



National Commission for Human Rights/Rwanda

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THE SUBMISSION OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS OF RWANDA TO THE ELEVENTH SESSION OF THE OPEN-END WORKING GROUP ON AGEING

Responses to the guiding questions for focus area: **Right to work and access to the labor market**

National Legal and Policy Framework

1.

➤ **Laws:**

- The constitution of the Republic of Rwanda of 2003 revised in 2015 of Rwanda provides 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;
- Law N° 29/2017 of 29/06/2017 establishing the long-term savings scheme “(EJO HEZA)” and determining its organization;
- Law N° 66/2018 of 30/08/2018 regulating labor in Rwanda which specifies there is no age limit for work
- Law N° 86/2013 of 11/09/2013 establishing the general statutes for public service which provides the right to pension
- Law n°39/2013 of 16/06/2013 establishing the Rwandan Elder’s Advisory Forum and determining its mission, organization and functioning

➤ **Policies:**

- Vision 2020 that promotes inclusive development;
- National Strategy for Transformation (NST1) that will accelerate the move towards achieving high standards of living for all Rwandans without discrimination;

- Social Protection policy and sector strategic plan which has the overall objective of reducing the social and economic vulnerability of poor, vulnerable and marginalized groups including older persons;
 - Social Security policy and strategy that provides access to basic services, such as healthcare and financial support as well as income security for the aged.
2. Older persons have the barrier of their poor health or an impairment which limit them to work because they are in too poor physical, mental or cognitive health.
 3. More than one in two elderly persons (53%) is currently employed). The proportion of currently employed is slightly higher among men (57%) than women (51%). Moreover, fewer elderly people living in urban areas keep on working as compared to the elderly population in rural areas. Elderly people who are taking care of their home/family represent 6% of elderly people, while 1% of all elderly people are unemployed. Old age" is the main reason given for inactivity (31%), and only 1% report to be „retired“. This answer modality is likely to be associated with the receipt of retirement benefits.¹ The vast majority of elderly people are self-employed in their main job in informal work (86%); only 6% are employees.²

Availability, Accessibility, Acceptability and Quality

4. The right to work and access to the labor market is guaranteed by the constitution and other laws to all citizens including persons in older age;
 - The country has two main policy options to address the social protection needs of older people in the context of high levels of informal employment are some kind of a non-contributory social pension (an 'old age grant') and the promotion of long-term savings for the informal sector.
 - All persons are informed about job openings through media, radio, newspapers and internet
 - All person is able to be bidder to public procurement without discrimination.
5. The country has started the Vision Umurenge Program (VUP) that provides some additional support to extremely poor older people who live in household with no labor capacity. It provides direct support to needy older people and employment to those able to work by providing them public works.
 - There is employment service center established in all districts that connect employers and job seekers
6. The best practice is that the country does not prohibit self-employment to older persons who are

¹ NATIONAL INSTITUTE OF STATISTICS OF RWANDA, Thematic Report, *Socio-economic status of elderly people*, 2014, p.26

² ibidem

able to work.

- The Vision Umurenge Program (VUP) gives the opportunity to older people in need and in poverty to have direct income from public works provided for by the state.

7.

- It is a constitutional right to all individuals including older persons to have equal remuneration for work of equal value. The Article 30 of the Rwandan constitution states that everyone has the right to free choice of employment. All individuals, without any form of discrimination have the right to equal pay for equal work.
- The ministry of Public Service and Labor and the Public service Commission are the established institution to safeguard this right

Equality and non-discrimination

8. There are no grounds for discrimination in relation to work and access to the labor market because persons can work even after 60 years but many are self-employed mainly in agricultural activities and some in informal sector.

Remedies and Redress

9. There are general and inclusive mechanisms which include:
 - **Administrative redresses** that are addressed to
 - labor inspectors established in all 30 districts of the country for private labor disputes;
 - for public function disputes, they seek redress in the Established Public Service Commission;
 - The National Commission for Human Rights
 - Office of the Ombudsman.
 - Redress also includes **judicial mechanisms** where judges in courts hear and settle complaints of older persons concerning the right to work.

Kigali, 31st October 2019