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Committee on Economic, Social and Cultural Rights

Fiftieth session

Summary record of the first part (public)* of the 16th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 8 May 2013, at 3 p.m.

Chairperson: Mr. Kedzia (Chairperson)
later: Mr. Ribeiro Leão (Vice-Chairperson)
later: Mr. Kedzia (Chairperson)

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

*Combined second to fourth periodic reports of Rwanda (continued)
(E/C.12/RWA/2-4; E/C.12/RWA/Q/2-4 and Add.1, in English only)*

1. *At the invitation of the Chairperson, the delegation of Rwanda took places at the Committee table.*
2. **Mr. Ribeiro Leão**, referring to paragraph 193 of the report under consideration, asked whether the indicator used was sufficient to measure the poverty threshold accurately.
3. **Mr. Abashidze** expressed concern that minority and ethnic groups were not recognized by the Constitution of the State party, despite the recommendations of the Committee and several other treaty bodies, which considered that it would strengthen reconciliation efforts. He asked whether returning to a pre-colonial approach was judicious in the light of the 1994 genocide. While failing to recognize minority and ethnic groups, the State party could consider implementing an alternative mechanism allowing those groups to claim rights to which they considered themselves to be entitled but which could not be recognized since they did not formally exist. He invited the delegation to convince the Committee of the merits of the State party's position.
4. **Mr. Mancisidor** recalled that following the universal periodic review, the State party had been invited to pledge its commitment to multicultural and multilingual communication, and that it had agreed to strengthen its initiatives in that area. He asked what measures had been taken to enhance human rights education, and would welcome information in that regard from the State party in its subsequent periodic report. He wondered what steps the State party could take to reconcile its concern to refrain from mentioning ethnicity and the need to acknowledge cultural diversity and to avoid policies based on the cultural assimilation of minorities. Had the country ratified the International Labour Organization Indigenous and Tribal Peoples Convention (No. 169), as recommended to it by the Committee on the Elimination of Racial Discrimination in 2011? He invited the delegation to provide more detailed statistics on the right to benefit from scientific and technical progress and on the results obtained.
5. **Mr. Marchán Romero** considered that it was impossible to exercise the rights recognized in article 15 of the Covenant if basic principles such as diversity and cultural identity were not established. In that regard, he recalled the Committee's general comment No. 21 on the right of everyone to take part in cultural life and the principle of the prohibition of forced assimilation. He further considered that a vulnerable group was not tantamount to a cultural group and that recognizing interculturality could help to resolve the matter.
6. **Ms. Nyirahabimana** (Rwanda) said that the Rwandan Government, which was committed to eliminating gender-based discrimination, had established a comprehensive political, legal and institutional framework in that respect. It promoted gender parity in political and economic institutions and in the private sector. For example, women accounted for 56 per cent of members of Parliament, and promoted the interests of Rwandan women when approving budgets and passing laws, and had, for instance, obtained the enactment of the Act concerning the prevention and suppression of gender-based violence. Today, women had the same rights as their spouses with regard to land

ownership. Social initiatives had also been taken; namely, awareness-raising activities on the issue of gender equality aimed at changing attitudes among men.

7. **Mr. Tirado Mejía** said that some rights recognized in the Covenant, in particular the right to non-discrimination, were immediately applicable.

8. **Mr. Sadi** asked what the word “Batwa” meant and whether it referred to an ethnic group.

9. **Mr. Schrijver** (Country Rapporteur) said that the provisions of the State party’s legislation on refugees did not all comply with the related international standards; for example, the principle of non-refoulement. Furthermore, in Rwandan legislation, only a person’s spouse and children aged under 18 years qualified as dependants, while modern international law applied a broader definition of the term. Lastly, according to the information available to the Committee, the situation of birth registration in refugee communities left much to be desired.

10. **Ms. Nyirahabimana** (Rwanda) said that the Government had already taken all the steps it could to combat discrimination but that it would take time for society to embrace them and for them to be fully effective. Before colonization, there were no ethnic problems in Rwanda, hence the Government’s decision to return to the country’s traditional values and to refuse to distinguish between groups, which had only exacerbated divisions. The Batwa derived their income mainly from pottery and were among the vulnerable populations that the Government intended to lift out of poverty through the Vision 2020 programme. By 2017, extreme poverty should have dropped below the threshold of 10 per cent of the population, before being completely eliminated in 2020. Rwanda would amend the legal provisions that were inconsistent with international standards.

11. **Mr. Rusaganwa** (Rwanda) said that article 203 of the Criminal Code punished the different types of harassment in the workplace with up to 2 years’ imprisonment. The Government of Rwanda was currently working to set a minimum inter-occupational guaranteed wage (SMIG) that did not differ by sector. An order established the areas of activity in which it was prohibited to employ children, namely mining, certain forms of agriculture and domestic labour. While it was prohibited to employ children aged under 14 years, it should be noted that, in practice, children were often made to work in family businesses.

12. In order to combat informal work, the Government had implemented a policy to encourage craftworkers and small businesses to put their names on the register of commerce and to form cooperatives, which gave them official status and allowed them access to the various social security benefits as well as loans and microcredit.

13. **Ms. Nyirahabimana** (Rwanda) said that under the Social Security Act the duration of maternity leave was three months, one half financed by the employer and the other half covered by social security. Employers found guilty of harassment were prosecuted. The Rwandan Government had been unable to provide disaggregated data on the subject.

14. **Mr. Rusaganwa** (Rwanda) said that the Social Security Act was under review in order to extend social security cover to all employees, including farm workers. The amount of pension and other social benefits could be determined only once the Act had been amended.

15. The Rwandan Constitution and current legislation guaranteed the right of workers or employers to form or join a trade union or employers’ organization, and a 2012 order set out the registration procedures for trade unions and other employers’ or workers’ associations. While the principle of non-derogability did not apply to the right of assembly and association, anyone who hindered their exercise was liable to administrative or even criminal penalties.

16. The Ministry of Youth held national training courses to enable young people to enhance their skills and, eventually, enter the labour market. As part of the relevant post-training measures, its recipients could gain experience through internships which often led to employment.

17. Neither the Labour Inspection Act nor its implementing legislation limited labour inspectors' responsibility. The Government must therefore ensure that it raised inspectors' awareness of their responsibilities and of the need to involve all sectors in their activities. Lastly, the pensions system was under review in order to ensure a minimum pension for retirees.

18. *Mr. Ribeiro Leão (Vice-Chairperson) took the Chair.*

19. **Ms. Nyirahabimana** (Rwanda) said that some of the most vulnerable groups, who had been living in houses built of straw, had been relocated in order to be provided with decent accommodation. To that end, they had been accommodated in settlements with basic infrastructure facilities, which ensured that they had access to water, electricity, schools and health centres. The groups affected had been consulted, and contrary to allegations, no family had been left homeless for six months under that initiative.

20. The Government of Rwanda, which had significantly reduced the poverty rate — which had fallen from 57 per cent to 44.9 per cent between 2006 and 2011 — sought to further reduce it to under 20 per cent by 2020. It had also set itself the goal of eliminating extreme poverty by 2020: that rate had been 11 per cent in 2011, against 36 per cent in 2006.

21. *Mr. Kedzia resumed the Chair.*

22. **Mr. Ngirabega** (Rwanda) said that, since 2008, the Government had placed emphasis on policies to combat violence against women; it had approved an Act prohibiting violence against women and sexual harassment. The strategy for combating violence against women, which was based on providing care for the victims and raising awareness among population groups, involved community health workers specializing in maternal and child health at the village level and who were able to recognize cases of violence and report them to the political and judicial authorities. Where appropriate, victims were referred to community health centres or, if necessary, to district hospitals, where a multidisciplinary team comprising two doctors, psychologists and police officers, provided them with both medical care and legal assistance.

23. The claim that half of women between the ages of 15 and 45 years had suffered gender-based violence during their lifetime was incorrect. The registration system that had been set up now enabled the number of cases of violence against women to be known, and would eventually serve as a follow-up tool.

24. Family planning services were provided free of charge countrywide. The number of couples using family planning services had risen from 27 per cent in 2005 to 45 per cent in 2010, and, in order to broaden access to such services, local community health centres had been established. A multiple-indicator survey had shown that the time taken to reach community health centres had decreased from one hour and a half in 2005 to fewer than 30 minutes currently. The responsibility for prescribing contraceptives, which formerly rested solely with doctors, had been transferred initially to nurses and subsequently to the 45,000 village community health workers.

25. Since illegal abortions were the cause of a large number of maternal deaths, health teams were authorized to administer a medication designed to prevent haemorrhaging to women who had abortions at home, Misoprostol, prior to their care at a health centre. In addition, an autopsy was performed in cases of all maternal deaths.

26. Health-care services for persons testing HIV-positive — namely voluntary testing, counselling and prevention of mother-to-child transmission, and antiretroviral drug administration — were an integral part of the health system.

27. The 2005 demographic and health survey had not used the same growth charts as the 2010 survey, and it had therefore been impossible to compare the results. Nevertheless, the incidence of underweight children had declined from 18 per cent to 11 per cent, and acute malnutrition had decreased from 5 per cent to 3 per cent during the same period. One could therefore reasonably assume that chronic malnutrition was also on the wane. Plans to combat malnutrition at the village level were based on monitoring the growth charts of children suffering from malnutrition and hospitalizing those suffering from acute malnutrition. The distribution of cows to poor families and the creation of vegetable gardens were some of the measures implemented to combat the incidence of malnutrition.

28. Sickness insurance covered 91 per cent of the population, in addition to which officials and military personnel, representing 6 per cent of the population, were covered by another form of health insurance. Health services were provided at all levels of the country's administration, from health posts established in the villages to health centres, district hospitals and referral hospitals. Sickness insurance covered the costs of the various types of health care. Incentives had been introduced to encourage mothers to attend maternity units rather than give birth at home.

29. **Ms. Shin** requested information on the number of mothers dying as a result of an illegal abortion and the number of women in prison for reasons connected with abortion. She expressed concern over a draft law on abortion that had been considered by Parliament and that provided for abortion to be carried out only with the consent of three doctors, rather than two as before. She wished to know what the opinion of the population was on the subject and what measures the Government intended to take to prevent a toughening of the current legislation.

30. **Ms. Nyirahabimana** (Rwanda) said that abortion was authorized in cases of rape or incest, or where the mother or the child was at risk, and that the provisions to which Ms. Shin referred were those specified by the Criminal Code that had recently passed into law.

31. **Mr. Ngirabega** (Rwanda) said that demographic and health surveys showed that the total fertility rate had decreased, falling from 6.1 in 2005 to 4.6 in 2010. The latest census, carried out in August 2012, showed that the growth rate had fallen and currently stood at 2.6.

32. **Ms. Nyirahabimana** (Rwanda) recalled that Kinyarwanda, English and French were the official languages of Rwanda. Rwandans firmly maintained the hope that they would rediscover their roots and realized that they had to confront their worst enemy: poverty. Rwanda, with an annual growth rate of some 8 per cent and a per capita gross domestic product that doubled every five years, cooperated with many partners, including the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), Gavi Alliance and the Joint United Nations Programme on HIV/AIDS (UNAIDS). Women were considered fully-fledged economic partners and currently played a significant economic role recognized by all, including men.

33. The Rwandan Constitution aimed to strengthen the community and ensure that the population benefited from the country's wealth. It provided that the President of the Republic and the President of Parliament could belong to different political parties and that one half of the members of the Cabinet could belong to parties other than the President's. In that same spirit of sharing to which Rwandan society attached great value, the anti-illiteracy campaign was being waged through the establishment of performance contracts at all governance levels — within 50-household units and at the sector, commune, province and national levels — which specified the goals that each level should attain. Their results were

assessed every six months to enable Rwandan society to move forward together, both in the east and west.

34. **Mr. Schrijver** said that the Committee greatly appreciated the openness of the dialogue with the delegation and expressed his admiration for the number of replies it had been able to provide, even if they had on occasion been incomplete.

35. **Ms. Nyirahabimana** (Rwanda) said that many lessons could be learned from the dialogue and thanked Committee members for the interest they had shown in her country. She recognized that the delegation had not always been able to provide the replies hoped for, but that was because the challenges facing the Government were considerable. Her Government would rely on that dialogue in pursuing its efforts and in striving to maintain rapid progress with a view to developing the country and improving the living conditions of the population as a whole, including the enjoyment of all human rights. Rwanda was doing its best with the resources it had; the enforcement of economic, social and cultural rights was not hampered by a lack of political will, but by a lack of funding.

36. **The Chairperson** welcomed the political will shown and the dialogue that had been established, which had highlighted the importance of continued cooperation between the Committee and the State Party. He hoped that the next periodic report would be submitted within the established time limit and that it would contain more specific data, particularly on the effects of policies and the enforcement of legislation. Consideration of the second, third and fourth periodic reports submitted by Rwanda was complete and he expressed the hope that the Committee's concluding observations would be the starting point for cooperation between the Government and the Committee.

The first part of the meeting (public) rose at 5.20 p.m.