

national commission for human Rights of Rwanda

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**THE RIGHTS OF PERSONS WITH DISABILITIES**

**TO SOCIAL PROTECTION**

**(For the Special Rapporteur on the rights of persons with disabilities)**

1. **Introduction**

Pursuant to Human Rights Council resolution 26/20, the Special Rapporteur on the rights of persons with disabilities submitted to the National Commission for Human Rights of Rwanda a questionnaire regarding the social protection of the rights of persons with disabilities

Below are responses on the rights of persons with disabilities to social protection in Rwanda.

1. **Questions / Responses**
2. **Please provide information in relation to the existence of legislation and policies concerning mainstream and/or specific social protection programmes with regard to persons with disabilities, including :**

* Institutional framework in charge of its implementation;
* Legislative, administrative, judiciary and/or other measures aiming to ensure access of persons with disabilities to mainstream social protection programmes (e.g., poverty reduction, social insurance, health care, public work, housing) ;
* Creation of disability-specific programmes (such as disability pensions, mobility grants or others);
* Fiscal adjustments or other similar measures.

**R/:** - The Constitution of the Republic of Rwanda in its article 11 emphasizes the principle of equality to all citizens which arranges that “All Rwandans are born and remain free and equal in rights and duties”. “Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by Law”. And in its article 14 which requires that “The State shall, within the limits of its capacity, take special measures for the welfare of the disabled, the indigent and the elderly as well as other vulnerable groups”.

- The Law n°01/2007 of 20/01/2007 relating to the protection of disabled persons in general. By this Law, other institutions are mandated to protect and promote the rights of People with Disabilities: the Ministry in charge of Education, the Ministry in charge of Health, the Ministry in charge of Social affairs, the Ministry in charge of Transport and Communication, the Ministry in charge of Sports, the Ministry in charge of Infrastructure and the Ministry in charge of Labour. And these Ministries have special departments which have responsibilities of disability issues.

- And this Law, in its article 10, gives the NHRC of Rwanda to monitor the rights of disabled persons in general and arranges that "The National Human Rights Commission shall provide special procedures of monitoring how rights of a disabled person are respected”.

- The Parliament of Rwanda and the East African Legislative Assembly, have both Representatives in charge of people with disabilities.

- Specific laws and / or specific policies mention special needs, special treatments or provision of reasonable accommodation to PWDs for example the Labour Code which mentions an affirmative action to PWDs for the right to employment; the Penal Code, the Special Needs Education Policy, …

- In the regard of fiscal adjustments or other similar measures we can mention the budget allocated to the National Council of Persons with Disabilities.

1. **Please provide information on how persons with disabilities are consulted and actively involved in the design, implementation and monitoring of social protection programmes**

**R/ :** Reference to the mission of the National Council of Persons with Disabilities (NCPD) of Rwanda which was created by the Constitution of June 3, 2003 as amended to date and was established by the Law N°03/2011 of 10/02/2011 determining its responsibilities, organization and functioning.

The National Council of Persons with Disabilities (NCPD) of Rwanda is a public and independent institution with legal personality and both financial and administrative autonomy and works under the supervision of the Ministry of Local Governance (MINALOC) as a national organ that oversees and coordinates at National level all the activities that contribute to the social and economic development of persons with disabilities in Rwanda.

As arranged in the Law n°03/2011 of 10/02/2011 determining the responsibilities, organization and functioning of this body which in its article 6 regarding the mission of the NCPD, this organ shall be a forum for advocacy and social mobilization on issues affecting persons with disabilities in order to build their capacity and ensure their participation on national development and shall assist the Government to implement programs and policies that benefit persons with disabilities.

1. **Please provide information in relation to difficulties and good practices on the design, implementation and/or specific social protection programmes with regard to persons with disabilities, including:**

* Conditions of accessibility and the provision of reasonable accommodation;
* Consideration of the specific needs of persons with disabilities within the services and/or benefits of existing programmes;
* Difficulties experienced by persons with disabilities and their families in fulfilling requirements and/or conditions for accessing social protection programmes;
* Consideration to age, gender and race or ethnic-based differences and possible barriers;
* Conflicts between the requirements and/or benefits of existing programmes, and the exercise by persons with disabilities of rights such as the enjoyment of legal capacity, living independently and being included in the community, or work;
* Allocation of grants to personal budgets;
* Disability-sensitive training and awareness-raising for civil servants and/or external partners;
* Existence of complaint or appeal mechanisms.

**R/ :** For difficulties and good practices on the design, implementation and/or specific social protection programmes with regard to persons with disabilities, you can visit the website of the National Council of Persons with Disabilities of Rwanda (www.ncpd.gov.rw) which has useful information on different activities carried out in the regard of increasing the welfare of PWDS in Rwanda.

**Good practices of the National Commission for Human Rights of Rwanda:**

- The NCHR of Rwanda has conducted a survey on the respect of the rights of persons with disabilities in general and on the children with disabilities in particular, as to know the situation of their rights throughout the country so that it could provide advocacy for these people.

- Since 2009, the Commission has handled 52 complaints regarding PWD’s rights. Among these complaints some are relating to property, to justice, to health and to employment.

- Every year, the NCHR of Rwanda presents its Annual Activity Report to the Parliament. And the report has a part describing the situation of the respect of the rights of persons with disabilities in our country.

- Two thematic reports were done and come out with proposals and recommendations in order to provide restoration of the violated rights and for solution of their problems (report was submitted to relevant ministries).

- Since 2009, the topic on “The Rights of PWDs in International Covenants and National Legislation” is every year provided among other Human Rights topics which are provided to all selected groups to be trained;

- The Rights of PWDs is sensitized in organized awareness sessions of sensitization and on Radio;

- The NCHR of Rwanda has trained members of the National Council of Persons with Disabilities and PWDs Associations on the rights of persons with disabilities and has provided material support to private centers in charge of children with mental disabilities.

1. **Please provide any information or data available, disaggregated by impairment, sex, age or ethnic origin if possible, in relation to:**

* Coverage of social protection programmes by persons with disabilities;
* Rates of poverty among persons with disabilities;
* Additional costs or expenses related to disability.

**R/ :** For any information or data available, disaggregated by impairment, sex, age or ethnic origin if possible; you can also visit the website of the National Council of Persons with Disabilities of Rwanda (www.ncpd.gov.rw) which has useful information and related data.

1. **Please provide information in relation to the eligibility criteria used for accessing mainstream and/or specific social protection programmes with regard to persons with disabilities, including:**

* Definition of disability and disability assessments used for eligibility determination;
* Consistency of the eligibility criteria among different social protection programmes ;
* Use of income and/or poverty thresholds;
* Consideration of disability-related extra costs in means-tested thresholds.

**R/:** For accessing mainstream and/or specific social protection programmes with regard to persons with disabilities, there are no eligibility criteria. PWDs are supported only on basis of their poverty and special needs and are encouraged to increase their self-reliance.