



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

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

Summary record (partial)* of the 205th meeting

Held at the Palais Wilson, Geneva, on Monday, 10 September 2012, at 3 p.m.

Chairperson: Mr. El Jamri

Contents

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

Initial report of Rwanda

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

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

Initial report of Rwanda (CMW/C/RWA/1; CMW/C/RWA/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Rwanda took places at the Committee table.*
2. **Ms. Nyirahabimana** (Rwanda), introducing her country's initial report (CMW/C/RWA/1), said that Rwanda had ratified most of the main international human rights instruments and had issued an open invitation to all United Nations special rapporteurs and independent experts to visit Rwanda in order to witness the progress made in the promotion and protection of human rights. The main legal instruments for ensuring the protection and promotion of the rights of migrant workers and members of their families were the amended Constitution, the 2009 Labour Code, and the 2011 Immigration and Emigration Act and its implementing ministerial orders. In addition to being a party to the relevant regional instruments, including the Protocol on the Establishment of the East African Community Common Market, Rwanda had ratified the main International Labour Organization (ILO) conventions, and had taken steps towards accession to the ILO Domestic Workers Convention, 2011 (No. 189).
3. As part of a general effort to protect and promote human rights and implement the relevant legal instruments, various bodies, including the Ministry of Justice, the Ministry of Public Service and Labour and the Directorate-General of Emigration and Immigration, were responsible for the implementation of national policies to safeguard the rights of migrant workers and their families. The National Human Rights Commission and civil society organizations were also actively involved in monitoring the implementation of all international human rights instruments, and contributed to the associated reporting processes.
4. Following the successful implementation of the Nine-year Basic Education Programme, the Government was now aiming to provide 12 years of free education for all children, including those of migrant workers. Similarly, the national health insurance system was being opened up to migrant workers.
5. Steps were being taken to waive entry visas and reduce fees for work and residency permits for nationals of the East African Community, who accounted for the majority of migrant workers in Rwanda. The total number of migrant workers in Rwanda, including those in an irregular situation, was close to 17,000.
6. Awareness-raising campaigns were being conducted through the media in order to combat the transnational trafficking in persons and smuggling of migrants, which had been made offences under the Criminal Code. Rwanda cooperated with regional and international partners, including the International Criminal Police Organization (INTERPOL), in order to prevent such crimes and track down the perpetrators. The legislation organizing the National Human Rights Commission was being reviewed, in order to address a number of issues that had been raised by relevant partners. Rwanda had therefore already done a great deal to implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, much remained to be done.
7. **Ms. Poussi** said that the efforts made by Rwanda in the area of human rights protection were to be commended. She welcomed the fact that Rwanda had not only ratified the main international human rights instruments but had also translated the commitments they contained into national legislation. It was difficult, however, to fully ascertain the

extent of the progress made, given the lack of data in the initial report and in the written replies on issues such as the access of migrant workers to basic services and the rights of Rwandan citizens living and working abroad.

8. She wished to know, in terms of administrative hierarchy, to which body or ministry the Directorate-General of Immigration and Emigration was accountable. In its report, the State party had said that the cost of a visa for migrant workers was “affordable”; how much did it actually cost? In light of article 83 of the Convention on the right to an effective remedy, she asked whether migrant workers were properly informed of the available remedies described in paragraphs 49 and 50 of the report. If so, she wished to know how many claims had been submitted to the competent judicial, administrative or legislative authorities by migrant workers, and what the outcome of those claims had been.

9. Referring to the State party’s written replies (CMW/C/RWA/Q/1/Add.1), she said that in the table above paragraph 1, which showed the estimated number of migrant workers in an irregular situation, the first age group covered all persons up to the age of 30. That made it impossible to tell how many children were included in that category; she would therefore be grateful if the delegation could provide that information.

10. She wished to know when the study on all Rwandans of the diaspora (para. 1) had started, what stage it had reached, and how the results would be used. The State party had indicated that consultations had started in respect of the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), ILO Convention No. 189 and the declarations provided for in articles 76 and 77 of the Migrant Workers Convention. She wished to know who had been consulted, and what form the consultations had taken.

11. With regard to the allegations that Rwandan children were being sent to Uganda, Kenya and the United Republic of Tanzania and subjected to hard labour (para. 45), more information from the State party was required. If there was any truth in the allegations, what measures were being taken to combat them?

12. She asked how Rwandan migrant workers returning to the State party without any identity documents were dealt with, bearing in mind that they were required, under article 6 of the 2011 Immigration and Emigration Act, to prove their nationality. The Immigration and Emigration Act granted wide-ranging powers to immigration officers, including responsibility for deportation decisions; what steps had been taken to ensure they did not abuse those powers, and could migrant workers appeal their decisions?

13. **Mr. Tall** said that the initial report of Rwanda indicated that significant efforts had been made by the State party to enact a legislative and regulatory framework supporting the implementation of the Convention, noting in particular the significance of the 2011 Immigration and Emigration Act and the concept of equality before the law, as enshrined in the country’s Constitution. Nonetheless, he reminded the delegation that State party reports should also include statistical data, quantitative and qualitative information, details of specific measures that had been taken, and information on the factors affecting or impeding the application of the Convention. It was to be regretted that the outcomes of the broad consultations held with all stakeholders during the preparation of the initial report had not been included in the final document.

14. He asked the delegation to provide information on the measures taken to guarantee the right of migrant workers and their families to consular information and assistance in the case of detention or expulsion, and to be informed of their rights in that regard. Details of the conditions of detention for migrant workers arrested for immigration offences would also be appreciated. He also asked for information on how Rwandan migrant workers and their families were made aware of the consular services available when abroad, including how to access consular assistance in cases of detention or expulsion. Furthermore, he would

appreciate details of how Rwandan migrant workers were informed of their rights under the Convention, and of the rights and responsibilities applicable in their country of employment.

15. Further information on the measures adopted for specific groups of workers, particularly cross-border workers and seasonal workers, would be welcome, as would details of the steps taken to facilitate the transfer of economic goods and information on import and export taxes applicable to migrant workers. He asked for detailed information on the specific measures taken to eliminate the clandestine movement of migrant workers and their families, particularly the trafficking of children, and on whether the victims of trafficking received any special protection.

16. Noting that migrant workers had the right to invoke the Convention before a number of judicial bodies, he said that some examples of cases where the Convention had been directly applied by the courts, and examples of the courts' decisions would be helpful.

17. Referring to paragraph 30 of the report, he said that the "working migration programme", which offered advantages to workers with rare skills, carried a risk of negatively affecting the protection of migrant workers' rights. It was necessary to ensure that the programme did not slip towards the approach termed "selective immigration".

18. **Ms. Ladjel**, noting the lack of statistical data in the State party's report, asked for clarification of the figures given in paragraph 22 of the report for registered migrant workers under the "family reunion" column for the period from 2009 to 2010. He also requested more information on the work of the Information Centre for Migrants, and asked whether the statistical data provided by the State party were collated from various sources, or came from one specific source only.

19. **Ms. Dicko** asked the delegation to provide figures for the number of Rwandans living abroad. Further information would be appreciated on the State party's involvement in the Transfer of Knowledge Through Expatriate Nationals (TOKTEN) programme and the Diaspora Skills Transfer programme. Since migration was an issue that affected many different Government departments, she asked whether there was a coordinated migration policy in place.

20. **Mr. Sevim** said that, while the report indicated that Rwanda was a party to the ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118) he would like to know whether Rwanda had concluded any other social security agreements and, if so, how they worked and, in the case of migrant workers in Rwanda who returned to their country of origin, whether social security benefits, such as pensions, could be exported. He also enquired as to whether Rwanda had agreements with other countries on the readmission of migrant workers, in particular with the European Union and, if so, how those agreements worked.

21. **Mr. Carrión Mena** said that the State party had clearly demonstrated the importance it attached to human rights by ratifying human rights treaties. However, it was difficult for the Committee to accurately assess the implementation of the Migrant Workers Convention without adequate statistical data; he therefore asked whether there were any plans to improve data collection, which would assist both the Committee in its work and the State party in its implementation of the Convention. He requested more specific information on how the institutions established to address migration issues monitored the implementation of the Convention. He was particularly concerned that the Convention did not appear to be disseminated among migrant workers in Rwanda. Noting that the Government had a policy in place regarding remittances from Rwandans working in other countries, he said he would be interested to know how the Government sought to facilitate the transfer of remittances. He would also like to know to what extent corruption was present among migration officials and what efforts were being made to combat it.

Information regarding the State party's relations with neighbouring countries and their impact on migration would also be welcome.

The meeting was suspended at 4.05 p.m. and resumed at 4.40 p.m.

22. **Ms. Nyirahabimana** (Rwanda) acknowledged that her country faced a challenge with regard to the collection of statistics, particularly the disaggregation of the data. She said that, although migrant workers and their families were included in national statistics, the National Institute of Statistics did not yet have the capacity to disaggregate the data for different sectors.

23. Regarding corruption, she explained that the issues related to migrant workers and their families mainly fell within the purview of the Directorate-General of Immigration and Emigration. Rwanda was recognized as one of the least corrupt countries in the region and the Directorate-General had been given an award by the United Nations to recognize its excellent service, which would not have been possible if corruption was rife in the country.

24. Rwanda was part of the East African Community, together with Burundi, the Democratic Republic of the Congo, Kenya, Uganda and the United Republic of Tanzania. The Community had a protocol in place to govern the free movement of persons and goods between the countries and so there were many Rwandan workers in the neighbouring countries and many workers from those countries in Rwanda. Relations between the countries were very good and although problems sometimes arose, they were usually resolved amicably.

25. **Mr. Mutabazi** (Rwanda) said that the Government's immigration policy and legislation, which incorporated the relevant international legal instruments, were being taken as a reference point by other countries in the region as they drew up their own policies. Indeed, Rwanda had been the first country in the region to ratify the Migrant Workers Convention. The key elements of the policy were to facilitate tourism, attract workers with skills that were lacking in Rwanda, and offer business opportunities in the country.

26. With regard to the issue of selective immigration, he explained that the programme in question was aimed at attracting professionals such as neurosurgeons, who were in short supply in the country. In order to attract such workers, it was necessary to offer them incentives. He was aware of other countries that had similar policies. The Directorate-General of Immigration and Emigration had worked with the Ministry of Public Service and Labour to draw up a list of in-demand professions, which was due to be passed by Parliament in the near future. The normal procedure for migrant worker visa applications was that the employer applied for one on behalf of the employee, based on their qualifications and the nature of the work. To make it easier to do business in Rwanda, the Rwanda Development Board worked in conjunction with a dedicated immigration official to address the relevant immigration issues as quickly as possible.

27. Under the previous legislation, the charges for the different types of visa issued to migrant workers had been extremely high, and there had been a requirement for a large deposit to be made to the National Bank of Rwanda to cover any possible future repatriation costs. The new legislation cut the cost of the visa application process by approximately 80 per cent and there was no longer a requirement for a bank deposit; instead, applicants had to write a letter of intent which included a sentence stating that repatriation would be at their own cost. Moreover, all visas were now issued by the Directorate-General of Immigration and Emigration.

28. A centre providing information for immigrants and migrant workers had been established in order to ease the integration process. The information was not exhaustive but it covered the most relevant issues related to entering, living and working in Rwanda and

was also available on the website of the Directorate-General of Immigration and Emigration. The Directorate-General also made use of social networks such as Twitter and Facebook to communicate with the relevant parties. For those who were already living in the country, local media were used to provide information in English, French and local languages on visas, work permits and a list of dos-and-don'ts to avoid trouble with the law. There were also plans to produce a brochure with useful information to be posted in hotels and at points of entry to Rwanda.

29. All Rwandan citizens who had left the country, regardless of their reasons for leaving and whether they had the proper documentation, were free to return. On their return they were interviewed by an immigration officer to ensure that they were indeed a Rwandan citizen. There had been cases where people had tried to enter the country claiming to be a citizen when in fact they were not. If a Rwandan citizen was expelled from another country, diplomatic assistance was provided through the consular service and steps were taken to ensure that the person in question was a Rwandan citizen.

30. On the issue of the powers of immigration officials at the border, he said that the final decision on immigration did not lie with those officials; although they were responsible for controlling immigration, they executed orders from superiors and referred cases to those superiors for a final decision. The Directorate-General of Immigration and Emigration had been working with the National Institute of Statistics to address the statistics-related issues mentioned by the Committee and he was confident that disaggregated data would be available in future.

31. **Mr. Nkerabigwi** said that the Government was expected shortly to launch a study on the Rwandan diaspora, which would provide statistics disaggregated by sex, age and other categories. Funds had been made available for the study, and Rwanda's missions abroad and the Rwanda Diaspora Global Network had been mobilized to carry it out. Its results would enhance the capacity of Rwandans living abroad to contribute to the State party's development and lead to improved diplomatic and consular services for them.

32. In the framework of various projects, qualified Rwandans of the diaspora were already helping to develop the country in areas such as agriculture, education and health care. Specific projects, such as TOKTEN and MIDA (Migration for Development in Africa), were designed to facilitate the transfer of skills from Rwandans abroad to the State party.

33. A mutual fund set up with the National Bank of Rwanda enabled Rwandans living abroad to transfer funds to the country. An agreement between the Government and the Bank of Kigali allowed money transfers to be made free of charge. Funds could also be transferred by mobile telephone through the MTN telephone network. Several Rwandan banks had agreements with international money transfer companies such as Western Union and Moneygram.

34. **Mr. Rusanganwa** (Rwanda) said that the Task Force on Treaty Reporting had been set up in 2007 to monitor the preparation of reports under United Nations human rights conventions and the process of ratification of international instruments. It was composed of key ministries and the National Human Rights Commission. The task force was examining the ratification of the ILO Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76) and the ILO Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77). It was expected to recommend ratification.

35. The State party had prepared a trilingual document on the eight human rights instruments, including the Convention, that it had ratified, in an attempt to raise awareness among the population of their provisions. Courts, even at the lower levels, had been made aware of the State party's obligations under those instruments and the National Human

Rights Commission, along with NGOs, was involved in efforts to raise awareness of the Convention.

36. **Ms. Nyirahabimana** (Rwanda) said that the State party had no information regarding assertions that Rwandan children were being recruited as farm workers in Kenya, Uganda and the United Republic of Tanzania and asked the Committee to provide more detailed information.

37. Migrant workers and their families were able to file complaints with Rwandan courts, but at present no specific statistics on such complaints and their outcome were available. It was to be hoped that such data would become available by the time the State party submitted its next periodic report, and the Directorate-General of Immigration and Emigration would work to that end. The lack of disaggregated statistics did not mean that there was no information, but rather that they were contained in more general statistics. Similarly, the lack of disaggregated statistics on school attendance by the children of migrant workers in no way implied that such children were denied access to the same basic education as Rwandan children.

38. The Directorate-General of Immigration and Emigration was subject to the control of the Ministry of the Presidency, which provided a check to any possible abuses of power or over-zealousness on the part of its officers.

39. Rwanda had acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and the Constitution provided for the possibility of dual citizenship. Foreign nationals in Rwanda, whether they were in an irregular situation or not, could apply for Rwandan nationality but must provide sufficient grounds for their request.

40. **Mr. Kariyawasam** asked what practical measures had been taken to enable Rwandans living abroad to participate in elections and other democratic processes in the State party.

The discussion covered in the summary record ended at 5.45 p.m.