



National Commission for Human Rights of Rwanda

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Re: The contribution of the National Commission for Human Rights of Rwanda to the study on disability-inclusive policy.

Dear Madam,

With reference to your email requesting the National Commission for Human Rights (NHRC) of Rwanda to provide information on the questionnaire about disability-inclusive policy;

I have a pleasure to submit to you hereto responses of the NCHR of Rwanda on the aforementioned questionnaire.

Yours sincerely,


NIRERE Madeleine
Chairperson of the Commission





National Commission for Human Rights of Rwanda

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The contribution of the National Commission for Human Rights (NCHR) of Rwanda to the study on disability-inclusive policy in line with the Convention of the Rights of Persons with Disabilities (UN CRPD)

(To the Special Rapporteur on the rights of persons with disabilities, Office of the High Commissioner for Human Rights)

I. Introduction

Pursuant to Human Rights Council resolution 26/20 which established special procedures mandate; the Special Rapporteur on the rights of persons with disabilities prepared a study on disability-inclusive policy in line with the Convention of the Rights of Persons with Disabilities (UN CRPD) and encouraged National Human Rights Institutions to contribute by answering some questions.

Below are answers provided by the National Commission for Human Rights (NCHR) of Rwanda in regard of addressing matters in disability-inclusive.

II. Questions / Responses

1. Please provide information on how your country is considering the rights of persons with disabilities in their policies aimed at implementing and monitoring the Sustainable Development Goals, including:

- Existing national strategies and action plans,
- Budget allocation for their implementation,
- Existing mechanisms or frameworks to monitor their implementation,
- How do these strategies/plans take into consideration the situation of women and girls with disabilities, and of children and older persons with disabilities?
- How is the participation of persons with disabilities and their representative organizations ensured in the development and implementation of such strategies/plans?

R/: Our country has strategies, programmes and action plans which take into consideration the rights of persons with disabilities.

Rwanda has a national development strategy described within the Second Economic Development and Poverty Reduction Strategy (EDPRS2) (2013-2018) which stems from Rwanda's Vision 2020 and guides medium term actions that will lead to the achievement of the Vision's goals.

The main goal of the strategy is to speed up Rwanda's progress towards becoming a middle-income status country and creating a better quality of life for all Rwandans. This strategy states that "Rwanda does not intend to leave any of its citizens behind in its development. Specific steps will be taken to ensure that Persons with Disabilities and other disadvantaged groups are able to contribute actively to the country's development and to benefit from it".

EDPRS 2 is being implemented through a set of sector strategies, which are fully aligned to the priorities and themes of it. Sector strategies have mainstreamed key cross-cutting issues within the disability issue.

Some of those strategies are the following: Education Sector Strategic Plan, Rwandan Health Sector Strategic Plan, Social Protection Strategy, Transport Sector Strategic Plan, Youth Sub Sector Strategic Plan,

In addition to these general priorities specified in EDPRS2, other specific strategies and plans put more attention to needs of Persons with Disabilities within the framework of their general mandate.

Those are the following:

- The National Strategy for Community Development and Local Economic Development (2013-2018)¹;
- The National Social Protection Strategy;
- The Family Policy², which draw upon the Orphans and Vulnerable Children Policy;
- The Gender-Based Violence Policy and Strategy.

To different ministries and institutions, implementers of the above strategies, plans or programmes; national budgets are allocated and they have General Directorates of planning, monitoring and evaluation which have the mandate of monitoring the budget implementation according to programs, projects and planed activities.

Persons with Disabilities are involved in the development and implementation of strategies, programmes and plans via the National Council of Persons with Disabilities (NCPD) which works under the supervision of the Ministry of Local Government and Community Development (MINALOC) and has a Strategic Plan and its Operational Plan for the Implementation which focus on three following key priority areas: education, health and livelihoods³.

2. Please provide information on the legislative and policy framework in place in your country concerning non-discrimination, including:

- Whether "disability" is specifically mentioned as a prohibited ground of discrimination,
- The existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities,
- Whether the denial of provision of reasonable accommodation amounts to discrimination,

¹ <https://www.minaloc.gov.rw/fileadmin/documents/MINALOC-documents/>;

² <https://www.migeprof.gov.rw/>

³ <https://www.ncpd.gov.rw/>

- The existence of any affirmative action measures for persons with disabilities,
- The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation),
- The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination.

R/: Our country has adopted legislation establishing disability as a prohibited ground of discrimination, including denial of reasonable accommodation as discrimination and that is provided in the following legal instruments:

- The Constitution of the Republic of Rwanda of 2003 revised in 2015, in its article 16, emphasizes the principle of equality and non-discrimination to all citizens by arranging that *"All Rwandans are born and remain equal in rights and freedoms. Discrimination of any kind or its propaganda based on, inter alia, ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, culture differences, language, economic status, **physical or mental disability** or any other form of discrimination are prohibited and punishable by law"*.
- The specific Law n°47/2001 of 18 December 2001 instituting punishment for offences of discrimination and sectarianism combating discrimination in general;
- The Law n°01/2007 of 20/01/2007 relating to the protection of disabled persons in general in its article 3, 18 and 27 which provide that "persons with disabilities shall be entitled to equal rights with others persons and that any form of discrimination or any form of violence against persons with disabilities shall be punished".
- The Law n°13/2009 of 27 May 2009 regulating labour in Rwanda which in its articles 12 point 6, 97 and 98 prohibits any discrimination against persons with disabilities in work matters and at the workplace and grants working conditions to the worker with disabilities suitable to his/her disability, where these are necessary due to the work to be performed.
- The Organic Law n°01/2012/OL of 02/05/2012 instituting the penal code of Rwanda punishes discrimination and sectarian practices as a crime in its article 136.
- The Law n°54/2011 of 14/12/2011 relating to the rights and protection of the child which prohibits any form of discrimination to the child with disabilities in its article 54 concerning specially child with disabilities.

And since 2009, our country has adopted a number of Ministerial Orders relating to the protection of persons with disabilities in general which provide reasonable accommodation or affirmative actions for combating structural discrimination against persons with disabilities by mentioning special needs or special

treatments to PWDs to be considered in establishing and implementing policies, strategies, programmes and action plans.

So currently, in Rwanda, reasonable accommodations to persons with disabilities are their rights as it is established in these legislations and have to be provided for and national budgets are allocated.

Affirmative action measures for persons with disabilities are provided in different specific legislation and regulation. For example the Law n°01/2007 of 20/01/2007 relating to the protection of disabled persons in general in its article 18, paragraph 2 and the Ministerial order n°03/19.19 of 27/7/2009 determining the modalities of facilitating persons with disabilities to easily access employment in its article 3, paragraph 1 and 2; provide priority consideration for employment in competitive employment.

Discrimination and sectarian practices are punished as a crime by the Organic Law n°01/2012/OL of 02/05/2012 instituting the penal code of Rwanda in its article 136.

Otherwise, the National Council of Persons with Disabilities (NCPD) which has the mandate of advocating for Persons with Disabilities and monitoring of the implementation of the laws which protect them, monitors and claims actively at different level for any kind of discrimination which can appear against persons with disabilities.

And the National Commission for Human Rights (NCHR) of Rwanda is also responsible of ensuring the respect of the rights of Persons with Disabilities⁴ by training duty bearers and carrying out field investigations on violations of the rights of Persons with Disabilities.

3. Please provide information on the legislative and policy framework in place in your country concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to other facilities and services; including:

- The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies,
- The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities,
- The existence of accessibility requirements for public procurement,
- The existence of any enforcement mechanism of accessibility standards,
- The provision of training on accessibility issues for State officials and other actors.

⁴ Law n°19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights of Rwanda;

R/ : In our country, the Law n°01/2007 of 20/01/2007 relating to the protection of disabled persons in general in its articles 25 and 26 provide the right of PWDs to accessibility by defining in various components; namely:

- accessibility to build and converted environment;
- access to public transport, information and communication.

Article 26 of this Law requires where possible, the use of gestures, Braille writings and other ways that help Persons with Disabilities in communication, in conferences and meetings, news reading and other public debates.

And currently in Rwanda, accessibility of Persons with Disabilities in an unfriendly built environment is now organised in line with the Ministerial Order N° 01/CAB-M/09 of 27 July 2009 determining the modalities of constructing buildings providing various public services to ease the access of persons with disabilities, and requires facilities for persons with disabilities.

Article 3 of this Order stipulates that "whether public or private any building meant to provide services to the public, must provide passages ways for Persons with Disabilities so as to have easy access to services being offered". Article 4 of the same Order defines standards for special parking space for vehicles of Persons with Disabilities.

So through the Rwanda Housing Authority, the Government of Rwanda orders standards, requires building plans to demonstrate access and conducts inspections. This reflects occupancy of existing and multi-storey buildings however much more could be done on low-cost measures (demarcated parking spaces; visual environment; customer services for Persons with Disabilities).

And in this regard, in building apartments, different public and private institutions have to provide for different reasonable accommodations to persons with disabilities by planning to build as it is regulated by the Ministerial Order n°04/Cab.M/015 of 18/05/2015 determining urban planning and regulations and the Rwanda Building Code.

Compliance mechanisms are clear; so district engineers in charge of urbanisation and infrastructure are trained annually and required to enforce building control regulations.

4. Please provide information on the legislative and policy framework in place in your country concerning support services for persons with disabilities, including:

- The diversity and coverage of services available (e.g., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice and health; and other community services),
- The availability of certified sign language interpreters,
- The types of service delivery arrangements (e.g. direct provision, public-private partnerships, partnerships with community-based or non-government organizations, contracting out, privatization),

- The financial mechanisms to ensure affordability of support services for all, persons with disabilities,
- How services enable direct choice and control of users with disabilities?

R/ : Our country has adopted legislation and policy concerning support services for persons with disabilities in different sectors such as education, health, employment, justice, communication, mobility, personal support, housing and living arrangements, access to general services and other community services.

The following are some examples:

- The Ministerial Order n°006/2016 of 08/01/2016 determining curriculum, teaching hours and the language of instruction in primary, secondary and specialized schools provides services support by stating facilitations to acquire the appropriate learning materials when persons with disabilities can follow their education with other learners;
- The Ministerial Order n°20/19 of 27/07/2019 determining the modalities of facilitating persons with disabilities access medical care in its article 4, provides special services for PWDs in each District Hospital and privilege of seeing the Doctor first before others to any PWDs whose disability is greater than 50%.

Under state programmes, as is the case for other vulnerable groups, Persons with Disabilities benefit from the programme that promotes access to free shelter. Dispensations from Mutual Health Insurance fees and education related fees are available to very poor families including those with persons with disabilities.

The budget for the initiatives aimed at integrating vulnerable groups, including Persons with Disabilities for the period 2011-2016 is estimated at more than 300 million USD.

Rehabilitation services are provided in a number of specialist reference units producing mobility appliances where needed: these are the Rwandan Military Hospital, the University Teaching Hospital of Butare, Gihundwe District Hospital, Ruhengeri District Hospital, the University Central Hospital of Kigali with other non-state providers as Mulindi Japan; Gatagara and Gikondo centres, and Gahini. There is no white cane production, nor wheelchair production in Rwanda; all orthopaedic workshops listed above provide prosthetic and orthotic appliances. Since 2013 the costs of appliances has been standardised across all State institutions and modalities for provision via health insurance schemes set out.

The news broadcasted on the National Television is also interpreted in sign language. The Government of Rwanda through NCPD produce a weekly television programme to promote the right of Persons with Disabilities to communication through the use of the sign language.

Otherwise, at the local level, district development plans include a social component for the empowerment of vulnerable groups, including persons with disabilities. There are limited funds held at district level for inclusion – these could sensibly be spent upon many varied things signed communication for meetings, appliances for individuals, supports with fee waivers for poor families with Persons with Disabilities and are quickly exhausted.

In addition, Persons with Disabilities and their parents and other allies have created a number of Rwandan civil society organisations. These associations provide support and services to their members as well as increasing understanding of the rights of Persons with Disabilities and taking appropriate actions to put more attention to them.

Persons with Disabilities Organisations (DPOs) are engaged in pressing for the full inclusion of Persons with Disabilities in society and development processes and the effective implementation of policies designed to deliver this. DPOs and associations of Persons with Disabilities are governed in their activities by the general regulatory frameworks for either civil society groups or co-operatives and several of these DPOs and associations receive grant funding from development partners and some subsidies from the State.

5. Please provide any other relevant information (including information from surveys, censuses, and administrative data – statistics, reports, and studies), in relation to the implementation of existing disability-inclusive policies and action plans in your country.

R/ : In our country, when different institutions conduct surveys, audits or assessments on the respect of rights of persons with disabilities in relation to the implementation of existing disability-inclusive policies, they consider to collect data-statistics and to report on findings disaggregated by gender, age and impairment.

It's in this regard that for example in the survey conducted in 2012 by the National Commission for Human Rights of Rwanda on the respect of rights of children with disabilities; it considered determining this point in its questionnaire.

Done at Kigali, on 25th May 2016.