

**REPUBLIC OF RWANDA**



**PERMANENT MISSION OF RWANDA  
GENEVA**

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**Opening statement by H.E. Mrs. Marie Chantal RWAKAZINA, Ambassador and Permanent Representative of the Republic of Rwanda in Geneva, Head of Delegation.**

**Consideration of the second State Party Report of Rwanda on the Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

**33<sup>rd</sup> Session of the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families.**

**27-28 September 2021  
Palais Wilson, Geneva**

**Mr. Chairperson of the Committee;**  
**Rapporteurs of the Committee;**  
**Members of the Committee;**  
**Ladies and Gentlemen,**

Good afternoon good evening, good morning or good evening depending on where you are. It is my honor and privilege to present, this afternoon, Rwanda's second periodic report under the International Convention on the Protection of All Migrant Workers and Members of their Families.

Before I proceed, Mr. Chairperson, allow me to introduce members of my delegation. I am with:

- Mr. James NGANGO, Deputy Permanent Representative, Permanent Mission of the Republic of Rwanda to the United Nations Office and other International Organizations in Geneva;
- Ms. Providence UMURUNGI, Head of International Justice and Judicial Cooperation Department at the Ministry of Justice;
- Mr. Faustin MWAMBARI, Head of Employment Ecosystem Policy and Strategy Department at the Ministry of Public Service and Labor;
- Mr. Edmond TUBANAMBAZI, First Counsellor, Permanent Mission of the Republic of Rwanda to the United Nations Office and other International Organizations in Geneva;
- Mr. Moses NTAGOZERA, Head of Legal Division at the Directorate General of Immigration and Emigration; and
- Mr. Gonzague KARAGIRE, Ag. Refugee Program Manager at the Ministry in Charge of Emergency Management.

My delegation and I are honored to participate in this 33<sup>rd</sup> session of this esteemed Committee. My colleagues James NGANGO and Edmond TUBANAMBAZI and I, are attending in person while other colleagues are participating remotely from our Capital City, Kigali.

We avail ourselves fully to you during these two days, Mr. Chairperson, in view of engaging in a constructive and frank discussion on matters relating to the protection and promotion of the rights of All Migrant Workers and Members of their families in Rwanda.

**Mr. Chairperson,**

Before proceeding further, allow me to reiterate Rwanda's commitment to ensuring that all human beings enjoy the fundamental human rights protected by the Constitution and other national and international human rights laws, including the International Convention on the Protection of All Migrant Workers and Members of their Families, to which Rwanda is a party since 2008.

Rwanda's second periodic report which we are presenting today is the result of wide consultations with relevant institutions. The report drafting process was led by the Ministry of Justice and has always been inclusive and open to all stakeholders. The Cabinet was briefed and approved the report before it was submitted to your esteemed Committee.

Allow me to also note that, Rwanda's second periodic report was submitted under article 73 of the Convention, while following the simplified reporting procedure. In light of this procedure, Rwanda's written replies to the list of issues prior to reporting constitutes Rwanda's second periodic report.

**Mr. Chairperson,**

During the period under review, Rwanda made many legal reforms, by adopting new laws and revising existing ones in order to harmonize them with its international obligations, strengthen domestic legislation in general and the protection of Migrant Workers and Members of their Families in particular. I will come back later on this with examples of specific laws and provisions. .

In 2015, Rwanda revised its Constitution through a referendum. Among the changes brought is the hierarchy of laws where international treaties are now ranked after the Constitution and Organic Laws.

On this particular point, I am pleased to inform the esteemed Committee that the supremacy of the Constitution and organic laws over international treaties as stipulated in article 95 of the Constitution of Rwanda of 2013 revised in 2015 does not affect the provisions of the Convention.

The Constitution in its article 170 removes the possibility to have a conflict between international treaties and agreements and national legislation.

The provision makes it clear that, where an international treaty or agreement contains provisions which are conflicting with the Constitution or an organic law, the power to ratify or approve that treaty or agreement cannot be exercised until the Constitution or the organic law is amended.

Indeed, there is no conflict between our domestic legislation and the Convention.

**Mr. Chairperson,**

We do recognize that the Convention covers a wide range of fields relevant to the respect, protection and fulfillment of the rights of Migrant Workers and Members of their Families. Aware of this, the Government of Rwanda ensures that capacity building sessions are organized on relevant topics. The exercise is being implemented progressively starting with the staff who mostly deal or are likely to deal with migrant workers aspects.

During the period under consideration, the Government of Rwanda in collaboration with its partners organized at domestic level, training for staff from key institutions such as the Ministry of Public Service and Labor, the Directorate General of Immigration and Emigration and Rwanda National Police. Furthermore, the Government facilitated relevant staff to participate in regional and international fora relevant to the rights of Migrant Workers.

Capacity building sessions will continue to be organized, targeting other groups such as Judges, Prosecutors, Advocates, Criminal Investigators and members of Civil Society Organizations. The Committee will be updated on this in the upcoming report.

Regarding access to justice for Migrant Workers and Members of their Families, we are pleased to inform the Committee that Rwanda has put in place enabling legal, policy and institutional frameworks.

Migrant workers and members of their families, including those in irregular situation, have the right to lodge complaints about violations of their rights under the Convention and to access effective remedies. They have access to available administrative and judicial avenues.

In this regard, migrant workers can lodge their complaints first to the labour inspector at the district level and if they are not satisfied, they can appeal to the Ministry of Public and Labor.

Furthermore, migrant workers and members of their families have the right to lodge cases in courts of law.

With regard to the particular concern of the Committee regarding legal obligation for migrant workers to deposit a sum of money before their complaint is heard, we would like to inform that the provision was maintained in the 2018 law, and is applicable to all foreigners when no legal exemptions are provided. Furthermore, the deposit applies to civil matters only. It is also worth noting that the objection to furnish this is not automatically granted. It can be challenged.

**Mr. Chairperson,**

Concerning prevention of torture, trafficking in persons and sexual abuse, we are pleased to inform the Committee those significant developments have been made in these areas.

The right to physical and mental integrity is protected by the Constitution and guaranteed to everyone without discrimination. No one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment.

The law N°68/2018 of 30/08/2018 determining offences and penalties in general, provides for penalties that are commensurate with the acts of torture and other inhuman or degrading treatment. The law provides for penalties ranging from 20-year jail term to life imprisonment depending on circumstances.

To ensure prevention of torture, since August 2018, the powers of the National Commission for Human Rights were expanded to allow the Commission to work as the National Preventive Mechanism provided under the Optional Protocol to the Convention against Torture. With these new responsibilities, the National Commission for Human Rights will continue to play a vital role in the prevention of torture.

With regard to trafficking, it is worth mentioning that Rwanda is committed to fighting trafficking in persons in all its forms. In this regard, in August 2018, a specific law n° 51/2018 of 13/08/2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others was enacted. This law is comprehensive in terms of its content.

The purpose of the law is to prevent, suppress and punish the offence of trafficking in persons and exploitation of others. It also provides for the protection of, and assistance to the victims of trafficking in persons.

Furthermore, the law makes it clear under article 2 that it applies to all forms of trafficking in persons and any other offence provided for therein, whether or not connected with organized crime, when the offence is committed on the territory of the Republic of Rwanda by a Rwandan national, a stateless person or a foreign citizen residing in Rwanda at the time of the commission of the offence.

The law also applies to any offence provided for therein where the offence is committed outside the territory of the Republic of Rwanda by a Rwandan national or any other person who permanently resides in Rwanda at the time of the commission of the offence, and where the offence is committed by any person of any nationality or any stateless person against a Rwandan national.

Specifically, article 7 of this law concerning non-discrimination against the victim, stipulates that the protection of and assistance and support to the victim are carried out without any discrimination. This confirms Rwanda's commitment to extend its obligation to even non-nationals including migrants and members of their families.

The law goes further to cover other important issues such as the permission for a non-Rwandan victim to remain in Rwanda, repatriation of a foreign victim to his/her country and return of the victim to Rwanda.

The law also provides for serious penalties for any person convicted of trafficking in persons.

Besides the legislation, the Government of Rwanda in collaboration with its partners, implements other initiatives to ensure that staff from relevant institutions such as the Directorate General of Immigration and Emigration, Rwanda National Police, Rwanda Investigation Bureau, National Public Prosecution Authority, the Judiciary and Members of Civil Society Organizations working in the relevant field have increased capacity.

The same law also prohibits and punishes the acts of sexual exploitation and abuse, and provides equal protection to nationals and non-nationals.

**Mr. Chairperson,**

Rwanda opted for an open border policy which has significantly contributed in improving free movement of persons, goods and services. This deliberate move by the Government of Rwanda allowed travelers from across the world to be issued a visa on arrival in Kigali or at any port of entry, since January 1, 2018.

The new visa regime opens Rwanda to the world and is good for the country's growth especially for business. Rwanda believes that the free movement of people fosters trade and tourism, and is good for the continent's integration policy. Indeed, this kind of policy comes with challenges, but as a country, we are also aware of its benefits.

Particularly with Migrant Workers and Members of their families, this policy creates a conducive environment allowing them to freely leave and return to Rwanda as they wish, but within the confines of the law.

Moreover, Rwanda ensures that its nationals living in diaspora do so in accordance with the laws of hosting countries. Particular attention is paid to members of the Rwandan Diaspora with nationalities of countries that do not accept double citizenship. They are facilitated in obtaining long term resident visa with multiple entries which enable them to work in their motherland and regularly visit their relatives and families.

In addition, there is permanent residence permit (class L-4) issued to members of the Rwandan Community Abroad, who acquired a nationality of a country which does not accept dual nationality.

**Mr. Chairperson;**

**Rapporteurs of the Committee,**

**Members of the Committee;**

**Ladies and Gentlemen,**

Before I proceed towards the conclusion of my statement, allow me to mention a few words regarding reintegration of returnees, refugees and asylum seekers.

The politics of discrimination, divisionism and ethnicity that culminated in the 1994 genocide against the Tutsi also contributed immensely in numbers of Rwandan who went to exile as refugees. Since the liberation of the country from the genocidal regime in 1994, Rwandans have been progressively returning to their homeland. In this regard, efforts are always underway to ensure their safe return and full reintegration into society.

With regard to refugees and asylum seekers, let me reiterate Rwanda's firm commitment to an open-door policy towards them.

Since the last review, Rwanda has been receiving and hosting refugees and asylum seekers from the region and beyond. Of recent, Rwanda received 648 asylum seekers who were evacuated from Libya, under a Memorandum of Understanding signed between the Government of Rwanda, the United Nations High Commission for Refugees, and the African Union. The Government, in collaboration with the United NHCR, continues to improve the welfare of refugees.

The Government of Rwanda implements refugee resettlement programs and provides them with refugee travel documents and refugee identity cards. In addition, the country ensures the security of refugees in refugee camps.

**Mr. Chairperson,**

Permit me to also say a word on the COVID-19 pandemic as this too relates to the rights of migrant workers and members of their families. Rwanda was not spared from the harmful effects of the COVID-19 pandemic that befell the world towards the end of 2019. The first case of COVID-19 was announced in Rwanda on 14<sup>th</sup> March 2020. In an effort to limit the spread of and harm caused by the virus, the Government adopted timely measures to contain the spread of the virus while treating those who contracted it.

Rwanda's response to COVID-19 has been flexible, swift, consistent, open and participatory. The approach has not only been important in helping us deal effectively with the virus but also key in mitigating the impact of COVID-19. The Government ensures that its citizens have adequate, timely and accessible information on COVID-19. In this regard, the Ministry of Health updates Rwandans, and the world daily about the status of COVID-19 in Rwanda.

Since the vaccination campaign started in late March this year, so far, in the Capital City Kigali, 93% of the adult population (18 years old and above) have got their first dose and 67% have been fully vaccinated and in some other areas across the country, above 20% of the adult population is fully vaccinated or has got their first dose. Vaccination efforts will continue until the adult population is fully vaccinated.

The Government's efforts in dealing with this pandemic have been implemented without any discrimination. Both nationals and non-nationals have equal access to services and efforts have been made to ensure that information relating to COVID-19 is imparted to the public in a language and format they are able to understand.



Particular attention was given to non-nationals to assist those who needed to go back to their countries while keeping those who remained in the country safe. Similarly, efforts were made to assist Rwandans who needed to come back to Rwanda from abroad especially in context of international travel restrictions.

These efforts are widely acknowledged by the international community, as evidenced by the recent EU's Council renewal (23 September, 2021) of Rwanda's eligibility to the list of Epidemiologically Safe Countries Amid COVID-19.

**Mr. Chairperson;  
Rapporteurs of the Committee,  
Members of the Committee;  
Ladies and Gentlemen,**

As I am concluding, once again, I wish to reiterate Rwanda's unreserved commitment and strong support to this esteemed Committee and its mandate. We take each review as an important opportunity to engage with the Committee and other stakeholders who have contributed to this review or are now participating in different ways and capacities.

I also wish to reiterate our delegation readiness to engage further with you during these two days and we look forward to a constructive dialogue.

**I thank you for your kind attention!**