



National Commission for Human Rights of Rwanda

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CNDP/SEP/204/12.13

The Chief of Development and Economic and Social issues branch
Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10, Switzerland

RE: Information on work and employment of persons with disabilities in Rwanda

Dear Sir,

The National Commission for Human Rights of Rwanda has pleasure to submit to you requested information according to your message dated May 30th 2012 for the study on work and employment of persons with disabilities according to the Resolution 19/11 adopted by the Human right Council.

The National Commission for Human Rights of Rwanda is pleased to thank you for your collaboration.

Sincerely Yours,




Madeleine NIRERE
Chairperson,
National Commission for Human Rights of Rwanda

National Human Rights Commission of Rwanda

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HUMAN RIGHTS COUNCIL RESOLUTION 19/11 CONCERNING THE RIGHTS OF PERSONS WITH DISABILITIES

The contribution of the National Commission for Human Rights of Rwanda to the study on work and employment of persons with disabilities

1. The situation of persons with disabilities in the field of employment, including relevant data and statistics. Do you have information on persons with disabilities working in the informal sector?

- ✓ Rwanda has a political will to mainstream persons with disabilities in employment. This is expressed by taken legislatives measures and institutions to monitor its implementation;
- ✓ Rules of regulations encourages employers to recruit persons with disabilities up to 5% of their organizational chart; 5% is the proportion of persons with disabilities in all Rwandan population;
- ✓ A Ministerial Order N° 20/18 of 27/7/2009 determines the modalities of classifying persons with disabilities into basic categories based on the degree of disability, but there is no statistics on persons with disabilities based on Work and employment;
- ✓ As specified by a recent document called Baseline, *"the government is trying to ensure access of persons with disabilities, to the employment market in accordance with Convention N° 159 of International Labor Organization that encourages members States to take measures for professional rehabilitation and integration of persons with disabilities into the employment scheme"*¹.
- ✓ With EDPRS II 2013-2017, following activities will be implemented by Ministry of Youth:

"Increase the participation of youth with disabilities in sports and cultural activities.

Ensure that youth with disabilities are included in all programmes for youth especially those in relation to

- *Literacy skills*
- *Vocational skills*
- *Employment and business start – up*²

¹ Secretariat of the African Decade of Persons With Disabilities, *Baseline survey on the status of disability mainstreaming in Rwanda*, Cape Town, 2008, p. 31.

² MINECOFIN, "Mainstreaming social inclusion and disability into EDPRS 2 sector strategies and district development plans" in www.minecofin.gov.rw/.../Cross%20Cutting%20Issue%20Guidelines/.



- ✓ During the Survey conducted by National Commission of Rwanda, it was found that different institutions try to employ persons with disabilities, but some of them still find it difficult to get employment because certain institutions have the pretext that they cannot render good service³.
- ✓ Some persons with disabilities said that they don't receive Government support to create employment, in private sector, and apologize for any facilities to receive bank credit or to put in place a specific fund to support them.

2. Has the legislative and policy framework of your country been developed in conformity with article 27 of the Convention on the Rights of Persons with Disabilities (CRPD) on work and employment? Can any gaps be identified in legislation and policies related to work and employment of persons with disabilities?

The article 12, paragraph 6 of Law N° 13/2009 OF 27/05/2009 regulating Labour in Rwanda is in conformity with the article 27. It stipulates that *"It shall be forbidden to directly or indirectly make any discrimination aiming at denying the worker the right to equal opportunity or to the salary especially when the discrimination is based upon the following. [...] 6. Disability"*. The same Law at its article 97, 98 gives conditions in which rights of persons with disabilities may be protected. Article 97 stipulates: *"Non- discrimination at workplace. Any discrimination at workplace with regard to the disabled people is forbidden"* And Article 98: *"Disabled people working conditions where necessary and due to the work to be performed, the disabled worker shall be granted such working conditions as suitable to his/her disability"*. All those dispositions are in conformity with article 27 and concerns private and public sector. Particularly, promotion of persons with disability is specified in recruitment of public servant.

- The Law N° 01/2007 OF 20/01/2007 relating to protection of disabled Persons in general articles 18, 19 and 20 are specific on rights of a disabled person in matters related to employment);

"Article: 18

No discrimination of any form shall be subjected upon a disabled person in matters related to employment.

However, a disabled person shall be given greater access to employment opportunities than any other citizen

in case of equal capacities or in case of equal marks in competition.

Article: 19

In case of necessity and only due to interest of employment, a disabled person shall be entitled to a conducive employment environment that does not detract the nature of his or her disability.

Article: 20

An Order of the Minister in Charge of labour in his or her attributions shall determine the modalities of facilitating the disabled persons in matters related to access to employment opportunities."

About policies, Rwanda formulates following objectives on specific employment programmes for disabled people in NATIONAL EMPLOYMENT POLICY elaborated in 2007⁴:

"The Government intends to implement a series of special actions, including the following:

³ National Commission for Human Rights of Rwanda, Annual activity Report 2010-2011, p.77.

⁴ Republic of Rwanda, *National employment policy*, December 2007, pp. 30-31.

- Assistance programs to persons with disability including micro-financing and specialized training;
- Establishment of incentive measures to encourage persons with disability to form associations and initiate income generating activities;
- Incentive measures for the employment of persons with disability in the public and private sectors;
- Making work environment conducive and favorable to the persons with disability."

In addition, Rwanda is implementing second edition of national programme decade for Persons with Disabilities 2010-2019⁵. Its first specific objective is to "implement Ministerial Order N° 03/19.19 of 27/7/2009 determining the modalities of facilitating persons with disabilities to easy access to employment⁶".

3. Implementation of national legislation and policies, in particular related to progress made an obstacles preventing persons with disabilities, or specific groups of persons with disabilities (for example young persons with disabilities, women with disabilities or person with intellectual / psych-social disabilities), from enjoying the right to work on an equal basis with others.

There is significant progress to implement legislatives measures taken to work and employment for persons with disabilities.

Rwanda has specified rules of regulation to facilitate access to employment by the **Ministerial order n° 03/19.19 of 27/7/2009 determining the modalities of facilitating persons with disabilities to easily access employment**. On its article 3 it stipulates that

- o **Priority given to persons with disability**

Article 3:

Priority consideration during consideration With respect to offering competitive employment, where a person with disability has the same results as that of a non-disabled person after competition, the person with disability should be accorded priority consideration for employment.

With respect to offering non-competitive employment, when a person with disability has the same capacity as a nondisabled person, the person with disability should be accorded priority consideration for employment.

No person should deny employment to a person with disability or dismiss him/her on grounds of disability.

- o **Quota of personal with disability is 5% as in all population**

Article 5: Awards to employers who shall have offered employment to persons with disabilities Employers who shall have offered employment to persons with disabilities up to five percent (5%) of their employees shall be officially given awards determined by the Minister in charge of labour.

- o **Other regulations bellow offer facilities to access to employment for persons with disabilities**

⁵ Rwanda: Ambassador Country for the African Decade of Persons with Disabilities, *National Programme (2010-2019)*,

⁶ Op. cit., p. 5.

Ministerial Order N° 01/2009 of 19/6/2009 determining the modalities of facilitating persons with disabilities to practice and follow cultural, entertainment and sports activities;

Ministerial Order N° 06/07.01 of 25/7/2009 modifying and complementing the Ministerial Order n° 010/07.01 of 12/10/2007 providing for the regulation of the federations, associations and centers responsible for welfare of disabled persons

Ministerial Order N° 01/cab.M/09 of 27/07/2009 determining the modalities of constructing buildings providing various public services to ease the access of persons with disabilities

Ministerial Order N° 02/cab.M/09 of 27/7/2009 determining the modalities of facilitating persons with disabilities on necessary travels within the country;

Ministerial Order N° 20/18 of 27/7/2009 determining the modalities of classifying persons with disabilities into basic categories based on the degree of disability; As mentioned above, in the National Employment Policy, the strategy for the creation of employment of persons with disabilities are provided for.

Meanwhile, some threats or obstacles were identified recently by the Secretariat of African Decade of persons with disabilities, but those are general and not specific to persons with disabilities (for example, the limited number of employment opportunities in the public service and the fact that the private sector is not well developed in Rwanda⁷).

4. Involvement of persons with disabilities and their representative organizations in the development, implementation and monitoring of legislation and policies to promote and protect the right of persons with disabilities to work.

- ✓ Article 76 paragraph 4 of Rwanda Constitution of 2003 as amended to date provides for one person to represent the persons with disabilities in lower chamber of deputies, elected by the National Council of Persons with Disabilities
- ✓ The Prime Minister's Order n°02/03 of 11/02/2011 determining the responsibilities, organization and functioning of the organs of the National Council of Persons with Disabilities explain, on article 5, how persons with disabilities are involved: *"Without prejudice to the following legal provisions the General Assembly at each level shall be responsible for: 1° Preparing and submitting to the competent authorities the general policy proposal aimed at protecting persons with disabilities"*.
- ✓ Associations and non-government organization which represent different categories of persons with disabilities are involved in implementation of laws and policies for respect, protection and promotion of rights for persons with disabilities: associations of deaf-and-dumb persons; associations of blind persons, survivors of genocide with disabilities; ex-combatants with disabilities, associations of persons with motor disabilities, mentally handicapped persons, etc.
- ✓ All those representative associations were involved in elaboration of bills of laws in their interest.
- ✓ They are also involved in implementation of international programmes: *"All associations of disabled persons questioned are aware of the African Decade of Persons with Disability and are members of the Rwanda National Decade Steering Committee (RNDSC). These*

⁷ Secretariat of the African Decade of Persons with Disabilities, BASELINE SURVEY ON THE STATUS OF DISABILITY MAINSTREAMING IN RWANDA, 2009, p. 36

associations participate in the activities of the Committee and some of them have members who sit on the Board of the Committee⁸."

5. International cooperation programmes related to the promotion of work and employment opportunities for persons with disabilities. Is your organization involved in any such programme?

International cooperation programmes can be illustrated by the Support from Japan International Cooperation Agency to the Project on Skills training and Job Obtainment Support for Social Participation of Ex-Combatants and Other People with Disabilities (ECOPD)⁹. Other financial and technical supports are given by UNDP¹⁰

6. Is there any additional information you wish to provide?

According to the law N° 30/2007 of 06/07/2007 determining its organization and functioning, the National Commission for Human Rights of Rwanda "has the general responsibility of promoting and defending human rights" (article 4). It has also a specific organ in charge of persons with disabilities as specified by the Law N° 01/2007 OF 20/01/2007 relating to protection of disabled persons in general, on article 10:

"The National Human Rights Commission shall provide special procedures of monitoring how rights of a disabled person are respected".

On this bases National Commission for Human Rights of Rwanda:

- ✓ Monitor rights of persons with disabilities;
- ✓ Receives complaints of persons with disabilities;
- ✓ Promote rights of persons with disabilities, sensitizing institutions and training associations;
- ✓ Submits reports on rights of persons with disabilities to the competent Institutions; and
- ✓ Gave and continues to give observations and considerations on all bills of laws on persons with disabilities.



⁸Idem, pp. 33-35.

⁹ "Look Back upon the Activites in 2011" in *ECOPD NEWS*, February & March 2012.

¹⁰ Idem.