

OPEN ENDED WORKING GROUP ON AGEING

Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:

Social Protection and Social Security (including social protection floors)

Definition

- 1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?**

The right of older Persons in national, regional and international legal framework is defined as a set of interventions aiming at securing an environment in which elderly Persons are ensured with fully dignity. Old people are guaranteed to reach their rights to health, secured lives and responsibilities so that they can spend their lives having a sense of independence, self-fulfillment, dignity and healthy life.

Scope of the right

- 2. What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:**

a) Availability of contributory and non-contributory schemes for older persons:

The contributory scheme in Rwanda refers to:

(1) **Pension scheme** managed by Rwanda social Security Board and aims at

- ❖ Helping the worker who becomes old and incapable of working for a salary or becomes invalid and unable to live by working;
- ❖ Helping the survivors of the deceased worker

Enrolling for pension benefits is compulsory for the following individuals:

- ❖ All salaried workers (regardless of nationality)
- ❖ Active political representatives
- ❖ Individual committed for long term saving : non and formal workers (ejo heza)

The contribution rates are 5% paid by the employer and 3% by the employee.

For further detail refer to: <http://www.rssb.rw/content/pension-scheme>

(2) Long Term Saving Scheme (EJOHEZA) was established by the Government of Rwanda through the Ministry of Finance under the Law No 29/2017 of 29th June 2017. It is a defined contribution scheme, established on voluntary basis by opening a savings account with a scheme

administrator, the Rwanda Social Security Board (RSSB), and covers both salaried and unsalaried people

Its objective are of four folds:

- ❖ The culture of saving among the citizen/residents in Rwanda;
- ❖ Universal access to pension and social security inclusion;
- ❖ Financial inclusion;
- ❖ Economic growth, poverty alleviation to attain higher standards of living.

For further details refer to: <https://ejoheza.gov.rw/ltss-registration>

The non-contributory scheme refer to government subsidies for poor people who are not able to pay the required contribution:

1. **The Community Based health insurance (CBHI)**, is identified as a privileged channel for the growth of financial accessibility to health services in both rural settings and in the informal sector. CBHI allows the most vulnerable and poorest segments of the population to be fully integrated into the health insurance system. The vulnerable and incapable elder persons benefit from this non-contributory scheme.

2. **Income Direct support:**

Direct support is provided to vulnerable people whose households has no member able to work. Generally, most beneficiaries are in category of elder persons.

b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care.

(1) Direct support is provided to vulnerable people whose households has no member able to work. Generally, most beneficiaries are in category of elder persons.

(2) One cow per poor family know as Girinka Program is a Home Grown Solution that emerged from the 2006 National Umushyikirano Council (NUC) as a pro-poor program to help poor families improving their welfare including vulnerable elderly people

(3)CBHI scheme target mostly vulnerable and poorest segments of the population including vulnerable elderly people to be fully integrated into the health insurance system

(4) **Pension scheme** managed by Rwanda social Security and given to retired employees worked in formal sector

(5) private pension scheme i.e: SORAS, retirement plan, the purpose of the pension provision is to allow the Insured to build up a retirement pension supplement or a capital of end of career while being guaranteed in the case of premature death or total and permanent disability.SONARWA, Personal retirement plan, Is a personal financial plan that helps the holder to accumulate fund towards the provision of retirement income

6. Shelter programs. This program is designated to provide social assistance in form of shelters to those in need of shelters including elderly persons. Among the beneficiaries are the people relocated from high risk zones, the shelters less people and the returnees from various countries (abroad). For particular case in Rwanda, there are houses known as IMPINGANZIMA constructed for vulnerable elder genocide survivors left without children known as Incike. They live together and Government provide all necessary needs.

c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions:

For contributory scheme: The accessibility and affordability are easier for the older persons. In formal sector the contribution made for social security scheme is deducted by each employer according to rules and regulation governing this scheme whereas in informal sector, private companies sensitize people to subscribe voluntarily for pension scheme.

For non- contributory scheme: the government subsidized some schemes for the benefit of vulnerable people include older persons. i.e: Direct support provided to vulnerable people in form of safety nets and Community Based Health Insurance

d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation

Pro-poor programs delivered to vulnerable groups including the elderly people followed strictly the eligibility criteria set in implementation guidelines developed for each and particular programs.

E.g: One cow per poor family program guideline, Direct Support guideline.

e) Participation of older persons in the design and administration of the social security system.

Any policy, strategy developed has a room for consultation. The consultative meeting involves mainly key stakeholders in particular domain. Therefore, it is obvious that the elder persons are involved in design and administration of the social security system. Additional to this , their participation usually channeled through regular community outreach program held very week on Tuesday.

State obligations

3. What are the measures that should be undertaken by the State to respect protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?

As provided by the constitution of the Republic of Rwanda of 2003 revised in 2015, in its Article 51, regarding the Welfare of persons with disabilities and other needy persons, stated that ...

“The State has also the duty, within the limits of its means, to undertake special actions aimed at the welfare of the indigent, the elderly and other vulnerable groups”.

The government of Rwanda, especially the Ministry of Local Government has to plan and coordinate all interventions aiming at ensuring the social security and social protection for older persons.

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

On one hand, special measures and specific considerations are taken based on international instruments like

- ❖ The United Nations Universal Declaration of Human Rights (1948);
- ❖ The International Covenant on Economic, Social and Cultural Rights (1966);
- ❖ The Convention on the Elimination of all forms of Discrimination against women (1979);
- ❖ The UN Standard Rules on Equalization of Opportunities for Persons with Disabilities (1993); and
- ❖ The Convention on the Rights of Persons with Disabilities (2006).

On the other hand, special measures are also taken by considering the strategic documents that guide the country’s aspiration. These are the following:

- ❖ Vision 2020;
- ❖ National Strategy for Transformation (NST1);
- ❖ Social Protection policy and sector strategic plan;
- ❖ Gender and Family Promotion Policy;
- ❖ Social Security policy and strategy.

Key emerging issues are also considered while developing the normative content of the right of older persons to social protection and social security

- ❖ Persistent poverty and Extreme poverty among Rwandans including elderly person;
- ❖ Aging preparedness issue: is hampered mainly by a big number of workers operating in informal sector;
- ❖ Vulnerability and shocks across the life-cycle;
- ❖ Climate change related disasters/risks;

- ❖ Poor mindset (Dependency mindset set).

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

The responsibilities of non-State parties are defined as a set interventions carried out to support efforts of the government to ensure the right of older persons to social protection and social security.

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?

The best practice is:

- ❖ The consultative approach among all stakeholders during the design and implementation of any policy, strategy and program related framework on social security and social.
- ❖ Joint planning and delivery forum between central and local government
- ❖ Partnership between Government and other stakeholders including Civil society organizations (CSOs), Faith Based Organizations (FBOs), private sector, Non-Governmental organizations (NGOs) and UN Donors.
- ❖ Common evaluation framework through Joint sector review to assess the progress, identifying the challenges and take the remedial measures.

The challenges:

1. Low coverage: There is limitation, insufficient budget to cover all requirement for social security and social protection related needs;
2. Vulnerability and shocks across the life cycle;
3. Climate change related disasters/risks.

GUIDING QUESTIONS FOR FOCUS AREA: ACCESS TO JUSTICE

1. National Legal Framework

How is the access to justice by older persons guaranteed under the national legal and policy framework? What judicial and non-judicial mechanisms are in place for all older persons to complain and seek redress for denial of their rights?

As it is provided for in the Constitution, Rwanda commits herself to the Rule of Law and the respect of human rights. This commitment has been translated in the initiation of reforms in the justice sector with the view to improve and ease access to justice. These reforms reduced the case backlog and discouraged endless proceedings. Primary Courts were empowered to handle most of the cases referred to courts by Mediation Committees. Older persons are consulted in different decisions judicial (local Justice: Abunzi) and non-judicial (Rwanda Elders Advisory Forum). Considering the frailty of older persons, they deserve special care, saying that Rwanda should ratify and implement obligations in international and regional instruments on older persons' rights and protection.

Availability

- 2. What steps have been taken to ensure the availability of judicial and non-judicial mechanisms for older persons in urban, rural and remote areas in your country? Are there alternative dispute settlement mechanisms available?**

The old people are accorded important role in consultation for decision making and participating in cultural education. However, no particular attention for special support in Access to Justice.

Accessibility

- 3. What steps have been taken to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accessible for older persons and adapted to their needs?**

Different steps are taken for elderly inclusion and different National dialogues were organized to facilitate and strengthen a platform where policy makers and organizations supporting vulnerable groups can engage in a constructive way to ensure that 'Leave no One Behind' SDGs commitment comes to reality at national and sector planning and review process at all levels¹. However, there is a need to increase evidence-based advocacy by conducting researches and elderly situational assessment.

- 4. What are the existing provisions to guarantee legal assistance for older persons?**

With the leave no one behind approach, the older are considered with general community support to access justice.

5. What are specific challenges encountered by older persons in accessing justice and remedy in your country?

There are no specific challenge for older people in accessing justice. There is a need to set up particular platforms through which older persons can channel their concerns as children, youth, women and people with disabilities have theirs.

6. What good practices are available in terms of ensuring equal and effective access to justice and remedy for older persons?

The old people appreciate their consideration in Rwanda and the establishment of the Rwanda Elder Advisory Forum (REAF) as platform for sharing all innovative ideas.

Equality and non-discrimination

7. What are the provisions adopted to ensure effective access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?

Rwandan setting does not extract elders from the entire community as a particular group for particular attention. There is still a lack of international convention and local policies about the rights and welfare of older persons with particular attention.

8. Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impacts of ageism and age discrimination in justice system.

Accountability

9. How do you ensure justice systems function in accordance with the principles of independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals.

Rwanda commits to the Rule of Law and the respect of human rights. This commitment has been translated in the initiation of reforms in the justice sector with the view to improve and ease access to justice. National courts were restructured in such a way that the High Court or Intermediate Courts now try cases that initially ended up in the Supreme Court, depending on their nature and weight. These reforms reduced the case backlog and discouraged endless proceedings. Specialized chambers for minors as well as labor and commercial courts were established. All these were restructured to assure equity in Justice to promote the leave no one behind. There is a need for special chamber for old people.

Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:

Education, Training, Life-long Learning and Capacity-building

Definition

- 1. What are the definitions of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?**

Equitable access to information for all is essential to building knowledge based societies. There is no universally accepted age to define ‘older’ people. It is often based on concepts of chronological time, a change in physical capabilities, and/or a change in social roles (related to work, child rearing, etc), but these will of course be specific to particular social and economic context. In Western countries, the standard tends to be 65, as this has been (until recently) a common age at which people are expected to retire. In the African context, however, ‘retirement’ as such is not as relevant a concept, with few workers eligible for a pension or able (or wanting) to stop working. As such, the WHO has adopted the age of 50 for the purposes of collecting data on older people in the region. The Rwandan registration use 65 year as retirement time.

Regarding to the current statistics (NISR 2012: Socio-economic status of elderly people census: Socio-economic status of elderly people thematic report), Almost two-thirds of the elderly (65%) have no formal education, 31% of elderly people attended at least some primary level education, and only 2.3% and 0.5% have attended secondary and university level respectively. Around 68% of the elderly are not able to read and write with understanding in any language and are therefore illiterate. 28% are literate in Kinyarwanda, 3% in French, and 1% in English. There has been an improvement in education levels since 2002 when 75% of the elderly had no education

The educational status in Rwanda does not fore old people to formal schooling rather encourage them to join inform literacy and numeracy enters. The Rwandan Government, through the Ministry of Education, has decided to implement an Adult Education Policy in order to channel and harmonise all the efforts of the different actors in this field and achieve the ultimate goal of, and sustain, a fully literate population. Adult basic education is considered to constitute an important pillar for supporting programmes of poverty reduction, good governance, social participation, citizenship building, family and local development, lifelong learning and building a dynamic literate environment, hence, the overarching importance of literacy in nation building.

Scope of the right

- 2. What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.**

Old people need an instructional program for the undereducated old people planned activities around those basic and specific skills most needed to help him or her to function adequately in

society. They need instruction in basic skills, such as reading, writing, arithmetic, and other skills required to function in society. It covers practical and theoretical knowledge as well as behaviors that are required for active participation in social, economic and political life and adjustment to different contexts. The current tendency is now to formalize adult basic education and make it equivalent to formal schooling. As with literacy, many programs claim to pursue both a goal in terms of rights (the right of every citizen to receive basic education guaranteed by the constitution) as well as goals related to subsistence and income generation.

State obligations

- 3. What are the measures that should be undertaken by the State to respect, protect and fulfill the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?**

The State has an obligation to assure that Old people are cared for education and life-long learning capacity. In the country context, there are no particular attention paid for old people education, training, life-long learning and capacity building rather a general population. There is a need to ratify international treaties in this regards.

Special considerations

- 4. What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?**

- Old people capacities
- Old Peoples involvement in their related decision
- Relevant consultation and ratification of international standards

- 5. How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity-building?**

- Non state actors should consider the old people in their planning and accord relevant consideration

Implementation

- 6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?**

The best practice to report for Rwanda is the establishment of the Rwanda Elderly Advisory Forum that will be progressively advocate for this community group and an operational civil Society ‘‘NSINDAGIZA’’ that strive for the right of old people.

There is a need to ratify international treaties on the rights of old people.

Guiding Questions for Focus Area: **Right to Work and Access to the Labour Market**

Definition

Most developed world countries have accepted the chronological age of 65 years as a definition of 'elderly' or older person, but like many westernized concepts, this does not adapt well to the situation in Africa. While this definition is somewhat arbitrary, it is many times associated with the age at which one can begin to receive pension benefits. Now, there is no United Nations standard numerical criterion, but the UN agreed cutoff is 60+ years to refer to the older population.

Although there are commonly used definitions of old age, there is no general agreement on the age at which a person becomes old. The common use of a calendar age to mark the threshold of old age assumes equivalence with biological age, yet at the same time, it is generally accepted that these two are not necessarily synonymous.

The more traditional African definitions of an elder or elderly person correlate with the chronological ages of 50 to 65 years, depending on the setting, the region and the country. Lacking an accepted and acceptable definition, in many instances the age at which a person became eligible for statutory and occupational retirement pensions has become the default definition for old or elderly people.¹

National Legal and Policy Framework

1. What are the legal provisions and policy frameworks in your country that recognise the right to work and access to the labour market by older persons?

The Government of Rwanda recognizes that productive employment and decent work cannot be achieved through fragmented and isolated interventions which call for sustained, determined and concerted efforts by all stakeholders, from government, private sector and civil society among others without discrimination..

The Labour Market Information System (LMIS) provides regular up-to-date information on the labour market to assist the Government in planning and designing employment initiatives, providing employers with information on the current skills set of graduates of tertiary institutions and potential job-seekers with relevant information about the job markets.² Some specific positions have age limits. However, the age is not a condition for refusal of employment and even after retirement age, performing employees are maintained in the position unless they request to retire.

2. What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?

No challenge to report

¹ <https://www.who.int/healthinfo/survey/ageingdefnolder/en/>

² Ministry of Public Service and Labor Revised Employment Policy, 2019

- 3. What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?**

No research has been conducted on this

Availability, Accessibility, Acceptability and Quality

- 4. What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?**

The government has designed a fit all recruitment portal and does not discriminate basing on the age of job seeker age. The competent staffs are placed into positions through competitive selections..

- 5. What steps have been taken to ensure the availability of specialized services to assist and support older persons to identify and find employment?**

There are no policy or any other guiding document on this.

- 6. What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?**

The Rwandan Culture values the contribution of old people and are consulted in different platforms. The Rwanda Elderly Advisory Forum has been established to advise the government on all raising mater.

- 7. What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?**

The remuneration situation in Rwanda is based on position in formal sector. For the informal sector, the remuneration is based on two sides negotiations.

Equality and non-discrimination

- 8. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age?**

No discrimination in the labor market, except after the retirement age where the new placement cannot be done in a technical position.

Remedies and Redress

- 9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?**

No issue rose to serve a reference

ⁱ <https://www.nsindagiza.org/nsindagiza-organization-report-july-2016-june-2017/>