

**GENDER IDENTITY, SEXUAL ORIENTATION, GENDER
BASED VIOLENCE AND SEXUAL HARASSMENT AT
WORKPLACE IN RWANDA.**

**SHADOW REPORT SUBMITTED BY THE COALITION AT
THE 51ST SESSION OF THE UNIVERSAL PERIODIC REPORT**

JULY 2025

Contact Person:

Health Development Initiative (HDI)

Email: info@hdirwanda.org

About the Coalition

The Coalition of LGBTI led community based organizations and Civil Society Organizations working on the Rights of LGBTI Persons in Rwanda (hereinafter the Coalition) is made up of the following Organizations:

Health Development Initiative (HDI)

Rwanda Men's Resource Centre (RWAMREC)

African Youth and Adolescent Network (AfriYAN)

Amahoro Human Respect Organisation (AHR)

Feminist Action Development Ambition (FADA)

Hope and Care (HAC)

My Rights Alliance (MRA)

Thriving for Inclusive Community Organization (TICO)

Wiceceka Christian Support Organization (WICSO)

1. INTRODUCTION

This report is submitted to the Working Group on the Universal Periodic Report (UPR) with the main objective of providing information on Gender identity, Gender -Based Violence (GBV) and Sexual harassment. Refer to previous accepted and rejected recommendations and status of their implementation

The Coalition believes that this report provides potential grounds for legal reforms, policy changes and other measures aimed at improving the rights situation of members of the LGBTI Community in Rwanda in the context of sexual orientation and gender identity and further strengthening measures to prevent and respond to GBV and sexual harassment.

2. METHODOLOGY

The drafting of this report was based on analysis of cases of abuse and violations, studies, focused group discussion with selected members of the LGBTI Community, program reports and national documents including laws and policies.

3. GENERAL OVERVIEW OF THE SITUATION OF SEXUAL ORIENTATION AND GENDER IDENTITY IN RWANDA

The Coalition positively notes the protection of key human rights principles including the right to equal protection of the law and equality before the law (Article 16 of the Constitution)

The Coalition positively notes the protection of physical and mental integrity of everyone as a constitutional right (article 14). Furthermore, the Coalition also acknowledges the non-criminalization of same sex activity and more importantly the advancing of the right to freedom of peaceful assembly of Lesbian, Gay, Bisexual, Transgender and Intersex persons (hereafter LGBTI). Regarding GBV support services, the Coalition notes the continuation of service provision to victims of Sexual and GBV, in general, by *Isange One Stop Centres* (IOSC) continued during the period under review.

Despite the above legal positive aspects, the Coalition is concerned with some laws, policies as well as practices which negatively affect the rights of LGBTI persons. In this regard, the Coalition has identified the following issues: stigma and discrimination, violation of physical and mental integrity, lack of legal recognition for Transgender and other non-binary gender and

inadequate legal protection against gender-based violence and sexual harassment.

4. AREAS OF CONCERN IN THE CONTEXT OF GENDER IDENTITY, AND GENDER BASED VIOLENCE

4.1. Stigma and discrimination

The Coalition is concerned with the omission of sexual orientation and gender identity among the acts which constitute the crimes of discrimination by article 163 of the Law N°68/2018 of 30/08/2018 determining offenses and penalties in general.

A research study, conducted in 2021, on experiences lived by LGBTI persons and public perceptions of sexual and gender minorities in Rwanda revealed that 30.5 % of the respondents, members of the LGBT community, faced discrimination when looking for housing, 20.2% when looking for employment and 47.3% when seeking health services.¹

Additionally, in the implementation of a collaborative project, HDI and its partners recorded various allegations of human rights violations committed against members of the LGBT community.² The alleged cases of discrimination included unfair employment termination, limited access to health care services, family rejection and school and family expulsion and forced drop out.

In this regard, Four (4) gay persons and 1 transgender person were allegedly expelled from school based on their sexual orientation and gender identity respectively while Five (5)gay persons had to discontinue their study after their parents refused to pay for their school fees after finding out they were gay. Equally, cases of unfair employment termination were recorded, mostly in the informal sector, where five (5) individuals lost their job when their employers knew that they were gay.

In a focused group discussion, some members of the LGBT Community shared individual testimonies of stigma and discrimination faced within their family and siblings.

¹ APHRC and HDI *Examination of LGBT people's lived experiences and public perceptions of sexual and gender minorities in Rwanda* (2022)

² The Gen G Project is a collaborative initiative aiming at building a gender just and violence free society in Rwanda

4.2. Violation of mental and physical integrity

The Coalition is concerned with allegations of acts which violated the mental and physical integrity of the members of the LGBT community especially gay and lesbians. These violations were allegedly committed by non-state actors namely individuals including family members, neighbors and population in general. These acts include physical assault, insults against LGBTI Persons and more specifically sexual violence against lesbians.³

Additionally, members of the LGBT community during a focused discussion mentioned cases where they were physically assaulted by their members of their family on the mere ground of their sexual orientation and gender identity and also provided testimony of being subjected to conversion therapy at the request of their parents and siblings.

Furthermore, findings from a study revealed that Technology Facilitated Gender Based Violence (TFGBV) is increasingly pervasive, disproportionately LGBTQ persons as their identities challenge patriarchal norms.⁴

4.3. Lack of legal recognition for non-binary gender identities

Although, article 16 of the Constitution prohibits discrimination, the legal framework does not recognize non-binary gender identities. In this regard, article 44 of the Law N° **71/2024 of 26/06/2024** governing persons and family defines sex as the human physiological state of being male or female and article 45 of the same Law N°71/2024 provides that the sex of a person is the one recorded in his or her birth record.

The Coalition is concerned with the fact that the mentioned Law does not provide for sex re-assignment in the birth record. In addition, the identity of sex on official documents such as birth certificate, identification card to name a few does not represent the diversity of gender identities that exist. The lack of legal recognition in relation to gender identity has negative impacts on other laws, policies and programmes as explained further in this report.

³ Generation Gender Project

⁴ RWAMREC *Scars beyond the screen: understanding the forms, consequences, and responses to Technology-Facilitated Gender-Based Violence (TFGBV) in Rwanda: Research Report* (April 2025)

The Coalition is also concerned with the omission of Transgender, Lesbians, Transgender and intersex Persons in the Revised National Gender Policy.⁵

The lack of a legal recognition has a negative impact on the daily lives of transgender persons as revealed during a focused discussion where they indicated that they are subjected to humiliating and intrusive questions from other persons about their physical appearance and sex mentioned in their national identification card as often they suspect it as a mismatch.

4.4. Inadequate legal protection

Although article 15 of the Constitution guarantees the right to equal protection to everyone, the Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence does not provide protection of LGBTI persons in relation to gender-based violence as article 2 of this law defines gender-based violence as an act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male.

The Coalition is concerned with the omission of Transgender and Intersex persons in the National gender-based violence indicators.⁶ The Coalition is of the view that the exclusion of Transgender and other non-binary gender persons make statistical data collection on gender-based violence incomplete and thus hinders any design and implementation of strategies to fight gender-based violence in a broader and inclusive manner.

5. SEXUAL HARASSMENT

The Coalition commends the Government of Rwanda for ratifying in 2023 the Violence and Harassment Convention of the International Labour Organization, commonly known as ILO C-190.

The Coalition also notes that article 8 of the Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda prohibits sexual harassment by an employer towards an employee and protects employees from dismissal for reporting or testifying about such harassment.

The Coalition further notes the criminalization of sexual harassment under article 149 of the Law No. 68/2018 of 30/08/2018 on offences and penalties in general with an imprisonment ranging

⁵ Republic of Rwanda *Revised National Gender Policy: Accelerating the Effectiveness of Gender Mainstreaming and Accountability for National Transformation* (2021)

⁶ Gender Monitoring Office *Gender-Based Violence (GBV) indicators developed by GMO*

from six months to one year and a fine ranging from one hundred thousand to two hundred thousand Rwandan francs (FRW 100,000 to FRW 200,000). Lastly, the Coalition notes also the criminalization of sexual harassment under article Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence.

6. AREAS OF CONCERN FOR SEXUAL HARASSMENT

6.1. Limited scope of prohibition and protection

The Coalition is concerned to with the limited scope of protection against sexual harassment in the workplace as the current Labour Law of 2018 primarily prohibits sexual on a vertical level that is employer to employee. The law does not specify remedies in case sexual harassment occurs between employees.

6.2. Limited scope of definition in the context of criminalization

Although Article 149 of the Law N° 68/2018 of 30/08/2018 on offences and penalties in general criminalize sexual harassment at workplace, it has several limitations. Firstly, the scope of sexual harassment is limited to acts involving orders, intimidation, and terror. Secondly, it confines the crime of sexual harassment to employer-employee or supervisor-supervisee relationships and fails to acknowledge sexual harassment between employees on the same job level.

Another concern is the Law N°59/2008 of 10/09/2008 on prevention and punishment of gender-based violence on Gender Based violence that criminalizes sexual harassment without defining what constitute sexual harassment.

6.3. Discrepancy in penalties

The Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence provides heavier punishment than the Law N° 68/2018 of 30/08/2018 on offences and penalties. Indeed, article 24 of Law N°59/2008 of 10/09/2008 on prevention and punishment of gender-based violence provides for the imprisonment from two (2) years to five (5) years and a fine between one hundred thousand (100,000 Rwf) Rwandan francs and two hundred thousand (200,000 Rwf) Rwandan francs while article 149 of the Law No. 68/2018 of 30/08/2018 on offences and penalties provides for an imprisonment ranging from six months to one year and a fine ranging from one hundred thousand to two hundred thousand Rwandan francs (FRW

100,000 to FRW 200,000).

7. RECOMMENDATIONS

7.1. *Sexual Orientation and Gender Identity*

The Coalition calls upon the Working Group to recommend to the Government of Rwanda to:

- ❖ Amend Article 16 of the Constitution to include gender identity and sexual orientation among prohibited grounds of discrimination.
- ❖ Amend Article 44 of the Law N°71/2024 of 26/06/2024 governing persons and family with the view of granting legal recognition to non-binary gender persons.
- ❖ Amend article 45 of Law N° 71/2024 of 26/06/2024 governing persons and family with the view of enabling Transgender and Intersex Persons being registered in official documents as such.
- ❖ Amend article 163 of the Law on Offences and Penalties in general with the view of including sexual orientation and gender identity among grounds for criminalization in the context of discrimination.
- ❖ Adopt and implement legal reforms to explicitly recognize the rights of LGBTQ persons to ensure equitable protection from Technically Facilitated Gender Based-Violence.
- ❖ Review all gender related strategies and policies with the view to include Transgender, Intersex and other non-binary persons.
- ❖ Allow changes in official documents including National Identification for Transgender, Intersex and other non-gender binary persons.
- ❖ Train law enforcement officials and agencies on non-discrimination on Gender Identity and sexual orientation.

- ❖ Develop a strategy on eradication of stigma and discrimination against LGBTI Persons.
- ❖ Amend the Law on Gender Based Violence with the view of expanding the definition of gender-based violence that includes violence against gender identity and expression.
- ❖ Review the National Policy against Gender Based Violence with the view of including gender identity and expression.
- ❖ Include LGBTI issues in the national efforts to combat gender-based violence (law and policy)
- ❖ Include Transgender, intersex and other non -binary persons among indicators in data collections for research and programming purposes.
- ❖ Sensitize law enforcement agencies and officials on their duties to investigate and prosecute persons assaulting physically or verbally LGBTI persons.
- ❖ Adopt and implement initiatives to change negative public attitudes towards LGBTI persons.

7.2. Sexual Harassment at workplace:

The Coalition calls upon the Working Group to recommend to the Government of Rwanda to:

- ❖ Amend Article 8 of the Law N° 66/2018 of 30/08/2018 regulating Labour to incorporate a comprehensive definition of sexual harassment, in line with ILO Convention 190, covering harassment by peers, employers, and subordinates, as well as incidents occurring during remote work, work-related social events, and travel.
- ❖ Amend Article 149 of the Law No 68/2018 of 30/08/2018, to better align with the ILO Convention's by broadening the definition of sexual harassment and extending the scope that goes beyond hierarchical relationships and thus covering all forms of workplace interactions which may amount to sexual harassment.

- ❖ Harmonize Article 149 Law No 68/2018 of 30/08/2018 with article 24 of the Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence to ensure they provide the same punishments in case of sexual harassment.
- ❖ Review the Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence by including a comprehensive definition of sexual harassment with emphasis on LGBTI People.
- ❖ Develop and implement a comprehensive national policy on safeguarding against violence and harassment in the world of work in public and private sectors.