



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

List of issues to be taken up in connection with the consideration of the initial periodic report of Rwanda (CMW/C/RWA/1)*

I. General information

1. Please provide statistics that have been disaggregated by sex, age and nationality (or, if such statistics are not available, estimates) on the number of migrant workers residing in or transiting through Rwanda who are in an irregular situation. Also please provide, insofar as possible, statistics, disaggregated by sex and age, on the number of Rwandan migrant workers and members of their families who are outside the country, including those who are in an irregular situation.
2. Please describe what role, if any, non-governmental organizations (NGOs) played in the preparation of the initial report and how they have participated in the implementation of the Convention. Please also describe what financial and other support the Government has provided to NGOs for activities aimed at promoting the Convention.
3. The report indicates that duly ratified international human rights instruments are part and parcel of Rwandan law and are directly applicable (para. 9). Please provide examples of cases in which the Convention has been applied by national courts or administrative authorities.
4. Please provide information on the mandate, main activities and the human and financial resources of the national human rights institution insofar as they relate to the promotion and protection of migrant workers' rights.
5. Please indicate what measures have been taken or are planned with a view to accession to the International Labour Organization (ILO) Migration for Employment

* The paragraph numbers given in brackets refer to the State party's report, which was issued under document symbol CMW/C/RWA/1.

Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

6. Please indicate whether the State party has taken or plans to take steps to make the declarations provided for in articles 76 and 77 of the Convention.

II. Information relating to the articles of the Convention

A. General principles

7. Please supply information on: (a) the judicial bodies and/or administrative structures authorized to examine complaints from migrant workers and their family members concerning violations of their rights, including those who are undocumented or in an irregular situation; (b) the complaints examined by those bodies since the Convention entered into force for Rwanda in 2008 and the decisions handed down in those cases; and (c) the compensation awarded to the victims of those violations.

B. Part III of the Convention

Article 17

8. Please describe the types of penalties imposed on migrant workers for violations of immigration laws. Please also indicate the number of migrants, disaggregated by sex, age and nationality, who are currently being held in administrative or judicial detention for violations of immigration laws. Please provide information on the decisions taken in their cases, the places of detention where they are being held and the conditions under which they are held. Please also indicate whether or not they are separated from convicted prisoners and persons being held in pretrial detention. Please also indicate how long they are held in detention, on average, and whether or not the country's laws set out a maximum period during which such persons may be held in custody.

Article 22

9. Please supply information, disaggregated by sex, age and nationality, on migrant workers and members of their families who have been expelled from Rwanda since 2008. Please describe the deportation procedures used. Please indicate whether there have been any collective expulsions since 2008 and whether collective expulsion is prohibited. Indicate whether a migrant worker who has been served with a deportation order may explain why she or he should not be expelled and, if so, how. Also indicate whether or not appeals against deportation orders have a suspensive effect. Please indicate, in particular, if the persons served with such orders are advised of that fact in a language that they can understand.

Article 25

10. Please provide, insofar as possible, information on the steps that have been taken or are planned to ensure that migrant workers employed in the informal sector, particularly those employed in domestic service, are not exploited or subjected to abusive working conditions. Please indicate what measures have been taken or are planned with a view to accession to the ILO Domestic Workers Convention, 2011 (No. 189).

Article 28

11. The report indicates that everyone living in Rwanda has the right of access to health care (para. 88). Please indicate whether that principle is also applied to migrant workers and members of their families who are undocumented or in an irregular situation and describe what kind of access to health care they have. The Committee has been provided with information which indicates that, in some sectors, migrant workers are not able to sign up for a health insurance scheme. Please comment on that information in the light of article 28 of the Convention.

Article 30

12. The report indicates that the right to education for all, without discrimination, is set forth in article 40 of the Constitution (para. 74). Please provide information on how that principle is actually applied in the case of the children of migrant workers. Please tell the Committee whether primary education is compulsory and free for all children of migrant workers, including those who are in an irregular situation. Please also provide statistics on the enrolment rates for children of migrant workers in institutions of primary, secondary and higher education.

Article 33

13. The report describes the steps taken to disseminate and promote the Convention (para. 42). Please describe the impact of those measures and indicate how familiar migrants actually are with their rights under the Convention and particularly with their right to have access to social services, their right to join trade unions and their right to the same treatment as that granted to nationals of the State party in respect of remuneration and working conditions. Please specify whether or not the State party has put in place targeted information and training programmes on the Convention for police officers, embassy and consulate officials, social workers, judges, prosecutors and other relevant public officials.

C. Part IV of the Convention**Article 37**

14. Please indicate how the State party informs Rwandan citizens wishing to emigrate about their rights under the Convention. In this regard, please specify what services and guidance the State party offers to migrant workers before their departure.

Article 41

15. Please indicate the measures taken to ensure that Rwandan migrant workers and their family members can exercise their right to vote and their right to stand in elections held in Rwanda.

Article 44

16. The report indicates that the law on immigration and emigration sets out guarantees for family reunification and provides for measures to make it easier for foreigners residing permanently in the State party to be reunited with their family members (para. 84). Please specify what legal provisions uphold this principle; provide statistics on practices related to family reunification as it pertains to migrant workers; and indicate what steps are taken to protect the family unity of migrant workers residing temporarily in Rwanda.

Article 46

17. The report states that migrant workers in certain occupational categories are exempted from paying import duties on their personal effects upon arrival in Rwanda (para. 31). Please indicate whether this exemption also applies: (a) to imported materials necessary for the exercise of such workers' remunerated activity; (b) to all migrant workers at the time of their initial admission to and their final departure from Rwanda; and (c) to Rwandan migrant workers and their family members upon their departure from and their final return to Rwanda.

Article 47

18. Please indicate what measures have been adopted to facilitate the transfer of migrant workers' earnings and savings to persons in the State party, including any agreement to reduce the cost of these operations for migrant workers.

Article 52

19. Please indicate whether any restrictions or conditions are placed on migrant workers' exercise of the right to freely choose their remunerated activity.

D. Part VI of the Convention**Article 65**

20. Please provide information on the services offered to migrant workers by embassies and consulates, including the percentage of Rwandan migrant workers living abroad who have benefited from these services, the cases in which these services have been provided, and problems or obstacles that the State party encounters in providing them.

Article 67

21. Please provide information on the number of Rwandan migrant workers returning to the country. Please indicate what measures are taken to ensure that their return goes smoothly and to facilitate their long-term social and cultural reintegration. Please provide information on the procedures in place to facilitate the return of Rwandans who do not meet the criteria outlined in article 6 of Act No. 4/2011 of 21 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.

Article 68

22. The Committee has been informed that Rwandan children are being recruited and sent to Kenya, Uganda and Tanzania, where they are forced to perform agricultural labour or subjected to domestic slavery or prostitution. The Committee has also been informed that some children from neighbouring countries are being subjected to prostitution or forced labour in Rwanda. Please comment on this information in the light of article 68 of the Convention and indicate whether the State party intends to conduct a study on the trafficking of migrant workers from, through or to Rwanda.

23. Please provide information, disaggregated by sex, age and nationality, on the number of people who have been illegally trafficked to, from or through the State party since 2008. If exact figures are not available, please provide estimates. Please provide an update on the progress made towards the adoption of the new Criminal Code, which will contain provisions that define and prohibit all forms of trafficking in human beings, and of the bill on the suppression, prosecution and punishment of trafficking in human beings.

Article 69

24. The report describes measures to prevent and eliminate the illegal employment of migrant workers (para. 103). Please provide information on the impact of these measures and on the number and type of penalties imposed since 2008 upon the employers concerned. In addition, according to information provided to the Committee, there are delays in the registration of migrant workers by their employers and in the annual registration of foreign organizations and businesses, which would place the migrant workers in question in an irregular situation. Please comment on this information in the light of article 69 of the Convention.
