**Rwanda**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The ‘Housing Rights and Human Rights Brief’ is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

Table of Contents

|  |  |
| --- | --- |
| Chapter | Page |
| Summary | 2 |
| National Legal Framework relating to Human Rights in Urban Contexts | 3 |
| Government Structures and Institutional Setup | 3 |
| International Conventions | 7 |
| UN Reviews (UN Country Team, Special Rapporteur Reports, UNDAF and other Delivering as One initiatives, including Human Rights Up Front) | 8 |
| Universal Periodic Review (UPR) and Human Rights Council | 8 |
| UN-Habitat Engagement at Project Level | 11 |
| Further Information | 12 |

**Revision History**

|  |  |  |
| --- | --- | --- |
| Revision | Date | Author |
| 1 | **-** | *DT* |
| *2* | *23/10/2015* | *SN* |
| *3* | *13/01/2016* | *SN* |
| *4* | *09/02/2016* | *SG* |

**Summary**

Rwanda is governed under its 2003 Constitution. While the Constitution provides for basic human rights and freedoms, it does not mention the right to adequate housing. Chapter 2 of the Constitution does however enshrine the right for every Rwandan to settle anywhere in Rwanda, and the right to private property. The Constitution also states that if property is interfered with by a government authority, the State must provide fair compensation.

Rwanda has specific policies concerning housing, the most relevant being Urban Housing Policy and the Upgrading of Informal Settlements.

Rwanda has ratified most of the major human rights conventions and is a State Party to the International Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

United Nations review mechanisms have expressed concern about the housing situation of disadvantaged and marginalized groups, and in particular the discrimination faced by the Batwa minority in accessing adequate housing. UN-Habitat has worked on a number of projects in Rwanda, most recently in rehabilitation and reconstruction, water and sanitation and participatory slum upgrading.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

Rwanda is governed under its 2003 Constitution, which has been amended up to 2010. The Constitution contains fundamental human rights and freedoms. However, it does not contain any provisions on the right to adequate housing. Chapter 2 on the Fundamental Rights and The Rights and Duties of the Citizen enshrines the right of every citizen to move and circulate freely and settle anywhere in Rwanda, and the right to private property.

‘Article 23

Every Rwandan has the right to move and to circulate freely and to settle anywhere in Rwanda. Every Rwandan has the right to leave and to return to the country. These rights shall be restricted only by the law for reasons of public order or State security, in order to deal with a public menace or to protect persons in danger.

Furthermore also in the Fundamental Rights and The Rights and Duties of the Citizen promotes the right to private property for every person.’

‘Article 29

Every person has a right to private property, whether personal or owned in association with others. Private property, whether individually or collectively owned, is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.’

**Government**

***Political System***

Rwanda is a republic with a multi-party system. The President is Head of State, while the Prime Minister is head of government. The judiciary is separate and independent from the other functions of the State.

Ministry of Infrastructure

The Ministry is divided into four doctorates. The doctorate of most relevance to urbanization is the Urbanization, Human Settlement and Housing Development. This doctorate’s main objective is to contribute to sustainable economic growth and well-being of the Rwandan population by improving urban planning and housing development infrastructure. More specifically, the sub-sector aims to improve: human, urban and semi-urban settlements; working conditions of public services; and public buildings for the Rwandan population.

Rwanda Housing Authority[[2]](#footnote-2)

The core functions of the Housing Authority in Rwanda include the implementation of policies, the development of Housing and Urban Planning strategies and programs and the regulation of housing legislation and urban development. The Authority is also tasked with supporting urban infrastructure development programs under the decentralised structures and to mobilise resources necessary for housing and urban development activities.

Rwanda Housing Authority is implementing the National Housing, Urbanization, Construction and Government Assets management policies through coordination, conception, development, monitoring and evaluation of actions and programs. Relevant to adequate housing is the Human Settlement Planning and Development Projects.

Ministerial Order Determining Urban Planning and Building Regulations[[3]](#footnote-3)

The government of Rwanda released a Ministerial Order to guide the urban planning and building sector. The Order has an Urban Planning Code annexed to it.

‘Article 29: Urban Planning and building auditing The government authority in charge of urban planning and human settlement shall be responsible for auditing of the local authorities on the compliance with urban planning and building documents and their implementation.’

National Urban Housing Policy (2008)[[4]](#footnote-4)

Since independence, urban planning and development were not given much attention. Thus taking into account the rapid and uncontrolled development of the sector, and its potential contribution towards the socio-economic development of the country, the Rwandan Government (the Ministry if Infrastructure) formulated an urban housing policy which is geared towards achieving its development goals. This policy is based on the national objectives contained in the Vision 2020, and the Economic Development and Poverty Reduction Strategy (EDPRS), while taking into account the principles of decentralisation and good governance.

Under the Urban Housing Policy, the government aims to execute the following policies:

‘(a) Develop programmes aimed at providing urban housing for a cross-section of the population;

(b) Establish minimum standards in the construction of housing with respect to construction codes and provision of adequate basic facilities such as water and sanitation, access to reliable power sources, and basic social amenities within easy reach of residential areas;

 (c) Provide the legal and regulatory framework to encourage private sector participation in the development of urban housing vis-à-vis the development of housing estates;

(d) Facilitate the development of housing stock in order to cater for increase demand for ownership and short term occupation;

(e) Establish “owner-occupier” housing under affordable mortgage schemes guaranteed by employers, both public and private;

(h) Establish guidelines on the upgrading of informal settlements and put in place legal and regulatory measures to ensure that expropriations if required are carried out in line with internationally acceptable norms;

(i) Decentralise the registration of land titles to ease the acquisition of land plots.’

Vision 2020[[5]](#footnote-5)

Rwanda has a Vision 2020 forecasting the current housing situation in the country in terms of housing and urban development. The document contains that the urban population will reach 30% of the national population by 2020; however, urban development should not contribute towards pollution of surrounding zones (sub-urban and rural areas). In 2010, each city will have an Urban Master Plan and Land Use Management Plans. Basic infrastructure will be constructed in the urban centres and in other development areas in order to relieve rural areas from the effects of overpopulation in favour of the urbanization programme.

Urbanization and Rural Settlement Sector - Strategic Plan 2012/13 – 17/18[[6]](#footnote-6)

The Urbanization and Rural Settlement Sector encompasses social, economic and environmental activities. It has relevance to both, urban and rural areas. According to policies of Rwanda, access to a decent housing and favourable living conditions is a fundamental right for all citizens. This is in line with the Habitat–Declaration agreed upon in 1996 in Istanbul, which admits that housing is a fundamental right for every citizen.

The sector aims at improving public services, the quality of public infrastructure, as well as contributing to economic development and poverty reduction in the country. Activities in the Urbanization and Human Settlement Sector are aligned with the objectives and development strategies outlined in the Strategic Framework Vision 2020, the EDPRS 2013- 2018, the National Urban Housing Policy, the National Human Settlement Policy, the Law Governing Urban Planning and Building and the Decentralization Policy and subsequent laws.

**Judiciary**

No legal decisions regarding housing could be sourced.

**International Conventions[[7]](#footnote-7)**

The State of Rwanda has ratified most of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

|  |  |  |  |
| --- | --- | --- | --- |
| Treaty Description | Treaty Name | Signature Date | Ratification Date, Accession(a), Succession(d) Date |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT | 24 Sept 2013 |  |
| International Covenant on Civil and Political Rights | CCPR |   | 10 Jan 1992 (a) |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW |  | 17 Sept 1986 (a) |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD | 24 Sept 2013 |  |
| International Covenant on Economic, Social and Cultural Rights | CESCR |   | 10 Jan 1992 (a) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |   |  |
| Convention on the Rights of the Child | CRC | 14 Feb 1990 | 03 Dec 1990 |
| Convention on the Rights of Persons with Disabilities | CRPD |  | 19 May 2014 |
| Convention Relating to the Status of Refugees | Refugee Convention  |  | 03 Jan 1980 (a) |
| Protocol Relating to the Status of Refugees  | Protocol Relating to the Status of Refugees |  | 03 Jan 1980 (a) |

Rwanda has not ratified:

* International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

**UN Agencies**

UN review mechanisms have expressed concern about the housing situation of disadvantaged and marginalized groups, and in particular the discrimination faced by the Batwa minority in accessing adequate housing.

***Universal Periodic Review (2011)[[8]](#footnote-8)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

No recommendations related to the right to adequate housing were done during the UPR in 2011.

***Report of the United Nations High Commissioner for Human Rights (2011)[[9]](#footnote-9)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

The Report does not contain anything related to the right to adequate housing.

***Committee on Economic, Social and Cultural Rights (2014)[[10]](#footnote-10)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

‘8. The Committee is concerned about the persistence of stereotypes against the “Batwa” population and the discrimination they continue to face preventing them from fully enjoying the rights enshrined in the Covenant, in particular, access to the labour market, adequate housing, education, health-care services and other social services, notwithstanding the anti-discrimination legislation and other measures adopted by the State party.

The Committee recommends that the State party firmly combat stereotypes, stigma and discrimination against and marginalization of Batwa, including by ensuring the effective application of its anti-discrimination legislation. The Committee also recommends that the State party adopt temporary special measures, in order to enable the Batwa to fully enjoy the rights under the Covenant in line with the recommendations of the Special Rapporteur on adequate housing.’

‘23. The Committee is concerned at the housing situation of disadvantaged and marginalized groups and persons both in the surroundings of Kigali and in rural areas. It is also concerned that the State party has not yet adopted legislation on rent control and has not provided information on homelessness. The Committee is further concerned that in the context of governmental housing programmes, such as the “Bye Bye Nyakatsi programme” and the Kigali Master Plan and the villagization policy, displaced persons face worse living conditions than they had in their previous settlements. Moreover, the Committee is concerned that some Batwa people displaced in the context of such programmes continue to live in sub-standard conditions (art. 11).

The Committee recommends that the State party adopt legislation on rent control and strengthen its measures to improve access to adequate housing for all, in particular for disadvantaged and marginalized persons and groups, in particular the Batwa community. The Committee also recommends that the State party conduct inclusive consultation before any displacement of the population and ensure relocation in adequate settlements with conditions comparable to those they previously enjoyed. It requests that the State party include in its next periodic report comparative data on the implementation of the right to housing and the progress made, disaggregated by sex, age and rural/urban populations. The Committee also requests disaggregated information on homelessness in its next periodic report. It draws the attention of the State party to its general comment No. 4 (1991) on the right to adequate housing.’

‘24. The Committee is concerned at reports that most of the people expropriated or forcibly evicted from their lands or whose lands have been expropriated in the context of land consolidation policy or urban planning by virtue of the Law No. 18/2007 of 19 April 2007 had not received fair compensation and were not properly consulted prior to the expropriations and displacements (art. 11).

The Committee recommends that the State party conduct full and prior consultation to seek the consent of those to be expropriated or evicted and provide them with prompt and fair compensation. It draws the attention of the State party to its general comment No. 7 (1997) on the right to adequate housing: forced evictions.’

***United Nations Country Team (UNCT)[[11]](#footnote-11)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

Rwanda’s UNCT develops the UNDAF, which does not contain anything relevant on the right to adequate housing.

***United Nations Development Assistance Framework (UNDAF)[[12]](#footnote-12)***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The UNDAF forms the overall framework for the UNCT’s work between 2008-2012.*

Rwanda’s UNDAF does not mention the right to adequate housing.

***The United Nations Development Assistance Plan (UNDAP)[[13]](#footnote-13)***

*The United Nations Development Assistance Plan (UNDAP) is a common business plan for the United Nations agencies and national partners, aligned to the priorities of the host country and the internationally agreed development goals. The UNDAP builds on the current joint programming processes for developing an UNDAF and UNDAF Action Plan. Rwanda’s UNDAP is for the period of July 2013 to June 2018.*

Rwanda’s UNDAP noted that inadequate planning coupled with limited compliance to regulations has led to challenges, among them, limited availability of low-cost housing for the poor. Another challenge facing Rwanda is the continuing refugee influx from neighbouring Congo. Owing to land scarcity and insufficient funding the old and new refugee camps are congested, causing living conditions to be far below the minimum international standards.

In relation to sustainable urbanization, the UNDAP found that Rwanda has embarked on significant transformation and planning of cities. Of notable importance is the establishment of the Rwanda Housing Authority to implement the National Housing, Urbanization, Construction and Government Assets Management policies. Rwanda and, particularly Kigali City, has gained worldwide recognition for its cleanliness, safety, sound urban governance, environmental awareness and improved public transport and road network.

Additionally, green building codes will be developed, innovative building techniques and materials will be investigated and promoted, and affordable housing finance mechanisms will be established.

**UN-Habitat[[14]](#footnote-14)**

UN-Habitat has worked on a number of projects in Rwanda:

* Donors: European Commission and, the Africa, Caribbean and Pacific Secretariat, African Development Bank
* Implementing Partners: UN-Habitat and the Ministry of Infrastructure,  East African Community (EAC); African Development Bank (AfDB); Government of Burundi; Government of Tanzania; Government of Rwanda; Government of Kenya; Government of Uganda
* Profile cities/ location: City of Kigali, Musanze District and Muhanga District

UN-Habitat is supporting the government of Rwanda in various areas of human settlements and urban development. At present assistance to the government of Rwanda relates to rehabilitation and reconstruction, water and sanitation and participatory slum upgrading:

Urgent Rehabilitation and Reconstruction of Kigali and Other Urban Centres (Umbrella Project)

At the end of hostilities in Rwanda, UNCHS (Habitat) and UNEP undertook a joint programme identification mission to Rwanda in September 1994.

Water and Sanitation Trust Fund Implementation of Training and Capacity Building Activities Under the Lake Victoria Water Supply and Sanitation Programme Phase II (East African Regional Project) (2011-2016)

The implementing partners for this project included the East Community (EAC), the African Development Bank (AfDB), and the Governments of Burundi, Tanzania, Rwanda, Kenya and Uganda.

Participatory Slum Upgrading Programme

This programme is being implemented with a focus on the development and adoption of inclusive policies and strategies for slum upgrading. The Programme also aims to strengthen community, city and national key stakeholders’ capacities in participatory slum upgrading in Rwanda, particularly in the City of Kigali, Musanze District and Muhanga District. More sepcifically, the Country Team particularly aims to contribute to the ongoing elaboration of the National Urban Policy, the implementation of the National Urbanization Sector Strategy as prescribed in the Rwanda’s Economic Development and Poverty Reduction Strategy (EDPRS 2) and specific local urban/city development plans.

**Further Information**

* Constitution of Rwanda: http://www.parliament.gov.rw/fileadmin/Images2013/Rwandan\_Constitution.pdf
* National Urban Housing Policy: <http://www.rha.gov.rw/fileadmin/user_upload/Documents/Laws_and_Regulation/National_Urban_housing_Policy_Dec_23.pdf>
* Vision 2020: <http://www.rha.gov.rw/fileadmin/user_upload/Documents/Final_Urbanization_Sector_Strategic_Plan_131210_.pdf>
* Urbanization and Rural Settlement Sector Strategic Plan:

<http://www.rha.gov.rw/fileadmin/user_upload/Documents/Final_Urbanization_Sector_Strategic_Plan_131210_.pdf>

* Ministerial Order Determining Urban Planning and Building Regulations: <http://www.rha.gov.rw/fileadmin/user_upload/Documents/Laws_and_Regulation/Ministerial_Order_determining_urban_planning_and_building_regulation.pdf>
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Universal Periodic Review:<http://www.ohchr.org/EN/HRBodies/UPR/PAGES/RWSession10.aspx>
* Report of the United Nations High Commissioner for Human Rights (2011):<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/173/74/PDF/G1017374.pdf?OpenElement>
* UNCT: <http://www.rw.one.un.org/who-we-are/un-resident-coordinator-office>
* UNDAF:<http://www.unicef.org/rwanda/RWA_resources_undaf2012.pdf>
* UNDAP: <http://countryoffice.unfpa.org/rwanda/drive/RWANDA-UNDAP.PDF>
* UN-Habitat Rwanda Summary: <http://unhabitat.org/rwanda/>
* UN-Habitat Basic Services Project: K:\WatSan\WSSII\Outputs Submitted (since December 09)\GSF\Phase III - CAs\SEBAC Dolakha\2nd Payment
* OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on the Right to Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

1. http://www.parliament.gov.rw/fileadmin/Images2013/Rwandan\_Constitution.pdf [↑](#footnote-ref-1)
2. <http://www.rha.gov.rw/index.php?id=443> [↑](#footnote-ref-2)
3. Official Gazette nᵒ 20 bis of 18/05/2015

<http://www.rha.gov.rw/fileadmin/user_upload/Documents/Laws_and_Regulation/Ministerial_Order_determining_urban_planning_and_building_regulation.pdf> [↑](#footnote-ref-3)
4. <http://www.rha.gov.rw/fileadmin/user_upload/Documents/Laws_and_Regulation/National_Urban_housing_Policy_Dec_23.pdf> [↑](#footnote-ref-4)
5. <http://www.rha.gov.rw/fileadmin/user_upload/Documents/Final_Urbanization_Sector_Strategic_Plan_131210_.pdf> [↑](#footnote-ref-5)
6. <http://www.rha.gov.rw/fileadmin/user_upload/Documents/Final_Urbanization_Sector_Strategic_Plan_131210_.pdf> [↑](#footnote-ref-6)
7. http://indicators.ohchr.org/ [↑](#footnote-ref-7)
8. <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/RWSession10.aspx> [↑](#footnote-ref-8)
9. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/173/74/PDF/G1017374.pdf?OpenElement> [↑](#footnote-ref-9)
10. Concluding observations (2013) E/C.12/RWA/CO/2-4 [↑](#footnote-ref-10)
11. <http://www.rw.one.un.org/who-we-are/un-resident-coordinator-office> [↑](#footnote-ref-11)
12. <http://www.unicef.org/rwanda/RWA_resources_undaf2012.pdf> [↑](#footnote-ref-12)
13. http://countryoffice.unfpa.org/rwanda/drive/RWANDA-UNDAP.PDF [↑](#footnote-ref-13)
14. http://unhabitat.org/rwanda/ [↑](#footnote-ref-14)