the price of RF 200);
- Campaign against marshlands;
- Home-based management of malaria; treatment of malaria in children;

(d) For tuberculosis there are:

- The screening programme in health centres and hospitals
- The community screening programme and screening and treatment centres (in all health centres and district hospitals)
- Community direct oral treatment strategies; distribution is free
- The programme for the detection of multi-resistant tuberculosis and the establishment of health centres to treat it

(e) Implementation of the hygiene measures mentioned earlier;

(f) The expanded vaccination programme;

(g) Anti-pneumococcal vaccination (begun in 2009);

(h) The surveillance programme to combat diseases (Ebola fever, cholera, bacillary dysentery, avian influenza, A influenza and other "neglected" diseases such as bilharzia);

(i) Border controls to combat diseases with epidemic potential (within the East African States and the Economic Community of the Great Lakes Countries).

Measures to ensure that needed health and medical services are available to all

261. The measures taken by the Government to ensure that health and medical services needed in cases of illness are available to all include the following:

- Geographical access to health care (construction and rehabilitation of infrastructure elements)
- Continuing training and motivation of personnel
- An increase in the numbers of health personnel
- Improved quality of services and Performance Based Financing
- State subsidies for certain diseases
- The State pays for persons without resources who are unable to obtain cover from a mutual health fund (803,500 persons in 2006 and 714,250 in 2007/08)¹⁴¹
- Establishment of medical insurance schemes (such as the Rwanda Sickness Insurance Fund and the sickness scheme for members of the armed forces) to make health care more affordable.

Effects of the measures taken

262. The effects of the measures taken in respect of the situation of vulnerable and disadvantaged groups in society are:

- (a) An improvement in the health indicators, as shown in the table included earlier;
- (b) Use of health-care services; mutual health funds are primarily of benefit to vulnerable population groups.

Difficulties encountered

263. The failures and difficulties encountered in the application of these measures include the following:

- (a) Post-natal care services are still little-used;
- (b) Family planning is not fully accepted, or even universally welcomed, on account of certain religious beliefs or fears regarding the secondary effects of the medicines;
- (c) Quality standards among medical personnel still leave room for improvement;
- (d) Budget constraints.

¹⁴¹ MINISANTE: report for 2008.

Other measures benefiting older persons

264. To ensure that increases in the cost of health care do not adversely affect the rights of older persons, the Government has taken the following measures:

- (a) The State subsidizes medicines; taxes are not levied on certain essential medicines;
- (b) The prices of benefits are fixed by the State;
- (c) Assistance is provided through mutual health funds.

Community participation

265. Community participation takes the following forms:

- (a) District hospitals and health centres are autonomous and have boards of governors elected by the community and health committees;
- (b) The population participates through the health committees.

Dissemination of information

266. Community health officials keep the population informed by the following means:

- (a) Awareness-raising campaigns;
- (b) At meetings convened after completion of community work projects;
- (c) Handling of the reproductive health problems of young persons by the Youth Friendly Service;
- (d) The media (radio, television, newspapers) enable the population to keep informed on health problems - family planning, maternal health, nutrition. In 2008, there were 250 radio broadcasts on transmissible diseases;
- (e) Regular publication and distribution of the Ministry of Health periodical "Urubaga rw'Ubuzima";
- (f) A national communication policy designed to change behaviour patterns (2006) keeps the population informed on various health matters;
- (g) Messages on health matters are transmitted and disseminated on hoardings and in buses;
- (h) Private initiatives are also taken by non-governmental and religious organizations, and also by organizations combating AIDS which have the task of educating the population on the disease;
- (i) There are anti-AIDS youth clubs in schools whose task it is to inform young pupils; journalists also receive training in these subjects.

International aid

267. International aid covers some 55 per cent of the cost of the health-care sector. The Government and its development partners have concluded a protocol of agreement which was signed in October 2007. It establishes a sector-by-sector approach within which all forms of project aid and support and other resources are collated and coordinated so as to bring them into line with the strategic plan and establish a basis for programmes taking a long-term view of developments in the health situation in Rwanda. The aid is intended to strengthen financial capabilities and the health system as a whole. Thanks to this aid, a number of hospitals have been rehabilitated and several facilities modernized.

8. Article 13: The right to education

Primary education

268. Under the terms of the Constitution (art. 40 (3)) and the Education Act,¹⁴² primary education is compulsory and free of charge in government and government-regulated schools.

269. Since 2006, primary education has been free of charge in government schools. Charges for schooling have been replaced by a system known as the "capitation grant". This replaces the tuition fee which the pupil would otherwise have had to pay. The cost is borne by the Government, which pays schools directly. Basic education is free during the first six years of primary and the first three years of secondary education (the latter became free of charge during the 2009 school year).

270. Rwanda has withdrawn the reservation on article 13 made at the time of accession to this Covenant reading: "The Rwandese Republic [is] bound, however, in respect of education, only by the provisions of its Constitution." The primary-education indicators, including the results of national examinations during the period 2004-2008, are shown in the table below.

Table 19

	<i>Sex</i>	<i>2003/04</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Rate of registration (%)	Girls	94.5	94.7	97	96.8	95.1
	Boys	91.5	92.2	92.9	94.7	93.3
Success rate ¹⁴³ (overall rate except for year 2008)	Girls	44.9	46.7	51.7	52.0	48.8
	Boys					49.3
Dropout rate at primary level	Average for both sexes					Not available
		14.0	14.6	14.3	13.9	Not available
Repeat rate						Not available
		18.8	15.8	18.1	17.7	Not available
Number of schools		2 262	2 295	2 323	2 370	2 432
Pupil-teacher ratio		66.9:1	69.0:1	70.9:1	74.0:1	66.0:1

Source: MINEDUC: Annuaire statistique de l'éducation, 2004-2008.

Secondary education

271. Secondary education is free during the first three years (common stream).

272. The new basic education policy, which provides for free education for all during the first three years of the secondary phase, came into effect in 2009.

273. The average cost of tuition in secondary education in a government or government-regulated school is RF 35,000 per pupil per term in the lower secondary cycle and in upper secondary education (for boarding schools).

¹⁴² Act No. 29/2003 of 30 Aug. 2003 concerning the organization and functioning of preschool and primary and secondary education (Education Act).

¹⁴³ Data for 2008. Since 2009 the examination for admission to secondary education has been held at the end of the third year of secondary education.

At the lower secondary level, the Government pays RF 21,000 per pupil (RF 7,000 per term) for boarders and RF 11,000 per pupil per year for day-pupils who take their midday meals at school. The average cost in the upper cycle of secondary education is RF 45,000 per pupil per term. In a private school the average cost is RF 80,000.

274. The average cost of tuition in technical and vocational schools is practically the same as that of general secondary education in government and government-regulated schools. The cost is also borne by the State, district education funds and (for vulnerable children) local public institutions and private actors. The secondary-education indicators, including the results in the national examinations, for the period 2004-2008 are shown below.

Table 20

Year		2003/04	2005	2006	2007	2008
Total number of pupils attending secondary schools		203 551	218 517	239 629	266 518	288 036
Sex	Boys	106 540	115 350	125 857	139 699	150 221
	Girls	97 011	103 167	113 772	126 819	137 815
	% Boys	52.8	52.8	52.5	52.4	52.2
	% Girls	47.7	47.2	47.5	47.6	47.8
Rate of successful completion of lower secondary cycle	Boys	67.04 %	67.58 %	67.87 %	68.93 %	57.21 %
	Girls	32.96 %	32.42 %	32.13 %	31.07 %	42.79 %
Rate of successful completion of upper secondary cycle and rate of award of secondary school graduation diplomas	Boys	51.75 %	58.97 %	54.72 %	57.14 %	53.1 %
	Girls	48.25 %	41.03 %	45.28 %	42.86 %	46.09 %
Repeat rate		9.8	87	7.7	8.4 %	Not available
Numbers of secondary schools (public and private)	Public	286 218	337	356	405	466
	Private		216	223	238	223
Pupil-teacher ratio (public sector)		27.7:1	29,6:1	32.0:1	22.0:1	18.7:1
Pupil-teacher ratio (private sector)		24.6:1	27.6:1	28.6:1	21.7:1	16.7:1
Pupil-qualified teacher ratio		51.5:1	55.5:1	58.0:1	41.3:1	49.2:1

Source: MINEDUC: Annuaire statistique de l'éducation 2004-2008.

Higher education

275. Higher education is not open to everyone.

276. Higher education is not free of charge. It is a policy aim that higher education should be open to all, notwithstanding the limited financial resources available to the State. The Student Financing Agency was set up in 2003 and became operational in 2009; it is responsible for administering the loan and bursary system. The number of places in the public higher education system is steadily increasing.

277. There are a large number of public and private institutions offering higher education; to increase access to higher education, evening classes are organized.

278. Government officials dismissed for lack of professional qualifications have had their university tuition fees paid by the State.

279. There are 33 higher education institutions, 5 of which train nurses to A1 level. The cost of training depends on whether the institution concerned is in the public or the private

sector. The cost in a private institution such as Kigali Free University is RF 466,000 per student per year (registration included) and RF 551,000 per student per year (registration included) in the faculty of administrative sciences of the National University of Rwanda.

Literacy

280. There is a basic education system for persons who have never had any schooling or have not completed primary education. In 2005 there were 6,000 literacy centres, catering to at least 300,000 young and adult students.¹⁴⁴ Participation rates in literacy programmes are shown below.

Table 21

Literacy rate ¹⁴⁵		74 %
	Females	Males
	70 %	78 %
Number of participants in literacy programmes (2008)		6 605
Rate of registration in basic education ¹⁴⁶		95 %
Adult education rate		74 %

Source: MINEDUC.

281. The programme is designed principally for persons aged 15 years or over.

282. Popular education is generally provided by community development and continuing training centres.

283. Youth training centres for young dropouts have been set up by the Government to provide them with basic or vocational training.

284. Literacy programmes are conducted by the Government in cooperation with its partners (NGOs and religious organizations).

285. There are also catch-up programmes for the reintegration of children who have not completed their primary education.

Literacy promotion measures

286. The following measures are being taken by authorities at base level to promote literacy:

- (a) The national literacy policy;
- (b) Incentives for the population in the form of items of household equipment (such as hoes and other household tools) on completion of programmes;
- (c) Teachers also receive minor incentives (such as bicycles), especially when they provide their services without pay;
- (d) The creation of literacy promotion sites/centres in the districts (at least one centre per district);

¹⁴⁴ MINEDUC: Rwanda: Study of literacy needs and programs for youth and adults (background paper prepared for the Education for All global monitoring report 2006), p. 10.

¹⁴⁵ Mini-EICV-2, 2008.

¹⁴⁶ MINEDUC, 2008.

- (e) Training is provided in all districts;
- (f) The Government is working in cooperation with civil society and religious organizations.

Literacy programmes

287. There are literacy programme manuals, some of them prepared by public institutions, others by various partners such as NGOs, religious organizations and other associations. The Government is drawing up a harmonized programme.

288. Financing comes from central government and district funds and other sources, such as NGOs, religious organizations and other associations.

Difficulties encountered

289. The difficulties arise mainly when the budget is insufficient to cover existing needs. The situation is as follows:

Table 22

<i>Budget</i> ¹⁴⁷	2003	2004	2005	2006	2007
	19 %	16,4 %	16 %	19,5 %	20 %

Source: MINECOFIN.

Difficulties at primary level

- (a) Well-qualified teachers are in short supply;
- (b) There are problems of teacher retention and motivation;
- (c) The dropout rate remains high, owing to ignorance and poverty in some families;
- (d) The repeat rate at primary level is 18.1 per cent;
- (e) There is a continuing shortage of school materials (e.g., one book for every three pupils in primary schools);
- (f) The pupil-teacher ratio in primary schools is still high (74 to 1 in 2007¹⁴⁸ as against 64 to 1 in 2005);
- (g) The infrastructure for registration for secondary studies is still insufficient, and there is a lack of facilities for attendance at secondary school.

Difficulties at higher education level

- (a) There are still shortages of infrastructure and laboratory equipment generally;
- (b) Housing for students is in short supply;
- (c) The percentage of girls in higher education is still low (41.6 per cent in 2007);

¹⁴⁷ MINECOFIN: Budget by sector.

¹⁴⁸ MINEDUC: Summary of achievements by Mineduc in 2007.

(d) The qualifications of technical staff are inadequate; this means that expatriate teachers have to be recruited (especially at higher education level and in scientific and technical subjects).

Literacy

- (a) The programmes are not yet in operation throughout the country;
- (b) Literacy centres are dependent on assistance from NGOs and religious organizations;
- (c) There is a shortage of qualified personnel; the level of studies is generally low, and many of those involved provide their services on a voluntary basis;
- (d) Coordination and supervision of teachers, which would permit enhanced programme output, is lacking;
- (e) There is a lack of secondary-level teaching material;
- (f) Infrastructure is still insufficient;
- (g) Other difficulties: attitudes, stereotypes, ignorance and poverty;
- (h) There are still no post-literacy programmes.

Objectives

290. The objectives are as follows:

- (a) The Government of Rwanda has set itself the target of achieving universal primary education by 2010 and education for all by 2015, in line with the MDGs;
- (b) The other target is the attainment of a 100 per cent pass rate in lower secondary education;
- (c) Achievement of boy-girl parity at all levels of education; this has already been achieved at primary level, but the challenge remains at the secondary and higher levels;
- (d) Again in line with the strategic education policy, the desirable literacy level would be 80 per cent in 2010 and 100 per cent by 2020.

Concept of the education system

291. The concept of the education system is as follows:¹⁴⁹

- (a) Education within the family, provided by the parents and the child's entourage;
- (b) Formal education, which comprises:
 - At preschool level: kindergarten education
 - Primary education, lasting six years and divided into two cycles; it includes a literacy component during the first three years
 - Secondary education, consisting of two cycles: lower, or common stream (the first three years) and upper
 - Higher education

¹⁴⁹ Act No. 20/2003 concerning the organization of education.

- Special education for children with specific disabilities
- (c) Non-formal education, which includes:
 - Popular education (for adults who have never attended school)
 - Continuing education: designed to provide the different categories of workers with the skills and knowledge which will enable them to perform their tasks
- (d) There are several types of school, according to the type of management:
 - State (public) schools, established and/or subsidized with State funds
 - State-regulated schools (schools built by the State on land legally transferred to a physical or legal person)
 - Private schools, built by physical or legal persons.

The school calendar year

292. Since 2005, the school and academic years have begun in January and ended in October.

School construction

293. As shown in earlier tables, school construction work is continuing.¹⁵⁰ In addition to schools, 39 catch-up centres were built in 2006 and 60 in 2007. The latter are primarily for street children and other children who did not complete their primary schooling.

Measures to guarantee access to education and financial benefits available

Measures to guarantee access to education

294. The following are the measures taken:

- (a) Children from low-income families, children with disabilities, immigrant children and other categories of children without resources receive State aid as prescribed by law;¹⁵¹
- (b) The abolition of tuition fees enables these children to study free of charge;
- (c) Some examples deserve mention:
 - The cases of refugees, mainly from Burundi and the Democratic Republic of the Congo. Until the end of 2006¹⁵² these children's tuition fees were paid from kindergarten to secondary level; in addition, 14,872 children had their university, apprenticeship and literacy course fees paid.
 - The Assistance Fund for Survivors of the Tutsi Genocide covers the cost of tuition fees for child survivors of the genocide up to higher education level. Between 1998 and 2007,¹⁵³ at least 3,006 students completed secondary education and 1,500 higher education

¹⁵⁰ MINEDUC: Summary of achievements, 2006-2007.

¹⁵¹ Act No. 29/2003 (as above), art. 3(2).

¹⁵² National Committee on the Rights of the Individual: 2006 report, p. 25.

¹⁵³ FARG: Jul. 2008.

Financial benefits

295. The following financial benefits are available:

- (a) Bursaries are awarded by the Government and other partners, such as the Assistance Fund for Survivors of the Tutsi Genocide, the Student Financing Agency for Rwanda, the Forum for African Women Educationalists and the Imbutu Foundation;
- (b) The Government offers "outstanding performance" bursaries to the most deserving pupils/students under a Presidential order creating "outstanding performance" prizes for the pupils and students obtaining the best results;
- (c) There are district education funds to subsidize the tuition fees of the most disadvantaged;
- (d) Teachers in literacy centres are offered incentive bonuses;
- (e) Support is given to private schools.

Access to education for children with disabilities

296. The following programmes have been established for children with disabilities:

- (a) Children with disabilities have special curricula; there are special schools for persons with disabilities, administered by religious organizations and NGOs. However, these schools are few in number;
- (b) There are four special Government-supported schools (for the deaf, the blind and children with physical disabilities, one being a secondary school) in operation;
- (c) At the last census,¹⁵⁴ 93,299 children were registered as having disabilities. As regards types of disability, if one leaves out of account disabilities of indeterminate nature (43.5 per cent) and miscellaneous disabilities (15.4 per cent), the principal types identified were: disabilities of the lower limbs (14.7 per cent), disabilities of the upper limbs (11.6 per cent), deaf-mutism (8.0 per cent), blindness (3.6 per cent), mental deficiencies (2.4 per cent) and trauma (1.0 per cent).

Protection of children with disabilities

297. The following legislative measures have been adopted;

- (a) The Constitution prohibits discrimination of any kind based on a wide range of grounds (such as religion, sex, origin, language and social status or deficiency);
- (b) The Act concerning the protection of disabled persons generally stipulates that children with disabilities are entitled to special education matching the nature of their disabilities.

298. Other relevant social measures permit the inclusion of children with disabilities in the category of vulnerable children and thus enable them to benefit from all the assistance programmes for vulnerable persons mentioned earlier.

Teaching in the mother tongue

299. The law¹⁵⁵ provides that the language of instruction in the first cycle of primary education shall be Kinyarwanda; in the second cycle, the language of instruction will be

¹⁵⁴ NISR: RGPH, 2002.

¹⁵⁵ Act No. 29/2005 (as above), note 1.36, arts. 34 and 35.

English, with Kinyarwanda being taught as a subject. English has been promoted to the status of a language of instruction since the 2009 school year.

Financial situation of teaching staff

The salaries of teaching staff are as shown below.

Table 23

<i>Level of education</i>	<i>Salary (in RF)</i>
Primary school education (entry level)	27 000
Secondary school education: A1 (having completed first part of university course)	93 000
A0 (having completed bachelor's degree course)	115 000

Source: MINEDUC.

300. Incentive bonuses (amounting to as much as RF 12,000 in all) are payable in addition to salaries.

301. Teachers are also organized in a cooperative (Umwalimu SACCO) which enables them to save, obtain loans and improve their well-being.

302. Before the 2006 reform of the public service, teachers' salaries were slightly higher than those of other central government officials. As the table below shows, this is no longer the case.

Table 24

<i>Salary of a secondary-school teacher</i>	<i>Salary of a central government official (Level 3 in administration)</i>
115 000 RF (with A0 level)	170 000 RF

Source: MINEDUC.

303. Measures to increase the salaries of teachers and thus improve their motivation are being studied.

304. At the higher education level the average salary of a lecturer with a Master's degree in a public institute of higher education is RF 280,000; in a private institution the same lecturer would receive a salary of RF 380,000.¹⁵⁶

Private establishments

305. Persons wishing to found or gain admission to private institutions have no difficulty in doing so; the Government of Rwanda encourages all private initiatives in the educational and other areas. The numbers of private establishments at the different educational levels is shown in the table below.

¹⁵⁶ The public institution in question is the National University of Rwanda; the private institution is the Université latque adventiste de Kigali.

Table 25

<i>Private schools</i> ¹⁵⁷	<i>Private universities</i>	
		14
	Secondary schools	238
	Primary schools	106
	Preschool level	Total: 2 148, of which, 99 % private (in 2008)

Source: MINEDUC.

Recent changes

306. No government policy, law or national practice has had any prejudicial effect on the right to education. On the contrary,

(a) First, the Constitution has abolished all forms of discrimination. It will be recalled that before 1994 admission to public educational institutions was based on a system of ethnic and regional quotas;

(b) The Government now has a constitutional obligation to ensure the education of the most disadvantaged persons and persons with disabilities;

(c) The reservation concerning article 13 of the Covenant has been withdrawn;

(d) Rwanda has acceded to a number of international conventions;¹⁵⁸

(e) The Education Act has been amended. New legislative instruments¹⁵⁹ have been adopted to promote greater enjoyment of the right to education;

(f) A Presidential Order setting quality norms and standards in higher education institutions is about to be promulgated. It will ensure uniformity in the provision of academic services in these institutions;

(g) The new education policy, the strategy for the education sector and the UNESCO national strategy have been in force since 2003. The latter provides technical support to the education sector;

¹⁵⁷ Year 2007.

¹⁵⁸ In 2000, Rwanda acceded to the following conventions: the 1960 Convention against Discrimination in Education, the 1976 Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States Bordering on the Mediterranean, the 1979 Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region, the 1983 Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific, the 1974 Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean and the 1989 African Charter on the Rights and Welfare of the Child. In 1990 Rwanda acceded to the United Nations Convention on the Rights of the Child.

¹⁵⁹ These include: Act No. 23/2006 of 28 Apr. 2006 creating the National Higher Education Council, Act No. 20/2005 of 20 Oct. 2005 concerning the organization and functioning of higher education; Act No. 20/2003 concerning the organization of education, which is designed to train citizens to be free of all discrimination [...], art. 2; the Act defining the responsibilities, organization and functioning of the Student Financing Agency for Rwanda; the Presidential Order determining the conditions of award of study bursaries [...]; the Presidential Order of 7 Mar. 2005 creating outstanding performance bursaries for pupils and students obtaining the best results; the Prime Ministerial Order of 16 Mar. 2001 concerning the organization and functions of the Ministry of Education; the Prime Ministerial Order of 23 Dec. 2002 establishing a committee for the award of bursaries for study abroad [...]; and the Prime Ministerial Order of 15 Mar. 2003 creating [...] the Inspectorate-General of Education.

- (h) A policy for technical and vocational education has been established;
- (i) There is a five-year plan for the promotion of girls' education;
- (j) Tuition fees have been abolished; government subsidies to districts in the form of capitation grants are continually on the rise. The subsidies were initially set at RF 300 per pupil per year; they now stand at RF 5,300 per year for each primary-school pupil and RF 21,000 for each secondary-school student;
- (k) The Government is making increased efforts to assist vulnerable children generally (through the Assistance Fund for Survivors of the Tutsi Genocide and district education funds);
- (l) With FAO assistance, it also supports the promotion of school gardens and farms and dietary education in schools;
- (m) The entire educational system has been overhauled:
- New catch-up centres are opened every year.
 - New schools and centres of excellence were opened in 2006.
 - Additional impetus has been given to the promotion of girls' education (and particularly retaining them in school) and their performance, particularly in science and mathematics; "outstanding performance" bursaries exist to encourage the best performers.
 - Support is given to special education for children with specific needs.
 - More emphasis is being laid on science, technology and information subjects, which are being integrated into all levels of education.
 - The Government launched the "a computer for every student" project in 2007.
 - Since the school year 2009-2010, English has been introduced as a language of instruction, beginning at primary-school level. The changeover will have been completed in all institutions, both public and private, by 2011.
 - In a number of fields a third-cycle level has been introduced.
 - A new system of financing higher education has been introduced.
 - A start has been made with the project to create a kindergarten in every administrative cell.
- (n) Other institutions have been established, such as:
- The National Curriculum Development Centre for the harmonization of curricula
 - The Inspectorate-General of Education
 - The National Official Examinations Board
 - The National Higher Education Council
 - The National Agency for the Financing of Loans and Bursaries.
- (o) Some institutions (the National Curriculum Development Centre, the Teachers' Commission, the Inspectorate-General, the National Official Examinations Board and the National Agency for the Financing of Loans and Bursaries) have been merged under the Rwanda Education Board to ensure proper coordination of their services;
- (p) The number of higher education institutions is increasing;

- (q) The Government has encouraged the private sector to invest in education;
- (r) The e-school project has been inaugurated with financing from NEPAD;
- (s) The "Education for all" programme calls for an increase in the numbers of schools and classes so as to give everyone access to schooling (school and classroom construction is continuing);
- (t) The construction of infrastructure and maximization of use (a two-shift system during the six years of primary education) has enabled an increase to be made in the registration rate and remedied to some extent the occasionally encountered problem of teacher shortage;
- (u) Evening classes in higher education institutions have opened up access to more students (particularly persons working during the day);
- (v) A system of specialization in one subject has been introduced for teachers;
- (w) Teachers' pay has been decentralized to the districts;
- (x) The education budget allocation as a whole has been increased, with particular emphasis on literacy.

International aid

307. In 2005 and 2006, recorded aid accounted for between 37 per cent and 45 per cent of expenditure in this area. The records do not include aid provided directly through NGOs and other private institutions.

308. The development budget for 2008¹⁶⁰ (including loans, aid and domestic financing) amounted to RF 18,648,000,000.

9. Article 15: The right to cultural life

Promotion of cultural life

309. The legislative and other measures taken to safeguard exercise of the right to take part in cultural life are as follows:

- (a) The Constitution stipulates that every citizen has the right to take part in activities promoting national culture and that the State has a duty to protect national values and preserve the national cultural heritage (arts. 50 and 51);
- (b) A number of conventions have been signed;¹⁶¹

¹⁶⁰ MINECOFIN: CEPEX, first semester 2008: Development Projects Implementation Report. This budget has served, inter alia, to acquire and improve laboratory equipment in higher education institutions, build primary schools and classrooms and also pay expatriate teachers.
<http://www.cepex.gov.rw/RAPPORT2008.pdf>

¹⁶¹ Rwanda acceded to the following:

- On 10 August 1989, the Universal Copyright Convention with Appendix Declaration relating to article XVII and Resolution concerning article XI, 1952; Protocol 1 annexed to the Universal Copyright Convention concerning the application of that Convention to the works of stateless persons and refugees, 1952; Protocol 2 annexed to the Universal Copyright Convention concerning the application of that Convention to the works of certain international organizations, 1952; Protocol 3 annexed to the Universal Copyright Convention concerning the effective date of instruments of ratification or acceptance of or accession to that Convention, 1952; the Universal Copyright Convention as revised at

- (c) Various legislative instruments have been promulgated;¹⁶²
- (d) A Presidential order has been issued concerning the establishment and functioning of the agency administering the Rwanda National Museum;
- (e) A number of policies are being pursued, such as the national policy on culture, the cultural heritage policy, the national film policy and the national books policy (the last two are still being framed);
- (f) Steps are being taken officially to demarcate the natural and cultural sites in Rwanda (the National Volcano Park, the Nyungwe National Forest and the sites commemorating the Tutsi genocide in Gisozi, Murambi and Nyamata) and have them included in the UNESCO World Heritage List.

The cultural sector budget

310. The funds available consist of the Government's budget allocation¹⁶³ to the sector. Government aid to private initiatives is insignificant, where it exists at all.

Infrastructures for the promotion of culture

311. The existing infrastructures for the promotion of culture are:

- (a) A National Museums Institute, which undertakes the establishment of regional and provincial museums;
- (b) The Ministry responsible for cultural matters, which has the task of strengthening *itorero* centres in the districts; three are already functioning (in Nyamagabe, Nyamasheke and Kibungo). These centres were schools of the traditional type where the pupils were taught patriotism, democracy, good manners and sports; they were also trained to be warriors and received a generally elitist education. The Ministry intends to draw inspiration from this long-established model;
- (c) There are libraries at different levels in schools. A project for the construction of a national library is under way;
- (d) There are theatres and cinemas, mostly privately operated.

Paris on 24 July 1971, with Appendix Declaration relating to article XVII and Resolution concerning article XI; Protocol 1 annexed for Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of stateless persons and refugees, 1971; and Protocol 2 annexed for Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations, 1971;

- In 2000, to the Convention concerning the Protection of the World Cultural and Natural Heritage, 1972, and the Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954;
- In 2001, to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970.

¹⁶² Act No. 06/2004 of 27 March 2004 (Official Gazette, special issue, 30 Mar. 2004) authorizing ratification of the statutes of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM); the Act concerning preservation of the environment (Organic Act No. 04/2005 of 8 April 2005), which lays a duty on everyone to contribute to saving the natural, historical and cultural activities heritage; and Act No. 56/2008 concerning the organization of memorial sites and cemeteries for the victims of the Tutsi genocide in Rwanda (Official Gazette, No. 12 bis, 23 Mar. 2009).

¹⁶³ MINECOFIN: Budget by sector, 2008; it amounted to almost 1% of the overall government budget. The Ministry concerned had responsibility for youth and sports as well as culture.

Promotion of cultural identity

312. Cultural identity is promoted in a variety of ways:

- (a) Through the national cultural policy;
- (b) Through the creation of various associations. One of these is a non-profit association for adults known as the Inteko Izirikana (living human treasures), or Council of the Wise. Its members are repositories and preservers of traditional and cultural knowledge and play an important part in the transmission of the cultural values which shape Rwanda's cultural identity. To promote these "living human treasures" the Ministry responsible for cultural matters finances their research and training projects to the extent possible. The Council of the Wise is an advisory body to that Ministry on cultural matters. It has another project, entitled "African and Rwandan identity", which seeks to make an in-depth study of Rwandan identity and culture as they compare with those of other African countries;
- (c) Through Umuco, an association which has the task of collecting and disseminating knowledge of Rwandan traditional songs, dances, tales and proverbs;
- (d) The development of *itorero* centres, forums of civic and cultural education in which various matters and problems of topical interest are discussed and solutions found;
- (e) Through the language and culture academy;
- (f) Through ballet (the national ballet and cultural troupes). The latter have performed successfully on the international stage. For example, the national ballet was ranked first in the world in the UNESCO classification, while the Intore dance group was ranked second, behind the Russian Ballet.

All Rwandans without distinction enjoy their cultural heritage

313. The Rwandan people have a common language and share the same traditions. They all share a single and common culture.

The role of the media in the promotion of and participation in culture

314. The media play a part in the promotion and popularization of cultural life. There have been a number of broadcasts about plays, dances, poetry and songs on public and private radio channels and even on television.

315. The following are the means by which the cultural heritage is preserved and presented:

- (a) In 2000, Rwanda accepted the Convention concerning the Protection of the World Cultural and Natural Heritage;
- (b) Rwanda has initiated a process of presentation and nomination of some of its natural and cultural sites for the World Heritage List;
- (c) The inventory of the national cultural heritage has been completed;
- (d) Awareness-raising sessions on cultural themes are offered on completion of community works;
- (e) Creation of museums on agriculture, technology and arts, as well as a showcase museum and museums on the environment, natural history, ancient Rwanda and its pre-colonial history, the army, peace, the Great Lakes, etc.;
- (f) In 2007, a Kinyarwanda-French dictionary was produced by the Science and Technology Research Institute (a "first" in Rwanda);

- (g) Exhibitions of folk traditions are organized every year to present Rwandan and other cultures;
- (h) Events such as the Pan African Dance Festival take place every two years;
- (i) Cultural exchanges between universities are organized;
- (j) Archaeological research is being undertaken to investigate the technologies used in Rwanda before the pre-colonial period;
- (k) The creation of UNESCO associations and clubs and other clubs, such as the Unity and Reconciliation clubs and clubs for the preservation of the environment or of African and Rwandan identity.

Legislation protecting freedom of artistic creation and production

316. Freedom of artistic creation is guaranteed by the Copyright Act. The creation, production and dissemination of cultural products are unrestricted save only for the limitations laid down by law. The Patents Act permits the grant of patents where the conditions it lays down are met.

Vocational training in the cultural and artistic fields

317. The following vocational training institutions exist:

- The Higher Education Institute, which has a Dramatic Arts Department;
- The University Arts Centre, which enables artists to obtain training and promotion; it has formed part of the National University of Rwanda since 2009;
- An arts school (the Nyundo School of Art).

Other measures for the promotion of culture

318. Other measures taken to promote culture include the following:

- (a) The Ministry responsible for cultural matters invites artists to form associations in order to ensure better coordination;
- (b) Natural and cultural sites have been restored with the help of UNESCO;¹⁶⁴
- (c) Efforts are being made to promote the film industry, for example, by the organization of "film weeks";
- (d) Training in film-making is offered in order to promote local culture;
- (e) In relation to disadvantaged groups, mention should be made of the promotion of sports for persons with physical and mental disabilities, the holding of three African competitions in Rwanda and the assistance provided by the Government for holding them in the city of Kigali;
- (f) Persons with disabilities regularly take part in regional and international competitions. In both the 2004 and 2006 world sitting volleyball championships Rwanda won a bronze medal; the same team participated in the Paralympic Games in Beijing in 2008 but did not win a medal.

¹⁶⁴ UNESCO: Rwanda Country Programming Document, first edition, Oct. 2007, p. 8.

Cooperation by Rwanda in cultural matters

319. Bilateral and multilateral cooperation exists between Rwanda and various cultural institutions such as UNESCO, ICCROM, the International Federation of Library Associations and Institutions, the International Council on Archives and the International Organization of La Francophonie.

Obstacles to the exercise of the right to culture

320. There are still some obstacles to the exercise of the right to culture. For instance:

- There is a shortage of archaeological research experts and cultural heritage administrators.
- The country does not as yet possess a publishing house or a suitable laboratory.

Scientific and technical progress

Measures to safeguard the right of everyone to benefit from scientific progress

321. The measures taken by the Government to safeguard the right of everyone to benefit from scientific progress include the following:

- The framing of a policy on science, technology and innovation which provides guidelines for the Government in its science and technology programmes
- The inclusion of science, technology, research, sustainable environment and infrastructure construction in the Economic Development and Poverty Reduction Strategy and the 2001-2005 and 2006-2010 versions of the National Information and Communication Infrastructure Policy
- A review of syllabi with a view to placing more emphasis on teaching of scientific and technical subjects
- The award of higher education bursaries, which cover 75 per cent of tuition fees, with the majority of the recipients taking science subjects
- Improvement of elementary science and technology courses at primary-school level;
- Promotion of information and communication technology
- Introduction of the eRwanda and eSoko programmes to permit electronic transmission of market information to farmers
- Creation of Rwandatel telecentres and Internet cafés
- The efforts being made to use solar energy and biogas
- Environment education and protection (e.g., the creation of environment clubs)
- The creation of higher-education establishments focusing on science, technology and scientific research, such as the Kigali Institute of Science and Technology and the Science and Technology Research Institute.

Measures to promote information on technical advances

322. The measures taken to promote knowledge of technical advances include:

- (a) Establishment of the website of the Ministry of Science, Research and Technology;
- (b) A government website with hyperlinks to the sites of educational and research institutions is being set up;

- (c) The media (radio and TV) put out broadcasts on technical progress;
- (d) Publication of newspapers and bulletins, such as those of the Rwanda Information Technology Authority.

Other measures

323. As regards measures to prevent the use of scientific and technical progress for purposes contrary to the enjoyment of all human rights, the Ministry of Health has established an ethics committee¹⁶⁵ to study protocols on potential research:

- The Committee monitors the well-being and safety of participants in research and ensures that all their rights are respected;
- The consent of participants must be free, informed and given after the nature of the research has been explained to them but before it begins. Consent forms must be written in a language which the participant can understand, and the participant may withdraw at any time during the research;
- The confidentiality of information on participants must be guaranteed;
- The potential risks for participants must be adequately assessed.

Legislative provisions restricting the exercise of the right to technical progress

324. The following are the legislative instruments restricting the exercise of this right:

(a) The Act concerning the organization of statistical activities in Rwanda, which provides that an official in the statistical service may not divulge hitherto unpublished information on a business enterprise received during the performance of his or her duties (art. 21);

(b) A bill on on-line security is under study:

325. The exercise of the right of everyone to benefit from the protection of moral and material interests deriving from scientific, literary or artistic productions is guaranteed by:

- The Copyright Act and the Patents Act
- The Intellectual Property Bill, which is before Parliament.

Difficulties encountered in the exercise of the right to benefit from the protection of moral interests

326. The difficulties standing in the way of the exercise of the right to enjoy the protection of moral and material interests deriving from scientific, literary or artistic productions are:

- Oral culture;
- Illiteracy;
- The relatively underdeveloped state of the research sector.

¹⁶⁵ Established by Ministerial Instruction No. 20/37 of 3 Oct. 2008 concerning the establishment of a national committee on ethics in research conducted on human beings (art. 4).

Possible remedies

327. The situation could be remedied by the promotion of greater awareness in the public media and civil society.

Other measures relating to education

328. The following measures are being taken in the national education system:

- (a) The Constitution itself protects the right to engage in cultural promotion activities;
- (b) The Education Act lays emphasis on science and technology development;
- (c) Computers have been distributed in schools;
- (d) A scientific component has been introduced in primary schools;
- (e) In many schools access to the optical fibre network is available;
- (f) New programmes focusing on science and mathematics have been developed;
- (g) A science and research council has been established with the task of coordinating scientific activities in Rwanda;
- (h) Government bursaries are awarded to science and technology students;
- (i) Support is given to the Transfer of Knowledge through Expatriate Nationals programme:¹⁶⁶ in addition, Rwandans living abroad are encouraged to return home to enable the country to benefit from their scientific and technological expertise.

Additional practical measures

329. Other practical measures involve:

- (a) The establishment of partnerships with international scientific agencies and organizations;
- (b) Facility of access to training for university teaching staff and holders of Ph.Ds;
- (c) Media coverage of scientific events;
- (d) Partnerships with a view to creating scientific libraries in Rwanda (CERN).

Situation regarding freedom indispensable for scientific research

330. The Government is preparing a bill on the subject.

Barriers to exchanges of scientific information

331. There are no barriers to exchanges of scientific information.

Measures to assist learned societies

332. In addition to the measures taken to assist learned and other societies, the Government has established an independent body (the Rwandan National Science and Research Council) for the provision of material support.

¹⁶⁶ A short-term programme designed to encourage Rwandans living abroad to make their scientific skills available to their home country.

Obstacles to the exercise of the freedom essential for scientific research

333. There are a number of obstacles to the full exercise of the freedom essential for scientific research, and in particular:

- (a) The resources available to researchers for visits to their colleagues and attendance at meetings are limited;
- (b) Research and cultural infrastructures are still inadequate;
- (c) Subregional cooperation is not yet well developed;
- (d) There is a shortage of qualified research personnel.

Information on cooperation

334. Rwanda has signed a number of bilateral, regional and multilateral cooperation agreements on scientific and technological matters.

(a) Within the limits of the national budget, Rwandan scientists, artists and other persons attend conferences and other scientific and cultural events held in Rwanda, and similar events in other countries, with the sponsorship of various Ministries - particularly the Ministry in charge of science, technology and scientific research in the Office of the President - governmental and non-governmental agencies and private bodies.

(b) The difficulties in the way of development of international cooperation in this area are due to financing problems. The Government's attention is most of the time focused on other sectors of activity with more urgent needs.

Recent changes

335. No policy, measure, law or practice has had any prejudicial effect on the rights mentioned above. On the contrary, the measures enumerated below have had a beneficial overall effect:

- (a) The new Rwandan Constitution guarantees the above-mentioned rights to everyone without discrimination;
- (b) Various conventions¹⁶⁷ have been ratified by Rwanda;
- (c) A number of Presidential orders¹⁶⁸ on the status of scientific researchers have been issued;
- (d) The Scientific Research Institute has been established;
- (e) As provided for in the new policy on national information and communication infrastructure, adopted in 2005, the Government has adopted a proactive approach to the promotion of independent research;

¹⁶⁷ In addition to the conventions mentioned earlier, the Universal Copyright Convention and the protocols appended thereto (ratification in 1989 of the appended Protocols), the Declaration by the ACP States on the return or restitution of cultural property, the African Youth Charter, ratified by Presidential Decree of 14 Jun. 2007, the African Charter on the Rights and Welfare of the Child, ratified on 30 May 2000, the United Nations Convention on the Rights of the Child, ratified on 19 Jul. 1990.

¹⁶⁸ Presidential Order No. 20/09 on the status of scientific researchers in public research institutions (1993), Presidential Order No. 241/14 of 20 Apr. 1989 concerning the establishment and functioning of the agency administering the Rwandan National Museum.

(f) The reconciliation and peace programme was drawn up by the National Unity and Reconciliation Commission to bring young people together in *ingando* (solidarity) camps, where they attend political and military meetings as well as sessions on good manners, how to say and do the right thing and how to develop one's personality.

International aid

336. International aid is received from the World Bank, the United Nations country team in Rwanda, UNESCO, the United Kingdom Department for International Development, the Swedish International Development Cooperation Agency and other bilateral partners.

Conclusion

337. Notwithstanding the challenges and uncertainties with which the Rwandan Government has had to cope in recent years, it is continuing to demonstrate its determination to make the rights contained in the Covenant a reality for its peoples.

338. In its endeavours to ensure respect for human rights generally for all Rwandans, the Government has drawn inspiration from the legal foundations it has laid and has enjoyed the support of many institutions and mechanisms. All these elements have influenced national policies designed to secure greater protection of the rights of the individual.

339. Much remains to be done before Vision 2020 and the Millennium Development Goals are realized. However, Rwandans are relying on their Government to make every effort to attain them.

Appendix

Bibliography

1. Appended legislative texts

- Constitution of the Republic of Rwanda as modified and completed to date
- Organic Act No. 08/2005 of 14 July 2005 establishing a land tenure regime in Rwanda
- Act No. 13/2009 of 27 May 2009 to regulate labour in Rwanda
- Act No.22/2002 of 9 July 2002 establishing general regulations for the Rwandan public service
- Act No. 06/2003 modifying and completing the Legislative Decree of 22 August 1974 to organize social security
- Act concerning the responsibilities, organization and functioning of the Social Security Fund, as amended and completed to date
- Act No. 23/2005 of 12 Dec. 2005 concerning the institution, organization and functioning of the sickness insurance scheme for the armed forces
- Act No. 62/2007 of 30 Dec. 2007 concerning the creation, organization, functioning and management of mutual health funds
- Act concerning the establishment, organization and functioning of a sickness insurance scheme for government officials as amended and completed to date
- Act No. 18/2007 of 19 Apr. 2007 concerning expropriation for reasons of public utility
- Presidential Decree No. 37/01 of 30 Aug. 2004 concerning the terms of recruitment into the public service
- Ministerial Order No. 05/19 of 14 Mar. 2003 laying down the modalities of implementing the 40-hour week and the remuneration of overtime
- Ministerial Order No. 15/19 of 13 Jun. 2003 setting weekly hours of work in public services
- Ministerial Order No. 19/19 of 8 Jul. 2003 establishing modalities of training for government officials

Other legislative instruments may be consulted on the official website of the laws of Rwanda: <http://www.amategeko.net>

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