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*Economic, social and cultural rights
and the internet*



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Economic, social and cultural rights and the internet

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RWANDA

THE INTERNET AS AN ENABLER OF EMPLOYEE RIGHTS



KEYWORDS: labour, internet, worker's right

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Introduction

The internet is enabling the right to work in Rwanda – although there is still some way to go. In particular, it is being used as a platform allowing citizens to access information on job opportunities, personal work records, and policies and procedures in the workplace. With regards to the latter, civil servants see the state leading the way in terms of creating awareness of workers' rights.

In 2000, Rwanda set the goal of becoming a knowledge-based economy and committed to positioning itself as a globally competitive, diversified and balanced economy that is driven by information, knowledge and skills.¹ To achieve the goal, Rwanda's priorities were to build human capacity, establish institutional and legal frameworks and develop the relevant communications infrastructure. In 2014, when he was closing the Smart Rwanda Days² event, the president of Rwanda declared that the internet is needed as a public utility as much as water and electricity.³

Since then, the roll-out of fibre optic cable has resulted in most central and local government institutions being connected to high-speed broadband.⁴ To deal with "last mile" challenges, the roll-out of 4G LTE, which started in 2015, has reached more than 26 of the 30 district headquarters in Rwanda and is expected to cover up to 95% of the country by 2017.⁵ By July 2016, the number of active mobile phone subscribers had increased to 9,025,516 or 80% of the population, up from 70% in December 2014.⁶ Internet penetration in the country was at

33% by July 2016.⁷ An initiative that provides free Wi-Fi in public transport was launched in February 2016 with 487 buses being connected.⁸ This complements other existing free Wi-Fi access points offered in, for example, public spaces, hotels, restaurants and shopping centres.

Through interviews and an analysis of media reports, this report offers a preliminary assessment of the contribution that the internet makes to the improvement of working conditions in the public, private and civil society sectors in Rwanda.

Political, economic and policy context

Rwanda ratified the ICESCR on 16 April 1975.⁹ As far as workplace rights are concerned, Articles 6, 7 and 8 of the covenant are relevant, while Article 9, which deals with social security, is by implication worth considering.

In addition to this, the National Commission for Human Rights¹⁰ in Rwanda lists a number of legal instruments as relevant when talking about employees' rights. These include the African Charter on Human and Peoples' Rights¹¹ of 27 June 1981 as ratified by Law No. 10/1983 of 17 May 1983. Its article 15 stipulates that every individual shall have the right to employment under equitable and satisfactory conditions, and shall receive equal pay for equal work. Law No. 13/2009 of 27 May 2009 regulating labour in Rwanda stipulates workers' obligations and rights and determines working conditions. Public servants are governed by Law No. 86/2013 of 11 September 2013 establishing the general conditions for public service. Law No. 05/2015 of 30 March 2015 governs pension schemes and provides for workers' rights relating to pensions. Law No. 03/2015 of 2 March 2015 governs the organisation of community-based health insurance

1 MYICT. (2001). An Integrated ICT-led Socio-Economic Development Policy and Plan for Rwanda 2001-2005. www.myict.gov.rw/fileadmin/Documents/Rwanda_ICT_Policy_NICI_2005.pdf

2 www.smartwandadays.rw

3 smartwandadays.rw/spip.php?article27

4 MYICT. (2016). ICT Sector Profile - 2015. www.myict.gov.rw/fileadmin/Documents/ICT_Sector_Profile_2015/ICT_Sector_Profile_2015.pdf

5 ktrn.rw/4g-lte-coverage-map.html

6 RURA. (2016). Active mobile telephone subscriptions as of June 2016. www.rura.rw/fileadmin/docs/Monthly_telecom_subscribers_of_July_2016.pdf

7 RURA. (2016). Statistics and tariff information in telecom, media and postal service as of the second quarter 2016. www.rura.rw/fileadmin/docs/Monthly_telecom_subscribers_of_August_2016.pdf

8 Bizimungu, J. (2016, 20 February). Smart Kigali: 400 buses connected to 4G Internet. *New Times*. www.newtimes.co.rw/section/article/2016-02-20/197264

9 hrlibrary.umn.edu/research/ratification-rwanda.html

10 www.cndp.org.rw/index.php?id=188

11 www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf

schemes and provides for the rights relating to healthcare matters.¹²

In article 27 of Rwanda's constitution (2003, revised in 2015),¹³ the right of equal access to public services for all Rwandans is stipulated. The same constitution provides for the right to employment. This right includes the right to non-discrimination at work, the right to join trade unions, the employees' right to strike, and the right to a safe and clean working environment.

The Smart Rwanda 2020 Master Plan (SRMP),¹⁴ approved by the government on 3 November 2015, has a particular focus on digitising the economy through:

- Government digital transformation: A 24-hour self-service government, driven by a cashless and paperless economy.
- Broadband for all to be realised through a 4G roll-out programme and widespread smart device penetration.
- Digital literacy for all to transform Rwanda into a digitally literate nation, targeting all sectors, including local communities and civil servants.

As for the right to free choice of employment, article 30 of the constitution states that everyone has the right to free choice of employment and without any form of discrimination, and that everyone has the right to equal pay for equal work.¹⁵

The General Statutes for Public Service,¹⁶ under articles 48, 50, 77 and 123, state that public servants shall enjoy the same rights and freedoms as other citizens, the right of access to their personal administrative files, and the right to retirement. The government has an obligation to ensure protection of its employees against accidents and illnesses related to their profession. The employer is required to provide for the professional training of its workers.¹⁷

Improving workplace rights using the internet

For this report, nine people – five from the public sector and four from the private sector – were interviewed. Four among them were women. Their opinions, together with information from media reports, form the basis of our exploration.

The interviews suggested that the internet is an important enabler of a number of the rights related to work contained in the ICESCR. As one interviewee put it: “Boosting internet connectivity for all is one of the factors that are improving our rights, and making us agents capable of coping with information society challenges.”

Asked when employees first felt the impact of the internet in enabling these rights, one respondent – a civil servant – stated that this was already experienced when seeking information on recruitment processes. Rwanda's legal framework provides seekers of employment in public institutions with the right to access to information by requiring that public institutions advertise available vacancies both through online and radio channels. The interviewee admired how all civil servants are now recruited through the Rwanda civil service recruitment portal¹⁸ and, when recruited, civil servants have online access to their own employment information, which is held by the human resources office.

Since 2015, government staff have been able to access this information via the Rwanda employee self-service portal.¹⁹ This portal has information on organisational structures, an employee's recruitment and performance records, records of leave and absenteeism, information on resignations and retirement, payroll information, information on training and career planning, and tools that allow information management and reporting.

We asked interviewees how often they had access to the internet in the workplace. One civil servant said that most of the public sector administrations, including local government, but excluding “cells and villages” – the country's smallest administrative units – have local area networks. All employees working in these administrations have access to computers and most of them have their own smart devices such as tablets, smartphones and laptops.

As shown in CNN's short media report entitled “Take a ride on Rwanda's smart bus”,²⁰ the public is

12 National Commission for Human Rights. (2015). Annual Activity Report, July 2014–June 2015. www.cndp.org.rw/fileadmin/user_upload/Annual_Report_2014-2015.pdf

13 www.minijust.gov.rw/fileadmin/Law_and_Regulations/Official_Gazette_no_Special_of_24.12.2015_2__1_.pdf

14 MYICT. (2014). Smart Rwanda 2020 Master Plan. www.myict.gov.rw/fileadmin/Documents/Strategy/SMART_RWANDA_MASTER_PLAN_FINAL.pdf

15 www.minijust.gov.rw/fileadmin/Law_and_Regulations/Official_Gazette_no_Special_of_24.12.2015_2__1_.pdf

16 www.mifotra.gov.rw/fileadmin/user_upload/Laws/Sitati_nshya.pdf

17 www.mifotra.gov.rw/fileadmin/templates/downloads/NEW%20LABOUR%20LAW%20N13.2009%20OF%2027.5.2009.pdf

18 recruitment.mifotra.gov.rw

19 selfservice.mifotra.gov.rw

20 edition.cnn.com/videos/world/2016/05/23/marketplace-africa-wef-digital-transformation-spc-a.cnn

benefiting from internet hotspots that offer free Wi-Fi to commuters. Interviewees appreciated these initiatives and indicated that when they are on their way to the office or on their way back home, they are still able to finalise unfinished work that requires them to be online. For them, free Wi-Fi is also very important for conducting personal business and communication which is not allowed when at the office. High productivity is expected from the employee who is generally not allowed to use the internet for personal reasons during working hours. This includes using social media when this is not related to work duties.

All interviewees in the public sector recognised that the internet is crucial in their daily working life, given that much of what they do or need is online. The example of the Integrated Payroll and Personnel Information System (IPPIS) was given.²¹ Interviewees said that this has been very important in helping them to access key employment-related information and tools. This includes accessing information related to their salary and personal employment records, which became available in 2015. Staff are able to plan, record and monitor their performance, and follow up on their pension contributions and any other administrative information relating to their work.

Employees were also asked how the internet helps them to access services, such as banking and government services, in case they need them. They noted that given that some of these key services are now delivered online 24 hours a day, employees are able to easily access these services during lunch breaks or after hours without leaving their offices. They pointed out that before having these services available online, citizens used to have to make several trips to a physical office to follow up on applications. This often affected their work performance and had a negative impact on their relationship with their employers, but now they can easily follow the progress of their applications via the internet and using their mobile phones. Online services have reduced time spent accessing government services, and have improved the stability of the workforce when they are on duty in terms of person hours worked and their availability in the workplace.

Interviewees pointed out that all employees have access to all laws and documents on employment, which are published by the Ministry of Labour (MIFOTRA) on its website.²² They said that this helps them understand how to exercise their rights and to be aware of their responsibilities.

On the right to strike, interviewees confirmed that although they have that right they have never exercised it. According to the Trade Union Centre of Workers of Rwanda (CESTRAR),²³ workers are sometimes limited when it comes to the right to strike. Peaceful strikes are allowed, but only after all the methods of dispute resolution have failed.²⁴

The right of employees to appeal decisions made against them in the workplace has helped them combat injustice in the workplace. When we asked interviewees if they had ever used the right to appeal, some said they had exercised this right when defending their legitimate interests. Other respondents said they do not feel confident to report workplace ill-treatment. This was confirmed by Angelina Muganza, executive secretary of the Public Service Commission,²⁵ who criticised employees and job seekers who did not report cases of injustice because they had not bothered to find out about their rights.²⁶ On this issue, trade unions have helped employees to become aware of their rights and helped with mediation and legal procedures.²⁷

We also wanted to know about sexual harassment in the workplace, given that there are currently no legal provisions to prosecute offenders.²⁸ Interviewees felt that this was a phenomenon that was on the decline, but that when it occurs, the lack of legal recourse results in significant frustration.

Various initiatives are being put in place for employees' economic empowerment. In one interview, a secondary school teacher praised the Umwalimu savings and credit cooperative (Umwalimu SACCO),²⁹ established to empower Rwandan teachers economically and to contribute to the socio-economic development of the community in which they live.³⁰ Before the establishment of SACCO, the main concern was that, due to budgetary constraints, the economic needs of teachers would not be catered for, including a minimum wage advocated by

21 www.mifotra.gov.rw/index.php?id=206

22 www.mifotra.gov.rw/index.php?id=111

23 Brioni, B. (2007, 23 October). Spotlight interview with Eric Manzi (CESTRAR-Rwanda). *International Trade Union Confederation*. www.ituc-csi.org/spotlight-interview-with-eric?lang=en

24 www.mywage.org/rwanda/home/labour-law/trade-union-rights

25 www.psc.gov.rw/index.php?id=103

26 Shuti, J. (2013, 25 February). PSC urges employees to report injustice cases. *New Times*. www.newtimes.co.rw/section/article/2013-02-25/63286/

27 The Rwanda Focus. (2015, 31 March). Human and Labour Rights, Social Dialogue improve welfare of workers and productivity. www.focus.rw/wp/2015/03/31/human-and-labour-rights-social-dialogue-improve-welfare-of-workers-and-productivity

28 Kaitesi, M. (2013, 5 August). Transparency Rwanda wants sex based corruption criminalized. *New Times*. www.newtimes.co.rw/section/article/2013-08-05/68050/

29 www.umwalimusacco.co.rw

30 Rwahigi, M. (2015, 13 February). Celebrating Rwanda's "living heroes". *Hope Magazine*. hope-mag.com/index.php?com=news&option=read&ca=1&a=1880

international institutions. The head of the Umwalimu savings and credit cooperative confirmed that the scheme is contributing to teacher retention, employment stability, and effective curriculum instruction, and having multiple positive effects on community development by supporting small business collaboration and the development of joint ventures, and enabling motivated teachers to offer other services and skills to communities.³¹ Due to the internet, teachers' salaries now reach accounts faster due to improvements in the interbank funds transfer system by the National Bank of Rwanda (BNR). All transactions are now done online.³² In addition, SACCO's website provides downloadable forms for its clients.

An Affordable Housing Development Project has enabled state employees to move into decent modern housing units, even if they are employed at a low salary level.³³ The project targets employees earning low and medium monthly salaries but with secure and stable-enough jobs that allow them to repay mortgages.³⁴ The initiative ensures that the units have basic infrastructure, including landlines for internet access.

Conclusion

The internet is a platform that can enable the ESCRs of employees. In Rwanda, the internet helps employees know what their rights are, and to access work-related administrative information as well as online services. The internet also gives them easier access to trade unions and other support that is necessary for them to claim their rights.

However, apart from the limited technical capability of some users, the low levels of internet penetration and use as well as limited electric power in the country, especially in rural areas, are impacting on employees' full enjoyment of their rights.

It is also clear that having access to information on employee rights on the internet is just part of the solution to having those rights fulfilled. Other mechanisms need to be put in place to support the enactment of those rights, including support when workplace disputes arise.

Action steps

The following action steps are suggested for the public, private and civil society sectors:

- Scale up ICT connectivity and electric power infrastructure in rural areas so that they service the public sector and encourage growth in the private sector.
- Establish an intensive capacity-building programme to increase digital literacy for citizens in general and for employees in particular.
- Ensure that information on job opportunities is accessible online in all sectors. Create public information desks staffed with infomediaries that facilitate access to this online information for those who do not have access to the internet.
- Develop online recruitment processes for the private and civil society sectors.
- Use the internet to boost awareness of employees' rights, especially in the private sector. Besides providing online information on these rights, the internet can be used to create channels of open communication between employer and employee. In particular, an online programme for reporting sexual harassment in the workplace, and which can support victims of harassment, should be developed.
- The innovative use of the internet should be considered as a way of supporting financial schemes that supplement the income of employees, and support other socioeconomic development needs.

31 Umwalimu SACCO. (2014). Umwalimu SACCO Impact Assessment. www.umwalimusacco.co.rw/docs/UMWALIMU%20SACCO%20IMPACT%20SURVEY%20FINAL%20REPORT%202014.pdf

32 Hope Magazine. (2012, 13 March). UMWALIMU SACCO: Homegrown Initiative Changing Teachers' Welfare. *Hope Magazine*. www.hope-mag.com/index.php?com=news&option=read&ca=6&a=6

33 Centre for Affordable Housing Finance in Africa. (2016). Excerpt from Africa Housing Finance Yearbook 2016: Rwanda. www.housingfinanceafrica.org/country/rwanda ;

34 www.rha.gov.rw/uploads/media/Affordable_Housing_project.pdf

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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