



NATIONAL COMMISSION FOR HUMAN RIGHTS

Report on the findings of the assessment conducted on the implementation of the Concluding Observations of the initial report of Rwanda on the Convention on the protection of Migrant Workers and Members of their Families

With the collaboration of the following civil society organizations:



Kigali, February 2016

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Appendix I: Table showing the level of implementation of the concluding observations

Acronyms / Abbreviations

- **CAT:** Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- **CMW:** Convention on the protection of Migrant Workers and members of their families
- **CPED:** Convention for the Protection of All Persons from Enforced Disappearance
- **CLADHO:** Collectif des Ligues et Associations des Droits de l'Homme au Rwanda
- **GFA:** Governance For Africa
- **GMO:** Gender Monitoring Office
- **LIPRODHOR:** Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme
- **MIGEPROF:** The Ministry of Gender and Family Promotion
- **MINAFFET:** The Ministry of Foreign Affairs and Cooperation
- **MINALOC:** The Ministry of Local Government
- **MINECOFIN:** The Ministry of Finance and Economic Planning
- **MINEDUC:** The Ministry of Education
- **MINIJUST:** The Ministry of Justice
- **MININTER:** The Ministry of Internal Security
- **MINISANTE:** The Ministry of Health
- **NCC:** National Commission for Children
- **NPPA:** National Public Prosecution Authority
- **OP-CAT:** Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- **RCS:** Rwanda Correctionnel Service
- **RGB:** Rwanda Governance Board
- **RLRC:** Rwanda Law Reform Commission
- **RNP:** Rwanda National Police
- **UNDP:** United Nations Development Programme
- **UN:** United Nations

Report on the findings of the assessment conducted on the implementation of the Concluding Observations of the initial report of Rwanda on the Convention on the protection of Migrant Workers and Members of their Families (CMW).

I. Background

Rwanda is party to most of the main international and regional human rights treaties, including the Convention on the protection of Migrant Workers and members of their families (CMW).

The International Convention on the Protection of All Migrant Workers and Members of their Families was adopted by UN GA Resolution 45/158 of 18 December 1990, and Rwanda ratified it in 2008 by Presidential Order n° 33/01 of 17/05/2010.

Article 73 of the Convention on the Protection of All Migrants Works and Members of their Families provides that the States parties undertake to submit to the Secretary General of the United Nations for consideration by the Committee a report on the legislative, judicial, administrative and other measures they have taken to give effect to the provision of the present Convention within one year after they entry into force of the Convention for the State Party concerned; thereafter every five years and whenever the Committee so requests.

It is on this road that the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families considered the initial report of Rwanda and adopted 25 related concluding observations at its 211th and 212th meetings (CMW/C/SR.211 and SR.212), held on 13th and 14th September 2012.

II. Introduction

The Constitution of the Republic of Rwanda of 2003 revised in 2015 provides in its article 42 that the promotion of human rights is a responsibility of the State. Therefore, it states that this responsibility is particularly exercised by the National Commission for Human Rights. Moreover, article 139 of the above mentioned Constitution underlines that a specific law shall determine its mission, organization and functioning.

It is in this spirit that the Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights has been established; and article 4, 6° states that, the Commission has the special mission to urge relevant government institutions to submit on time the reports related to international treaties on Human Rights ratified by Rwanda, thus it does monitor the implementation of the international conventions relating to human rights as well as the recommendations issued by the United Nations treaties bodies on different reports submitted by Rwanda.

. Moreover, according to Article 6 (4) of the aforementioned law, the Commission has also the special mission of protecting migrant workers and members of their family.

The Commission shares these missions with Local Civil Society Organizations for the promotion and protection of human rights.

In this context, from 23/10/2015 to 3/11/2015, the National Commission for Human Rights, in collaboration with civil society organizations dealing with the promotion and the protection of human rights, carried out an assessment on the implementation of the concluding observations adopted by Committee on the Protection of the Rights of All Migrant Workers and Members of their Families.

According to the Permanent Representative of the Republic of Rwanda in Geneva, Rwanda had 16,997 regular and irregular migrant workers in 2012, the majority of them were from East Africa, she stressed that Rwanda was actively promoting the equal treatment of foreign migrant workers in employment and remuneration.¹

In this context, the Government of Rwanda has established procedures for entry and stay in order to speed up Rwanda's economic development and prosperity by; (a) enhancing Rwanda's competitiveness and integration into the global economy (b) promoting the process of regional integration and development within the various regional bodies to which Rwanda is ascribed, (c) generating economic growth and employment opportunities in the formal and informal sectors, (d) protecting Rwanda's security and stability, as well as contributing towards improved living standards for all Rwandans.²

More concretely, this national migration policy has four main objectives: (i) facilitate and encourage tourists to come to Rwanda; (ii) allow the entry of foreign skilled workers in occupations lacking in Rwanda's labour market; (iii) allow and facilitate the entry of investors with substantial funds to invest in Rwanda; and (iv) enable the Rwandan Diaspora to contribute towards nation-building.³

This report highlights and explains in a particular manner that the methods used consisted of interviews, literature review of various documents of needed information. Apart from the background and introduction, this report on the assessment findings also includes the objective of the assessment, the methodology, findings, recommendations and conclusion and the way forward.

III. Objective

This assessment aimed at helping the Government to know how far it is with the implementation of the Concluding Observations and accelerate the implementation of not yet implemented ones before the presentation of the next periodic report by Rwanda scheduled in October 2017.

¹ United Nations Human Rights, Office of The High Commissioner, Committee on the Protection of Migrant Workers and their Families considers report of Rwanda, at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12499&LangID=E>

² National Security Service Directorate General Immigration and Emigration, National Migration Policy and Strategies, at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98542/117307/F1818924502/RWA-98542.pdf>, p. 1.

³ International Organization for Migration, Strengthening Labour Migration In Rwanda (IOM), at <https://www.iom.int/sites/default/files/country/docs/rwanda/IOM-Rwanda-Strengthening-Labour-Migration-in-Rwanda.pdf>

Since we do not have much time before the scheduled date, it is necessary that the institutions involved in implementation of the outstanding concluding observations take urgent measures for implementation of remaining ones. Thus, this assessment is an incentive to concerned institutions that the National Commission for Human Rights has initiated for the success of the Rwanda next presentation to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families.

IV. Methodology

Prior to the beginning of the assessment, there had been the preparation of a document entitled: “guidelines on the collect of information on the implementation of concluding observations”.

This document presents the guidelines for the collection of the information and the preparation of the report on the assessment findings. The information contained in this report was gathered by using different assessment methods. In general, the most used method during the assessment was interviews. Literature review on needed information was resorted to as well.

In some cases, the information was found by using communication tools such as the telephone and Internet between the Monitors and the Respondents.

This assessment was conducted on the implementation of 25 concluding observations adopted on CMW and the purpose of the assessment was to gather information in public institutions and organs.

Those who carried out the assessment were divided into three teams and were from the National Commission for Human Rights as well as some civil society organizations, among others LIPRODHOR, JUSTICE VOICE, UYISENGA N’IMANZI, CLADHO, CESTRAR and GOVERNANCE FOR AFRICA (GFA).

During the assessment, members of the three teams monitored the implementation of the concluding observations according to four clusters of human rights, namely:

- **First cluster:** Legislation;
- **Second cluster:** Access to Justice;
- **Third cluster:** Capacity Building;
- **Fourth cluster:** Reporting.

V. The NCHR Findings

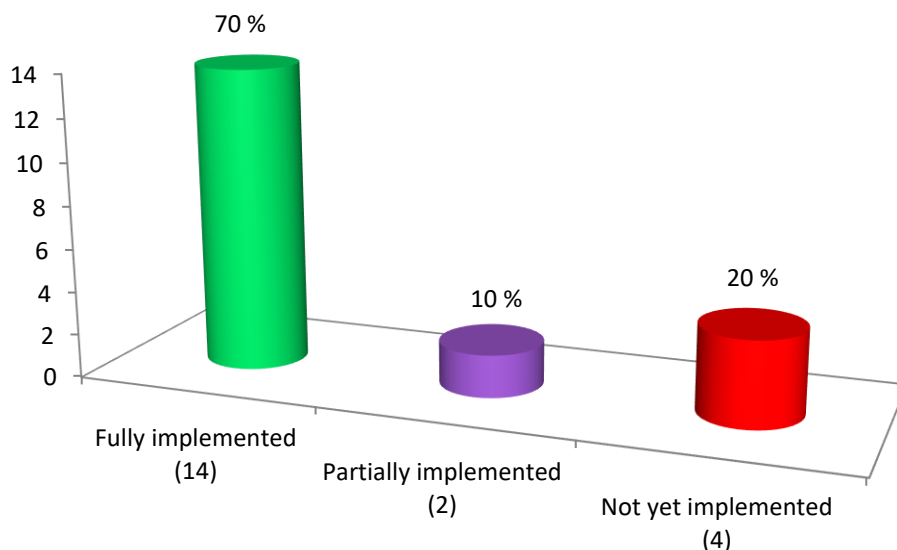
- **Level of implementation**

The implementation status of the concluding observations is presented in three (3) categories as follows: fully implemented concluding observations, partially implemented concluding observations, not yet implemented concluding observations.

The assessment findings revealed that out of the **25** concluding observations adopted by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, **5** will be assessed at the

next submission of the report because they mainly concern the report submission deadlines and statistical data. As regards the 20 remaining recommendations, **14 thus 70 %** were fully implemented, **2 thus 10 %** were partially implemented, whereas **4 thus 20 %** were not yet implemented.

Implementation level of concluding observations of CMW



Fourteen (14) fully implemented concluding observations are those related with access to justice, the human rights respect in general and the rights of employee in particular; two (2) partially implemented concluding observations are related to the rights of Migrants Workers for which the Committee requires specific attention. Finally, the four (4) remaining not yet implemented concluding observations are related to statistical data, amendment of the Law n° 04/2011 of 21/3/2011 on Immigration to and Emigration from Rwanda (articles 37-49), Ministerial Order n° 02/01 of 31/5/2011 establishing regulations and procedures implementing Immigration and Emigration Law and the ratification of ILO Convention.

For Fourteen (14) concluding observations that were fully implemented, the assessment shows that this was possible because national policies related to protection of human rights and laws that have been adopted reflect the spirit of the Convention.

If some concluding observations are partially or not yet implemented, is simply due to the fact that amendment have not yet been made on certain legal provisions, lack of trainings on the content of the Convention, lack of dissemination of report and concluding observations and the lack of disaggregated data are not yet available. In this regard, we must also mention that Rwanda has not made any declaration in relation to Articles 76 and 77 of the Convention which gives to the Committee the competence to receive communications from States parties or individuals.

VI. Recommendations and Conclusion

6.1. Recommendations

After analyzing the data collected from Public Institutions concerned with the implementation of the concluding observations issued after the presentation of the initial report on the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the National Commission for Human Rights in collaboration with Civil Society Organizations has found that some of them have been fully implemented, other partially or not yet implemented. This is why the following recommendations require more effort from Public Institutions for their implementation before the submission of the next report scheduled on 1st October 2017.

6.1.1. Partially implemented concluding observations

- **Para 9.** MIFOTRA should initiate the process of the ratification of the ILO Convention concerning Migration for Employment (Revised 1949) which entry into force on 22 Jan 1952 [No. 97], the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers which entry into force on 9 Dec 1978 [No. 143], ILO Convention concerning Private Employment Agencies which entry into force on 10 May 2000 [No. 181] and ILO Convention concerning decent work for domestic workers which entry into force on 5 Sep 2013 [No. 189].

6.1.2. Not implemented concluding observations

- **Para 7.** MINIJUST should encourage the Government to make a declaration (if not yet done) recognizing the Committee's competence to receive and consider communications when a State Party or an individual claims that a State Party does not fulfill its obligations under this Convention [Art. 76 and 77].
- **Para 15.** MIFOTRA, in collaboration with employers of migrant workers, should organize regular training sessions so that they have sufficient knowledge about their rights contained in the Convention.
- **Para 31.** MINISANTE and MINECOFIN under which there is RSSB should make a feasibility study on the integration of migrant workers and members of their family in the mutual health insurance program.

6.2. Conclusion

The National Commission for Human Rights and Civil Society Organizations working in the field of the promotion and protection of human rights that conducted the assessment of the implementation of concluding observations adopted in 2012 after the presentation of the initial report on the Convention on the Protection of Migrant Workers and Members of their Families (CMW/C/RWA/CO/1) rightly appreciate

the information that are sufficient to enable them to submit relevant concluding observations to the concerned institutions.

The Commission and the partners who collaborated during this work gratefully acknowledge various state institutions and organizations of civil society who were willing to answer questions that were submitted to them.

The Commission and its partners also expressed their deep appreciation for the UNDP invaluable contribution to the realization of this work.

Considering the results of the assessment, it is obvious that there are still challenges in the implementation process of concluding observations adopted in 2012 regarding the Convention on the Protection of Migrant Workers and Members of their Families. This is why a considerable effort is required for the remaining period, and all concerned institutions must provide their contributions to the implementation of the concluding observations as soon as possible.

MINIJUST should ensure that all the concluding observations are widely disseminated through all relevant institutions. It should also do everything possible to encourage all institutions to implement all the concluding observations that have not yet been implemented. Thus, it could play a catalytic role in bringing all partners in fulfilling this national duty.

The Office of the Prime Minister, which is responsible for overseeing the Cabinet's functioning, should follow up the implementation of the concluding observations adopted under the 2012 Periodic Report on CMW by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and those formulated by the Commission in this report in particular.

VII. Way forward

The Commission and the institutions that collaborated with it in the assessment will follow up, on a daily basis, the implementation of each concluding observations. All concerned institutions will be given a copy of the assessment document that will be used in the preparation of the report to be submitted to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families.

Table showing the level of implementation of the concluding observations

| N° | Findings of the UN CMW | Concluding observations | Institutions concerned | Findings | Comments | Level of implementation |
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| I | First cluster: Legislation | | | | | |
| 1. | While noting that consultations are on-going within the State party regarding the declarations provided for in articles 76 and 77 of the Convention, recognizing the Committee's competence to receive communications from States parties and individuals, the Committee notes that the State party has not yet made those declarations. [Para 7] | The Committee invites the State party to make the declarations provided for in articles 76 and 77 of the Convention. | MINIJUST, MINAFFET. | No declaration was made in relation to the two articles of the CMW. | | Not implemented |
| 2. | While noting that consultations are also on-going concerning ratification of the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Committee notes that the State party has not yet become a party to those Conventions, or to the Private Employment Agencies Convention, 1997 (No. 181) | The Committee invites the State party to consider ratifying ILO Conventions Nos. 97, 143, 181 and 189. | MINIJUST, MINAFFET, MIFOTRA. | CO 97 - Migrant for Employment convention (Revised) 1949 (no.97) not yet. C 189 International convention on domestic workers (not yet) C143- Migrant workers (Supplementary provisions) conventions 1975 (no 145) not yet | | Not implemented |

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| | and the Domestic Workers Convention, 2011 (No. 189). [Para 9] | | | C 181- Private employment agencies convention, 1997 (no 181) sent to the cabinet but back now seeking the opinion in relevant institutions. | | |
| 3. | The Committee takes note of the delegation's statements on the preparation of a draft law that would give greater independence to the National Human Rights Commission. It remains concerned, however, about reports indicating the lack of independence, in practice, of the Commission. [Para 11] | The Committee recommends that the State party ensure that the new Law on the National Human Rights Commission effectively guarantees the Commission's independence, in accordance with the Principles relating to the Status of National Institutions (the Paris Principles, annexed to General Assembly resolution 48/134 of 20 December 1993) and that such independence is respected in practice. The Committee also recommends that the State party provide the Commission with a specific mandate on migrant workers. | MINIJUST, RLRC, NCHR. | The Constitution of the Republic of Rwanda of 2003 revised in 2015 (Official Gazette n° Special of 24/12/2015) through Art. 42, guarantees the independence of the National Commission Human Rights (NCHR). Art.3 of the Law N° 19/2013 of 25/3/2013 determining missions, organisation and functioning of the National Commission for Human Rights also designates the NCHR as "independent and permanent" and précises that in fulfilling its mission, the Commission shall not be subject to any instructions from any other organ. Considering the | | Fully Implemented |

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| | | | | <p>independence of the Commission as provided for in above Article, Commissioners shall be elected on individual basis and they do not represent their institutions of origin.</p> <p>This article also states that the Commission shall have legal personality and autonomy in administrative and financial matters.</p> <p>The Commission has the autonomy in the management of its budget and the financial support from donors (Internal Regulation, Art.5-2). The quarterly allocations are directly deposited on the NCHR's accounts.</p> <p>Moreover, it should be noted that according to Article 2 of the Presidential Order n° 72/01 of 12/03/2014 establishing</p> | | |
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| | | | | <p>the candidate selection committee to the post of commissioner of the National Commission for Human Rights and Determining its mission, organisation and functioning, the aforementioned Committee is independent and comply with the principles of transparency and objectivity.</p> <p>The Commission has the autonomy in recruiting its staff. This autonomy is mentioned in Art 38 of the Law N° 19/2013 of 25/3/2013 which also points out that the recruitment shall be made on a competitive basis.</p> <p>The above mentioned law in its article 6,4 provides that the National Commission for Human Rights has a special mission to particularly monitor respect for the rights of migrant workers and members of their</p> | | |
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| | | | | families. | | |
| 4. | The Committee notes with concern that Law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda (arts. 37 to 49) criminalizes a number of immigration-related offences by migrant workers. [Para 21] | The Committee recommends that the State party bring Law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda into conformity with the spirit of the Convention, with a view to decriminalizing immigration offences committed by migrant workers or members of their families, treating such violations as administrative offences and establishing appropriate penalties for offences of this kind. | MIFOTRA, MINIJUST, RLRC, DGI&E. | <p>According to DGI&E, codified offenses were reached based on their connection with existing crimes under common law.</p> <p>First, not all immigration offences in the law are sanctioned by imprisonment. some of them are sanctioned by a fine.</p> <p>Second, Immigration offences are general. They do not target foreigners only. Nationals may also be prosecuted for their breaches of immigration laws.</p> <p>For this reason, there is no need to amend the law because immigration offences are listed in the penal code.</p> <p>Finally, There are various ways a foreigner can appeal in case of a</p> | Rwandan immigration laws are comprehensive regarding the implementation of the UNCMW. | Fully Implemented |

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| | | | | <p>disadvantaging decision</p> <p>a) the law on Immigration provides for a procedure for appeal in the Article 38 para 5 of the Ministerial Order No. 02/01 of 31 May 2011 establishing regulations and procedures implementing immigration Law.</p> <p>b) Foreign nationals may also seek a stay of the expulsion granted by the competent court through procedure provided in the Code of Civil, Commercial, Social and Administrative procedure.</p> | | |
| 6. | While noting the existence of Law No. 62/2007 of 30 December 2007 on the creation, organization, operation and management of the mutual health insurance | The Committee recommends that the State party: (a) Ensure that all migrant workers and members of their families are able to subscribe to a mutual health insurance | MIFOTRA, MINISANTE, MINECOFIN, MINALOC, RSSB. | Migrant workers are not subscribed to Mutual Health Insurance they have to take a private Health Insurance. | MINISANTE and MINECOFIN should make a feasibility study to facilitate migrant workers to benefiting from the services of the | Partially implemented |

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| | <p>scheme, which provides that all Rwandan residents must be covered by health insurance, the Committee is concerned at the fact that access to the mutual health insurance system is only in the process of being extended to migrant workers. It is also concerned at reports that, in some sectors, migrant workers are not eligible to subscribe to a health insurance scheme. In addition, the Committee regrets that, in spite of a sizeable emigrant population, the number of bilateral and multilateral social security agreements concluded by the State party is still limited.</p> <p>[Para 31]</p> | <p>scheme and that they are informed of their rights in this regard; and (b) Pursue the conclusion of bilateral and multilateral social security agreements in order to guarantee the social protection of migrant workers.</p> | | <p>MINISANTE is looking for ways to do an advocacy regarding to the favor migrant workers by reducing the annually rate they give to the private health insurance</p> | <p>mutual health insurance.</p> | |
| 7. | <p>While noting the information provided by the State party about the availability of universal free primary and secondary education, the Committee is concerned at the lack of statistics on primary and secondary school enrolment rates for children of migrant workers and access to education for the children of migrant workers in an irregular situation. [Para 33]</p> | <p>The Committee recommends that the State party take all necessary measures to ensure that children of migrant workers in an irregular situation have access to education on the basis of equality of treatment with nationals of the State party. The Committee also recommends that the State party take all necessary measures to include in its next periodic report data</p> | <p>MINEDUC, MINIJUST, NISR.</p> | <p>All children, whether Rwandans or from the families of migrant workers receive a school education in the same way and without any discrimination.</p> | | <p>Fully implemented</p> |

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| | | disaggregated by gender, age and nationality on the number of children of migrant workers enrolled in primary and secondary schools, including those in an irregular situation or whose parents are in an irregular situation. | | | | |
| 8. | The Committee is concerned at the fact that migrant workers lack information about their rights under the Convention, and particularly their right to have access to basic social services, their right to join trade unions and their right to the same treatment as nationals of the State party in respect of conditions of work. [Para 35] | The Committee recommends that the State party intensify its efforts to ensure that migrant workers and members of their families have effective access to information about their rights under the Convention and under immigration law, in particular their rights to have access to basic social services, to join trade unions and to the same treatment as nationals of the State party in respect of conditions of work. | MIFOTRA, MINALOC, MINIJUST, RGB. | - Article 12 of the Rwandan Labor Law provides for the equality of all workers without distinction. -At the district level there are the labor inspectors that facilitate all workers including migrant to access on the information relating to their rights. | | Fully implemented |
| 9. | The Committee notes that Rwandans living abroad, who account for a sizeable proportion of the Rwandan population, cannot be elected at elections of the State party. [Para 37] | The Committee encourages the State party to consider adopting all the necessary measures to ensure that Rwandans living abroad can be elected at elections of the State party. | MINAFFET, MINEAC. | Rwandans living abroad have the right to vote but they cannot be elected because they don't meet all conditions foreseen by electoral law. | | Fully implemented |
| 10. | The Committee is concerned at the lack of legislative or regulatory provisions to regulate the return of Rwandans who do not meet the criteria set out in article 6 of Law No. 04/2011 of 21 | The Committee recommends that the State party: (a) Review Law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda and/or Ministerial Order No. 02/01 of 31 May | MIFOTRA, MINIJUST, MIDIMAR, RLRC, Directorate General of Immigration and Emigration. | Concerning the lack of legislative or regulatory provisions to regulate the return of Rwandan who do not meet the criteria set out in Article 6 of Law No. 04/2011 | The Law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda and the Ministerial Order No. 02/01 of 31 May 2011 | Fully implemented |

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| | <p>March 2011 on immigration to and emigration from Rwanda, namely, the requirement that they hold a valid travel document or other proof of Rwandan citizenship. The Committee is also concerned at the lack of specific information on measures taken by the State party to facilitate the long-term economic, social and cultural reintegration of Rwandans returning to the State party. [Para 43]</p> | <p>2011 establishing regulations and procedures implementing the Law so as to regulate and facilitate the return to the State party of Rwandan migrant workers who do not meet the criteria set out in article 6 of the Law, namely, the requirement that they hold a valid travel document or other proof of Rwandan citizenship; and (b) Adopt measures, such as the establishment of local mechanisms, to facilitate the voluntary return of Rwandans living abroad and members of their families, as well as their long-term economic, social and cultural reintegration in the State party.</p> | | <p>of 21 March 2011 on immigration to and emigration from Rwanda, the proof of Rwandan citizenship is a pre requisite.</p> <p>The standard of proof is weighed on a balance of probabilities, and may even be inferred from other factual circumstances.</p> <p>Lower standard of proof is sufficient to facilitate bona fide Rwandans to return. otherwise, Rwanda can end up admitting other foreigners disguised as Rwandans</p> <p>Finally, there is also a political will to engage into collaboration with other States to resolve such problems.</p> <p>Regarding specific information related to measures taken by Rwanda to facilitate reintegration of Rwandans returnees, there is a long term</p> | <p>is flexible enough and cannot be amended.</p> | |
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| | | | | economic and social reintegration mechanism through Vision Umurenge Program (VUP), Ubudehe and Girinka programs. | |
| 11. | <p>The Committee is concerned at reports that Rwandan children are being recruited and sent to Kenya, Uganda and Tanzania, where they are forced to perform agricultural labor or subjected to domestic slavery or prostitution, and that some children from neighboring countries are subjected to prostitution in the State party. The Committee is also concerned at the absence of studies, analyses and disaggregated data that would allow an assessment to be made of the extent of trafficking into, in transit through and from the State party, and of any law against trafficking in persons. [Para 45]</p> | <p>The Committee recommends that the State party:</p> <p>(a) Adopt a law to combat trafficking in persons and protect victims of trafficking;</p> <p>(b) Provide training to border guards, labor inspectors, immigration officials and other law enforcement officials to ensure the prompt identification of victims of trafficking;</p> <p>(c) Establish effective mechanisms for the identification and protection of victims of human trafficking;</p> <p>(d) Bring perpetrators of crimes related to trafficking to justice; and</p> <p>(e) Undertake an assessment of trafficking in persons to, in transit through and from the State party and systematically compile disaggregated data in this regard.</p> | <p>Supreme Court, MINIJUST, MININTER, MIFOTRA, RLRC, RNP, NPPA.</p> | <p>The new Rwandan Penal Code 2012, in article 250, prohibits and provides punishments for human trafficking crimes</p> <p>In fighting human trafficking regular trainings are being carried out:</p> <ul style="list-style-type: none"> -RNP in partnership with other stake holders like Interpol, Prosecution, organize trainings on how fighting against Human and child trafficking. -Researches and data provision on Human Trafficking is also done. -Concerned departments of RNP like CID, Community policing organize sensitization on fighting Human Trafficking in community, schools, | Fully implemented |

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| | | | | <p>media (Radio, TV, ...)</p> <p>The MINIJUST in partnership with other institutions such as DGI&E, RNP, NPPA, and civil society will soon publish a human trafficking training manual and different officials from different institutions will be trained, also students and other categories of Rwandan population.</p> | | |
| II | Second cluster: Access to justice | | | | | |
| 12. | <p>The Committee notes that migrant workers may lodge appeals in the courts and may also appeal to the Labor Inspector, the National Human Rights Commission, the Office of the Ombudsman, the parliamentary Human Rights Commission, trade unions, the Arbitration Committee of the National Labor Council, and Rwandan arbitration and mediation organizations. However, the Committee is concerned at the lack of information on complaints about violations of migrant workers' rights, which reflects</p> | <p>The Committee recommends that the State party ensure that migrant workers and the members of their families, including those in an irregular situation, enjoy in law and in fact the same rights as nationals to lodge complaints about violations of their fundamental rights under the Convention and to access effective remedies.</p> | <p>MINIJUST, MIFOTRA.</p> | <p>There are some procedures that are put in place facilitating migrants workers to lodge complaints : They start complaining on the district labor inspections and when they are not comfortable with the answer they appeal to MIFOTRA</p> | <p>Migrant workers are protected by laws at the same level like other foreigners. They have right to lodge complaints about violations of their fundamental rights under the Convention and to access effective remedies.</p> | <p>Fully Implemented</p> |

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| | the difficulties migrant workers and members of their families face in trying to avail themselves of a remedy for violations of their fundamental rights. [Para 17] | | | | | |
| 13. | The Committee is concerned at reports that a certain number of children from neighboring countries are subjected to forced labor in the State party. [Para 19] | The Committee recommends that the State party increase labor inspections and impose appropriate penalties on employers exploiting child migrant workers or subjecting them to forced labor and abuse, especially in the informal economy. | MIFOTRA, MIGEPROF, NCC. | The law prohibits the exploitation of children by anyone, especially by employers. If this happens, he/she can be punished like employer who exploited other child. This can constitute an aggravating circumstance. | | Fully implemented |
| 14. | While welcoming the fact that labor inspectors are working in every district of the State party and that a National Labor Council has been established to monitor the implementation of labor laws and policies, the Committee is concerned at the lack of protection of the rights of migrant workers employed in the informal sector, particularly those employed in domestic service. [Para 29] | The Committee urges the State party to protect the rights of migrant workers in the informal sector, particularly those employed in domestic service: (a) By ensuring that their working conditions are systematically monitored through labor inspections, taking into account general comment No. 1 (2010) on migrant domestic workers; (b) By imposing fines on employers who treat migrant workers less favourably than Rwandan nationals; and (c) By ensuring that migrant workers have access to | MINIJUST, MIFOTRA, MINALOC. | In the code of Rwandan Labor Law, the article 12 hinders discrimination of migrant workers. | The inspections should be made by the labor inspectors in collaboration with the MIFOTRA and the Private Sector Federation (PSF). | Fully implemented |

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| | | effective mechanisms for lodging complaints against their employers when they violate their rights. | | | | |
| 15. | While noting the information received from the State party indicating that migrant workers in Rwanda are free to transfer their earnings and savings to their State of origin, the Committee notes that the State party has not taken any measures to facilitate such transfer. [Para 39] | The Committee encourages the State party to take measures to facilitate the transfer by migrant workers of their earnings and savings from the State party to their State of origin or any other State. | BNR | The transfer by migrant workers of their earnings and savings from Rwanda to their State of origin or any other State is allowed. | | Fully implemented |
| 16. | The Committee regrets the lack of specific information on the services provided by the State party's consular or diplomatic authorities to Rwandan migrant workers living abroad. [Para 41] | The Committee recommends that the State party ensure that its consular or diplomatic authorities provide information and appropriate assistance to Rwandan migrant workers and members of their families living abroad regarding requisite authorizations and formalities and arrangements for their departure, travel, arrival, stay, remunerated activities, exit and return, as well as on conditions of work and life in the State of employment and on customs, currency, tax and other relevant laws and regulations. | MINAFFET, MINECOFIN, RRA, Directorate General of Immigration and Emigration. | Rwanda considers diaspora as its 6th province. Therefore, information is collected and disseminated to Rwandan diaspora. | | Fully implemented |
| 17. | The Committee is concerned at reports that a certain number of migrant workers | The Committee recommends that the State party address the delays in the registration of | MIFOTRA, MINAFFET. | Immigrant workers are registered by their employers and the | | Fully implemented |

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| | have not been registered and that some employers are delaying the registration of migrant workers in the State party. [Para 47] | migrant workers by their employers and ensure that all migrant workers are registered, to avoid them being placed in an irregular situation. | | immigration gives them worker permit that allow them to enjoy their fundamental right | | |
| III | Third cluster: Capacity building | | | | | |
| 18. | The Committee is concerned at the lack of information and training programmes specifically on the Convention for relevant public officials such as judges, prosecutors, police officers, immigration officials, labor inspectors, social workers and other agents of the State who deal with migrant workers at the national and local levels. [Para 15] | The Committee recommends that the State party hold regular training sessions on the provisions and direct applicability of the Convention, for judges, prosecutors, Police officers, immigration officials, labor inspectors, social workers and other agents of the State who deal with migrant workers at the national and local levels. | Supreme Court, MIFOTRA, MINEAC, NPPA, RNP. | Police officers, immigration officials, labor inspectors, social workers, judges, prosecutors and other agents of the State who deal with migrant workers and other at the national and local levels are not trained on the provisions of this Convention | No specific training session was organized on the Convention. | Not Implemented |
| IV | Fourth cluster: Reporting | | | | | |
| 19. | The Committee regrets the lack of information and detailed statistics on most of the questions relating to migration. It recalls that such information is essential to understanding the migration situation in the State party and | The Committee requests the State party to include in its next periodic report disaggregated data on the areas where migrant workers, including those in an irregular situation, are employed and on their conditions of | MINIJUST, MIFOTRA, MINALOC, NISR ⁴ . | Foreign migrant workers who are in Rwanda and Rwandan migrant workers and members of their families living abroad are known. | It is very difficult to know exactly Rwandans migrant workers in an irregular situation and members of their families located abroad. But relevant State | Depends on the availability of statistical data |





⁴ National Institute of Statistics of Rwanda

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| | <p>evaluating the implementation of the Convention. The Committee also regrets the lack of information on the number of Rwandan migrant workers and members of their families abroad, including those in an irregular situation. [Para 25]</p> | <p>employment, as well as on the enjoyment of their rights under the Convention. The Committee also requests disaggregated information on the number of Rwandan migrant workers and members of their families abroad, including those in an irregular situation. Where precise information is not available, the Committee would appreciate receiving data based on studies or estimates.</p> | | | <p>institutions should start collecting information needed to make a disaggregated database that will be used for the next periodic report.</p> | |
| 20. | <p>The Committee is concerned at the fact that migrants arrested for immigration offences are detained with persons who have committed offences under common law. [Para 23]</p> | <p>The Committee recommends that the State party:</p> <p>(a) Ensure that detention of migrants for violations of immigration law is used only as a measure of last resort and in special facilities; and that, insofar as practicable, migrants detained for immigration offences are held separately from ordinary prisoners; and</p> <p>(b) Include in its next periodic report detailed information on the number of migrants detained for immigration offences and on the place, average duration and conditions of their detention.</p> | <p>MININTER, MINIJUST, MIFOTRA, NPPA, RNP, RCS, Directorate General of Immigration and Emigration.</p> | <p>Article 618 and 619 of The Penal Code provide how immigration to and emigration from Rwanda offences are punished.</p> | | <p>Fully implemented</p> |

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| 21. | <p>The Committee is concerned at the lack of data disaggregated by sex, age and nationality on migrant workers and members of their families expelled from the State party since 2008. With regard to Ministerial Order No. 02/01 of 31 May 2011 establishing regulations and procedures implementing Law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda, the Committee is concerned at the lack of provisions protecting the right of migrants: (a) to submit the reason why they should not be expelled; (b) to have their case reviewed by the competent authority; and (c) to seek a stay of the expulsion decision pending such review.</p> <p>[Para 25]</p> | <p>The Committee recommends that the State party include in its next periodic report data disaggregated by sex, age, nationality and grounds for expulsion on migrant workers and members of their families expelled from the State party since 2008. It also recommends that the State party amend Law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda as well as Ministerial Order No. 02/01 of 31 May 2011 establishing regulations and procedures implementing the Law in order to give migrants subject to expulsion proceedings the right, except where a final decision is pronounced by a judicial authority: (a) to submit the reason why they should not be expelled; (b) to have their case reviewed by the competent authority; and (c) to seek a stay of the expulsion decision pending such review, in accordance with article 22, paragraph 4, of the Convention.</p> | <p>Parliament, MIFOTRA, MINIJUST, MININTER, RLRC, Directorate General of Immigration and Emigration.</p> | <p>Regarding the lack of Appeal provisions to protect the right of migrants, the following are provided under Rwandan law:</p> <ul style="list-style-type: none"> a) Article 38 para 5 of the Ministerial Order No. 02/01 of 31 May 2011 establishing regulations and procedures implementing immigration Law provides for a possibility to appeal b) Foreign nationals may also seek a stay of the expulsion through procedure provided in the Code of Civil, Commercial, Social and Administrative procedure. | <p>Relevant State institutions should start collecting information needed to make a disaggregated database that will be used for the next periodic report.</p> <p>No need to amend the law No. 04/2011 of 21 March 2011 on immigration to and emigration from Rwanda as well as Ministerial Order No. 02/01 of 31 May 2011 establishing regulations and procedures implementing the Law</p> | <p>Depends on the availability of statistical data</p> <p>Appeal procedure are available</p> <p>This provision is fully implemented</p> |
| 22. | <p>The Committee notes the lack of detailed information</p> | <p>The Committee recommends that the State party include in</p> | <p>MINIJUST, MINAFFET,</p> | <p>The country through its diplomatic missions</p> | <p>The State should include in its next</p> | <p>Depends on the measures taken</p> |

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| | received about measures taken by the State party to facilitate recourse for Rwandan migrant workers living abroad to the assistance of the consular or diplomatic authorities of the State party in case of expulsion. [Para 27] | its next periodic report detailed information about measures taken by the State party to facilitate access for Rwandan migrant workers living abroad to the assistance of the consular or diplomatic authorities in the event of expulsion. | MIFOTRA, MINEAC. | protects Rwandans whenever incidence arises and reports on that are produced. | periodic report concrete information on the measures taken to facilitate access for Rwandan migrant workers living abroad to the assistance of the consular or diplomatic authorities. | |
| 22. | [Para 49] | The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in the present concluding observations. It recommends that the State party should take all appropriate measures to ensure that the recommendations are implemented. | MINIJUST, MIFOTRA, NISR. | | | Depends on the measures taken |
| 23. | [Para 50] | The Committee requests the State party to involve all the civil society organizations working on migration issues at the national level in the preparation of its second periodic report. | MINIJUST, MIFOTRA. | It is still too early to prepare the second periodic report. | In principle, civil society organizations are involved in preparing reports on international instruments to be submitted to treaty bodies. The State party should involve civil society organisations in preparation of report on CMW. | Partially implemented |

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| 24. | [Para 51] | The Committee likewise requests the State party to disseminate the present concluding observations widely, including to Government agencies, Parliament, the judiciary, relevant local authorities, non-governmental organizations and other members of civil society, and to take steps to make them known to Rwandan migrants abroad and foreign migrant workers residing or in transit in the State party. | MINIJUST, MIFOTRA, MINAFFET, MINALOC. | Not implemented | | Not implemented |
| 25. | [Para 52] | The Committee requests the State party to submit its second periodic report by 1 October 2017. | MINIJUST, MINAFFET, MIFOTRA. | | | Depends on the compliance with the submission date of the next report |

-  Concluding observations that were fully implemented.
-  Concluding observations that were partially or on-going implemented.
-  Concluding observations that were not implemented.
-  Depends on the availability of statistical data, the measures to be taken and the compliance with the submission date of the next report⁵

⁵ These concluding observations will be assessed at the next submission of the report because they mainly concern statistical data, measures to be taken and the report submission deadlines.